



State of New Jersey

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DEPARTMENT OF ENVIRONMENTAL PROTECTION
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March 2, 2022

Re: Preliminary Draft Stormwater Discharge Master General Permit Renewal NJ0141852
Cat: R9 - Tier A Municipal Stormwater General Permit
NJPDES Permit No.: NJ0141852, Program Interest No.: 50577
NJPDES MASTER GENERAL PERMIT PROGRAM INTEREST
Trenton City, Mercer County

Dear Interested Party:

The Bureau of NJPDES Stormwater Permitting and Water Quality Management is preparing to issue a draft Stormwater Discharge Master General Permit Renewal. To resolve any issues as early as possible, a preliminary draft permit action is enclosed to provide an opportunity for you to informally review the draft permit action before it is issued. This allows a more efficient use of both the Department's time and your time. Please return any comments or factual corrections to stormwatermanager@dep.nj.gov within thirty (30) days of the date of this preliminary draft, with a subject line of "Comments on the Tier A Predraft Permit". The Department will not formally respond to any comments received on the preliminary draft but will consider them during preparation of the formal draft permit.

The receipt of this preliminary draft permit action **does not** mark the start of the formal comment period. You will receive a copy of the draft permit action when it is officially issued, prior to commencement of the formal comment period.

Sincerely,

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

c: Enclosures

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. Eligible Stormwater Discharges – Except as provided in Part II.C.3 below, this permit authorizes all new and existing stormwater discharges to surface water and groundwater from:
 - i. Small MS4s (as defined at N.J.A.C. 7:14A-1.2) owned or operated by the permittee; and
 - ii. Municipal maintenance yards and other ancillary operations owned or operated by the permittee. (See definition of “municipal maintenance yards and other ancillary operations” in Part IV, Notes and Definitions.)
- b. Eligible Non-Stormwater Discharges – Except as identified in Part II.C.3.e below, the following new and existing non-stormwater discharges from small MS4s owned or operated

by the permittee and from municipal maintenance yards and other ancillary operations owned or operated by the permittee are eligible for authorization under this permit:

- i. Potable water line flushing and discharges from potable water sources, excluding the discharge of filter backwash and first flush water from potable well development/redevelopment activities utilizing chemicals in accordance with N.J.A.C. 7:9D. The volume of first flush water, which is a minimum of three times the volume of the well water column, shall be handled and disposed of properly;
- ii. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters);
- iii. Air conditioning condensate (excluding contact and non-contact cooling water; and industrial refrigerant condensate);
- iv. Irrigation water (including landscape and lawn watering runoff);
- v. Flows from springs, riparian habitats, wetlands, water reservoir discharges and diverted stream flows;
- vi. Residential car washing water; and dechlorinated swimming pool discharges from single family residential homes;
- vii. Sidewalk, driveway, and street wash water;
- viii. Flows from firefighting activities 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).
 - 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). In general, this is 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 NJPDES 1 Form, a completed R9 Supplemental Application Form, 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.

Predraft

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. "MS4" - Municipal Separate Storm Sewer System
 - vi. "MSWMP" - Municipal Stormwater Management Plan
 - vii. "MSRP" - Municipal Stormwater Regulation Program
 - viii. "MTD" - Manufactured Treatment Device
 - ix. "N.J.A.C." - New Jersey Administrative Code
 - x. "NJPDES" - New Jersey Pollutant Discharge Elimination System
 - xi. "N.J.S.A." - New Jersey Statutes Annotated
 - xii. "RSIS" - Residential Site Improvement Standards
 - xiii. "SPC" – Stormwater Program Coordinator
 - xiv. "SPPP" - Stormwater Pollution Prevention Plan
 - xv. "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 Overview of the Tier A MS4 NJPDES Permit).

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 usually built along a street as part of the storm sewer system to capture sediment, debris, and pollutants.
 - 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" (N.J.A.C. 7:14A-1.2) 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. "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.

- ix. "Major development" means an individual "development," as well as multiple developments as defined in N.J.A.C. 7:8.
- x. "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.
- xi. "MS4 interconnection" means any point at which an MS4 flows into or from another MS4.
- 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" (N.J.A.C. 7:14A-25.1(b)) 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" (N.J.A.C. 7:14A-1.2) 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" (N.J.A.C. 7:14A-1.2) 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" (N.J.A.C. 7:14A-25.6(b)3iii) 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" (N.J.A.C. 7:14A-1.2) 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, 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. "Wood waste" means source separated whole trees, tree trunks, tree parts, tree stumps, brush, and lumber (non-chemically treated, glued, dyed, or painted).

xxvi. "Yard trimmings" (N.J.A.C. 7:26A-1.3) means grass clippings, leaves, wood chips from tree parts, and brush.

xxvii. "Yard waste" means loose leaves and grass clippings.

Predraft

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 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.
- 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.

2. Municipal Stormwater Webpage

- a. The permittee shall develop and maintain a 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 Ordinance (due on or before EDPA + 12 months as per Part IV.F);
 - xii. 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 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 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.

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.

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, as per Part IV. F.7 and 8 below.
- 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.

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 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.

4. Mitigation Plan

- a. The permittee shall only approve design and performance standards for stormwater management measures be met at an alternate location or by alternative means provided the permittee has a mitigation plan included in an approved MSWMP and SCO(s), and which meets the following requirements:
 - i. The mitigation plan shall identify measures that are necessary to offset the deficit created by the alternate location or design. The mitigation plan must satisfy the same criteria that a mitigation plan prepared in accordance with the Stormwater Management rules at N.J.A.C. 7:8-4.6 must satisfy. (See Chapter 3 of the NJ Stormwater BMP Manual at <https://www.njstormwater.org> for guidance); and
 - ii. The permittee submits, within (30) days after approving an alternate location or design, a written report to the county review agency and to the Department via email (dwq-bnpc-stormwatermanagement@dep.nj.gov) describing the alternate location or design and the required mitigation.

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. Salt Storage Ordinance: Adopt and enforce an ordinance requiring the covered storage of salt and other solid (granular) de-icing material when not in use to prevent its exposure to rain, snow, or stormwater run-on; and
 - ii. Tree 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 Container/Dumpster Ordinance: Permittees have the option of adopting and enforcing an ordinance requiring dumpsters and other 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 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 the containers.
 - ii. Discharges of liquids, semi-liquids, or solids from these dumpsters or other 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. 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. 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. 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.
- 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.
- 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.
- 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.
- 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.

- 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. 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.

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

- 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, but at least 4 times annually, and after each rainstorm exceeding 1 inch;
- 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.

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.

5. Municipal Maintenance Yards and Other Ancillary Operations

- a. 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.
- 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.
- 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.
- 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.

- 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.
- f. **Bulk Liquid Material:** The permittee shall have secondary containment (e.g., spill containment dikes, double walled tanks, 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. It is recommended that the tank be protected to prevent stormwater from accumulating in the containment structure.
- 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.

- 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.
- i. Vehicle/Equipment Maintenance and/or Repair: The permittee shall maintain vehicles and equipment to prevent 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.
- 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: 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 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.
- 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.
- l. Aggregate Material and Construction Debris Storage: The permittee may temporarily store materials such as sand, gravel, stone, topsoil, waste concrete, asphalt, asphalt millings, brick, block, and asphalt-based roofing scrap, 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 aggregate 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., 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.
- 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.
- 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.
- o. Wood Waste, Yard Trimmings, and Finished Leaf Compost Storage: The permittee may temporarily store wood waste, yard trimmings, 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 aggregate 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.
- p. Scrap Tires: The permittee shall store scrap tires in a covered container or enclosure to prevent the exposure to stormwater.
- 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 and monthly inspections are conducted for leaks and filled drip pans, as noted in b. above.
- r. Containers and Dumpsters: The permittee shall ensure that dumpsters and other 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., aggregate or construction material and wood waste) or containers that hold large bulky items (e.g., furniture), provided they do not contain putrescible waste.

6. 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.

7. 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.

8. Stormwater Management Rule Amendment Training

- a. Whenever the Stormwater Management rules at N.J.A.C. 7:8 are amended, 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.

9. Municipal Board and Governing Body Member Related 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. New permittees: Training must be completed by appropriate current municipal board and governing body members on or before EDPA + 6 months. This training must also be completed by any new member within six months of commencing duties. 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. 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 Control

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, 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 and take action based upon the requirements of v. and vi. above. If not completed within 12 months, a schedule for completion shall be maintained 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 investigations and actions taken sufficient to demonstrate compliance for localized stream scouring as necessary to demonstrate compliance with this requirement. Outfall inspections shall include outfall location, date visited, and observations of the outfall's structural integrity and if maintenance or repairs need to take place;

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. (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.)

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,
 - 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 subwatershed 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; Ag \$, etc.; 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; other elements of an adopted areawide Water Quality Management Plan; or the adopted Statewide Water Quality Management Plan.
- b. The Department will provide written notice of the adoption of any Additional Measure(s) to any affected permittee. The Department will list each adopted Additional Measure in a minor modification to the permit. For any required Additional Measure(s) other than numeric effluent limitations, the required Additional Measure(s) will specify the best management practices that shall be implemented and the measurable goals. 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.

K. Annual Report and Certification

1. Annual Reporting Requirements

- a. The permittee shall complete an Annual Report and Certification using the electronic format provided by the Department via the MSRP Annual Report service accessed through 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 credits per sign. Existing signs that are maintained or upgraded receive 0.25 credits per sign. A maximum of 5 credits 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 credits per sign. Existing signs that are maintained or upgraded receive 0.25 credits per sign. A maximum of 5 credits 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	<p>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, nonpoint source pollution, watersheds, water conservation and water quality. For ideas, see information at www.nj.gov/dep/seeds.</p> <p>*Presentations receive 1 credit per presentation, with a maximum of 5 credits allowed.</p>	5*
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 credits per sign. A maximum of 5 credits 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.