

FACT SHEET FOR RENEWAL OF GENERAL PERMIT FOR COMBINED SEWER SYSTEMS NO. NJ0105023

I. BACKGROUND

The New Jersey Department of Environmental Protection (Department) proposes to reissue the New Jersey Pollutant Discharge Elimination System (NJPDES) General Permit for Combined Sewer Systems NJPDES No. NJ0105023, in accordance with NJAC 7:14A and by the authority of the Water Pollution Control Act at N.J.S.A. 58:10A-1 et. seq.

This General Permit was last reissued on June 30, 2004 and became effective on August 1, 2004. The Department issued a minor modification on December 1, 2006. This permit action provided a two-month extension of time to complete and submit the Cost and Performance Analysis Report and Public Participation Program Report. Specifically, the date for submission of these documents was extended from February 1, 2007 to April 1, 2007.

The current effective General Permit is scheduled to expire on July 31, 2009. The Department proposes to reissue the General Permit for Combined Sewer Systems (CSS) with minor administrative changes. These changes will not impact the substantive provisions of the permit.

The Department shall automatically renew existing Individual Authorizations when the General Permit is reissued. Anyone seeking authorization under the General Permit that is not currently authorized under the General Permit must submit an administratively complete RFA in accordance with the requirements of Subpart I B of the General Permit.

II. AUTHORIZED DISCHARGES

This General Permit controls the discharge of pollutants from Combined Sewer Systems (CSS) through Combined Sewer Overflow Points (CSO Points) within the State of New Jersey. CSSs are primarily located along the tidal portions of the Delaware River and its tributaries, the Raritan River, along tidal and non-tidal portions of the Passaic River, and throughout the New York-New Jersey Harbor Complex. There are approximately two hundred six (206) CSO Points currently authorized under the General Permit. These discharges are associated with the combined sewer systems of approximately sixteen-municipality (16) or other public entities that own and/or operate a portion of a CSS. CSSs are located in Bergen, Camden, Essex, Hudson, Mercer, Middlesex, Passaic, and Union Counties.

This permit may authorize all existing combined sewer systems and combined sewer overflow points specifically identified or described in the individual authorizations. Table I contains a list of all CSO Points, authorized under this General Permit, and the receiving waterbodies to which they discharge.

III. TYPE AND QUANTITY OF WASTES, FLUIDS, OR POLLUTANTS

CSSs are wastewater collection systems designed to carry sanitary sewage, industrial and commercial wastewater, and storm water runoff in a single system of pipes to a publicly owned treatment works (POTW). During dry weather, all flow (composed primarily of sanitary sewage and industrial/commercial wastewater) is conveyed to the POTW. During periods of rainfall or snow melt, the total wastewater flows entering the collection system can exceed the capacity of the system or the treatment facility. Under such conditions, CSSs are designed to overflow at predetermined CSO Points and result in discharges of excess wastewater flows directly to surface water bodies such as rivers, estuaries, and coastal waters.

Because CSO discharges include raw sewage, they contain a combination of untreated human waste and pollutants discharged by commercial and industrial establishments. CSOs also have a significant storm water component that includes pollutants from urban and rural runoff. These pathogens, solids, and toxic pollutants may be discharged directly to the waters of the state during wet weather events.

IV. DESCRIPTION OF THE DRAFT GENERAL PERMIT

The Department proposes to reissue the General Permit for Combined Sewer Systems (CSS) with minor administrative changes that clarify the address to send certain required submissions.

V. APPLICABLE STATUTORY AND REGULATORY REQUIREMENTS

The draft General Permit contains conditions necessary to administer the provisions of the regulations for implementing "The New Jersey Pollutant Discharge Elimination System" (N.J.A.C. 7:14A-1 et seq.), which are promulgated pursuant to the authority of the New Jersey "Water Pollution Control Act" (N.J.S.A. 58:10A-1 et seq.), the New Jersey "Sewage Infrastructure Improvement Act" (N.J.S.A. 58:25-23 et seq.), the Federal Water Pollution Control Act (Clean Water Act) as amended by the Water Quality Act of 1987 (P.L. 100-4, approved Feb. 4, 1987), and the Consolidated Appropriations Act for Fiscal Year 2001, P.L. 106-554 (or "2000 amendments to the federal Clean Water Act (CWA)").

The Department is coordinating the development of CSO LTCPs by integrating the planning activities/responsibilities of the various combined sewer system owners and/or operators into the Watershed Management Planning and Total Maximum Daily Loads (TMDLs) development process.

The terms, conditions and compliance schedules of the current General Permit will remain in effect without any change. Please refer to the fact sheet for the current effective permit that briefly sets forth the principal facts and the significant factual, legal, methodological and policy considerations examined during preparation of the current permit.

The Department has included a reopener clause to allow the permit to be modified or revoked and reissued, as provided pursuant to NJAC 14A-6.13(c), for any valid reason.

VI. REQUESTED VARIANCES OR ALTERNATIVES TO REQUIRED PERMIT CONDITIONS

There are no requested variances or alternative permit conditions in regard to this draft General Permit.

VII. PROCEDURES FOR REACHING A FINAL PERMIT DECISION ON THE DRAFT GENERAL PERMIT RENEWAL

A copy of the public notice for the draft renewal permit will be sent to all existing permittees. The Public Notice will be published in the DEP Bulletin on June 10th, 2009 and will be available on the Department's website at www.state.nj.us/dep/dwq. The public comment shall close no sooner than June 30th, 2009 or 30-days after the last date of publication of the public notice in a newspaper.

All persons, including those requesting authorization, who believe that any condition of this draft General Permit is inappropriate or that the Department's tentative decision to issue this draft General Permit is inappropriate, must raise all reasonably ascertainable arguments and factual grounds supporting their position, including all supporting material, by the close of the public comment period.

The Department will respond to all significant and timely comments when a final decision is issued. The applicants and each interested person who has submitted written comments will be notified of the Department's final decision.

A final decision on this General Permit will be made in accordance with the procedures outlined in N.J.A.C. 7:14A-15 "PROCEDURES FOR DECISION MAKING-NJPDES PERMIT PROCESSING REQUIREMENTS".

VIII. DEPARTMENT CONTACT

Interested persons may submit written comments on the draft General Permit to:

**S. Dan Zeppenfeld, P.E., P.P.
Division of Water Quality
Municipal Finance & Construction Element
PO Box 425
Trenton, NJ 08625-0425**

IX. ADMINISTRATIVE RECORD

This draft General Permit prepared by the Department is based on the administrative record which is on file at the offices of the Department, located at 401 East State Street, in the City of Trenton, Mercer County, New Jersey. It is available for inspection, by appointment, between 8:30 AM and 4:00 PM, Monday through Friday. Appointments for inspection of the file may be scheduled by calling (609) 292-0400. The documents are also available at the Division of Water Quality's website for permitting and technical information at <http://www.state.nj.us/dep/dwq/gps.htm>.

GENERAL PERMIT No. NJ0105023
COMBINED SEWER OVERFLOW POINTS
TABLE I

OWNER/OPERATOR (Total Number of CSO Points)	NUMBER OF CSO POINTS	RECEIVING WATERBODY
Bayonne Municipal Utilities Authority (29)	8	Kill Van Kull
	3	Upper New York Bay
	18	Newark Bay
Camden, City of (28)	3	Newton Creek
	15	Delaware River
	10	Cooper River
Camden County Municipal Utilities Authority (1)	1	Delaware River
East Newark Borough (1)	1	Passaic River
Elizabeth, City of (28)	1	Peripheral Ditch
	20	Elizabeth River
	2	Great Ditch
	4	Arthur Kill
	1	Newark Bay
Gloucester City (7)	6	Delaware River
	1	Newton Creek
Guttenberg, Town of (1)	1	Hudson River
Hackensack, City of (2)	2	Hackensack River
Harrison, Town of (7)	7	Passaic River
Jersey City Municipal Utilities Authority (22)	2	Newark Bay
	1	Penhorn Creek
	9	Hackensack River
	10	Hudson River
Kearny, Town of (5)	3	Passaic River
	2	Frank's Creek
Newark Department of Water and Sewer Utilities (17)	13	Passaic River
	4	Peripheral Ditch
North Bergen Township Municipal Utilities Authority (10)	5	Cromakill Creek
	1	Bellman's Creek
	1	Paunpeck Creek
	2	Penhorn Creek
	1	Hudson River
Paterson, City of (26)	26	Passaic River
Perth Amboy, City of (16)	9	Raritan River
	7	Arthur Kill
Ridgefield Park Village (6)	4	Hackensack River
	2	Overpeck Creek
TOTAL NUMBER OF CSO POINTS	206	