

Keeping up with Changing Regulations

Chris Gulics, Senior Director
Matt Mee, Project Scientist
Kristi Sorrentino, Project Scientist



- What is the E-JIF?
- E-JIF Claims
- E-JIF Policies
- Underground Storage Tanks
- Stormwater
- Emergency Generators
- Common Violations

E-JIF

ENVIRONMENTAL JOINT INSURANCE FUND

The Environmental Joint Insurance Fund (E-JIF) is a risk management fund providing specialized environmental and risk management insurance services to municipalities, water and sewer authorities from thirteen JIFS referred to as “Local Units” within New Jersey. The E-JIF has been in operation since 1995.



E-JIF PROFESSIONALS

- **Executive Director**

- PERMA

- **Underwriting Managers**

- Danskin Insurance Agency
- Conner Strong & Buckelew

- **Legal**

- Dorsey & Semrau

- **Claims**

- King and Petracca

- **Environmental Engineers**

- First Environment and PS&S Engineering

ENVIRONMENTAL ENGINEERING SERVICES

- **Gather Data/Documentation regarding Environmental Issues**
Review of Available Data/Documentation
- **Audit Services (DPW, MUA, Tanks, Air, Recycling, Properties)**
- **Inspections/Assessments**
- **Continuing Education**
 - Seminars
 - Environmental Alerts
- **Loss Control/Loss Prevention Consulting Services**
- **24-Hour Emergency Environmental Consultation**

EJIF POLICIES

01

E-JIF Claims

**Environmental
Response**



02

**Foreclosed Property
Inspections**

**Environmental Due
Diligence**

03

Buried Piping Policy

EJIF CLAIMS



EJIF HOTLINE

- 24/7 support for all members
- Assistance from EJIF's environmental consultant
- Maintained list of resources, contractors, etc. – Contractors are hired directly by the Member
- Difference between Hotline and WARNDP #'s



Environmental Emergency Information



Step One

LOCAL HAZMAT RESPONDERS

Telephone: _____

Contact: _____

Address: _____



Step Two

EJIF EMERGENCY HOTLINE

1-800-289-6681

NOTE: 24 hours/7day per week, leave message and call will be returned shortly.

NJDEP 24 HOUR TOLL-FREE HOTLINE
FOR ENVIRONMENTAL INCIDENTS

1-877-WARNDEP

(1-877-927-6337)

CLAIMS & EJIF HOTLINE

What is a Claim?

A claim investigation is triggered when an EJIF member experiences and reports a real or anticipated loss as a result of an environmental discharge and/or remediation efforts.

What is a discharge?

Any unpermitted chemical, petroleum or industrial discharge into the soil, groundwater and/or surface waters of the State.

CLAIMS & EJIF HOTLINE

The Claims Process...

Claims Reported to PS&S/First Environment by a Member or Risk Manager:

1. Immediately reported to the EJIF Executive Director, Underwriting Managers and Claims Attorney.
2. Claims Attorney reviews initial information and if required, requests further information (i.e. Claims Investigation) from PS&S/First Environment to assist in determining insurance coverage.
3. PS&S/First Environment initiates a Claim Investigation with the assistance of the Member. Information is then provided to the parties above.
4. Insurance coverage determination is provided by the Claims Attorney directly to the member. PS&S/First Environment does not provide coverage determinations.

SANITARY SEWER SPILL

- Developer damaged two manhole structures causing backup of sanitary sewer resulting in discharge of sanitary waste to surface water
- Bypass installed to cease the discharge
- Repair made by contractor that caused the backup





SANITARY SEWER SPILL





HYDRAULIC SPILL

- Municipal garbage truck hydraulic line ruptured and impacted residential property
- Soil excavation and disposal performed with proper reporting to close claim





HYDRAULIC SPILL



MIDNIGHT DUMPING

- A load of sand from an unknown source dumped along a municipal ROW
- Characterization identified that material was contaminated with certain metals
- Loading, transportation, and proper disposal performed



DISCOVERED USTS

- UST found during a street scape project within ROW
- Second UST found during removal of first tank
- Unscheduled and unknown to the Member
- Former/Current Owner unknown
- EJIF assists with reimbursement of remediation related cost up to \$10,000



TRANSFORMER SPILL

- Transformer replacement project
- Contractor error resulted in surface spill that entered stormwater management structure



PROPERTY TRANSACTIONS

- Property Sales
- Property Acquisitions
- Phase 1 vs ESAs
- Due Diligence
- Innocent Purchaser's Defense

JULY 2016

Environmental Alert



PROPERTY ACQUISITIONS AND THE EJIF

In 2013, the EJIF issued an Environmental Alert to their members; entitled "The Hidden Cost of Free Property" due to an increase in the number of property acquisition inquiries being received. Many of these properties were abandoned by their owners as a result of impacts from Superstorm Sandy. Now in 2016, as our economy continues to slowly recover, the EJIF is again receiving many requests for the inspection of properties our members are considering acquiring through foreclosures, Open Space acquisitions and donations of land. In addition to property acquisitions, members are also releasing municipal properties for sale and redevelopment. In either case, the EJIF finds it important for members to understand the liabilities associated with the acquisition or sale of a property in order to reduce their exposure to future environmental risk.

EJIF Limited Due Diligence Services

As indicated in our prior Alert, the EJIF provides limited environmental due diligence services to members interested in acquiring a property. The EJIF's limited due diligence service includes a preliminary site review, site audit of the target property noting areas of visual environmental concern, as well as a review of the NJDEP's environmental database and mapping services.

While these services do not comply with the full due diligence requirements under the Federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or the New Jersey Spill Compensation and Control Act (Spill Act), they do provide an initial analysis of the risk associated with the parcel. The intent is to assist your municipality with making a decision to further investigate the parcel or to terminate the inquiry prior to the direct retention of an environmental professional. In addition, this service assists the EJIF in obtaining quotes for environmental insurance coverages for the member if they choose to move forward with acquisition and request environmental insurance coverage for the property.

Complete Due Diligence

Subsequent to the EJIF Consultants' inspection of the property, a report of the findings and an assessment of the potential environmental risk are submitted to the member and the EJIF Underwriting Managers. Each report issued will always recommend that the member retain an appropriate environmental professional to perform full due diligence of the site to be afforded protection under CERCLA and the Spill Act. Without the completion of full due diligence, environmental liabilities can be assessed to both the former owner, as well as the new owner, of a property.

Critical Disclosure

Conversely, when a member decides to sell or transfer ownership of a municipal property, they have to be prepared that the prospective buyer will likely be performing their own due diligence. As part of this process, the prospective buyer will be requesting available information, which will include, but not be limited to, all permits and any information relative to above and below ground tanks, discharges of hazardous materials, and any environmental investigations performed on the site. It is imperative that the site owner provide all available information to the prospective buyer relative to the above without providing any interpretation of the same. NJDEP No Further Action (NFA) determinations or Response Action Outcomes (RAO) issued by a Licensed Site Remediation Professional may be specific to an area of concern, include the entire site, or could even be conditional where soil and groundwater contamination may still exist on the site. It is important that the member provides copies, documents that this information was provided to the prospective buyer, and allows them or their environmental professional to interpret this information. For example, falsely representing that a property has a NFA or RAO for the entire site, when it's associated with a single area of concern only, such as a discharge from an underground storage tank, can bring on potential liabilities not covered by insurance. Full disclosure without interpretation is necessary along with the representation of legal counsel.

A Final Note

If you are in a position of evaluating a property for acquisition or have questions regarding the potential sale of a municipal property, the EJIF urges you to always contact your Risk Manager and our consultants to assist you with the initial assessments.

Service Team

Members of the Camden, Monmouth, Ocean, PMM, Suburban, Central, TRICO and BURCLD JIFs, please contact Christopher Gulics of PS&S at cgulics@psands.com or 732.430.7012.

Members of the Bergen, Morris, South Bergen, Suburban Essex and NJUA JIFs please contact Richard Erickson of First Environment at rerickson@firstenvironment.com or 973.334.0003.



TERMA | 5 CAMPUS DRIVE, SUITE 100, HARTFORD, CT 06104 | 861.881.7438 | NJIF.ORG

ENVIRONMENTAL DUE DILIGENCE FORECLOSED PROPERTY INSPECTIONS

STEP 1

- Transaction Screen Checklist
 - Completed by the Member
 - Identifies current and former uses of the property
 - Assists with evaluating Recognized Environmental Concern and also assist us in protection of our staff's health and safety
 - "Unknowns" increase risk and also increase insurance premium estimates

Transaction Screen Checklist For the Owner/Operator

1. Name and location of property: _____

1a: Facility Name: _____

1b: Location (including lots & blocks): _____

1c: Operator: _____

1d: Type of Business: _____

2. What is the current use of the property?

| | | |
|--|---|--------------------------------------|
| <input type="checkbox"/> Residential - Single Family | <input type="checkbox"/> Residential Multi-Family | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Unimproved/Raw Land | <input type="checkbox"/> Industrial/Manufacturing | <input type="checkbox"/> Agriculture |

3. What is the facility's SIC Code: _____

4. Have any current or prior owners or operators of the property made any submissions to the New Jersey Department of Environmental Protection pursuant to the Environmental Cleanup Responsibility Act ("ECRA") and/or Industrial Site Recovery Act (ISRA)?

☐ Yes ☐ No ☐ Unknown

5. How many buildings are located at the property? _____

6. How old are the buildings at the property?

Building A: _____

Building B: _____

Building C: _____

7. Were the buildings constructed prior to 1979?

☐ Yes ☐ No ☐ Unknown

8. Is the property or any adjoining property used for an industrial site?

☐ Yes ☐ No ☐ Unknown

9. To the best of your knowledge, has the property or any adjoining property been used for industrial use in the past?

☐ Yes ☐ No ☐ Unknown

10. Is the property currently used, or previously been used, for an industrial or manufacturing operation, as a gas station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junkyard, landfill or waste treatment, storage disposal, processing or recycling facility?

☐ Yes ☐ No ☐ Unknown

PROPERTY ACQUISITIONS

Why Inspect?

- Court Finds Multiple Defendants Share \$6.13 Million Liability For Cleanup of Mercury Contamination at Former Day Care Site

Due Diligence

- Do your due diligence before taking ownership of foreclosed or donated property! Property inspections are a valuable service available to you with your EJIF membership.

FULL DUE DILIGENCE IS ALWAYS RECOMMENDED PRIOR TO ACQUISITION

ENVIRONMENTAL DUE DILIGENCE FORECLOSED PROPERTY INSPECTIONS

Included at no additional cost

1. Site Inspection
2. Review NJDEP DataMiner and GeoWeb for prospective property and its contiguous properties
3. Written report of findings

- Assists the insurance professionals for evaluating risk to determine insurance premiums
- Great tool for the member to determine if its worth proceeding with the retention of an environmental professional for the completion of full due diligence through the performance of an ESA or PA.

ENVIRONMENTAL DUE DILIGENCE FORECLOSED PROPERTY INSPECTIONS

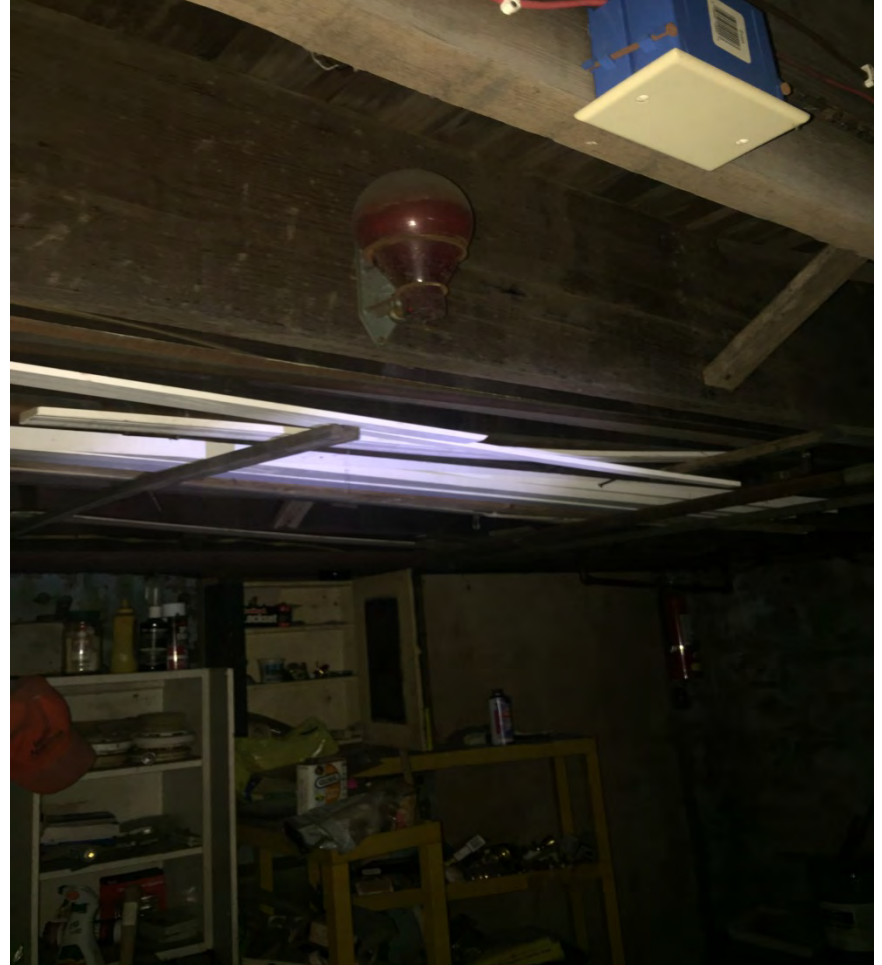
- **Level I – Low Risk:** All answers are "not applicable" or "no", and a site inspection did not identify any RECs
- **Level II – Moderate Risk:** One or more answers are either "yes" or "unknown," and the site inspection did not reveal RECs
- **Level III - High Risk:** One or more of the answers are either "yes" or "unknown", and the site inspection did reveal RECs
- **Level IV - Known Contaminated Properties:** Sites which are known to be contaminated will not be covered under the existing policy.



ENVIRONMENTAL DUE DILIGENCE FORECLOSED PROPERTY INSPECTIONS



ENVIRONMENTAL DUE DILIGENCE FORECLOSED PROPERTY INSPECTIONS



ENVIRONMENTAL DUE DILIGENCE FORECLOSED PROPERTY INSPECTIONS



ENVIRONMENTAL DUE DILIGENCE FORECLOSED PROPERTY INSPECTIONS



EJIF POLICY - BURIED UNDERGROUND PIPING

Applicability:

All aboveground tank systems equipped with buried product piping, which convey the following:

- Motor Fuel
- Petroleum Products
- Hazardous Substances
- Used Oil

Testing Frequency:

Tightness Testing required once every two years

*Double Walled Piping: Both inner and outer piping must pass Tightness Test

Exemption:

Any facility that maintains compliance with the release detection methods and construction requirements detailed in N.J.A.C. 7:14B-4 and N.J.A.C. 7:14B-6



BURIED UNDERGROUND PIPING



BURIED UNDERGROUND PIPING EXAMPLES

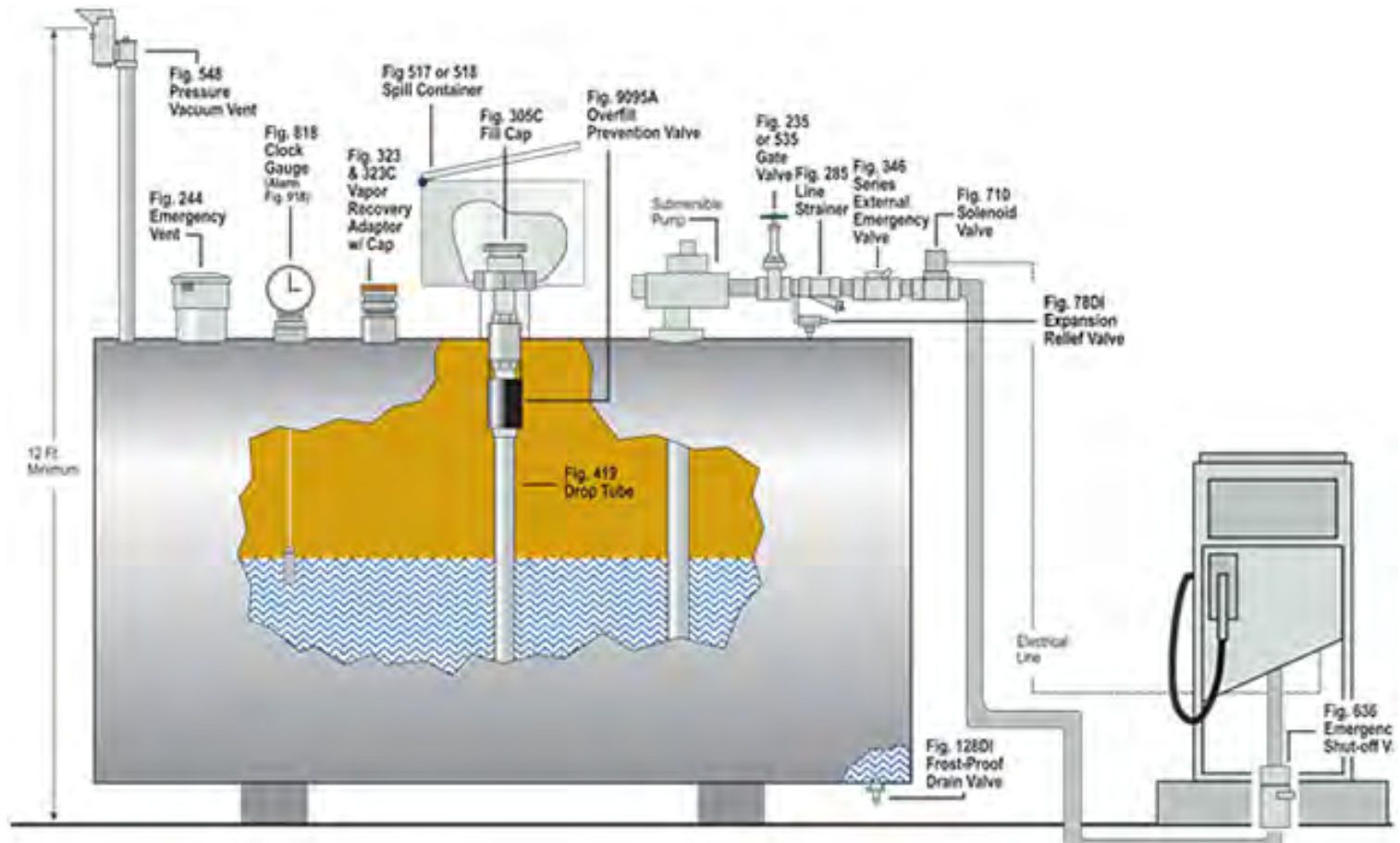
Underground Piping to Fuel Dispenser



Underground Piping to Emergency Generator



BURIED UNDERGROUND PIPING



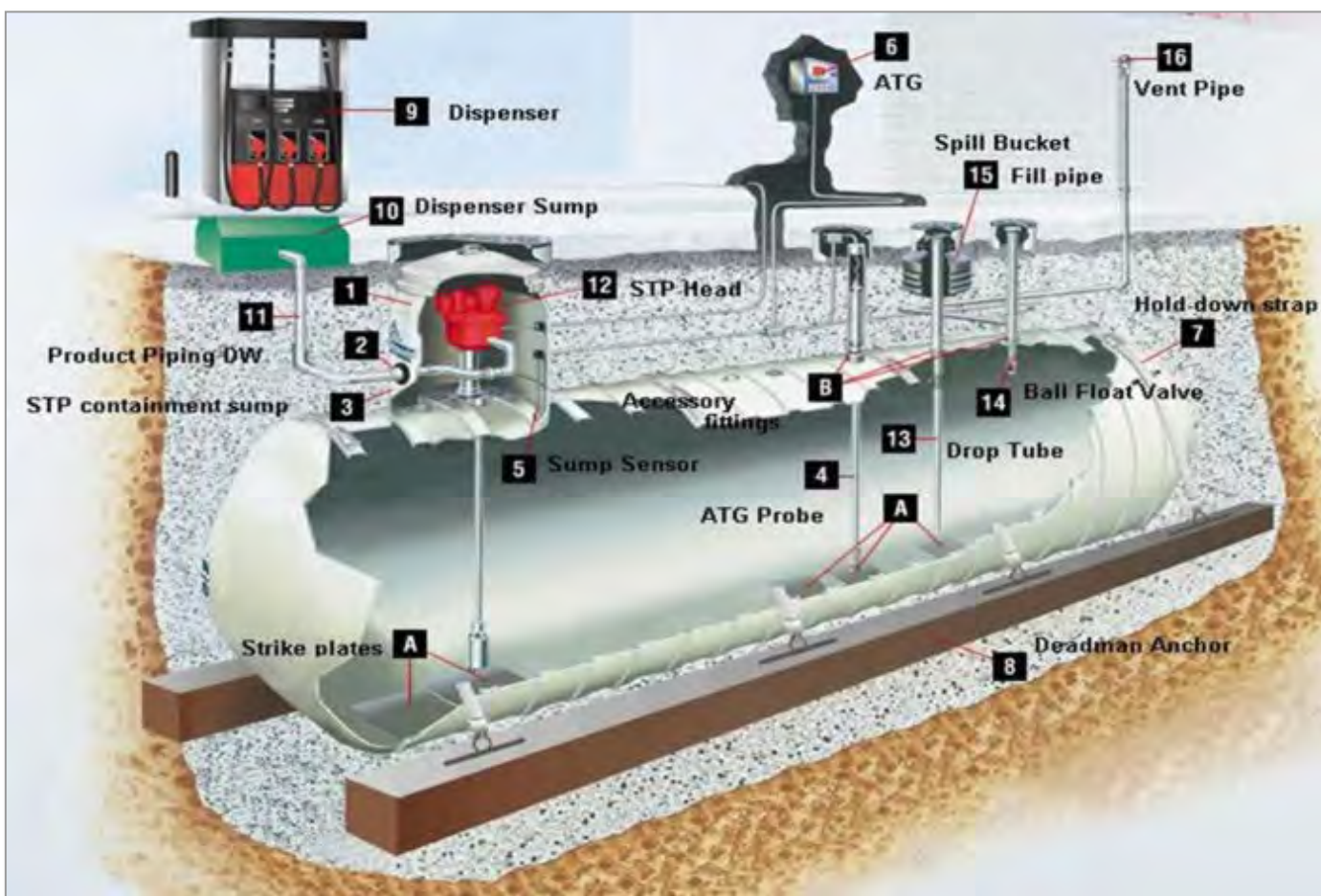
“NOT” BURIED UNDERGROUND PIPING



“NOT” BURIED UNDERGROUND PIPING



UNDERGROUND STORAGE TANKS

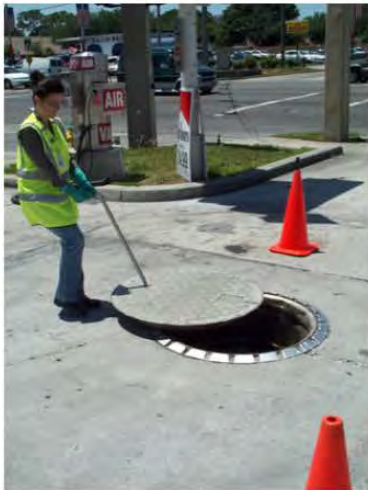


UST COMPONENTS

- 1 - Piping Sump
- 2 - Bushing/Collar
- 3 - Piping Boot
- 4 - ATG Probe
- 5 - Sump Sensor
- 6 - ATG
- 7 - Strapping
- 8 - Tank Anchors
- 9 - Dispenser
- 10 - Dispenser Sump
- 11 - Product Piping
- 12 - STP Head
- 13 - Drop Tube
- 14 - Ball Float Valve (old)
- 15 - Spill Bucket/Fill Pipe
- 16 - Vent Pipe



Accessing the underground tank



Remove the STP sump cover and spill bucket cover for access to the tank

Spill Bucket



Tank access

Tank access port



Sensor port



- Insurance
- Registration with NJDEP
- Release Response Plan
- Corrosion Protection
- Overfill Protection
- Spill Protection (all sumps)
- Release Detection (RDM)
- Proper Fill Port markings

SUMPS may be USTs

REGULATED USTS

Existing
Minimum
Requirements



WHAT IS A SUMP?

Below the surface?



Potential to store petroleum
or hazardous substance?
Flow through?



RELEASE RESPONSE PLAN

- Contingency plan in case of a release
- Must be posted/accessible
- Required for ALL regulated USTs
- A Licensed Site Remediation Professional (LSRP) or licensed firm must be “Identified” on the Plan but need not be “Retained”

| Release Response Plan | | |
|--------------------------------------|--|------------------------------------|
| Contacts: | Phone # | Contact Name |
| NJDEP Hotline: | | --- |
| Fire Department: | 911 | --- |
| Facility Owner / Operator: | 908-659-7470 908-400-5405 | Christopher Meehan, Motor Vehicles |
| County Health Department: | 908-654-9880 | Les Jones, Health Official |
| Corrective Action/Repair Contractor: | 610-278-7203 | Crompco, LLC |
| Local Emergency Management | 908-654-9881 | Christopher Scaturro, OEM |
| Environmental Consultant | 908-497-8900 | Birdsall Services Group |
| Procedures | | |
| 1 | Immediately notify the Facility Owner of any suspected release including all monitoring system alarms and observations of product within the piping sumps. | |
| 2 | Conduct a visual inspection of all readily accessible physical facilities (e.g. piping sumps) for evidence of leakage or discharge. | |
| 3 | Run diagnostic check on all monitoring systems; Check for a malfunction of the monitoring system. If alarm condition confirmed, take tank system out of service until repair contractor can evaluate cause of alarm. | |
| 4 | Contact tank system repair contractor, Crompco, LLC, to visit site and investigate suspected release. | |
| 5 | Facility Owner or designee must complete the investigation of a suspected release within 7 days of initial discovery. <i>N.J.A.C. 7:14B-7.1 Suspected releases</i> | |
| 6 | Facility Owner or designee shall immediately contact the New Jersey Department of Environmental Protection (1-877-927-6337) within 15 minutes of confirmation of the release. | |
| 7 | Refer to <i>N.J.A.C. 7:14B-8 Remediation Activities</i> or <i>N.J.A.C. 7:14B-9 Closure Requirements</i> for additional guidance following confirmation of a release. | |
| 8 | Facility Owner makes determination on what remediation activities are needed, consider contacting environmental consultant for additional guidance. | |
| UST Size and Contents | Tank ID # | Location Description |
| 1,000 Gallon Gasoline | 1 | Galloping Hills Golf Course |
| 1,000 Gallon Heating Oil | 2 | Galloping Hills Golf Course |
| | 3 | |
| | 4 | |

Pre-Delivery

- Spill bucket inspection log

Monthly

- Sump, fill port, and dispenser inspection logs
- **Keep evidence of leak detection tests**
- If your system does not have a print option, document tests in a log book.

Annually

- Recertification of the Release Detection Monitoring (RDM) systems

Ongoing

- Release Response Plan Posted
- **UST Registration Posted**

Additional Recordkeeping

- Cathodic protection records

USTs,
Staying in
Compliance

Compliance
Checklist
For Existing
Rules



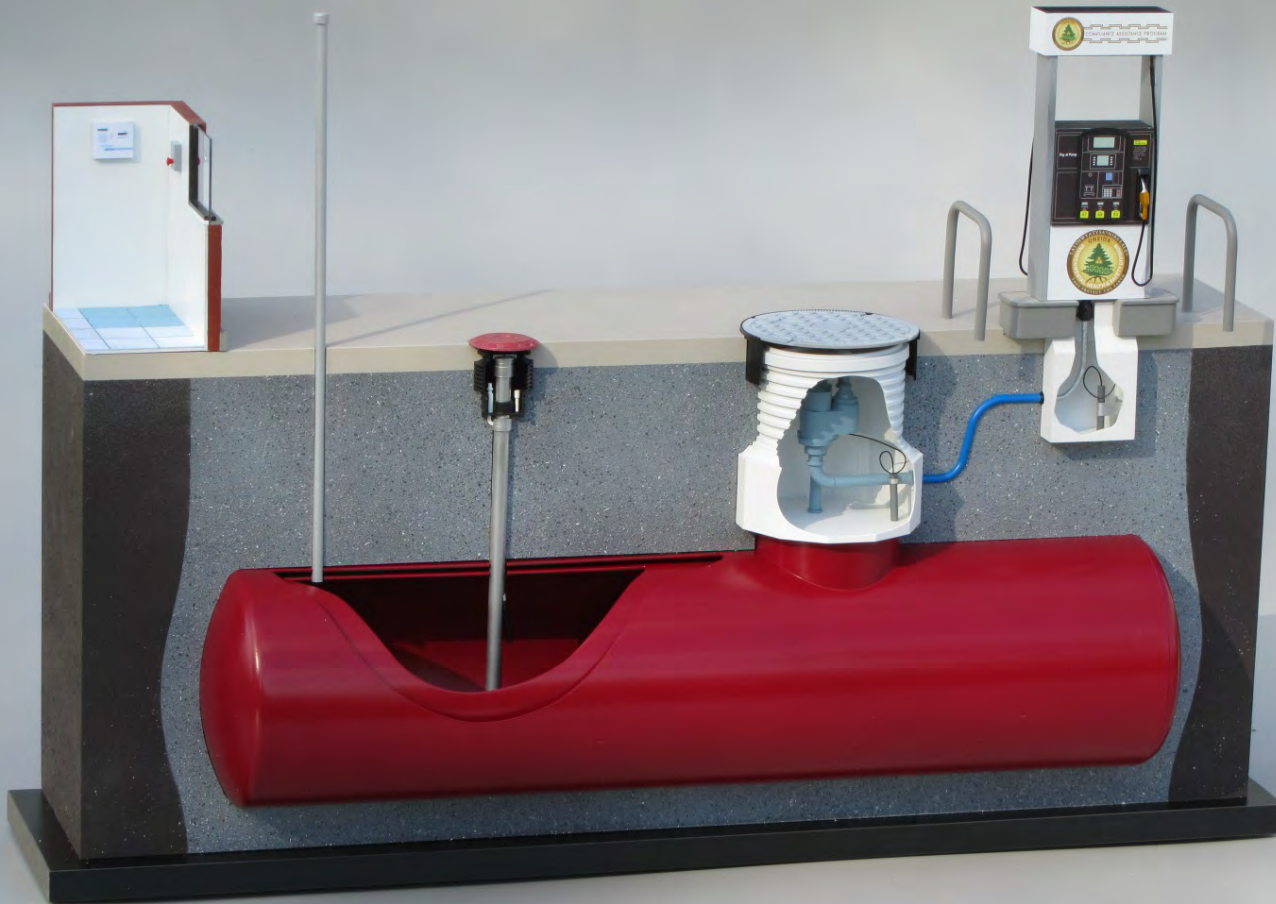
**ANNUAL
CERTIFICATION
REQUIRED!**

Certified
Testing
Company
must perform
annual
inspection &
certification
of your RDM
system

NEW RULE SPOTLIGHT

Starting
October 2018

A Leak Test
is required
for ALL new
spill buckets
and sumps





SECONDARY CONTAINMENT

UDC must be liquid-tight and allow for visual inspections to be periodically monitored for leaks from the dispenser

New Requirement – Installation of under-dispenser containment (UDC) for all new or replaced dispenser systems

OPERATOR TRAINING

CLASS A, CLASS B, CLASS C

Class A Operator

- The individual designated by the owner or operator to have primary responsibility to operate and maintain the UST system
- The Class A operator typically manages resources and personnel, such as establishing work assignments, to achieve and maintain compliance with regulatory requirements.

Class B Operator

- The individual designated by the owner or operator to have day-to-day responsibility
- The Class B operator typically implements in-field aspects of operation, maintenance, and associated recordkeeping for the UST system.

Class C Operator

Can be trained by A/B Operator. Is an on-site employee, responsible for dispensing fuel, typically first to respond to an issue.

OPERATOR TRAINING

Un-manned Sites

- Although each facility must designate and train a Class C operator, some unmanned facilities **may not have a Class C operator on site.**
- Examples of these types of facilities are emergency generators and card lock/card access facilities, such as at a gas pump for **municipal** or corporate vehicles.

Retraining

Retraining required within 30 days for Class A and B operators for USTs determined to be **out of compliance.**

- Unless, Class A and B Operators take annual refresher training
- Or, Implementing agency waives training

OPERATOR TRAINING

Training Records

- Trainee name
- Date trained
- Operator training class completed
- Name of training company or examiner
- Training company's name, address, phone #

Identify all designated operators at the facility

- Operator name
- Operator class
- Date assumed duties
- Training/Retraining dates

UST OPERATION AND MAINTENANCE WALKTHROUGH INSPECTIONS

- Every 30 days: Check spill prevention equipment and release detection equipment
- Annually: check containment sumps and any hand held release detection equipment
- Fuel Delivery records



UST OPERATION AND MAINTENANCE WALKTHROUGH INSPECTIONS

RDM & Sumps

Monthly Check....

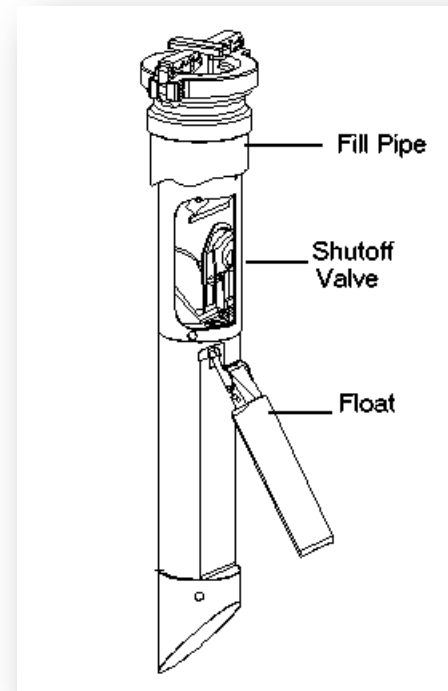
- Release Detection Equipment
- Containment Sumps
- Handheld Equipment (tank gauge)

Spill Prevention Equipment

- Check for damage
- Remove liquid/debris
- Remove any obstructions in fill pipe
- Check fill cap is secured
- Check for leaks in all interstitial areas

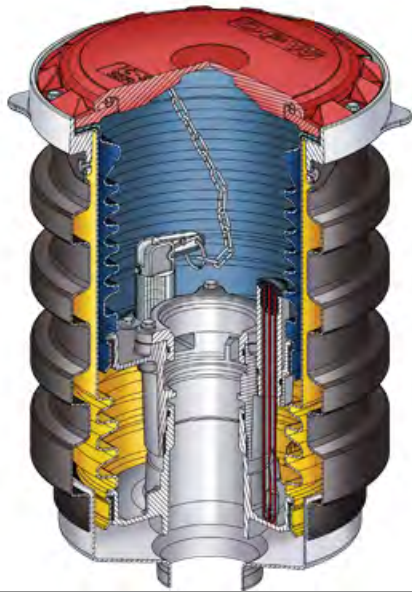
OVERFILL PREVENTION EQUIPMENT INSPECTIONS

Overfill prevention equipment must be inspected **once every three years**



SPILL PREVENTION EQUIPMENT CONTAINMENT SUMP TESTING

Spill prevention equipment and containment sumps tested a minimum of once every 3 years.



EMERGENCY GENERATOR USTS

**Installed on or before
October 13, 2015**

- must meet release detection requirements by October 13, 2018

**Installed after
October 13, 2015**

- must meet release detection requirements at installation.

STORMWATER

STORMWATER RULES

01

**Tier A and Tier B
Permit Renewals –
DRAFT**



02

**New Outfall Mapping
Requirements**

03

TMDL Look-Up Tool

04

Training

DRAFT RENEWAL TIER A STORMWATER PERMIT

Permit Renewal still remains in Draft form

- New Permit Conditions include:
 - Reporting Non-Compliance (1-877-WARNDEP)
 - **Post SPPP and SWMP on Municipal Website**
 - Submission of Outfall Pipe Maps to NJDEP's electronic submission service by December 21, 2020.
 - **Improved Maintenance of Stormwater Facilities**
 - Major Development Stormwater Summary Form
 - **Annual Review of Total Maximum Daily Load (TMDL) for local waters.**
 - Training Requirements for Engineers & Other Municipal Representatives

DRAFT RENEWAL TIER A STORMWATER PERMIT

CHANGES TO ALLOWABLE DISCHARGES INCLUDE:

Potable water discharges are allowable; however, the discharge of chemicals are **NOT** allowable.

Allowable discharges of air conditioning condensate **EXCLUDES** discharges from non-contact and contact cooling water and industrial refrigerant discharges.

Allowable discharge of “**dechlorinated**” swimming pool discharges from “**single family homes**”.

DEVELOP A STORMWATER WEBSITE

Municipalities will have 3 months from the effective date of the new permit to post stormwater information online.

The following documents must be posted:

- Most recent Stormwater Pollution Prevention Plan
- Municipal Stormwater Management Plan
- Related Stormwater Ordinances (Stormwater Control Ordinance, Pet Waste, Wildlife Feeding, Litter Control, Improper Disposal of Waste, Yard Waste, Private Storm Drain Inlet Retrofitting)

Note: SPPP records and names of team members are not required to be posted.

POST CONSTRUCTION STORMWATER MANAGEMENT NEW DEVELOPMENT AND REDEVELOPMENT

Applies to Public and Private Projects
Disturbing One Acre or More

- Complete Major Development Stormwater Summary for each structural and non-structural stormwater measure
- A copy of the Major Development Stormwater Summary must be maintained with the SPPP and made available to NJDEP upon request.

Permit No. NJ 0141852
Tier A MSA NJPDES Permit

Attachment D – Major Development Stormwater Summary

| General Information | | |
|--|---------|---|
| 1. Project Name: | | Lot & Block Info: |
| 2. Municipality: | County: | |
| 3. Site Location (State Plane Coordinates – NAD83) | E: | N: |
| 4. Date of Final Approval for Construction by Municipality (MM/DD/YYYY): Date of Certificate of Occupancy (MM/DD/YYYY): | | |
| 5. Project Type (place an "x" after all that apply) Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Other (please specify) _____ | | |
| 6. Soil Conservation District Project #: | | |
| 7. Did the project require a NJDEP Land Use Permit? Yes <input checked="" type="radio"/> No <input type="radio"/> Land Use Permit #: | | |
| 8. Did the project require any mitigation measures? Yes <input type="radio"/> No <input checked="" type="radio"/> If yes, which standard was mitigated? | | |
| Site Design Specifications | | |
| 1. Site Area (acres): _____ Area of Disturbance (acres): _____ Area of Proposed Impervious (acres): _____ | | |
| 2. List all Hydrologic Soil Groups: _____ | | |
| 3. Identify the Quantities of Each Type of Best Management Practices (BMPs) Incorporated into the Site Design: Bioretention Systems _____ Constructed Wetlands _____ Dry Wells _____ Extended Detention Basins _____ Infiltration Basins _____ Combination Infiltration/Detention Basins _____ Manufactured Treatment Devices _____ Pervious Paving Systems _____ Sand Filters _____ Vegetative Filter Strips _____ Wet Ponds _____ Grass Swales _____ Subsurface Gravel Wetlands _____ Other: _____ | | |
| Storm Event Information | | |
| 1. Storm Event – Rainfall (inches) / Duration (hours) 2 year: _____ 10 year: _____ 100 year: _____ | | Water Quality Design Storm: _____ |
| 2. Runoff Computation Method (mark one): NRCS Dimensionless Unit Hydrograph <input type="checkbox"/> NRCS Delmarva Unit Hydrograph <input type="checkbox"/> Rational Method <input type="checkbox"/> Modified Rational Method <input type="checkbox"/> Other (describe): _____ | | |
| BMP Specifications (answer all that apply) - If more than one BMP, see reverse side | | |
| 1. BMP Name: _____ | | Type of BMP: _____ |
| Location (mark one): Surface <input type="radio"/> Subsurface <input type="radio"/> | | Is forebay part of the design? Yes <input type="radio"/> No <input type="radio"/> |
| 2. Owner (mark one): Public <input type="radio"/> Private <input type="radio"/> | | |
| If private, Owner's Name: _____ | | Owner's Telephone No.: _____ |
| 3. BMP Completion Date (MM/DD/YYYY): _____ | | |
| 4. Does the BMP have an underdrain? Yes <input type="radio"/> No <input checked="" type="radio"/> | | |
| 5. What is the Water Quality Design Storm Drain Down Time (hours)? _____ What is the Design Soil Permeability (inches/hour): _____ | | |
| 6. What is the Seasonal High Water Table Depth from the BMP bottom (feet)? _____ | | Month Obtained: _____ |
| 7. Groundwater Recharge Methodology (mark one): 2-Year Difference <input type="radio"/> NJGRS <input type="radio"/> Other <input type="radio"/> N/A <input type="radio"/> | | |
| 8. Was Groundwater Mounding analyzed? Yes <input type="radio"/> No <input type="radio"/> If yes, Methodology: _____ | | |
| 9. Was a Maintenance Plan submitted? Yes <input type="radio"/> No <input type="radio"/> Is the BMP deed restricted? Yes <input type="radio"/> No <input type="radio"/> | | |
| Name of Person Completing This Form: _____ | | Signature: _____ |
| Title: _____ | | Date: _____ |

COMMUNITY WIDE MEASURES

Ongoing Permit Requirements

- **Street Sweeping** – monthly: curbed roads 35 mph or less in commercial areas
- **Catch Basin Inspection and Cleaning** – inspected at least once every 5 years and cleaned as frequently as necessary for proper function
- **Inlet Retrofitting** – completed during repaving, repairing, resurfacing of roads or reconstruction of facilities.



OUTFALL PIPE MAPPING, AND ILLICIT DISCHARGE AND SCOURING DETECTION AND CONTROL

Outfall Pipe Mapping is required to be submitted to NJDEP

- Due: EDPA + 12 months (EDPS + 36 months for new permittees)
- NJDEP is in the process of creating a free stormwater facility mapping “app”. Use of the app will upload location information directly to NJDEP.

WILL REQUIRE ARCGIS ONLINE LICENSE FOR USE

- Alternative: Submission of coordinates on spreadsheet format

- Federal Rule requires electronic submission by December 21, 2020.
- Maps required to be updated and current at the end of each calendar year
- New data points must be submitted to NJDEP annually

OUTFALL PIPE MAPPING, AND ILLICIT DISCHARGE AND SCOURING DETECTION AND CONTROL

- Stream Scouring inspections completed at least once every five years
 - When scouring is detected:
 - Document sources of stormwater contributing to pipe discharge
 - **Municipality owned source – reduce stormwater rate or volume of discharge when feasible**
 - Source within jurisdiction (not municipally-owned) – ensure proper operation and maintenance of stormwater facilities
-
- Conduct Illicit Discharge inspections once every five years
 - Investigate source if illicit discharge is identified
 - Document actions using Illicit Connection Inspection Report Form


TOTAL MAXIMUM DAILY LOAD (TMDL) LOOK-UP TOOL

NEW REQUIREMENT:


DEVELOP STRATEGIES TO ADDRESS LOCAL TMDLs AS ADDITIONAL MEASURES IN STORMWATER POLLUTION PREVENTION PLAN

WWW.NJ.GOV/DEP/DWQ/MSRP-TMDL-RH.HTM

- Tool developed to allow stormwater coordinator's to quickly identify TMDL information.
- Refer to Implementation section of each TMDL report as a starting point for developing strategies to address identified pollutants at local level.
- Goal is to use this information to prioritize stormwater facility maintenance and to assist in development of mitigation plans.


[NJ Home](#) | [Services A to Z](#) | [Departments/Agencies](#) | [FAQs](#)

[Governor Chris Christie](#) • [Lt. Governor Kim Guadagno](#)



new jersey

department of environmental protection

DIVISION OF WATER QUALITY

dephome | dwqhome

DWQ Topics


DWQ Programs & Units

Bureau of Nonpoint Pollution Control


Find Forms | Contact Us

Water Pollution Management Element

Bureau of Nonpoint Pollution Control



Industrial Stormwater Permitting Program




Municipal Stormwater Regulation Program


- Tier A Municipalities
- Tier B Municipalities
- Public Complex
- Highway Agency
- Case Manager List

Resources


- Stormwater Coordinator Information Update Sheet
- TMDL Look-Up Tool
- Emergency Snow Removal and Disposal Policy
- De-Icing Storage Policy
- Stormwater Training
- Cleanwater NJ
- Supplemental Education
- MSRP Archive




Stormwater Management



Green Infrastructure in New Jersey



Onsite Wastewater Management Program



Discharge to Ground Water Permitting Program

Bureau of Nonpoint Pollution Control

Total Maximum Daily Load (TMDL) Look-Up Tool

The tool was developed to allow New Jersey's municipal stormwater program coordinators to quickly identify Total Maximum Daily Load (TMDL) information in relation to Municipal Separate Storm Sewer Systems. It should also prove useful to others with an interest in water quality issues that affect our state.

To use the TMDL Look-Up Tool, go to the dropdown feature below and locate your municipality. The tool will display a list of watersheds and established, approved or adopted TMDL information associated with the selected municipality. To view the TMDL document and find Implementation strategies, click on the associated link: "View the TMDL Document". **Once you have opened the TMDL document you can locate the Implementation section using the table of contents and use this information to identify measures you can implement in your community.**

Why use the TMDL Look-Up Tool? This tool allows the user to quickly identify Total Maximum Daily Load (TMDL) information associated with any segment of surface water wholly or partially within or bordering the Tier A Municipality. Municipalities can use this information to assess and address local water quality issues in relation to operation of their Municipal Separate Storm Sewer System (MS4) as required under the [Tier A MS4 Master General Permit No. NJ0141852](#). It is anticipated that the next iteration of this permit, expected to be issued in 2017, will require permittees to identify TMDL information for inclusion in municipal Stormwater Pollution Prevention Plans. Users may refer to the Implementation section of each TMDL report as a starting point for developing strategies to address identified pollutants at the local level.

County: Monmouth

Municipality:

Go

Reset

Please click Reset for a new search.

A Guide to Abbreviations used in the TMDL Look-Up Tool

Hg = Mercury
TP = Total Phosphorus
DO = Dissolved Oxygen
TSS = Total Suspended Solids

What is a TMDL? The TMDL may be viewed as a pollutant budget for an impaired waterbody. It is the maximum amount of a pollutant that a waterbody can receive and still meet surface water quality standards. The TMDL must be calculated so that water quality standards will be attained in consideration of critical conditions and seasonal variation and must include a margin of safety (MOS) to account for uncertainty. The TMDL is allocated among all of

Water Pollution Management Element

Bureau of Nonpoint Pollution Control



Industrial Stormwater Permitting Program



Municipal Stormwater Regulation Program

- Tier A Municipalities
- Tier B Municipalities
- Public Complex
- Highway Agency
- Case Manager List
- Emergency Snow Removal and Disposal Policy
- De-Icing Storage Policy
- Cleanwater Multimedia
- Stormwater Training
- TMDL Lookup

Companion Links

- www.cleanwater.nj.org
- www.njstormwater.org



Onsite Wastewater Management Program



Discharge to Ground Water Permitting Program



Stormwater Management



Green Infrastructure in New Jersey



General Permits



Individual Permits

Municipality and County

Wall Township
Monmouth County

Total Maximum Daily Load(TMDL) Information for Selected Municipality:**Applicable Stream TMDL(s)**

- Total Maximum Daily Loads for Fecal Coliform to Address 2 Streams in the Atlantic Coastal Water Region
Fecal Coliform - 2005 : Hannabrand Brook : [View the TMDL Document](#)
- Total Maximum Daily Loads for Fecal Coliform to Address 3 Streams in the Atlantic Water Region
Fecal Coliform - 2004 : Jumping Brook : [View the TMDL Document](#)
- Total Maximum Daily Loads for Fecal Coliform to Address 31 Streams in the Atlantic Water Region
Fecal Coliform - 2003 : Metedeconk River N Br, Haystack Brook, Muddy Ford : [View the TMDL Document](#)
- Total Maximum Daily Loads for Fecal Coliform to Address 3 Streams in the Atlantic Water Region
Fecal Coliform - 2004 : Shark River : [View the TMDL Document](#)
- Total Maximum Daily Loads for Fecal Coliform to Address 31 Streams in the Atlantic Water Region
Fecal Coliform - 2003 : Wreck Pond Brook : [View the TMDL Document](#)
- Total Maximum Daily Load for Mercury Impairments Based on Concentration in Fish Tissue Caused Mainly by Air Deposition to Address 122 HUC 14s Statewid
Mercury - 2010 : Wreck Pond Brook (below Rt 35) : [View the TMDL Document](#)
- Total Maximum Daily Loads for Phosphorus to Address 3 Stream Segments in the Atlantic Coastal Water Region
Total Phosphorus - 2005 : Shark River : [View the TMDL Document](#)

Applicable Lake TMDL(s)

None

Applicable Shellfish TMDL(s)

- Fourteen Total Maximum Daily Loads for Total Coliform to Address Shellfish-Impaired Waters in Watershed Management Area 13
Total coliform - 2006 : barnegat bay-d, metedeconk-a : [View the TMDL Document](#)
- Five Total Maximum Daily Loads for Total Coliform to Address Shellfish-Impaired Waters in Watershed Management Area 12
Total coliform - 2006 : manasquan-a : [View the TMDL Document](#)
- Five Total Maximum Daily Loads for Total Coliform to Address Shellfish-Impaired Waters in Watershed Management Area 12

LOCAL PUBLIC EDUCATION AND OUTREACH

- Annual education points system revised (**12** points minimum) and activities expanded (choose 3 out of 5 categories).
 - Category 1: General Public Outreach
 - Category 2: Targeted Audiences Outreach
 - Category 3: School / Youth Education Activities
 - Category 4: Watershed / Regional Collaboration
 - Category 5: Community Involvement Activities
- **Opportunities to participate must be advertised on website, through a mailing, through newspaper or other similar means.**

STORMWATER FACILITY MAINTENANCE REQUIREMENTS

- Maintenance Guidance available at:
www.njstormwater.org/maintenance_guidance.htm
- Maintenance must be performed pursuant to maintenance plans, or as needed, to ensure proper function and operation of stormwater facility.
- **MAINTAIN COPIES OF ALL MAINTENANCE PLANS FOR STORMWATER FACILITIES APPROVED BY MUNICIPALITY**

Maintenance Plan: prepared by design engineer for stormwater management measures incorporated into design of major development.

BMP – GOOD HOUSEKEEPING

Ongoing Permit Requirements

- Conduct cleanups of spills immediately upon discovery using dry cleaning methods.
- Properly label all containers.
- Outdoor storage of containers must be placed on spill platforms or clean pallets and covered.
- Document discharges from secondary containment areas.

BMP – FUELING OPERATIONS

Ongoing Permit Requirements

- Drip pans under all hose and pipe connections
- Block storm sewer inlets contain delivery trucks with temporary berms or booms.
- Trained employee must be present during bulk transfers
- Post Instructions for safe operation
 - **Topping off of vehicles, mobile fuel tanks, and storage tanks is strictly prohibited**
 - **Stay in view of fueling nozzle during dispensing**
 - **Contact information for the person(s) responsible for spill response.**

BMP – ONSITE EQUIPMENT AND VEHICLE WASHING AND WASHWATER CONTAINMENT

- Manage equipment and vehicle washing so that there are no unpermitted discharges to storm sewer inlets or nearby waterbodies
- Municipalities that cannot discharge to the sanitary sewer may temporarily contain washwater prior to proper disposal



BMP – ONSITE EQUIPMENT AND VEHICLE WASHING AND WASHWATER CONTAINMENT

- Containment structures cannot leak. Integrity testing required once every three years.
- Cathodic testing required every three years (if applicable)
- Overfill prevention can include manual sticking before each use. Do Not Use if at 95% capacity. Record measurements to the nearest ½ inch
- Log inspections of visible portions of containment structure prior to each use
- Spills and suspected releases must be reported to NJDEP Hotline
- Maintain log of cleanouts
- Containment structures must be inspected annually by a NJ Licensed Professional Engineer

BMP – AGGREGATE MATERIAL AND CONSTRUCTION DEBRIS STORAGE

- Material such as sand, gravel, stone, top soil, road millings, asphalt, etc. should be stored to minimize runoff (grading, dikes and/or berms, or 3 sided storage bays)
- 50 ft setback from waterbodies and storm sewer inlets still applies
- Road millings need to be managed in conformance with “Recycled Asphalt Pavement and Asphalt Millings (RAP) Reuse Guidance”
- Land Use Regulations may apply for stockpiling in coastal areas, wetlands and flood plains.

BMP – SALT AND DE-ICING MATERIAL STORAGE

Store material in a permanent structure; Perform regular inspections; Minimize tracking of material during loading and unloading; Sweep on a regular basis and immediately after loading/unloading; Reuse or properly discard materials after cleanup.

TEMPORARY OUTDOOR STORAGE IS PERMITTED UNDER FOLLOWING CONDITIONS:

1. Permanent structure is under construction
2. Stormwater run-on and de-icing material run-off is minimized
3. Materials are tarped when not in use
4. Regular inspections and proper handling is conducted
5. Storage shall not exceed 30 days unless approved by NJDEP



BMP – STREET SWEEPING AND CATCH BASIN CLEANOUT MATERIAL STORAGE

1. Road cleanup materials must be disposed of properly
2. Materials placed into storage must be:
 - a. Stored in leak-proof containers or on an impervious surface that is contained to control leachate and litter; and
 - b. Removed for disposal within 6 months



BMP – YARD TRIMMINGS AND WOOD WASTE MANAGEMENT SITES

- Applicable to municipally-owned site(Recycling Rules (N.J.A.C. 7:26A))
 - Construct windrows, staging and storage piles that do not enter waterways, in areas not susceptible to seasonal flooding, in a manner that prevents leachate runoff
 - Maintain perimeter controls
 - Use hay bales, silt fences, or filter fabric inserts to prevent siltation in onsite storm drains
 - **Dry-weather runoff that reaches storm sewer is an illicit discharge.**
 - Remove trash upon receipt
 - Monitor site for trash, store in leak-proof containers facility
 - Preventative tracking measures



COMMUNITY WIDE ORDINANCES

Removed from Draft Permit Renewal

- **Refuse Container/Dumpster Ordinance removed from renewal due to ruling by Council on Local Mandates**
- **Fertilizer Management Ordinance removed from renewal due to passage of Statewide Fertilizer Ordinance**
 - Cannot apply fertilizer during winter months or when ground remains frozen (Consumers – Nov 15 through March; Professionals – Dec 1 through March)
 - Application prohibited during, or just before, heavy rainfall
 - Cannot apply within 25 feet of any waterbody (with exceptions)

EMPLOYEE TRAINING

WWW.NJ.GOV/STORWMATER/TRAINING.HTM

- Utilize NJDEP approved EJIF Video Series posted on the NJ MEL Website
 - Training required annually: Maintenance Yard Operations, Stormwater Facility Maintenance and General SPPP recordkeeping requirements
 - Training required once every two years: Yard Waste Collection Program, Street Sweeping Schedule, Illicit Connections and Outfall Mapping, Stream Scouring, Waste Disposal, Ordinances, and Construction Activities/Post-Construction Stormwater Management
- **Stormwater Management Design Review Training – all design engineers, municipal engineers and others reviewing stormwater management design complete Stormwater Management Design Review Course (two day training course)**
- **Municipal Board and Governing Body Training – complete “Asking the Right Questions in Stormwater Review Training Tool”**

EMERGENCY GENERATORS

EMERGENCY GENERATORS

01

DEP typically regulates
all fuel combustion
sources at 1.0 MM
Btu/hr gross heat input



02

Permits required
regardless of fuel type.

Off-Spec fuels need
custom permits

Portable engines at this
size must all be
permitted.

37kW and larger need
only recordkeeping

03

Permit must be in place
before installation.

EPA Startup Notifications
Required

04

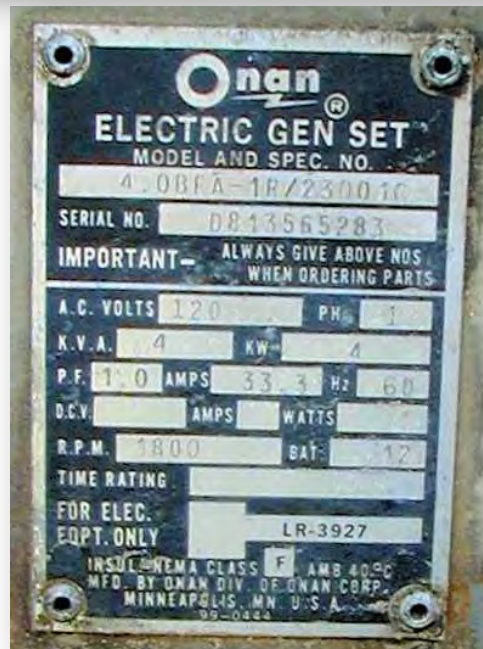
Air permits are not
transferrable to new
equipment or other
sites



Make, Model, Engine Size
Engine Year.
Nameplate on engine, not on
Front panel

EMERGENCY GENERATORS

Where can I
find the specs?



EMERGENCY GENERATORS

Installed before June 2006

- MACT applicability only
 - No certification required

Installed after June 2006

- NSPS IIII - 40 CFR 60.4200
 - Compression Ignition
- NSPS JJJJ - 40 CFR 60.4230
 - Spark Ignition

- Diesel and Natural Gas Engines constructed before June 12, 2006 are not subject to NSPS.
- Don't need certificate to get the general permit.

Permitting Option #1

Emergency Generator Permitting

Diesel

GP-005A | Diesel

- Must be a **EPA Certified Engine**
- Multiple EGs can be combined on one permit if all burn diesel and all are at same site
- Max 100 hours per year for Testing & Maintenance
- Cannot be used for Peak Shaving
- No emission testing, no stack testing, no control devices required
- Permit Approval Instantaneous following payment (\$820)



Permitting Option #2

Emergency Generator Permitting

Natural Gas

GP-005B | Natural Gas

- Must be a **EPA Certified Engine**
- Multiple EGs can be combined on one permit if all burn gas and all are at same site
- Max 100 hours per year for Testing & Maintenance
- Cannot be used for Peak Shaving
- No emission testing, no stack testing, no control devices required



Permitting Option #3

Emergency Generator Permitting - Preconstruction Permit

Non-Certified Engines, Bi-Fuel, Demand Response, Off-Spec Fuel

Preconstruction Permit | Permit using RADIUS (NJDEP software)

- Must prepare a permit application using RADIUS
- Must include Potential To Emit (PTE) Emissions Calculations
- Can be used for Peak Shaving (with appropriate controls and emission rates)
- Emission testing and stack testing will be required
- Control devices (i.e. SCR) may be required to meet Non-Emergency engine standards in N.J.A.C 7:27-19

COMMON VIOLATIONS

01

Housekeeping!



02

SPCC & Fuel Storage

03

Waste Oil Storage

COMMON E-JIF AUDIT POINT DEDUCTIONS

- Good Housekeeping
 - Improper outdoor storage of used batteries, waste paints, and tires are commonly seen during audits of your facilities.



COMMON E-JIF AUDIT POINT DEDUCTIONS

SPCC COMPLIANCE

WRITTEN PLAN AND SITE IMPROVEMENTS REQUIRED

Applicability:

- Total Petroleum storage capacity of >1320 gallons (containers 55 gallons and greater)
- Release could impact a waterbody/stormwater collection system.



COMMON E-JIF AUDIT POINT DEDUCTIONS

WASTE OIL STORAGE RECYCLING CENTERS AND MAINTENANCE GARAGES

- Miscellaneous containers
- Drips and Spills
- Contaminated Absorbent



COMMON DEP EG VIOLATIONS

NJDEP FY11-12 Compliance and Enforcement Report

| | Air | Haz Waste | Land Use | Pesticides | Solid Waste | UST | Water Quality | Water Supply |
|---------------------------|------|-----------|----------|------------|-------------|------|---------------|--------------|
| Total Inspections | 590 | 1407 | 78 | 374 | 2127 | 1012 | 3668 | 1227 |
| Total Violations | 1147 | 273 | 276 | 420 | 362 | 968 | 499 | 2811 |
| Violations Per Inspection | 1.94 | 0.19 | 3.54 | 1.12 | 0.17 | 0.96 | 0.14 | 2.29 |



New
Jersey
Department of
Environmental
Protection

COMPLIANCE ADVISORY **ENFORCEMENT ALERT**

Making You Aware of Incentives and Compliance Assistance Opportunities

Compliance & Enforcement

Issued: April 8, 2013

#2013-05

Emergency Generators Participating in Demand Response and Peak Shaving Programs Require Air Permit Revision and Air Pollution Control

Who is affected by this advisory?

Any facility in New Jersey that owns or operates a stationary internal combustion engine that generates electricity permitted as an emergency generator under Air General Permit (GP) 005, Air Preconstruction Permit, or Title V Operating Permit.

Why is DEP issuing this advisory?

The Department has discovered that some facility owners and operators of emergency generators are entering into electric supply agreements for peak (load) shaving, demand response and like programs. Operating emergency generators for peak shaving or demand response is permissible only if the approved air permit contains conditions specifying allowable non-emergency use and includes air pollution control.

Stationary internal combustion engines used as emergency generators may be operated without air pollution control in three limited cases: (1) during the performance of normal testing and maintenance procedures, as recommended in writing by the manufacturer and/or as required in writing by a Federal or State law or regulation; (2) when there is power outage or the primary source of mechanical or thermal energy fails because of an emergency; or, (3) when there is a voltage reduction issued by PJM and posted on the PJM internet website (www.pjm.com) under the "emergency procedures" menu. Operation of the engine that does not meet one of these three cases disqualifies the equipment in question from meeting the definition of an emergency generator and therefore subjects the engine to air pollution control requirements and a regular air pollution control permit.

"Demand response," as recognized by the Department, is a preemptive action in which the participating facility voluntarily agrees to commence operation of its electrical generating equipment prior to the reduction in voltage or failure of electrical power in return for economic benefit. This is outside the allowable operation of emergency generators without air pollution control.

The emergency generator general permit does not allow the use of a generator for demand response or peak shaving programs. To participate in demand response or peak shaving programs a facility would have to obtain a regular air Preconstruction or Operating permit approval. This review would require the engine to comply with all applicable requirements including NOx RACT, State of The Art and health risk screening analysis.

NJDEP ENFORCEMENT ALERT MAY 2016

Demand Response Enforcement Advisory

Chris Gulics

Senior Director - Regulatory Compliance

cgulics@psands.com

908-347-7531

Matt Mee

Senior Scientist - Regulatory Compliance

mmee@psands.com

201-341-6285

Kristi Sorrentino

Project Scientist - Regulatory Compliance

ksorrentino@psands.com

848-206-2624

Contact