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Date: July 28, 2022

To: Interested Parties

Re: Draft Stormwater Discharge Master General Permit Renewal NJ0141852 (Category Code R9)
For Tier A Municipal Separate Storm Sewer Systems (aka the Tier A MS4 NJPDES Permit)

The New Jersey Department of Environmental Protection (the Department) is proposing to renew the Tier A MS4 NJPDES Master General Permit (NJ0141852). The conditions of this permit were last renewed in 2018 and continue in force pending completion of the renewal process (see N.J.A.C. 7:14A-2-8). A copy of the draft Tier A MS4 NJPDES Master General Permit is attached to this cover letter.

Enclosed is the public notice for the draft renewal of the Tier A MS4 NJPDES Master General Permit. The permit renewal will also be public noticed in the Atlantic City Press, Star-Ledger, The Times, and on August 3 in the DEP Bulletin. Included in the public notice are instructions and requirements for the submittal of comments by a specified date, information about a public hearing, and other procedures for reaching a final permit decision in accordance with N.J.A.C. 7:14A-15, 16, and 17.

The draft Tier A MS4 NJPDES Master General Permit and supporting documents will be posted at www.nj.gov/dep/dwq/tier_a.htm. I trust that these documents will be useful in understanding the draft permit as well as for preparing comments on the draft permit. Specific questions about the renewal process may be addressed to stormwatermanager@dep.nj.gov.

Sincerely,

Gabriel Mahon, Bureau Chief
Bureau of NJPDES Stormwater Permitting and Water Quality Management

cc: Enclosures

New Jersey Department of Environmental Protection
Bureau of NJPDES Stormwater Permitting and Water Quality Management

PUBLIC NOTICE

Notice is hereby given that the New Jersey Department of Environmental Protection (Department) proposes to renew the Tier A New Jersey Pollutant Discharge Elimination System (NJPDES) Master General Permit (NJ0141852). Renewal of this permit is in accordance with N.J.A.C. 7:14A, and by authority of the Water Pollution Control Act at N.J.S.A. 58:10A-1 et seq.

This permit renewal serves to authorize discharges from Municipal Separate Storm Sewer Systems (MS4) from New Jersey Tier A Municipalities. Stormwater runoff is commonly transported through MS4s before discharging into local waterbodies. A full copy of the proposed Master General Permit renewal for Tier A is available at www.nj.gov/dep/dwq/tier_a.htm.

The regulation of stormwater runoff through the Tier A MS4 NJPDES permit is intended to provide water quality benefits and prevent increased flooding and erosion. The permit is a regulatory mechanism which addresses stormwater quality and quantity issues related to public works operations, new development, redevelopment, and existing developed areas by requiring Tier A Municipalities to implement stormwater programs. New Jersey's MS4 permit program is prescriptive in nature in that it clearly defines specific permit requirements that incorporate the Statewide Basic Requirements (SBRs) and other regulatory requirements applicable to Tier A Municipalities. This includes requirements that pertain to Public Involvement and Participation, Local Public Education and Outreach, Post Construction Stormwater Management in New Development and Redevelopment, Pollution Prevention/Good Housekeeping for Municipal Operators, MS4 Mapping, Stream Scouring Detection and Control, Illicit Discharge Detection and Elimination, and development of a Watershed Improvement Plan.

The Department is establishing a 45-day public comment period for this proposed permit renewal. Written comments may be submitted via e-mail to stormwatermanager@dep.nj.gov. Written comments may also be submitted to Gabriel Mahon, Chief, or Attention: Comments on Public Notice NJ0141852, at Mail Code 501-02A, Bureau of NJPDES Stormwater Permitting and Water Quality Management, P.O. Box 420, Trenton, NJ 08625-0420. The public comment period closes 45 calendar days after the last publication in the newspaper or September 20, 2022 whichever is later. All persons who believe that any conditions of this draft document are inappropriate must raise all reasonable arguments and factual grounds supporting their position, including all supporting materials, during the public comment period. All materials supporting a comment shall be included in full and may not be incorporated by reference. The Department requests that comments submitted on this permit renewal be numbered and identify the permit requirement subject to the comment in order to adequately respond to all comments.

The Department will hold a virtual non-adversarial public hearing via Microsoft Teams to solicit public comment on the Tier A draft permit on September 20, 2022 from 9 A.M. to 12 P.M. The public hearing will be re-opened from 1:00 P.M. to 4:00 P.M. to accommodate additional individuals if the attendance limitation for the 9:00 A.M. to 12:00 P.M. Microsoft Teams session is exceeded. The public hearing will close at 12:00 P.M. for the first session and 4:00 P.M. if a second session is held, or at end of testimony, whichever comes first.

The hearing shall be held before a Hearing Officer designated by the Department. Interested persons will have the opportunity to electronically present and submit information on the proposed action.

This draft NJPDES permit renewal has been prepared, based on the administrative record which is on file at the offices of the Department, located at 401 East State Street, Trenton, New Jersey. It is available for inspection, by appointment, Monday through Friday, between 8:30 A.M. and 4:00 P.M. Appointments for inspection may be requested through the Open Public Records Act office. Details are available online at www.nj.gov/dep/opra, or by calling (609) 341-3121.

The Department will respond to all significant and timely comments upon issuance of the final documents. All individuals and entities that submit written comments will receive notice of the Department's permit decisions.

FACT SHEET

This fact sheet sets forth the principal facts and the significant factual, legal, and policy considerations examined during preparation of the draft permit. This action has been prepared in accordance with the New Jersey Water Pollution Control Act and its implementing regulations at N.J.A.C. 7:14A-1 et seq. - The New Jersey Pollutant Discharge Elimination System (NJPDES).

PERMIT ACTION: Tier A Municipal Stormwater New Jersey Pollutant Discharge Elimination System Master General Permit Renewal for Municipal Separate Storm Sewer Systems (the Tier A MS4 NJPDES Permit) – A Comprehensive General Permit under 40 CFR 122.28

1. Introduction

Precipitation that reaches the ground is either lost by evapotranspiration, infiltrates into the ground below the root zone (becoming groundwater) or becomes stormwater runoff. Stormwater runoff flows from rooftops, over paved areas and bare soil, and through sloped vegetated areas while picking up a variety of sediments and pollutants on its way. The quantity and quality of stormwater runoff is affected by many factors including the season, local meteorology, geography, topography, land cover, and the activities which lie in the path of the flow. Impervious surfaces, such as rooftops and pavement, can increase the probability of downstream erosion and flooding. The quality of the stormwater runoff depends on the associated pollutants within the flow path of the stormwater. Although the amount of pollutants from a single site may seem unimportant, the cumulative effect of pollutants accumulating in stormwater runoff from multiple sites can negatively surface water quality.

Stormwater runoff is commonly transported through Municipal Separate Storm Sewer Systems (“MS4’s”) before discharging into local waterbodies. In an effort to prevent harmful pollutants from being washed into and/or transported from an MS4 into local waterbodies, Federal stormwater regulations require MS4 operators to obtain a National Pollutant Discharge Elimination System (NPDES) permit and implement a stormwater management program. New Jersey Pollutant Discharge Elimination System (NJPDES”) rules also require MS4 operators to obtain a NJPDES permit and develop a stormwater program. N.J.A.C. 7:14A-24 and 25 et seq. This permit renewal is a Comprehensive General Permit (under 40 CFR 122.28), which serves to authorize MS4 stormwater discharges from New Jersey Tier A municipalities and requires those respective municipalities to develop a stormwater program.

The regulation of stormwater runoff through this permit renewal is intended to continue to provide substantial water quality benefits, as well as provide enhanced water quality and quantity benefits through changes the Department deems necessary. These changes are based on current information applicable to stormwater related concerns, which includes, but is not limited to, surface water quality impairments as per the final 2016 and draft 2018/2020 Integrated Reports, adopted/approved Total Maximum Daily Loads (TMDLs), the presence of Harmful Algal Blooms (HABs), the Surface Water Quality Standard water quality classification upgrades to N.J.A.C. 7:9B that occurred in May 19, 2003, November 3, 2003, August 2, 2004, June 20, 2005, June 16, 2008, and April 6, 2020, as well as the serious stormwater flooding that has resulted from recent storm events, including Hurricane Ida.

Information gathered from across the country has shown that stormwater runoff has a high potential to contain various pollutants. Pollutants found in stormwater runoff may include, but are not limited to;

benzene and other volatile organic compounds (“VOCs”) from gasoline, motor oils and other vehicle fluids (from spills, leaks and accidents); asbestos and various metals from brake pad and other vehicle component wear and tear, rubber and other material from the breakdown of tires, excess phosphorous and nitrogen from fertilizers, various oxygen demanding parameters from coffee, juice, soda, etc. being poured/spilled by pedestrians, excess nutrients and pathogens from various wildlife such as birds, raccoons, etc. and illicit connections, salt and related additives and/or impurities from deicing procedures, fertilizers and pesticides from landscaping/lawn areas, and soaps and detergents from vehicle washing, or from power washing of decks/sidewalks, and buildings. All of these pollutants have an effect on the surface and ground water quality, including the numerous waters that are used for drinking water across the state. Some of these pollutants are toxic or carcinogenic in very small amounts, such as benzene and asbestos, while the pathogens from animal droppings and HAB’s can cause serious health effects for those that come in contact with them. (see also [How common road salts and organic additives alter freshwater food webs: in search of safer alternatives - Schuler - 2017 - Journal of Applied Ecology - Wiley Online Library](#))

Water quality concerns were a main driving force behind the development of previous Tier A MS4 permit requirements. A number of permit conditions have been added or enhanced in this renewal based on a more recent, comprehensive statewide review of current water quality information and stormwater related concerns. After completing compliance audits of 58 towns (almost 13% of the current 456 Tier A municipalities) from 2015 through 2020, and online compliance evaluations of all of the Tier A municipalities during the COVID pandemic, the Department found many instances of non-compliance with permit conditions that can directly affect water quality. For example, for the 37 audits that were conducted since the 2018 permit renewal became effective, many municipalities were not aware that the permit required them to prioritize maintenance and repairs in the portions of their storm sewer system that discharged into waterbodies assigned TMDLs. Many Stormwater Pollution Prevention Plans (“SPPP’s”) did not contain the required basic identification of TMDL’s that affected the municipalities’ receiving waterbodies, even though that information has been made readily available to the municipalities via the Department’s TMDL Look-up tool (<https://www.nj.gov/dep/dwq/msrp-tmdl-rh.htm>).

The proposed enhanced permit requirements that are related to inspection and proper operation and maintenance of all permittee-owned or operated storm sewer infrastructure, are aimed to improve the control of pollutants, such as nutrients, pathogens, solid and floatable materials, and other harmful pollutants that can harm the quality of our surface and ground waters of the state. In addition, proper operation and maintenance is also necessary to ensure that stormwater infrastructure is able to convey stormwater to the designated discharge location and reduce localized flooding. The enhancements to the conditions in the 2018 MS4 Tier A permit are generally based on the objective of furthering the improvement of water quality and quantity impacts from stormwater runoff throughout the state and are identified and discussed in Section 7 of this Fact Sheet, entitled, “Basis and Background of Tier A Permit Requirements.” The Department maintains proper implementation of the conditions of this renewal permit will provide a continued, iterative process towards improving stormwater quality.

The Department also maintains that no conditions contained in this renewal permit constitute an unfunded mandate under Article VIII, Section II, paragraph 5 of the New Jersey Constitution, or N.J.S.A. 52-13H. This determination is due to the fact that the requirements contained in this permit renewal are based on improving water quality impairments and TMDLs as required by the Federal Clean Water Act (Act), and because the MS4 permittees now have the ability to form stormwater utilities like many other jurisdictions across the country since the ‘Clean Stormwater and Flood Reduction Act’ was signed into law in March of 2019. Specifically, where the legislative branch has provided an adequate funding mechanism that can cover expenses associated to a mandate associated with a statute, rule, or regulation, the mandate cannot be considered an unfunded mandate. (In the Matter of a Complaint Filed by Ocean Township (Monmouth County) and Frankford Township. at 5-6 (Aug. 2 2002)).

The 'Clean Stormwater and Flood Reduction Act' became effective after the issuance of the 2018 permit, and allows a municipality alone, or together with other municipalities, or as a part of a regional entity, to form a stormwater utility to finance the improvement of the State's stormwater infrastructure, better control water pollution and flooding, restore and enhance the quality of the State's waters, and protect the public health, safety, and welfare and the environment by correcting inadequate stormwater infrastructure and management. The stormwater utilities formed under this Act are required to charge fees based on a fair and equitable proportional contribution of stormwater runoff from the properties in the utility's jurisdiction in order to fund their unique set of stormwater needs.

Specifically, as per the Act:

“The Legislature finds and declares that:

1. The State of New Jersey faces an extensive set of problems due to inadequate stormwater infrastructure and management, and these problems directly affect the health, safety, economic well-being, and quality of life of New Jersey residents. When storms occur, rainwater runs off of impervious surfaces such as roads, roofs, and parking lots, and into stormwater management systems and waterways. This stormwater carries with it oil, pesticides, other chemicals, sediments, and bacteria that may contaminate State waters, potentially making them unsafe for drinking, fishing, and recreational purposes. It is estimated that up to 60 percent of the State's existing water pollution is attributable to stormwater and nonpoint sources of pollution. Additionally, if a stormwater management system is not in place or is not able to adequately absorb, capture, or convey stormwater, then runoff in large volume and force may cause flooding and damage to homes, businesses, and property. A projected increase in sea level rise and more frequent and severe storms are expected to only increase flooding.
2. New Jersey, in particular, is prone to pollution and flooding problems, with over 10 percent of its land area covered with impervious surfaces. These problems are particularly acute in the 21 urban New Jersey municipalities that have combined sewer systems, which routinely overflow and discharge untreated wastewater and stormwater into the State's waters, contributing to water pollution and impairing the use and enjoyment of those waters.
3. Stormwater infrastructure in New Jersey currently lacks a dedicated source of funding and, consequently, receives few upgrades and little maintenance once built. In some instances, stormwater infrastructure goes unmonitored and unattended until it breaks down; in other instances, it is simply inadequate to manage stormwater.
4. Establishment of local stormwater utilities presents an effective management strategy to address stormwater issues. Currently, there are more than 1,500 stormwater utilities operating in 40 states across the country and the District of Columbia. Stormwater utilities are often authorized to assess fair and equitable fees to fund the development, improvement, and management of stormwater infrastructure.

The Legislature therefore determined that it is in the public interest to authorize the establishment of local stormwater utilities, and to allow those utilities to assess fees that are based on a fair and equitable approximation of the proportionate contribution of stormwater runoff from any real property, in order to finance the improvement of the State's stormwater infrastructure, better control water pollution and flooding, restore and enhance the quality of the State's waters, and protect the public health, safety, and welfare and the environment.”

The Act allows the utilities to use the monies collected from these fees and other charges for various activities related to stormwater management, as follows:

1. “Initial establishment of a stormwater utility pursuant to P.L.2019, c.42 and ongoing related administrative expenses;
2. Capital expenditures, including planning, design, engineering, acquisition, construction, and

- improvement of a stormwater management system;
3. Operation and maintenance expenditures of a stormwater management system;
 4. Development and implementation of an asset management program for a stormwater management system;
 5. Development and implementation of a stormwater management plan and stormwater control ordinances pursuant to section 1 of P.L.1981, c.32 (C.40:55D-93);
 6. Any action required pursuant to any New Jersey Pollutant Discharge Elimination System permit;
 7. Development and implementation of any long-term control plan to mitigate combined sewer overflows pursuant to State or Federal law, rule, regulation, permit, or consent decree;
 8. Monitoring, inspection, and enforcement activities to carry out the purposes of P.L2019, c.42;
 9. Public education and outreach related to stormwater management; and
 10. Any other purpose related to stormwater management as may be authorized by the department, the Division of Local Government Services in the Department of Community Affairs, or the Local Finance Board pursuant to rules, regulations, or permits.”

More detailed information regarding the Act as well as the guidance information that the Act required the Department to create is available on the Department’s website at www.nj.gov/dep/dwq/SWU_stormwaterutility.html.

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2. Federal Stormwater Regulations

Federal MS4 stormwater regulations were issued in two phases:

- Phase I, issued in 1990, requires *medium* and *large* cities or certain counties with populations of 100,000 or more to obtain NPDES permit coverage for their stormwater discharges;
- Phase II, issued in 1999, requires regulation of *small* MS4s (which are smaller jurisdictions) to obtain NPDES permit coverage for their stormwater discharges; and
- The Phase II stormwater rule was revised by the United States Environmental Protection Agency (EPA or USEPA) in 2016 as a result of litigation (see www.epa.gov/npdes/npdes-stormwater-final-ms4-general-permit-remand-rule). The 2016 rule change “does not change the stringency of the underlying requirements in the statute or Phase II regulations to which small MS4 permittees are subject, nor does it establish new substantive requirements for MS4 permittees” (81 F.R. 89322). The rule revision primarily addresses procedural issues and “establishes two alternative approaches a permitting authority can use to issue NPDES general permits for small MS4s and meet the requirements of the court remand. 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 [maximum extent practicable], 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. The second option allows the permitting authority to establish the necessary permit terms and conditions in two steps: A

first step to issue a base general permit that contains terms and conditions applicable to all small MS4s covered by the permit and a second step to establish necessary permit terms and conditions for individual MS4s that are not in the base general permit. Public notice and comment and opportunity to request a hearing would be necessary for both steps of this two-step general permit. This final rule does not establish any new substantive requirements for small MS4 permits.” [language added]. 81 Fed. Reg. 89320 (December 9, 2016). The Department is renewing this permit under the first option by issuing a Comprehensive General Permit under 40 CFR. 122.28.

Small MS4s that are located within the boundaries of a Census Bureau defined "urbanized area" are regulated under the EPA Phase II Stormwater Rule. Small MS4s also include those MS4s that are not covered under the Phase I Regulation. Small MS4 means all municipal separate storm sewers (other than "large" or "medium" municipal separate storm sewer systems as defined in N.J.A.C. 7:14A-1.2) that are:

- Owned or operated by municipalities described under N.J.A.C. 7:14A-25.2(a)1;
- 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;
- 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
- 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.

No urban areas in New Jersey currently qualify as a large or medium MS4s. Rather there are only small MS4s. The Federal Phase I rules did identify Paterson, Perth Amboy and Jersey City as medium MS4's, and Newark as a large MS4. However, these municipalities are served primarily by combined sewers which are regulated under NJPDES permits for combined sewer systems rather than as medium or large MS4's. The populations in the areas that are served by separate storm sewers within these municipalities are below the threshold to trigger the medium or large MS4 permits. Therefore, all MS4s covered under this permit are "small MS4s."

The Federal regulations also require discharges to obtain NPDES permits for water quality reasons in addition to the requirement based on population in an urbanized area that is discussed above. Stormwater discharges that contribute to a water quality impairment or are a significant contributor of pollutants to the receiving waters are not exempt from obtaining a NPDES permit. Specifically, 40 CFR 122.26 states that "... discharges composed entirely of storm water shall not be required to obtain a NPDES permit except:

“(v) A discharge which the Director, or in States with approved NPDES programs, either the Director or the EPA Regional Administrator, determines to contribute to a violation of a water quality standard or is a significant contributor of pollutants to waters of the United States. This designation may include a discharge from any conveyance or system of conveyances used for collecting and conveying storm water runoff or a system of discharges from municipal separate storm sewers, except for those discharges from conveyances which do not require a permit under [paragraph \(a\)\(2\)](#) of this section or agricultural storm water runoff which is exempted from the definition of point source at [§ 122.2](#).

The Director may designate discharges from municipal separate storm sewers on a system-wide or jurisdiction-wide basis. In making this determination the Director may consider the following factors:

- (A) The location of the discharge with respect to waters of the United States as defined at [40 CFR 122.2](#).
- (B) The size of the discharge;
- (C) The quantity and nature of the pollutants discharged to waters of the United States; and
- (D) Other relevant factors. ”

The Federal Phase II Rule at 40 CFR 122.34 requires that operators of small MS4s develop, implement, and enforce a program that includes six minimum control measures to minimize the amount of pollutants discharged into receiving waterbodies from small MS4s. The Federal Six Minimum Control Measures are as follows:

1. Public Education and Outreach: Distribution of educational materials and performance of outreach to inform citizens about the impacts polluted stormwater runoff discharges can have on water quality;
2. Public Involvement/Participation: Providing opportunities for citizens to participate in program development and implementation;
3. Illicit Discharge Detection and Elimination: Development and implementation of a program to detect and eliminate illicit discharges to the MS4;
4. Construction Site Storm Water Runoff Control: Development, implementation and enforcement of an erosion and sediment control program for construction activities that disturb one or more acres of land;
5. Post-Construction Storm Water Management in New Development and Redevelopment: Development, implementation, and enforcement of a program to address discharges of post-construction storm water runoff from new development and redevelopment areas; and
6. Pollution Prevention/Good Housekeeping for Municipal Operations: Development and implementation of a program with the goal of preventing or reducing pollutant runoff from municipal operations.

3. New Jersey Municipal Stormwater Program

A. Regulatory Background

Stormwater discharged from an MS4 is regulated through both Federal and state rules. In response to EPA’s 1999 Phase II stormwater rules, the Department promulgated:

- The Phase II NJPDES Stormwater rules, N.J.A.C. 7:14A-24 & 25 (<https://www.state.nj.us/dep/dwq/714a.htm>) administered as the Additional Requirements For Certain Stormwater Discharges and the Municipal Stormwater Regulation Program (www.nj.gov/dep/dwq/msrp_home.htm), respectively.
- The Stormwater Management rules, N.J.A.C. 7:8 administered as the Stormwater Management Program (<https://www.njstormwater.org/>).

Formally defined at N.J.A.C. 7:14A-1.2, a “municipal separate storm sewer system,” aka MS4, is generally a conveyance or system of conveyances that ultimately discharges to waters of the State and:

- Is owned or operated by a town, township, city, borough, village, county, state, or other public entity;

- Is designed or used to collect or convey stormwater;
- Is not a combined sewer;
- Is not part of a publicly owned treatment works (e.g., sewage treatment system); and
- Includes curbs, gutters, ditches, manmade channels, storm drains, catch basins, municipal streets, or roads with drainage systems.

To protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act, the MS4 State rules (N.J.A.C. 7:14A-25) require the Department to issue permits regulating each small MS4. These MS4 permits specify the minimum control measures that must be implemented by the permittee. These control measures serve to reduce the discharge of pollutants from the Tier A municipality's MS4, municipal 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 appropriate water quality requirements of the Clean Water Act. The benefit of this approach was described in the NJPDES rule adoption notice published in the February 2, 2004 New Jersey Register (See 36 N.J.R. 828-829).

New Jersey's NJPDES MS4 permit program was developed under N.J.A.C. 7:14A-25 et seq., which requires all New Jersey municipalities; state, county and interstate transportation entities; and certain public complexes to apply for a NJPDES permit. N.J.A.C. 7:8 et seq. established the requirements for stormwater management plans and stormwater control ordinances, design and performance standards for stormwater management measures, and long-term operation and maintenance of stormwater management measures. The following Master General Permits currently address stormwater discharges from these MS4s in New Jersey:

- Tier A Permit (NJ0141852);
- Tier B Permit (NJ0141861);
- Public Complex Permit (NJ0141879); and
- Highway Agency Permit (NJ0141887).

To administer these Master General Permits, the Department issues each eligible entity a separate General Permit Authorization to discharge under one of the above listed general permits. Because New Jersey does not currently have any municipalities that operate medium or large MS4s, as explained above, all municipalities operate "small MS4s." The Tier A Municipal Stormwater Master General NJPDES permit authorizes the discharge of stormwater from small MS4s for Tier A Municipalities in New Jersey, which include eligible discharges from municipal maintenance yards and other ancillary operations owned or operated by those Tier A municipalities. It should also be noted that stormwater discharges from wood chipping and leaf composting activities are no longer authorized under this general permit. Those discharges will now require authorization under the new Wood Waste Recycling and Leaf Composting NJPDES Stormwater Master General Permit. Further discussion regarding this change from the 2018 permit is included later in this fact sheet under Section 7.F.5., Municipal Maintenance Yards and Ancillary Operations.

This MS4 NJPDES Master General Permit is a Comprehensive General Permit (under 40 CFR 122.28) which identifies the requirements necessary to "reduce pollutants to the maximum extent practicable, protect water quality and satisfy the appropriate water quality requirements of the Clean Water Act" from stormwater discharges. Under the Department's MS4 general permit program and consistent with N.J.A.C. 7:14A-6.13, a general permit is the means by which the Department regulates a large number of similar dischargers. To request authorization under the general permit, municipalities submit a Request for Authorization (RFA) which represent a formal acceptance of the terms of the general permit. See N.J.A.C. 7:14A-6.13(d). As provided by N.J.A.C. 7:14A-6.13(d)9 and 25.4(a)3, upon

reissuance of this general permit, existing authorizations shall be automatically renewed using the information provided in the permittees' most recently submitted RFA (see Part II.B.1 of the draft permit) and the information collected by the Department in each permittee's Annual Report and Certification received electronically through the Department's Regulatory Services Portal.

Alternately, a permittee may request their stormwater discharges be authorized under an individual stormwater permit, as described in N.J.A.C. 7:14A-6.13(g). Any permittee pursuing authorization under an individual stormwater permit shall submit an application (see https://nj.gov/dep/dwq/forms_storm.htm) under N.J.A.C. 7:14A-4 et seq. with reasons supporting the request for the individual permit. Additionally, the application for the individual permit must contain the information required under 40 CFR §122.33(b)(2). The Department will grant the request if the reasons and information cited by the permittee are determined to be adequate to support the request.

B. Regulation of Stormwater from Existing Development

The pollutants discharged from small MS4s vary and may contain conventional and non-conventional pollutants such as pathogens/bacteria, nutrients, total suspended solids, dissolved solids, petroleum hydrocarbons, metals, volatiles, pesticides, PCBs, and solid and floatable material. The concentration of pollutants as well as the volume of the stormwater discharged from each MS4 outfall is directly linked to factors such as land use, development, percent of impervious surface, and human activities that occur in the drainage area.

Under N.J.A.C. 7:14A-25.6 and as required under General Permit Authorizations issued under the general permit, Tier A Municipalities are required to implement various control measures to reduce pollutant loadings to watersheds from existing development. Specifically, and consistent with the general permit requirements included under 40 CFR 122.28, each municipality must develop, implement, and enforce a stormwater program. Pursuant to N.J.A.C. 7:14A-25.6(a)3, the Tier A Municipality must document its stormwater program in a Stormwater Pollution Prevention Plan (SPPP). The SPPP must describe the measures necessary for compliance with the permit, including the Statewide Basic Requirements (as developed to implement the Federal six minimum control measures at 40 CFR 122.34) and other permit conditions. Some examples of control measures that are required to be described in the SPPP include documentation of permit required adoption and enforcement of a pet waste disposal ordinance, prohibition on the feeding of unconfined wildlife on public property, and catch basin cleaning. The Department has developed a free SPPP template at https://nj.gov/dep/dwq/tier_a.htm for municipalities to use to assist with this requirement.

C. Regulation of Stormwater from New Development and Redevelopment

Post-construction stormwater management in new development and redevelopment are components of the minimum control measures at 40 CFR 122.34(b)(5). The regulatory standards to ensure that the stormwater measures of such developments are both properly designed, constructed, and thereafter maintained lie largely in the Stormwater Management rules (N.J.A.C. 7:8), which are incorporated as part of the overall Federal municipal stormwater program consistent with 40 CFR 122.34(c).

The Stormwater Management rules at N.J.A.C. 7:8 set forth the required components of a Municipal Stormwater Management Plan (MSWMP). As an integral part of a municipality's master plan, the MSWMP details the municipality's strategy, measures, and process to manage post construction stormwater runoff from new development and redevelopment to ensure compliance with N.J.A.C. 7:8. The MSWMP is a significant component of the Stormwater Pollution Prevention Plan (SPPP), which is a requirement under this permit and consistent with the written stormwater management program document required by 40 CFR 122.34(b).

The Stormwater Management rules at N.J.A.C. 7:8 define what constitutes new development and redevelopment projects. The Stormwater Management rules at N.J.A.C. 7:8-5 also establish the stormwater management design and performance standards for water quality, water quantity, groundwater recharge, and green infrastructure. The design and performance standards of the Stormwater Management rules are implemented for major development by the municipalities under the authority of Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) through the municipalities' stormwater control ordinances adopted with the MSWMPs. Furthermore, the design and performance standards of the Stormwater Management rules are incorporated by reference in the Residential Site Improvement Standards (RSIS, N.J.A.C. 5:21- 7), which apply to residential developments. In addition to implementation through the municipality's land use approval, the design and performance standards of the Stormwater Management rules are implemented by the Department through the review of permits issued by the Division of Land Use Regulation (Flood Hazard, Freshwater Wetlands, Coastal Area Facility Review Act (CAFRA), Waterfront Development, Coastal Wetlands, and Highlands Water Protection and Planning).

The Stormwater Management rules require applicants for major development to minimize the impacts of development on water quality, quantity (flooding), groundwater recharge and through the use of green infrastructure. "Green infrastructure" is defined at N.J.A.C. 7:8-1.2 to mean stormwater management measures that manage stormwater close to its source either by stormwater runoff treatment through infiltration into subsoil, treatment by vegetation or soil, or storage for reuse. The Stormwater Management rules under N.J.A.C. 7:8 overall implement various water quality, water quantity, and groundwater recharge design and performance standards intended to provide water quality treatment for total suspended solids (TSS) and nutrients, prevent increases to flooding and erosion, and prevent the depletion of aquifers and base flow of watercourses, respectively.

D. Regulation of Groundwater

This permit authorizes all new and existing stormwater discharges to surface water or ground water from small MS4s owned or operated by Tier A Municipalities. To the extent that the permit regulates underground injection, the permit also implements EPA's regulations (found mainly at 40 CFR144-148) for the Federal Underground Injection Control (UIC) Program. The UIC Program was created pursuant to Part C of the Federal Safe Drinking Water Act (42 U.S.C. 300f et seq.). EPA recognizes that States issue general as well as individual permits to regulate Class V injection wells (see 64 Fed. Reg. 68554 (December 7, 1999), 67 Fed. Reg. 39590 (June 7, 2002), and the Class V Underground Injection Control Study, Volume 1 (see www.epa.gov/uic/class-v-underground-injection-control-study). UIC is also covered in the NJPDES Regulations at N.J.A.C. 7:14A-8.

4. Tier A MS4 NJPDES Permit History

A. 2004 Tier A MS4 NJPDES Permit

New Jersey first issued the Tier A MS4 NJPDES Permit in 2004 consistent with the requirements of N.J.A.C. 7:14A-25.6. This permit included the below listed Statewide Basic Requirements (SBRs) and related best management practices (BMPs) that were designed to achieve the Federal Six Minimum Measures discussed in Section 2, Federal Stormwater Regulations above. These permit requirements were prescriptive in nature to aid in implementation where compliance of SBRs and related BMPs must be detailed in the municipality's SPPP. A summary of SBRs as included in the 2004 Tier A NJPDES Permit included the following:

- Public Notice for public participation in the development of Tier A Municipality stormwater

- programs;
- Post-Construction stormwater management in new development and redevelopment;
- Local public education;
- Ordinances addressing improper disposal of waste;
- Illicit connection elimination and MS4 outfall pipe mapping;
- Solids and floatable controls;
- Municipal maintenance yard operations;
- Employee training; and
- Construction site stormwater runoff control.

The 2004 permit also included a provision for additional measures. Pursuant to N.J.A.C. 7:14A-25.6(e), additional measures are non-numeric or numeric effluent limitations that are expressly required to be included in the stormwater program by an areawide or Statewide water quality management plan as adopted in accordance with N.J.A.C. 7:15. Additional measures could also be required by the Department based on an adopted Total Maximum Daily Load (TMDL) approved or established by USEPA, or an equivalent analysis that determines such additional measures are needed to protect water quality, or a regional stormwater management plan adopted under N.J.A.C. 7:8. For additional measures other than numeric effluent limitations, the areawide or Statewide WQM plan shall specify the BMPs that the permittee or another entity (see N.J.A.C. 7:14A-25.6(a)3 or 25.8(e)) will implement along with the measurable goals for each of those BMPs.

The 2004 permit also included a provision for optional measures. Optional measures are BMPs that are included at the municipality's discretion (in addition to any other permit requirements) that are intended to further prevent or reduce pollution of the waters of the state pursuant to N.J.A.C. 7:14A-25.6(i). In the case of optional measures, the SPPP shall specifically identify such BMPs as optional measures and identify actions to implement those optional measures.

B. 2005 Tier A MS4 NJPDES Permit Modification

The Department issued a modification to the 2004 permit to further develop and refine certain aspects of the permit. This included the following changes:

- Expanded the scope of non-stormwater discharges allowable to include rinsing and wash water from certain activities;
- Established a definition of "catch basin";
- Revised requirements within the Post-Construction Stormwater Management in New Development and Redevelopment section;
- Revised the Yard Waste Ordinance / Collection Program to provide Tier A Municipalities with additional flexibility on yard waste collection; and
- Established an Equipment and Vehicle Washing permit requirement.

C. 2009 Tier A MS4 NJPDES Permit

The permit was renewed in 2009. A summary of the most significant changes included in the 2009 permit are itemized below:

- Established a definition for "Permanent Structure" to clarify eligible structures for De-Icing Storage;
- Established a point system for the Local Public Education Program;
- Removed the 7-day requirement from the Yard Waste Collection Program and Ordinance;

- Required adoption and enforcement of a Fertilizer Management Ordinance for select municipalities;
- Required adoption and enforcement of an ordinance mandating the retrofitting of storm drain inlets by private entities when repaving parking lots or private roads;
- Required adoption and enforcement of an ordinance requiring certain private dumpsters and refuse containers to be covered and leak proof;
- Removed the Road Erosion Control BMP requirement;
- Clarified the storm drain inlet retrofitting permit requirement to specifically state that “resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen)” is repaving;
- Revised the Solids and Floatables Control permit requirement so that catch basin cleaning becomes a separate BMP with a schedule for catch basin inspection and cleaning;
- Required permittees to record where and when vehicle and equipment washing activities occur;
- Refined the language within the minimum standard of the Employee Training BMP; and
- Required revision of the SPPP on or before June 1, 2009 to incorporate the changes required by the 2009 renewal.

D. 2018 Tier A MS4 NJPDES Permit

The permit was renewed again in 2018. A summary of the most significant changes included in the 2018 permit are itemized below:

- The structure of the permit was reorganized and revised from a single Part I – narrative style permit – in the 2009 renewal, to a multiple part permit in order to separate the broadest requirements from the most specific in an effort to improve readability, clarity, and enforceability. These new parts were:
 - Part I General Requirements: NJPDES which lists broad citations applicable to all NJPDES Permits;
 - Part II General Requirements: Discharge Categories which provides general permit requirements that are applicable only to this permit category (e.g., Eligibility, Administrative Process and General Conditions);
 - Part III Recordkeeping and Reporting which states the general obligation to maintain records and report compliance status in the Annual Report and Certification;
 - Part IV Specific Requirements: Narrative - Notes and Definitions which provides notes and definitions including a list of acronyms used in Parts I through IV. References in this fact sheet and within this permit to Part IV “Notes and Definitions” are preceded with the words “Notes and Definitions” (e.g., Notes and Definitions Part IV.A.1); and
 - Part IV Specific Requirements: Narrative - Tier A Municipal Stormwater General Permit which includes a general overview and the specific requirements which a permittee was required to meet in order to remain in compliance with the permit. References to Part IV “Tier A Municipal Stormwater General Permit” are, for the sake of brevity, not preceded by descriptive text (e.g., Part IV.A.1).
- Two new sections were added to Notes and Definitions, Part IV.A.3 and 4, which are intended to provide the permittee with a ready reference to state and Federal guidance documents. A list of acronyms was added, and changes were made to some definitions. The Department added new definitions; modified definitions found in the 2009 permit; and removed one definition found in the 2009 permit;
- New definitions were added for the following terms: “Green infrastructure”, “Maintenance Plan”, “Major Development”, “Manufactured treatment device”, “Storm drain inlet”, “Stormwater

management basin", "Stormwater management measure", "Stream scouring", "Subsurface infiltration/detention system", "Tier A Municipality's MS4", "Wood waste", and Yard trimmings".

- Modifications were made to the definitions for the following terms: "Existing Permittee", "Illicit connection", "Municipal separate storm sewer", "New permittee", "Permanent structure", "Small MS4", "Solids and floatable materials" and "Stormwater facility.";
- The definition of "Original EDPA" is removed since it is not used in this draft permit renewal as it was intended for the first iteration of the permit as issued in 2004. Finally, the definition for "MS4", which was only the description of an acronym, has been removed from the definition section and moved to the new list of acronyms;
- Eliminated the formula of Minimum Standard, Measurable Goal, and Implementation schedule found throughout Part I of the 2009 permit and only stated Minimum Standard in the body of the permit;
- Renamed the first permit requirement from the 2009 permit "Public Notice" to "Public Involvement and Participation Including Public Notice" to align with the Federal minimum control measures more closely;
- Renamed the second permit requirement from the 2009 permit "Local Public Education" to "Local Public Education and Outreach" to align with the Federal minimum control measures more closely;
- Expanded local public education point system to include activities or events under five categories and increased the amount of required points from 10 to 12;
- Includes new Part IV.A.3.e requiring the permittee to modify its stormwater program within one year of any notification by the Department that such a change is necessary;
- Made the refuse container/dumpster ordinance optional;
- Removed the requirement for the fertilizer management ordinance;
- Added additional BMPs to be implemented at the maintenance yard for various activities (inspections and good housekeeping, fueling operations, discharge of stormwater from secondary containment, vehicle maintenance, equipment and vehicle washing and wash wastewater containment, salt and de-icing material storage and handling, aggregate material storage, street sweepings, catch basin clean out and other material storage, yard trimmings and wood waste management sites); and
- Added the Stormwater Management Design Review (SWMDR) training requirement and municipal board and governing body member related training requirement.

The final 2018 Tier A MS4 permit renewal was subsequently appealed following its issuance on November 9, 2017. More specifically, the Delaware Riverkeeper Network and Stony Brook-Millstone Watershed Association, Save Barnegat Bay, Raritan Headwaters Association, NY/NJ Baykeeper, Hackensack Riverkeeper, Association of New Jersey Environmental Commissions filed an appeal of the November 9, 2017 NJPDES permit with the Appellate Division of the New Jersey Superior Court. The New Jersey Appellate Division issued an opinion, Delaware Riverkeeper Network and Maya Van Rossum, Delaware Riverkeeper v. NJ Department of Environmental Protection, Docket A-001821-17T3 and A-1889-17T3, on March 18, 2020 affirming the NJPDES MS4 permit.

E. Proposed Tier A MS4 NJPDES Master General Permit Renewal

This subject draft Tier A MS4 NJPDES permit action serves to renew the 2018 Tier A MS4 NJPDES permit. This Tier A MS4 NJDPES master general permit is proposed to be renewed and a summary of the most significant changes proposed are listed below, with a detailed explanation of each of these changes in Section 7 of this fact sheet below:

- Requiring all (including new) Tier As to develop a Watershed Improvement Plan ("WIP") in stages over the 5-year permit term to address water quality impairments, TMDLs & protect high quality

waters;

- Requiring mapping of all MS4 stormwater infrastructure;
- Removing authorizations for leaf composting operations at municipal maintenance yards under the Tier A, and require authorizations under the new Wood Waste Recycling & Leaf Compost General Permit to be issued concurrently with the Tier A renewal;
- Increasing street sweeping from monthly on some town roads - to all town roads 1-3 times per year, depending on presence of storm drain inlets;
- Requiring the review of de-icing additive ingredients;
- Requiring towns to finish storm drain inlet retrofits by end of the 5-year permit cycle;
- Adding a minimum inspection frequency for public and private BMPs to ensure proper maintenance;
- Adding a requirement for towns to require commercial/industrial facilities to cover salt piles year-round when not in use (such as mall parking lots);
- Requiring enhanced Best Management Practices at Municipal Maintenance Yards - will require covering of additional types of materials stored in the yards & include links to the Wood Waste Recycling & Leaf Compost General Permit;
- Requiring removal of piles of excess residual salt on roads/parking lots deposited during spreading operations;
- Requiring measurable time frames for stream scouring and illicit connection program remediation;
- Requiring towns to establish a dedicated stormwater webpage (we have a template posted on our webpage which has already been used by some towns);
- Increasing frequency of some employee stormwater training to annual to be reflective of annual SPPP updates;
- Adding the road erosion sediment control requirement back into the permit; and
- Enhancing the SWMDR training requirement to require a short update course to cover rule amendments.

It should also be noted that the five attachments to the 2018 permit have been revised. These changes are summarized below with additional descriptions included in Section F:

- Attachments A and A-1 - Measurable Goals and Implementation Schedule, which reiterated many of the permit requirements in tabular form and included due dates for existing permittees and new permittees, respectively, has been removed and all permit requirements from this attachment have been incorporated throughout the body of the permit;
- Attachment B - Point System for Public Outreach and Education has been revised to remove points for creating a dedicated stormwater webpage, as well as other minor updates, and is now Attachment A;
- Attachment C - Design Standards for Storm Drain Inlets has been revised slightly to remove the reference to the netting facility and is now Attachment B;
- Attachment D – Major Development Stormwater Survey, has been removed from the permit, and now a revised version of that form is required to be submitted with the Supplemental Questionnaire with each Annual Report;
- Attachment E – Best Management Practices for Municipal Maintenance Yards and other Ancillary Operations, has been removed and all permit requirements from this attachment have been incorporated into the body of the permit.

F. Compliance Assistance and Stakeholder Outreach for the Current 2023 Permit Renewal

In an effort to improve overall effectiveness of the permit renewal process and to maximize stakeholder input, the Department held three virtual preliminary outreach sessions in August of 2021:

MS4 Permit Renewal Preliminary Outreach	Meeting Dates
MS4 Outreach – South	8/25/2021
MS4 Outreach – Central	8/26/2021
MS4 Outreach – North	8/31/2021

These preliminary outreach sessions were held to explain and gather feedback about potential new MS4 permit renewal conditions to address current water quality concerns, including TMDLs and water quality impairments. The invitations to these sessions were emailed on August 6, 2021, to the Stormwater Program Coordinators of the 456 Tier A municipalities and 101 Tier B municipalities. These invitations were also open to each municipality’s respective consultants as well. Invitations were also sent to 92 interested parties, including various environmental groups. A total of 122 people attended these sessions, some of whom attended more than one session, and some consultants represented multiple towns. Requests were received to address the following various stormwater related topics:

- Enhance the stormwater management measure BMP inventory, maintenance, inspection, and enforcement requirements;
- Require the retrofitting of existing development with stormwater management BMPs;
- Ensure that the permit requires permittees to conduct meaningful public outreach;
- Require annual updating of contact information in SPPP’s to maintain continuity through municipal staff turnover;
- Consider making funding available and what the cost associated with compliance with new or revised permit requirements would be;
- Consider climate change related concerns including data collection and costs incurred by municipalities due to the impacts of climate change such as increased flooding and sea level rise;
- Require improved personnel training, including better online stormwater training, and requiring operator licenses for storm sewer operators; and
- Incorporate enhanced TMDL considerations into local stormwater management planning, including pollution reduction targets and water quality monitoring.

The Department then prepared a pre-draft of the permit renewal, which was emailed on March 2, 2022, to the Stormwater Program Coordinators of the 456 Tier A towns, 101 Tier B towns, and 63 interested parties, and scheduled the following virtual outreach sessions. Emails including the pre-draft permit were also sent to the mayors of all Tier A and Tier B towns.

MS4 Permit Renewal Pre-Draft Outreach	Meeting Dates
MS4 Outreach 1	3/22/2022
MS4 Outreach 2	3/24/2022

Emails went to fewer members of interested parties for the March outreach sessions based on the undeliverable and returned emails from the August outreach. A total of 71 people attended these sessions, representing at least 53 Tier A municipalities, an unknown number of Tier B municipalities, 12 interested parties, and 3 phone-in attendees of unknown affiliation.

During the March 2022 outreach sessions, the Department received the following questions and comments:

- Will the ordinances requiring covering of private salt storage and tree removal also require an

enforcement component by the municipalities and will the Department provide models of these two new ordinances?

- Clarify the following issues regarding the Watershed Improvement Plan (WIP):
 - Will the development of a WIP make towns eligible for 319(h) funding and are public-private partnerships an option for funding of the WIP?
 - Will the Watershed Improvement Plan require towns to achieve the percent reductions specified in each TMDL and will TMDLs be revised to include other contaminants such as microplastics or PFAS?
 - Will towns be required to incorporate existing Watershed Restoration Plan recommendations into the WIP and can municipalities take a regional/watershed-based approach to the WIP?
 - How are the pollutant reduction goals of the Watershed Management Plan determined, and how do they correlate to the TMDL percent reductions?
 - As part of the Watershed Inventory Report for the WIP, the permittee must submit an electronic map of overburdened communities and prioritize the needs of overburdened communities in the final WIP. Hasn't NJDEP already developed a GIS layer that provides a determination of overburdened communities and can be used for this?
 - Does the requirement to map storm drain inlets just apply to inlets that are owned/operated by permittee and what satisfies the location requirement?
 - Provide clarification on what sort of timeline municipalities should be considering when they think about watershed improvements? For example, should municipalities be implementing these improvements over 10 years? 20 Years?

- Clarify if Stream Scouring and erosion happen to sections of streams or other waterbodies not near a municipal outfall, does the permit still require streambank stabilization :
- Provide direction/clarification on what to look for during Illicit Discharge Detection & Elimination inspections, how to request an extension for illicit discharge remediation after month 11, and will the Department have an ultimate deadline for illicit discharges to be remediated.
- Clarify if the Mapping of Stormwater Facilities include all outfalls or just outfalls that discharge directly to surface water and whether it applies to privately owned stormwater management facilities as well.
- Provide clarification on whether the new Storm Drain Inlet Retrofit requirement is required for privately owned storm drain inlets? And can this requirement be moved under the WIP section of the permit.
- Are Optional Measures being removed from the permit renewal and if so, can they be put back?
- The Residential Site Improvement Standards (RSIS) has no grounds to regulate stormwater statewide and references should be removed from the permit.

The Department explained during the outreach sessions that we will provide model language for both the Privately-Owned Salt Storage Ordinance and the Tree Removal/Replacement Ordinance. Municipalities will need to adopt the ordinances and establish an enforcement policy, though the improper storage of salt on private properties that results in illicit discharge to stormwater may already be enforced through the Illicit Connection Ordinance which is a condition of the 2018 permit.

While some stakeholders were pleased to see the addition of a Watershed Improvement Plan in the MS4 permit, particularly given the potential to improve local water quality and flooding problems, other participants were concerned about funding. They asked if the formation of a Stormwater Utility would be an appropriate source of funds and/or if there would be grant money available to fulfill the requirements in the Watershed Improvement Plan and other permit conditions that pose budgetary concerns for municipalities to be compliant. Discussion followed to advise that 319(h) grants may be available for projects involving green infrastructure and that Stormwater Utility fees would also be an

appropriate source of funding. Some stakeholders asked if it is required to incorporate existing watershed restoration plans. The Department advised that this would be encouraged but is not required, as is collaborating with neighboring municipalities to establish a regional approach. For stakeholders who expressed strong interest in being involved in municipalities' Watershed Improvement Plans, the Department noted that there will be a 60-day public comment period for each report/phase of the development of plans and for each project thereafter, and that it is open for anyone to participate.

A stakeholder asked if existing developments could be included in the retrofits of storm drain inlets and the Department advised that the municipality is already required under the 2018 Tier A permit to adopt and enforce an ordinance requiring the retrofitting of existing storm drain inlets on private property but may also choose to include additional private storm drain inlet retrofitting requirements as part of their Watershed Improvement Plan.

Stakeholders asked a few questions regarding clarification of the stormwater infrastructure mapping requirements. It was clarified that under this permit, mapping is only required to be completed by the municipality and not by private entities since they are not MS4 permittees. However, private stormwater infrastructure is required to be included on the permittee's maps as part of the Watershed Improvement Plan. A stakeholder asked if green infrastructure is required to be mapped and it was clarified that all stormwater facilities are required to be mapped and that green infrastructure falls under the definition of a stormwater facility.

Optional Measures were removed from the pre-draft Tier A renewal permit and a commenter requested that it to be added back into the permit. It was answered that it was taken out as there is no restriction on the town being able to adopt Optional Measures. It was also discussed that Optional Measures are not enforceable by DEP. However, in response, the Department has added this section back into the permit renewal.

A commenter requested that references to RSIS be deleted and to also include language that references the Clean Water Act and the New Jersey Pollutant Discharge Elimination System (NJPDES) rules to make it clear that the goal is to improve water quality.

The Department received 21 comments from the USEPA, which are summarized here:

- Include definitions for measurable goal, surface water body, and waters of the State;
- Make language in certain sections of Part IV more clear, specific, and measurable;
- Include publicly-owned green infrastructure in the Infrastructure Map;
- Require proposed changes to the MSWMP be reviewed by the county planning agency before local adoption;
- Add additional specifications to catch basin inspection requirements and catch basin cleaning;
- Do not rely on fluoride concentrations as an indicator in the Illicit Connection Report Form and guidance as most of New Jersey's water supplies are not fluoridated;
- Clarify if the permittee will need a map of drainage areas to each outfall for identifying sources of stormwater that contribute to scouring;
- EPA supports the improved TMDL language requiring permittees to know the TMDLs associated with their MS4s and develop a plan to meet their TMDLs;
- Add details on how the Watershed Improvement Plan section includes waste load allocations;
- Define "overburdened communities" or provide a method for permittees to determine such communities (i.e., with use of NJ State environmental justice GIS maps);

The Department also received 575 emailed comments from various stakeholders, including

municipalities, environmental groups, and other individuals. Many of these comments were similar to those received during the two outreach sessions in March 2022, while comments on additional topics were also received, including:

- Provide clarification to the statement in Part IV.E.1.i. that RSIS only applies to areas in the municipalities that contribute stormwater to ‘eligible stormwater discharges;’
- Consider that vegetation, terrain, density and other factors are so different between communities in the southern, central and northern regions, that the concept of one Tree Ordinance for all is unrealistic;
- Support for the water quality related requirements pertaining to impairments and TMDLs;
- Provide clarification that the Stormwater Program Coordinator must be duly appointed or authorized by such;
- Amend Part IV.A.1.f. to include an additional statutory citation that Master Plans shall include MSWMPs;
- Suggested the removal of references to “STORMWATER UTILITY” from the permitting language at Part IV.A. 3.a; and
- Recommended the inclusion of a compliance schedule in Part IV.G.2 or 3 and extending the deadline for expansion of permittees’ illicit connection programs to include stormwater outfalls that are not pipes.

The Department also held many earlier stakeholder outreach sessions during the preparation of the March 2, 2020, amendments to the Stormwater Management rules at N.J.A.C. 7:8 and formed subgroups to address some of the remaining issues that were brought up by stakeholders but were outside the scope of the Stormwater Management rules amendments being discussed at that time. One of the subgroups that was formed, the TMDL subgroup, focused on how the Department should address stormwater discharges to waters that are subject to TMDLs. The subgroup consisted of stakeholders representing developers, consultants and environmental groups, including three of the environmental groups that appealed the 2018 MS4 renewal. See *Delaware Riverkeeper Network v. New Jersey Department of Environmental Protection*, Dkt. A-1821-17T3). Although consensus was not reached in the subgroup, one of the requests of the environmental groups was to enhance the protection of surface waters that were impaired or the subject of an approved TMDL from pollutants in municipal stormwater discharges.

Additionally, the USEPA submitted the following comment in response to the issuance of the draft 2018 permit renewal:

“Please explain how municipalities will evaluate the impact of direct discharges on downstream water quality and track their progress in reducing stormwater loadings for waters with a TMDL, that are listed as impaired, that are on the state’s 303(d) list, or have in place other pollutant reduction plans approved by NJDEP. EPA suggests considering requiring a modest level of municipal outfall monitoring in the MS4 permit similar to Connecticut’s MS4 program as noted at the following website:

http://www.ct.gov/deep/lib/deep/Permits_and_Licenses/Water_Discharge_General_Permits/MS4_gp.pdf.

EPA also suggests cooperation with, where available, active citizen and non-government organization water quality monitoring programs which can furnish valuable information if provided guidance by NJDEP.”

The USEPA also provided the following recommendation in the National Pollutant Discharge Elimination System Permit Quality Review report for New Jersey, performed by USEPA Region 2 and dated September 7, 2017.

Stormwater-Tier A MS4	NJDEP should strengthen the TMDL requirements in the permit to ensure that stormwater WLAs will be complied with in order to be consistent with EPA regulations at 40 CFR §122.44(d)(1)(vii)(B).
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The USEPA Permit Quality Reviews (PQR) consist of evaluations of select sets of NPDES permits to determine whether permits are being developed in a manner consistent with applicable requirements established in the Clean Water Act (CWA) and NPDES regulations. Through this review mechanism, the USEPA promotes national consistency, identifies successes in implementation of the NPDES program, and identifies opportunities for improvement in the development of NPDES permits. The USEPA conducted the review of the New Jersey State Pollutant Discharge Elimination System (NJPDES) permitting program, which included desktop permit reviews and an on-site visit to the Department's offices in Trenton, NJ, on May 31 and June 1, 2016. While this review was conducted prior to the issuance of the 2018 permit, the PQR report was not received by the Department until September 7, 2017. This was well after the issuance of the 2017 draft permit renewal and would have delayed the renewal of the final 2018 permit renewal which had been expired since 2014 and would have constituted a significant change between draft and final permit issuance requiring preparation of a new draft permit and a new public comment period, further delaying the issuance of the renewal. Therefore, the Department opted to finalize the draft permit and evaluate various methods to address TMDLs for consideration in the following permit renewal. The Watershed Improvement Plan, detailed in Section H of this fact sheet, is the method by which the Department has chosen to address TMDL requirements, as well as concerns regarding other impaired waters.

The Department has created a multitude of resources, including guidance documents, checklists, and training modules to assist with compliance with the current permit and is working to update many of these documents for this renewal as well. The Department maintains that these resources will assist municipalities to implement compliant MS4 stormwater programs which will positively impact water quality. Resources for Tier A Municipalities are available at www.nj.gov/dep/dwq/tier_a.htm and links are provided within this draft permit in Part IV. Additionally, the Department has posted a stormwater index at www.state.nj.us/dep/dwq/fd.htm which guides stormwater management professionals, permittees and the general public to the Department's stormwater related technical information, guidance materials, educational resources, forms, and applications.

As stated in the fact sheet of the 2018 MS4 permit renewal, "...the Department is engaged in an assessment of and improvements to its municipal stormwater program which includes efforts to better gauge the effectiveness of the MS4 program. These efforts include development of a new Supplemental Questionnaire relative to the annual report form and a stormwater audit process intended to provide focused compliance assistance to municipalities. These efforts will provide a platform for discussion between municipalities and Department staff to foster an adaptive approach to municipal stormwater management planning."

In implementing the improvements discussed above, the Department conducted 58 Compliance Assistance Audits of Tier A municipalities' stormwater programs and developed other documents and templates to assist municipalities in complying with their permit requirements. These other materials include an SPPP template that follows the 2018 permit outline, and which will be updated to follow this permit renewal as well. The Department also created a stormwater webpage template so towns could consolidate all of their stormwater related materials, or links to those materials, on one page. Stormwater outfall inspection forms for general inspections, illicit connection inspections and stream

scouring inspections have been developed and posted on the webpage as well. These and other stormwater related materials are posted at www.nj.gov/dep/dwq/msrp_home.htm.

5. Identification of Tier A Municipalities

A. Regulatory Background

Pursuant to N.J.A.C. 7:14A-25.3, Tier A Municipalities include those New Jersey municipalities that are:

- Located entirely or partially within an urbanized area and have a population of at least 1,000 within the urbanized area (as defined by the latest Decennial Census);
- Have a population density of at least 1,000 per square mile and a population of at least 10,000 as determined by that Census;
- Have a stormwater sewer system discharging directly into the salt waters of Monmouth, Ocean, Atlantic, or Cape May counties;
- Request to be Tier A; or
- Operates a stormwater discharge(s) identified under N.J.A.C. 7:14A-25.2(a)4 (special designations), provided that the Department determines that such identification warrants assignment of the municipality to Tier A.

There is a separate MS4 NJPDES permit for Tier B Municipalities which was renewed concurrently with the Tier A renewal in 2018 and is available at www.state.nj.us/dep/dwq/tier_b.htm. The Tier B permit is a subset of the Tier A permit where fewer requirements apply. Permittees and interested parties should refer to the complete text of the Tier B permit for those requirements. In general terms, the current Tier B MS4 NJPDES permit includes requirements pertaining to: Post Construction Stormwater Management in New Development and Redevelopment (including proper operation and maintenance of stormwater facilities), Local Public Education; and the labeling and design of storm drain inlets. The Tier B permit is not being proposed for renewal at this time as all 101 current Tier B municipalities have been notified by letter dated July 1, 2022, that they are being reassigned to Tier A, which is planned to occur simultaneously with the renewal of this Tier A renewal permit. However the current Tier B permit can be found at www.state.nj.us/dep/dwq/tier_b.htm. The Tier B permit is not in any respect a NPDES permit under section 402 of the Clean Water Act (see N.J.A.C. 7:14A-25.8(a)).

B. Issuance of Authorizations to Tier A Municipalities

Upon completion of the public comment and public notice process pursuant to N.J.A.C. 7:14A-16.4, the Department will make a determination whether to finalize this permit. If finalized, the Department will then issue this Master General Permit as well as the individual authorizations to each eligible Tier A Municipality in accordance with N.J.A.C. 7:14A-6.13.

C. Tier Assignment

The current designation of Tier A or Tier B municipalities was based on the 2000 Decennial Census. A listing of Tier A Municipalities is located at www.nj.gov/dep/dwq/msrp_home.htm consistent with N.J.A.C. 7:14A-25.3(a)3. Although the Census was updated in 2010, no reassignments were made in accordance with the criteria under N.J.A.C. 7:14A-25.3 during the term of the 2009 or 2018 MS4 general permits.

As noted above, the Department has notified each of the 101 current Tier B municipalities that they are

being reassigned to Tier A, along with information regarding the justification and submission requirements for a Request for Authorization (RFA) under this permit. Municipalities that received this notice from the Department pursuant to N.J.A.C. 7:14A-25.2(e) and/or N.J.A.C. 7:14A-25.3(a)3 were advised the deadline to submit the RFA under the Tier A permit is 180 days after the receipt of that notice. This Tier A permit renewal contains compliance schedules for new permit requirements for new Tier A permittees that will be required to enhance their stormwater programs. The specific compliance schedule due dates are noted under each permit condition in Section 7 below. Although reassignment from Tier B to Tier A is being done concurrently with this renewal, reassignment is neither part of the Tier A renewal nor subject to public comment, consistent with N.J.A.C. 7:14A-25.3.

6. Overview of Tier A MS4 NJPDES Permit Requirements

A. Overview

The Tier A Municipality (i.e., the permittee) is required to develop, update, implement and enforce an MS4 stormwater program. A primary objective of the MS4 stormwater program is for permittees to implement best management practices (“BMP’s”) and other control measures to implement the Statewide Basic Requirements (N.J.A.C. 7:14A-25) and other permit requirements set forth in the permit. The permit requirements serve to reduce the discharge of pollutants from the Tier A Municipality’s MS4, municipal 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 and restore water quality, and to satisfy the applicable water quality requirements of the Clean Water Act.

The Stormwater Pollution Prevention Plan (SPPP) documents the Tier A Municipality’s stormwater program and describes the measures necessary for each municipality’s compliance with the Statewide Basic Requirements as well as any Other Control Measures, Optional Measures and Additional Measures. The Tier A Municipality shall submit an Annual Report and Certification summarizing the status of compliance with this permit. See Part IV.K (Annual Report and Certification).

Part IV.E.2 of this permit and N.J.A.C. 7:8-4.3(a) require the municipality to develop a Municipal Stormwater Management Plan (MSWMP.) The MSWMP describes the municipality’s strategy, structure, and process for addressing stormwater runoff from new development and redevelopment to ensure compliance with the Stormwater Management rules (N.J.A.C. 7:8.) This strategy, structure and process constitute much of the post construction stormwater management program in this permit. The MSWMP is also a component of the municipal master plan (N.J.S.A. 40:55D-94) and the municipality’s SPPP must be consistent with its MSWMP.

B. Use of Best Management Practices to Reduce Pollutants to Maximum Extent Practicable

Consistent with the EPA Phase II stormwater rules for small MS4s, the NJPDES regulations at N.J.A.C. 7:14A-25 outline in broad terms what must be included in NJPDES MS4 permits. Beginning with the issuance of the 2004 MS4 NJPDES permits, the Department has been prescriptive in its approach to defining permit conditions. This is partly due to the fact that state and Federal regulations (N.J.A.C. 7:14A-25.6(a)1 and 40 CFR 122.34(a)) stipulate that compliance with the standard of reducing pollutants to the maximum extent practicable is accomplished through the implementation of BMPs or control measures. This draft permit is a Comprehensive General Permit (under 40 CFR 122.28) which requires permittees to develop, update, implement and enforce a stormwater program (as documented in an SPPP) to ensure compliance with Statewide Basic Requirements (SBRs), the actions developed to implement the six Federal Minimum Measures, as well as any Optional Measures, Additional Measures and other permit requirements. The Department provides an appropriate level of specificity in establishing Tier A NJPDES MS4 permit conditions by specifying BMPs, measurable goals through

the detailed permit requirements, and implementation schedules for these permit requirements and other measures. This provides permittees, the public and regulators with clarity regarding what municipalities must do to comply with the permit.

Without specific conditions, this permit would be difficult to enforce and would give permittees little direction as to how to meet the requirements of State and Federal Rules. The Department has taken care to issue specific MS4 permit conditions with clear stormwater program requirements since 2004 in order to establish a standard of compliance rather than requiring New Jersey's current 456 Tier A municipalities, and new 101 Tier A municipalities to independently create compliance conditions for public and Department individual review and approval.

The Department is not requiring numeric effluent limitations in this draft permit which is consistent with the Federal Clean Water Act and EPA Phase II regulations at 40 CFR Part 122. The Federal Clean Water Act defines the term "effluent limit" broadly to include BMPs that would restrict the quantities, rates, and concentrations of constituents within a discharge. Thus, BMPs provide treatment pursuant to the Department's authority under the Clean Water Act with the goal of meeting water quality standards. Specifically, Section 402(p)(3)(B)(iii) of the Clean Water Act requires that permits for discharges from municipal storm sewers require:

"...controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants."

Similarly, inclusion of best management practices as effluent limitations is also consistent with the NJPDES Regulations at N.J.A.C. 7:14A-25.6(a)1 which states:

"Best management practice (BMP) requirements are generally the most appropriate form of effluent limitations when designed to satisfy technology-based requirements (including reductions of pollutants to the maximum extent practicable) and to protect water quality. Implementation of BMPs (other than OMs [Optional Measures]) consistent with the provision of the stormwater program required ... and the provisions of the NJPDES permit ... constitutes compliance with the standard of reducing pollutants to the maximum extent practicable."

In accordance with 40 CFR. 122.34(a), the Department must "include terms and conditions that meet the requirements of this section based on its evaluation of the current permit requirements, record or permittee compliance, and program implementation progress, current water quality conditions, and other relevant information." Continued efforts by the Department's Municipal Stormwater Regulation Program, including review of compliance evaluations, Annual Reports and Certifications, and Supplemental Questionnaires; outreach efforts; and implementation of a municipal stormwater program audit process, constitute evaluation of the permit requirements and the progress of municipal stormwater programs. Based on the Department's evaluations of current municipal stormwater programs, the requirements contained in this permit renewal have been developed to account for the information gathered since the issuance of the 2018 Tier A MS4 NPDES permit. The requirements included in this permit constitute the Department's determination of reasonable progress toward reducing pollutant discharges to the maximum extent practicable.

Any municipality authorized under the 2004 Tier A permit was required to and continues to be required to develop a stormwater program. The Tier A permittees' stormwater programs must be documented in their respective SPPPs. The SPPPs must be retained on site and made available for review by the Department. Additionally, a new requirement of this renewal is the requirement for the permittee to

submit their SPPP to the Department. To certify compliance with the permit, Tier A Municipalities complete an Annual Report and Certification which queries specific details regarding the Tier A Municipality's stormwater program.

C. Eligible and Ineligible Discharges (Part II.A)

This permit is intended to continue to authorize and control new and existing stormwater discharges to surface water and groundwater from small MS4s owned or operated by municipalities assigned to Tier A and from municipal maintenance yards and other ancillary operations owned or operated by Tier A Municipalities. A NJPDES permit is required for these stormwater discharges under N.J.A.C. 7:14A-25.2(a) and 24.2(a). Permit conditions regarding eligible stormwater discharges are included in Part II.A.2.a. Part II.A.2.a includes a specific reference to municipal maintenance yards and other ancillary operations which is further explained in Section 7.A.5.c, below. However, stormwater discharges from wood waste recycling and composting activities will not be authorized under this Tier A MS4 permit renewal; once this permit is final and effective, continued stormwater discharges from these activities will need to be authorized under the Department's new Wood Waste Recycling and Leaf Composting Master General Stormwater Permit.

This permit renewal continues to authorize certain non-stormwater discharges (e.g., certain potable water sources, uncontaminated groundwater, and irrigation water) from small MS4s owned or operated by Tier A Municipalities. A complete list of the eligible non-stormwater discharges is included in Part II.A.2.b of this permit. If any of these discharges are identified by the municipality as a significant contributor of pollutants, the permittee must address the discharge as an illicit connection or as an incident of improper disposal of waste (see Part II.A.3.e).

This permit does not authorize "stormwater discharges associated with industrial activity" or "stormwater discharges associated with construction activity," except as otherwise provided in the permit in Part II.C. Specifically, in Part II.C.2(a)2, the permit lists activities that commonly occur at municipal maintenance yards and ancillary operations that are regulated under this permit in Part IV.F.5. Any permittee that operates an industrial facility or construction site beyond what is specifically authorized in Part II.C, must obtain a separate NJPDES permit for that discharge, as required in Part II.C.4. In addition, this permit does not authorize any stormwater discharge that is authorized under another NJPDES permit so long as that other permit is in effect for that discharge. Also, to implement statutory and regulatory provisions governing consistency of NJPDES permits with Water Quality Management (WQM) Plans (e.g., N.J.S.A. 58:10A-6 and 58:11A-10), this permit does not authorize stormwater discharges from projects or activities that conflict with an adopted WQM Plan.

7. Basis and Background to Tier A MS4 NJPDES Permit Requirements

Statewide Basic Requirements and Associated Conditions

The Tier A permit must address the six Federal Minimum Control Measures under CFR 122.34(b): (1) Public Education and Outreach on Stormwater Impacts; (2) Public Involvement/Participation; (3) Illicit Discharge Detection/Elimination; (4) Construction site runoff control; (5) Post-Construction management; and (6) Pollution Prevention or Good Housekeeping for Municipal Operations and the following Statewide Basic Requirements (SBRs): (1) Public Involvement/Participation; (2) Construction Site Stormwater Runoff Control; (3) Post-construction Stormwater Management in New Development and Redevelopment; (4) Public Education on Stormwater Impacts; (5) Prohibiting Improper Disposal of Waste; (6) Control of Solid and Floatable Materials; (7) Maintenance Yards and Highway Service Areas; (8) Employee Training.

This permit implements the Federal Minimum Control Measures and includes Statewide Basic Requirements and associated BMPs, consistent with the 2004, 2009 and 2018 Tier A permits. Many requirements are retained from the 2004, 2009, and 2018 Tier A permits and, for any new requirements in this permit renewal, the permit provides delayed compliance due dates pursuant to N.J.A.C. 7:14A- 25.6(a) and (c), to give permittees time to prepare for implementation.

This renewal permit retains the permit requirements as they were restructured to be consistent with the six Federal Minimum Measures in the 2018 Tier A permit, described in Section 2 of this fact sheet under Federal Stormwater Regulations, above. A detailed basis and background for each permit requirement, as well as an explanation of any changes from the 2018 Tier A permit, is included below. A discussion of the 2018 Tier B permit requirements is also included, where applicable.

A. Stormwater Management Program (Part IV.A)

1. Stormwater Program Requirements

This permit renewal, similar to the 2018 Tier A permit, continues to require each permittee to develop, update, implement, and enforce an MS4 stormwater program in accordance with N.J.A.C. 7:14A-25.6(a), with the primary objective to implement best management practices and other measures designed to reduce the discharge of pollutants from the permittee's MS4, municipal maintenance yards and other ancillary operations to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Federal Act and the State Act. The permittee will continue to be required to modify their stormwater program to conform with all applicable new legislation or rule amendments within 12 months from written notification by the Department. This permit renewal also still requires permittees to document their stormwater program in a written Stormwater Pollution Prevention Plan (SPPP) as per N.J.A.C. 25.6(a)3, describing the measures necessary for the permittee to comply with each permit conditions.

The 2018 Tier B permit required each permittee to develop, update, implement, and enforce an MS4 stormwater program to continue to provide substantial water quality benefits, including an emphasis on proper operation and maintenance of stormwater facilities to control nutrients, pathogens, solid and floatable materials, and other pollutants as well as to reduce stormwater runoff quantity. As per N.J.A.C. 7:14A-25.8(e), the Tier B permittees' stormwater program was required to include the 'Post-construction stormwater management in new development and redevelopment' and the 'Public education on stormwater impacts' Statewide Basic Requirements, as listed in Part IV.B, as well as any Additional Measures required by Part IV.C of that permit. However, there were no Additional Measures included in the Tier B permit.

This permit renewal requires a principal executive officer or a ranking elected official to designate a Stormwater Program Coordinator (SPC) who has the knowledge to manage the implementation and compliance of the permittee's MS4 stormwater program as per N.J.A.C. 7:14A-4.9 and 25.6(a)3. As the SPC, this individual is responsible for:

- Coordinating the permittee's implementation of its MS4 stormwater program, permit conditions, and SPPP;
- Signing and dating the SPPP; and
- The completion and submittal of the Municipal Stormwater Regulation Program (MSRP) Annual Report.

Permittees should form a Stormwater Pollution Prevention Team that is made up of individuals

responsible for overseeing the implementation of the various permit requirements. Due to the wide range of tasks required, a variety of municipal personnel should be involved in planning and implementing the stormwater program. This should include public works officials, municipal engineer(s), municipal clerks, planning and zoning boards, code enforcement officers, police officers, and the environmental commissions. Team members are not limited to only municipal personnel; they could also include local volunteers, members of local watershed associations, environmental groups, and educational professionals.

If a Stormwater Coordinator assignment changes at any time, 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, or the Stormwater Program Coordinator Information Update Sheet found at https://www.nj.gov/dep/dwq/msrp_home.htm.

The MS4 stormwater program and the SPPP shall be consistent with the Municipal Stormwater Management Plan (MSWMP), which is a component of the municipal master plan as per N.J.A.C. 7:8-4.3(a). The MSWMP describes the municipality's strategy for addressing stormwater runoff from new development and redevelopment to ensure compliance with the Stormwater Management rules (N.J.A.C. 7:8) and is described in further detail below. It should be noted that both the SPPP and MSWMP have been requirements since the first iteration of the Tier A permit issued in 2004.

2. Stormwater Pollution Prevention Plan (SPPP) Requirement

The permittee is required to document their municipality's MS4 stormwater program in their Stormwater Pollution Prevention Plan (SPPP) as per N.J.A.C. 7:14A-25.6(a)3. This requirement was originally required in the 2004 Tier A MS4 permit. The SPPP is required to describe how the permittee will implement each permit requirement and also provides a place for record keeping documenting when and how permit requirements were met. The SPPP is a living document that is never "completed." The SPPP shall be reviewed at least annually and updated as often as necessary to reflect changes related to the municipality's Tier A MS4 Stormwater Program.

The SPPP shall include information regarding the location of any records required by this permit. The Department may notify the permittee at any time that the SPPP does not meet one or more of the permit 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, and written certification of such amendments shall be submitted to the Department.

The current SPPP shall be posted on the permittee's dedicated stormwater webpage with updates posted at least annually thereafter. The version posted on the dedicated stormwater webpage can exclude inspection logs and other required record keeping. It is advisable for each member of the Stormwater Pollution Prevention Team or affected municipal employees to have access to the SPPP for reference and compiling record keeping data.

Existing Tier A permittees will need to update their SPPP to reflect the 2023 permit renewal conditions by the Effective Date of Permit Authorization ("EDPA") + 3 months. New Tier A permittees will have until EDPA + 12 months to create an SPPP.

3. Implementation of SPPP Conditions through Shared or Contracted Services

As allowed in the previous Tier A MS4 permits starting in 2004, the permittee may rely on another entity (e.g., governmental, stormwater utility, private, or nonprofit organization such as a watershed association) to satisfy one or more of the permit conditions, or component(s) of any permit

condition, provided the other entity implements the contracted services in compliance with the corresponding permit requirements and agrees to such in writing (See N.J.A.C. 7:14A-3 and 7:14A-25.7(a)). However, the permittee remains responsible for compliance with the permit conditions if the other entity fails to implement any of the measure(s) or component(s).

B. Minimum Standards for Public Involvement and Participation Including Public Notice (Part IV.B)

1. Public Involvement and Participation Including Public Notice

The 2018 Tier A permit renamed this permit requirement “Public Involvement and Participation Including Public Notice” consistent with N.J.A.C. 7:14A-25.6(b)1 and with the six Federal Minimum Control Measures at 40 CFR 122.34(b)(2) (see www.epa.gov/npdes/npdes-stormwater-program and Section 2, Federal Stormwater Regulations above). In the 2018 Tier A permit renewal, the Department also consolidated several previous permit requirements within this permit requirement for clarity and to ensure that applicable public participation and involvement requirements were met. This permit renewal retains these changes, as follows:

- a. The permittee shall comply with applicable State and local public notice requirements when providing for public participation in the development and implementation of the 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.);
 - ii. Statutory procedures for the enactment of ordinances (N.J.S.A. 40:49-2); and
 - iii. The Municipal Land Use Law concerning the adoption or amendment of the MSWMP (N.J.S.A. 40:55D-13, 28 and 94), and the review of applications for development (N.J.S.A. 40:55D-12).
- b. The permittee shall maintain records necessary to demonstrate compliance with the public participation requirements of a, above.

This permit requirement ensures notification and opportunity for public involvement in those elements of the permittee’s stormwater program, and ensures transparent development, updating and implementation of the permittee’s stormwater program.

Since these requirements have been applicable to all Tier A and Tier B municipalities, no additional time is necessary for new Tier A permittees to come into compliance, and therefore compliance with these requirements is due on EDPA for all existing and new Tier A permittees.

2. Municipal Stormwater Webpage

This permit renewal contains a new requirement for permittees to develop and maintain a dedicated stormwater webpage on their municipal website (see example stormwater webpage at www.nj.gov/dep/dwq/msrp_outreach_material.htm). Previously, stormwater related materials were required to be posted anywhere on the municipality’s website. This requirement will create greater accessibility for the public by consolidating these materials on a dedicated stormwater page on the municipality’s website, rather than simply anywhere on their site. The first eleven

documents listed below were required to be posted on the Tier A permittees' websites as per the 2018 Tier A permit:

- 1) SPPP (excluding inspection logs and other recordkeeping documents);
- 2) Municipal Stormwater Management Plan (MSWMP);
- 3) Stormwater Control Ordinance (SCO);
- 4) Pet Waste Ordinance;
- 5) Wildlife Feeding Ordinance;
- 6) Litter Control Ordinance;
- 7) Improper Disposal of Waste Ordinance;
- 8) Containerized Yard Waste/Yard Waste Collection Program Ordinances;
- 9) Private Storm Drain Inlet Retrofitting Ordinance;
- 10) Illicit Connection Ordinance;
- 11) MS4 Outfall Pipe Map;
- 12) Tree Removal/Replacement Ordinance (due on or before EDPA + 12 months as per Part IV.F);
- 13) Privately-Owned Salt Storage Ordinance (due on or before EDPA + 12 months as per Part IV.F);
- 14) MS4 Infrastructure Map (due on or before EDPA + 36 months as per Part IV.G); and
- 15) Watershed Improvement Plan (due beginning on or before EDPA+36 months, as per Part IV.H).

The Department will provide an easy-to-fill HTML stormwater webpage template on or before the issuance of the final permit for municipal webpage administrators to use, and designated contacts, as noted on the Department's example templates, to provide 1-on-1 assistance if needed. A webpage template has already been provided for the 2018 permit, which several towns are currently using (see https://www.nj.gov/dep/dwq/msrp_outreach_material.htm).

Existing Tier A permittees will have 3 months to develop this dedicated stormwater webpage with links to the above referenced documents, with the exception of the Tree Ordinance and Salt Storage Ordinance, which are not required to be posted until EDPA + 12 months; or the MS4 Infrastructure Map, which is not required to be posted until EDPA + 36 months.

New Tier A permittees will have EDPA + 12 months to develop this dedicated stormwater webpage with links to the above referenced documents, with the exception of the MS4 Infrastructure Map, which is not required to be posted until EDPA + 36 months. Please also see Section F.1 of this fact sheet below for information concerning the compliance dates for development of the ordinances listed above.

Existing and New Tier A permittees note that the dates for posting materials related to the Watershed Improvement Plan are noted in Part IV.H of the permit, and Section 7.H of this Fact Sheet, and begin on EDPA + 36 months.

C. Minimum Standards for Local Public Education and Outreach (Part IV.C)

The 2018 Tier A and Tier B permits changed the name of this section from "Local Public Education" to "Minimum Standards for Local Public Education and Outreach." This retained the 2009 name but expanded it to be more reflective of one of the six Federal Minimum Control Measures namely "Public Education and Outreach," which is codified at CFR 122.34(b)(1) (see www.epa.gov/npdes/stormwater-discharges). The first component of the Local Public Education and Outreach requirement in this permit

renewal continues the public education program as well as a point system as detailed in the Attachment entitled, “Points System for Public Education and Outreach Activities,” previously included as Attachment B, is now included as Attachment A.

This renewal permit retains the requirement in accordance with N.J.A.C. 7:14A-25.6(b)4 to achieve a total of 12 points from three of the five categories for both Tier A and Tier B permittees but removes the possibility of earning points for having a dedicated stormwater webpage, which is now a permit requirement under Part IV.B.2. This renewal permit enhances the social media options available for points under the “General Public Outreach” category, allowing for one point for each social media platform used, for a maximum of three points. There is now a limit on the number of newspaper ads and radio/television ads that can be used; one point maximum for newspapers and two points maximum for radio/television. One of the “Mailing or e-Mailing Campaign” activities in Category 2 has been renamed to “Private Stormwater Facilities Education,” making it more connected to the description of the activity and it no longer has the same name as another activity. The remaining “Mailing or e-mailing Campaign” category has been given a maximum of two points allowed.

Please note that former Tier B permittees who become new Tier A permittees under this permit renewal can no longer earn points for Stormwater Management Design Review Training and Municipal Board and Governing Body Member Related Training, as those training activities are permit requirements of this renewal at Part IV.F.7-9, and new Tier A permittees will no longer be able to receive points for those activities.

Additionally, this renewal permit, consistent with the 2018 Tier A permit, allows the option of earning points for Ordinance Education to residents and businesses in the municipality. The 2018 Tier B permit did not have any permit conditions for required ordinance education, so this will be a new way of earning points for new Tier A permittees.

The second component of this section in the 2018 Tier A, and Tier B permit, concerned the labeling, maintenance, and replacement of municipally owned or operated storm drain inlets with a message such as “No dumping, drains to river.” However, the labeling requirement has been moved to Part IV.F.2.iii of this renewal permit under the “Community-wide Measures” section. All storm drains that do not have permanent wording cast into them are required to be labeled. This label serves to educate the public that storm drains shall not be treated as trash receptacles and to convey the message that the storm drain inlet drains to a waterbody. This labeling applies to all storm drain inlets along sidewalks that are adjacent to municipal streets, as well as to storm drain inlets within plazas, parking areas or maintenance yards that are operated by the municipality.

Since these requirements were included in both the 2018 Tier A and B permits, no additional time is necessary for new Tier A permittees to come into compliance. Therefore, compliance with these requirements is due on EDPA for all new and existing Tier A permittees.

D. Minimum Standards for Construction Site Stormwater Runoff (Part IV.D)

Stormwater runoff from construction sites can cause significant harm to New Jersey’s rivers, lakes, and coastal waters if not managed properly. To address these impacts, it is necessary to control soil erosion and sedimentation during land disturbance, as well as minimize stormwater contamination from other construction related activities. Managing construction site stormwater runoff is one of the six Federal Minimum Control Measures, codified at CFR 122.34(b)(4). Any NJPDES permit issued for small MS4s shall recognize that under N.J.A.C. 7:14A-25.6(b)2, the Department is responsible for implementing the SBR for construction site stormwater runoff control.

The Department satisfies this Minimum Control Measure under a separate Construction Activity Stormwater General Permit (NJPDES Permit No. NJ0088323). The Construction Activity Stormwater General Permit (5G3) controls stormwater discharges to surface water from certain construction activities, including clearing, grading, and excavation. Generally, this includes construction activity that disturbs at least one acre, or disturbs less than one acre but is part of a larger common plan of development or sale that ultimately disturbs more than one acre.

The Construction Activity Stormwater General Permit is administered by the Department's Bureau of NJPDES Stormwater Permitting and Water Quality Management in coordination with the New Jersey Department of Agriculture and the State Soil Conservation Committee through its 14 Soil Conservation Districts located throughout the State (see www.nj.gov/agriculture/divisions/anr/nrc/njdep.html). The result of this effort is a program that emphasizes implementation at the district level and maximum utilization of existing requirements and resources.

Construction activity that may result in stormwater discharges authorized by the Construction Activity Stormwater General Permit shall be executed only in accordance with a specific Stormwater Pollution Prevention Plan (SPPP) required by that general permit and is subject to routine inspections identifying the effectiveness of the SPPP. This SPPP is specific to construction activity under the 5G3 permit and not to be confused with the municipality's MS4 SPPP. As a result, and as retained from the 2018 Tier A permit, the Tier A permittee is not required to specifically address construction site stormwater runoff control in its MS4 SPPP since it is already regulated in a separate permit.

As a result, and as retained from the 2018 Tier A permit, the Tier A permittee is not required to specifically address construction site stormwater runoff control in its MS4 SPPP since it is already regulated in a separate permit. A similar permit condition was included in Part II.C.3.b of the 2018 Tier B permit under 'Discharges Not Authorized Under the Tier B MS4 NJPDES Permit' which stated that, "Any municipality that operates a construction site with such a discharge shall submit a separate RFA under NJPDES Permit No. NJ0088323 (General Stormwater Permit Construction Activity), or an application for an individual permit for that discharge. The Construction Activity Stormwater General Permit (NJ0088323) and associated guidance is posted at www.nj.gov/dep/dwq/5g3.htm.

Since these requirements were included in both the 2018 Tier A and B permits, no additional time is necessary for new Tier A permittees to come into compliance, and therefore compliance with these requirements is due on EDPA for all existing and new Tier A permittees.

E. Minimum Standards for Post Construction Stormwater Management in New Development and Redevelopment (Part IV.E)

1. General

This renewal permit requires the permittee to implement and enforce a post construction stormwater management program to address Post Construction Stormwater Management in New Development and Redevelopment and to ensure compliance with the Stormwater Management rules at N.J.A.C. 7:8 et seq. Post Construction Stormwater Management in New Development and Redevelopment are components of the minimum control measures at 40 CFR. 122.34(b)(5). The regulatory process to ensure that such development is both properly designed and thereafter maintained lies largely in the Stormwater Management rules (N.J.A.C. 7:8) and is complimented by and, in part, implemented through the NJPDES Stormwater Rules at N.J.A.C. 7:14A-25.6(b)3.

The municipality's post construction stormwater management program shall require compliance with the applicable design, performance, and maintenance standards established under the

Stormwater Management rules, N.J.A.C. 7:8 et seq. In general, the Stormwater Management rules at N.J.A.C. 7:8 et. seq. include the following:

- Contain requirements for municipal stormwater management plans (MSWMPs) and stormwater control ordinances (SCOs);
- Provide information for the adoption and implementation of MSWMPs and regional stormwater management plans; and
- Establish design and performance standards for stormwater management measures and establish safety standards for stormwater management basins.

The Stormwater Management rules at N.J.A.C. 7:8 et seq. establish the stormwater management design and performance standards for new development and redevelopment and require applicants to design their projects to minimize the adverse impact of stormwater runoff on water quality and water quantity and loss of groundwater recharge in receiving water bodies. Pursuant to amendments to those rules adopted in March of 2020, applicants must utilize green infrastructure to achieve those goals. This permit requires municipalities to implement these rules, or a more stringent standard, at the local level.

The design and performance components of the Stormwater Management rules are implemented by the Department through the review of permits issued by the Watershed and Land Management Program (Flood Hazard, Freshwater Wetlands, Coastal Area Facility Review Act (CAFRA), and Waterfront Development) and by local authorities through the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Residential Site Improvement Standards (RSIS, N.J.A.C. 5:21-7) and local ordinances. The RSIS are applicable to any residential application that goes before a local board. Through the RSIS, the Stormwater Management rules become applicable whenever a project meets or exceeds the definition of major development. (See also www.nj.gov/dep/stormwater/sw_rule_faqs.htm).

The post construction stormwater management program established by the permittee shall address stormwater runoff from “major development” as defined in the Stormwater Management rules at N.J.A.C. 7:8 et seq. unless any additional development is defined as “major development” by the permittee’s SCO, which applies to non-residential developments and residential developments that are not subject to the RSIS. The post construction stormwater management program established by the permittee shall require compliance with the applicable design and performance standards established under N.J.A.C. 7:8 et seq., and the permittee’s SCO if it contains more stringent requirements, for major development.

The permittee shall review and analyze development plans for compliance with N.J.A.C. 7:8 et seq. and the permittee’s SCO or Residential Site Improvement Standards (RSIS) as applicable, even if a permit is required by the Department for the same or similar activity (e.g., a Flood Hazard Area permit). Additionally, the post construction stormwater management program shall ensure that any residential development and redevelopment projects that are subject to the RSIS for stormwater management (N.J.A.C. 5:21-7) include any exception, waiver, or special area standard that was approved under N.J.A.C. 5:21. The Stormwater Management rules (N.J.A.C. 7:8) and the RSIS for stormwater management (N.J.A.C. 5:21-7), independently and as implemented in this permit, apply to all areas of the Tier A Municipality.

This permit condition, common to both 2018 Tier A and Tier B permits, is retained largely unchanged from the 2018 permits, with the exception that the Stormwater Management Design

Review (SWMDR) course was only an optional condition for Tier B permittees where they were welcome to attend and could accrue certain Public Education points if they did attend. This is further explained below in Section 7.8 of this fact sheet.

One enhancement to this permit renewal is a clarification that compliance with N.J.A.C. 7:8 et seq. requires the permittee's review engineer be independent from the design engineer and shall not have been involved in the design of the development plans. This permit renewal retains the requirement from the 2018 Tier A permit that the design review engineer shall have completed the Department's SWMDR Course within the last five years.

This permit renewal also removes Attachment D, the Major Development Stormwater Summary, which required detailed information for each structural and nonstructural stormwater management measure and replaces it with a requirement to include all major development projects approved each year on the Major Development Project List. A revised version of this attachment, the Major Development Project List, will now be required to be submitted to the Department annually with the MSRP Annual Report as part of the Supplemental Questionnaire, which is required to be uploaded via the RSP.

Since these requirements were included in both the 2018 Tier A and B permits, and the Major Development Project List is required to be completed for the calendar year beginning on the EDPA and submitted by the following May 1, no additional time is necessary for new Tier A permittees to come into compliance, and therefore compliance with these requirements is due on EDPA for all existing and new Tier A permittees.

2. Municipal Stormwater Management Plan

The renewal permit retains the requirement from the 2018 Tier A and B permit for the permittee to adopt, amend, and implement a written Municipal Stormwater Management Plan (MSWMP), pursuant to N.J.A.C. 7:8-4 et seq. to describe the framework of the permittee's strategy, structure, and process for addressing stormwater runoff from new development and redevelopment in its post construction stormwater management program. The MSWMP is a component of the municipality's master plan and the elements of an MSWMP are listed in N.J.A.C. 7:8 et seq.

The permittee shall conduct a reexamination of its MSWMP as part of the reexamination of its municipal master plan in accordance with N.J.A.C. 7:8-4.3(c), 4.3(d), and N.J.S.A. 40:55D-89, at least every 10 years, or more often as necessary to reflect changes related to the permittee's stormwater management program (e.g., if required due to amendments to the Stormwater Management rules at N.J.A.C. 7:8 et seq.).

The permittee shall submit the adopted MSWMP to the county review agency for review and approval pursuant to the requirements at N.J.A.C. 7:8-4.4 (this includes MSWMP reexaminations without change). Within thirty (30) days of the effective date of the plan this permit requires the permittee to electronically submit the county approved MSWMP and any amendments to the Department and post the county approved MSWMP and any amendments on the permittee's dedicated stormwater webpage.

This requirement, common to both 2018 Tier A and Tier B permits, also remains largely unchanged from the 2018 Tier A and Tier B permits, but with minor enhancements. These enhancements are that the permittee must submit the MSWMP reexaminations to the county review agencies, as noted above, for their review and approval, and that the permittee must include on the MSWMP the date of the last reexamination/revision approved by the county review agency.

Since these requirements were included in both the 2018 Tier A and B permits, no additional time is necessary for new Tier A permittees to come into compliance, and therefore compliance with these requirements is due on EDPA for all existing and new Tier A permittees.

3. Stormwater Control Ordinances

In order to implement the post construction stormwater management program, the permittee shall adopt, amend, implement, and enforce a stormwater control ordinance (SCO) in accordance with N.J.A.C. 7:8 and N.J.A.C 14A-25.6(b)3.iv(3). The SCO shall include, at a minimum, the following elements:

- Control aspects of residential development and redevelopment projects that are not pre-empted by the RSIS;
- Control stormwater from non-residential development and redevelopment projects, in accordance with the requirements at N.J.A.C. 7:8; and
- Set forth special area standards approved by the Site Improvement Advisory Board for residential development or redevelopment projects under N.J.A.C. 5:21-3.5.

A model SCO consistent with the requirements of the Stormwater Management rules, as well as a model SCO for towns that are subject to the regulatory requirements of the Pinelands Commission, are posted at https://www.nj.gov/dep/dwq/example_ordinance.htm. These model SCOs are provided as a courtesy and are not required to be adopted verbatim by the permittee as long as the applicable permit and regulatory requirements are met. For example, the permittee could adopt more stringent stormwater management requirements in its SCO pursuant to N.J.A.C. 7:8-1.5(a). Where the Pinelands Commission regulatory requirements at N.J.A.C. 7:50- 3 are applicable, the municipal SCO (and any amendments) shall be certified by the Pinelands Commission. See www.nj.gov/dep/stormwater/pinelands.htm or contact the Pinelands Commission for a model Pinelands' SCO.

The municipal SCO was originally required in the 2004 Tier A and Tier B permit, however, on March 2, 2020, amendments to the Stormwater Management rules at N.J.A.C. 7:8 et seq. were adopted necessitating required changes to each municipality's SCO. In order to require that a municipality keep its ordinances up-to-date (with this permit or with any legislative or regulatory changes that occur outside of this permit), and consistent with N.J.A.C. 7:8-4.3(b), this permit continues to require (Part IV.A.1.b) the permittee to modify and update its stormwater program within one year of any notification by the Department that such a change is necessary. On March 2, 2020, a letter was sent to all municipal MS4 permittees providing written notification that their stormwater programs, including their SCOs, must be revised within 12 months of the notice to conform with the amended Stormwater Management rules. More specifically, their municipal SCO was required to be revised to conform with these amendments by March 3, 2021.

Since these requirements were included in both the 2018 Tier A and B permits, no additional time is necessary for new Tier A permittees to come into compliance, and therefore compliance with these requirements is due on EDPA for all existing and new Tier A permittees.

4. Mitigation Plans

This permit renewal retains the permit condition from the 2018 Tier A and Tier B permits that states that a municipality can grant a variance from the design and performance standards for stormwater management measures, if the conditions at N.J.A.C. 7:8-4.6(a)1 and (a)2 are met, provided the permittee has a mitigation plan included in an approved MSWMP, which meets the following requirements:

- A mitigation plan identifies what measures are necessary, potential mitigation projects, and/or criteria to evaluate mitigation projects that can then be used to offset the deficit created by a municipality granting a variance from an approved MSWMP and SCO. The mitigation plan must comply with the Stormwater Management rules at N.J.A.C. 7:8-4.6. N.J.A.C. 7:8-4.2(c)11. Additional information regarding mitigation plans can be found in Chapter 3 of the NJ Stormwater BMP Manual at <https://www.njstormwater.org>;
- The mitigation project is in accordance with the requirements provided in N.J.A.C. 7:8-4.6(a)3.i through (a)3.x; and
- The permittee submits, within (30) days after approving a variance, a written report to the to the county review agency and to the Department via email (dwq-bnpsc-stormwatermanagement@dep.nj.gov) describing the variance and the required mitigation. See N.J.A.C. 7:8-4.6(b).

Since these requirements were included in both the 2018 Tier A and B permits, no additional time is necessary for new Tier A permittees to come into compliance, and therefore compliance with these requirements is due on EDPA for all existing and new Tier A permittees.

F. Minimum Standards for Pollution Prevention / Good Housekeeping for Municipal Operators (Part IV.F)

Since there are many requirements within this section of the renewal permit, the Department is providing F – 1 as a tabular outline of the heading changes and re-ordering of topics from the 2018 Tier A permit to this renewal permit under the Minimum Standards for Pollution Prevention/Good Housekeeping for Municipal Operators section to assist with readability. The specific discussions regarding the requirements, and the changes thereto, are included in the order they appear in the renewal permit following the table.

2018 Permit Sections	Permit Renewal Sections
<p>Community-wide Ordinances</p> <ul style="list-style-type: none"> • Pet waste ordinance • Wildlife feeding ordinance • Litter ordinance • Improper disposal of waste ordinance • Yard waste ordinance/collection program • Private storm drain inlet retrofitting ordinance 	<p>Community-wide Ordinances</p> <ul style="list-style-type: none"> • Pet Waste Ordinance • Wildlife Feeding Ordinance • Litter Ordinance • Improper Disposal of Waste Ordinance • Yard Waste Ordinance/Collection Program • Private Storm Drain Inlet Retrofitting Ordinance • Privately-Owned Salt Storage Ordinance • Tree Removal/Restoration Ordinance • Optional Privately-Owned Refuse Container/Dumpster Ordinance
<p>Community-wide Measures</p>	<p>Community-wide Measures</p>

<ul style="list-style-type: none"> • Street Sweeping • Catch Basin and Storm Drain Inlet Inspection and Cleaning • Tier A Storm Drain Inlet Retrofit 	<ul style="list-style-type: none"> • Triannual Street Sweeping • Annual Street Sweeping • Storm Drain Inlet Labeling • Storm Drain Inlet Retrofit • Storm Drain Installation • Herbicide Application Management • Excess De-icing Material Management • Roadside Vegetative Waste Management • Roadside Erosion Control
<p>Community-wide Measures</p> <ul style="list-style-type: none"> • Catch Basin and Storm Drain Inlet Inspection and Cleaning <p>Other Control Measures</p> <ul style="list-style-type: none"> • Minimum Standards for Stormwater Facilities Maintenance 	<p>Inspection and Maintenance of Stormwater Facilities Owned or Operated by the Permittee</p> <ul style="list-style-type: none"> • Storm Drain Inlet Inspection • Storm Drain Inlet Cleaning and Maintenance • Catch Basin Inspection • Catch Basin Cleaning • MS4 Conveyance Inspection and Cleaning • Stormwater Infrastructure Inspection • Stormwater Infrastructure Maintenance • Maintain a log sufficient to demonstrate compliance with this section • Complete corrective maintenance and repairs within 90 days
<p>Other Control Measures</p> <ul style="list-style-type: none"> • Minimum Standards for Stormwater Facilities Maintenance 	<p>Inspection and Maintenance of Stormwater Facilities Not Owned or Operated by the Permittee</p> <ul style="list-style-type: none"> • Facility Maintenance • Annual Facility Inspections • Document Activities
<p>Municipal Maintenance Yards and Other Ancillary Operations & Attachment E</p> <ul style="list-style-type: none"> • Inspections and good housekeeping • Fueling operations • Discharge of stormwater from secondary containment • Vehicle maintenance • Equipment and vehicle washing and wash wastewater containment • Salt and de-icing material storage and handling • Aggregate material and construction debris storage • Street Sweepings, Catch Basin Clean Out, and Other Material Storage • Yard Trimmings and Wood Waste Management Sites • Roadside Vegetation Management 	<p>Municipal Maintenance Yards and Other Ancillary Operations</p> <ul style="list-style-type: none"> • BMPs • Site Inspections • Inventory List • Container Labels • Spill Kits • Bulk Liquid Material • Fueling Operations • Discharge of Stormwater from Secondary Containment • Vehicle/Equipment Maintenance and/or Repair • Wash Wastewater Containment • Salt & Other Granular De-icing Material Storage/Handling • Aggregate Material and Finished Compost Storage • Cold Patch Asphalt Storage • Street Sweepings / Storm Sewer Clean-out Material Storage • Construction and Demolition Waste, Wood Waste, and Yard Trimmings Storage • Scrap Tires • Inoperable Vehicles or Equipment • Containers and Dumpsters
<p>Employee Training</p>	<p>Annual Employee Training</p>

	Stormwater Program Coordinator Training - NEW
Stormwater Management Design Review Training	Stormwater Management Design Review (SWMDR) Training
	Stormwater Management Rule Amendment Training
Municipal Board and Governing Body Member Related Training	Municipal Board and Governing Body Member Related Training

General Overview

The 2009 Tier A permit contained the following four sections:

- Improper Disposal of Waste (N.J.A.C. 7:14A-25.6(b)5);
- Solids and Floatable Controls (N.J.A.C. 7:14A-25.6(b)6);
- Maintenance Yard Operations (N.J.A.C. 7:14A-25.6(b)7); and
- Employee Training (N.J.A.C. 7:14A-25.6(b)8).

The 2018 Tier A permit merged those sections into a newly named section entitled “Pollution Prevention/Good Housekeeping for Municipal Operators.” This name is derived from one of the six Federal Minimum Control Measures (See CFR 122.34(b)(6)) and clarifies that Tier A municipalities can utilize Federal guidance for this permit requirement. See the “National Menu of Best Management Practices (BMPs) for Stormwater” at <https://www.epa.gov/npdes/stormwater-discharges-municipal-sources>.

The 2018 Tier A permit included the four previous sections from the 2009 Tier A permit, with the addition of:

- Community-wide Ordinances; and
- Community-wide Measures.

The 2018 Tier A and Tier B permits had the same requirement for Storm Drain Inlet Labeling, which was included under the Local Public Education and Outreach section of both permits. In this permit renewal, Storm Drain Inlet Labeling has been moved to the Community-wide Measures section.

This permit renewal retains the “Minimum Standards for Pollution Prevention / Good Housekeeping for Municipal Operators” heading from the 2018 Tier A permit and includes four of the six of the sections noted above from the 2018 Tier A permit, excluding Improper Disposal of Waste and Solids and Floatable Controls. The requirements from these 2 sections have been retained in this permit but have been moved under different sections of this permit renewal; permittees are required to have an Improper Disposal of Waste Ordinance per Part IV.F.1.iv., and solids and floatables are controlled through the various BMPs described in the Community-wide Measures section detailed in Part.IV.F.2.

The following sections have been added under the “Minimum Standards for Pollution Prevention / Good Housekeeping for Municipal Operators” heading in this permit renewal:

- Inspection and Maintenance of Permittee Owned or Operated Stormwater Facilities; and
- Inspection and Maintenance of Stormwater Facilities not Owned or Operated by the Permittee.

These requirements were previously included under Minimum Standards for Stormwater Facilities

Maintenance in the Other Control Measures section of the 2018 Tier A permit and in the Minimum Standards for Post Construction Stormwater Management in New Development and Redevelopment section of the 2018 Tier B permit. This permit renewal also adds another new requirement, the Stormwater Management Rule Amendment Training, under this heading. The following conditions have also been retained from the 2018 permit but clarified with revisions in this permit renewal:

- Annual Employee Training;
- Stormwater Management Design Review (SWMDR) Training; and
- Municipal Board and Governing Body Member Related Training.

This permit renewal also includes two new Community-wide Ordinances which are the Tree Removal/Restoration Ordinance and Privately Owned Salt Storage Ordinance. The permit renewal also rearranged, added, and clarified the Community-wide Measures section. This section in the 2018 Tier A permit only had three requirements, Street Sweeping, Catch Basin and Inlet Inspection and Cleaning, and Storm Drain Inlet Retrofitting. The 2018 Tier B permit indirectly required catch basin and inlet inspection and cleaning as those activities are necessary to ensure the requirement to provide adequate long-term cleaning, operation and maintenance of stormwater management measures was met. The Community-wide Measures section in the draft permit renewal now contains nine requirements: Triannual Street Sweeping, Annual Street Sweeping, Storm Drain Inlet Labeling, Storm Drain Inlet Retrofitting, Storm Drain Installation, Herbicide Application Management, Excess De-icing Material Management, Roadside Vegetative Waste Management, and Roadside Erosion Control. The street sweeping requirements have been divided into two sections, Triannual Street Sweeping and Annual Street Sweeping. Catch Basin and Storm Drain Inlet Inspection and Cleaning has moved to Part IV.F.3.i-iv in this draft renewal, which has been titled “Inspection and Maintenance of Permittee Owned or Operated Stormwater Facilities” and has been divided into four categories to clarify requirements; Storm Drain Inlet Inspection, Storm Drain Inlet Cleaning and Maintenance, Catch Basin Inspection, and Catch Basin Cleaning. The Tier A Storm Drain Inlet Retrofit requirement has also been renamed to the new “Storm Drain Inlet Retrofitting” requirement. The 2018 Tier B permit had the same requirement as the 2018 Tier A permit for Storm Drain Inlet Labeling under the Local Public Education and Outreach section in both permits. In this permit renewal, Storm Drain Inlet Labeling has been moved to the Community-wide Measures section.

A detailed basis and background, including an explanation of any changes, for each permit requirement is included below.

1. **Community-wide Ordinances (Part IV.B.5.a)**

This permit renewal proposes to retain the six Community-wide ordinances (pet waste, wildlife feeding, litter control, improper disposal of waste, yard waste collection, and private storm drain inlet retrofitting) from the 2018 Tier A permit, which state:

- Pet Waste Ordinance:** Adopt and enforce an ordinance that requires pet owners or their keepers to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person. Information on the Pet Waste Ordinance and the benefits of proper disposal of pet solid waste shall be distributed with pet licenses. See the Tier A Municipal Guidance document (www.nj.gov/dep/dwq/tier_a_guidance.htm) for a sample ordinance;
- Wildlife Feeding Ordinance:** Adopt and enforce an ordinance that prohibits the feeding of

- any wildlife (e.g., Canada Geese) in any public park or on any other property owned or operated by the Tier A Municipality. 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 ordinance specifically lists and excludes for reasons set forth in the ordinance. See the Tier A Municipal Guidance document (www.nj.gov/dep/dwq/tier_a_guidance.htm) for a sample ordinance;
- iii. **Litter Control Ordinance**: Adopt and enforce a litter ordinance or enforce the existing State litter statute at N.J.S.A 13:1E-99.3. See the Tier A Municipal Guidance document (www.nj.gov/dep/dwq/tier_a_guidance.htm) for a sample ordinance;
 - iv. **Improper Disposal of Waste Ordinance**: Adopt and enforce an ordinance 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. See the Tier A Municipal Guidance document (www.nj.gov/dep/dwq/tier_a_guidance.htm) for a sample ordinance;
 - v. **Containerized Yard Waste/Yard Waste Collection Program Ordinances**: (1) Adopt and enforce an ordinance that prohibits placing non-containerized yard wastes (defined as leaves and/or grass clippings) into the street; or (2) develop and implement a non-containerized yard waste collection and disposal program that includes adoption and enforcement of an ordinance that prohibits placing non-containerized yard waste at the curb or along the street within 10 feet of any storm drain inlet and at any time other than a set yard waste collection schedule. The frequency of yard waste pickups shall be determined at the discretion of the Tier A Municipality but shall be part of a set yard waste collection schedule which is noticed to all municipal residents and businesses. Any area, which the municipality determines to have no yard waste, will be exempt from the collections. See the Tier A Municipal Guidance document (www.nj.gov/dep/dwq/tier_a_guidance.htm) for sample ordinances; and
 - vi. **Private Storm Drain Inlet Retrofitting Ordinance**: Adopt and enforce an ordinance requiring the retrofitting of existing storm drain inlets on private property to meet the standard in Attachment C (Design Standard for Storm Drain Inlets). Specifically, this ordinance: 1) shall apply to storm drain inlets, on property not owned or operated by the Tier A Municipality (e.g., condominium associations), that are in direct contact (i.e. contiguous) to repaving; repairing (excluding individual pothole repair); resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen); and reconstruction or alteration of facilities; and 2) shall not apply to a residential lot with one single family house. For a sample ordinance see www.nj.gov/dep/dwq/tier_a.htm.

The permittee, via these ordinances and consistent with N.J.A.C. 7:14A-25.6(b)5.iii, must effectively prohibit improper disposal of waste into the permittee's MS4 and implement appropriate enforcement procedures and actions. Consistent with the 2004, 2009, and 2018 Tier A permits, the Department continues to provide model ordinances posted at www.nj.gov/dep/dwq/tier_a.htm. These models of the eight Community-wide Ordinances, including the newly required ordinances discussed below, have been developed as a courtesy, but municipal ordinances are not required to be adopted verbatim as long as applicable permit and regulatory requirements are met.

The content of the permit requirements regarding ordinances, as well as the suggested model ordinances for pet waste, litter, improper disposal of waste, wildlife feeding, yard waste collection, and private storm drain inlet retrofitting, are consistent with the 2018 Tier A permit. Because this has been a longstanding Tier A permit requirement, existing Tier A Municipalities should already be in

compliance and not have to readopt or amend those ordinances for the purposes of this permit renewal. This does not relieve a municipality from the requirement to keep all ordinances up to date with any legislative or regulatory changes that occur outside of this permit.

In addition to those ordinance requirements retained, the Department has included 2 additional ordinances:

- vii. **Privately-Owned Salt Storage Ordinance**: This renewal requires permittees to adopt and enforce an ordinance requiring salt and other solid (granular) de-icing material to be covered when not in use to prevent exposure to rain, snow, or stormwater run-on. The use of anti-icing agents is critical to the public safety and economy of the state during winter precipitation events. Their use is widespread, both publicly and privately, despite the environmental impacts that de-icing agents can cause. When uncovered, pollutants from these piles are transported by winds, waters, human activities, etc. into the nearest storm drain inlet. Road salt being deposited into the receiving surface waters has become a nationwide problem, as the increase in chloride levels can be toxic to aquatic life and can contaminate surface and ground water drinking water supplies. While these discharges of salt laden runoff could have been enforced by the permittee through the improper disposal of waste ordinance that is already required, discharges from uncovered piles were witnessed in many locations within municipalities during our MS4 stormwater compliance audits and enforcement inspections, which were reported to the Department via complaints received from the general public. The requirement to develop and implement this ordinance is therefore being added to this permit renewal so that the permittees' municipal authority in this regard is very clear.

This ordinance is intended to reduce the detrimental effects of salt laden stormwater runoff on our surface and ground waters due to unnecessary runoff from improperly stored, private stockpiles by further empowering permittees to hold privately owned salt stockpiles (e.g., at commercial or industrial locations, such as shopping centers or industrial parks) to similar management requirements as the municipality and industrial permittees. Similar to the ordinance requirements in the prior Tier A Permit, the Department will provide a sample salt storage ordinance at https://nj.gov/dep/dwq/tier_a.htm.

- viii. **Tree Removal/Restoration Ordinance**: This new permit requirement to adopt and enforce an ordinance to control tree removal and the replacement of any trees that are removed is derived from stakeholder involvement during 2019 regarding improvements to the Stormwater Management program and rule language, and the ongoing need for enhanced stormwater management strategies. Trees play a critical, often overlooked, role in the water cycle and can mitigate stormwater runoff issues. This ordinance is intended to ensure that permittees are considering these undervalued assets in their water quality management efforts. This permit renewal requires permittees to adopt and enforce an ordinance to control tree removal and replacement to reduce stormwater runoff and pollutants, and to promote infiltration of rainwater into the soil. The minimum standards would be provided in a model ordinance to be developed by the Department for each municipality for consideration of their own tree ordinance.

The Department recognizes that permittees may be concerned that adopting and enforcing these two additional stormwater ordinances will expand the burden of enforcement activities and incur more costs and municipal resources. However, it should be noted that there is no requirement for permittees to schedule inspections for compliance of these ordinances, and that the enforcement of these ordinances may be incidental to other municipal activities, by any municipal employees, including those with enforcement responsibilities. As such, the permittee should not incur any additional significant costs

due to enforcement of these activities. The permittee may opt to require fees for permits to remove any trees that meet the ordinance specifications and/or instruct police officers to scrutinize any private salt piles they come across during routine patrols. Permittees may choose to include penalty language in their ordinance(s) for violators to cover any costs associated with any enforcement actions, but are not required to.

The requirement to adopt the ordinances listed in i through vi above was included in the previous Tier A permits, therefore, no additional time is necessary for existing Tier A permittees to come into compliance, and compliance with those requirements is due on EDPA. However, existing Tier A permittees will have 12 months from EDPA to adopt the two new ordinances for Privately Owned Salt Storage and Tree Removal/Restoration.

New Tier A permittees will have 12 months from EDPA to adopt all Community-wide Ordinances.

- ix. **Optional Privately-Owned Refuse Container/Dumpster Ordinance:** The 2009 permit required the adoption and enforcement of an ordinance for dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times. However, this requirement was not carried forward as a permit requirement in this draft permit based on a December 21, 2011 decision by the Council on Local Mandates in response to a complaint filed by Roxbury Township. As a result, the Department has moved the Refuse Container / Dumpster Ordinance from the 2009 permit from a permit requirement to an Optional Measure. Specifically, Tier A Municipalities have the option of adopting and enforcing an ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times. According to Annual Reports submitted by Tier A Municipalities for the 2015 reporting year, 434 of New Jersey's 457 year 2009 Tier A permittees adopted a Refuse Container / Dumpster Ordinance. Municipalities that are not maintaining this ordinance must, as required at Part IV.B.5.b.ii (Catch Basin and Storm Drain Inlet Inspection and Cleaning), clean any municipally owned or operated storm drain inlet or catch basin more frequently to eliminate recurring problems and restore proper function due, in this case, to uncovered refuse containers that are outdoors or exposed to stormwater. The purpose of the ordinance is to prohibit the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from these containers, thus reducing the need to frequently clean those municipal storm drains or catch basins. This ordinance is not intended for: litter receptacles; individual homeowner trash and recycling containers; containers that hold large bulky items (e.g., furniture, bound carpet, and padding); permitted temporary demolition containers; and refuse containers at industrial facilities authorized to discharge stormwater under a valid NJPDES permit. For a model ordinance, see www.nj.gov/dep/dwq/tier_a.htm.

2. **Community-wide Measures (Part IV.F.2)**

As described in Table F-1 , this permit renewal contains nine requirements under the heading of "Community-wide Measures." Most of these community-wide pollution prevention and good housekeeping measures are required to control solid and floatable materials. Herbicide Application Management and Excess De-icing Material Management are required to protect water quality from direct discharges from inappropriate roadside herbicide application and saline discharges from excess piles of road salt that would have otherwise remained on the road until they completely dissolved into the stormwater runoff.

The 2018 Tier A permit contained three sections under this heading:

- Street Sweeping;
- Catch Basin and Storm Drain Inlet Inspection and Cleaning

- (this requirement has been moved under ‘Inspection and Maintenance of Permittee Owned or Operated Stormwater Facilities’ at Part IV.F.3.i-iv of the permit and is described below)
- Tier A Municipality Storm Drain Inlet Retrofit.

This renewal permit contains nine sections under this heading:

- Triannual Street Sweeping;
- Annual Street Sweeping (the street sweeping requirements have been divided into these two sections, Triannual Street Sweeping and Annual Street Sweeping)
- Storm Drain Inlet Labeling;
- Storm Drain Inlet Retrofitting;
- Storm Drain Installation;
- Herbicide Application Management;
- Excess De-icing Material Management;
- Roadside Vegetative Waste Management; and
- Roadside Erosion Control.

i. Street Sweeping:

Street Sweeping has been a permit requirement since the 2004 Tier A Permit. The sweeping requirement proposed in this permit renewal would be broadened to apply to all permittee owned roads, as opposed to only some permittee owned roads as per the 2018 Tier A permit. However, the frequency requirement would be reduced to either one of two different frequencies: triannually or annually dependent on whether the segments of the roads have storm drains that discharge to surface waters, or not, respectively. The Department proposes that these revised street sweeping requirements constitute an overall increase in the road miles that will be swept on an annual basis and consequently, a reduction in solid and floatable materials discharged to surface waters. This requirement is being enhanced to meet the reduction/elimination of solid and floatable materials requirement in the Federal MS4 rule at 40 CFR 122.34(b)(6)(ii) and N.J.A.C. 7:14A-25.6(b)6. The Department made similar changes to the Public Complex and Highway Agency MS4 permits for 2019 and 2020, respectively.

This change is being made because the number of municipal road miles required to be swept monthly under the existing permit is limited, as those roads had to be in a predominantly commercial area, have storm drain inlets, curbs, and a posted speed limit of 35 MPH or less. The majority of the roads that meet the proposed sweeping conditions are county or New Jersey Department of Transportation roads, and, thus, are not the responsibility of the municipality. The Department acknowledges that many permittees already implement more frequent and widespread street sweeping than required by the 2018 Tier A permit.

Since the sweeping frequency is proposed to be reduced concurrent with an increase in the area to be swept, additional costs should be minimal in most towns. Permittees may further reduce their financial burden under this requirement by sharing services with other entities. This may include other MS4 permittees, such as municipalities and Highway Agencies. Any increase in sweeping costs should be offset by the reduced costs associated with reduced catch basin cleaning and vacuuming. These revised sweeping requirements will also reduce flooding due to clogged storm drain inlets, and thus be more protective of public health and safety.

Specifically, the 2018 Tier A permit required permittees to:

“Sweep, at a minimum of once per month (weather and street surface conditions permitting), all streets (including roads or highways) that meet all of the following criteria: (1) the street is

owned or operated by the municipality; (2) the street is curbed and has storm drains; (3) the street has a posted speed limit of 35 miles per hour or less; (4) the street is not an entrance or exit ramp; and (5) the street is in a predominantly commercial area.”

In this permit renewal, street sweeping for the permittee has been split into Triannual Street Sweeping and Annual Street Sweeping. For Triannual 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 roads that are owned or operated by the permittee and have storm drain inlets that discharge to surface water. Existing Permittees shall continue with monthly street sweeping until the new triannual sweeping program is implemented on or before EDPA + 12 months. New Permittees shall begin this sweeping program on or before EDPA + 12 months.”

For the Annual Street Sweeping requirement:

“The permittee shall sweep, at a minimum of once per year, or more frequently as necessary to eliminate recurring problems, all segments of roads that are owned or operated by the permittee that do not have storm drain inlets that discharge to surface water. Existing Permittees shall continue with monthly street sweeping until the new annual sweeping program is implemented on or before EDPA + 12 months. New Permittees shall begin this sweeping program on or before EDPA + 12 months.”

ii. Storm Drain Inlet Labeling:

Storm drain inlet labeling in the 2018 Tier A and Tier B permits was located under the “Minimum Standards for Local Public Education and Outreach” heading. This has moved to the “Community-wide Measures” section in this permit renewal” and states:

“The permittee shall label all permittee owned or operated storm drain inlets that do not have permanent wording cast into the structure of the inlet.”

“This applies to inlets that are located along sidewalks that are adjacent to municipal streets, and within plazas, parking areas, maintenance yards or other ancillary activities that are operated by the permittee.”

Since these requirements were included in both the 2018 Tier A and B permits, no additional time is necessary for new Tier A permittees to come into compliance, and therefore compliance with these requirements is due on EDPA for all existing and new Tier A permittees.

iii. Storm Drain Inlet Retrofitting:

The Tier A Municipality Storm Drain Inlet Retrofit condition from the 2018 Tier A permit has been renamed to “Storm Drain Inlet Retrofitting” in this renewal permit. In the 2018 Tier A and Tier B permit, retrofitting of municipally owned or operated storm drain inlets was only required when:

“(1) in direct contact with any repaving, repairing (excluding any 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).”

In the draft permit renewal, the requirement has changed to state:

“The permittee shall comply with the standards set forth in Attachment B (Design Standards for Storm Drain Inlets) of this permit to control passage of solid and floatable materials through storm drain inlets installed by the permittee. The permittee shall retrofit all permittee owned or operated storm drain inlets with the standards set forth in Attachment B on or before EDPA + 59 months.”

As noted above, the due date for existing and new Tier A permittees to retrofit all remaining permittee owned or operated storm drain inlets with the standards set forth in Attachment B is EDPA + 59 months. Tier A and Tier B municipalities have been required to retrofit any storm drain inlets that come in contact with repaving since the first iteration of the MS4 general permits in 2004. Storm drain inlets must be replaced or retrofitted to restrict the passage of solids/floatables, and in doing so, reduces the municipality’s costs of needing to employ the use of a vacuum truck to clean the catch basin below the inlet.

The Department asserts that it is appropriate to set a deadline of EDPA + 59 months for all storm drain inlets to be retrofit since permittees have been required to retrofit them for repaving and utility projects for over 20 years. We anticipate that the number of inlets that municipalities will need to retrofit (outside of those that are in non-compliance of the existing requirement during repaving, etc.) has been reduced significantly since 2004. Retrofitting can be accomplished with relatively insignificant costs by bolting a grate over the large curb opening, which would be much less costly than replacing the entire inlet structure. Not all municipalities have fully complied with this requirement during repaving or have left a buffer of pavement around the old inlet as to avoid triggering the need to retrofit during a repaving project. Some retrofits have not occurred due to a lack of repaving/maintenance, even though the lifespan of most asphalt roads is 20 years or less.

Since the requirement to retrofit in accordance with Attachment B (formerly Attachment C)) when repaving, repairing, or resurfacing roads, or during reconstruction or alteration of facilities, was included in both the 2018 Tier A and B permits, no additional time is necessary for new Tier A permittees to come into compliance, and therefore compliance with that requirement is due on EDPA for all existing and new Tier A permittees.

iv. Storm Drain Inlet Installation:

The renewal permit includes a new section not included in the 2018 permits called “Storm Drain Inlet Installation.” This requirement applies to the installation of new storm drain infrastructure and is not a requirement to begin retrofitting existing storm drains. This requirement is being added in the renewal permit to reduce the amount of solid and floatable material being discharged into the receiving waters and to meet the reduction/elimination of solid and floatable materials requirement in the Federal rule at 40 CFR 122.34(b)(6)(ii). The requirement in this permit states:

“The permittee shall not install storm drains that do not include a catch basin or other BMP designed for solids collection.”

Additional costs should be minimal for most permittees as retrofitting of stormwater inlet BMPs is not required. This requirement will only be triggered when permittees install new storm drain inlets, and the cost of installing a new inlet with a catch basin should be minimal relative to the cost of the overall improvement project and are minimal compared to the overall water quality benefit they produce. Further, the catch basin would only be required when there

is no other BMP (such as a stormwater basin or MTD) located between the new inlet and the outfall.

Existing Tier A permittees and new Tier A permittees shall implement this requirement upon EDPA.

v. **Herbicide Application Management:**

Some permittees apply herbicides as part of their municipal services. Management of this application was addressed in the 2018 Tier A permit under the heading “Roadside Vegetation Management” found in Attachment E (Best Management Practices for Municipal Maintenance Yards and Other Ancillary Operations). This provided BMPs for roadside vegetation management. The name of this requirement is being revised for clarification in this renewal permit to “Herbicide Application Management” and it is being moved under the “Community-wide Measures” section, but the text of the requirement is retained from the 2018 Tier A permit, and still states:

“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. At a minimum, the permittee shall: (1) not apply herbicides on or adjacent to storm drain inlets, or on steeply sloping ground; (2) only apply herbicides along curb lines and unobstructed shoulders that contain unwanted vegetation; and (3) only apply herbicides within a 2-foot radius around structures where overgrowth presents a safety hazard and where it is unsafe to mow.”

The Department already incorporated this clarification in the 2019 Public Complex MS4 permit renewal and in the 2020 Highway Agency MS4 permit renewal.

Application of herbicides is an optional practice so this requirement may not be applicable to every municipality. Since these requirements do not require purchase of equipment and the program is to essentially ‘not’ spray herbicide in certain areas, compliance with these requirements is due on EDPA for all existing and new Tier A permittees.

vi. **Excess De-Icing Material Management:**

The Department has added a new requirement in this renewal permit for Excess De-Icing Material Management. This requirement is in response to citizen complaints and the Department’s observations in the field regarding piles of excess road salt that have remained on or adjacent to the roadways, parking lots, etc. long after storms had passed. This condition requires permittees cleanup excess de-icing material deposited during spreading operations (e.g., piles resulting from accidental spillage or when spreading equipment is started or stopped) on all streets and parking areas owned or operated by the permittee, after a storm event. This requirement is intended to target unintentionally created salt piles that are formed from stopping and starting the salt spreaders, or any other means. The permittee will be required to remove any excess salt piles from these surfaces remaining after 72 hours of the end of the storm, conditions permitting. This requirement has already been added and implemented in the 2020 Highway Agency MS4 permit. The renewal permit requirement states:

“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 and parking areas owned or operated by the permittee. Excess de-icing material removed from streets and parking areas may be

returned to storage or properly managed if unsuitable for reuse.”

Since these requirements do not require any additional equipment and should not require a significant increase in staff time as there should not be a large number of these piles, and the permittees have 72 hours to address these piles, no additional time should be necessary for new or existing Tier A permittees to come into compliance, and therefore compliance with these requirements is due on EDPA for all existing and new Tier A permittees.

vii. Roadside Vegetative Waste Management:

As noted above in Section 7.F.2 of this Fact Sheet, in the 2018 Tier A permit, Roadside Vegetation Management was listed under Part IV.B.5.c. “Municipal Maintenance Yards and Other Ancillary Operations” under the heading “Minimum Standards for Pollution Prevention / Good Housekeeping for Municipal Operators.” However, that requirement addressed the application of herbicides along roadsides in order to prevent it from being washed by stormwater into the waters of the State and to prevent erosion caused by de-vegetation. That condition has been renamed ‘Herbicide Application Management’ and is discussed above.

This renewal permit has added a new requirement entitled, “Roadside Vegetative Waste Management” and it states:

“The permittee shall ensure the proper pickup, handling, storage and disposal of wood waste and yard trimmings generated by the permittee. 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.”

This requirement is intended to ensure appropriate management of materials generated from activities such as mowing, tree trimming, and wood chipping along municipal roads or municipal properties so that these materials are not transported into the MS4, thus increasing maintenance requirements and resulting costs for the permittees. This requirement is also intended to eliminate these materials from being transported to and have negative impacts on the receiving waters. This update has already been incorporated into the 2020 Highway Agency MS4 permit.

Since these requirements do not require any additional equipment and should not require any significant increase in staff time to restrict the ability of these materials to be transported via stormwater, no additional time should be necessary for new or existing Tier A permittees to come into compliance, and therefore compliance with these requirements is due on EDPA for all existing and new Tier A permittees.

viii. Roadside Erosion Control:

This renewal permit reincorporates the requirement for Roadside Erosion Control from the original 2004 Tier A permit. In the 2004 Tier A permit there was a section called “Roadside Erosion Control Maintenance” at Part I.F.7.d. that was implemented to require Tier A municipalities to develop a roadside erosion control maintenance program. The 2004 permit stated that the minimum standard for Tier A municipalities shall be to:

“Develop a roadside erosion control maintenance program to identify and repair erosion along streets (including roads or highways) operated by the municipality. Tier A Municipalities are also required to regularly inspect and maintain the stability of shoulders, embankments, ditches, and soils along these streets to ensure that they are not eroding and

contributing to sedimentation of receiving waters. Repairs shall be made in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey (N.J.A.C. 2:90-1).”

This section was removed in the 2009 Tier A permit because, at the time, it was viewed as a redundancy, since municipalities are required to control erosion under the Standards for Soil Erosion and Sediment Control in New Jersey (N.J.A.C. 2:90-1). This section was also kept out of the 2018 permit for the same reason. However, those standards only applied to construction sites, while this permit requirement will apply to existing roadways. In this permit renewal permit, this requirement has been reintroduced in response to citizen complaints and Department inspections and observations of roadside erosion. This condition is also being restored in the permit to provide additional water quality protection, and as a stormwater facility maintenance requirement, as roads are considered to be part of the municipalities’ stormwater conveyance systems. New Jersey has approximately 35,600 miles of roads, and more highways per square mile than any other state. Erosion of or along these streets, highways, and other roads contributes suspended solids, sediment and other materials to storm sewer systems and waterways.

Permittees will be required to re-implement the road and roadside erosion control maintenance program to identify and repair erosion along streets (including roads or highways) operated by the permittee. Permittees would also be required to regularly inspect and maintain the stability of shoulders, embankments, ditches, and soils along these streets to ensure that they are not eroding and contributing to clogging or destabilization of stormwater infrastructure, or sedimentation of receiving waters.

Sedimentation not only causes an increase of permittee costs for ditch, culvert and catch basin cleaning to ensure proper operation and maintenance and prevent associated flooding, it is also the single largest contributor of pollution to our nation’s waters. Sedimentation and the deposition of material eroded by runoff from roads and roadsides can significantly impact water quality, and when not maintained, this erosion can also convey a significant amount of pollutants in the stormwater runoff. Sedimentation can also lead to a decrease in water carrying and storage capacities of streams and reservoirs, as well as destroy fish and other aquatic habitats. For example, sedimentation can fill the pores between gravel and cobble stream bottoms, greatly decreasing the spawning areas for many fish species (including native trout) and the habitat for macroinvertebrates, which serve as food for many fish species.

The reintroduced “Roadside Erosion Control” requirement has been added under “Community-wide Measures” and states:

“The permittee shall develop a program to detect and repair erosion along the roads owned or operated by the permittee and to inspect and maintain the stability of shoulders, embankments, ditches, and soils along these roads to ensure that they are not eroding and contributing to the sedimentation of receiving waters. Any repairs shall be completed as soon as practicable, but no later than 90 days from discovery, unless another timeframe is authorized by the Department, and be made in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey, N.J.A.C. 2:90-1.”

The Department recognizes that permittees may be concerned that implementing this condition will expand the burden of inspection activities and incur more costs and municipal resources. However, it should be noted that there is no requirement for permittees to schedule separate inspections as these road and roadside inspections can occur incidental to conducting other

ordinary municipal activities, including the inspection of storm drain inlets, street sweeping, or police patrols. As such, the permittee should not incur any additional significant costs due to inspection. And any road repairs would need to be conducted for public safety reasons, as well as to ensure the proper operations and maintenance of the stormwater conveyance system.

New and existing Tier A permits will have 12 months from EDPA to comply with this requirement.

3. **Inspection and Maintenance of Stormwater Facilities Owned or Operated by the Permittee (Part IV.F.3)**

The 2004 and 2009 Tier A permits required permittees to ensure adequate long-term operation and maintenance of stormwater facilities owned or operated by the municipality.

Consistent with, but more specific than the 2004 and 2009 permit requirements, the 2018 Tier A permit required permittees to develop a program to ensure adequate long-term cleaning, operation, and maintenance of all municipally owned or operated stormwater facilities under Minimum Standards for Stormwater Facilities Maintenance in Part IV.C.1.a. which stated:

“The Tier A Municipality shall develop, update and implement a program to ensure adequate long-term cleaning, operation and maintenance of all municipally owned or operated stormwater facilities.

- Stormwater facility inspection and 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.
- The Tier A Municipality shall maintain a log sufficient to demonstrate compliance with this section; including but not limited to the stormwater facility inspected, 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), name of inspector, date of inspection, findings, and any preventative and corrective maintenance performed.
- The Tier A Municipality shall certify annually that municipally owned or operated stormwater facilities are properly functioning.
- If stormwater facilities were found not to be functioning properly and repairs were not made, then necessary preventive and corrective maintenance shall be documented and prioritized, and a schedule for such repairs shall be maintained. The Tier A Municipality shall prioritize this schedule based upon but not limited to: (1) environmental, health and safety concerns; (2) the findings of catch basin and storm drain inlet inspections performed pursuant to Part IV.B.5.b.ii, above; (3) the findings of stream scouring inspections performed pursuant to Part IV.B.6.b, above; and (4) to incorporate the findings pursuant to Part IV.C.2”

The 2018 Tier A permit also included specific requirements in this section for “Catch Basin and Storm Drain Inlet Inspection and Cleaning” which stated:

“The Tier A Municipality shall inspect storm drain inlets and any associated catch basins that it owns or operates and remove sediment, trash, or debris when present. Each catch basin and inlet shall be inspected at least once every five years. The Tier A Municipality shall clean any municipally owned or operated storm drain inlet or catch basin as frequently as necessary to eliminate recurring problems and restore proper function.”

Under this permit condition, permittees were required to perform maintenance according to existing

maintenance manuals for specific infrastructure, or more frequently as needed to ensure the proper function and operation of the stormwater facility, perform repairs as necessary, maintain logs to document compliance, and certify compliance annually.

The 2009 Tier B permit required permittees to “Ensure adequate long-term operation and maintenance of BMPs on property owned or operated by the municipality.” The 2018 Tier B permit expanded on this language under Minimum Standards for Post Construction Stormwater Management in New Development and Redevelopment in Part IV.B.2 and Attachment E as follows:

- “The Tier B Municipality shall ensure, as set forth in Attachment E (Stormwater Facilities Maintenance), adequate long-term cleaning, operation and maintenance of stormwater management measures:
 - Owned or operated by the Tier B Municipality; and
 - Not owned or operated by the Tier B Municipality and not subject to the conditions of another NJPDES stormwater permit.”

- From Attachment E:
 - “The Tier B Municipality shall develop, update and implement a program to ensure adequate long-term cleaning, operation and maintenance of all municipally owned or operated stormwater facilities as follows:
 - Stormwater facility inspection and maintenance must be performed pursuant to any maintenance plans, or as needed to ensure the proper function and operation of the stormwater facility (see);
 - The Tier B Municipality shall maintain a log sufficient to demonstrate compliance with this section; including but not limited to the stormwater facility inspected, 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), name of inspector, date of inspection, findings, and any preventative and corrective maintenance performed. Example Maintenance Logs and Inspection Records forms which are sufficient to demonstrate compliance with this section are available at ;
 - Certify annually that municipally owned or operated stormwater facilities are properly functioning; and
 - If stormwater facilities were found not to be functioning properly and repairs were not made, then necessary preventive and corrective maintenance shall be documented and prioritized, and a schedule for such repairs shall be maintained.”

This renewal permit proposes to further clarify and expand the expected actions that are considered adequate long-term cleaning, operation, and maintenance; the inclusion of inspection frequencies of stormwater facilities to ensure better operation; clarification of the requirements for catch basins; the addition of specific requirements for stormwater conveyance system inspection and cleaning; inclusion of inspections for all other stormwater infrastructure; as well as retaining the requirement maintain logs and records of cleanings and inspections of all facilities.

Revisions to this section also separate the requirements for inspecting inlets from inspecting catch basins and clarify that inlets and catch basins are separate devices and only need to be cleaned based on the results of the inspections if it is indicated that cleaning is necessary to remove sediment, trash, or other debris to control it from entering the waters of the State, to eliminate recurring problems, or 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). The requirements in the renewal

permit state:

“The permittee shall develop, update, and implement a program to ensure adequate long-term cleaning, operation, and maintenance of all municipally owned or operated stormwater facilities, which includes but is not limited to:

- i. **Storm Drain Inlet Inspection**: The permittee shall inspect, at a minimum of once per year, all storm drain inlets that it owns or operates;
- ii. **Storm Drain Inlet Cleaning and Maintenance**: The permittee shall develop, update, and implement a storm drain inlet cleaning and maintenance program. The program shall establish the conditions under which a storm drain inlet must be cleaned, and maintenance performed. Cleaning and maintenance shall be conducted, at a minimum, as frequently as necessary to ensure that sediment, trash, or other debris is removed as necessary to restrict it from entering the waters of the State; to eliminate recurring problems; and maintain proper function;
- iii. **Catch Basin Inspection**: The permittee shall inspect all catch basins that it owns or operates. At a minimum, permittees who own or operate less than 1,000 catch basins shall inspect them once per year. Permittees who own or operate 1,000 or more catch basins shall inspect a minimum of 20% of the total or 1,000 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;
- iv. **Catch Basin Cleaning**: The permittee shall develop, update, and implement a catch basin cleaning and maintenance program. The program shall establish when a catch basin must be cleaned and maintained and include procedures for cleaning and maintenance. Cleaning and maintenance 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. (See EPA’s guidance as noted above at https://www.nj.gov/dep/dwq/highway_guidance.htm);
- v. **MS4 Conveyance Inspection and Cleaning**: The permittee shall develop, update, and implement a MS4 conveyance inspection, cleaning, and maintenance program. The program shall establish when the MS4 conveyance must be cleaned and maintained to ensure proper function and operation;
- vi. **Stormwater Infrastructure Inspection**: (excluding infrastructure in i. – v. above): The permittee shall inspect all stormwater infrastructure that it owns or operates pursuant to approved maintenance plans. If there are no approved maintenance plans for certain stormwater infrastructure, the permittee shall inspect that infrastructure at least 4 times annually, and after each rainstorm exceeding 1 inch of total rainfall, unless the NJ Stormwater BMP Manual recommends a less frequent schedule;
- vii. **Stormwater Infrastructure Maintenance**: (excluding infrastructure in i. – v. above): The permittee shall perform maintenance pursuant to approved maintenance plans, or more frequently as needed, to ensure the proper function and operation. See www.njstormwater.org; for maintenance guidance;
- viii. **Inspection/Maintenance Records**: The permittee shall maintain a log sufficient to demonstrate compliance with this section, including but not limited to the type of stormwater

facility; location information of the facility with geographic coordinates; name of inspector; date of inspection; observations of the structural integrity; history of complaints; evidence of current or previous flooding; any preventative and corrective maintenance performed; and any additional information or findings. Example Maintenance Logs and Inspection Records forms are available at www.njstormwater.org under the maintenance guidance link; and

- ix. **Corrective Maintenance:** If stormwater facilities are found not to be functioning properly, corrective maintenance and repairs shall be completed as soon as practicable, but no later than 90 days from discovery, unless another timeframe is authorized by the Department. The permittee shall prioritize these activities based upon environmental, health and safety concerns.

The changes proposed in this permit renewal are intended to ensure permittees are developing, updating, and implementing a program that sufficiently ensures adequate long-term cleaning, operation, and maintenance of all municipally owned or operated stormwater facilities.

Additionally, “storm drain inlet” has been defined in this permit to mean the point of entry into the storm sewer system. This is important since some inlets do not have catch basins but still require inspection and cleaning. The permittee must also ensure that any given catch basin or storm drain inlet is cleaned as frequently as necessary to ensure proper function and operation. These requirements are being included to ensure proper operation of these stormwater facilities, including reducing and eliminating localized stormwater flooding.

Since these requirements were included in both the 2018 Tier A and B permits, no additional time is necessary for new Tier A permittees to come into compliance, and therefore compliance with these requirements is due on EDPA for all existing and new Tier A permittees.

4. **Inspection and Maintenance of Stormwater Facilities Not Owned or Operated by the Permittee (Part IV.F.4)**

The 2009 Tier A permit required that permittees ensure adequate long-term operation and maintenance of stormwater facilities not owned or operated by the municipality. The 2018 Tier A permit retained this requirement, labeled as “Minimum Standards for Stormwater Facilities Maintenance” with the enhancement that the permittees develop, update, implement and enforce a program to ensure adequate long-term cleaning, operation and maintenance of all stormwater facilities not owned or operated by the permittee and not subject to the conditions of another NJPDES stormwater permit under the Other Control Measures section at Part IV.C.1.b. as follows:

“The Tier A Municipality shall develop, update, implement and enforce a program to ensure adequate long-term cleaning, operation and maintenance of stormwater facilities not owned or operated by the Tier A Municipality, not subject to the conditions of another NJPDES stormwater permit and constructed after February 7, 1984.

- i. The Tier A Municipality shall ensure that stormwater facility maintenance is performed pursuant to any maintenance plans, or more frequently as needed to ensure the proper function and operation of the stormwater facility. See www.nj.gov/dep/stormwater/maintenance_guidance.htm; and
- ii. The Tier A Municipality shall maintain a log sufficient to demonstrate compliance with this section; including but not limited to the actions taken by the municipality to enforce compliance with the long-term cleaning, operation and maintenance program; the

stormwater facility that was the subject of the action; location information of the facility that was the subject of the action (location information must be specific enough to locate and identify the stormwater facility in the field; e.g. geographic coordinates); the name of person taking the action; the date of the action; and the findings. Example Maintenance Logs and Inspection Records forms which are sufficient to demonstrate compliance with this section are available at www.nj.gov/dep/stormwater/maintenance_guidance.htm.”

The 2009 Tier B permit required that those permittees ensure adequate long-term operation and maintenance of BMPs on property not owned or operated by the municipality and the 2018 Tier B permit also continued this requirement in Part IV, Section B.2.j. which states:

“The Tier B Municipality shall ensure, as set forth in Attachment E (Stormwater Facilities Maintenance), adequate long-term cleaning, operation and maintenance of stormwater management measures:

- i. (Owned or operated by the Tier B Municipality; and)
- ii. Not owned or operated by the Tier B Municipality and not subject to the conditions of another NJPDES stormwater permit.

And from Attachment E of the 2018 Tier B permit which states:

“The Tier B Municipality shall develop, update, implement and enforce a program to ensure adequate long-term cleaning, operation and maintenance of stormwater facilities not owned or operated by the Tier B Municipality; not subject to the conditions of another NJPDES stormwater permit; and constructed after February 7, 1984; as follows:

- i. Ensure that stormwater facility maintenance is performed pursuant to any maintenance plans, or more frequently as needed, to ensure the proper function and operation of the stormwater facility (see www.njstormwater.org/maintenance_guidance.htm); and
- ii. Maintain a log sufficient to demonstrate compliance with this section; including but not limited to the actions taken by the municipality to enforce compliance with the long-term cleaning, operation and maintenance program; the stormwater facility that was subject of the action; location information of the facility that was subject of the action (location information must be specific enough to locate and identify the stormwater facility in the field; e.g. geographic coordinates); the name of the person taking the action; the date of the action; and the findings. Example Maintenance Logs and Inspection Records forms which are sufficient to demonstrate compliance with this section are available at www.njstormwater.org/maintenance_guidance.htm.”

This permit renewal has moved these requirements to the section labeled “Inspection and Maintenance of Stormwater Facilities Not Owned or Operated by the Permittee” which is now under the section Minimum Standards for Pollution Prevention / Good Housekeeping for Municipal Operators. This permit renewal has retained similar language from the 2018 Tier A permit, but it has been updated to include a minimum frequency of inspection and maintenance of stormwater facilities not owned or operated by the permittee. The renewal permit language is as follows:

“The permittee shall develop, update, implement and enforce a program to ensure adequate long-term cleaning, operation and maintenance of stormwater facilities not owned or operated by the permittee, not subject to the conditions of another NJPDES stormwater permit and which were constructed after February 7, 1984.

The permittee shall ensure that stormwater facilities not owned or operated by the permittee are inspected and maintained pursuant to approved maintenance plans, or more frequently as

needed to ensure the proper function and operation of the stormwater facility, but at a frequency of not less than once per year.”

This requirement is sometimes assumed to be applicable only to privately owned or operated facilities approved under the permittee’s Post Construction Stormwater Management program (typically after March 1, 2004) and only to stormwater facilities that are connected to the permittee’s MS4. This renewal permit clarifies that the permittee’s obligation to enforce cleaning, operation, and maintenance also encompasses the stormwater facilities approved by the permittee after February 7, 1984, regardless of location within the municipality, which is consistent with state and Federal regulations.

The maintenance program requirements of this permit renewal are consistent with, but more specific than the 2018 Tier A and Tier B permit requirements, and state:

“The permittee shall ensure that proper maintenance includes cleaning and removal of solid and floatable materials, including trash/litter, excess leaves or grass clippings, branches, logs, any other debris, or excess growth. These materials have the potential to impede the proper function and/or restrict flow causing flooding or excessive discharge velocity or may be discharged to the receiving waters. The permittee may require the owners or operators of these facilities to take measures to prevent the accumulation, discharge, or other hazards caused by such debris in the stormwater facilities (e.g., catch basins along roads and parking areas, and detention basins).

The permittee shall maintain a log sufficient to demonstrate compliance with this section, including, but not limited to, the actions taken by the permittee to enforce compliance with the long-term cleaning, operation, and maintenance program; the stormwater facility that was the subject of the action; location information of the facility with geographic coordinates; the name and title of person responsible for enforcement; the date of the action; and the findings.

The permittee shall maintain copies of all maintenance plans, as defined in Notes and Definitions, Part IV.B.1.a.vi, of this permit, for stormwater facilities approved by the municipality. The permittee shall provide copies of these maintenance plans to the Department upon request.”

In order to guide operations and maintenance of a designed system, a maintenance plan is required to be developed for stormwater facilities. A maintenance plan is defined in this draft permit in the Notes and Definitions section as follows:

“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.

Note that a maintenance plan is not an operation and maintenance manual as described in the NJPDES rules at N.J.A.C. 7:14A-6.12. While the Tier A Municipality is required to comply with applicable operation and maintenance requirements of N.J.A.C. 7:14A-6.12(a), the Tier A Municipality is exempt from the operations and maintenance manual requirements of N.J.A.C. 7:14A-6.12(c).

This renewal permit continues to require that Tier A permittees obtain geospatial location information for privately owned stormwater facilities. This requirement is also included under the Watershed Improvement Inventory in Part IV.H of the permit, as described in section H of this fact sheet, where privately owned stormwater facilities need to be inventoried by the permittee and

included on the electronic map. Additional information regarding existing mapping of stormwater management facilities can be found in that section, below, of this fact sheet.

Since the Department's adoption of the 1983 Stormwater Management rules at N.J.A.C. 7:8, Tier A and Tier B permittees were required to adopt Stormwater Control Ordinances to enforce the maintenance duty upon private developments, with the option of including conditions to assess penalties on private entities negligent of maintenance and perform maintenance work and back charge maintenance costs to those negligent private owners. Therefore, this renewal permit readdresses this enforcement privilege and obligation that has been exercised by many permittees upon privately owned stormwater facilities prior to 2004. Moreover, the provisions of the Stormwater Management rule from 1983 onward and related to ensuring proper operation and maintenance of privately owned or operated stormwater facilities apply to stormwater facilities approved by permittees regardless of their relationship to a MS4. Proposed Part IV.C.1.b establishes the date frame "constructed after February 7, 1984" to accommodate the time needed for municipalities to adopt stormwater ordinances following the February 7, 1983 adoption of first adopted Stormwater Management rules.

The New Jersey Hydrologic Modeling Database (or H&H Database) is posted online and encompasses several decades of data collection by NJ Soil Conservation Districts and the New Jersey Department of Agriculture. This database contains a wealth of information regarding stormwater management basins and data can be downloaded based on location. See <https://hydro.rutgers.edu/> to view the database map or https://hydro.rutgers.edu/public_data/to_download_data in an Excel format. The information in this database may help permittees to identify stormwater basins in the municipality that they were not aware of. This will help to identify basins that may require maintenance and can help the permittee to develop a more robust inventory as a result.

Since these requirements were included in both the 2018 Tier A and B permits, no additional time is necessary for new Tier A permittees to come into compliance, and therefore compliance with these requirements is due on EDPA for all existing and new Tier A permittees.

5. **Municipal Maintenance Yards and Other Ancillary Operations (Part IV.F.5)**

The requirements pertaining to municipal maintenance yards and other ancillary operations were included in Part IV.B.5.c of the 2018 Tier A permit, with detailed best management practices in Attachment E of that permit. These activities could be otherwise regulated under individual industrial stormwater permits, but the Department has determined that this general permit is the most efficient and appropriate means to regulate a large number of similar dischargers (see also N.J.A.C. 7:14A-6.13).

Consistent with 40 CFR. 122.34(b)(6) and N.J.A.C. 7:14A-25.6(b)7, each iteration of New Jersey's Tier A MS4 NJPDES permit since 2004 has included requirements related to municipal maintenance yard (MMY) 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."

In Part IV.F.5 of this permit renewal, these requirements, representing common activities at MMYs, are presented under the heading "Municipal Maintenance Yards and Other Ancillary Operations." This section of the permit has been expanded to incorporate all applicable BMPs and control

measures which were previously included in Attachment E of the 2018 Tier A permit, and since these conditions have been moved from Attachment E into the body of the permit, Attachment E is no longer necessary and has been removed from this renewal permit.

Based on information from MS4 stormwater compliance audits discussed above, it was determined that the 2018 Tier A permit did not accurately regulate all the activities that may be exposing pollutant sources to stormwater at MMY locations. This permit renewal proposes to remedy this gap by expanding this section and including additional BMPs or control measures that must be implemented to minimize or eliminate pollutant source exposure to stormwater for each activity.

The Department has determined that expanding coverage under this permit renewal for additional activities commonly occurring at MMYs is appropriate since such activities can be significant contributors of pollutants to surface water if not managed properly (see N.J.A.C. 7:14A-24.2(a)7). Therefore, this permit renewal incorporates enhanced requirements for documenting each MMY and ancillary operation in the Stormwater Pollution Prevention Plan (SPPP); providing secondary containment for bulk liquid material storage tanks; ensuring proper storage of aggregate material and finished compost (with no processing activities); setting a time limit on and ensuring proper storage of construction and demolition waste, wood waste, and yard trimmings (with no processing activities); storing cold patch asphalt in a permanent structure or covered on an impervious surface; storing scrap tires in a covered container or under cover; setting a time limit on and ensuring proper storage of inoperable vehicles or equipment; and ensuring refuse containers and dumpsters are kept covered.

The permit renewal enhancements differentiate between aggregate material (e.g., sand, gravel, stone, and topsoil) and solid waste by setting a specific time limit on the storage of solid waste. The storage of aggregate material, wood chips, and finished compost does not have a time limit; however, the storage of construction and demolition waste, wood waste, and yard trimmings is only authorized for a limited time. The discharge of stormwater from the processing of any of these materials is not authorized under this renewal permit and sites conducting processing activities will need to apply for an applicable industrial stormwater permit. Further, Tier A permittees are not exempt from the requirement to apply for an industrial stormwater permit for any activity addressed in this section if required to do so, for due cause, by the Department (See N.J.A.C. 7:14A-6.13).

Wood waste recycling and leaf composting are regulated industrial activities that requires a NJPDES stormwater permit. Wood waste recycling and leaf composting operations at MMYs were only authorized under the 2018 Tier A permit provided there were no discharges to surface water from those activities. However, this was not the case for any municipal wood waste recycling or leaf composting operations inspected during the MS4 stormwater compliance audits. Based on the lack of ability of the MMYs to prevent discharges to surface water from these industrial activities, the Department determined that these activities were not being regulated adequately under the Tier A permit and that it was necessary to draft a new stormwater general permit with appropriate BMPs to regulate those discharges to surface water. Thus, the discharge of stormwater from Tier A MMYs and ancillary operations that process wood waste, yard trimmings, and leaf compost will no longer be authorized under the Tier A permit upon the effective date of this permit renewal. Those MMY's must obtain reauthorization for those activities via the new Wood Waste Recycling and Leaf Composting (WRC) Stormwater General Permit Authorizations regulating recycling/composting activities, which will be made available to each municipality that performs these activities. This new WRC permit was issued draft on July 21, 2022 and will be issued final no later than the issuance of the final Tier A permit renewal.

In addition, Roadside Vegetation Management has been renamed Herbicide Application

Management and moved from this section in the 2018 Tier A permit to Part IV.F.2.a. of this renewal permit under Community-wide Measures and is discussed in more detail in that section above.

Inclusion of this more comprehensive set of activities for MMYs is an important component of this permit renewal regarding the protection of water quality and is consistent with 40 CFR 122.34(b)(6)(ii) which states:

“...EPA recommends that the permit address the following: . . . controls for reducing or eliminating the discharge of pollutants from . . . maintenance and storage yards, fleet or maintenance shops with outdoor storage areas, salt/sand storage locations and snow disposal areas . . . procedures for properly disposing of waste removed from the separate storm sewers and areas listed above (such as dredge spoil, accumulated sediments, floatables, and other debris) . . .”

The Department is proposing to expand the requirements for permittees to cover additional source materials at their municipal maintenance yards. These changes are based on the MS4 stormwater compliance audits of Tier A permittees which confirmed that many permittees are storing materials such as cold patch asphalt and scrap tires uncovered in these yards. Permittees already are required to employ federally required “good housekeeping” measures for small MS4 compliance at their maintenance yards to eliminate run-on/runoff from materials they store. Permittees should not incur any additional significant costs as they are already managing these materials and this permit condition is clarifying those handling procedures. Additionally, these source material piles are relatively small and the cost of covers or tarps would be insignificant in comparison to the cost of compliance with a NJPDES industrial stormwater discharge permit, which would otherwise be required for piles that remain exposed. These piles would be considered sources of stormwater discharges associated with industrial activity requiring an industrial stormwater permit.

The BMPs in this renewal permit are intended to improve stormwater quality through the implementation of techniques to minimize the exposure of pollutants to stormwater as follows:

- Documenting Best Management Practices (BMPs) at all MMYs

Properly implemented good housekeeping measures and BMPs can eliminate or minimize contact between stormwater and source materials. It was observed during MS4 stormwater compliance audits of Tier A permittees that some permittees had more than one MMY or were performing ancillary operations at various locations. Often, Department staff were unaware of these locations unless municipal staff mentioned them. To remedy this gap, an enhancement added to Part IV.F.5.a of this section requires each individual MMY and ancillary operation to be identified with its own form in the SPPP, including a description of the site-specific activities and associated BMPs.

Existing Tier A permittees shall implement this requirement upon EDPA. New Tier A permittees shall include these updated MMY forms in the SPPP by EDPA + 12 months.

- Site Inspections

There is no change from the 2018 Tier A permit regarding monthly site inspection requirements. The requirement shall continue for Tier A permittees to track site inspections on a maintenance log. The maintenance log must contain (at a minimum) a record of inspections of all operations detailed in Part IV.F.5, including dates and times of the inspections, the name of the person conducting the inspection and relevant findings. This maintenance log must be

kept on-site with the SPPP and made available to the Department upon request.

Existing Tier A permittees shall implement this requirement upon EDPA since there is no change from the 2018 Tier A permit requirements. New Tier A permittees shall implement this requirement upon EDPA + 12 months.

- Inventory List

There is no change from the 2018 Tier A permit regarding the inventory list requirements. The requirement shall continue for Tier A permittees to implement good housekeeping procedures including maintaining an inventory of materials and machinery which could be a source of pollutants in stormwater discharges.

Existing Tier A permittees shall implement this requirement upon EDPA since there is no change from the 2018 permit requirements. New Tier A permittees shall implement this requirement upon EDPA + 12 months.

- Container Labels

There is no change from the 2018 Tier A permit regarding container label requirements. The requirement shall continue for Tier A permittees to properly label all containers with labels that are legible, clean, and visible. Permittees shall keep containers in good condition, protected from damage and spillage, and tightly closed when not in use.

Existing Tier A permittees shall implement this requirement upon EDPA since there is no change from the 2018 permit requirements. New Tier A permittees shall implement this requirement upon EDPA + 12 months.

- Spill Kits

There is no substantial change from the 2018 Tier A permit regarding the handling of spills. The requirement shall continue for Tier A permittees to conduct cleanups of spills of liquids or dry materials immediately after discovery. The permit renewal now includes the following sentence: "Spills that are suspected to be a threat to human health or the environmental shall be immediately reported to the NJDEP Hotline at 1-877-WARNDEP (1-877-927-6337)." The permit retains the following requirements from the 2018 Tier A permit: "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."

Existing Tier A permittees shall implement this requirement upon EDPA. New Tier A permittees shall implement this requirement upon EDPA + 12 months.

- Bulk Liquid Material

This is a new requirement for all Tier A permittees. Secondary containment of the containers utilized in the normal course of storage, transfer, or use, is necessary for preventing leaks of bulk liquid materials from becoming discharges. Secondary containment is also required to trap leaks and leakage where they can be cleaned up and removed prior to their escape onto the land, groundwaters or surface waters of the State. Tier A permittees shall have secondary

containment (e.g., spill containment dikes, double walled tanks with no exposed valves and hoses, etc.) for all aboveground storage tanks containing bulk liquid materials (including but not limited to gasoline, diesel fuel, heating oil, hydraulic oil, used oil and liquid de-icing materials). The containment area must be impervious and be able to contain the volumetric capacity of at least 110% of the largest tank's capacity within the containment area. The containment area must be constructed so that no volume of bulk liquid material can escape through drains, storm sewer systems, or to the surface waters or ground waters of the state. All accessory pipes, hoses, valves, and pumps must also be located within the containment area or otherwise stored in a manner with no exposure to stormwater. It is recommended that the secondary containment area be protected from the weather with a metal roof to prevent stormwater from accumulating in the containment structure so that there is no need to determine if that accumulated stormwater can be discharged, as discussed below.

Existing and new Tier A permittees shall implement this requirement by EDPA + 12 months.

- Fueling Operations

There is no change from the 2018 Tier A permit regarding fueling operations. Stormwater contamination can occur from residual spillage that may occur from topping off fuel tanks, not being attentive during loading and unloading procedures, or improper cleanup after a spill occurs. This requirement shall continue for Tier A permittees to establish, maintain, and implement standard BMPs for vehicle fueling; receipt of bulk fuel deliveries; and inspection and maintenance of storage tanks, including the associated piping and fuel pumps.

Existing Tier A permittees shall implement this requirement upon EDPA. New Tier A permittees shall implement this requirement by EDPA + 12 months.

- Discharge of Stormwater from Secondary Containment

There is no change from the 2018 Tier A permit regarding discharge of stormwater from secondary containment. This requirement shall continue for Tier A permittees to implement BMPs for discharges of stormwater from secondary containment systems (e.g., waste oil storage). Permittees may only discharge stormwater accumulated in a secondary containment area if it can be ascertained that the stormwater has not come into contact with stored product.

Since these requirements do not require any additional equipment and should not require any increase in staff time to restrict the discharge from a secondary containment system, no additional time should be necessary for new or existing Tier A permittees to come into compliance, and therefore compliance with these requirements is due on EDPA for all existing and new Tier A permittees.

- Vehicle/Equipment Maintenance and/or Repair

There is no change from the 2018 Tier A permit regarding vehicle and equipment maintenance and/or repair. This requirement continues for Tier A permittees to implement BMPs for vehicle and equipment maintenance and/or repair. When stormwater is exposed to pollutants associated with these activities it can become polluted with toxic or other deleterious materials (e.g., petroleum hydrocarbons).

Since compliance with this requirement would only entail the use of minimal and inexpensive equipment, such as portable tents or covers, and drip pans, and since the discharge of vehicle

fluids would be considered an illegal unpermitted discharge, existing and new Tier A permittees shall implement this requirement upon EDPA.

- Wash Wastewater Containment

There is no change from the 2018 Tier A permit regarding wash wastewater containment. This requirement continues to require permittees to manage any equipment and vehicle washing activities so that there are no unpermitted discharges of wash wastewater to storm sewer inlets or to waters of the State. A permittee that cannot discharge wash wastewater to a sanitary sewer may temporarily store wash wastewater in a containment structure prior to proper disposal while following the conditions in the permit for:

- Structural Inspections;
- Visual Inspections;
- Overfill Prevention;
- Leak Remediation;
- Pump-outs (including Clean-outs);
- Annual Engineer’s Certification; and
- Recordkeeping

The wash wastewater containment structure language provides Tier A permittees that are otherwise unable to manage equipment and vehicle washing activities without unpermitted discharges of wash wastewater to storm sewer inlets or to waters of the State with the option to temporarily contain wash wastewater prior to proper disposal. Such containment structures are typically installed at public works facilities which are not connected to a sanitary sewer system.

Permittees are required to maintain all logs, inspection records and certifications on-site and available to the Department upon request.

The Department maintains that these conditions provide prescriptive, pragmatic conditions that prevent the inappropriate discharge of equipment and vehicle wash wastewater. Since vehicle washing can be done at commercial wash locations or can be contained on impervious surfaces with booms and vacuumed up without discharge to surface or ground waters of the state, and since the discharge of vehicle wash wastewater would be considered an illegal unpermitted discharge, existing and new Tier A permittees shall implement this requirement upon EDPA.

- Salt and Other Granular De-icing Material Storage and Handling

There is no change from the 2018 Tier A permit requiring permittees to install a permanent structure for salt and other granular de-icing material storage and handling to prevent stormwater from coming into contact with salt and de-icing material, with the exception of the text “other granular” being added to this condition.

When salt and other de-icing materials are stored outside and uncovered, they can easily dissolve and be transported by stormwater to the surface waters and ground waters of the state. Temporary outdoor storage is only allowable when a permanent structure is under construction, repair, or replacement, and provided certain conditions are met. “Permanent structure” is explicitly defined in Part IV, Notes and Definitions section of the permit. Requiring indoor storage of salt and de-icing materials is an effective pollution prevention technique which helps to eliminate pollutant loadings to surface and ground water. The Department’s goal is to ensure

that these materials are properly handled, stored, or covered, so that they are not transported by stormwater and discharged to surface and ground waters of the state.

Existing Tier A permittees shall implement this requirement upon EDPA. New Tier A permittees shall implement this requirement by EDPA + 36 months.

- Aggregate Material, Wood Chips and Finished Compost Storage

Storage for aggregate materials and construction debris was addressed in the 2018 Tier A permit's Attachment E. This condition has been modified and incorporated into the body of the permit renewal. This renewal permit authorizes permittees to store aggregate material (e.g., sand, gravel, stone, and topsoil) provided these materials are stored and managed with appropriate stormwater pollution prevention BMPs. Since construction debris is classified as solid waste and there are requirements under the Solid Waste program restricting the temporary storage of these materials, they are no longer addressed in this section and have been moved to the section below that includes other solid waste materials, such as wood waste and yard trimmings. Also, wood chips and finished compost have been added to this section as they are not considered to be solid waste.

In addition, this renewal permit prohibits the processing of materials (i.e., composting, chipping, grinding, screening, and/or size reducing.) The discharge of stormwater from the processing of materials is not authorized under this Tier A permit. Facilities conducting processing activities shall contact the Industrial Stormwater Permitting Unit for information regarding obtaining the applicable NJPDES individual or general industrial stormwater discharge permit.

For existing Tier A permittees, this condition continues the implementation of measures to minimize stormwater run-on and pollutant run-off via surface grading, dikes and/or berms (which may include sandbags, hay bales and curbing) or three-sided storage bays. Other measures, such as the 50-foot setback from surface water bodies, storm sewer inlets and/or ditches or other stormwater conveyance channels, also continue to apply.

Inclusion of these enhanced requirements serve to improve the permit by specifying practical measures to minimize stormwater contact with aggregate material, wood chips, and finished compost storage material. The Department's goal is to ensure that these materials are properly handled and stored so that contact with stormwater can be minimized.

Existing Tier A permittees shall implement this requirement upon EDPA. New Tier A permittees shall implement this requirement by EDPA + 6 months.

- Cold Patch Asphalt Storage

This is a new requirement for all Tier A permittees to store cold patch asphalt in a permanent structure or on an impervious surface and covered with a waterproof material (i.e., tarpaulin or 10-mil plastic sheeting) and contained (e.g., contained by berms) to control leachate and stormwater run-on or run through. MS4 Stormwater compliance audits confirmed that many permittees are storing cold patch asphalt uncovered in their MMYs, and some cold patch piles have been observed with a rainbow sheen in the runoff. Review of some Material Safety Data Sheets showed residual concentrations of benzene as part of the composition of cold patch asphalt.

The Department maintains that these conditions provide prescriptive, pragmatic conditions that prevent the inappropriate discharge of benzene from cold patch asphalt stockpiles.

Since cold patch stockpiles are generally small and can be readily stored in an existing permanent structure or easily contained on an impervious surface with the appropriate type of cover, and since the discharge of benzene would be considered an illegal unpermitted discharge, existing and new Tier A permittees shall implement this requirement upon EDPA.

- Street Sweepings and Storm Sewer Clean-out Material Storage

There is no significant change from the 2018 Tier A permit regarding street sweepings and storm sewer clean-out material storage, except for the added enhancement for materials that are bermed on an impervious surface be stored under a waterproof cover. Part IV.F.5.n provides BMPs for the temporary storage of street sweepings, storm sewer and catch basin clean-out materials, stormwater management basin clean-out materials and other similar materials that may be collected during road cleanup operations. These BMPs do not address materials such as liquids, wastes which are removed from municipal sanitary sewer systems, or material which constitutes hazardous waste in accordance with N.J.A.C. 7:26G. Any of these materials, collected in conformance with this BMP, must be stored in leak-proof containers or on an impervious surface that is contained (e.g., bermed) and covered with a waterproof material (i.e., tarpaulin or 10-mil plastic sheeting) to control leachate and stormwater run-on or run-through; and be removed for disposal within six (6) months of placement into storage.

Inclusion of this change serves to improve the permit and protect surface and ground water quality by specifying another practical measure to minimize stormwater contact with these materials. The Department's goal is to ensure that these materials are properly handled and stored so that contact with stormwater that is discharged to surface and ground waters can be minimized. Existing Tier A permittees shall implement this requirement upon EDPA. New Tier A permittees shall implement this requirement by EDPA + 6 months.

- Construction and Demolition Waste, Wood Waste, and Yard Trimmings Storage

Many Tier A permittees provide yard trimmings and wood waste pick-up as part of their municipal services; thus, management of these materials was addressed in the 2018 Tier A permit. Stormwater discharges from these activities at MMYs were authorized under the 2018 Tier A permit, provided that certain BMPs were followed. However, based on observations made during the MS4 stormwater compliance audits, the current BMPs are not protective enough and require further enhancement. In addition, because the Department determined that similar BMPs are required, construction and demolition waste is also included in this section.

This permit renewal enhancement authorizes permittees to temporarily store rubble such as asphalt millings, asphalt pavement, concrete, brick, block, and asphalt-based roofing scrap, and vegetative waste such as wood waste and yard trimmings, provided these materials are:

- Stored a minimum of 50 feet from surface water bodies, storm sewer inlets, and/or ditches or other stormwater conveyance channels;
- Stored in a manner as to minimize stormwater run-on and pollutant run-off via surface grading, dikes and/or berms (which may include sandbags, hay bales and curbing, among others) or three-sided storage bays. Where possible the open side of storage bays shall be situated on the

upslope. The area in front of storage bays and adjacent to storage areas shall be swept clean after loading/unloading;

- Removed within six (6) months of placement into storage; and
- Not Being Processed (i.e., composting, chipping, grinding, screening, and or size reducing). The discharge of stormwater from the processing of these materials is not authorized under this permit. Please see below for additional permitting information for these activities.

Originally included in Attachment E of the 2018 Tier A permit, the requirement that road millings to be managed in conformance with the Division of Solid and Hazardous Waste's (DSHW's) March 2013 "Recycled Asphalt Pavement and Asphalt Millings (RAP) Reuse Guidance" no longer applies because this document contained guidance on alternate uses for RAP and no guidance on the proper storage of RAP at municipal maintenance yards. In addition, the NJDEP Science Advisory Board's 2019 report on asphalt millings determined that RAP is not specifically defined in any of New Jersey's regulations, and the definitions and requirements for RAP in this guidance document is inconsistent with other State agency guidance; thus, this RAP Reuse Guidance document was removed from the DSHW's webpage. Also, the Division of Land Use Regulation reference has been removed because it was redundant. This reference was included in Attachment E of the 2018 Tier A permit when the requirements for aggregate storage at municipal maintenance yards were first added. All Tier A permit iterations since the initial 2004 permit issuance have maintained the statement "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;" thus, the Division of Land Use Regulation reference was deemed unnecessary.

Existing Tier A permittees shall implement this requirement upon EDPA. New Tier A permittees shall implement this requirement by EDPA + 6 months.

- Scrap Tires

While many Tier A municipalities store scrap tires at their MMYs, management of this stormwater pollution source material was not addressed in the 2018 Tier A permit. MS4 stormwater compliance audits confirmed that many permittees are storing scrap tires uncovered in their yards. This new condition of the permit renewal requires Tier A permittees to cover scrap tires with a tarp on an impervious surface or in a covered container or enclosure to prevent the exposure to stormwater.

Since compliance with this requirement would only entail the use of minimal and inexpensive equipment, such as tarps or covered containers, existing and new Tier A permittees shall implement this requirement upon EDPA.

- Inoperable Vehicles or Equipment

While many permittees store inoperable vehicles or equipment at their MMYs, management of these stormwater pollution sources was not addressed in the 2018 Tier A permit. Tier A MS4 stormwater compliance audits confirmed that many permittees are storing vehicles and/or equipment in various states of disrepair in their maintenance yards. This permit renewal authorizes permittees to temporarily store inoperable vehicles or equipment for up to six (6) months, provided portable tents or covers are placed over and drip pans under any leaking vehicle or equipment, and use designated areas away from storm drains for the storage of

inoperable vehicles or equipment. Monthly inspections are required to check vehicles and equipment for leaks and filled drip pans in compliance with the Site Inspections requirement in section IV.F.5.b of the renewal permit.

Since compliance with this requirement would only entail the use of minimal and inexpensive equipment, such as portable tents or covers, and drip pans, and since the discharge of vehicle fluids would be considered an illegal unpermitted discharge, existing and new Tier A permittees shall implement this requirement upon EDPA.

- **Refuse Containers and Dumpsters**

Existing Tier A Municipalities already are required to follow good housekeeping practices at their municipal maintenance yards to eliminate run-on/run-off from other stored materials. The 2018 Tier A permit requires onsite trash to be stored in leak-proof containers or on an impervious surface that is contained (e.g., bermed) to control leachate and litter. This permit renewal enhances the requirements for refuse containers and dumpsters by requiring permittees to ensure that dumpsters and outdoor refuse containers exposed to stormwater at their MMYs are kept covered. This serves to prevent the spilling, dumping, leaking, or discharging of liquids, semi-liquids, or solids from the containers. This measure is not intended for temporary demolition containers (e.g., rubble or construction waste, and wood waste) or containers that hold large bulky items (e.g., furniture), provided they do not contain putrescible waste.

Since compliance with this requirement would only entail the use of minimal and inexpensive equipment, such as portable tents, covers or tarps, and since the discharge of stormwater that had become exposed to source materials would be considered an illegal unpermitted discharge, existing and new Tier A permittees shall implement this requirement upon EDPA.

6. Stormwater Program Coordinator Training (Part IV.F.6)

Since the 2004 Tier A MS4 permit, the Department has received feedback from permittees and NJDEP Compliance and Enforcement staff requesting training and guidance for Stormwater Program Coordinators (SPCs) to better understand their responsibilities in overseeing and implementing their stormwater programs. Since 2016, the Department has also conducted MS4 stormwater compliance assistance audits of several Tier A municipalities during which the permittee has demonstrated inconsistent understanding of permit conditions and Best Management Practices. In addition, upon SPC staff turnover, the MS4 unit and NJDEP Compliance and Enforcement staff have received requests from individuals who are new to the SPC role asking for clarification and assistance with their program responsibilities.

In response to these requests and observations, the Department will provide training for SPCs with details related to the permit requirements and due dates for actions and submissions, SPC responsibilities, including webpage postings, employee training, and annual MSRP reporting requirements. The Department will notify all SPCs of record via email of the scheduled dates of the training.

The Department will conduct this free training via an interactive webinar or in person sessions at least twice per year.

Current SPCs are required to attend this training within EDPA + 36 months and once per permit cycle thereafter. Upon commencement of duties of a new SPC, the permittee shall notify the Department of the new SPC as per the conditions set forth in Part IV.A.1.e. and ensure that the new

SPC attends the next available SPC training session. The recording of the latest SPC training sessions will be posted on the MS4 Tier A webpage for informational purposes between training sessions.

7. Annual Employee Training (Part IV.F.7)

Since the issuance of the 2004 Tier A MS4 permit, the Department has required training of municipal staff whose job responsibilities include activities required by the stormwater permit. Training on certain topics was required every year while other the training on other topics was required every other year. The Department is now proposing that training be conducted on all topics each year, which changes the frequency of training for those topics that had previously only been required every two years. The 2018 Tier A permit requires municipalities to provide employee training on ten topics, with training on three of those topics required annually and the others every two years. However, one of the three annual topics is on the Stormwater Pollution Prevention Plan (SPPP), which encompasses all of the biennial topics, resulting in effectively requiring annual training on those biennial topics. Additionally, many municipalities have had a number of permit deficiencies noted during the MS4 stormwater compliance audits, and the Department has determined that additional training will help resolve some of these deficiencies.

This change in the required training schedule is being made in acknowledgement of the ‘overlapping’ annual and biennial training requirements of the 2018 Tier A permit. This change in frequency will also promote further compliance under the pollution prevention and good housekeeping minimum control measures to the maximum extent practical under federal requirements. Municipalities should not see any significant increase in cost, as they already conduct annual training for some topics, and the annual training would cover some topics that were inadvertently listed as biennial but covered annually during the SPPP training. Annual training also supports the annual reviews/updates that municipalities make to the SPPP every year and will ensure that staff is trained using the most current information. The order and naming of training categories differ slightly as noted in the chart below, e.g., Yard Waste Collection Program training is now included with the other Community-wide Measures.

2018 Permit Training Requirements	Permit Renewal Training Requirements
<p>Every Year</p> <ul style="list-style-type: none"> • Maintenance Yard Operations • Stormwater Facility Maintenance • SPPP Training & Recordkeeping <p>Every 2 Years</p> <ul style="list-style-type: none"> • Yard Waste Collection Program • Monthly Sweeping of Certain Streets in Predominantly Commercial Areas • Illicit Connection Elimination and Outfall Pipe Mapping • Outfall Pipe Stream Scouring Detection and Control • Waste Disposal Education • Municipal Ordinances • Construction Activity/Post Construction Stormwater Management in New 	<p>Every Year</p> <ul style="list-style-type: none"> • SPPP Training & Recordkeeping • Construction Site Stormwater Runoff • Post-Construction Stormwater Management in New Development and Redevelopment • Community-wide Ordinances • Community-wide Measures • Stormwater Facilities Management • Municipal Maintenance Yard Operations and Other Ancillary Operations • MS4 Mapping • Outfall Stream Scouring Detection and Control • Illicit Discharge Detection and Elimination • Watershed Improvement Plan (new)

Development and Redevelopment	
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Training shall occur annually and shall include the following topics, at a minimum, commensurate with an employee’s title and duties. Training for new employees shall occur within three months of commencement of duties. In order to assist permittees in meeting training requirements; the Department has posted a Stormwater Training link to training materials at www.nj.gov/dep/stormwater/training.htm. This link will continue to be updated by the Department as training resources are developed or identified. In summary, municipal employee training must cover the following topics, at a minimum, and shall occur at least once every year:

- **SPPP** – Provide training on the content of the current SPPP, applicable recordkeeping requirements, and provide detailed training to employees on any specific component applicable to their title and duties;
- **Construction Activity** – Provide training regarding the need for applicable construction sites to obtain a Construction Site Stormwater Runoff General Permit Authorization. (See Part IV.D of the permit);
- **Post Construction Stormwater Management in New Development and Redevelopment** – Provide training on the requirements for Post Construction Stormwater Management in New Development and Redevelopment. (See part IV.E of the permit);
- **Community-wide Ordinances** – Provide training on the following ordinances: Pet Waste Ordinance; Wildlife Feeding Ordinance; Litter Control Ordinance; Improper Disposal of Waste Ordinance; Yard Waste Collection Ordinance; Private Storm Drain Inlet Retrofitting Ordinance, Privately Owned Salt Storage Ordinance, Tree Ordinance, Stormwater Control Ordinance, Illicit Connection Ordinance, and if applicable, the Optional Refuse Container/Dumpster Ordinance. Training shall include an overview of these ordinance requirements, enforcement policies and the repercussions of non-compliance with these ordinances. (See Part F.1 of the permit);
- **Community-wide Measures** – Provide training on the following measures: Triannual Street Sweeping, Annual Street Sweeping, Storm Drain Inlet Labeling, Storm Drain Inlet Retrofitting, Storm Drain Installation, Herbicide Application Management, Excess De-Icing Material Management, Roadside Vegetative Waste Management, and Roadside Erosion Control. (See Part F.2 of the permit);
- **Stormwater Facility Maintenance** – Provide training on requirements for maintenance of inventoried stormwater facilities owned or operated by the municipality as well as ensuring maintenance on those stormwater facilities not owned or operated by the municipality. (See Part F.3 and 4 of the permit);
- **Maintenance Yard Operations and Other Ancillary Operations** – Provide training on implementing BMPs, good housekeeping measures, and conducting and documenting site inspections at municipally owned or operated Maintenance Yard Operations and Other Ancillary Operations. (See Part F.5 of the permit);
- **MS4 Mapping** – Provide training on mapping MS4 infrastructure within the municipality. (See

Part G.1 of the permit);

- **Outfall Pipe Stream Scouring Detection and Control** – Provide training on how to inspect, identify, correct, and document outfall pipe stream scouring and contributing factors. (See Part G.2 of the permit);
- **Illicit Discharge Detection and Elimination** – Provide training on how to inspect, identify, and eliminate illicit connections, and how to document the actions taken, and provide training on the details of the program including investigation techniques, physical observations, and field sampling. See the National Menu of Stormwater Best Management Practices at <https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater> (See Part G.3 of the permit); and
- **Watershed Improvement Plan** – Provide training on the requirements for developing a Watershed Improvement Plan, explaining the overall purpose and components of the plan. (See Part H of the permit)

Increased employee awareness through training will increase the effectiveness of the stormwater program and will ensure each employee is consistently implementing the permit conditions necessary to comply with the stormwater permit.

This requirement applies at EDPA for all existing permittees. New permittees have 12 months to create their SPPP and shall conduct training immediately upon completion. As such, the requirement for new Tier A permittees is EDPA+12 months.

8. **Stormwater Management Design Review Training (Part IV.F.8)**

The draft permit renewal retains the stormwater management design review training requirement that was first introduced in 2018. Specifically, permittees shall ensure that all design engineers, municipal engineers and other individuals who review the stormwater management designs for development and redevelopment projects on behalf of the municipality (see Part IV.E.1), complete the Stormwater Management Design Review Course (see www.nj.gov/dep/stormwater/training.htm) once every five years. This course covers the Stormwater Management rule criteria and the NJ Stormwater BMP Manual. For both designers of stormwater management facilities and the public officials who review them, implementing the Stormwater Management rules requires an understanding of both the municipal planning requirements and the technical standards. The class is intended for those involved in the technical planning, design, and review process for compliance with the Stormwater Management rules.

The course is taught by Department staff and is held either virtually through an interactive webinar, or in person in a classroom setting over two or more days, totaling approximately 12 hours. Attendees can earn Continuing Professional Competency credits (CPCs) upon completion. Individuals who review stormwater management designs and have not completed this training within the past five years must attend the next scheduled course offering. If unable to attend a scheduled course offering, the permittee must notify the Department in writing no later than thirty days after the missed course offering explaining why attendance was not possible and what alternate arrangements are being made. The Department will offer this course free of charge, twice per year.

Permittees shall ensure that all individuals that review and approve stormwater management designs for major development projects on behalf of the permittee for compliance with the Stormwater Management rules at N.J.A.C. 7:8 et seq. have completed this mandatory Department provided training.

Existing Tier A permittees shall implement this requirement upon EDPA. New Tier A permittees shall implement this condition within 12 months of EDPA.

9. **Stormwater Management Rule Amendment Training (Part IV.F.9)**

This new permit condition requires the same individuals that review and approve stormwater management designs for major development projects on behalf of the permittee for compliance with the Stormwater Management rules at N.J.A.C. 7:8 et seq. also complete this mandatory Department provided training within one year of the adoption of the rule amendments if they are not due to take the full course again in that same timeframe, if the Department determines that the amendments warrant training. This ensures that these individuals are educated on the various ongoing rule amendments within a reasonable amount of time and that their interpretation and implementation is correct as soon as possible, rather than waiting for years after they were effective, which could lead to stormwater management designs being reviewed and approved incorrectly during that time. The course will be taught by Department staff and held either virtually through an interactive webinar, or in person in a classroom setting. Attendees can earn CPCs upon completion. The Department will offer this course free of charge.

Existing and new permittees shall implement this condition upon notification by the Department that this amendment training is needed, which will allow the design review engineers one year to take the training.

10. **Municipal Board and Governing Body Member Related Training (Part IV.F.10)**

As per the 2018 Tier A permit, permittees shall ensure that municipal board and governing body members that review and approve applications for development and redevelopment projects, complete the “Asking the Right Questions in Stormwater Review Training Tool” posted at www.nj.gov/dep/stormwater/training.htm. This free online interactive training tool is designed for Municipal Board and Governing Body members to provide a general understanding of post construction requirements. This course must be completed by those individuals that review any projects for compliance with Part IV.F.7 of this permit.

The Municipality is required to maintain a list of the dates and names of training program participants in its SPPP.

Existing Tier A permittees have already been required to implement this training and therefore training must be completed by current municipal board and governing body members on or before EDPA and by new members within six months of commencing duties. Once per term of service thereafter, municipal board and governing body members must also review at least of one of the tools offered under Post-Construction Stormwater Management found at the website above.

New permittees shall ensure that their current municipal board and governing body members complete the training on or before EDPA + 6 months. Additionally, new board members for new Tier A permittees must complete this training within six months of commencing duties. Once per term of service thereafter, municipal board and governing body members must also review at least

of one of the tools offered under Post-Construction Stormwater Management found at the website above.

G. Minimum Standards for MS4 Mapping, Stream Scouring, and Illicit Discharge Detection and Elimination Programs (Part IV.G)

A summary of these components as included in the 2018 Tier A permit is as follows:

- Outfall Pipe Mapping – Existing permittees were required to develop, update and maintain an outfall pipe map showing the location of the end of all MS4 outfall pipes (tidal and non-tidal) owned or operated by the permittee which discharge to a surface water body. The outfall pipe map was to be submitted to the Department in an electronic format by December 21, 2020;
- Stream Scouring – Existing permittees were required to develop, update and implement a program to detect, investigate and control any localized stream scouring from stormwater outfall pipes owned or operated by the municipality. Permittees were required to, at a minimum, inspect 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 and to inspect any outfall pipes newly identified for localized stream scouring in the vicinity of the outfall pipe. If scouring was detected, the permittee was required to document sources of stormwater that contribute to the outfall pipes identified as having scouring, investigate each identified source of scouring, prioritize, schedule and complete remediation of identified localized stream scouring and make all stream scouring restoration in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey at N.J.A.C. 2:90-1.3 (e.g., Conduit Outlet Protection 12-1) and the requirements for bank stabilization and channel restoration found at N.J.A.C. 7:13-12.14. All associated maintenance or repairs to stormwater facilities were required to be made in accordance with N.J.A.C. 7:8-5.8.; and
- Illicit Discharge Detection and Elimination – Illicit Discharge Detection and Elimination (IDDE) is one of the six Federal Minimum Control Measures (see www.epa.gov/npdes/stormwater-discharges-municipal-sources and 40 CFR 122.34(b)(3)) which the 2018 Tier A permit addressed through requirements under the heading “Minimum Standards for MS4 Outfall Pipe Mapping, and Illicit Discharge and Scouring Detection and Control.” In the 2018 Tier A permit, permittees were required to develop, update, implement and enforce an ongoing IDDE Program. This program was required to be documented in the SPPP. Permittees were required to, at a minimum, conduct visual dry weather inspection of all outfall pipes owned or operated by the municipality at least once every five years to determine if dry weather flow or other evidence of illicit discharge is present, investigate the source if evidence of illicit discharge is found, eliminate non-stormwater discharges that are traced to their source and found to be illicit connections, document investigations and actions taken using the Department’s Illicit Connection Inspection Report Form, inspect any outfall pipes newly identified for illicit discharges, investigate dry weather flows discovered during routine inspection and maintenance of other elements of the MS4, and investigate, within three months of receipt, complaints and reports of illicit connections, including those from operating entities of interconnected MS4s. The 2004 and 2009 permits also contained similar requirements for IDDE.

This permit renewal retains and enhances these requirements with changes to include mapping requirements for all storm sewer infrastructure, as well as including minimum timeframes for completion of permit requirements for stream scouring and illicit discharge detection and elimination. This permit renewal also includes a minor revision to the heading of these requirements to reflect the enhanced requirements. A summary of the proposed requirements is as follows:

1. MS4 Mapping

- The permittee shall develop, update, and maintain a MS4 Infrastructure Map that delineates the location of the following stormwater features that are owned or operated by the permittee, including their associated attributes noted in parentheses:
 - MS4 outfalls (receiving surface water name, type of outfall);
 - MS4 ground water discharge points (type);
 - MS4 interconnections (type into/from, entity);
 - Storm drain inlets (type, catch basin present, label present, retrofitted);
 - MS4 manholes;
 - MS4 conveyance (type, direction of flow);
 - MS4 pump stations;
 - Stormwater facilities (type); and
 - Property boundaries of maintenance yard(s) and other ancillary operations (type).
- The permittee shall ensure that the MS4 Infrastructure map be:
 - Reviewed annually, or more frequently as necessary, and updated to include the location or attributes of any new or newly identified MS4 infrastructure;
 - Posted on the permittee's dedicated stormwater webpage and included as a weblink within the SPPP;
 - Submitted electronically to the Department as a georeferenced shapefile, geodatabase, or an AutoCAD file (with all other non-applicable data stripped out). If the DEP Mapping Application (https://www.nj.gov/dep/dwq/msrp_map_aid.htm) is used, then no submittal is required as the data is automatically submitted to the Department via the mapping application; and
 - Provided to the Department on or before EDPA + 36 months for existing and new permittees.
 - Existing permittees: This time frame does not extend the deadline of December 21, 2020, for the submission of the MS4 outfall pipe map.

These enhanced MS4 mapping requirements will expand on the requirements of the 2018 Tier A permit. Permittees will be required to map their entire storm sewer system including outfalls, ground water discharge points, interconnections, storm drain inlets, manholes, conveyance, pump stations, stormwater facilities, and maintenance yard boundaries. This MS4 Infrastructure Map will be required to be posted on the permittee's dedicated stormwater webpage. Consistent with the requirements of the 2018 permit, the Department is requiring that the submission of the MS4 map

be in an electronic format.

The deadline for submitting the map is EDPA + 36 months for existing and new Tier A permittees.

As noted in Section 1, Introduction, above, the Department has determined that this enhanced mapping is necessary to improve the proper operation and maintenance of the storm sewer systems throughout the state. Mapping of infrastructure is crucial for proper asset management as permittees must be aware of the location of their storm sewer system components in order to conduct proper operation and maintenance. Knowing the location of storm sewer system components is also necessary when implementing a stream scouring and illicit discharge detection and elimination program.

The Department is continuing to provide a free to use, ArcGIS Online based, stormwater infrastructure mapping “application” or “app”. This application was developed with the intention of providing a method for municipalities to easily create a detailed map of stormwater infrastructure. As part of the application development process, the Department acquired a pool of licenses that are to be distributed to municipalities who are interested in the using the ArcGIS Online based application. These licenses, which otherwise would cost money for municipalities to obtain, are being offered free of charge. Municipalities who already have access to an ArcGIS Online license can be invited to the application using their existing user information and may continue to use their license to collect stormwater infrastructure data. Permittees can satisfy the MS4 mapping requirements of this permit by using this application to upload stormwater infrastructure location information directly to the Department. Permittees can also provide stormwater infrastructure locational coordinates to the Department in the form of an ESRI Shapefile, ESRI Geodatabase, AutoCAD DWG, or MS Excel spreadsheet which the Department can then upload into the application’s data layer. The use of this application for submittal of stormwater infrastructure mapping data will constitute compliance with the NPDES Electronic Reporting Rule. Use of this application for collection and submittal of data for newly mapped stormwater infrastructure would be advantageous, as it will likely prevent duplication of efforts required to comply with both the permit requirement and the Federal Electronic Reporting requirement. This application can also be used by permittees in conjunction with facilities maintenance activities; stream scouring detection and elimination activities; and illicit discharge detection and control activities, at their convenience.

2. Stream Scouring

The permittee shall develop, update, and implement a program to detect, investigate and control any localized stream scouring from stormwater outfalls owned or operated by the permittee. This program shall be described in the SPPP.

The permittee shall, at a minimum:

- Inspect each MS4 outfall that discharges to a stream, and the surrounding area in the vicinity of the MS4 outfall, for localized scouring of the stream banks or bottom caused by the outfall. Each outfall shall be inspected at least once every five years, with a minimum of 20% of the total number of outfalls or 100 per year, whichever is greater;
- Inspect, within 30 days of identification, any new and/or newly identified outfalls as required above for localized scouring of the stream banks or bottom caused by the outfall;

- Investigate, within 30 days of receipt, all complaints and reports of stream scouring;
- When localized stream scouring is detected, identify sources of stormwater that contribute to the scouring from the outfall within 3 months;
- 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;
- Where identified sources are within the jurisdiction of the permittee, but not located on property owned or operated by the permittee, the permittee shall ensure that proper operation and maintenance of stormwater facilities is performed by the entity responsible for the facility;
- Prioritize, schedule and complete remediation of identified localized stream scouring as soon as possible, taking action based upon the requirements above. If not able to be completed within 12 months, a schedule for completion shall be submitted to the MS4 Case Manager before the 12 month deadline. (See https://www.nj.gov/dep/dwq/msrp_managers.htm). This schedule of completion shall be maintained with updated information and provided to the MS4 Case Manager on a quarterly basis until completion;
- 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. 2:90-1.3 (e.g., Conduit Outlet Protection 12-1) and the requirements for bank stabilization and channel restoration found at N.J.A.C. 7:13-12.14;
- All associated maintenance or repairs to stormwater facilities shall be made in accordance with N.J.A.C 7:8-5.8. Any changes to stormwater facilities that were originally approved as part of a major development project must be reviewed for compliance with N.J.A.C. 7:8 et seq. and the permittee's SCO or RSIS, as applicable, by a design review engineer who has completed the Department's Stormwater Design Review course; and
- Maintain a log and document all investigations and actions taken sufficient to demonstrate compliance with this requirement. Outfall inspections shall include all information requested on the Department's Outfall Inspection Form. Documentation of stream scouring shall include all of the information requested on the Department's Stream Scouring Investigation Recordkeeping Form. (See https://www.nj.gov/dep/dwq/tier_a.htm). These forms request information related to the outfall location, date visited, name of inspector, and observations of the outfall's structural integrity and if and what maintenance or repairs need to take place, etc.

The Stream Scouring requirements of this permit are included to protect water quality from negative effects of erosion and have been enhanced to include minimum timeframes for completion. The Stream Scouring requirements of this permit align the physical inspection of the outfall pipes with the Illicit Discharge Detection and Control requirements so that the municipality could do both outfall pipe stream scouring detection and illicit discharge inspection on the same schedule. As with the 2018 permit, this permit retains references to "localized" stream scouring "in the vicinity of the outfall pipe." A definition of "stream scouring" is in Notes and Definitions where 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. The stream scouring permit conditions require identification, documentation, investigation and, when feasible, reduction of sources of stormwater that contribute to outfall pipe stream scouring.

Existing Tier A permittees should already have this program in place, so compliance is required at EDPA. New Tier A permittees must create and implement this program by EDPA + 12 months.

3. Illicit Discharge Detection and Elimination

The permittee shall develop, update, implement and enforce an ongoing Illicit Discharge Detection and Elimination Program. This program shall be described in the SPPP, as required in Part IV.A.2.

The permittee shall, at a minimum:

- Conduct visual dry weather inspection of all outfalls 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;
- Inspect, within 30 days of identification, any new and/or newly identified outfalls, as required in Part IV.G.1.b.i above, to determine if dry weather flow or other evidence of illicit connections or discharge is present;
- Investigate, within 30 days of identification, dry weather flows or other evidence of illicit connections or discharge discovered during routine inspection and maintenance of other elements of the MS4;
- Investigate, within 30 days of receipt, complaints and reports of dry weather flows or other evidence of illicit connections or discharge, including those from operating entities of interconnected MS4s;
- Conduct follow-up investigations, within 30 days of discovering dry weather flows or other evidence of illicit connections or discharge, to determine the source;
- Eliminate as soon as possible, but no later than within one year of discovery, non-stormwater discharges that are traced to their source and found to be illicit connections or discharges. If unable to eliminate a non-stormwater discharge within one year, the permittee must request an extension from the Department no later than thirty days before the end of the one-year timeframe. If unable to make significant progress at any time during this process, please contact your case manager. (See https://www.nj.gov/dep/dwq/msrp_managers.htm); and
- Document all investigations and actions taken using the Department's Illicit Connection Inspection Report Form. (See https://www.nj.gov/dep/dwq/tier_a.htm).

The permittee shall adopt and enforce an ordinance that prohibits illicit connections to the MS4 owned or operated by the permittee. (See https://www.nj.gov/dep/dwq/example_ordinance.htm for a model ordinance.)

The Illicit Discharge Detection and Control requirements of this permit are enhanced to include minimum timeframes for completion of permit requirements. These timeframes include: conducting visual dry weather inspections of all outfalls owned or operated by the permittee once every five years; inspecting all new and/or newly identified outfalls within 30 days of identification for dry weather flow; inspecting dry weather flows that were discovered during routine inspections

within 30 days of identification; investigating complaints and reports of illicit connections within 30 days of receipt; investigating to discover the source of illicit connection within 30 days; and eliminating illicit connections within one year of discovery. This is in part due to comments received by the Department from the EPA on the 2018 Tier A Permit, the 2019 Public Complex Permit, and the 2020 Highway Agency Permit. The Department has included a link to both the NJDEP Illicit Connection Inspection Report Form and the USEPA Guidance Document as a useful resource for the illicit discharge program. As specified in the Notes and Definitions section, “illicit connection” is defined to mean any physical or non-physical (i.e., leak, flow, or overflow into the municipal separate storm sewer system) connection to an MS4 that discharges domestic sewage; non-contact cooling water, process wastewater, or other industrial waste (other than stormwater); or category of non-stormwater discharges that a permittee for the MS4 identifies as a source or significant contributor of pollutants pursuant to 40 CFR. 122.34(b)(3)(iii), unless that discharge is authorized under a NJPDES permit. Finally, the requirement to maintain and enforce an ordinance prohibiting illicit connections is continued from the 2018 permit.

Existing Tier A permittees should already have this program in place, so compliance is required at EDPA. New Tier A permittees must create and implement this program by EDPA + 12 months.

H. Watershed Improvement Plan (Part IV.H)

1. Background

The Department conducts and oversees a wide array of ambient monitoring for freshwater (rivers, streams, lakes), marine waters (bays, oceans) and tidal rivers. This ambient stream monitoring is conducted and used to regularly assess the ‘health’ of the waters of the state to determine if the New Jersey Surface Water Quality Standards (NJSWQS) at N.J.A.C. 7:9B et seq. are met and to assess if designated uses (fishable, swimmable, safe for drinking, etc.) are supported. Monitoring is conducted for chemical/physical parameters (total suspended solids, phosphorus, nitrate, total dissolved solids, dissolved oxygen, copper, lead, nickel, zinc, etc.); biological health (e.g., bottom-dwelling communities, fish populations); phytoplankton (microscopic plants) and sanitary quality (pathogenic indicators of bacteria and viruses that present a human health risk). One purpose for ambient monitoring is to evaluate impaired waterways, and that data is required to be compiled and presented in the biennial Integrated Report. Water quality monitoring networks include sampling stations in each of the 20 Watershed Management Areas statewide. Waters that do not meet the applicable standard(s) or support the applicable designated use(s) are considered “impaired” and are placed on the 303(d) List of Water Quality Limited Waters (also available at www.nj.gov/dep/wms/bears/assessment.htm), which is a subpart of the “Integrated Water Quality Assessment Report.” These impairments are listed in the report based on the subwatershed of the surface water that the monitoring represents. These subwatersheds are also known as HUC 14s and are identified by their 14-digit Hydrologic Unit Codes. There are 958 HUC 14s in New Jersey and they are shown in figure H-1 and H-2 below.

Since 2014, the state has been conducting a rotating regional approach to integrated water quality assessment as required under the Sections 303(d) and 305(b) of the Federal Clean Water Act. Under this rotating regional approach, the Department conducts streamlined assessments of statewide water quality with more comprehensive, detailed assessments conducted in one of the five Water Regions across the state on a rotating basis every other year. This results in a comprehensive assessment of the entire state every ten years.

The biennial “Integrated Water Quality Assessment Report” must include the status of these subwatersheds, or HUC 14s, in terms of overall water quality and support of designated uses, as

well as strategies to maintain and improve water quality. See <https://www.state.nj.us/dep/wms/bears/assessment.htm> and for additional information.

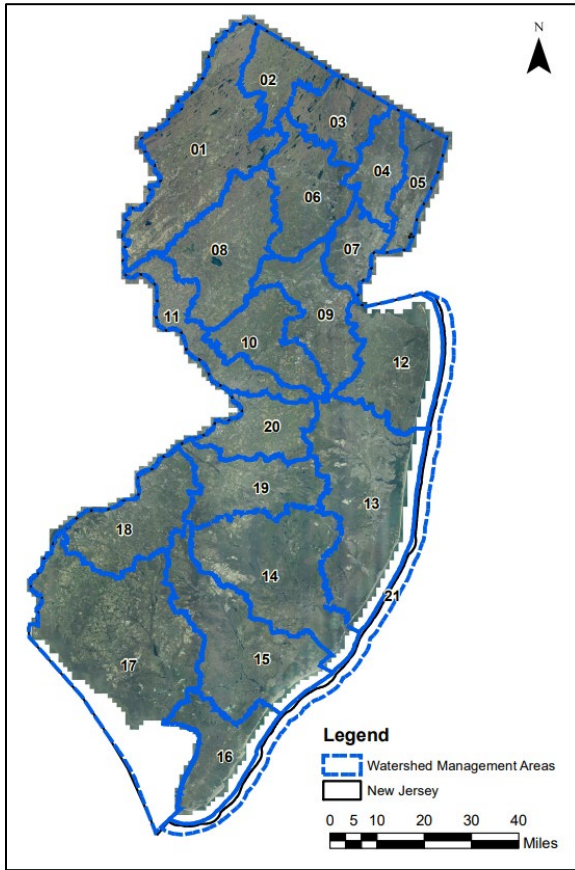


Figure H-1

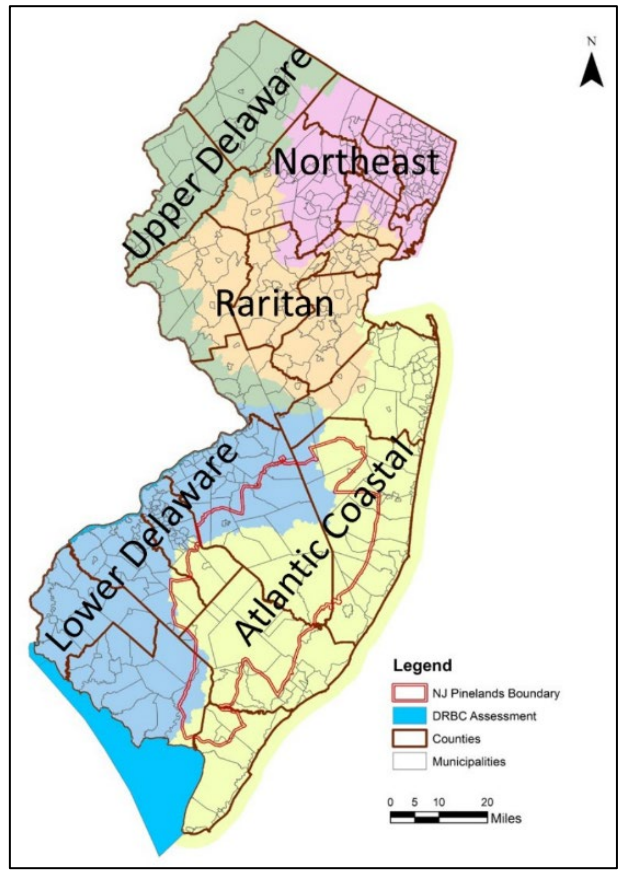


Figure H-2

Once a HUC 14 is deemed impaired for one or more parameters, Section 303(d) of the Federal Clean Water Act requires development of a TMDL for the pollutant(s) responsible for each impairment. A TMDL may be viewed as a pollutant budget for an impaired waterbody, meaning it is the maximum amount of a pollutant that a waterbody can receive and still meet the NJSWQS. The regulatory authority for the imposition of TMDLs is found in EPA’s Water Quality Planning and Management Regulations (40 CFR 130.7(c) and (e)), and in New Jersey’s Water Quality Management Planning rules at N.J.A.C. 7:15-5 et seq.. The TMDL must be calculated so that the NJSWQS can be attained in consideration of critical conditions and seasonal variation, yet also include a margin of safety to account for uncertainty. The TMDL is allocated among all the sources of the pollutant, including MS4 point sources as well as other point sources, nonpoint sources, and natural contributions. TMDLs include implementation plans which identify a suite of measures that may assist in reducing loads from each source. Ambient monitoring programs can be used as a tool to evaluate progress in achieving the objectives of the TMDLs.

2. Addressing TMDLs through the 2018 Tier A MS4 NJPDES Permit

Stormwater point sources, like stormwater nonpoint sources, derive their pollutant loads from land surface runoff. The distinction is that all point sources from Tier A municipal separate storm sewers are regulated under the Federal Clean Water Act through the MS4 program. (See 40 CFR. 123.35(b)). These stormwater point sources are addressed through the SBRs, control measures and

best management practice requirements contained in the permit. In accordance with 40 CFR 122.34(a) and N.J.A.C. 7:14A-25.6(a)1, best management practices are generally the most appropriate form of effluent limitations when designed to satisfy technology-based requirements.

The SBRs and other permit conditions that Tier A permittees are required to implement are designed to reduce pollutant loadings in all watersheds, especially impaired watersheds. In the 2018 permit renewal, the Department stated that for waterbodies with approved or adopted TMDLs, the reductions associated with compliant implementation of each SBR constituted reasonable progress toward meeting the reductions specified in the TMDLs. Examples included: adoption and enforcement of the pet waste disposal ordinance; prohibition of the feeding of unconfined wildlife on public property; cleaning catch basins; street sweeping; performing good housekeeping at maintenance yards; and providing related public education and employee training. These basic requirements provide for a measure of load reduction from existing development. For example, compliance with the pet disposal ordinance and prohibition of the feeding of unconfined wildlife on public property will result in lesser quantities of pathogens and nutrients, such as fecal coliform and Nitrates, being discharged to the waters of the state from the MS4 systems. Likewise, compliance with street sweeping and catch basin cleaning requirements results in lesser quantities of solids and any attached pollutants being discharged to the waters of the state from the MS4 systems. Also, compliance with good housekeeping at maintenance yards results in lesser quantities of pollutants associated with common public works activities (e.g., road salt, and pollutants associated with vehicle maintenance and vehicle fueling) from being discharged in stormwater runoff. Finally, public education initiatives improve awareness of the impact that day to day activities can have on stormwater quality (e.g., pet waste management, litter, landscaping activities and inappropriate use of storm drains for disposal). Employee training serves to reinforce effective implementation of the permittees' MS4 programs.

To supplement the above described SBRs and other permit requirements, to raise awareness of impaired waterbodies and TMDLs, and to promote municipal strategies to reduce pollutant discharge from MS4s, the 2018 Tier A permit required permittees to identify pollutants listed in any approved or adopted TMDLs for waterbodies bordering or within the Tier A Municipality for inclusion in the SPPP on an annual basis. Additionally, the 2018 Tier A permit required identification in the SPPP of strategies to address stormwater related pollutants associated with TMDLs.

Language emphasizing the importance of understanding the conditions and needs of a municipality's receiving waters is included in EPA's Measurable Goals Guidance for Phase II Small MS4s as follows:

"If you haven't done so already, collect information on your city's receiving waters and what pollutants and sources are impacting those waters. You should also know the various uses of your receiving waters so you can design a program to protect those uses. Begin by asking yourself the following questions: Do you know the names and locations of the waters that receive a discharge from your MS4? Do you know the character and quality of these waters? Are any of these waters listed as impaired on your State's 303(d) list? What are the pollutants impacting these waters? Do you know the designated uses of these waters?"

To ensure that this requirement was user friendly and in consideration of limited municipal resources, the Department developed the TMDL Look-Up Tool (www.state.nj.us/dep/dwq/msrp-tmdl-rh.htm). The TMDL Look-Up Tool is an on-line tool to streamline access to TMDL information and was developed specifically to assist New Jersey's municipal Stormwater Coordinators with the identification of this information to use for developing strategies to further

reduce the impact of stormwater discharges from MS4s. The TMDL Look-Up Tool uses a dropdown feature to locate the municipality and county. The tool then displays a list of watersheds along with a link to any established, approved, or adopted TMDLs associated with any segment of surface water wholly or partially within or bordering the municipality. TMDLs frequently include short-term and long-term management strategies within the TMDL along with segment specific recommendations. Tier A Municipalities have been able to review these strategies and use this information to assess any local water quality issues in relation to operation and maintenance of the MS4.

In accordance with 40 CFR 122.34(a)(2), the MS4 requirements should be based on the evaluation of, among other things, current water quality criteria conditions and permittee compliance. TMDLs are linked to water quality conditions and must be understood by permittees. Despite this, during the MS4 stormwater compliance audits, and in preparation of the 2018 Tier A permit renewal, the Department determined that there was a lack of awareness among municipal representatives regarding TMDLs in waterbodies within a Tier A Municipality despite their relation to the MS4 system. This may have been partially due to the fact that TMDLs are apportioned by one or more specific subwatersheds, which do not typically match municipal borders. In fact, multiple TMDLs can apply within one municipality. The Department attempted to address this gap in awareness in the 2018 Tier A permit by including the following requirements:

- i. The Tier A Municipality was required to 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 the Tier A Municipality. This information could be accessed at <https://www.nj.gov/dep/dwq/msrp-tmdl-rh.htm>.
- ii. The Tier A Municipality was also required to use this TMDL information identified to:
 - (1) assist in the prioritization of stormwater facility maintenance including schedules for repairs required at Part IV.B.6.b.iv (Stream Scouring) and Part IV.C.1.a.iv (Stormwater Facilities Maintenance); and
 - (2) identify and develop strategies to address specific sources of stormwater related pollutants contributing to discharges authorized under the permit. Strategies may have included but were not limited those found in the implementation section of approved or adopted TMDL reports (for examples see “Total Maximum Daily Load (TMDL) Guidance for Tier A MS4 Permittees” found at www.nj.gov/dep/dwq/msrp-tmdl-rh.htm);
- iii. The Tier A Municipality was required to annually update its SPPP to list information identified in i and ii, above; and
- iv. The Tier A Municipality was required to incorporate any strategies identified in ii(2), above as an Optional Measure.

In accordance with Part IV.C.1 (Stormwater Facilities Maintenance) and IV.C.2 (TMDL Information) of the 2018 Tier A permit, municipalities were required to use TMDL information to prioritize stormwater facility maintenance. For example, permittees should have updated their SPPPs to note that they performed repairs and other corrective maintenance on stormwater facilities that discharge to TMDL waterbodies before other stormwater facilities, or they could have targeted those facilities for more frequent preventative maintenance. Permittees were also required to use TMDL information when prioritizing or scheduling repairs for stream scouring, as required at Part IV.B.6.b.iv (Stream Scouring) of the 2018 Tier A permit.

In addition to the requirements explained above, permittees were required to identify and develop strategies to address specific sources of stormwater related pollutants. Permittees could have used any identified short-term, long-term or segment specific implementation strategies as contained in the TMDLs to proactively incorporate strategies into their SPPP. Permittees could have also included strategies as identified in approved restoration plans as well as any strategies developed as a result of the review of the local municipality needs and local input. The Tier A permittee should have incorporated any selected implementation strategy as an Optional Measure in the SPPP. These Optional Measures were required to be identified in the SPPP, but failure to implement an Optional Measure identified in the SPPP was not to be considered a violation of the NJPDES permit. These Optional Measures could then be used in conjunction with the requirements to use TMDL information to prioritize maintenance and repairs to attain reasonable progress toward achieving the reductions specified in the approved or adopted TMDL. The Department complemented the information posted with the TMDL Look-Up Tool new guidance entitled “Total Maximum Daily Load (TMDL) Guidance for Tier A MS4 Permittees” to assist municipalities in evaluating strategies (see www.nj.gov/dep/dwq/msrp-tmdl-rh.htm).

3. Addressing TMDL and Impaired Waters through this Tier A MS4 NJPDES Permit Renewal

MS4 stormwater compliance audits were conducted for 37 Tier A permittees (8.1% of Tier A permittees), which included online reviews of permittees’ online SPPPs, since the 2018 permit became effective. Despite the requirements in the 2018 permit, most permittees did not include their TMDLs in their SPPP. Furthermore, they did not explain in their SPPP plans to prioritize maintenance and repairs in those areas, nor provide any strategies developed to improve water quality in TMDL affected waters.

Changes in this permit renewal are based on current information and stormwater related concerns, which includes, but is not limited to: surface water quality impairments as per the final 2018/2020 Integrated Report, adopted/approved Total Maximum Daily Loads (TMDLs), the presence of Harmful Algal Blooms (HABs), the Surface Water Quality Standard water quality classification upgrades to N.J.A.C. 7:9B that occurred in May 19, 2003, November 3, 2003, August 2, 2004, June 20, 2005, June 16, 2008, and April 6, 2020, as well as the serious stormwater flooding that has resulted from recent storm events, including Hurricane Ida.

Further, as many of the surface waters subject to TMDLs and impairments do not have point source discharges besides the contribution from the MS4 systems, the Department has determined that the stormwater discharges from MS4s are having a significant impact on water quality throughout the state.

The Watershed Improvement Plan (“WIP”) is a new requirement in this permit renewal, included as Part IV, Section H of the proposed permit. The goal in instituting a WIP is to make reasonable progress towards restoring water quality in the impaired waters of the state, including those waters with adopted/approved TMDLs. The Department believes the requirement is necessary based on available water quality data, a more thorough and comprehensive review of other water quality and quantity concerns as noted in the Introduction section of this Fact Sheet, and in consideration of the State’s policy (see N.J.A.C. 7:9B et seq.) to restore, maintain and enhance the chemical, physical and biological integrity of its waters.

The ultimate implementation of this WIP is intended to ensure compliance with the water quality requirements of the Federal Clean Water Act. A depiction of these waterbodies with TMDLs or impairments is included Figure H-3. The Department has, therefore, determined that each Tier A

permittee must develop a WIP. Each WIP would be tailored to the unique circumstances of the municipalities and their respective subwatersheds, rather than dictating detailed measures each permittee must undertake to address the specific TMDLs/Impairments within and bordering the waterbodies their MS4s discharge into.

The WIP is composed of three phases; the Watershed Inventory Report, Watershed Assessment Report, and Watershed Improvement Plan Report. Each of these phases have deliverables to the Department and the requirements are listed out below.

The Watershed Inventory Report is the first phase that is due EDPA +36 months and shall summarize and include an electronic map of the following items:

- All stormwater outfalls owned/operated by the permittee;
- The drainage area for each outfall(s);
- The receiving waterbodies of those outfalls;
- The water quality classification of all receiving waterbody segments;
- All stormwater interconnections from the municipality into another entities' storm or sanitary sewer system,
- The drainage area for each interconnection into another entities' storm or sanitary sewer system,
- All stormwater connection points into the municipality from another entities' storm sewer system,
- All storm drain inlets,
- Area associated with each TMDL for waters that lie within or bordering the municipality,
- Area associated with each water quality impairment for waters that lie within or bordering the municipality
- Overburdened communities,
- Impervious areas, and
- The Location and ownership of all privately (not/owned/operated) owned stormwater outfalls and basins/infrastructure

The second phase that is due EDPA + 48 months is the Watershed Assessment Report that must include but is not limited to:

- An assessment of potential water quality improvement projects by subwatershed and parameter;
- An estimate of the percent reduction in loading of the TMDL/impaired parameters due to project(s) above;
- A summary of feedback from public information sessions;
- An estimate of funding needs for each project, and identification of potential funding sources, including the New Jersey Water Bank (NJWB); the formation of an SWU, using, 319 grants, FEMA BRIC grants; Ag \$, etc.; and
- An estimate of an implementation schedule.

The permittee also shall post the Watershed Assessment Report, along with an announcement of a 60-day comment period for formal public input on its municipal website.

The third phase that the permittee shall prepare and submit to the Department on or before EDPA + 59 months, the final Watershed Improvement Plan Report, which shall include:

- A summary of proposed locations and load reductions of water quality improvement projects, both public and private, to be implemented;
- A summary of the public comments received, and the changes made to the Final Plan;
- A summary of how the projects will be coordinated with other regulatory requirements, such as:
 - flood protection; endangered habitat/species;
 - surface & ground drinking water protection;
 - climate change/resiliency;
 - green infrastructure/SWM requirements;
 - wildlife corridors;
 - green acres;
 - environmental justice;
 - Combined Sewer Overflow Long Term Control Plans;
 - wetlands;
 - riparian buffers;
 - forest corridors
 - related ongoing projects;
 - Pinelands Commission;
 - Highlands Council; and
 - Delaware River Basin Commission.
- The proposed implementation schedule for the water quality improvement projects;
- A schedule of the public information sessions to be held;
- Problems identified that are outside the jurisdiction of the permittee, if any. These can be related to pollutant loading due to agricultural properties, or other lands not under the jurisdiction of the municipality, and opportunities to address them;
- Costs, broken down by project and year, the funding opportunities that will be sought; and
- This plan shall describe how stormwater related problems in overburdened communities have been prioritized.

The permittee shall begin to implement the WIP in accordance with the schedule set forth within the Plan.

The WIP will be updated when necessary, based upon the biennial (every 2 years) review of the revisions to the impairments of the permittee's waterbodies as per the Department's Integrated Report and newly adopted TMDLs.

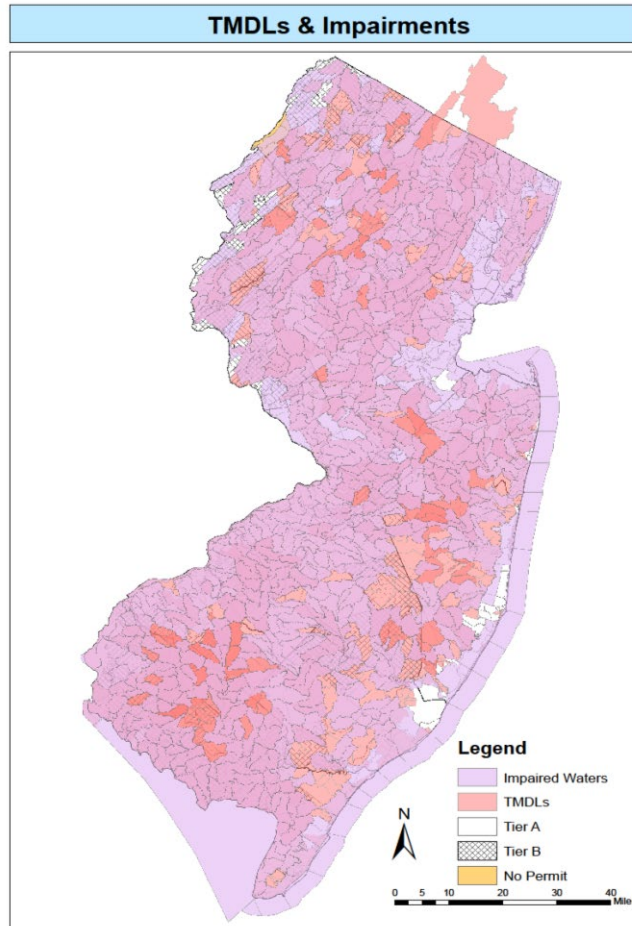


Figure H-3

This permit renewal allows each permittee 59 months to prepare their WIP, tailored to their water quality, MS4 circumstances, and resource opportunities. There are three due dates for the three stages of WIP development:

- Phase 1 is designated as the information gathering stage. Existing and new Tier A permittees must submit the Watershed Inventory Report by EDPA + 36 months.
- Phase 2 is the development of a list of potential actions the permittee can choose from for the final WIP. Existing and new Tier A permittees must submit the Watershed Assessment Report by EDPA + 48 months.
- Phase 3 is the proposed final WIP with the list of potential actions boiled down to the specific
- Actions the permittee selected, along with a reasonable implementation schedule. Existing and new Tier A permittees must submit the Watershed Improvement Plan Report by EDPA + 59 months.

The Department will be available to assist the permittees in this process. Much of the information required in Phase 1 is already available on the Department's GIS system and can be provided free of charge. The list of potential projects should be comprehensive, and the chosen projects must consider the MS4 percent reductions listed in all pertinent TMDLs. The full percent reductions noted in the TMDLs do not have to be accounted for in the potential or chosen projects, as some percent reductions should have already taken place through the implementation of the other permit

conditions. However, permittees are expected to develop a WIP that will reasonably reduce the contribution of applicable pollutants. The WIPs implementation, in concert with other any other referenced actions, will improve the quality of the stormwater runoff from within their jurisdiction to, in turn, improve and restore the water quality of the waters of the state to achieve compliance with the surface water quality standards.

It is understood that the Phase 2 and Phase 3 efforts will largely depend upon the individual circumstances that lay within each municipality. However, the Department will provide whatever assistance it has available to assist the permittees in this process. Once Stage 3 of the WIP is submitted, the Department will review and provide comments as appropriate. It should also be noted that while each permittee is individually responsible for complying with the requirement to develop a WIP, the Department encourages municipalities to work together in developing more regionalized WIPs where a regional approach would be more effective at meeting the surface water quality standards or would result in accelerated water quality improvements. Regionalized WIPs will be accepted as compliant with this requirement, as long as each permittee's responsibilities under the regional WIP are clearly outlined and agreed upon by the group of permittees covered by the regional WIP. Further, the Department will prioritize regional WIPs in terms of Department assistance, funding opportunities, and review and approval.

There is some data available to assist permittees with mapping privately owned stormwater facilities. The New Jersey Hydrologic Modeling Database (or H&H Database) is posted online and encompasses several decades of data collected by NJ Soil Conservation Districts and the New Jersey Department of Agriculture. This database contains a wealth of information regarding stormwater management basins and data can be downloaded based on location. See <https://hydro.rutgers.edu/> to view the database map or https://hydro.rutgers.edu/public_data/ to download data in an Excel format. The information in this database may help permittees to identify stormwater basins in the municipality that they were not aware of. For most stormwater facilities, the database contains original design plans which may help to identify the maintenance requirements of a stormwater facility and can help the permittee to develop a more robust inspection and maintenance plan as a result.

Permittees are encouraged to explore both commercial and public resources for data collection and management. This could include sharing equipment and resources with other entities, including other permittees. Other public agencies, such as the New Jersey Highlands Council and County agencies may already have a database containing information that would be useful to permittees. Permittees may also be able to obtain stormwater facility locational information already collected by these and other public organizations.

To assist permittees with the required collection of location information of stormwater facilities, the Department developed a voluntary, free ArcGIS Online Mapping Tool. This application (app) allows for permittees to inventory and map stormwater facilities at their convenience. The Department anticipates that the app will be expanded in the future to allow the user to document additional information, including records of maintenance actions. When the expanded app is available, permittees may be able to use the app to demonstrate compliance with the maintenance requirement in this permit.

While creating an inventory using this application, Tier A permittees are strongly encouraged to capture additional information about components of the MS4 system in order to optimize operation and maintenance activities. This information is best managed using an electronic database; however, as previously stated, it is anticipated that future versions of this app will be expanded to provide for more detailed information collection. Also, inspection notes, such as facility condition,

maintenance activity, date of inspection, evidence of flooding and photographs can be tracked in a municipal stormwater database. This would be useful to the permittee and its Stormwater Coordinator for overseeing and prioritizing operation and maintenance of its own infrastructure; for ensuring proper operation and maintenance of infrastructure not owned or operated by the municipality; and for collecting and reporting statistical information necessary to complete the Annual Report required by this draft permit.

I. Optional Measures and Additional Measures (Part IV.I)

1. Optional Measures

Permittees may incorporate Optional Measures into the MS4 stormwater program that extend beyond the requirements of the permit to further prevent or reduce pollution to waters of the State. Optional Measures are typically BMPs or control measures that are developed by the Tier A permittee at its own discretion. The objective of Optional Measures is to encourage municipalities to be proactive and creative in implementing strategies to bolster their MS4 stormwater program. Optional Measures are required to be identified in the SPPP but failure to implement an Optional Measure identified in the SPPP shall not be considered a violation of this NJPDES permit. See also N.J.A.C. 7:14A-25.6(a) and (i). The 2018 Tier A MS4 Permit included a Refuse Container/Dumpster Ordinance as a potential Optional Measure in permit section IV.E.2. This permit renewal also includes this as an optional ordinance (renamed as Optional Container/Dumpster Ordinance) in the Community-wide Ordinance permit Section IV.F.ix.

2. Additional Measures

The requirements for Additional Measures are retained from the 2018 Tier A MS4 permit and were also included in the 2018 Tier B MS4 permit. Additional Measures are non-numeric (e.g., best management practices) or numeric effluent limitations that are expressly required to be included in a municipality's MS4 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. Additional Measures are allowable pursuant to N.J.A.C. 7:14A-25.6(a) and (e).

Additional Measures are not required for any municipality at this time. In the event that the Department determines that Additional Measures are appropriate, the Department will provide written notice of the adoption of any Additional Measures to any affected municipality. The Department will list each adopted Additional Measure in a minor modification to the permit since the adoption process of the underlying plan (i.e., TMDL; regional stormwater management plan; other elements of an adopted areawide Water Quality Management Plan; or adopted Statewide Water Quality Management Plan) will have already provided opportunity for public comment. For any required Additional Measures other than numeric effluent limitations, the required Additional Measures will specify, according to the underlying plan, the best management practices that shall be implemented, measurable goals and an implementation schedule.

J. Recordkeeping (Part IV.J)

The permittee shall retain copies of all records required to be kept by this permit. Records must be available to the Department upon request. This permit requirement remains unchanged from both the 2018 Tier A and Tier B MS4 permits, therefore must be implemented for both existing and new Tier A permittees at EDPA.

K. Annual Report and Certification (Part IV.K)

Per the 2018 Tier A and Tier B MS4 permits, permittees were required to submit an Annual Report and Certification and Supplemental Questionnaire summarizing the status of compliance with the conditions of this permit using the electronic format provided by the Department via the MSRP Annual Report service accessed through the Regulatory Services Portal (<https://nj.gov/dep/online/>). This permit renewal retains this requirement for all Tier A permittees to continue to submit the Annual Report and Certification and Supplemental Questionnaire, uploaded as an attachment to the Annual Report. These reports are due for submission by May 1 annually and shall summarize the status of compliance with the permit conditions for the subject year between January 1 and December 31. The permittee's Stormwater Program Coordinator is responsible for electronically certifying, signing, and dating the Annual Report.

The permittee shall retain any records necessary to demonstrate compliance on-site for a period of at least five years.

Both existing and new Tier A permittees must comply with this condition at EDPA.

8. Electronic Reporting Requirements

As noted in Part II.B.3, Tier A Municipalities are required to comply with the NPDES Electronic Reporting rule at 40 CFR Part 127. As noted at Part II.B.3, this Federal rule requires electronic submission of General Permit Authorization requests (i.e., RFAs); general permit termination/revocation requests; and MS4 program reports by December 21, 2025. Since submission of the Annual Report occurs electronically as required in Part IV.K, the requirements of this rule are satisfied with respect to Annual Reports prior to the 2025 deadline.

9. Description of Procedures for Reaching a Final Decision on the Draft Action

A complete copy of this subject permit renewal has been posted on the Division's website at https://www.nj.gov/dep/dwq/tier_a.htm. Public notice procedures are described in the DEP Bulletin as well as in the following newspapers:

Atlantic City Press The Star Ledger The Times

10. Contact Information

If you have any questions regarding this permit action, you may address them with the subject line "2023 Tier A Public Comments" to stormwatermanager@dep.nj.gov at the Bureau of NJPDES Stormwater Permitting and Water Quality Management.

11. Contents of the Administrative Record

The following items are used to establish the basis of the Draft Permit:

1. Rules and Regulations (NPI):

2. 33 U.S.C. 1251 et seq., Federal Water Pollution Control Act.
3. 16 U.S.C. § 471I, Section 502 of the National Parks and Recreation Act of 1978.
4. 42 U.S.C. § 300f, Part C of the Federal Safe Drinking Water Act (42 U.S.C. 300f et seq.).
5. 40 CFR Part 131, Federal Water Quality Standards.
6. 40 CFR Part 122, National Pollutant Discharge Elimination System.
7. 40 CFR Part 127, NPDES Electronic Reporting.
8. 40 CFR Part 130, Water Quality Planning and Management Regulations.
9. 40 CFR Part 144-148, Federal Underground Injection Control Program.
10. N.J.S.A. 58:10A-1 et seq., New Jersey Water Pollution Control Act.
11. N.J.S.A. 58:11-10, New Jersey Water Supply Management Act.
12. N.J.S.A. 40:55D-1, Municipal Land Use Law.
13. N.J.S.A. 13:18A-1 et seq., Pinelands Protection Act.
14. N.J.A.C. 2:90, Standards for Soil Erosion and Sediment Control in New Jersey.
15. N.J.A.C. 7:14A-1 et seq., New Jersey Pollutant Discharge Elimination System Regulations.
16. N.J.A.C. 7:9B-1 et seq., New Jersey Surface Water Quality Standards.
17. N.J.A.C. 7:9C, New Jersey Ground Water Quality Standards.
18. N.J.A.C. 7:9D, Well Construction Maintenance and Sealing Rules.
19. N.J.A.C. 7:8, Stormwater Management Rules.
20. N.J.A.C. 7:13, Flood Hazard Area Control Act Rules.
21. N.J.A.C. 7:14C, Sludge Quality Assurance Regulations.
22. N.J.A.C. 7:15, Statewide Water Quality Management Planning Rules.
23. N.J.A.C. 7:26C, Administrative Requirements for the Remediation of Contaminated Sites.
24. N.J.A.C. 7:26E, Technical Requirements for Site Remediation.
25. N.J.A.C. 7:26G, Hazardous Waste Regulations.
26. N.J.A.C. 5:21, Residential Site Improvement Standards.
27. N.J.A.C. 7:26A, Recycling Regulations.
28. N.J.A.C. 7:26, Solid Waste Regulations.
29. N.J.A.C. 7:50, Pinelands Comprehensive Management Plan.

Guidance Documents / Reports (NPI):

1. Guidance documents as listed in the Notes and Definitions Section of Part IV.
2. MS4 Permit Improvement Guide, EPA 833-R-10-001.
3. 2000 and 2010 Decennial Census.
4. 2018/2020 New Jersey Integrated Water Quality Assessment Report (includes Clean Water Act 303(d) List and 305(b) Report).
<https://www.state.nj.us/dep/wms/bears/assessment-report20182020.html>
5. Tier A and Tier B Municipal Stormwater Guidance Document, Bureau of NJPDES Stormwater Permitting and Water Quality Management, 2021.
https://www.nj.gov/dep/dwq/tier_a_guidance.htm
6. New Jersey Stormwater Best Management Practices Manual, 2004, revised 2021.
https://nj.gov/dep/stormwater/bmp_manual2.htm
7. NPDES Permit Quality Review New Jersey, 2017.
[NPDES Permit Quality Review for New Jersey-2017 \(epa.gov\)](https://www.epa.gov/npdes/npdes-permit-quality-review-new-jersey-2017)
8. [How common road salts and organic additives alter freshwater food webs: in search of safer alternatives - Schuler - 2017 - Journal of Applied Ecology - Wiley Online Library](#)

Permits / Applications:

1. 2018 Tier A Permit issued November 9, 2017 and effective January 1, 2018.
2. 2009 Tier A Permit issued March 1, 2009 and effective March 1, 2009.

3. 2005 Tier A Permit Modification, issued August 1, 2005 and effective September 1, 2005.
4. 2004 Tier A Permit issued February 2, 2004 and effective March 3, 2004.

Written Comments Received on the Tier A Preliminary Draft Permit:

1. Virginia Wong, Chief, Clean Water Regulatory Branch, Water Division - EPA Region 2, dated March 31, 2022.
2. Diane Schrauth, Policy Director, New Jersey Future:
 - April 2022 – Recommendations for Preliminary Draft Tier A Municipal Stormwater General Permit Ahead of 2023 Renewal
 - June 2021 – Recommendations for Tier A and B Municipal Stormwater General Permit (2018) Ahead of 2023 Renewal
3. Lawrence Jacobs, Mayor, Bedminster Township, dated March 31, 2022.
4. Matthew Dorsi, Mayor, Longhill Township, dated March 28, 2022.
5. Christine Serrano Glassner, Mayor, Mendham Borough, dated April 6, 2022.
6. Marie Potter, Mayor, Randolph Township, dated March 30, 2022.
7. Michael Zichelli, Administrator, Glen Ridge Borough, dated April 1, 2022.
8. James Pittinger, Mayor, Lebanon Borough, dated March 28, 2022.
9. Joseph H. Alessi, Mayor, North Caldwell Borough, dated March 28, 2022.
10. Michael Serra, Mayor, Pompton Lakes Borough, dated March 29, 2022.
11. Matthew T. Murello, Mayor, Washington Township, dated March 31, 2022.
12. Jim Baldassare, Jr., Mayor, and Tom Timko, Township Engineer, Bernards Township, dated April 6, 2022.
13. Lisa Mastropolo, Urban Stormwater Associate Director, American Rivers, dated April 1, 2022.
14. L. Stanton Hales, Jr., Director, Barnegat Bay Partnership, dated April 1, 2022.
15. Britta Forsberg, Executive Director, Save Barnegat Bay, dated April 15, 2022.
16. Michael L. Pisauro, Jr., Policy Director, The Watershed Institute, dated April 14, 2022. Document includes these undersigned organizations:
 - Lucia Ruggerio, American Littoral Society
 - Jaclyn Rhoads, Pinelands Preservation Alliance
 - Fred Stine, Delaware Riverkeeper Network
 - Doug O'Malley, Environment New Jersey
 - Bill Kibler, Raritan Headwaters Association
 - Lori Charkey, Bergen SWAN
 - Michele Langa, NY/NJ Baykeeper
 - Laurie Howard, Passaic River Coalition
 - Fred Akers, Great Egg Harbor Watershed Association
 - Laura McBride, Deal Lake Watershed Alliance
 - Heather Fenyk, Lower Raritan Watershed Partnership
 - Alan Hunt, Musconetcong Watershed Association
 - Faith Teitelbaum, Whale Pond Brook Watershed Association
 - Elliot Rugga, Highlands Coalition
 - Britta Forsberg, Save Barnegat Bay
17. William P. Minervini, concerned citizen, dated April 2, 2022.
18. Daniel Burke, City Engineer, New Brunswick City, via emails dated March 21 and March 25, 2022.
19. Kevin C. Rabago, Sr., Business Administrator, Bridgeton City, via email dated March 30, 2022.
20. Jason J. Santoro, Stormwater Program Coordinator, Ocean City, via email dated April 13, 2022.
21. Thomas H. Gant, Project Manager, Environmental & Technical Services Engineers & Consultants, via email dated April 8, 2022.
22. Frank Russo, Township Engineer, Pequannock Township, via email dated April 1, 2022.

23. Andrew J. Filippi, Sewer Engineer, Princeton, via email dated April 1, 2022.
24. Tim O'Brien, Associate, Project Manager, Van Cleef Engineering, via email dated March 25, 2022.
25. John A. Fearheller, Jr., Assistant Supervisor of Public Works, West Wildwood Borough, via email dated March 17, 2022.

Public Presentations and Outreach

1. MS4 Permit Renewal Discussion Session on August 25, 2021 (virtual)
2. MS4 Permit Renewal Discussion Session on August 26, 2021 (virtual)
3. MS4 Permit Renewal Discussion Session on August 31, 2021 (virtual)
4. Pre-draft Tier A General Permit Outreach Session on March 22, 2022 (virtual)
5. Pre-draft Tier A General Permit Outreach Session on March 24, 2022 (virtual)
6. Pre-draft Wood Waste and Recycling and Leaf Composting Outreach General Permit Outreach Session on March 15, 2022 (virtual)
7. Pre-draft Wood Waste and Recycling and Leaf Composting Outreach General Permit Outreach Session on March 17, 2022 (virtual)

All websites, New Jersey Register notices, and other documents cited in this Fact Sheet (but not listed above) (NPI)

*NPI indicates that the document is not physically included in the administrative record.

12. Listing of Acronyms

The following is a list of acronyms used throughout this Fact Sheet:

<u>Acronym</u>	<u>Meaning</u>
BMP	Best Management Practices
CAFRA	Coastal Area Facility Review Act
CFR	Code of Federal Regulations
EDP	Effective Date of Permit
EDPA	Effective Date of Permit Authorization
EPA or USEPA	United States Environmental Protection Agency
GI	Green Infrastructure
GPS	Global Positioning System
MMY	Municipal Maintenance Yards
MS4	Municipal Separate Storm Sewer System
MRF	Monitoring Report Forms
MSWMP	Municipal Stormwater Management Plan
N.J.A.C	New Jersey Administrative Code
NJPDES	New Jersey Pollutant Discharge Elimination System
N.J.R.	New Jersey Register
N.J.S.A.	New Jersey Statutes Annotated
NJSWQS	New Jersey Surface Water Quality Standards
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
RFA	Request for Authorization

RSIS	Residential Site Improvement Standards
SBRs	Statewide Basic Requirements
SCO	Stormwater Control Ordinance
SPPP	Stormwater Pollution Prevention Plan
SWRPA	Special Waters Resource Protection Areas
TMDL	Total Maximum Daily Load
TSS	Total Suspended Solids
UIC	Underground Injection Control
WIP	Watershed Improvement Plan
WQM	Water Quality Management



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: NJ0141852

DRAFT: Stormwater Discharge Master General Permit Renewal

Permittee:

NJPDES Master General Permit
Program Interest Group R9
501 East State St
Trenton, NJ 08625

Co-Permittee:

Property Owner:

NJPDES Master General Permit
Program Interest Group R9
501 East State St
Trenton, NJ 08625

Location Of Activity:

NJPDES Master General Permit
Program Interest Group R9
501 East State St
Trenton, NJ 08625

Authorization(s) Covered Under This Approval	Issuance Date	Effective Date	Expiration Date
R9 -MS4 - Tier A Municipal Stormwater (GP)	Pending		

**By Authority of:
Commissioner's Office**

Gabriel Mahon, Bureau Chief
Bureau of NJPDES Stormwater Permitting & Water Quality
Management

(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
 - Hotline/Two Hour & Twenty-four Hour Reporting N.J.A.C. 7:14A-6.10 & 6.8(h)
 - 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

- a. In addition to the requirements in Part I of this permit, the permittee is required to comply with the following requirements which are in effect as of the effective date of the final permit.
 - i. The Stormwater Management rules at N.J.A.C. 7:8.
 - ii. Conditions for General Permits at N.J.A.C. 7:14A-6.13.
 - iii. 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).
 - iv. Conditions for reopening and modification of small MS4 permits at N.J.A.C. 7:14A-16.4(b)21 and N.J.A.C. 7:14A-25.7(b).
 - v. Requirements for Discharges to Ground Water at N.J.A.C. 7:14A-7.
 - vi. 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 RFA shall not constitute a violation of the permit.

3. Standard Reporting Requirements – Electronic Reporting of NJPDES Information

- a. The following 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.K).

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 municipally or privately-owned stormwater facilities specified in this permit or N.J.A.C. 7:8.

C. Eligibility

1. Permit Scope

- a. This permit applies to all municipalities assigned to Tier A under N.J.A.C. 7:14A-25.3(a)1.
- b. This permit applies to the owner or operator of the Municipal Separate Storm Sewer System (MS4) meaning the permittee. The owner or operator is responsible for ensuring compliance with this permit.

2. Authorized Discharges

- a. Authorized 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) owned or operated by the permittee; and
 - ii. Municipal maintenance yards and other ancillary operations, excluding wood waste recycling and leaf composting operations, owned or operated by the permittee. (See definition of “municipal maintenance yards and other ancillary operations” in Part IV, Notes and Definitions).
- b. Authorized 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 the permittee and from municipal maintenance yards and other ancillary operations owned or operated by the permittee are authorized 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 including the washing of fire fighting vehicles;
- 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

- a. This 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:
 - i. Types of facilities that the 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; 4) steam electric power generating facilities; and 5) facilities processing and/or composting recyclable materials as defined in N.J.A.C. 7:26A (Recycling Rules) including wood waste recycling and leaf composting facilities; and

- ii. 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 this permit does not qualify as an RFA for such a discharge.
- b. This permit does not authorize “stormwater discharges associated with construction activity” as described in N.J.A.C. 7:14A-24.10(a) which is defined as the discharge to surface water of stormwater from construction activity that disturbs at least one acre:
 - i. 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 (see www.nj.gov/dep/dwq/bnpc_home.htm). An RFA submitted for this permit does not qualify as an RFA for such a discharge (see Part IV.B.3).
 - c. This permit does not authorize any stormwater discharge that is authorized under another NJPDES permit. The permittee does not have to implement measures contained in this NJPDES permit for stormwater discharges at facilities owned or operated by that permittee that are regulated under a separate NJPDES stormwater permit authorizing those discharges.
 - d. This permit does not authorize stormwater discharges from projects or activities that conflict with an adopted Areawide Water Quality Management Plan.
 - e. This permit does not authorize stormwater discharges listed in Part II.C.2.b above that are determined to be a significant contributor of pollutants to or from the MS4, which must be addressed as an illicit connection as specified in Part IV.G.3 of this permit, or as an improper disposal of waste.

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 permittee's most recently submitted RFA.

2. Notification of Changes

- a. The permittee shall provide an updated 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 Municipal Stormwater Program Coordinator information as specified in Part IV.A.1.e.

3. Requests for Authorization

- a. A single RFA is required for the entire eligible discharge from the small MS4 owned or operated by, and located within, a single municipality. Multiple RFAs are not required for multiple municipal operations (e.g., municipally owned and operated maintenance yards or other ancillary operations), however these municipal operations shall be included in the RFA as applicable.
- b. An RFA under this general permit shall include the following: A completed Checklist and Request for MS4 Stormwater Permits (located at https://nj.gov/dep/dwq/forms_storm.htm) and any other information as required by the Department.
- c. 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.
- d. 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 the status of compliance with the conditions of this permit. The requirement to keep records and to submit an Annual Report and Certification is found at Part IV.J and K of this permit, respectively.

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. "GI" - Green Infrastructure
 - v. "MMY" – Municipal Maintenance Yard
 - vi. "MS4" - Municipal Separate Storm Sewer System
 - vii. "MSWMP" - Municipal Stormwater Management Plan
 - viii. "MSRP" - Municipal Stormwater Regulation Program
 - ix. "MTD" - Manufactured Treatment Device
 - x. "N.J.A.C." - New Jersey Administrative Code
 - xi. "NJPDES" - New Jersey Pollutant Discharge Elimination System
 - xii. "N.J.S.A." - New Jersey Statutes Annotated
 - xiii. "RSIS" - Residential Site Improvement Standards
 - xiv. "SPC" – Stormwater Program Coordinator
 - xv. "SPPP" - Stormwater Pollution Prevention Plan
 - xvi. "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 Tier A MS4 NJPDES Permit are not preceded by descriptive text (e.g., Part IV.A.1 refers to Stormwater Program Requirements).

3. MS4 Tier A Permit Resources

- a. The MS4 Tier A webpage (www.nj.gov/dep/dwq/tier_a.htm) has links to guidance and related stormwater resources including, but not limited to, the following:
 - i. Tier A Permit and Supporting Documents;

- ii. Tier A Guidance Document;
 - iii. SPPP Template;
 - iv. Model Ordinances;
 - v. Sample MSWMP;
 - vi. Outfall Inspection, Illicit Connection Inspection, and Stream Scouring Forms;
 - vii. Annual Report Online Submittal Links and Tutorials;
 - viii. MS4 Case Manager List;
 - ix. Stormwater Coordinator Contact Update Form;
 - x. Total Maximum Daily Load (TMDL) Look-up Tool;
 - xi. Snow Removal and Disposal Policy;
 - xii. Stormwater Training;
 - xiii. Clean Water NJ;
 - xiv. Outreach Materials;
 - xv. MSRP Archive; and
 - xvi. MS4 Mapping and Inventory Assistance.
- b. Stormwater Management website (www.njstormwater.org/) and related documents:
- i. Stormwater Management Rules N.J.A.C. 7:8;
 - ii. Stormwater management information and training tools;
 - iii. New Jersey Stormwater Best Management Manual; and
 - iv. Green Infrastructure and related links.
- c. Construction Site Stormwater Runoff: www.nj.gov/dep/dwq/5g3.htm
- d. Clean Communities, a statewide litter abatement program: www.njclean.org
- 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: www.epa.gov/green-infrastructure
 - d. EPA's Trash Free Waters resource page: www.epa.gov/trash-free-waters
 - e. Illicit Discharge Detection and Elimination Guidance:
https://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.
 - i. "Catch Basin" means a cistern, vault, chamber or well that is typically built along a street and below an inlet grate as part of the storm sewer system that is designed to capture and retain sediment, debris, and pollutants so those particles do pass on to the stormwater sewer system.
 - ii. "Effective Date of Permit Authorization" means the date the permittee's authorization to discharge under this permit becomes effective. This date may be found on the permittee's Authorization to Discharge page.
 - iii. "Existing permittee" means a permittee that held an authorization to discharge under the Tier A MS4 permit the day before the effective date of this permit.
 - iv. "Green infrastructure" (N.J.A.C. 7:8) means a stormwater management measure that manages stormwater close to its source by: 1. Treating stormwater runoff through infiltration into subsoil; 2. Treating stormwater runoff through filtration by vegetation or soil; or 3. Storing stormwater runoff for reuse.
 - v. "Ground water discharge point" means the lowest invert elevation of any stormwater facility where stormwater discharges into the surficial ground water aquifer.
 - vi. "Illicit connection" means any physical or non-physical connection that discharges the following to a municipal separate storm sewer system (unless that discharge is authorized under a NJPDES permit other than the NJPDES permit for discharges from that system): 1. Domestic sewage; 2. Non-contact cooling water, process wastewater, or other industrial waste (other than stormwater); or 3. 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. 122.26(d)(2)(iv)(B)(1) or 122.34(b)(3)(iii).
 - vii. "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.
 - viii. "Major development" means an individual "development," as well as multiple developments that are one or more acres of land, one-quarter acre of impervious

surface, or one-quarter acre or more regulated motor vehicle surface. The development or developments also qualify as a major development when there is a combination of impervious surfaces and motor vehicle surfaces that equal to one-quarter or more acres as defined in N.J.A.C. 7:8.

- ix. "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.
- x. "MS4 interconnection" means any point at which an MS4 flows into or from another MS4.
- xi. "Municipal maintenance yard and ancillary operation" means a municipally owned or operated maintenance and storage yard, including but not limited to, fleet or maintenance shop with outdoor storage areas, impound yard, permanent and mobile fueling location, salt/sand storage location, and snow disposal area.
- xii. "Municipal separate storm sewer" (or MS4 conveyance) means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) as defined in more detail at N.J.A.C. 7:14A-1.2.
- xiii. "Municipality" means a municipality as defined in the Municipal Land Use Law at N.J.S.A. 40:55D-5, that is, any city, borough, town, township, or village.
- xiv. "New permittee" means a permittee that obtains its first authorization to discharge under this permit on or after the effective date of this permit.
- xv. "Outfall" means any point source which discharges directly 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.
- xvi. "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 (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

1. 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;
2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;

3. The structure shall be erected on an impermeable slab;
 4. The structure cannot be open sided; and
 5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- xvii. "Point source" means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.
- xviii. "Small MS4" means all municipal separate storm sewers (other than "large" or "medium" municipal separate storm sewer systems as defined in N.J.A.C. 7:14A-1.2) that are:
1. Owned or operated by municipalities described under N.J.A.C. 7:14A-25.1(b);
 2. 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;
 3. 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
 4. 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.
- xix. "Solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids.
- xx. "Storm drain inlet" means the point of entry into the storm sewer system.
- xxi. "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.
- xxii. "Stormwater facility" means stormwater infrastructure including, but not limited to, catch basins, infiltration basins, detention basins, green infrastructure, filter strips, riparian buffers, infiltration trenches, sand filters, constructed wetlands, wet basins, bioretention systems, low flow bypasses, and stormwater conveyances.
- xxiii. "Stormwater management measure" (N.J.A.C. 7:8-1.2) means any 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.

- xxiv. "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.
- xxv. "Total maximum daily load" or "TMDL" means a total maximum daily load formally established pursuant to Section 7 of the Water Quality Planning Act (N.J.S.A. 58:11A-7) and Section 303(d) of the Clean Water Act, 33 U.S.C. §§12512 et seq. A TMDL is the sum of individual wasteload allocations for point sources, load allocations for nonpoint sources of pollution, other sources such as tributaries or adjacent segments, and allocations to a reserve or margin of safety for an individual pollutant.
- xxvi. "Wasteload allocation" means the portion of a receiving water's total maximum daily load for a specific pollutant that is allocated to one of its existing or future point sources of pollution. WLAs constitute a type of water quality-based effluent limitation.
- xxvii. "Waters of the State" means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.
- xxviii. "Wood waste" means source separated whole trees, tree trunks, tree parts, tree stumps, brush, and lumber (non-chemically treated, glued, dyed, or painted).
- xxix. "Yard trimmings" (N.J.A.C. 7:26A-1.3) means grass clippings, leaves, wood chips from tree parts, and brush.
- xxx. "Yard waste" means loose leaves and grass clippings.

Tier A Municipal 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, municipal 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 and update its MS4 stormwater program (including applicable plans and ordinances) to conform with applicable new legislation or new or amended regulations. Such modification and update shall be completed and effective within 12 months of written notification by the Department of the need for modification and update.
- c. The permittee shall develop, update, implement and maintain a written Stormwater Pollution Prevention Plan (SPPP) that documents the permittee's MS4 stormwater program and describes the measures necessary for compliance with all permit conditions.
- d. A principal executive officer or a ranking elected official shall designate a duly authorized Stormwater Program Coordinator (SPC) who has the knowledge to manage the implementation and compliance of the permittee's MS4 stormwater program and shall be responsible for the following:
 - i. Coordinating the permittee's implementation of its MS4 stormwater program, permit conditions, and SPPP;
 - ii. Signing and dating the SPPP; and
 - iii. The completion and submittal of the Municipal Stormwater Regulation Program (MSRP) Annual Report, consistent with Part IV.K.
- e. The permittee shall notify the Department of any designated SPC change within thirty (30) days of the change through the completion of a NJPDES Contact Information Update Form, which can be found on the MS4 Tier A webpage, or through the online MSRP Annual Report submission. See Part IV.K.
- f. The MS4 stormwater program and the SPPP shall be consistent with the Municipal Stormwater Management Plan (MSWMP). The MSWMP is also a component of the municipal master plan (N.J.S.A. 40:55D-94). The MSWMP describes the municipality's strategy, structure, and process for addressing stormwater runoff from new development and redevelopment to ensure compliance with the Stormwater Management rules (N.J.A.C. 7:8).

This strategy, structure and process also constitutes much of the post construction stormwater management program in this permit. See Part IV.B.4.

2. Stormwater Pollution Prevention Plan (SPPP) Requirements

- a. The permittee shall include in the SPPP, at a minimum, information that:
 - i. Identifies the person designated as the SPC per Part IV.A.1.d above, and the members of the SPPP Team, which is comprised of the person(s) responsible for implementing or coordinating the stormwater program activities;
 - ii. Describes the measures the permittee has established to ensure compliance with all components of this permit with details regarding how each element of the stormwater program is implemented. The permittee shall tailor their SPPP to describe the specific measures applicable to their municipality;
 - iii. Identifies each individual municipal maintenance yard and ancillary operation, including the site-specific details of each yard or ancillary operation. At a minimum, the SPPP for permittees with multiple yards must include individual forms for each yard or ancillary operation, as well as any other site specific SPPP Forms for each yard or ancillary operation, where applicable;
 - iv. Documents all shared or contracted services as allowed under Part IV.A.3, below;
 - v. Notes the location of all records/documentation required by this permit; and
 - vi. Reflects the measurable goals, implementation schedules, recordkeeping, and other requirements of this permit.
- b. The permittee's SPPP shall be submitted electronically to the Department by Existing Permittees on or before EDPA + 3 months and by New Permittees on or before EDPA + 12 months. The SPPP shall also be posted on the permittee's dedicated stormwater webpage (See Part IV.B.2).
- 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;
 - iii. Shall be signed and dated by the SPC; and
 - iv. Shall be submitted electronically to the Department within thirty (30) days of the amendments.

- d. The permittee shall amend the SPPP to adequately address any deficiencies identified by the Department within thirty (30) days of notice, unless otherwise specified by the Department.

3. Implementation of SPPP Conditions through Shared or Contracted Services

- a. The permittee may rely on another entity (e.g., governmental, stormwater utility, private, or nonprofit organization such as a watershed association) 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 best management practice(s), control measure(s), or component(s) thereof, which are at least as stringent and as frequent as the corresponding permit requirement;
 - ii. 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 complies with the permit on the permittee's behalf; and
 - iii. 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. The permittee is responsible for compliance with this permit if the other entity fails to implement the measure(s) or component(s), thereof.

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

1. 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 the 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.);
 - ii. Statutory procedures for the enactment of ordinances (N.J.S.A. 40:49-2); and
 - iii. The Municipal Land Use Law concerning the adoption or amendment of the MSWMP (N.J.S.A. 40:55D-13, 28 and 94), and the review of applications for development (N.J.S.A. 40:55D-12).
- b. The permittee shall maintain records necessary to demonstrate compliance with the public participation requirements of a, above.
- c. All permittees shall comply with this requirement on EDPA.

2. Municipal Stormwater Webpage

- a. The permittee shall develop and maintain a dedicated stormwater webpage on its municipal website (see example stormwater webpage at www.nj.gov/dep/dwq/msrp_outreach_material.htm). This webpage shall at a minimum, make elements of the permittee's MS4 stormwater program available to the public by providing links to the latest version of each of the following:
 - i. Stormwater Pollution Prevention Plan (SPPP) (excluding inspection logs and other recordkeeping documents);
 - ii. Municipal Stormwater Management Plan (MSWMP);
 - iii. Stormwater Control Ordinance (SCO);
 - iv. Pet Waste Ordinance;
 - v. Wildlife Feeding Ordinance;
 - vi. Litter Control Ordinance;
 - vii. Improper Disposal of Waste Ordinance;
 - viii. Containerized Yard Waste/Yard Waste Collection Program Ordinances;
 - ix. Private Storm Drain Inlet Retrofitting Ordinance;
 - x. Illicit Connection Ordinance;
 - xi. Tree Removal/Replacement Ordinance (due on or before EDPA + 12 months as per Part IV.F);
 - xii. Privately-Owned Salt Storage Ordinance (due on or before EDPA + 12 months as per Part IV.F);
 - xiii. MS4 Outfall Pipe Map;
 - xiv. MS4 Infrastructure Map (due on or before EDPA + 36 months as per Part IV.G); and
 - xv. Watershed Improvement Plan (due in accordance with the phases identified in Part IV.H).
- b. The permittee shall develop a dedicated stormwater webpage on its municipal website that contains links to the minimum elements in a. above on or before EDPA + 3 months for

existing permittees, and EDPA + 12 months for new permittees, unless a later date is specified above.

C. Minimum Standards for Local Public Education and Outreach

1. Local Public Education and Outreach

- a. The permittee shall implement a Public Education and Outreach Program that focuses on educational and pollution prevention activities about the impacts of stormwater discharges on surface water and ground water and involves the public in reducing pollutants in stormwater and mitigating flow. The permittee shall:
 - i. Annually conduct activities that total at least 12 points and include activities from at least three of the five categories as set forth in Attachment A;
 - ii. At a minimum, at least one of the activities shall involve educating businesses and the general public of hazards associated with illicit connections and improper disposal of waste; and
 - iii. Keep records necessary to demonstrate compliance, including date of activities and any other relevant documentation.
- b. All permittees shall comply with this requirement on EDPA.

D. Minimum Standards for Construction Site Stormwater Runoff

1. Construction Site Stormwater Runoff

- a. Construction site stormwater runoff activities are authorized under a separate NJPDES permit, which is typically the Construction Activity NJPDES 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 www.nj.gov/dep/dwq/5g3.htm.
- b. 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.
- c. All permittees shall comply with this requirement on EDPA.

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

1. Stormwater Management Program to Address 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 and to ensure compliance with the Stormwater Management rules at N.J.A.C. 7:8.
- b. The post construction stormwater management program established by the permittee shall address stormwater runoff from “major development” as defined in the Stormwater Management rules at N.J.A.C. 7:8 unless any additional development is defined as “major development” by the permittee’s Stormwater Control Ordinance.
- c. The post construction stormwater management program established by the permittee shall require compliance with the applicable design, performance and maintenance standards established under N.J.A.C. 7:8 for “major development”.
- d. The permittee shall review and analyze development plans for compliance with N.J.A.C. 7:8 and the permittee’s SCO or RSIS as applicable, even if a permit is required by the Department for the same or similar activity (e.g., a Land Use permit).
- e. The permittee shall ensure that “major development” projects are constructed in accordance with the approved development plans.
- f. The permittee’s review engineer for compliance with N.J.A.C. 7:8 shall be independent from the design engineer, shall not have been involved in the design of the development plans, and shall have completed the Department’s Stormwater Management Design Review Course within the last 5 years and the Stormwater Management Rule Amendment Training, as per Part IV.F.8 and 9.
- g. The permittee shall ensure that the post construction stormwater management program requires that any residential development and redevelopment projects that are subject to the Residential Site Improvement Standards (RSIS) for stormwater management (N.J.A.C. 5:21-7) comply with those standards, including any exception, waiver, or special area standard that was approved under N.J.A.C. 5:21.
- h. The permittee shall include each approved major development on the Major Development Project List and submit the Major Development Project List to the Department annually with the MSRP Annual Report.
- i. The Stormwater Management rules (N.J.A.C. 7:8) and the Residential Site Improvement Standards for stormwater management (N.J.A.C. 5:21-7), independently and as implemented in this permit, apply to all areas of the municipality.
- j. All permittees shall comply with this requirement on EDPA.

2. Municipal Stormwater Management Plan (MSWMP)

- a. The permittee shall adopt, amend, and implement a written MSWMP, pursuant to N.J.A.C. 7:8, to describe the framework of the permittee's strategy, structure, and process for its post construction stormwater management program according to the following:
 - i. Conduct a reexamination of its MSWMP as part of the reexamination of its municipal master plan in accordance with N.J.A.C. 7:8-4.3(c) and (d), at least every 10 years, or more often as necessary to reflect changes related to the permittee's stormwater management program (e.g., if required due to amendments to the Stormwater Management rules at N.J.A.C. 7:8);
 - ii. Submit the adopted MSWMP to the county review agency for review and approval at least 20 days prior to public hearing pursuant to the requirements at N.J.A.C. 7:8-4.4. This includes MSWMP reexaminations without change;
 - iii. Electronically submit the county approved MSWMP and any amendments to the Department within thirty (30) days of the effective date of the plan;
 - iv. Post the county approved MSWMP and any amendments on the permittee's website (see Part IV.B.2) within thirty (30) days of the effective date of the plan; and
 - v. The date on the MSWMP shall reflect the most recent reexamination/revision date approved by the county review agency.

3. Municipal Stormwater Control Ordinance (SCO)

- a. The permittee shall develop, adopt, amend, implement, and enforce a municipal SCO (see example at www.nj.gov/dep/dwq/example_ordinance.htm) in accordance with N.J.A.C. 7:8, which shall, at a minimum:
 - i. Control aspects of residential development and redevelopment projects that are not pre-empted by the RSIS;
 - ii. Control stormwater from non-residential development and redevelopment projects, in accordance with the requirements at N.J.A.C. 7:8; and
 - iii. Set forth special area standards approved by the Site Improvement Advisory Board for residential development or redevelopment projects under N.J.A.C. 5:21-3.5.
- b. Additional requirements of the SCO include:
 - i. Submit SCO to permittee's county planning board for approval.
 - ii. If all or part of the municipality is located within the Pinelands, the SCO for that portion of the municipality must follow the Pinelands model SCO and be approved by the Pinelands Commission.

4. Mitigation Plan

- a. The permittee shall only grant a variance from the design and performance standards for stormwater management measures if the permittee has a mitigation plan included in an approved MSWMP and SCO(s) which meets the following requirements:
 - i. The mitigation plan shall identify measures that are necessary to offset the deficit created by granting the variance. The mitigation plan must satisfy the criteria in the Stormwater Management rules at N.J.A.C. 7:8-4.2(c)11 and 4.6. (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 a variance, a written report to the county review agency and to the Department via email (dwq-bnpc-stormwatermanagement@dep.nj.gov) describing the variance and the required mitigation in accordance with N.J.A.C. 7:8-4.6(a)3.

F. Minimum Standards for Pollution Prevention / Good Housekeeping for Municipal Operators

1. Community-wide Ordinances

- a. The permittee shall adopt and enforce the following community-wide ordinances (New Permittee: shall adopt and enforce the following community-wide ordinances on or before EDPA + 12 months):
 - i. Pet Waste Ordinance: The permittee shall adopt and enforce an ordinance that requires pet owners or their keepers to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person. Information on the Pet Waste Ordinance, the website address where it can be located, and the benefits of proper disposal of pet solid waste shall be distributed with pet licenses;
 - ii. Wildlife Feeding Ordinance: The permittee shall adopt and enforce an ordinance that prohibits the feeding of any wildlife (e.g., Canada Geese) in any public park or on any other 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 ordinance specifically lists and excludes for reasons set forth in the ordinance;
 - iii. Litter Control Ordinance: The permittee shall adopt and enforce a litter ordinance or enforce the existing State litter statute at N.J.S.A 13:1E-99.3;
 - iv. Improper Disposal of Waste Ordinance: The permittee shall adopt and enforce an ordinance 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. **Yard Waste Ordinance:** The permittee shall adopt and enforce one of the following yard waste ordinances: 1) An ordinance that prohibits placing non-containerized yard wastes (defined as leaves and/or grass clippings) into the street; or 2) An ordinance that prohibits placing non-containerized yard waste at the curb or along the street within 10 feet of any storm drain inlet and no sooner than seven (7) days prior to a scheduled and announced collection. The frequency of yard waste pickups shall be determined at the discretion of the permittee but shall be part of a set yard waste collection schedule which is noticed to all municipal residents and businesses; and
 - vi. **Private Storm Drain Inlet Retrofitting Ordinance:** Private Storm Drain Inlet Retrofitting Ordinance: The permittee shall adopt and enforce an ordinance requiring the retrofitting of existing storm drain inlets on private property to meet the standard in Attachment B (Design Standard for Storm Drain Inlets). Specifically, this ordinance: 1) shall apply to storm drain inlets, on property not owned or operated by the Tier A Municipality (e.g., condominium associations), that are in direct contact (i.e., contiguous) to repaving; repairing (excluding individual pothole repair); resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen); and reconstruction or alteration of facilities; and 2) shall not apply to a residential lot with one single family house.
- b. The permittee shall adopt and enforce the following community-wide ordinances on or before EDPA + 12 months:
- i. **Privately-Owned Salt Storage Ordinance:** Adopt and enforce an ordinance requiring that piles of salt and other solid (granular) de-icing materials which are not stored in a permanent structure be covered by tarping when not in use and secured in a way to prevent its exposure to rain, snow, or stormwater run-on; and
 - ii. **Tree Removal/Replacement Ordinance:** Adopt and enforce an ordinance to control tree removal and replacement to reduce stormwater runoff and pollutants, and to promote infiltration of rainwater into the soil.
- c. Additional ordinance requirements of this permit are found at Part IV.E.3 (Stormwater Control Ordinance) above and Part IV.G.3.c (Illicit Connection Ordinance) below.
- d. **Optional Privately-Owned Refuse Container/Dumpster Ordinance:** Permittees have the option of adopting and enforcing an ordinance requiring privately-owned dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times. This ordinance is not intended for litter receptacles; individual homeowner trash and recycling containers; containers that hold large bulky items (e.g., furniture, bound carpet, and padding); permitted temporary demolition containers; and refuse containers at industrial facilities authorized to discharge stormwater under a valid NJPDES permit.

- i. This ordinance serves to prevent the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids, or solids from refuse containers.
 - ii. Discharges of liquids, semi-liquids, or solids from these dumpsters or refuse containers into the MS4, or the surface or ground waters of the state, are illegal discharges not authorized under this permit and must be reported to the NJDEP Hotline at 1-877-WARNDEP (1-877-927-6337).
- e. Model ordinances can be found at www.nj.gov/dep/dwq/example_ordinance.htm.

2. Community-wide Measures

- a. The permittee shall develop and implement the following community-wide pollution prevention measures, and good housekeeping measures to control solid and floatable materials, which shall be described in the written SPPP:
 - i. **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 roads that are owned or operated by the permittee and have storm drain inlets that discharge to surface water. Existing Permittees shall continue with the current street sweeping schedule until the new triannual sweeping program is implemented on or before EDPA + 12 months. New Permittees shall begin this sweeping program on or before EDPA + 12 months.
 - ii. **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 roads that are owned or operated by the permittee that do not have storm drain inlets that discharge to surface water. Existing Permittees shall continue with the current street sweeping schedule until the new annual sweeping program is implemented on or before EDPA + 12 months. New Permittees shall begin this sweeping program on or before EDPA + 12 months.
 - iii. **Storm Drain Inlet Labeling:** The permittee shall label all permittee owned or operated storm drain inlets that do not have permanent wording cast into the structure of the inlet to indicate that it empties directly into a local waterway. This applies to inlets that are located along sidewalks that are adjacent to municipal streets, and within plazas, parking areas, maintenance yards or other ancillary activities that are operated by the permittee. Existing Tier A permittees and new Tier A permittees shall implement this requirement upon EDPA.
 - iv. **Storm Drain Inlet Retrofitting:** The permittee shall comply with the standards set forth in Attachment B (Design Standards for Storm Drain Inlets) of this permit to control passage of solid and floatable materials through storm drain inlets installed by the permittee. The permittee shall retrofit all permittee owned or operated storm drain inlets with the standards set forth in Attachment B on or before EDPA + 59 months.

- v. Storm Drain Installation: The permittee shall not install storm drains that do not include a catch basin or other BMP designed for solids collection. Existing Tier A permittees and new Tier A permittees shall implement this requirement upon EDPA.
- vi. 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. At a minimum, the permittee shall: (1) not apply herbicides on or adjacent to storm drain inlets, or on steeply sloping ground; (2) only apply herbicides along curb lines and unobstructed shoulders that contain unwanted vegetation; and (3) only apply herbicides within a 2-foot radius around structures where overgrowth presents a safety hazard and where it is unsafe to mow. Existing Tier A permittees and new Tier A permittees shall implement this requirement upon EDPA.
- vii. 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 and parking areas owned or operated by the permittee. Excess de-icing material removed from streets and parking areas may be returned to storage or properly managed if unsuitable for reuse. Existing Tier A permittees and new Tier A permittees shall implement this requirement upon EDPA.
- viii. Roadside Vegetative Waste Management: The permittee shall ensure the proper pickup, handling, storage and disposal of wood waste and yard trimmings generated by the permittee. 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. Existing Tier A permittees and new Tier A permittees shall implement this requirement upon EDPA.
- ix. Roadside Erosion Control: The permittee shall develop a program to detect and repair erosion along the roads owned or operated by the permittee and to inspect and maintain the stability of shoulders, embankments, ditches, and soils along these roads to ensure that they are not eroding and contributing to the sedimentation of receiving waters. Inspections of municipal roads shall occur at least once per year, and any repairs shall be completed as soon as practicable, but no later than 90 days from discovery, unless another timeframe is authorized by the Department, and be made in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey, N.J.A.C. 2:90-1. Existing Tier A permittees and new Tier A permittees shall implement this requirement upon EDPA + 12 months.
- x. The permittee shall maintain a log sufficient to demonstrate compliance with this section. Example Maintenance Logs and Inspection Records forms are available at www.njstormwater.org.

3. Inspection and Maintenance of Stormwater Facilities Owned or Operated by the Permittee

- a. The permittee shall develop, update, and implement a program to ensure adequate long-term cleaning, operation, and maintenance of all municipally owned or operated stormwater facilities, which includes but is not limited to:
 - i. Storm Drain Inlet Inspection: The permittee shall inspect, at a minimum of once per year, all storm drain inlets that it owns or operates;
 - ii. Storm Drain Inlet Cleaning and Maintenance: The permittee shall develop, update, and implement a storm drain inlet cleaning and maintenance program. The program shall establish the conditions under which a storm drain inlet must be cleaned, and maintenance performed. Cleaning and maintenance shall be conducted, at a minimum, as frequently as necessary to ensure that sediment, trash, or other debris is removed as necessary to restrict it from entering the waters of the State; to eliminate recurring problems; and maintain proper function;
 - iii. Catch Basin Inspection: The permittee shall inspect all catch basins that it owns or operates. At a minimum, permittees who own or operate less than 1,000 catch basins shall inspect them once per year. Permittees who own or operate 1,000 or more catch basins shall inspect a minimum of 20% of the total or 1,000 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;
 - iv. Catch Basin Cleaning: The permittee shall develop, update, and implement a catch basin cleaning and maintenance program. The program shall establish when a catch basin must be cleaned and maintained and include procedures for cleaning and maintenance. Cleaning and maintenance 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);
 - v. MS4 Conveyance Inspection and Cleaning: The permittee shall develop, update, and implement a MS4 conveyance inspection, cleaning, and maintenance program. The program shall establish when the MS4 conveyance must be cleaned and maintained to ensure proper function and operation;
 - vi. Stormwater Infrastructure Inspection (excluding i. – v. above): The permittee shall inspect all stormwater infrastructure that it owns or operates pursuant to approved maintenance plans. If there are no approved maintenance plans for certain stormwater infrastructure, the permittee shall inspect that infrastructure at least 4 times annually, and after each rainstorm exceeding 1 inch of total rainfall, unless the NJ Stormwater BMP Manual recommends a less frequent schedule;

- vii. Stormwater Infrastructure Maintenance (excluding i. – v. above): The permittee shall perform maintenance pursuant to approved maintenance plans, or more frequently as needed, to ensure the proper function and operation. See www.njstormwater.org; for maintenance guidance;
- viii. The permittee shall maintain a log sufficient to demonstrate compliance with this section, including but not limited to the type of stormwater facility; location information of the facility with geographic coordinates; name of inspector; date of inspection; observations of the structural integrity; history of complaints; evidence of current or previous flooding; any preventative and corrective maintenance performed; and any additional information or findings. Example Maintenance Logs and Inspection Records forms are available at www.njstormwater.org under the maintenance guidance link;
- ix. If stormwater facilities are found not to be functioning properly, corrective maintenance and repairs shall be completed as soon as practicable, but no later than 90 days from discovery, unless another timeframe is authorized by the Department. The permittee shall prioritize these activities based upon environmental, health and safety concerns; and
- x. The permittee shall certify in the MSRP Annual Report whether or not municipally owned or operated stormwater facilities have been inspected, are properly maintained, and are properly functioning.
- xi. Existing Tier A permittees and new Tier A permittees shall implement this requirement upon EDPA.

4. Inspection and Maintenance of Stormwater Facilities Not Owned or Operated by the Permittee

- a. The permittee shall develop, update, implement and enforce a program to ensure adequate long-term cleaning, operation and maintenance of stormwater facilities not owned or operated by the permittee, not subject to the conditions of another NJPDES stormwater permit and which were constructed after February 7, 1984.
- b. The permittee shall ensure that stormwater facilities not owned or operated by the permittee are inspected and maintained pursuant to approved maintenance plans, or more frequently as needed to ensure the proper function and operation of the stormwater facility, but at a frequency of not less than once per year.
- c. The permittee shall ensure that proper maintenance includes cleaning and removal of solid and floatable materials, including trash/litter, excess leaves or grass clippings, branches, logs, any other debris, or excess growth. These materials have the potential to impede the proper function and/or restrict flow causing flooding or excessive discharge velocity or may be discharged to the receiving waters. The permittee may require the owners or operators of these facilities to take measures to prevent the accumulation, discharge, or other hazards caused by such debris in the stormwater facilities (e.g., catch basins along roads and parking areas, and detention basins).

- d. The permittee shall maintain a log sufficient to demonstrate compliance with this section, including but not limited to the actions taken by the permittee to enforce compliance with the long-term cleaning, operation, and maintenance program; the stormwater facility that was the subject of the action; location information of the facility with geographic coordinates; the name and title of person responsible for enforcement; the date of the action; and the findings. Example Maintenance Logs and Inspection Records forms are available at www.njstormwater.org under the maintenance guidance link;
- e. The permittee shall maintain copies of all maintenance plans, as defined in Notes and Definitions, Part IV.B.1.a.vi, of this permit, for stormwater facilities approved by the municipality. The permittee shall provide copies of these maintenance plans to the Department upon request.
- f. Existing Tier A permittees and new Tier A permittees shall implement this requirement upon EDPA.

5. Municipal Maintenance Yards and Other Ancillary Operations

- a. Documenting Best Management Practices at all MMYs: The permittee shall implement Best Management Practices (BMPs) at each individual municipal maintenance yard (MMY) and ancillary operation owned or operated by the permittee. Each MMY and ancillary operation shall be identified by its own form in the SPPP which shall include a description of the site-specific activities and associated BMPs. Existing Tier A permittees shall implement this requirement upon EDPA. New Tier A permittees shall implement this requirement upon EDPA + 12 months.
- b. Site Inspections: The permittee shall inspect the entire site, including the site periphery, monthly (under both dry and wet conditions, when possible), and identify conditions that would contribute to stormwater contamination, illicit discharges, or negative impacts to the permittee's MS4. The permittee shall maintain a log sufficient to demonstrate compliance with this section, including but not limited to dates and times of the inspections; the name of the person conducting the inspection; and conditions requiring attention and remedial actions taken for all activities occurring. This log must be kept on-site, with a copy kept with the SPPP and made available to the Department upon request. Existing Tier A permittees shall implement this requirement upon EDPA. New Tier A permittees shall implement this requirement upon EDPA + 12 months.
- c. Inventory List: The permittee shall maintain a list of all materials and machinery which 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, lubricants, solvents, and detergents. Materials or machinery that are stored in a permanent structure and therefore not exposed to stormwater do not need to be included. Existing Tier A permittees shall implement this requirement upon EDPA. New Tier A permittees shall implement this requirement upon EDPA + 12 months.

- d. **Container Labels:** The permittee shall properly label all containers. Labels shall be legible, clean, and visible. Containers shall be kept 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 bermed to prevent run-through of stormwater may be used in place of spill platforms or clean pallets. Outdoor storage locations shall be regularly maintained. Existing Tier A permittees shall implement this requirement upon EDPA. Existing Tier A permittees shall implement this requirement upon EDPA. New Tier A permittees shall implement this requirement upon EDPA + 12 months.
- e. **Spill Kits:** The permittee shall conduct cleanups of spills of liquids or dry materials immediately after discovery. Spills that are suspected to be a threat to human health or the environment shall be immediately reported to the NJDEP Hotline at 1-877-WARNDEP (1-877-927-6337). 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. Existing Tier A permittees shall implement this requirement upon EDPA. Existing Tier A permittees shall implement this requirement upon EDPA. New Tier A permittees shall implement this requirement upon EDPA + 12 months.
- f. **Bulk Liquid Storage:** The permittee shall have secondary containment (e.g., spill containment dikes, double walled tanks, etc.) for all aboveground storage tanks containing bulk liquid (including but not limited to gasoline, diesel fuel, heating oil, hydraulic oil, used oil and liquid de-icing materials). The containment area must be impervious and be able to contain the volumetric capacity of at least 110% of the largest tank's capacity within the containment area. The containment area must be constructed so that no volume of bulk liquid can escape through drains, storm sewer systems, or to the surface waters or ground waters of the state. All accessory pipes, hoses, valves, and pumps must also be located within the containment area. It is recommended that the tank be protected to prevent stormwater from accumulating in the containment structure. Existing and new Tier A permittees shall implement this requirement by EDPA + 12 months.
- g. **Fueling Operations:** The permittee shall establish, maintain, and implement standard BMPs to address vehicle fueling; receipt of bulk fuel deliveries; and inspection and maintenance of storage tanks, including the associated piping and fuel pumps. At a minimum, these include:
 - i. Place drip pans under all hose and pipe connections and other leak-prone areas during bulk transfer of fuels;
 - ii. 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 bermed or boomed area during the loading/unloading of bulk fuels. A trained employee shall be present to supervise the bulk transfer of fuel;

- iii. Clearly post, in a prominent area of the facility, instructions for safe operation of fueling equipment that include all the following: “Topping off of vehicles, mobile fuel tanks, and storage tanks is strictly prohibited”; “Stay in view of fueling nozzle during dispensing”; and the contact information for the person(s) responsible for spill response; and
- iv. Immediately repair or replace any equipment, tanks, pumps, piping, and fuel dispensing equipment found to be leaking or in disrepair.
- v. Existing Tier A permittees shall implement this requirement upon EDPA. New Tier A permittees shall implement this requirement by EDPA + 12 months.
- h. Discharge of Stormwater from Secondary Containment: The permittee may discharge stormwater accumulated in a secondary containment area (e.g., fuel storage, de-icing solution storage, brine solution) provided a visual inspection is performed to ensure that the contents of aboveground storage tank have not come into 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, then the stormwater shall be hauled offsite for proper disposal. If the secondary containment area contains a valve, this valve shall remain closed at all times except as described above. Existing and new permittees shall implement this requirement upon EDPA.
- i. Vehicle/Equipment Maintenance and/or Repair: The permittee shall perform vehicle and equipment maintenance in a manner that prevents the exposure of pollutants to stormwater. Whenever possible, the permittee shall conduct vehicle and equipment maintenance and/or repair activities indoors. 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 at all times. Use designated areas away from storm drains or block storm drain inlets when vehicle and equipment maintenance is being conducted outdoors. Existing and new permittees shall implement this requirement upon EDPA.
- j. Wash Wastewater Containment: The permittee shall 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. A permittee that cannot discharge wash wastewater to a sanitary sewer may temporarily store wash wastewater in a containment structure prior to proper disposal under the following conditions:
 - i. Structural Inspections: The containment structure(s) does not leak. Any underground tanks and associated piping shall be tested for integrity every three 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, or as determined appropriate and certified by a professional engineer for the site-specific

- containment structure(s). For any cathodically protected containment system, provide a passing cathodic protection survey every three years;
- ii. Visual Inspections: Before each use, perform inspections of all visible portions of containment structures to ensure that they are structurally sound. Log dates of inspection; inspector's name, and conditions using the attached Underground Vehicle Wash Water Storage Tank Use Log. This visual inspection is not required if system design prevents such inspection;
 - iii. Overfill Prevention: Operate containment structures to prevent overfilling resulting from normal or abnormal operations, malfunctions of equipment, and human error. Wash wastewater shall no longer be introduced when determined to be at 95% capacity. Record each measurement to the nearest ½ inch. See attached Underground Vehicle Wash Water Storage Tank Use Log;
 - iv. Leak Remediation: Containment structures shall be emptied and taken out of service immediately upon detection of deterioration that could result in 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;
 - v. Pump-outs(including clean-outs): All wash wastewater placed into storage must be disposed of in a legally permitted manner. Maintain a log of equipment and vehicle wash wastewater containment structure pump-outs/clean-outs including date and method of removal, mode of transportation (including name of hauler if applicable) and the location of disposal. See attached Underground Vehicle Wash Water Storage Tank Pump Out Log;
 - vi. Annual Engineer's Certification: 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; and
 - vii. Recordkeeping: Maintain all logs, inspection records, and certifications on-site. Such records shall be made available to the Department upon request.
 - viii. Existing and new Tier A permittees shall implement this requirement upon EDPA.
- k. Salt and Other Granular De-icing Material Storage and Handling: The permittee shall store salt and other solid de-icing materials in a permanent structure and establish, maintain, and

implement salt and de-icing material storage and handling BMPs. At a minimum, these include:

- i. Preventing the exposure of stored salt and other granular de-icing material to rain, snow, or stormwater run-on. Stormwater runoff containing de-icing material from a material storage and handling area is not authorized for discharge under this permit;
 - ii. Preventing and/or minimizing spillage;
 - iii. Minimizing tracking of materials from loading and unloading operations, which shall be conducted during dry weather, when possible;
 - iv. Minimizing loader travel distance between storage area and spreading vehicle;
 - v. Sweeping (or clean using other dry cleaning methods), after loading and unloading, the areas surrounding the de-icing storage structure to eliminate the contact of de-icing materials with stormwater that were tracked away from storage areas. The permittee may reuse or properly discard materials collected during cleanup; and
 - vi. Restricting the temporary outdoor storage of salt and other granular de-icing materials. The temporary outdoor storage of salt and other granular de-icing materials is permitted only under the following conditions:
 - 1) A permanent structure is under construction, repair, or replacement;
 - 2) Stormwater run-on and de-icing material run-off is minimized;
 - 3) Materials in temporary storage are tarped when not in use;
 - 4) All the BMPs for de-icing materials in a permanent structure above are met; and
 - 5) Temporary outdoor storage shall not exceed 30 days unless otherwise approved in writing by the Department.
 - vii. Existing Tier A permittees shall implement this requirement upon EDPA. New Tier A permittees shall implement this requirement by EDPA + 36 months.
- l. Aggregate Material, Wood Chips, and Finished Leaf Compost Storage: The permittee may store materials such as sand, gravel, stone, topsoil, wood chips, and finished leaf compost, provided these materials are:
- i. Stored a minimum of 50 feet from surface water bodies, storm sewer inlets, and/or ditches or other stormwater conveyance channels;
 - ii. Stored in a manner as to minimize stormwater run-on and pollutant run-off via surface grading, dikes and/or berms (which may include sandbags, hay bales and curbing, among others) or three-sided storage bays. Where possible, the open side of storage bays shall be situated on the upslope. The area in front of storage bays and adjacent to storage areas shall be swept clean after loading/unloading; and

- iii. Not being processed (i.e., composting, chipping, grinding, screening, and/or size reducing). The discharge of stormwater from the processing of these materials is not authorized under this permit. Facilities conducting processing activities shall contact the Industrial Stormwater Permitting Unit at industrialstormwaterpermitting@dep.nj.gov for information regarding obtaining the applicable stormwater permit.
- iv. Existing Tier A permittees shall implement this requirement upon EDPA. New Tier A permittees shall implement this requirement by EDPA + 6 months.
- m. Cold Patch Asphalt Storage: The permittee shall store cold patch asphalt in a permanent structure or on an impervious surface and covered with a waterproof material (i.e., tarpaulin or 10-mil plastic sheeting) and contained (e.g., contained by berms) to control leachate and stormwater run-on or run through. Existing and new Tier A permittees shall implement this requirement upon EDPA.
- n. Street Sweepings and Storm Sewer Clean-out Material Storage: The permittee shall store street sweepings, storm sewer, and catch basin clean-out materials, stormwater basin clean-out materials and other similar materials on a temporary basis. These materials shall not include liquids, wastes which are removed from sanitary sewer systems, or material which constitutes hazardous waste in accordance with N.J.A.C. 7:26G. The materials placed into temporary storage must be, at a minimum:
 - i. Stored in leak-proof containers or on an impervious surface and covered with a waterproof material (i.e., tarpaulin or 10-mil plastic sheeting) and is contained (e.g., contained by berms) to control leachate and stormwater run-on or run-through; and
 - ii. Removed for disposal within six (6) months of placement into storage.
 - iii. Existing Tier A permittees shall implement this requirement upon EDPA. New Tier A permittees shall implement this requirement by EDPA + 6 months.
- o. Construction and Demolition Waste, Wood Waste, and Yard Trimmings Storage: The permittee may temporarily store construction and demolition waste, wood waste, and yard trimmings, provided these materials are:
 - i. Stored a minimum of 50 feet from surface water bodies, storm sewer inlets, and/or ditches or other stormwater conveyance channels;
 - ii. Stored in a manner as to minimize stormwater run-on and pollutant run-off via surface grading, dikes and/or berms (which may include sandbags, hay bales and curbing, among others), or three-sided storage bays. Where possible, the open side of storage bays shall be situated on the upslope. The area in front of storage bays and adjacent to storage areas shall be swept clean after loading/unloading;
 - iii. Removed within six (6) months of placement into storage; and

- iv. Not being processed (i.e., composting, chipping, grinding, screening, and or size reducing). The discharge of stormwater from the processing of these materials is not authorized under this permit. Facilities conducting processing activities shall contact the Industrial Stormwater Permitting Unit at industrialstormwaterpermitting@dep.nj.gov for information regarding obtaining the applicable stormwater permit.
- v. Existing Tier A permittees shall implement this requirement upon EDPA. New Tier A permittees shall implement this requirement by EDPA + 6 months.
- p. Scrap Tires: The permittee shall store scrap tires in a covered container or enclosure to prevent the exposure to stormwater. Existing and new Tier A permittees shall implement this requirement upon EDPA.
- q. Inoperable Vehicles or Equipment: The permittee may temporarily store (up to 6 months) inoperable vehicles or equipment provided drip pans are utilized for all leaking vehicles, portable tents or covers are placed over vehicles, use designated storage areas away from storm drains, and monthly inspections are conducted for leaks and filled drip pans, as noted in b. above. Existing and new Tier A permittees shall implement this requirement upon EDPA.
- r. Refuse Containers and Dumpsters: The permittee shall ensure that dumpsters and 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 temporary demolition containers (e.g., rubble or construction waste, and wood waste) or containers that hold large bulky items (e.g., furniture), provided they do not contain putrescible waste. Existing and new Tier A permittees shall implement this requirement upon EDPA.

6. Stormwater Program Coordinator (SPC) Training

- a. The permittee shall ensure that all individuals who serve as Stormwater Program Coordinators (SPC) complete mandatory Department training regarding their responsibilities to implement the stormwater program in their municipality.
- b. The Department will conduct this free training via an interactive webinar which shall be offered approximately twice each year.
- c. SPCs are required to attend this training within EDPA + 36 months and once per permit cycle thereafter.
- d. In the event of SPC turnover, the permittee shall comply with the conditions set forth in Part IV.A.1.e. and ensure that the new SPC attends the next available Department training session.
- e. Previous recordings of SPC training sessions will be posted on the MS4 Tier A webpage.

7. Annual Employee Training

- a. The permittee shall develop, update, and implement an employee training program that ensures duty-specific training of all individuals responsible for implementation of the stormwater program. Training shall describe the procedures necessary to ensure compliance with all permit conditions and shall include municipality-specific details described in the SPPP. Training shall be conducted within 3 months of commencement of duties and on an annual basis thereafter. Recipients include municipal board members, governing body members, shared contract service entities and municipal employees in public works, engineering, business administration, clerical, etc. Methods of training may include in-person group training sessions, e-Learning sessions, on-the-job/field training, and instructional videos. The permittee must document and maintain records of the training of each individual, indicating the participant's name/title, signatures, dates of training, agenda or topics discussed, and the instructor's name/title or video title/website link addresses. The location of these records shall be noted in the SPPP.
 - i. SPPP – The permittee shall provide training on the current SPPP and applicable recordkeeping requirements. See Part IV.A.2.
 - ii. Construction Site Stormwater Runoff – The permittee shall provide training regarding the need for applicable construction sites to obtain a Construction Site Stormwater Runoff general permit authorization. See Part IV.D.
 - iii. Post-Construction Stormwater Management in New Development and Redevelopment – The permittee shall provide training on the requirements for Post-Construction Stormwater Management in New Development and Redevelopment. See Part IV.E.
 - iv. Community-wide Ordinances – The permittee shall provide training on the community-wide ordinances including a review of the requirements, enforcement, and the repercussions of non-compliance. See Part IV.F.1.
 - v. Community-wide Measures – The permittee shall provide training on the community-wide pollution prevention/good housekeeping measures. See Part IV.F.2.
 - vi. Stormwater Facility Maintenance – The permittee shall provide training on the maintenance of inventoried stormwater facilities owned or operated by the municipality as well as those not owned or operated by the municipality. See Part IV.F. 3. and IV.F.4.
 - vii. Municipal Maintenance Yard Operations and Other Ancillary Operations – The permittee shall provide training on implementing BMPs, good housekeeping measures, and conducting and documenting site inspections at municipally owned or operated Maintenance Yard Operations and Other Ancillary Operations. See Part IV.F.5.
 - viii. MS4 Mapping – The permittee shall provide training on mapping MS4 infrastructure within the municipality. See Part IV.G.1.
 - ix. Outfall Stream Scouring Detection and Control – The permittee shall provide training on how to inspect, identify, correct, and document outfall pipe stream scouring and contributing factors. See Part IV.G.2.
 - x. Illicit Connection Elimination – The permittee shall provide training on how to inspect, identify, eliminate, and document the impacts associated with illicit connections and

details of the program including investigation techniques, physical observations, and field sampling. See Part IV.G.3.

- xi. Watershed Improvement Plan – The permittee shall provide training on the requirements for developing a Watershed Improvement Plan. See Part IV.H.
- xii. This requirement applies at EDPA for all existing permittees. New permittees have 12 months to create their SPPP and shall conduct training immediately upon completion. As such, the requirement for new Tier A permittees is EDPA+12 months.

8. Stormwater Management Design Review (SWMDR) Training

- a. The permittee shall ensure that all individuals that review and approve stormwater management designs for major development projects on behalf of the permittee for compliance with the Stormwater Management rules at N.J.A.C. 7:8 have completed this mandatory Department provided training.
- b. This SWMDR training course covers the rule’s requirements, calculation methodologies, and how to review a major development. This training must be completed, at a minimum, once every five years.
- c. A list of the individuals that completed this training course is posted at www.njstormwater.org/training.htm, including their five-year expiration date.
- d. Existing Tier A permittees shall implement this requirement upon EDPA. New Tier A permittees shall implement this condition within 12 months of EDPA.

9. Stormwater Management Rule Amendment Training

- a. Whenever the Stormwater Management rules at N.J.A.C. 7:8 are amended and the Department determines that training is warranted, the permittee shall ensure that all individuals that have completed the SWMDR course in Part IV.B.5.h above also complete this mandatory Department provided training.
- b. Training must be completed no later than one year after the adoption of the amendments to the Stormwater Management rules at N.J.A.C. 7:8.

10. Municipal Board and Governing Body Member Training

- a. The permittee shall ensure that municipal board and governing body members complete the “Asking the Right Questions in Stormwater Review Training Tool” posted at www.njstormwater.org/training.htm. This training is required for planning board members, zoning board members, and governing body members who review and approve applications for development and redevelopment projects on behalf of the permittee.
- b. This training must be completed by current municipal board and governing body members and once per term of service thereafter, municipal board and governing body members must

also review at least of one of the tools offered under Post-Construction Stormwater Management found at the website above.

- c. Existing Tier A permittees shall ensure their current municipal board and governing body members complete this training on or before EDPA. New Tier A permittees shall ensure their current municipal board and governing body members complete this training on or before EDPA + 6 months. All Tier A permittees shall ensure that any new member complete this training within six months of commencing duties.
- d. Once per term of service thereafter, municipal board and governing body members must review at least one of the training tools offered under Post-Construction Stormwater Management found at the website above.
- e. The permittee is required to maintain a list of the dates and names of training program participants in its SPPP.

G. Minimum Standards for MS4 Mapping, and Scouring, and Illicit Discharge Detection and Elimination

1. MS4 Mapping

- a. The permittee shall develop, update, and maintain an MS4 Infrastructure Map that delineates the location of the following stormwater features that are owned or operated by the permittee, including their associated attributes noted in parentheses:
 - i. MS4 outfalls (receiving surface water name, type of outfall);
 - ii. MS4 ground water discharge points (type);
 - iii. MS4 interconnections (type into/from, entity);
 - iv. Storm drain inlets (type, catch basin present, label present, retrofitted);
 - v. MS4 manholes;
 - vi. MS4 conveyance (type, direction of flow);
 - vii. MS4 pump stations;
 - viii. Stormwater facilities (type); and
 - ix. Property boundaries of maintenance yard(s) and other ancillary operations (type).
- b. The permittee shall ensure that the MS4 Infrastructure map be:

- i. Reviewed annually, or more frequently as necessary, and updated to include the location or attributes of any new or newly identified MS4 infrastructure;
- ii. Posted on the permittee's stormwater webpage and included as a weblink within the SPPP;
- iii. Submitted electronically to the Department as a georeferenced shapefile, geodatabase, or an AutoCAD file (with all other non-applicable data stripped out). If the DEP Mapping Application (https://www.nj.gov/dep/dwq/msrp_map_aid.htm) is used, then no submittal is required as the data is automatically submitted to the Department via the mapping application; and
- iv. Provided to the Department on or before EDPA + 36 months. Existing permittees: This time frame does not extend the deadline of December 21, 2020, for the submission of the MS4 outfall pipe map.

2. Stream Scouring

- a. The permittee shall develop, update, and implement a program to detect, investigate and control any localized stream scouring from stormwater outfalls owned or operated by the permittee. This program shall be described in the written SPPP, as required in Part IV.A.2. See the Tier A Municipal Guidance document and the Department's Stream Scouring Investigation Recordkeeping Form at https://www.nj.gov/dep/dwq/tier_a.htm for additional information.
- b. The permittee shall, at a minimum:
 - i. Inspect each MS4 outfall that discharges to a stream, and the surrounding area in the vicinity of the MS4 outfall, for localized scouring of the stream banks or bottom caused by the outfall. Each outfall shall be inspected 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 new and/or newly identified outfalls as required in i. above for localized scouring of the stream banks or bottom caused by the outfall;
 - iii. Investigate, within 30 days of receipt, all complaints and reports of stream scouring;
 - iv. When localized stream scouring is detected, identify sources of stormwater that contribute to the scouring from the outfall within 3 months;
 - 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. Where identified sources are within the jurisdiction of the permittee, but not located on property owned or operated by the permittee, the permittee shall ensure that proper operation and maintenance of stormwater facilities is performed by the entity responsible for the facility as required in Part IV.F.4;
- vii. Prioritize, schedule and complete remediation of identified localized stream scouring as soon as possible, taking action based upon the requirements above. If not able to be completed within 12 months, a schedule for completion shall be submitted to the MS4 Case Manager before the 12 month deadline. (See https://www.nj.gov/dep/dwq/msrp_managers.htm). This schedule of completion shall be maintained with updated information and provided to the MS4 Case Manager on a quarterly basis until completion as required in Part IV.F.3 and IV.F.4;
- viii. 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) and the requirements for bank stabilization and channel restoration found at N.J.A.C. 7:13;
- ix. All associated maintenance or repairs to stormwater facilities shall be made in accordance with N.J.A.C. 7:8. Any changes to stormwater facilities that were originally approved as part of a major development project must be reviewed for compliance with N.J.A.C. 7:8 and the permittee's SCO or RSIS as applicable, by a design review engineer who has completed the Department's Stormwater Design Review course;
- x. Maintain a log and document all investigations and actions taken sufficient to demonstrate compliance with this requirement. Outfall inspections shall include all information requested on the Department's Outfall Inspection Form. Documentation of stream scouring shall include all of the information requested on the Department's Stream Scouring Investigation Recordkeeping Form. (See https://www.nj.gov/dep/dwq/tier_a.htm).
- xi. Existing Tier A permittees should already have this program in place, so compliance is required at EDPA. New Tier A permittees must create and implement this program by EDPA + 12 months.

3. Illicit Discharge Detection and Elimination

- a. Illicit Discharge Detection and Elimination: The permittee shall develop, update, implement and enforce an ongoing Illicit Discharge Detection and Elimination Program. This program shall be described in the written SPPP, as required in Part IV.A.2. See the Tier A Municipal Guidance document and the Illicit Connection Inspection Report Form (www.nj.gov/dep/dwq/tier_a_guidance.htm) and the USEPA Guidance document (https://www3.epa.gov/npdes/pubs/idde_manualwithappendices.pdf) for additional information.

- b. The permittee shall, at a minimum:
 - i. Conduct visual dry weather inspection of all outfalls 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 new and/or newly identified outfalls, as required in Part IV.G.1.b.i above, to determine if dry weather flow or other evidence of illicit discharge is present;
 - iii. Investigate, within 30 days of identification, 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, within 30 days, to determine the source if evidence of illicit discharge is found;
 - vi. Eliminate as soon as possible, but no later than within one year of discovery, non-stormwater discharges that are traced to their source and found to be illicit connections. If unable to eliminate a non-stormwater discharge within one year, the permittee must request an extension from the Department no later than thirty days before the end of the one-year timeframe; and
 - vii. Document investigations and actions taken using the Department's Illicit Connection Inspection Report Form and attach this form to the MSRP Annual Report. (See https://www.nj.gov/dep/dwq/tier_a.htm).
- c. The permittee shall adopt and enforce an ordinance that prohibits illicit connections to the MS4 owned or operated by the permittee (See https://www.nj.gov/dep/dwq/example_ordinance.htm for a model ordinance).
- d. Existing Tier A permittees should already have this program in place, so compliance is required at EDPA. New Tier A permittees must create and implement this program by EDPA + 12 months.

H. Watershed Improvement Plan

1. Requirements for the Watershed Improvement Plan

- a. The permittee shall develop a Watershed Improvement Plan in the three phases specified below that describes what actions the permittee will take to:

- i. Improve water quality by reducing the contribution of pollutant parameters for all receiving waters within and bordering the town that have percent reductions listed for stormwater in the Total Maximum Daily Loads (see the TMDL Look-up Tool at <https://www.nj.gov/dep/dwq/msrp-tmdl-rh.htm>);
 - ii. Improve water quality by reducing the contribution of pollutant parameters for all receiving waters within and bordering the town that have and for those waters that are causing water quality impairments as per the Department's Integrated Report. (See the 303(d) list portion of the Department's Integrated Report at https://www.epa.gov/sites/default/files/2020-01/documents/2016_final_integrated_report_appendix_b.pdf); and
 - iii. Reduce and/or eliminate stormwater flooding in the municipality, prioritizing the areas of flooding for corrective actions based on threat to human health and safety, environmental impacts, and frequency of occurrence.
- b. The permittee shall solicit input from stakeholders, including residents, business owners, owners of private stormwater facilities (as per b.xiii below), and other municipalities and/or dischargers to the subwatershed(s) to be involved in the Plan development process.
 - c. The permittee shall conduct semi-annual public information sessions (in-person or virtual) beginning on or before EDPA + 36 months, throughout the development of the Plan. These sessions could be included on the agenda for town council (or equivalent) meetings.
 - d. The permittee shall prepare and submit to the Department, on or before EDPA + 36 months, **the Watershed Inventory Report**, as the first step of the Watershed Improvement Plan, which shall summarize and include an electronic map of the items listed below. The permittee may use any information available from the Department's GIS database at <https://gisdata-njdep.opendata.arcgis.com/> to assist with the preparation of this Report, except for items ii. through vi. For i., existing permittees shall use the outfall pipe map as the base map, which was required to be completed by the permittees by December 21, 2020.
 - i. All stormwater outfalls owned/operated by the permittee;
 - ii. The drainage area for each outfall(s);
 - iii. The receiving waterbodies of those outfalls;
 - iv. The water quality classification of all receiving waterbody segments;
 - v. All stormwater interconnections from the municipality into another entities' storm or sanitary sewer system;
 - vi. The drainage area for each interconnection into another entities' storm or sanitary sewer system;
 - vii. All stormwater connection points into the municipality from another entities' storm sewer system;

- viii. All storm drain inlets owned/operated by the permittee;
 - ix. Area associated with each TMDL for waters that lie within or bordering the municipality;
 - x. Area associated with each water quality impairment for waters that lie within or bordering the municipality;
 - xi. Overburdened communities;
 - xii. Impervious areas; and
 - xiii. The location and ownership of all privately (not owned/operated) owned stormwater outfalls and basins/infrastructure.
- e. The permittee shall prepare and submit to the Department, on or before EDPA + 48 months, **the second phase Watershed Assessment Report**, which shall include, but not be limited to:
- i. An assessment of potential water quality improvement projects by sub-watershed and parameter;
 - ii. An estimate of the percent reduction in loading of the TMDL/impaired parameters due to project(s) in i. above;
 - iii. A summary of feedback from public information sessions;
 - iv. An estimate of funding needs for each project, and identification of potential funding sources, including the New Jersey Water Bank (NJWB); the formation of an SWU, using 319 grants, FEMA BRIC grants; and
 - v. An estimate of an implementation schedule.
- f. The permittee shall post the Watershed Assessment Report, along with an announcement of a 60-day comment period for formal public input on its municipal website.
- g. The permittee shall prepare and submit to the Department, on or before EDPA + 59 months, **the final Watershed Improvement Plan Report**, which shall include:
- i. A summary of proposed locations and load reductions of water quality improvement projects, both public and private, to be implemented;
 - ii. A summary of the public comments received, and the changes made to the Final Plan;
 - iii. A summary of how the projects will be coordinated with other regulatory requirements, such as:
 - flood protection;
 - endangered habitat/species;
 - surface & ground drinking water protection;

- climate change/resiliency;
 - green infrastructure/SWM requirements;
 - wildlife corridors;
 - green acres;
 - environmental justice;
 - Combined Sewer Overflow Long Term Control Plans;
 - wetlands;
 - riparian buffers;
 - forest corridors;
 - related ongoing projects;
 - Pinelands Commission;
 - Highlands Council; and
 - Delaware River Basin Commission.
- iv. The proposed implementation schedule for the water quality improvement projects;
- v. A schedule of the public information sessions to be held;
- vi. Problems identified that are outside the jurisdiction of the permittee, if any. These can be related to pollutant loading due to agricultural properties, or other lands not under the jurisdiction of the municipality, and opportunities to address them;
- vii. Costs, broken down by project and year, the funding opportunities that will be sought; and
- viii. This plan shall describe how stormwater related problems in overburdened communities have been prioritized.
- h. The permittee shall begin implementation of the Watershed Improvement Plan in accordance with the schedule set forth in the Plan.
- i. The permittee shall update this Plan, when necessary, based upon the biennial (every 2 years) review of the revisions to the impairments of the permittee's waterbodies as per the Department's Integrated Report and newly adopted TMDLs.

I. Additional Measures

1. Incorporation of Additional Measures

- a. Additional Measures are non-numeric (e.g., best management practices) or numeric effluent limitations that are expressly required to be included in a permittee's stormwater program by a TMDL, a regional stormwater management plan, or other elements of an adopted areawide 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 list each adopted Additional Measure in a minor modification to the permit. The required Additional Measure(s) will also specify the implementation schedule.

J. Recordkeeping

1. Standard Recordkeeping Requirements

- a. The permittee shall retain copies of all 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.
- b. Existing Tier A permittees and new Tier A permittees shall implement this requirement upon EDPA.

K. Annual Report and Certification

1. Annual Reporting Requirements

- a. The permittee shall complete an Annual Report and Certification using the Department's electronic MSRP Annual Report service tool in the Regulatory Services Portal (<https://www.njdeponline.com>). The Annual Report shall summarize the status of compliance with the permit conditions for the subject year between January 1 and December 31.
- b. The permittee shall complete the annual Supplemental Questionnaire, which includes the Major Development Project List, and upload it as an attachment with the Annual Report. The Annual Report and Certification will be considered incomplete if the Supplemental Questionnaire is not included as an attachment when the Annual Report is submitted. The Supplemental Questionnaire is available at www.nj.gov/dep/dwq/tier_a.htm.
- c. The Stormwater Program Coordinator shall certify, sign and date the Annual Report.
- d. Submit the Annual Report and Certification, including the Supplemental Questionnaire, on or before May 1st annually.

Attachment A – Points System for Public Education and Outreach Activities

The permittee shall implement a Public Education and Outreach Program that focuses on educational and pollution prevention activities 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 **annually** conduct educational activities that total at least **12 points** and include activities from **at least three of the five categories** found below.

At a minimum, at least one of the activities shall involve educating businesses and the general public of hazards associated with illicit connections and improper disposal of waste.

Each approved activity is listed below with an assigned point value. Additional information on how to conduct these Public Education and Outreach activities can be found under Notes and Definitions Part IV.A.3 and 4 of this permit. Records shall be kept necessary to demonstrate compliance with this requirement, including date of activities and any other relevant documentation.

Category 1: General Public Outreach		
Activity	Description	Points
Social Media	Post relevant stormwater materials on a municipal social media site, such as a Facebook, Instagram, or Twitter page. This information may include links to other stormwater related resources, including the municipality’s stormwater webpage and the NJDEP stormwater website (www.njstormwater.org). *One point awarded for each social media platform used. A maximum of 3 points is allowed.	3*
Newspaper Ad	Use Department created and approved stormwater education materials available on www.cleanwater.nj.org to publish an ad in a newspaper or newsletter that serves the municipality. *A maximum of 1 point is allowed.	1*
Radio/Television	Broadcast a stormwater-related radio or television public service announcement from www.cleanwater.nj.org on a local radio or municipal public service channel. *One point awarded for each media outlet used. A maximum of 2 points is allowed.	2*
Green Infrastructure Signage	Post signs at municipally owned green infrastructure sites that describe the function and importance of the infrastructure, contact phone number, municipal identification number, and/or website for more information. *New signs receive 0.5 points per sign. Existing signs that are maintained or upgraded receive 0.25 points per sign. A maximum of 5 points is allowed.	5*

Billboard/Sign	Post and maintain (for credit in subsequent years) a stormwater-related billboard or sign which can be displayed on a bus, bus stop shelter, recreation field (outfield sign), or other common public location.	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 a local downtown/commercial area or other similar public venue.	2
Stormwater Facility Signage	Post signs at municipally owned stormwater management basins or other structural stormwater related facilities that describe the function and importance of the facility, contact phone number, municipal identification number, and/or website for more information. *New signs receive 0.5 points per sign. Existing signs that are maintained or upgraded receive 0.25 points per sign. A maximum of 5 points is allowed.	5*

Category 2: Targeted Audiences Outreach		
Activity	Description	Points
Stormwater Display	Present a stormwater related display or materials at any municipal event (e.g., Earth Day, town picnic), at the municipal building or other similar public venue.	1
Promotional Item	Distribute an item or items with a stormwater related message (e.g., refrigerator magnets, temporary tattoos, key chains, bookmarks, pet waste bag dispensers, coloring books, and pens or pencils). Municipality must initially have available a minimum number of the items equal to 10% of the municipal population.	2
Private Stormwater Facilities Education	Provide information to all known owners of stormwater facilities not owned or operated by the municipality (i.e., privately-owned) highlighting the importance of proper maintenance of stormwater measures. For assistance, see information at www.nj.gov/dep/stormwater/maintenance_guidance.htm .	3
Mailing or e-Mailing Campaign	Distribute any of the Department’s educational brochures, tip cards, or a municipally produced equivalent (e.g., community calendar, newsletter, or recycling schedule) via a mailing to every resident and business in the municipality. *A maximum of 2 points is allowed.	2*
Ordinance Education	Distribute a letter or e-mail from the mayor or municipal official to every resident and business in the municipality highlighting the requirements and environmental benefits of the Pet Waste, Wildlife Feeding, Litter Control, Improper Disposal of Waste, Containerized Waste/Yard Waste Collection, Private Storm Drain Inlet Retrofitting, Illicit Connection, Tree, and Salt Storage ordinances. Provide a link to the municipal website where subject ordinances are posted.	3

Category 3: School/Youth Education and Activities		
Activity	Description	Points
School Presentations	Provide water-related educational presentation(s) and/or activities to local preschool, elementary, middle, and/or high school classes using municipal staff or local partner organizations. Topics could include stormwater,	5*

	<p>nonpoint source pollution, watersheds, water conservation and water quality. For ideas, see information at www.nj.gov/dep/seeds.</p> <p>*Presentations receive 1 point per presentation, with a maximum of 5 points allowed.</p>	
Water Education Workshops	Provide water-related professional development workshops for local teachers from a registered NJ Department of Education Professional Development Provider	2
Storm Drain Labeling	Organize a project to label and/or maintain storm drain labels (that are not already precast with a message) with a scout troop, local school district, or faith-based group, or other community youth group for a minimum of 40 labels. This project could also include stenciling over precast labels to improve legibility.	3
Educational Contest for Schools	Organize an educational contest with a local school district or a local community organization serving youth to design a poster, magnet, rain stick, rain barrel or other craft/art object. Contest themes shall have an appropriate stormwater message. Winning entries are to be displayed at publicly accessible locations within the municipality such as at the town hall, library, post office, or school. The winning design should be shown on the municipality's website or social media site, if practical.	3
AmeriCorps Event	Coordinate an event (e.g., volunteer stream monitoring, educational presentations, or stormwater awareness project) through AmeriCorps NJ Watershed Ambassador Program.	4
Clean-up	Sponsor or organize a litter clean up for a scout troop, local school district, faith-based group or other community youth group along a local waterway, public park, stormwater facility, or in an area with storm drains that discharge to a local lake or waterway.	3

Category 4: Watershed/Regional Collaboration		
Activity	Description	Points
Regional Stormwater Collaboration	Participate in a regional stormwater, community collaborative or other watershed-based group on a regular basis to discuss impaired waterbodies, TMDLs, regional stormwater related issues, or watershed restoration plans that address those waterbodies. Evaluate, develop, and implement remedies that resolve stormwater-related issues within the affected waterbody or watershed.	3
Green Infrastructure Workshop	Organize or participate in a rain barrel, rain garden or other green infrastructure workshop on a regional or watershed basis. This could be a partnership exercise with a local watershed organization, utility, university, school, youth/faith-based group, and/or other organization.	3
Community Activity	Organize or participate in the organization of a regional or watershed-based event to carry out stormwater activities such as stormwater facility maintenance or litter clean-up. The municipality may identify and enter into a partnership agreement with a local group such as a watershed organization, utility, university, school, youth/faith-based group, and/or other organization to carry out these activities.	3

Category 5: Community Involvement Activities		
Activity	Description	Points
Volunteer Stormwater Assessment or Stream Monitoring	Establish a volunteer stormwater facility assessment (inspection, inventory and/or mapping) or stream monitoring program for a waterbody within the municipality to gauge the health of the waterway through chemical, biological or visual monitoring protocols. Contact NJDEP's AmeriCorps NJ Watershed Ambassador Program or review USEPA National Directory of Volunteer Monitoring Programs.	3
Rain Barrel Workshop	Organize or participate in a rain barrel workshop. This could be a partnership exercise with a local watershed organization, university, school, youth/faith-based group, and/or another nonprofit.	3
Rain Garden Workshop	Organize or participate in a rain garden training or installation workshop. This could be a partnership exercise with a local watershed organization, university, school, youth/faith-based group, and/or another nonprofit.	3
Community Event	Organize or participate in the organization of a community event to carry out stormwater activities such as stormwater measure maintenance or a stream buffer restoration. The municipality may identify and enter into a partnership agreement with a local group such as a watershed organization, university, utility, school, youth/faith-based group, and/or other nonprofit to carry out these activities.	3
Community Involvement	Organize a project with a local organization to create and post signs at either green and/or gray stormwater infrastructure sites or facilities that describe the function and importance of the facility, contact phone number, municipal identification number, and/or website for more information. *Signs receive 0.5 points per sign. A maximum of 5 points is allowed.	5*

Attachment B - 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 municipality's Stormwater Control Ordinance:

- Storm drain inlets installed as part of new development and redevelopment (public or private) that disturb one acre or more;
 - Storm drain inlets installed as part of new development and redevelopment (public or private) that disturb less than one acre that are part of a larger common plan of development or sale (e.g., phased residential development) that ultimately disturbs one acre or more;
- Tier A Municipality 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; and
- Privately-owned or operated storm drain inlets (e.g., condominium association) 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. This does not include single family homes.

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.state.nj.us/transportation/about/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., 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;
 - 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.