



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Mail Code - 401-02B
Water Pollution Management Element
Bureau of Nonpoint Pollution Control
P.O. Box 420 – 401 E. State St.
Trenton, NJ 08625-0420
Tel: (609) 633-7021 / Fax: (609) 777-0432
http://www.state.nj.us/dep/dwq/bnpc_home.htm

CATHERINE R. McCABE
Commissioner

SHEILA Y. OLIVER
Lt. Governor

August 21, 2019

Re: Stormwater Discharge Master General Permit Renewal
Cat: R12 – Highway Agency Stormwater General Permit
NJPDES Permit No.: NJ0141887, Program Interest No.: 50577
NJPDES MASTER GENERAL PERMIT PROGRAM INTEREST
Trenton City, Mercer County

Dear Interested Party:

Enclosed is a **draft** New Jersey Pollutant Discharge Elimination System (NJPDES) permit action identified above which has been issued in accordance with N.J.A.C. 7:14A.

Notice of this draft permit action will appear in the *Press of Atlantic City*, *The Times*, and *Star-Ledger*, and in the August 21, 2019 *DEP Bulletin*. The *DEP Bulletin* is available on the internet at www.state.nj.us/dep/bulletin. In accordance with N.J.A.C. 7:14A-15.10(c)1.i, the public comment period will close thirty (30) days after its last appearance in the newspaper.

The procedures for submitting comments or requesting a public hearing on this draft action are detailed in the enclosed public notice.

If you have questions regarding the draft action, please contact Stephen Boyer at (609) 633-7021 or Stephen.Boyer@dep.nj.gov.

Sincerely,

Gabriel Mahon, Chief
Bureau of Nonpoint Pollution Control

Enclosures
c: Permit Distribution List

Table of Contents

This Permit Package Contains the Items Listed Below

1. Cover Letter
2. Table of Contents
3. Public Notice
4. Fact Sheet
5. NJPDES Permit Authorization Page
6. Part I NARRATIVE REQUIREMENTS
7. Part II GENERAL REQUIREMENTS: DISCHARGE CATEGORIES
8. Part III RECORDKEEPING AND REPORTING
9. Part IV SPECIFIC REQUIREMENTS: NARRATIVE
 - Notes and Definitions
 - Highway Agency Stormwater General Permit
10. Attachments
 - Attachment A - Measurable Goals and Implementation Schedule
 - Attachment B - Points System for Public Education and Outreach Activities
 - Attachment C - Design Standards for Storm Drain Inlets
 - Attachment D - Major Development Project List
 - Attachment E - Best Management Practices for Maintenance Yards and Other Ancillary Operations

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

PUBLIC NOTICE

Notice is hereby given that the New Jersey Department of Environmental Protection (Department/NJDEP) proposes to renew New Jersey Pollutant Discharge Elimination System (NJPDES) Stormwater Discharge Master General Permit NJ0141887 in accordance with N.J.A.C. 7:14A, and by authority of the Water Pollution Control Act at N.J.S.A. 58:10A-1 et seq., for the following discharge:

Applicant or Permittee:

NJDEP DIVISION OF WATER QUALITY
401 E STATE ST
Trenton, NJ, 08625

Facility:

NJPDES MASTER GENERAL PERMIT - Category R12
PER INDIVIDUAL NOTICE OF AUTHORIZATION
Trenton, NJ 08625

This permit renewal authorizes discharges from small Municipal Separate Storm Sewer Systems (MS4s) that are owned or operated by a county, State, interstate, or Federal agency at a highway or other thoroughfare (including a maintenance or service facility or rest area for such a thoroughfare).

Stormwater runoff is commonly transported through MS4s before discharging into local waterbodies. The regulation of stormwater runoff through this permit renewal is intended to continue to provide substantial water quality benefits. This includes benefits described in detail in the Fact Sheet including an emphasis on proper operation and maintenance of stormwater facilities to control nutrients, pathogens, solid and floatable materials, and other pollutants as well as to reduce stormwater runoff quantity. The Department maintains that the conditions of this renewed permit, if implemented correctly, provide a continued, iterative process towards improving stormwater quality.

A draft NJPDES Stormwater Discharge Master General Permit Renewal has been prepared based on the administrative record filed at the NJDEP, 401 East State Street, Trenton, New Jersey 08625. Copies of the draft document are obtainable, for a nominal charge, and the administrative record is available for inspection by appointment only, Monday through Friday. If you are interested in scheduling an appointment or requesting specific information regarding the draft document or requesting a free PDF version of the draft permit sent via email, contact Stephen Boyer of the Bureau of Nonpoint Pollution Control at (609) 633-7021 or by email at stephen.boyer@dep.nj.gov. This draft general permit can also be viewed or downloaded on the Division of Water Quality web site at <https://www.nj.gov/dep/dwq/>.

Comments must be submitted in writing by certified mail (return receipt requested), by email to stormwatermanager@dep.nj.gov or by other means which provides verification of the date of delivery to the Department, and should be addressed Gabriel Mahon, Chief, or Attention: Comments on Public Notice NJ0141887, Mail Code 401-02B, Division of Water Quality, Bureau of Nonpoint Pollution Control, P.O. Box 420, Trenton, NJ 08625-0420 by the close of the public comment period, which closes thirty (30) calendar days after the last newspaper publication of this notice. All persons who believe that any condition of this draft document is inappropriate or that the Department's decision to issue this draft document is inappropriate, must raise all reasonable arguments and factual grounds supporting their position, including all supporting materials, during the public comment period. All materials supporting a comment shall be included in full and may not be incorporated by reference.

In accordance with N.J.A.C. 7:14A-15.11, any interested person may request in writing that NJDEP hold a non-adversarial public hearing on the draft permit. This request must state the nature of the significant and relevant issues proposed to be raised in the hearing and why these issues cannot be adequately expressed other than at a

public hearing. Such request must be submitted within thirty (30) days of the date of this public notice to the address cited above. A public hearing will be conducted whenever the NJDEP determines that there is or may be a significant degree of public interest in holding a public hearing. If a public hearing is held, the public comment period in this notice will automatically be extended until fifteen (15) days after the close of the public hearing.

The Department will respond to all significant and timely comments upon issuance of the final permit decision. Those permittees currently authorized under Stormwater Discharge General Permit NJ0141887 and each person who has submitted written comments or requested notice will receive notice of the Department's permit decision.

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

FACT SHEET

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

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

1. Introduction

During a rainstorm, precipitation that reaches the ground is either lost by evapotranspiration; infiltrates into the ground below the root zone (becoming groundwater); or becomes stormwater runoff. Stormwater runoff flows from rooftops, over paved areas and bare soil, and through sloped vegetated areas while picking up a variety of sediments and pollutants on its way. The quantity and quality of runoff is affected by many factors including the season, local meteorology, geography, topography, land cover, and the activities which lie in the path of the flow. Impervious surfaces, such as rooftops and pavement, can increase the rate at which stormwater reaches the receiving waters, thus resulting in a higher probability of downstream erosion and flooding. The quality of the stormwater runoff depends on the associated pollutants within the flow path of the stormwater. Although the amount of pollutants from a single site may seem unimportant, the combined concentrations of pollutants running off of many sites can negatively affect waterbodies.

Stormwater runoff is commonly transported through Municipal Separate Storm Sewer Systems (MS4s) before discharging into local waterbodies. In an effort to prevent harmful pollutants from being washed or transported into an MS4, federal stormwater regulations require MS4 operators to obtain a National Pollutant Discharge Elimination System (NPDES) permit and implement a stormwater program. State stormwater regulations also require MS4 operators to obtain a NJPDES permit and develop a stormwater program. This subject permit renewal is a Comprehensive General Permit (under 40 CFR 122.28) which serves to authorize MS4 stormwater discharges from New Jersey Highway Agencies and requires the permittees to develop a stormwater program.

The regulation of stormwater runoff through this permit renewal is intended to continue to provide substantial water quality benefits. This includes benefits described in detail in this Fact Sheet including an emphasis on proper operation and maintenance of stormwater facilities to control nutrients, pathogens, solid and floatable materials, and other pollutants as well as to reduce stormwater runoff quantity. The Department maintains that the conditions of this renewed permit, if implemented correctly, provide a continued, iterative process towards improving stormwater quality.

This fact sheet contains information organized into the following sections:

Table of Contents – Fact Sheet

Section	Section Name	Page
1	Introduction	1
2	Federal Stormwater Regulations	3
3	New Jersey Municipal Stormwater Program	4
	A. Regulatory Background	4
	B. Regulation of Stormwater from Existing Development	6
	C. Regulation of Stormwater from New Development and Redevelopment	6
	D. Regulation of Groundwater	7
4	Highway Agency MS4 NJPDES Permit History	7
	A. 2004 Highway Agency MS4 NJPDES Permit	7
	B. 2005 Highway Agency NJPDES Permit Modification	8
	C. 2009 Highway Agency MS4 NJPDES Permit	8
	D. Compliance Assistance and Stakeholder Outreach	8
5	Identification of Highway Agencies	9
	A. Regulatory Background	9
	B. Existing Permittees	9
	C. Issuance of Authorization to Permittees	10
6	Overview of Draft Highway Agency MS4 NJPDES Permit Requirements	10
	A. Organization	10
	B. Use of Best Management Practices to Reduce Pollutants to Maximum Extent Practicable	11
	C. Eligible and Ineligible Discharges	12
7	Basis and Background to Draft Highway Agency MS4 NJPDES Permit Requirements	13
	A. Stormwater Management Program	13
	1. Stormwater Program Requirements	13
	2. Stormwater Pollution Prevention Plan Requirements	14
	3. Implementation of Permit Conditions through Shared or Contracted Services	15
	B. Statewide Basic Requirements and Associated Conditions	15
	1. Minimum Standards for Public Involvement and Participation Including Public Notice	16
	2. Minimum Standards for Local Public Education and Outreach	17
	3. Minimum Standards for Construction Site Storm Water Runoff	17
	4. Minimum Standards for Post Construction Stormwater Management in New Development and Redevelopment	18
	a. General	18
	b. Major Development Stormwater Summary	19
	5. Minimum Standards for Pollution Prevention / Good Housekeeping	19
	a. Regulatory Mechanisms	21
	b. Control Measures	22
	c. Maintenance Yards and Other Ancillary Operations	26
	d. Employee Training	31
	e. Stormwater Management Design Review Training	32
	6. Minimum Standards for MS4 Outfall Pipe Mapping, and Illicit Discharge and Scouring Detection and Control	33

	C. Other Control Measures	36
	1. General Overview of Stormwater Facilities	36
	2. Minimum Standards for Stormwater Facilities Map	36
	3. Minimum Standards for Stormwater Facilities Maintenance	37
	4. Total Maximum Daily Load (TMDL) Information	39
	a. Background	39
	b. Addressing TMDLs Through the Highway Agency MS4 NJPDES Permit	39
	c. Incorporation of TMDL Information into the SPPP	41
	D. Additional Measures	42
	E. Optional Measures	43
8	Summary of Reports	43
	A. Annual Report and Certification Including Electronic Reporting	43
9	Description of Procedures for Reaching a Final Decision on the Draft Action	43
10	Contact Information	44
11	Contents of the Administrative Record	44
12	Listing of Acronyms	45

2. Federal Stormwater Regulations

Federal stormwater regulations were issued in two phases:

- Phase I, issued in 1990, requires *medium* and *large* cities or certain counties with populations of 100,000 or more to obtain NPDES permit coverage for their stormwater discharges.
- Phase II, issued in 1999, requires regulation of *small* MS4s (which are smaller jurisdictions) to obtain NPDES permit coverage for their stormwater discharges.
- The Phase II stormwater rule was revised by USEPA in 2016 as a result of litigation (see www.epa.gov/npdes/npdes-stormwater-final-ms4-general-permit-remand-rule). The 2016 rule change “does not change the stringency of the underlying requirements in the statute or Phase II regulations to which small MS4 permittees are subject, nor does it establish new substantive requirements for MS4 permittees” (81 FR 89322). The rule revision primarily addresses procedural issues and “establishes two alternative approaches a permitting authority can use to issue National Pollutant Discharge Elimination (NPDES) general permits for small MS4s and meet the requirements of the court remand. The first option is to establish all necessary permit terms and conditions to require the MS4 operator to reduce the discharge of pollutants from its MS4 to the MEP (maximum extent practicable), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act (“MS4 permit standard”) upfront in one comprehensive permit. The second option allows the permitting authority to establish the necessary permit terms and conditions in two steps: A first step to issue a base general permit that contains terms and conditions applicable to all small MS4s covered by the permit and a second step to establish necessary permit terms and conditions for individual MS4s that are not in the base general permit. Public notice and comment and opportunity to request a hearing would be necessary for both steps of this two-step general permit. This final rule does not establish any new substantive requirements for small MS4 permits.” [language added]. 81 Fed. Reg. 89320 (December 9, 2016). The Department is renewing the Highway Agency MS4 NJPDES permit under the first option by issuing a Comprehensive General Permit under 40 CFR 122.28.

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

- Owned or operated by municipalities described under N.J.A.C. 7:14A-25.1(b);
- Owned or operated by county, State, interstate, or Federal agencies, and located at public complexes as described under N.J.A.C. 7:14A-25.2(a)2;
- Owned or operated by county, State, interstate, or Federal agencies, and located at highways and other thoroughfares as described under N.J.A.C. 7:14A-25.2(a)3; or
- Owned or operated by county, State, interstate, Federal, or other agencies, and receive special designation under N.J.A.C. 7:14A-25.2(a)4.

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

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

3. New Jersey Municipal Stormwater Program

A. Regulatory Background

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

- The Phase II NJPDES Stormwater rules, N.J.A.C. 7:14A-25 (https://www.state.nj.us/dep/dwq/7_14a/sub25rule.pdf) administered as the Municipal Stormwater Regulation Program (https://www.nj.gov/dep/dwq/msrp_home.htm).
- The Stormwater Management rules, N.J.A.C. 7:8 (https://www.nj.gov/dep/rules/rules/njac7_8.pdf) administered as the Stormwater Management Program (<https://www.nj.gov/dep/stormwater/>).

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

- Is owned or operated by the United States, an interstate agency, a State, city, town, borough, county, parish, district, association, or other public body;
- Is designed or used to collect or convey stormwater;
- Is not a combined sewer;
- Is not part of a publicly owned treatment works (e.g. sewage treatment system); and
- Includes curbs; gutters; ditches; manmade channels; storm drains; catch basins; municipal streets; or roads with drainage systems.

To protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act, the MS4 State rules (N.J.A.C. 7:14A-25) require the Department to issue permits regulating each small MS4. These MS4 permits specify the minimum control measures that must be implemented by the permittee. These control measures serve to reduce the discharge of pollutants from the permittee’s MS4, maintenance yards and other ancillary operations, to the maximum extent practicable pursuant to N.J.A.C. 7:14A-25.6(a)1 and 40 CFR 122.34(a) to protect water quality and to satisfy the appropriate water quality requirements of the Clean Water Act. The benefit of this approach was described in the NJPDES rule adoption notice published in the February 2, 2004 New Jersey Register (see 36 N.J.R. 828-829).

New Jersey’s MS4 NJPDES general permit program was developed under N.J.A.C. 7:14A-25 which requires all New Jersey municipalities, state, county and interstate transportation entities; and certain public complexes to apply for a NJPDES permit, and N.J.A.C. 7:8 which establishes the requirements for stormwater management plans and stormwater control ordinances or regulatory mechanisms, design and performance standards for stormwater management measures, and long-term operation and maintenance of stormwater management measures. The following general permits address discharges from MS4s in the State of New Jersey:

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

To administer the master general permits, the Department issues each eligible entity a separate Notice of Authorization to discharge under one of the above listed general permits. Because New Jersey does not currently have any Highway Agencies that operate a medium or large MS4, all permittees covered under this permit operate “small MS4s.” The Highway Agency Stormwater Master General NJPDES permit authorizes the discharge of stormwater from small MS4s at Highway Agencies in New Jersey and, under certain conditions, from maintenance yards and other ancillary operations owned or operated by the Highway Agency permittees.

This draft NJPDES master general permit is available for public comment in accordance with N.J.A.C. 7:14A-15. The draft Highway Agency MS4 NJPDES master general permit is a Comprehensive General Permit (under 40 CFR 122.28) which identifies the requirements necessary to protect water quality from stormwater discharges. Under the Department’s MS4 general permit program and consistent with N.J.A.C. 7:14A-6.13, the general permit is the means by which the Department regulates a large number of similar dischargers. To request authorization under this general permit, the applicant must submit a Request for Authorization (RFA), which represents a formal acceptance of the terms of the general permit. As provided by N.J.A.C. 7:14A-6.13(d)9 and 25.4(a)3, upon reissuance of this general permit, existing authorizations shall be automatically renewed using the information provided in the permittees’ most recently submitted RFA (see Part II.D.1 of the draft permit) and the information collected by the Department in each permittee’s Annual Report and Certification received electronically through the Department’s Regulatory Services Portal.

B. Regulation of Stormwater from Existing Development

The type of pollutants discharged from small MS4s vary and may contain trace amounts of a variety of conventional and non-conventional pollutants such as total suspended solids, dissolved solids, petroleum hydrocarbons, metals, nutrients and bacteria. The concentration of pollutants as well as the volume of the stormwater discharged from the MS4 is directly linked to the types of land use, and development, and percent of impervious surface in the drainage area.

Under N.J.A.C. 7:14A-25 and as required under Notice of Authorizations issued under the general permit, permittees are required to implement various control measures to reduce pollutant loadings to watersheds from existing development. Specifically, and consistent with 40 CFR 122.28, each permittee must develop, implement, and enforce a stormwater program. Pursuant to N.J.A.C. 7:14A-25.6(a)3, the permittee must document its stormwater program in a Stormwater Pollution Prevention Plan (SPPP). The SPPP must describe the measures necessary for compliance with this permit, including the Statewide Basic Requirements (as developed to implement the federal six minimum control measures at 40 CFR 122.34) and other permit conditions. Examples of control measures described in the SPPP include documentation of permit required adoption and enforcement of a regulatory mechanism for pet waste disposal; prohibition on the feeding of unconfined wildlife on properties owned by the Highway Agency; catch basin cleaning; performance of good housekeeping at maintenance yards; and providing related public education and employee training.

C. Regulation of Stormwater from New Development and Redevelopment

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

The Stormwater Management rules at N.J.A.C. 7:8 define what constitutes new development and redevelopment projects. The Stormwater Management rules at N.J.A.C. 7:8 also establish the stormwater management design and performance standards for water quality, water quantity and groundwater recharge. The design and performance standards of the Stormwater Management rules are implemented for major development by the Highway Agency in accordance with their Authorization under this permit. In addition, design and performance standards of the Stormwater Management rules are implemented by the Department through the review of permits issued by the Division of Land Use Regulation (Flood Hazard, Freshwater Wetlands, Coastal Area Facility Review Act (CAFRA), Waterfront Development, Coastal Wetlands, and Highlands Water Protection and Planning).

The current Stormwater Management rules require applicants for major development to minimize the impacts of development on water quality, flooding, and groundwater recharge through nonstructural strategies and structural measures. Nonstructural strategies include, but are not limited to, minimizing impacts through low impact development, maintenance of existing vegetation, minimizing the increase of impervious surface, and disconnecting impervious surfaces. Structural measures utilize various stormwater management facilities to mitigate impacts. The water quality, water quantity, and groundwater recharge design and performance standards noted above are intended to provide water quality treatment for total suspended solids (TSS) and nutrients, prevent increases to flooding and erosion, and prevent the depletion of aquifers and base flow of watercourses, respectively. However, there is a current draft Stormwater Management rule revision which was issued on December 3, 2018, which proposes, among other things, to remove the requirement that major developments incorporate nonstructural stormwater management strategies to the “maximum extent practicable” to meet groundwater recharge standards, stormwater runoff quantity standards, and stormwater runoff quality standards, with a requirement that green infrastructure be utilized to meet these same standards. Please refer to <https://www.nj.gov/dep/rules/notices/20181203a.html> for additional information regarding this rule proposal.

D. Regulation of Groundwater

This permit authorizes all new and existing stormwater discharges to surface water or ground water from small MS4s owned or operated by the Highway Agency. To the extent that this permit regulates underground injection, the permit implements EPA's regulations (found mainly at 40 C.F.R. 144-148) for the federal Underground Injection Control (UIC) Program. The UIC Program was created pursuant to Part C of the federal Safe Drinking Water Act (42 U.S.C. 300f *et seq.*). EPA recognizes that States issue general as well as individual permits to regulate Class V injection wells (see 64 Fed. Reg. 68554 (December 7, 1999), 67 Fed. Reg. 39590 (June 7, 2002), and the Class V Underground Injection Control Study, Volume 1 (see www.epa.gov/uic/class-v-underground-injection-control-study). UIC is also covered in the NJPDES Regulations at N.J.A.C. 7:14A-8.

4. Highway Agency MS4 NJPDES Permit History

A. 2004 Highway Agency MS4 NJPDES Permit

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

- Public Notice for public participation in the development of Highway Agency stormwater programs;
- Post-Construction stormwater management in new development and redevelopment;
- Local public education (if applicable);
- Regulatory Mechanisms addressing improper disposal of waste;
- Illicit connection elimination and MS4 outfall pipe mapping;
- Solids and floatable controls;
- Maintenance yard operations;
- Employee training; and
- Construction site stormwater runoff control.

The 2004 Highway Agency MS4 NJPDES permit also included a provision for additional measures. Pursuant to N.J.A.C. 7:14A-25.6(e), additional measures can be either non-numeric or numeric effluent limitations that are expressly required to be included in the stormwater program by an areawide or Statewide water quality management plan as adopted in accordance with N.J.A.C. 7:15. Additional measures could also be required by the Department based on an adopted Total Maximum Daily Load (TMDL) report or a regional stormwater management plan adopted under N.J.A.C. 7:8. For additional measures other than numeric effluent limitations, the areawide or Statewide WQM plan shall specify the BMPs that the permittee or another entity will implement along with the measurable goals for each of those BMPs.

The 2004 Highway Agency MS4 NJPDES permit also included a provision for optional measures. Optional measures are BMPs that are included at the permittee's discretion (in addition to any SBRs) that are intended to further prevent or reduce pollution of the waters of the state pursuant to N.J.A.C. 7:14A-25.6(i). In the case of optional measures, the SPPP shall specifically identify such BMPs as optional measures and identify actions to implement those optional measures.

B. 2005 Highway Agency MS4 NJPDES Permit Modification

The Department issued a modification to the 2004 Highway Agency MS4 NJPDES permit to further develop and refine certain aspects of the permit. This included the following changes:

- Expanded the scope of non-stormwater discharges allowable to include washwater from certain activities;
- Established a definition of “catch basin”;
- Revised requirements within the Post-Construction Stormwater Management in New Development and Redevelopment SBR; and
- Established an Equipment and Vehicle Washing SBR.

C. 2009 Highway Agency MS4 NJPDES Permit

The Highway Agency MS4 NJPDES permit was renewed in 2009. A summary of the most significant changes included in the 2009 Highway Agency MS4 NJPDES permit are itemized below:

- Established a definition for “Permanent Structure” to clarify eligible structures for De-Icing Storage;
- Required adoption and enforcement of a regulatory mechanism requiring certain dumpsters and refuse containers to be covered and leak proof;
- Removed the Road Erosion Control BMP requirement;
- Clarified the storm drain inlet retrofitting SBR to specifically state that “resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen)” is repaving;
- Revised the Solids and Floatables Control SBR so that catch basin cleaning becomes a separate BMP with a schedule for catch basin inspection and cleaning;
- Required permittees to record where and when vehicle and equipment washing activities occur;
- Refined the language within the minimum standard of the Employee Training BMP; and
- Required revision of the SPPP on or before June 1, 2009 to incorporate the changes required by the 2009 renewal.

D. Compliance Assistance and Stakeholder Outreach

In an effort to improve overall effectiveness of this Highway Agency MS4 NJPDES permit renewal process and to maximize stakeholder input, the Department issued a preliminary draft Highway Agency MS4 NJPDES permit on March 5, 2019. Additionally, the Department held presentations with existing permittees and interested parties to explain and gather feedback about proposed permit conditions. Presentations were open to questions where a productive and informative dialogue ensued. Notification of such presentations were provided via e-mail invitation to all existing Highway Agency Stormwater Coordinators and interested parties. Comments were considered in the preparation of this draft permit. A listing of the presentations were as follows:

Organization	Presentation Dates
Existing Permittees - South	3/19/2019
Existing Permittees - North	3/21/2019
Existing Permittees - Central	3/27/2019
Interested Parties	3/27/2019

The Department provides a multitude of resources, including guidance documents, checklists and training modules to assist with compliance with the Highway Agency MS4 NJPDES permit. The Department maintains that these resources will assist permittees to implement compliant MS4 stormwater programs which will positively impact water quality. Resources for permittees are available at <https://www.nj.gov/dep/dwq/highway.htm> and links are provided within this draft permit in Part IV. Please note that this link is associated with the current guidance manual; the updated guidance manual will replace this current version once this permit renewal is final and effective. Additionally, the Department has posted materials at www.state.nj.us/dep/dwq/fd.htm which guides stormwater management

professionals, permittees and the general public to the Department's stormwater related technical information, guidance materials, educational resources, forms, and applications.

5. Identification of Highway Agencies

A. Regulatory Background

Pursuant to N.J.A.C. 7:14A-25.2(a)2, this permit addresses all stormwater discharges from small MS4s at highways or other thoroughfares that are owned or operated by a county, State, interstate, or Federal Highway Agency.

B. Existing Permittees

The following is a list of the thirty-three (33) permittees currently authorized under this general permit:

FACILITY NAME	NJPDES #	PI #	COUNTY	MUNICIPALITY
SOUTH JERSEY TRANSPORTATION AUTHORITY	NJG0153729	223060	Atlantic	Hammonton Town
ATLANTIC CNTY	NJG0148016	221489	Atlantic	Northfield City
PALISADES INTERSTATE PARK COMMISSION	NJG0149136	221969	Bergen	Alpine Boro
BERGEN CNTY DPW	NJG0155535	228986	Bergen	Hackensack City
BURLINGTON CNTY	NJG0150223	222277	Burlington	Mount Holly Twp
BURLINGTON CNTY BRIDGE COMMISSION	NJG0148547	221692	Burlington	Palmyra Boro
DELAWARE RIVER PORT AUTHORITY OF PA & NJ	NJG0154270	223638	Camden	Camden City
NJDOT REGION SOUTH	NJG0154652	224332	Camden	Cherry Hill Twp
CAMDEN CNTY	NJG0153419	222992	Camden	Lindenwold Boro
CAPE MAY CNTY	NJG0153869	223120	Cape May	Middle Twp
CUMBERLAND CNTY DPW	NJG0155411	228439	Cumberland	Bridgeton City
PORT AUTHORITY OF NY & NJ	NJG0155861	232055	Essex	Newark City
ESSEX CNTY	NJG0153397	222982	Essex	Verona Twp
GLOUCESTER CNTY	NJG0155373	228000	Gloucester	Clayton Boro
HUDSON CNTY DIV OF ROADS & BRIDGES	NJG0154253	223636	Hudson	Jersey City
HUNTERDON CNTY	NJG0149144	221972	Hunterdon	Flemington Boro
MERCER CNTY	NJG0153753	223077	Mercer	Trenton City
NJ TURNPIKE AUTHORITY	NJG0153354	222955	Middlesex	Woodbridge Twp
GARDEN STATE PARKWAY	NJG0156485	235697	Middlesex	Woodbridge Twp
MIDDLESEX CNTY DEPT OF HIGHWAYS & BRIDGES	NJG0155136	226145	Middlesex	North Brunswick Twp
MONMOUTH CNTY	NJG0152234	222751	Monmouth	Freehold Boro
NJDOT REGION CENTRAL	NJG0154288	223739	Monmouth	Freehold Boro
MORRIS CNTY DPW	NJG0153346	222927	Morris	Morristown Town
NJDOT REGION NORTH	NJG0154300	223746	Morris	Mount Arlington Boro
OCEAN CNTY	NJG0152382	222780	Ocean	Toms River Twp
DELAWARE RIVER JOINT TOLL BRIDGE COMM	NJG0153052	222834	Out of State	Out of State
DELAWARE RIVER & BAY AUTHORITY	NJG0155101	225789	Out of State	Out of State
PASSAIC COUNTY	NJG0152005	222729	Passaic	Paterson City
SALEM CNTY	NJG0154954	225003	Salem	Salem City
SOMERSET CNTY	NJG0151351	222611	Somerset	Somerville Boro
SUSSEX CNTY	NJG0149730	222158	Sussex	Newton Town
UNION CNTY	NJG0153320	222925	Union	Scotch Plains Twp
WARREN CNTY BOARD OF CHOSEN FREEHOLDERS	NJG0152013	222740	Warren	Belvidere Town

C. Issuance of Authorizations to Permittees

Upon completion of the public comment and public notice process pursuant to N.J.A.C. 7:14A-16.4, the Department will make a determination whether to finalize this Highway Agency MS4 NJPDES permit. If finalized, the Department will then issue individual authorizations to each eligible Highway Agency in accordance with N.J.A.C. 7:14A-6.13 consistent with the terms and conditions of this permit.

6. Overview of Draft Highway Agency MS4 NJPDES Permit

A. Organization

This draft permit has been reorganized in an effort to improve readability, clarity and enforceability. The structure of the permit is revised from a single Part I in the 2009 Highway Agency MS4 NJPDES permit to multiple parts in order to separate the broadest requirements from the most specific. These parts are:

- **Part I General Requirements: NJPDES** which lists broad citations applicable to all NJPDES Permits.
- **Part II General Requirements: Discharge Categories** which provides general permit requirements that are applicable only to this permit category (e.g., Eligibility, Administrative Process and General Conditions).
- **Part III Recordkeeping and Reporting** which states the general obligation to maintain records and report compliance status in the Annual Report and Certification
- **Part IV Specific Requirements: Narrative - Notes and Definitions** which provides notes and definitions including a list of acronyms used in this permit in Parts I through IV (as well as Attachments A-E). References in this fact sheet and within this permit to Part IV “Notes and Definitions” are preceded with the words “Notes and Definitions” (e.g. Notes and Definitions Part IV.A.1).
- **Part IV Specific Requirements: Narrative - Highway Agency Stormwater General Permit** which includes a general overview and specific requirements which a permittee must meet in order to remain in compliance with the permit. References to Part IV “Highway Agency Stormwater General Permit” are, for the sake of brevity, not preceded by descriptive text (e.g. Part IV.A.1).

This draft permit includes new requirements as well as clarifications/improvements to existing requirements. This draft permit also includes two new sections at Notes and Definitions Part IV.A.3 and 4 which are intended to provide the permittee with a ready reference to state and federal guidance documents. Notes and Definitions Part IV.A.3 and 4 are **not** enforceable requirements of this permit but rather serve as references to available guidance.

In an effort to promote clarity, the Department has added a list of acronyms to this draft permit and made changes to definitions. The Department has also added, modified and deleted definitions from the 2009 Highway Agency MS4 NJPDES permit as described below. New definitions have been added for the following terms: “Green infrastructure”, “Limited-Access Highway”, “Maintenance Plan”, “Major Development”, “Manufactured treatment device”, “Storm drain inlet”, “Stormwater management basin”, “Stormwater management measure”, “Stream scouring”, “Subsurface infiltration/detention system”, “Wood waste”, and “Yard trimmings”. Modifications are made to the definitions for the following terms: “Existing Permittee”, “Illicit connection”, “New permittee”, “Small MS4”, “Solids and floatable materials” and “Stormwater facility.” The definition of “Original EDPA” is removed since it is not used in this draft permit renewal as it was intended for the first iteration of the Highway Agency MS4 NJPDES permit as issued in 2004. Finally, the definition for “MS4”, which was only the description of an acronym, has been removed from the definition section and moved to the new list of acronyms.

An organizational change presented in this draft permit is the elimination of the repetitive and sometimes confusing formula of Minimum Standard, Measurable Goal, and Implementation schedule found throughout Part I of the 2009 Highway Agency MS4 NJPDES permit. Instead, this draft permit states the Minimum Standard only in the body of the permit. The permit presents each Minimum Standard with a reference to, and obligation to comply with, a separate Attachment A (Measurable Goals and Implementation Schedule). Attachment A is in tabular format where each

Minimum Standard is summarized together with a citation to the permit, the Measurable Goal, the Implementation Schedule (for new and existing permittees), and an indication as to whether or not this is a new or modified requirement. This approach provides the permittee, the public and regulators with a clear understanding of what permittees must do to comply with the permit and a concise and organized presentation of the required Measurable Goals and Implementation Schedules along with references back to applicable permit conditions.

Consistent with the 2009 Highway Agency MS4 NJPDES permit, a series of additional attachments are part of the draft Highway Agency MS4 NJPDES permit. These other attachments provide additional detail as to how to implement permit requirements and track information relevant to the permit requirements. These attachments are as follows: Attachment B – Points System for Public Education and Outreach Activities; Attachment C – Design Standards for Storm Drain Inlets; Attachment D – Major Development Project List (previously the New Development Checklist required for submission with the Annual Report); and Attachment E – Best Management Practices for Maintenance Yards and Other Ancillary Operations.

Additional detail on each of these attachments is included in Section 7.B below.

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

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

Without specific conditions, the Highway Agency MS4 NJPDES permit would be difficult to enforce and would give permittees little direction as to how to meet the requirements of State and Federal Rules. The Department has taken care to issue specific MS4 permit conditions with clear stormwater program requirements since 2004 in order to establish a standard of compliance rather than requiring permittees to independently create compliance conditions for public and Department individual review and approval.

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

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

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

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

The Department maintains that the implementation of BMPs consistent with the stormwater program required pursuant to this draft permit constitutes compliance with the standard of reducing pollutants to the maximum extent practicable. As required by N.J.A.C. 7:14A-25.6(c), this draft permit also specifies the “measurable goals” for BMPs that will be implemented for SBRs, including an implementation schedule. For the purposes of N.J.A.C. 7:14A-25.6, the Department considers a “measurable goal” to be a specific action taken to implement a BMP, rather than a specific condition of stormwater or receiving water quality that is supposed to result from implementing a BMP. Permittees are required to meet all specified measurable goals pursuant to N.J.A.C. 7:14A-25.6(g). Please refer to Attachment A for Measurable Goals and Implementation Schedules, as it pertains to each SBR, for inclusion in an SPPP.

In accordance with 40 CFR 122.34(a), the Department must “include terms and conditions that meet the requirements of this section based on its evaluation of the current permit requirements, record of permittee compliance, and program implementation progress, current water quality conditions, and other relevant information.” Continued efforts by the Department’s Municipal Stormwater Regulation Program, including review of Compliance Evaluations, Annual Reports and Certifications and Supplemental Questionnaires, outreach efforts, and implementation of a municipal stormwater program audit process, constitute evaluation of the permit requirements and the progress of the municipal stormwater programs. Based on the Department’s evaluations of current municipal stormwater programs, the requirements contained in this draft permit have been developed to account for the information gathered since the issuance of the 2009 Highway Agency MS4 NPDES permit. The requirements included in this draft permit constitute the Department’s determination of reasonable progress toward reducing pollutant discharges to the maximum extent practicable.

The 2004 and 2009 Highway Agency MS4 NPDES permit required the MS4 permittees to develop a stormwater program and document that program in an SPPP. The SPPP was required in both of these previously issued permits to be retained on site and be made available for review by the Department. To certify compliance with this requirement, permittees were required to complete an Annual Report and Certification which queries specific details regarding the permittees stormwater program. This renewal permit continues those requirements and includes an additional requirement for permittees to post their SPPP on their website for greater transparency to the public. See Part IV.A.2.f. of the permit for the specific requirement.

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

This draft permit is intended to continue to authorize and control new and existing **stormwater** discharges to surface water from small MS4s owned or operated by Highway Agencies and from maintenance yards and other ancillary operations owned or operated by the Highway Agencies. A NJPDES permit is required for these stormwater discharges under N.J.A.C. 7:14A-24.2(a) and 25.2(a). Permit conditions regarding eligible stormwater discharges are included in Part II.C.2.a. Part II.C.2.a.ii. includes a specific reference to maintenance yards and other ancillary operations which is further explained in Section 7.A.5.c, below.

This draft permit continues to authorize certain non-stormwater discharges (e.g., certain potable water sources, uncontaminated groundwater, and irrigation water) from small MS4s owned or operated by the Highway Agencies. Three of the eligible non-stormwater discharges are modified in this draft permit for clarification purposes as compared to the 2009 Highway Agency MS4 NPDES permit. First, potable water line flushing and discharges from potable water sources are eligible discharges, 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. Secondly, eligible discharges of air conditioning condensate now exclude industrial refrigerant

condensate to clarify that this eligible discharge only applies to air conditioning designed to cool building air for occupancy purposes. This clarification excludes sources of condensate which the Department has determined are of higher quantity and run more continuously than those generated during the cooling of air for building occupancy purposes. Thirdly, single family home residential swimming pool water discharges are considered eligible discharges although this condition has been modified to clarify the Department's intent to be consistent with the federal rule at 40 CFR 122. Residents should allow chlorine to dissipate in pools prior to discharge. To minimize chlorine content in a pool, chlorine addition should be discontinued to allow sunlight to naturally dissipate the chlorine. Chlorine should naturally dissipate after a period of seven to ten days, although a swimming pool test kit could be used to verify the lack of chlorine content earlier than seven to ten days.

A complete list of the eligible non-stormwater discharges is included in Part II.C.2.b. of this draft permit. However, if any of these discharges are identified by the permittee as a significant contributor of pollutants, the permittee must not allow that discharge to continue by addressing the discharge as an illicit connection or as an improper disposal of waste (see Part II.C.3.e. of this draft permit).

This permit is intended to continue to authorize and control new and existing stormwater discharges to surface water from small MS4s owned or operated by the Highway Agencies and from maintenance yards and other ancillary operations that comply with the requirements in Part IV.B.5.c. of the permit. Any permittee that operates an industrial facility or construction site with such a discharge must obtain a separate NJPDES permit for that discharge. In addition, this draft permit does not authorize any stormwater discharge that is authorized under another NJPDES permit so long as that other permit is in effect for that discharge. Also, to implement statutory and regulatory provisions governing consistency of NJPDES permits with Water Quality Management (WQM) Plans (e.g., N.J.S.A. 58:10A-6 and 58:11A-10), this draft permit does not authorize stormwater discharges from projects or activities that conflict with an adopted WQM Plan.

7. Basis and Background for the Draft Highway Agency MS4 NJPDES Permit Requirements

A. Stormwater Management Program

1. Stormwater Program Requirements (Part IV.A.1.)

The permittee is required to develop, update, implement and enforce an MS4 stormwater program. A primary objective of the MS4 stormwater program is to implement best management practices and other control measures as set forth in Statewide Basic Requirements, Other Control Measures, Additional Measures and/or Optional Measures. These best management practices and control measures serve to reduce the discharge of pollutants from the permittee's MS4, maintenance yards and other ancillary operations, to the maximum extent practicable pursuant to N.J.A.C. 7:14A-25.6(a)1 and 40 CFR 122.34(a), to protect water quality, and to satisfy the applicable water quality requirements of the Clean Water Act.

The permittee is required to develop and maintain a Stormwater Pollution Prevention Plan (SPPP) which documents the permittee's stormwater program and describes the measures necessary for compliance with the Statewide Basic Requirements as well as any Other Control Measures, Additional Measures and/or Optional Measures, as required in the permit. The permittee shall submit an Annual Report and Certification summarizing the status of compliance with this permit. See Part IV.G (Annual Report and Certification).

The permittee shall designate a Stormwater Program Coordinator (Stormwater Coordinator) who has overall responsibility for the operation of the permittee's stormwater facilities for the Highway Agency. The Stormwater Coordinator shall be either a principal executive officer or a duly authorized representative, as allowed by N.J.A.C. 7:14A-4.9(b).

The Stormwater Coordinator shall be responsible for the following:

- Coordinating the permittee's implementation of the Highway Agency MS4 NJPDES permit conditions and the SPPP;
- Signing and dating the SPPP; and
- Coordinating the completion and submittal of the MSRP Annual Report, consistent with Part IV.G.

Signatory requirements for reports required by NJPDES permits are specified at N.J.A.C. 7:14A-4.9(a)3 and 4 which require the signatory to be either a principal executive officer or a duly authorized representative as allowed by N.J.A.C. 7:14A-4.9(b).

If a Stormwater Coordinator assignment has changed, then a new Stormwater Program Coordinator Information Update Sheet located at https://www.nj.gov/dep/dwq/pdf/msrp_update_form.pdf shall be submitted to the Department within 30 days of such change taking place.

Although the Department requires that one individual be designated as the Stormwater Program Coordinator, it is not advisable to have just one individual within the Highway Agency implement the stormwater program. Permittees should form a Stormwater Pollution Prevention Team that is made up of individuals responsible for overseeing the implementation of the various permit requirements based on their specific job duties.

2. Stormwater Pollution Prevention Plan Requirements (Part IV.A.2.)

The Stormwater Pollution Prevention Plan (SPPP) serves to document the permittee's MS4 stormwater program. The permittee shall develop, and continue to update, implement and maintain a written SPPP that:

- Identifies the person designated as the Stormwater Coordinator and the members of the SPPP Team;
- Identifies the members of the SPPP Team, which is comprised of the person or persons responsible for implementing or coordinating the SPPP activities;
- Identifies each individual maintenance yard to be covered under each permit authorization, including the geographic region and site specific details of each yard;
- Documents the permittee's MS4 stormwater program including a description of shared or contracted services;
- Describes the measures necessary for compliance with all components of the Highway Agency's MS4 NJPDES permit authorization; and
- Reflects the measurable goals, implementation schedules and record keeping requirements required by Attachment A (Measurable Goals and Implementation Schedule).

In simpler terms, the SPPP describes how the permittee will implement each permit requirement and also denotes the place for recordkeeping to document when and how permit requirements were met. The SPPP is a living document that is never "completed." The SPPP shall be reviewed at least annually and updated as often as necessary to reflect changes related to the permittee's MS4 Stormwater Program. Any amendments to the SPPP:

- Shall continue to meet the requirements of this permit;
- Shall be incorporated into the SPPP and recorded on the SPPP revisions page;

- Shall be signed and dated by the Stormwater Coordinator; and
- Shall be posted on the Highway Agency's website.

See Attachment A (Measurable Goals and Implementation Schedule) for additional detail. The Department may notify the permittee at any time that the SPPP does not meet one or more of the minimum requirements. Within thirty (30) days after receiving such notification unless otherwise specified by the Department, the permittee shall amend the SPPP to adequately address all deficiencies, and written certification of such amendments shall be submitted to the Department.

The current SPPP shall be posted on the Highway Agency's website no later than EDPA + 90 days with updates posted at least annually thereafter. The version posted on the website can exclude inspection logs and other required recordkeeping; and can exclude the names of SPPP Team members (but must include the name of the Stormwater Coordinator as described below). The SPPP shall be made available to the Department and public upon request pursuant to N.J.A.C. 7:14A-25.6(j)2.

3. Implementation of Permit Conditions through Shared or Contracted Services (Part IV.A.3)

The permittee may rely on another governmental, private, or nonprofit entity to satisfy one or more of the permit conditions (or component thereof) through the implementation of best management practices or control measures. This is only allowable provided the following conditions are met:

- The other entity implements the best management practice(s) or control measure(s);
- The particular best management practice(s) or control measure(s), or component(s) thereof, is at least as stringent or as frequent as the corresponding permit requirement;
- The other entity agrees in writing or is required by law to implement the measure(s), or component(s) thereof, in such a manner that is in compliance with the permit on the permittee's behalf; and
- The permittee specifies in its SPPP (1) which permit conditions will be implemented by another entity and (2) the name of the responsible entity.

For any projects or activities which the permittee assigns to another entity which is a private contractor, the awarded contract shall require the contractor to conduct such projects or activities in such a manner that is in compliance with this permit. Nevertheless, the permittee is responsible for compliance with all permit conditions, even if the other entity fails to implement the measure(s).

B. Statewide Basic Requirements and Associated Conditions (Part IV.B)

This draft permit includes Statewide Basic Requirements (SBRs), consistent with the 2004 and 2009 Highway Agency MS4 NJPDES permits, as well as associated BMPs and "measurable goals". For the purposes of this draft permit renewal and N.J.A.C. 7:14A-25.6, the Department considers a measurable goal to be a specific action taken to implement a BMP. Many requirements are retained from the 2009 Highway Agency MS4 NJPDES permit and, for any new requirements in this draft permit renewal, the permit specifies implementation schedules pursuant to N.J.A.C. 7:14A-25.6(a) and (c). Please refer to Attachment A (Measurable Goals and Implementation Schedule) for a detailed listing of the minimum standards, measurable goals and implementation schedules, as they pertain to each SBR, for inclusion in the SPPP.

This permit retains the SBRs from the 2009 MS4 permit, but has restructured them to be consistent with the federal Six Minimum Measures described in Section 2 Federal Stormwater Regulations, above. A detailed basis and background

for each SBR requirement, as well as an explanation for any change from the 2009 Highway Agency MS4 NJPDES permit, is included below.

1. Minimum Standards for Public Involvement and Participation Including Public Notice (Part IV.B.1)

The 2009 Highway Agency MS4 NJPDES permit contains the following language under the heading of “Public Notice”:

“Highway Agencies shall comply with applicable State and local public notice requirements when providing for public participation in the development and implementation of the Highway Agency’ stormwater program.”

This permit renames this SBR “Minimum Standards for Public Involvement and Participation Including Public Notice” consistent with N.J.A.C. 7:14A-25.6(b)1 and with the federal Six Minimum Measures at 40 CFR 122.34(b)(2). Modification of the name of this SBR to be closer to the regulatory title clarifies to permittees that federal guidance can be utilized to implement this SBR (see www.epa.gov/npdes/npdes-stormwater-program).

The Department is proposing to consolidate several existing requirements within this SBR for clarity and to ensure that applicable public participation and involvement requirements are met after issuance of this Highway Agency MS4 NJPDES permit. This includes:

- The obligation to provide public notice under the Open Public Meetings Act (“Sunshine Law,” N.J.S.A. 10:4-6 et seq.) for certain activities (N.J.A.C. 7:14A-25.6(b)1). See Part IV.B.1.a.i;
- The obligation to comply with statutory procedures for the enactment of ordinances or other regulatory mechanisms (N.J.S.A. 40:49-2, 40:41A-101, or 52:14B-1 et seq., where applicable), required by this permit. See Part IV.B.1.a.ii;
- The requirement to make certain elements of the SPPP available to the public (N.J.A.C. 7:14A-25.6(j)2) and post the SPPP online. See Part IV.B.1.b.i and ii; and
- The requirement to post the regulatory mechanisms online. See Part IV.B.1.b.iii.

By presenting these related requirements together, this draft permit ensures notification and opportunity for public involvement in the permittee’s stormwater program, and ensures transparent development, updating and implementation of a permittee’s stormwater program. Each element of the permittee’s stormwater program addressed in this section of the permit is complemented elsewhere in the permit with specific requirements describing the minimum standard for the applicable stormwater program element. For example, any regulatory mechanism required to be adopted in conformance with Part IV.B.1 of this permit must meet the requirements described for that regulatory mechanism as specified elsewhere in this permit. Therefore, this draft permit remains prescriptive in the actual standard that must be met. The Department has also developed examples for all stormwater program elements (such as sample regulatory mechanisms) for reference by the permittee during program development. See Part IV.B.5.a (Regulatory Mechanisms); and Part IV.A.2 (SPPP).

Note that the SPPP is the document where the permittee describes how it will implement each permit requirement and provides the location of the records/documentation required by the permit. The SPPP is consistent with documentation required by 40 CFR 122.34(b) and 122.34(d)2. The permittee is not required to develop the SPPP in a public forum but is required to make the SPPP available for public information (See Part IV.A.2 of the permit and Section 8 of this Fact Sheet for more on the SPPP).

The Department is setting an implementation schedule of EDPA + 90 days as a compliance date for existing permittees to post their most recent SPPP online as well as their related regulatory mechanisms. New permittees are allowed EDPA +12 months for posting the SPPP since the requirement to develop the SPPP is EDPA + 12 months for new permittees. The names of the SPPP Team members need not be included in the posted version.

2. Minimum Standards for Local Public Education and Outreach (Part IV.B.2)

The 2009 Highway Agency MS4 NJPDES permit includes the SBR entitled “Local Public Education”. As described in that permit, the first component of Local Public Education concerns the implementation of a public education program to provide the public with information on the impact of stormwater discharges to surface and ground waters of the State as well as steps that the public can take to reduce pollutants in stormwater runoff. This is consistent with the requirements of N.J.A.C. 7:14A-25.6(b)4. To implement these requirements, the 2009 Highway Agency MS4 NJPDES permit required for the Highway Agency to distribute educational information to appropriate users and employees of the Highway Agency to satisfy this minimum standard. The following SBR topics shall be included in the Local Public Education Program: Storm Drain Labeling, Pet Waste Control, Improper Waste Disposal Control, and Wildlife Feeding Control. To satisfy the requirement to distribute educational material, Highway Agencies shall provide information material in any form (e.g., calendars, brochures, signs, sheets, booklets) by locating this material at rest areas and service areas located along the Highway Agency’s small MS4.

This draft permit proposes to change the SBR name from “Local Public Education” to “Minimum Standards for Local Public Education and Outreach.” This retains the 2009 SBR name but expands it to include the title of one of the federal Six Minimum Measures namely “Public Education and Outreach” (see www.epa.gov/npdes/stormwater-discharges-municipal-sources). The Local Public Education Program in this draft permit has been modified to establish a point system, whereby Highway Agencies with rest areas or service areas are required to accrue a total of five (5) points annually by conducting educational activities chosen from a list provided in Attachment B of the draft permit, with each having an assigned point value. Permittees will now be able to choose from any of the following activities in the four listed categories: General Public Outreach, Targeted Audiences Outreach, School/Youth Education and Activities, and Watershed/Regional Collaboration. This change is proposed to give permittees more options, potentially reduce the cost of compliance, and to make the Local Public Education Program more effective.

All other permittees may satisfy the educational component of the permit through the implementation of an employee training program pursuant to Part IV.B.5.d (Employee Training).

3. Minimum Standards for Construction Site Storm Water Runoff (Part IV.B.3)

Stormwater runoff from construction sites can cause significant harm to New Jersey’s rivers, lakes, and coastal waters if not managed properly. To address these impacts, it is necessary to control soil erosion and sedimentation during land disturbance, as well as minimize stormwater contamination from other construction related activities. Construction site stormwater runoff is one of the federal Six Minimum Measures. However, as required by N.J.A.C. 7:14A-25.7(b), this draft permit recognizes that the Department is responsible for implementing a separate NJPDES permit program to reduce pollutants in stormwater runoff to MS4s from certain construction activities. Pursuant to N.J.A.C. 7:14A-25.6(b)2, the Department satisfies this minimum measure under a separate Construction Activity Stormwater General Permit (NJPDES Permit No. NJ0088323). The Construction Activity Stormwater General Permit controls stormwater discharge to surface water from certain construction activities, including clearing, grading, and excavation. Generally, this includes construction activities that disturb at least one acre, or disturb less than one acre but are part of a larger common plan of development or sale that ultimately disturbs more than one acre. The Construction Activity Stormwater General Permit is administered by the Department’s Bureau of Nonpoint Pollution Control in coordination with the New Jersey Department of Agriculture and the State Soil Conservation Committee through its 15 Soil Conservation Districts located throughout the State (see <https://www.nj.gov/agriculture/divisions/anr/nrc/njdep.html>). The result of this effort is a program that emphasizes implementation at the district level and maximum utilization of existing requirements and resources. Construction activity that may result in stormwater discharges authorized by the Construction Activity Stormwater General Permit shall be executed only in accordance with a Stormwater Pollution Prevention Plan (SPPP) required by that permit and is subject to routine inspections identifying the effectiveness of the SPPP. As a result, the permittee is not required to

address construction site stormwater runoff control in its MS4 SPPP since it is already regulated in a separate permit. The Construction Activity Stormwater General Permit (NJ0088323) and associated guidance is posted at <https://www.nj.gov/dep/dwq/5g3.htm>.

4. Minimum Standards for Post Construction Stormwater Management in New Development and Redevelopment (Part IV.B.4)

a. General

Post Construction Stormwater Runoff Management in New Development and Redevelopment are components of the minimum control measures at 40 CFR 122.34. See www.epa.gov/npdes/stormwater-discharges-municipal-sources. This draft permit carries forward the requirement for permittees to implement a post construction stormwater management program. The regulatory process to ensure that such development is both properly designed and thereafter maintained lies largely in the Stormwater Management rules (N.J.A.C. 7:8) and is complimented by and, in part, implemented through the NJPDES Stormwater Rules (see N.J.A.C. 7:14A-25.6(b)3). The Stormwater Management rules include performance standards for some new development and redevelopment projects as explained below to address existing groundwater that contributes to base flow and aquifers, to prevent increases to flooding and erosion, and to provide water quality treatment through stormwater management measures for Total Suspended Solids (TSS) and nutrients. The Stormwater Management rules require applicants to evaluate methods to prevent pollutants from becoming available to stormwater runoff and to design projects to minimize runoff impacts from new development through better site design. Some of the issues that are required to be assessed for the site include low impact development, maintenance of existing vegetation, minimizing and disconnecting impervious surfaces; and pollution prevention techniques. Additionally, the Department has issued a current draft Stormwater Management rule revision on December 3, 2018, which proposes, among other things, to remove the requirement that major developments incorporate nonstructural stormwater management strategies to the "maximum extent practicable" to meet groundwater recharge standards, stormwater runoff quantity standards, and stormwater runoff quality standards, with a requirement that green infrastructure be utilized to meet these same standards. Please see <https://www.nj.gov/dep/rules/notices/20181203a.html> for the Notice of Rule Proposal for additional information.

Permittees shall develop and continue to update, implement and enforce a post construction stormwater management program to address post construction stormwater runoff in new development and redevelopment projects owned or operated by the permittee, and to ensure compliance with the Stormwater Management rules at N.J.A.C. 7:8. In general, the Stormwater Management rules establish design and performance standards for stormwater management measures and establish safety standards for stormwater management basins.

The permittee shall address stormwater runoff from the following types of major development through a post construction stormwater management program, as well as any additional development that is defined as "major development" by the permittee's stormwater program:

- New development and redevelopment projects that disturb one acre or more and are owned or operated by the Highway Agency; and
- All new development and redevelopment projects that disturb less than one acre but are part of a larger common plan of development that ultimately disturbs one acre or more.

"Disturbance" is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Projects undertaken by any government agency which otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development."

Permittees are required to review and analyze development projects for compliance with Part IV.B.4 of this permit even if a separate permit is required by the Department for the same or similar activity (e.g. a Land Use Permit).

Changes to N.J.A.C. 7:8 in 2016 removed duplicative requirements that are also found in the Flood Hazard Area Control Act rules (N.J.A.C. 7:13). These revisions removed from N.J.A.C. 7:8 requirements related to Special Water Resource Protection Areas (SWRPA). Note that all waters in New Jersey are regulated under the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13) with the exception of those listed at N.J.A.C. 7:13-2.2(a)1-4. Furthermore, a riparian zone exists along both sides of every regulated water and includes the water itself unless listed as an exception at N.J.A.C. 7:13-2.3(c)1.i-vi. As outlined in N.J.A.C. 7:13-4.1(c), the width of a riparian zone can vary from 50 feet to 300 feet, however, the riparian zone along any regulated water designated as a Category One water, and all upstream tributaries situated within the same HUC-14 watershed, is always 300 feet. Discharges from major developments, as defined at N.J.A.C. 7:8-1.2, into riparian zones along Category One waters are required to be avoided to the maximum extent practicable, and where unavoidable, are required to be treated to 95% TSS removal pursuant to N.J.A.C. 7:13-11.2(j)4. As explained in detail in the Flood Hazard Area Control Act Rules response to comment document, this requirement is consistent with the jurisdiction and scope of the prior SWRPA requirements and its removal from N.J.A.C. 7:8 and placement in the Flood Hazard Area Control Act Rules does not modify any effluent limitations, standards or conditions in a NJPDES permit, including this MS4 NJPDES permit. This explanation serves to clarify these 2016 rule revisions for the purposes of this draft permit.

On December 3, 2018, the Department proposed revisions to N.J.A.C. 7:8 and other associated regulations to, among other changes, replace the current requirement that major developments incorporate nonstructural stormwater management strategies to the “maximum extent practicable” to meet groundwater recharge standards, stormwater runoff quantity standards, and stormwater runoff quality standards, with a requirement that green infrastructure be utilized to meet these same standards. The full text of the proposal can be found at <https://www.nj.gov/dep/rules/notices.html>. This proposal includes language detailing a specific time under which a municipalities major development projects would be ‘grandfathered’ under the existing regulations. This permit includes similar ‘grandfather’ language that will apply specifically to Highway Agencies since the approval process for these permittees differs from those of municipalities.

Permittees can grant a variance or exemption from the design and performance standards for stormwater management measures. Any such variance or exemption can only be made if the permittee has a mitigation plan that identifies measures that are necessary to offset the deficit created by granting the variance or exemption and the mitigation plan must satisfy the same criteria that a mitigation plan prepared in accordance with the Stormwater Management Rule N.J.A.C. 7:8-4.6 must satisfy. The variance or exemption can be provided through a menu of design and performance standards with corresponding mitigation projects for different drainage areas within the subwatershed. The permittee must submit, within 30 days after the grant of a variance or exemption, a written report to the Department describing the variance or exemption and the required mitigation. See Part IV.B.4.e.

Additionally, the permittee shall comply with the standards set forth in Attachment C (Design Standards for Storm Drain Inlets) of the permit to control passage of solid and floatable materials through storm drain inlets along roadways owned or operated by the Highway Agency.

b. Major Development Project List

As mentioned above in Section 6.A., this permit proposes to require that permittees attach a Major Development Project List (included as Attachment D and at <https://www.nj.gov/dep/dwq/highway.htm>. The updated guidance manual will replace the current version once this permit renewal is final and effective.) to each Annual Report for all major development projects approved for the previous calendar year.

5. Minimum Standards for Pollution Prevention / Good Housekeeping (Part IV.B.5)

The 2009 Highway Agency MS4 NJPDES permit contains the following four SBRs:

Improper Disposal of Waste;
Maintenance Yard Operations;

Solids and Floatable Controls;
Employee Training.

This permit has merged these four SBRs into a newly named SBR entitled “Minimum Standards for Pollution Prevention/Good Housekeeping.” This name is derived from one of the federal Six Minimum Measures and clarifies that permittees can utilize federal guidance for this SBR. See the “National Menu of Best Management Practices (BMPs) for Stormwater” at www.epa.gov/npdes/stormwater-discharges-municipal-sources.

A tabular summary of the 2009 Highway Agency MS4 NJPDES permit SBRs as compared to this draft Highway Agency MS4 NJPDES permit SBRs is as follows:

2009 MS4 Permit SBR	2019 Draft Permit SBR
<p>Improper Disposal of Waste</p> <ul style="list-style-type: none"> • Pet Waste Control • Litter Pick Up Program • Improper Waste Disposal Control • Wildlife Feeding Control • Refuse Containers and Dumpsters 	<p>Regulatory Mechanisms</p> <ul style="list-style-type: none"> • Pet Waste Control • Wildlife Feeding Control • Litter Control • Improper Disposal of Waste
<p>Solids and Floatable Controls</p> <ul style="list-style-type: none"> • Street Sweeping • Storm Drain Inlets • Stormwater Facility Maintenance¹ • Catch Basin Inspection and Cleaning • Outfall Pipe Stream Scouring Remediation¹ • Roadside Vegetation Management² 	<p>Control Measures</p> <ul style="list-style-type: none"> • Litter Pick-Up Program • Quarterly Street Sweeping • Triannual Street Sweeping • Annual Street Sweeping • Storm Drain Inlet Inspection • Catch Basin Inspection • Storm Drain Inlet Cleaning • Catch Basin Cleaning • Storm Drain Inlet Labeling • Storm Drain Inlet Label Maintenance • Storm Drain Inlet Retrofit • Herbicide Application Management² • Excess De-icing Material Management • Roadside Vegetative Waste Management² • Refuse Containers and Dumpsters
<p>Maintenance Yard Operations (including Maintenance Activities at Service Areas and Ancillary Operations) – Detailed in Attachment D</p> <ul style="list-style-type: none"> • De-icing Material Storage • Equipment and Vehicle Washing • Standard Operating Procedures 	<p>Maintenance Yards and Other Ancillary Operations – Detailed in Attachment E³</p> <ul style="list-style-type: none"> • Inventory of Material and Machinery • Inspections and Good Housekeeping • Fueling Operations • Discharge of Stormwater from Secondary Containment • Vehicle Maintenance • On-Site Equipment and Vehicle Washing and Wash Wastewater Containment • Salt and De-icing Material Storage and Handling • Aggregate Material and Construction Debris Storage • Street Sweepings, Catch Basin Clean Out and other Material Storage • Yard Trimmings and Wood Waste Management Sites

<p>Employee Training</p> <ul style="list-style-type: none"> • Waste Disposal Education • Control Measures • Roadside Vegetation Management • Illicit Connection Elimination and Outfall Pipe Mapping • Street Sweeping • Stormwater Facility Maintenance • Outfall Pipe Stream Scouring Remediation • Maintenance Yard Operations (including Ancillary Operations) • Equipment and Vehicle Washing • Construction Activity/Post-Construction Stormwater Management in New Development and Redevelopment 	<p>Employee Training</p> <ul style="list-style-type: none"> • Maintenance Yard Operations (including Ancillary Operations) • Stormwater Facility Maintenance • SPPP • Street Sweeping • Illicit Connection Elimination and Outfall Pipe Mapping • Outfall Pipe Stream Scouring Detection and Control • Waste Disposal Education • Regulatory Mechanisms • Construction Activity/Post-Construction Stormwater Management in New Development and Redevelopment • Control Measures <p>Stormwater Management Design Review Training⁴</p> <ul style="list-style-type: none"> • Free two-day training provided by NJDEP stormwater program staff for all design engineers and other individuals who review stormwater designs for development and redevelopment projects for the permittee. • Each reviewer must attend this training once every five years.
--	---

Footnotes

- ¹ Stormwater facility maintenance and outfall pipe stream scouring remediation has been relocated and expanded to Part IV.C.2 and Part IV.B.6, respectively.
- ² 2009 permit referred to the restrictions/limitations of herbicide application as ‘Roadside Vegetation Management’. In this permit, these requirements were renamed ‘Herbicide Application Management’. There is also a similarly titled requirement in this permit called ‘Roadside Vegetative Waste Management’, however it refers to requirements for proper management of wood waste and yard trimmings generated by the permittee.
- ³ BMPs expanded
- ⁴ New training requirements discussed at Part IV.B.5.e.

a. Regulatory Mechanisms (Part IV.B.5.a)

This permit proposes to retain four regulatory mechanisms (Pet Waste Control, Wildlife Feeding Control, Litter Control, and Improper Disposal of Waste) from the 2009 Highway Agency MS4 NJPDES permit. These regulatory mechanisms were presented in the 2009 Permit under the heading “Improper Disposal of Waste” and are presented in this permit renewal under “Regulatory Mechanisms”. The permittee, via these four regulatory mechanisms and consistent with N.J.A.C. 7:14A-25.6(b)5.iii, is required to effectively prohibit improper disposal of waste into the permittee’s small MS4 and implement appropriate enforcement procedures and actions. Consistent with the 2004 and 2009 permits, the Department continues to provide sample regulatory mechanisms either through its guidance document or as posted on its website. See <https://www.nj.gov/dep/dwq/highway.htm> for the current guidance document. A revised guidance document will be published after the issuance of the final renewal permit. The content of the permit requirements regarding regulatory mechanisms, as well as the suggested sample regulatory mechanisms, are consistent with the 2009 Highway Agency MS4 NJPDES permit. Because this is a longstanding requirement, it is likely that existing permittees are already in compliance and will not have to readopt or amend a regulatory mechanism

merely for the purposes of this permit, although a link has been added so that sample regulatory mechanisms can be easily accessed. This does not relieve a permittee from the requirement to keep all regulatory mechanisms up-to-date with any legislative or regulatory changes that may occur outside of this permit. In addition, sample regulatory mechanisms are provided as a courtesy and are not required to be adopted verbatim by the permittee as long as applicable permit and regulatory requirements are met.

b. Control Measures (Part IV.B.5.b)

The 2009 Highway Agency MS4 NJPDES permit contains six requirements under the heading of “Solids and Floatables Control.” Four of those six requirements are included in this section of the permit, “Solids and Floatables Control.” The four requirements are: Street Sweeping; Storm Drain Inlet Retrofitting; Catch Basin Inspection and Cleaning; and Roadside Vegetation Management (renamed in this permit as Herbicide Application Management) as well as a new section entitled Roadside Vegetative Waste Management which requires the permittee to ensure the proper pickup, handling, storage and disposal of wood waste and yard trimmings generated by the permittee. The revisions to the permit requirements for street sweeping are discussed in more detail below. The requirements for storm drain inlet retrofit is reworded but essentially the same in this proposed permit as compared to the 2009 permit. Similarly, the requirements in Attachment C (Design Standards for Storm Drain Inlets) are also unchanged from the 2009 permit, although reformatted and clarified. The “Catch Basin Inspection and Cleaning” requirements have been separated and revised as described in detail below. New sections entitled, “Herbicide Application Management”, “Excess De-icing Material Management”, and “Roadside Vegetative Waste Management” are also proposed to be added as described below.

The last two requirements of the 2009 Permit’s “Solids and Floatable Controls” heading have been moved to other sections of this permit. The “Stormwater Facility Maintenance” requirement has been moved to Part IV.C, Other Control Measures (see Section 7.C of this Fact Sheet). The “Outfall Pipe Stream Scouring Remediation” requirement has been moved to Part IV.B.6, “MS4 Outfall Pipe Mapping, and Illicit Discharge and Scouring Detection and Control”, given the relationship that these requirements share with outfalls and given the inspection-based nature of that section of the permit. The changes to these two sections are discussed at Section 7.B.6, below, “Minimum Standards for MS4 Outfall Pipe Mapping and Illicit Discharge and Scouring Detection and Control.”

Litter Pick-Up Program: This permit also proposes to relocate the “Litter Pick-up Program” from the ‘Improper Disposal of Waste SBR Section to this section. The 2009 Highway Agency MS4 NJPDES permit contains the following requirements for the Litter Pick-up Program:

Highway Agencies shall develop and implement a litter pick up program that includes roadside clean up of trash and debris and regular collection of refuse from litter receptacles owned and operated by the Highway Agency including those located at rest areas and service areas. Highway Agencies shall maintain records of roadside clean ups and estimates of the total amount of trash and debris collected.

The draft permit requirement at Part IV.B.5.b.i proposes to add a reference to recycling receptacles to this requirement as follows:

The permittee shall develop and implement a litter pick up program that includes roadside clean-up of trash and debris and regular collection of refuse from litter and recycling receptacles owned and operated by the permittee, including those located at rest areas and service areas, including parking lots. The permittee shall maintain records of roadside clean-ups and estimates of the total amount of trash and debris collected.

Street Sweeping requirements: The street sweeping requirements are proposed to be changed in this permit. The 2009 Highway Agency MS4 NJPDES permit contains the following requirements for Street Sweeping:

County Highway Agencies shall sweep, at a minimum of once per month (weather and street conditions permitting), all streets (including roads or highways) that meet all of the following criteria:

- The street is owned or operated by the County Agency;
- The street is curbed and has storm drains;
- The street has a posted speed limit of 35 mph or less;
- The street is not an entrance or exit ramp; and
- The street is in a predominantly commercial area.

Highway Agencies other than County Highway Agencies shall sweep at a minimum of once per quarter (weather and street conditions permitting), all streets (including roads and highways) that meet all of the following criteria:

- The street is owned or operated by the Highway Agency;
- The street is curbed and has storm drains;
- The street has a posted speed limit of 35 mph or less;
- The street is not an entrance or exit ramp; and
- The street is in a predominantly commercial area.

All remaining streets (including roads or highways) that they own or operate shall be swept at a minimum of once every 2 years.

The draft permit requirement at Part IV.B.5.b.ii, iii, and iv proposes the following revised requirements:

- ii. **Quarterly Street Sweeping:** The permittee shall sweep, at a minimum of once every three months, or more frequently as necessary to eliminate recurring problems, all segments of limited-access highways (including ramps and parking areas) that are owned or operated by the permittee and have storm drain inlets or discharge directly to surface water;
- iii. **Triannual Street Sweeping:** The permittee shall sweep, at a minimum of once every four months, or more frequently as necessary to eliminate recurring problems, all segments of streets and parking areas that are owned or operated by the permittee and have storm drain inlets or discharge directly to surface water but are not limited-access highways;
- iv. **Annual Street Sweeping:** The permittee shall sweep, at a minimum of once per year, or more frequently as necessary to eliminate recurring problems, all segments of streets, ramps and parking areas that are owned or operated by the permittee but do not have storm drain inlets or discharge directly to surface water;

The Department proposes that these revised street sweeping requirements constitute an overall increase in the road miles that will be swept on an annual basis. This is due to the fact that the number of road miles required to be swept monthly under the existing permit is more limited as those roads had to be in a predominantly commercial area and owned by the Highway Agency, have storm drain inlets, curbs and a posted speed limit of 35 MPH or less. The vast majority of the road miles do not fit under these conditions, and therefore were only required to be swept once per two years. For the sections of the roads that do have storm drain inlets, or discharge directly to surface water, the frequency of sweeping is proposed to increase from once per 2 years to 3 or 4 times/year for non-Limited Access Roads or Limited Access Roads, respectively. For the sections of the roads that do not have storm drain inlets or discharge directly to surface water, the frequency of sweeping is proposed to increase from once per 2 years to once per year. These revised requirements also remove the exemption that allowed on and off ramps not to be swept.

Inlet and Catch Basin Inspection and Cleaning Requirements: The catch basin inspection and cleaning requirements have also been changed in this permit. The 2009 Highway Agency MS4 NJPDES permit contains the following language for Catch Basin Inspection and Cleaning:

“Minimum Standard – Highway Agencies shall inspect and clean all catch basins operated by the Highway Agency for accumulated sediment, trash, and debris; and clean those basins to remove sediment, trash, or debris (if any is observed during inspection). Highway Agencies with:

- less than 10,000 catch basins shall annually inspect and (to the extent noted above) clean at least 2,000 catch basins, or as many catch basins as they own and operate.
- 10,000 or more catch basins shall inspect and (to the extent noted above) clean all catch basins they own and operate by February 28, 2014.”

The permit requirements at Part IV.B.5.b.v through viii are proposed to include specific language regarding storm drain inlets, as well as catch basins, with revisions as follows:

- v. Storm Drain Inlet Inspection: The permittee shall inspect, at a minimum of once per year, all storm drain inlets that it owns or operates. Documentation of inspections shall include: inlet location, date visited, observations of the inlet’s structural integrity, and if maintenance or repairs are required;
- vi. Storm Drain Inlet Cleaning: The permittee shall develop, update, and implement a storm drain inlet cleaning program. The program shall establish when a storm drain inlet must be cleaned and shall be implemented as frequently as necessary to ensure, at a minimum, that sediment, trash, or other debris is removed as necessary to control it from entering the waters of the State, to eliminate recurring problems and maintain proper function. This program shall be described in the written SPPP, as required in Part IV.A.2. (SPPP);
- vii. Catch Basin Inspection: The permittee shall inspect and document inspections of all catch basins that it owns or operates. At a minimum, permittees who own or operate less than 2,500 catch basins shall inspect those basins once per year. Permittees who own or operate 2,500 catch basins or more shall inspect a minimum of 20% of the total or 2,500 per year, whichever is greater, rotating the schedule in such a way that all catch basins are inspected at least once every five years on approximately the same frequency. Documentation of inspections shall include: catch basin location, date visited, observations of the catch basin’s structural integrity, and if maintenance or repairs are required;
- viii. Catch Basin Cleaning: The permittee shall develop, update, and implement a catch basin cleaning program. The program shall establish when a catch basin must be cleaned, include procedures for cleaning, and shall be implemented as frequently as necessary to ensure, at a minimum, that sediment, trash, or other debris is removed as necessary to control it from entering the waters of the State, to eliminate recurring problems and maintain proper function. For guidance related to catch basin cleaning, refer to the EPA Catch Basin Technology Overview and Assessment in the Highway Agency Guidance document (https://www.nj.gov/dep/dwq/highway_guidance.htm); This program shall be described in the written SPPP, as required in Part IV.A.2. (SPPP).

The revisions to this section separate the requirements to inspect inlets and catch basins from the requirements regarding cleaning those inlets and catch basins in order to clarify that inlets and catch basins are separate devices and only need to be cleaned based on the results of the inspections. The permit proposes to only require catch basin cleaning if the inspection indicates that cleaning is necessary to remove sediment, trash, or other debris to control it from entering the waters of the State, to eliminate recurring problems, or maintain proper function. The permit now refers the permittees to the Department’s Highway Agency Guidance at <https://www.nj.gov/dep/dwq/highway.htm>, which also includes a reference to the USEPA’s Catch Basin Technology Overview and Assessment for additional information regarding catch basin cleaning.

Additionally, “storm drain inlet” has been defined in this permit to mean the point of entry into the storm drain system. This is important since some inlets do not have catch basins but still require inspection and cleaning, even if this would result in cleaning more often. A requirement has also been included to ensure that any given catch basin or storm drain inlet is cleaned as frequently as necessary to ensure proper function and operation. As indicated in Attachment A (Measurable Goals and Implementation Schedule), permittees are required to keep records of catch basin and inlet inspections and cleanings. The Department maintains that these changes constitute reasonable progress towards

reducing pollutant discharges associated with poorly maintained catch basins and storm drain inlets to the maximum extent practicable.

Herbicide Application Management: The 2009 permit included requirements for limiting and restricting the application of herbicides in section 7.f., Roadside Vegetation Management. The 2019 permit includes these requirements in IV.B.5.x. Herbicide Application Management. 2009 permit referred to the restrictions/limitations of herbicide application as 'Roadside Vegetation Management'. In this permit, these requirements have been renamed 'Herbicide Application Management'.

There is a new requirement proposed in this permit called 'Roadside Vegetative Waste Management', which refers to requirements for proper management of wood waste and yard trimmings generated by the permittee. Permittees shall restrict the application of herbicides to prevent it from being washed by stormwater into the waters of the State and to prevent erosion caused by de-vegetation, as follows: (1) The permittee shall not apply herbicides on or adjacent to storm drain inlets, or on steeply sloping ground; (2) The permittee shall only apply herbicides along curb lines, highway median barriers, and unobstructed shoulders that contain unwanted vegetation; and (3) The permittee shall only apply herbicides within a 2-foot radius around structures where overgrowth presents a safety hazard and where it is unsafe to mow;

Excess De-icing Material Management: This is new section that has been added to the permit due to a number of complaints that have been received by the Department as well as observations in the field regarding piles of excess road salt that have remained on or adjacent to the roadways, parking lots, etc. long after storms had passed. The application of de-icing materials such as road salt has been implicated in the increased baseline salinity of many freshwaters across the country, and thus impairing the habitat for many species that depend on freshwater for all or part of their life cycle. While this permit condition does not intend to control the amount of de-icing materials applied to road surfaces for safety concerns, it does intend to control the amount of materials left on the road surfaces after a winter weather event has passed. The proposed permit language states:

- xi. Excess De-icing Material Management: The permittee shall remove, within 72 hours after the end of the storm event, conditions permitting, piles of excess salt and de-icing materials that have been deposited during spreading operations (e.g., piles resulting from accidental spillage or when spreading equipment is started or stopped) on all streets, ramps, and parking areas owned or operated by the permittee. Excess de-icing material removed from streets, ramps, and parking areas may be returned to storage or properly managed if unsuitable for reuse.

The Department believes that allowing a 72-hour timeframe to remove these piles should be adequate since the permittees' winter weather emergency operations should have ended, and staff from road crews will be available to address this requirement without compromising their safety or the public's safety. However, language has been included to state 'conditions permitting' to allow permittees additional time as necessary if weather conditions, such as back to back storms, do not allow for this task to be met.

Refuse Containers and Dumpsters: The Department has revised the permit language to clarify which dumpsters, based on their contents, are required to be covered. The permit requirement is proposed to read as follows:

Refuse Containers and Dumpsters: The permittee shall ensure that dumpsters (including tire) and other refuse containers that are outdoors or exposed to stormwater, are covered at all times. This serves to prevent the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers. This measure is not intended for permitted temporary demolition containers or containers that hold large bulky items (e.g., furniture, clean car parts, and other large items recovered from the roadway), provided they do not contain putrescible waste.

c. Maintenance Yards and Other Ancillary Operations (Part IV.B.5.c)

The 2009 Highway Agency MS4 NJPDES permit presents requirements related to maintenance yard activities in both the body of the permit and in an attachment. Part I.E.8 of the 2009 Permit contains requirements for de-icing material storage, equipment and vehicle washing, and Standard Operating Procedures under the heading “Maintenance Yard Operations (including Maintenance Activities at Service Areas, and Ancillary Operations).” This section of the 2009 Permit also references Attachment D entitled “Required Practices for Fueling Operations, Vehicle Maintenance, and Good Housekeeping SBRs”. A tabular summary of the relevant attachments for the 2009 Highway Agency MS4 NJPDES permit as compared to this draft permit for this permit condition is as follows:

2009 SBR – Attachment D	2019 Draft Permit Renewal SBR - Attachment E
Required Practices for Fueling Operations, Vehicle Maintenance, and Good Housekeeping SBRs	Best Management Practices for Maintenance Yards and Other Ancillary Operations
<ul style="list-style-type: none"> • Inventory Requirements for Maintenance Yard Operations (including Service Areas, and Ancillary Operations); • Fueling; • Vehicle Maintenance; • General Good Housekeeping; • Good Housekeeping Practices for Salt and De-icing Material Handling; and • Inspections 	<ul style="list-style-type: none"> • Inventory of Material and Machinery; • Inspections and Good Housekeeping; • Fueling Operations; • Discharge of Stormwater from Secondary Containment; • Vehicle Maintenance; • On-Site Equipment and Vehicle Washing and Wash Wastewater Containment; • Salt and De-icing Material Storage and Handling; • Aggregate Material and Construction Debris Storage; • Street Sweepings, Catch Basin Clean Out and Other Material Storage; and • Yard Trimmings and Wood Waste Management Sites.

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

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

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

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

washing and wash wastewater containment, as well as new requirements for aggregate material storage, street sweepings, catch basin clean out, and other material storage, and yard trimmings and wood waste management sites. Inclusion of this more comprehensive set of activities for maintenance yards is an important component of this permit and are consistent with 40 CFR 122.34(b)(6)ii which states:

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

These BMPs are intended to improve stormwater quality through the implementation of techniques to minimize the exposure of pollutants to stormwater. A permittee is not exempt from the requirement to apply for another stormwater permit for any activity addressed in Attachment E if required to do so, for due cause, by the Department (N.J.A.C. 7:14A-6.13).

The basis and background for inclusion of these requirements is as follows:

- Inventory of Material and Machinery; Inspections; and Good Housekeeping

Properly implemented good housekeeping procedures can eliminate or minimize contact between stormwater and source materials. Attachment E continues requirements for permittees to implement good housekeeping procedures including the creation of an inventory for materials and machinery which could be a source of pollutants in a stormwater discharge (examples are listed in Attachment E). Other examples of required good housekeeping procedures include: cleaning up spills (using dry cleaning methods) as soon as they are discovered; properly labeling containers; proper disposal of hazardous materials; reducing or eliminating outside storage of materials and machinery; and keeping oil and other fluids and greases indoors or covered on a spill platform or clean pallets. Regular inspections are required and shall be tracked on a maintenance log. The maintenance log must contain (at a minimum) a record of inspections of all operations listed in Part IV.B.5.c including dates and times of the inspections, the name of the person conducting the inspection and relevant findings. This maintenance log must be kept on-site with the SPPP and made available to the Department upon request.

Inspections of the maintenance yard and other ancillary operations as well as frequent queries regarding employees' work practices will serve to ensure that BMPs are implemented properly. Periodic unscheduled inspections of facilities and maintenance activities will allow managers to gauge what has been learned. Posting reminders, such as markers above drains prohibiting discharges of vehicle fluids and wastes, or signs above faucets reminding employees not to use water to clean up spills, will remind employees of proper procedures. Stickers that list important information and contact numbers for reporting illicit discharges, dumping, or spills can be affixed to all vehicles. Refer to the Highway Agency guidance document (https://www.nj.gov/dep/dwq/highway_guidance.htm) for additional ideas.

- Fueling Operations; Discharge of Stormwater from Secondary Containment; and Vehicle Maintenance

Attachment E continues requirements for permittees to implement BMPs for fueling operations, discharges of stormwater from secondary containment systems (e.g. waste oil storage), and vehicle maintenance. When stormwater is exposed to pollutants associated with these activities it can become polluted with toxic or other deleterious materials (e.g. petroleum hydrocarbons). Stormwater contamination can occur from residual spillage that may occur from topping off fuel tanks, not being attentive during loading and unloading procedures, or improper cleanup after a spill occurs. Attachment E specifies practices that can help to prevent these errors. For example, Attachment E includes a signage requirement to increase awareness of proper fueling procedures. Another revision to this requirement states that permittees may only discharge stormwater accumulated in a

secondary containment area if it can be ascertained that the stormwater has not come into contact with stored product.

- On-Site Equipment and Vehicle Washing and Wash Wastewater Containment

Attachment E expands this requirement by addressing the temporary containment of vehicle washwater on site. This requirement is implemented by including standards for vehicle washwater containment structures including a requirement for annual certification through completion of a form entitled “Engineers Certification of Annual Inspection of Equipment and Vehicle Wash Wastewater Containment Structure.”

The wash wastewater containment structure language in Attachment E is intended to provide a Highway Agency that is otherwise unable to manage equipment and vehicle washing activities without unpermitted discharges of wash wastewater to storm sewer inlets or to waters of the State with the option to temporarily contain wash wastewater prior to proper disposal. Such containment structures are typically installed at maintenance facilities which are not connected to a sanitary sewer system. Specifically, and as stated in Attachment E, the permittee may temporarily contain vehicle wash wastewater prior to disposal provided the following conditions are met:

- Containment structures shall not leak. Any underground tanks and associated piping should be tested for integrity every 3 years using appropriate methods determined by “*The List of Leak Detection Evaluations for Storage Tank Systems*” created by the National Work Group on Leak Detection Evaluations (NWGLDE) or as determined appropriate and certified by a professional engineer for the site-specific containment structure(s).
- For any cathodically protected containment system, provide a passing cathodic protection survey every three years.
- Operate containment structures to prevent overflowing resulting from normal or abnormal operations, overflowing, malfunctions of equipment, and human error. Overfill prevention should include manual sticking/gauging of the tank before each use unless system design prevents such measurement. The tank should no longer accept wash wastewater when determined to be at 95% capacity. Record each measurement to the nearest ½ inch.
- Before each use, perform inspections of all visible portions of containment structures to ensure that they are structurally sound, and to detect deterioration of the wash pad, catch basin, sump, tank, piping, risers, walls, floors, joints, seams, pumps and pipe connections or other containment devices. The wash pad, catch basin, sump and associated drains should be kept free of debris before each use. Log dates of inspection, inspector's name, and conditions.
- Containment structures shall be emptied and taken out of service immediately upon detection of a leak. Complete all necessary repairs to ensure structural integrity prior to placing the containment structure back into service. Any spills or suspected release of hazardous substances shall be immediately reported to the NJDEP Hotline (1-877-927-6337) followed by a site investigation in accordance with N.J.A.C. 7:26C and N.J.A.C 7:26E if the discharge is confirmed.
- All equipment and vehicle wash wastewater placed into storage must be disposed of in a legally permitted manner (e.g. pumped out and delivered to a duly permitted and/or approved wastewater treatment facility).
- Maintain a log of equipment and vehicle wash wastewater containment structures clean-outs including date and method of removal, mode of transportation (including name of hauler if applicable) and the location of disposal.

- 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, walls, floors, joints, seams, pumps and pipe connections or other containment devices using the Engineer's Certification of Annual Inspection of Equipment and Vehicle Wash Wastewater Containment Structure attached to the permit. 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.

All logs, inspection records and certifications shall be maintained on-site and available to the Department upon request. See Attachment A (Measurable Goals and Implementation Schedule) for recordkeeping requirements.

The Department maintains that these changes serve to improve the permit by allowing prescriptive, pragmatic conditions that will prevent the inappropriate discharge of equipment and vehicle washwater to the Highway Agency MS4 system.

- Salt and De-icing Material Storage and Handling

Attachment E continues (and consolidates into one location) requirements for permittees to implement BMPs for salt and de-icing material storage and handling. While reorganized and clarified, the requirements are effectively the same; however, language related to temporary outdoor storage has been strengthened.

When salt and other de-icing materials are stored outside and uncovered, they can easily dissolve and be transported by stormwater. To prevent stormwater from coming into contact with salt and de-icing material, permittees are required to provide storage in a permanent structure. Temporary outdoor storage is only allowable when a permanent structure is under construction, repair or replacement, and provided certain conditions are met. "Permanent structure" is explicitly defined in the Notes and Definitions section of this permit. Requiring indoor storage of salt and de-icing materials is an effective pollution prevention technique which helps to eliminate pollutant loadings to surface and groundwater. The Department's goal is to ensure that these materials are properly handled, stored or covered, so that they are not transported by stormwater and discharged to surface and ground waters of the state.

- Aggregate Material and Construction Debris Storage

Storage for aggregate materials (e.g. gravel, sand) and construction debris was not addressed in the 2009 Highway Agency NJPDES permit. However, based on site inspections, many permittees often store this material at the maintenance yard. As a result, Attachment E now specifies BMPs for storage of these materials to minimize exposure to stormwater. This includes implementation of measures to minimize stormwater run-on and aggregate run-off via surface grading, dikes and/or berms (which may include sand bags, hay bales and curbing) 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. Certain setbacks from surface water bodies, storm sewer inlets and/or ditches or other stormwater conveyance channels apply. In addition, Attachment E requires road millings to be managed in conformance with the "Recycled Asphalt Pavement and Asphalt Millings (RAP) Reuse Guidance" (see <https://www.nj.gov/dep/dshw/rrtp/asphaltguidance.pdf>) or properly disposed of as solid waste pursuant to N.J.A.C. 7:26-1 et seq.

Inclusion of these changes serves to improve the permit by specifying practical measures to minimize stormwater contact with aggregate material and construction debris storage material. The Department's goal is to ensure that these materials are properly handled and stored so that contact with stormwater that is discharged to surface waters can be minimized.

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

While conducting street sweeping and catch basin clean outs was a requirement of the 2009 Highway Agency MS4 NJPDES permit, the permit did not contain any detail as to how permittees should manage these collected materials. Attachment E includes requirements to remedy this gap.

Part IV.B.5.c.ix. and Attachment E provide BMPs for street sweepings, storm sewer cleanout materials, stormwater basin clean out materials and other similar materials that may be collected during road cleanup operations. These BMPs do not include materials such as liquids, wastes which are removed from municipal sanitary sewer systems or material which constitutes hazardous waste in accordance with N.J.A.C. 7:26G-1.1 et seq. Road cleanup materials must be disposed in accordance with N.J.A.C. 7:26-1.1 et seq. (see “Guidance Document for the Management of Street Sweepings and Other Road Cleanup Materials” at <https://www.nj.gov/dep/dshw/rrtp/sweeping.htm>). Any materials collected in conformance with this BMP must, at a minimum, be stored in leak-proof containers or on an impervious surface and covered with a waterproof material (i.e., tarpaulin or 10-mil plastic sheeting) that is contained (e.g. bermed) to control leachate and stormwater run-on or run through; and removed for disposal within six (6) months of placement into storage.

Inclusion of these changes serves to improve the permit by specifying practical measures to minimize stormwater contact with these materials. The Department's goal is to ensure that these materials are properly handled and stored so that contact with stormwater that is discharged to surface waters can be minimized.

- Yard Trimmings and Wood Waste Management Sites

While some permittees provide yard trimmings and wood waste pick-up, management of these materials was not addressed in the 2009 Highway Agency NJPDES permit. Newly proposed Attachment E remedies this gap by providing BMPs for yard trimmings and wood waste management sites that are owned and operated by the permittee.

Attachment E's BMPs require the permittee to divert stormwater away from yard trimmings and wood waste management operations, minimize or eliminate the exposure of yard trimmings, wood waste and related materials to stormwater, and eliminate the discharge of stormwater that comes in contact with source material from yard trimmings or wood waste management sites to storm sewer inlets or surface waters of the State. Yard trimmings and wood waste management site specific practices include the following:

- Construct windrows, staging and storage piles:
 - In such a manner that materials contained in the windrows, staging and storage piles (processed and unprocessed) do not enter waterways of the State;
 - On ground which is not susceptible to seasonal flooding;
 - In such a manner that prevents stormwater run-on and leachate run-off (e.g. use of covered areas, diversion swales, ditches or other designs to divert stormwater from contacting yard trimmings and wood waste);
- Maintain perimeter controls such as curbs, berms, hay bales, silt fences, jersey barriers or setbacks, to eliminate the discharge of stormwater runoff carrying leachate or litter from the site to storm sewer inlets or to surface waters of the State;
- Prevent on-site storm drain inlets from siltation using controls such as hay bales, silt fences, or filter fabric inlet protection;
- Prevent dry weather runoff. Dry weather run-off that reaches a municipal stormwater sewer system is an illicit discharge. Possible sources of dry weather run-off include wetting of piles by the site operator, uncontrolled pile leachate or uncontrolled leachate from other materials stored at the site;

- Remove trash from yard trimmings and wood waste upon receipt;
- Monitor site for trash on a routine basis;
- Store trash in leak-proof containers or on an impervious surface that is contained (e.g. bermed) to control leachate and litter;
- Dispose of collected trash at a permitted solid waste facility; and
- Employ preventative tracking measures, such as gravel, quarry blend, or rumble strips at exits.

“Wood waste” is defined in the Notes and Definitions section of this permit as source separated whole trees, tree trunks, tree parts, tree stumps, brush and leaves provided that they are not composted, and lumber (non-chemically treated and unpainted). “Yard trimmings” is defined as grass clippings, leaves, wood chips from tree parts, and brush, whereas “Yard waste” means loose leaves and grass clippings.

Attachment E is specific in that the defined conditions are only applicable to those sites that are owned and operated by the Highway Agency for staging, storing, composting or otherwise managing yard trimmings, OR for staging, storing or otherwise managing wood waste. Such sites must also be operated in compliance with the Recycling Rules at N.J.A.C. 7:26A. Attachment E does not apply to “for profit” companies operating in a contractual relationship with the permittee.

d. Employee Training (Part IV.B.5.d)

This draft proposes to revise this permit condition to require the permittee to develop, update and implement an employee training program to address permit components and SPPP requirements. As specified in Attachment A (Measurable Goals and Implementation Schedule), the permittee is required to maintain records of employee training including sign in sheets, date of training, and training itinerary. The locations of these records shall be noted in the SPPP. All employees shall receive training on those stormwater topics applicable to their title and duties. This includes new employees as well as those employees whose work responsibilities change.

Training for new employees shall occur within three months of commencement of duties. In order to assist permittees in meeting training requirements, the Department has posted a Stormwater Training link to training materials at <https://www.nj.gov/dep/stormwater/training.htm>. This link will continue to be updated by the Department as training resources are developed or identified. Employee training must cover the following topics, at a minimum, and shall occur at least once every one or two years, as specified below:

- Maintenance Yard Operations (including Ancillary Operations) – Provide training annually on inventory of materials and machinery, inspections and good housekeeping; fueling operations; discharge of stormwater from secondary containment; vehicle maintenance; on-site equipment and vehicle washing and wash wastewater containment; salt and de-icing material storage and handling; aggregate material and construction debris storage; street sweeping, catch basin clean out and other material storage; yard trimmings and wood waste management sites. See Attachment E (Best Management Practices for Maintenance Yards and Other Ancillary Operations) for specific procedures.
- Stormwater Facility Maintenance – Provide training annually on inventory and mapping of stormwater facilities, maintenance of inventoried stormwater facilities, catch basin and inlet cleaning methods, and herbicide application management.
- Provide general training annually on the Highway Agency’s SPPP, applicable recordkeeping requirements, and detailed training on any component applicable to an employee’s title and duties.

- Sweeping of Streets and Parking Lots – Provide training once every 2 years on sweeping schedules and proper management of materials collected.
- Illicit Connection Elimination and Outfall Pipe Mapping – Provide training once every 2 years on the impacts associated with illicit connections and details of the program including investigation techniques, physical observations, field sampling, and mapping procedures. See the National Menu of Stormwater Best Management Practices at www.epa.gov/national-pollutant-discharge-elimination-system-npdes/national-menu-best-management-practices-bmps.
- Outfall Pipe Stream Scouring Detection and Control – Provide training once every 2 years on how to identify outfall pipe stream scouring and contributing factors.
- Waste Disposal Education – Provide training once every 2 years on the impacts associated with improper waste disposal, how to respond to inquiries regarding improper waste disposal and appropriate enforcement authority.
- Regulatory Mechanisms – Provide training once every 2 years on the following stormwater topics: Pet Waste Control; Wildlife Feeding Control; Litter Control; and Improper Disposal of Waste. Training shall include an overview of these requirements, enforcement policies and the repercussions of non-compliance with these regulatory mechanisms.
- Construction Activity/Post Construction Stormwater Management in New Development and Redevelopment – Provide general training once every 2 years on the permitting requirements for construction activity and Post Construction Stormwater Management in New Development and Redevelopment.
- Training may also be conducted on stormwater-related topics that serve an education purpose for employees.

Increased employee awareness through training will increase the effectiveness of the stormwater program and will ensure each employee is capable of contributing to compliance. Often, employee awareness may reduce stormwater impacts through increased reporting of illicit discharges, dumping and spills.

e. Stormwater Management Design Review Training (Part IV.B.5.e)

This permit contains a new training requirement for stormwater management design review. Specifically, the permittee shall ensure that all engineers, and other individuals that review the stormwater management design for development and redevelopment projects on behalf of the permittee (see Part IV.B.4), complete the Department approved Stormwater Management Design Review Course (see <https://www.nj.gov/dep/stormwater/training.htm>) once every five years. This two-day course covers the Stormwater Management rule criteria and the NJ Stormwater BMP Manual. For both designers of land use proposals and the individuals who review them, implementing the Stormwater Management rules requires an understanding of both the planning requirements and the technical standards. The class is intended for those involved in the technical planning, design and review process for compliance with the Stormwater Management rules. Individuals that will review stormwater management design and have not completed this training within the past five years must attend the next scheduled course offering. This permit establishes an implementation schedule of EDPA + 12 months for new and existing permittees to meet this requirement. Training completed within five calendar years prior to EDPA qualifies towards this requirement. If unable to attend a scheduled course, the permittee must notify the Department in writing no later than thirty days after the missed course offering explaining why attendance was not possible and what alternate arrangements are being made. The Department will offer this course free of charge, typically twice per year. This course is eligible for credits and continuing education units.

As specified in Attachment A (Measurable Goals and Implementation Schedule), the permittee is required to maintain a list of the dates and names of training program participants and note the location of those records in its SPPP.

6. Minimum Standards for MS4 Outfall Pipe Mapping, and Illicit Discharge and Scouring Detection and Control (Part IV.B.6)

Illicit Discharge Detection and Elimination is one of the federal six minimum measures (see www.epa.gov/npdes/stormwater-discharges-municipal-sources) which the 2009 Highway Agency MS4 NJPDES permit addressed through requirements under the heading “Illicit Connection Elimination and MS4 Outfall Pipe Mapping.” Outfall pipe mapping is integral to a comprehensive illicit connection elimination program. A summary of these components as included in the 2009 Highway Agency MS4 NJPDES permit is as follows:

- Storm Sewer Outfall Pipe Mapping – Permittees were required to complete and maintain an outfall pipe map showing the location of the end of all MS4 outfall pipes owned and operated by the Highway Agency which discharge to a surface water body (e.g., a lake, ocean, or stream including an intermittent stream).
- Regulatory Mechanism Prohibiting Illicit Connections – Permittees were required to adopt and enforce a regulatory mechanism to prohibit illicit connections to the Highway Agency’s MS4.
- Illicit Connection Elimination Program - Permittees were required to complete an initial physical inspection of all outfall pipes and maintain an ongoing program to detect and eliminate illicit connections in accordance with the procedures included in Attachment B of the 2009 Highway Agency MS4 NJPDES permit. The ongoing program was intended to respond to complaints and reports of illicit connections, including those from operating entities of interconnected small MS4s, and continue to investigate dry weather flows discovered during routine inspections and maintenance of the small MS4. Information regarding the number of outfalls physically inspected, the number of outfalls found to have dry weather flow, the number of illicit connections found and the number of illicit connections eliminated was to be included in the Annual Report as required by the 2009 Highway Agency MS4 NJPDES permit. Copies of inspection reports for those outfalls found to have dry weather flow were to be submitted with the annual certification.

This permit renames this section “MS4 Outfall Mapping, and Illicit Discharge and Scouring Detection and Control”. This section incorporates, with some changes, MS4 outfall pipe mapping and illicit connection control requirements and incorporates the remaining two requirements related to Stream Scouring found in the “Solids and Floatable Controls” section of the 2009 Highway Agency MS4 NJPDES permit.

A summary of the proposed section components that are required pursuant to N.J.A.C. 7:14A-25.6(b)5 is as follows:

- Outfall Pipe Mapping - Permittees shall maintain the outfall pipe map (required by prior Highway Agency MS4 NJPDES permits) showing the location of the end of all MS4 outfall pipes (in tidal and non-tidal receiving waters) owned or operated by permittee at the Highway Agency which discharge to a surface water body. The outfall pipe map shall:
 - Show the location and name of all surface water bodies receiving discharges from those outfall pipes;
 - Be included in the SPPP (if providing access to map via a link, include URL address in SPPP);
 - Be updated annually to include, at a minimum, the location of the end of any new or newly identified MS4 outfall pipes;
 - Be provided to the Department on or before EDPA + 12 months; and
- Stream Scouring – Permittees shall develop, update and implement a program to detect, investigate and control any localized stream scouring from stormwater outfall pipes owned or operated by the permittee at the Highway Agency. See the Highway Agency Guidance document

(https://www.nj.gov/dep/dwq/highway_guidance.htm) for specific measures. The permittee shall, at a minimum:

- Inspect and document inspections of each outfall pipe which discharges to a stream for localized stream scouring in the vicinity of the outfall pipe, at least once per 5 years, with a minimum of 20% of the total number of outfalls or 100 per year, whichever is greater;
 - Inspect, within 30 days of identification, any outfall pipes newly identified per Part IV.B.6.a for localized stream scouring in the vicinity of the outfall pipe;
 - When localized stream scouring is detected, identify sources of stormwater that contribute to the scouring from the outfall pipe within 3 months;
 - Each identified stormwater source shall be investigated;
 - 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;
 - Prioritize, schedule and complete remediation of identified localized stream scouring and take action based upon the requirements of Part IV.B.6.b.iii of the permit. If not completed within 12 months, a schedule for completion shall be maintained as required in Part IV.C.3. (Stormwater Facilities Maintenance);
 - All stream scouring restoration shall be made in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey at N.J.A.C. 2:90-1 (e.g., Conduit Outlet Protection 12-1), or, for New Jersey Department of Transportation (NJDOT) projects, the NJDOT Soil Erosion and Sediment Control Standards at N.J.A.C. 16:25A (e.g., Conduit Outlet Protection 4.18), and the requirements for bank stabilization and channel restoration found at N.J.A.C. 7:13 et seq.
 - All associated maintenance or repairs to stormwater facilities shall be made in accordance with N.J.A.C. 7:8; and
 - Document investigations and actions taken for localized stream scouring as necessary to demonstrate compliance with this requirement. Outfall inspections shall include outfall location, date visited, and observations of the outfall's structural integrity and if maintenance or repairs need to take place.
- Illicit Connection Control Program – The permittee shall develop, update, implement and enforce an ongoing Illicit Discharge Detection and Elimination Program in accordance with this permit. This program shall be described in the written SPPP, as required in Part IV.A.2. See the Highway Agency Guidance document (https://www.nj.gov/dep/dwq/highway_guidance.htm) for specific measures as well as EPA Guidance (www3.epa.gov/npdes/pubs/idde_manualwithappendices.pdf). The permittee shall, at a minimum:
 - Conduct visual dry weather inspection of all outfall pipes owned or operated by the permittee at least once every five years, with a minimum of 20% of the total number of outfalls or 100 per year, whichever is greater to determine if dry weather flow (flow occurring 72 hours after a rain event) or other evidence of illicit discharge is present;
 - Inspect, within 30 days of identification, any newly identified outfall pipes per Part IV.B.6.a to determine if dry weather flow or other evidence of illicit discharge is present;
 - Investigate dry weather flows discovered during routine inspection and maintenance of other elements of the MS4;

- Investigate, within 30 days of receipt, complaints and reports of illicit connections, including those from operating entities of interconnected MS4s;
 - Investigate the source if evidence of illicit discharge is found;
 - Eliminate non-stormwater discharges that are traced to their source and found to be illicit connections; and
 - Document investigations and actions taken using the Department’s Illicit Connection Inspection Report Form. See <https://www.nj.gov/dep/dwq/highway.htm>;
- Regulatory Mechanism Prohibiting Illicit Connections – The permittee shall adopt and enforce an appropriate regulatory mechanism that prohibits illicit connections to the Highway Agency’s MS4.

In addition, the Department has created a free-to-use stormwater facility mapping application or “app”. This application was developed with the intention of providing a method for permittees to easily create a detailed inventory and map of stormwater facilities. Permittees can satisfy the outfall pipe mapping requirements of this permit by using this application which will upload outfall pipe location information directly to the Department and will associate outfall pipe location information with existing GIS surface water body information. Alternately, permittees can provide outfall pipe locational coordinates to the Department (on a spreadsheet format to be provided by the Department) which the Department can then upload into the application’s data layer. The Department anticipates that the use of this application for submittal of outfall pipe mapping data will constitute compliance with the NPDES Electronic Reporting Rule. Use of this application for collection and submittal of data for newly mapped outfalls would be advantageous, as it will likely prevent duplication of efforts required to comply with both the permit requirement and the Electronic Reporting requirement. This application can also be used by permittees to collect stormwater location information to support stormwater facilities maintenance activities, outfall pipe stream scouring activities, and illicit discharge detection and control activities, at their convenience. More information on the application is provided in Part 7.C.3 below, Minimum Standards for Stormwater Facilities Maintenance of this Fact Sheet.

The above described Outfall Pipe Stream Scouring requirements of this permit align the physical inspection of the outfall pipes with the Illicit Discharge Detection and Control Program so that the permittee could do both outfall pipe stream scouring detection and illicit discharge inspection on the same schedule. As with the 2009 Highway Agency MS4 NJPDES permit, this draft permit retains references to “localized” stream scouring “in the vicinity of the outfall pipe”. A definition of “Stream scouring” has been added to the Notes and Definitions section in Part IV of this permit where stream scouring means the erosion or removal of streambed or bank material by the physical action of flowing water and the sediment that it carries. The Outfall Pipe Stream Scouring permit conditions require identification, documentation, investigation and, when feasible, reduction of sources of stormwater that contribute to outfall pipe stream scouring.

The above described Illicit Discharge Detection and Control program of this permit serves to clarify, itemize and improve the 2009 Highway Agency MS4 NJPDES permit language to ensure that a more systematic procedure is described and to make clear that the requirement is ongoing. This permit eliminates "Attachment B" of the 2009 Highway Agency MS4 NJPDES permit which was entitled “Procedures for Detecting, Investigating, and Eliminating Illicit Connections” as the conditions included in the former Attachment B have now been included in the body of the permit language at Part IV.B.6. The Department has also included a link to EPA guidance as a useful resource for the illicit discharge program. Additionally, the Department has improved the definition of “Illicit Connection” from the 2009 Highway Agency MS4 NJPDES permit. As specified in the Notes and Definitions section of this permit, “Illicit Connection” is defined to mean any physical or non-physical (i.e. leak, flow, or overflow into the municipal separate storm sewer system) connection to an MS4 that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater); or category of non-stormwater discharges that a

permittee for the MS4 identifies as a source or significant contributor of pollutants pursuant to 40 C.F.R. 122.34(b)(3)(iii), unless that discharge is authorized under a separate NJPDES permit. Finally, the requirement to maintain and enforce a regulatory mechanism prohibiting illicit connections is continued from the 2009 Highway Agency MS4 NJPDES permit.

C. Other Control Measures (Part IV.C)

1. General Overview of Stormwater Facilities

While the 2009 Highway Agency MS4 NJPDES permit did not contain a specific section for “Other Control Measures,” this section is proposed in this draft permit. This new section includes subsections entitled “Minimum Standards for Stormwater Facilities Inventory”, “Minimum Standards for Stormwater Facilities Map”, “Minimum Standards for Stormwater Facilities Maintenance”, and “Minimum Standards for Total Maximum Daily Load (TMDL) Information”. Pursuant to N.J.A.C. 7:14A-25.6(a), Statewide Basic Requirements “may be set forth in more detail in the NJPDES permit” and the stormwater program “shall also include . . . other control or evaluation measures specified in the NJDPES permit.” Part IV.C., Other Control Measures, sets forth requirements necessary to supplement certain Statewide Basic Requirements designed to achieve elements of the federal Six Minimum Measures discussed in Section 2, Federal Stormwater Regulations above, including those expressed at: N.J.A.C. 7:14A-25.6(b)3 for post construction stormwater facility operation and maintenance; N.J.A.C. 7:14A-25.6(b)6 for control of solid and floatable materials through stormwater facility operation and maintenance; and N.J.A.C. 7:14A-25.6(b)8 for employee training about stormwater system maintenance. As discussed below, compliance with the requirements of Part IV.C., Other Control Measures, provides an iterative step and reasonable progress towards increased recharge, reduced flooding and the reduction of the amount of pollutants discharged during storm events to the maximum extent practicable.

2. Minimum Standards for Stormwater Facilities Map (Part IV.C.1)

The Department is now including a stormwater facilities mapping requirement in this permit. Permittees shall create and maintain a map of the following stormwater facilities owned or operated by the permittee:

- Storm drain inlets constructed after EDPA;
- Stormwater management basins;
- Subsurface infiltration/detention systems;
- Manufactured Treatment Devices (MTDs); and
- Green infrastructure.

The Stormwater Facilities Map shall also:

- Show property boundaries of the Highway Agency maintenance yard(s), ancillary operations, rest areas, and service areas as well as an annotated map of roadways and thoroughfares owned or operated by the permittee;
- Include the type of each stormwater facility;
- Be updated annually to include, at a minimum, the location of any new or newly identified stormwater facilities;
- Be populated and maintained in an electronic format provided by the Department;

This map shall be provided to the Department by EDPA + 36 months and new data points subsequently added to the map shall be provided to the Department annually thereafter as an attachment to the MSRP Annual Report and Certification. The permittee shall meet the minimum standards of this permit, and the measurable goals (including any recordkeeping) and implementation schedules for Stormwater Facilities Mapping specified in Attachment A (Measurable Goals and Implementation Schedule).

This mapping requirement will provide the permittees with a necessary tool to ensure and document proper operation and maintenance of all of the stormwater facilities they own or operate. As described above, especially in Section C.6, outfall pipe mapping is a requirement that dates back to the 2004 Highway Agency NJPDES permit and this map may be combined with that Outfall Pipe Map specified at part IV.B.6.a. of the draft permit.

As discussed above, to assist permittees with the required collection of location information of inspected stormwater facilities, the Department has created a voluntary, free to use mapping application or “app”. This application will allow for permittees to inventory and map stormwater facilities at their convenience. The app also allows the user to document additional information, including records of maintenance actions to demonstrate compliance with the maintenance requirement in this permit. Permittees will need to possess an ArcGIS Online license to access this application (purchased by the Department for permittees who do not possess a license). Permittees who currently possess an ArcGIS Desktop License have an ArcGIS Online license as part of that software package. The following is a preliminary description of the user interface for this application.

The user can locate the required stormwater facilities (“features”) through any of the following methods, but one must be selected: (1) desktop collection, (2) mapping grade global positioning system (GPS), (3) mobile device, (4) mobile device GPS paired, (5) recreational grade GPS, (6) survey grade GPS.

While creating the map using this application, permittees are strongly encouraged to capture additional information about components of the MS4 system in order to optimize operation and maintenance activities. Inspection notes, such as facility condition, maintenance activity, date of inspection, evidence of flooding and photographs can be tracked in the app. This would be useful to the permittee and its Stormwater Coordinator for overseeing and prioritizing operation and maintenance of its own infrastructure; and for collecting and reporting statistical information necessary to complete the Annual Report required by this permit.

3. Minimum Standards for Stormwater Facilities Maintenance (Part IV.C.2)

As required in the 2009 Highway Agency MS4 NJPDES permit, permittees are required to ensure adequate long-term operation and maintenance of stormwater facilities owned or operated by permittee. Consistent with but more specific than that requirement, this draft permit requires the permittee to develop, update and implement a program to ensure adequate long-term cleaning, operation and maintenance of all stormwater facilities owned and operated by the Highway Agency. This maintenance program shall consist of the following components:

- Stormwater facility maintenance must be performed pursuant to any maintenance plans, or more frequently as needed to ensure the proper function and operation of the stormwater facility.

All stormwater facilities need proper operations and maintenance in order to function as designed. Proper maintenance of stormwater facilities improves aesthetics, reduces long term costs, and is critical to avoiding stormwater facility failure. The requirement to ensure long-term operation and maintenance of BMPs is consistent with federal and state post construction requirements and is required under the Post Construction Stormwater Management SBR at Part IV.B.4.j. Proper operation and maintenance of stormwater facilities is inexorably tied to post construction stormwater management, as failure to maintain stormwater facilities will reduce their long-term benefits, undermining the goals of the post construction requirements. For example, stormwater detention basins that are not properly maintained as designed could cause flooding, decreased water quality treatment, and damage that can be difficult and costly to repair and clean up. These changes require the permittee to maintain a log sufficient to demonstrate compliance with the Minimum Standards for Stormwater Facility Maintenance which includes specific location information of stormwater facilities. The location information must be maintained in a format specific enough to locate and identify the stormwater facility in the field. For example, an inventory with geographic coordinates of each stormwater facility would be sufficient to meet this requirement.

In order to guide operations and maintenance of a designed system, a maintenance plan is developed for stormwater facilities. A maintenance plan is defined in this draft permit in the Notes and Definitions section of Part IV of this permit as follows: “Maintenance plan” means a maintenance plan pursuant to N.J.A.C. 7:8-5.2(b) and 5.8 prepared by the design engineer for the stormwater management measures incorporated into the design of a major development.

Note that a maintenance plan is not an operation and maintenance manual as described in the NJPDES rules at N.J.A.C. 7:14A-6.12. While the 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). See Part II.B.4.d of this draft Permit.

This draft permit requires the permittee to maintain copies of all maintenance plans, as defined above, for stormwater facilities approved by the permittee. Stormwater facilities that were constructed prior to the February 2, 2004 effective date of the amendments to the Stormwater Management rule at N.J.A.C. 7:8 do not meet this definition and are exempt from the regulatory requirement to have had a maintenance plan developed.

Please refer to https://www.nj.gov/dep/stormwater/maintenance_guidance.htm for maintenance guidance which may be useful in preparing maintenance plans.

- The permittee shall maintain a log sufficient to demonstrate compliance with this section, including but not limited to the name/type of the stormwater facility inspected, location information of the facility inspected, name of inspector (location information must be specific enough to locate and identify the stormwater facility in the field; e.g. geographic coordinates), date of inspection, findings, and any preventative and corrective maintenance performed. Example Maintenance Logs and Inspection Records forms which are sufficient to demonstrate compliance with this section are available at https://www.nj.gov/dep/stormwater/maintenance_guidance.htm.

The location information collected is especially important on sites with multiple BMPs, subsurface systems, and very large sites, where it may be difficult to find and specifically identify each BMP. For example, geographic coordinates of each BMP would be sufficient to meet this requirement. This will aid the permittee in ensuring that each BMP is accounted for and the BMP type, function, and maintenance requirements can be identified. Because individual sites may have multiple BMPs with similar appearances but different functions, it is important to be able to identify and understand each BMP to ensure that each is provided the proper maintenance to preserve its beneficial uses. Without an accurate inventory of stormwater facilities, the permittee cannot ensure that adequate inspections, maintenance, and other needed follow-up are performed to ensure proper operation and maintenance.

- The permittee shall certify annually whether or not stormwater facilities owned or operated by the permittee at the Highway Agency are properly functioning.
- If stormwater facilities are found not to be functioning properly, necessary preventive and corrective maintenance shall be taken, which shall be documented and prioritized, and a schedule for such repairs shall be maintained. The permittee shall prioritize this schedule based upon but not limited to: (1) environmental, health and safety concerns; (2) the findings of catch basin and storm drain inlet inspections performed pursuant to Part IV.B.5.b.v and vii (Storm Drain Inlet and Catch Basin Inspections); (3) the findings of stream scouring inspections performed pursuant to Part IV.B.6.b; and (4) to incorporate the findings pursuant to Part IV.C.4 (TMDL Information), below.

The Department maintains that these prescriptive permit conditions will clarify maintenance requirements and obligations for permittee owned or operated stormwater facilities. Note that a wide variety of outreach and compliance assistance material is available at the Department’s Maintenance Guidance web page located at

https://www.nj.gov/dep/stormwater/maintenance_guidance.htm. This includes a 15-minute video to provide an explanation of the maintenance guidance materials that consists of the Maintenance Plan, Field Manuals, and Maintenance Logs and Inspection Records. Each field manual includes templates for types of stormwater facilities (e.g. infiltration basins, detention basins, manufactured treatment devices) that include basic design information, checklists, visual aids, reference documents and maintenance records including locational coordinates. This provides a systematic method to assist maintenance crews in performing field work and retaining records. It is highly recommended that the permittee utilize these user friendly visual tools to assist them in performing maintenance duties.

4. Total Maximum Daily Load (TMDL) Information (Part IV.C.3)

a. Background

The Department conducts a wide array of ambient monitoring of freshwater (rivers, streams, lakes), marine waters (bays, oceans) and tidal rivers. Monitoring is conducted for chemical & physical parameters; biological health markers (e.g., bottom-dwelling communities, fish populations); phytoplankton (microscopic plants) and bacterial levels (as indicators of human health risk). One purpose for ambient monitoring is to evaluate for? impaired waterways. Water quality monitoring networks include sampling stations in each of the 20 Watershed Management Areas statewide. See <https://www.nj.gov/dep/wms/bfbm/> for additional information. Ambient monitoring is used to regularly assess waters of the state to determine if the New Jersey Surface Water Quality Standards (NJSWQS) at N.J.A.C. 7:9B-1 et seq. are being met and to assess if designated uses are supported. Waters that do not meet the applicable standard(s) or support the applicable designated use(s) are considered “impaired” and are placed on the 303(d) List of Water Quality Limited Waters (see <https://www.nj.gov/dep/wms/bears/assessment.htm>) which is included in the “New Jersey Integrated Water Quality Monitoring and Assessment Report (Integrated Report).” This portion of the biennial Integrated Report identifies waters that are not attaining designated uses because they do not meet NJSWQS. The biennial “Statewide Water Quality Inventory Report” or “305(b) Report” must include the status of principal waters in terms of overall water quality and support of designated uses, as well as strategies to maintain and improve water quality.

Section 303(d) of the federal Clean Water Act requires development of a TMDL for the pollutant(s) responsible for each impairment. A TMDL may be viewed as a pollutant budget for an impaired waterbody meaning it is the maximum amount of a pollutant that a waterbody can receive and still meet the NJSWQS. The regulatory authority for the imposition of TMDLs is found in EPA's Water Quality Planning and Management Regulations (40 CFR 130.7(c) and (e)), and in New Jersey's Water Quality Management Planning rules at N.J.A.C. 7:15-6. The TMDL must be developed so that standards can be attained in consideration of critical conditions and seasonal variation yet also includes a margin of safety to account for uncertainty. The location-specific TMDL is allocated among all the sources of the pollutant, including point sources, nonpoint sources, and natural contributions. TMDLs include implementation plans which identify a suite of measures that may assist in reducing loads from each source. Ambient monitoring programs can be used as a tool to evaluate progress in achieving the objectives of the TMDLs.

b. Addressing TMDLs Through the Highway Agency MS4 NJPDES Permit

Stormwater point sources, like stormwater nonpoint sources, derive their pollutant loads from surface runoff. The distinction is that stormwater point sources are regulated under the Clean Water Act through the MS4 program. Stormwater point sources are addressed through the SBRs, control measures, and best management practices as required within the Highway Agency MS4 NJPDES permit. In accordance with 40 CFR 122.34(a) and N.J.A.C. 7:14A-25.6, best management practices are generally the most appropriate form of effluent limitation when designed to satisfy technology-based requirements. Implementation of best management practices consistent with the provisions of the stormwater management program required pursuant to these regulations constitutes compliance with the standard of reducing pollutants to the maximum extent practicable. Where necessary, a TMDL or other WQMP amendment may specify additional measures deemed necessary to attain NJSWQS.

SBRs and other control measures that the permittees are required to implement are designed to minimize pollutant loadings in all watersheds including impaired watersheds. Each SBR contains specific requirements, each of which is targeted at reducing the discharge of pollutants. For waterbodies with approved or adopted TMDLs, the reductions associated with compliant implementation of each SBR constitutes reasonable progress toward meeting the reductions specified in the TMDLs. Examples include: adoption and enforcement of the pet waste disposal regulatory mechanism; prohibition of the feeding of unconfined wildlife on Highway Agency property; cleaning catch basins; street sweeping; performing good housekeeping at maintenance yards; and providing related public education and employee training. These basic requirements provide for a measure of load reduction from existing development. For example, compliance with the pet waste disposal regulatory mechanism and prohibition of the feeding of unconfined wildlife on public property is expected to result in lesser quantities of bacteria, such as fecal coliform and total coliform, being discharged from the MS4 system. Likewise, compliance with street sweeping and catch basin cleaning requirements will result in lesser quantities of solids and any attached pollutants being discharged from the MS4 system. Also, compliance with good housekeeping at maintenance yards will result in lesser quantities of pollutants associated with common public works activities (i.e. road salt, and pollutants associated with vehicle maintenance and vehicle fueling) exposed to stormwater. Finally, public education initiatives improve awareness of the impact that day to day activities can have on stormwater quality (i.e. pet waste management, litter, landscaping activities and inappropriate use of storm drains for disposal). Employee training serves to reinforce effective oversight of the Highway Agency's MS4 program.

To reduce the discharge of pollutants from new development and redevelopment, permittees are required to implement post construction stormwater management requirements. The post construction stormwater management requirements in Part IV.B.4 of this draft permit, require that the permittee must develop, update, implement, and enforce a 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. In addition to other requirements, the Stormwater Management rules establish design and performance standards for groundwater recharge, runoff quantity, and runoff quality, including the reduction of total suspended solids and nutrients in post construction stormwater runoff (see the BMP Manual at https://www.nj.gov/dep/stormwater/bmp_manual2.htm). To further improve implementation of the post construction stormwater management requirements, Part IV.B.5.e (Stormwater Management Design Review Training) requires permittees to ensure that all individuals that review stormwater management design for development and redevelopment projects on behalf of the Highway Agency complete the Department approved Stormwater Management Design Review Course. This requirement will ensure that reviewers have the expertise required to ensure compliance with the post construction stormwater management requirements, and that required design and performance criteria are properly implemented. This requirement constitutes reasonable progress toward reducing the discharge of pollutants and will aid in meeting the reductions specified in approved and adopted TMDLs.

The post construction stormwater management requirements also include a requirement to comply with Part IV.C.2., Minimum Standards for Stormwater Facilities Maintenance. Permittees are required to develop and implement programs to ensure adequate long-term cleaning, operation, and maintenance of stormwater facilities that are owned or operated by the permittee. Proper operation and maintenance of stormwater facilities is essential for maintaining the intended functionality of the systems, thereby meeting expected pollutant reductions; improperly maintained stormwater facilities may not achieve the pollutant reductions intended in their design. It is therefore expected that the requirement to ensure proper operation and maintenance of older stormwater facilities will lead to reductions in stormwater related pollutant discharges. This constitutes reasonable progress toward meeting the reductions specified in the TMDLs. For more information on maintenance program requirements, please see Part IV.C.2 (Stormwater Facilities Maintenance) of this draft permit and Section 7.C.4 of this Fact Sheet.

In accordance with 40 CFR 122.34(a), the MS4 requirements should be based on the evaluation of, among other things, current water quality criteria conditions. TMDLs are linked to water quality conditions and must be understood by permittees. Despite this, the Department has determined that there is a lack of awareness among permittees regarding the existence of adopted TMDLs for waterbodies receiving stormwater runoff from their MS4s. This is partially due to the fact that TMDLs apply to specific water bodies which do not typically match Highway Agency

borders. The Department is proposing to remedy this gap in awareness in this draft permit. As explained below, this permit proposes to require permittees to identify and review applicable TMDLs by using a user-friendly TMDL Look-up Tool on the Department's website at <https://www.nj.gov/dep/dwq/msrp-tmdl-rh.htm>. By obtaining increased awareness of TMDLs, permittees will be better prepared to address stormwater-related pollutant discharges to TMDL waterbodies. The TMDLs tools on the website are expected to improve implementation of stormwater BMPs and make reasonable progress toward achieving the pollutant reductions specified in the approved or adopted TMDLs.

c. Incorporation of TMDL Information Into the SPPP

Additionally, this draft permit requires identification in the SPPP of strategies to address stormwater related pollutants.

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

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

To ensure that this requirement is user friendly and in consideration of limited resources, the Department has developed the TMDL Look-Up Tool (<https://www.state.nj.us/dep/dwq/msrp-tmdl-rh.htm>). The TMDL Look-Up Tool is an on-line tool to streamline access to TMDL information and was developed specifically to assist New Jersey's Stormwater Coordinators with obtaining this information so that it can be used to develop strategies to further reduce the impact of stormwater discharges from MS4s. The TMDL Look-Up Tool uses a dropdown feature to locate the municipality and county. The tool then displays a list of watersheds along with a link to any established, approved, or adopted TMDLs associated with any segment of surface water wholly or partially, within or bordering, the municipality. TMDLs frequently include short-term and long-term management strategies along with segment specific recommendations. Permittees can review these strategies and use this information to assess any local water quality issues in relation to operation and maintenance of their MS4.

Specifically, Part IV.C.3.a of this draft permit requires the following:

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

- The permittee shall incorporate any strategies identified above as an Optional Measure. See Part IV.E (Optional Measures), below and Part IV.A.2.c (SPPP).

For example, the permittee should inspect and perform repairs and other corrective measures on those stormwater facilities that discharge to TMDL waterbodies before other stormwater facilities or could target those facilities for more frequent preventative maintenance. The permittee must also use TMDL information when prioritizing or scheduling repairs and other activities related to stream scouring and illicit discharge elimination, as required at Part IV.B.6 (Stream Scouring & Illicit Discharge Elimination). Regarding selection and design of stormwater BMPs, the permittee should select BMPs that reduce nitrogen in watersheds with nitrogen TMDLs.

In addition to the requirements explained above, the permittee is required to identify and develop strategies to address specific stormwater sources of those pollutants addressed in the TMDL. Permittees can use any identified short-term, long-term and segment specific implementation strategies as contained in TMDLs and proactively incorporate them into their SPPP. The permittee must then incorporate any selected implementation strategy as an Optional Measure in the SPPP as described in further detail below and at Part IV.C.4.c. (TMDL Information) of the draft permit. Optional Measures are required to be identified in the SPPP but failure to implement an Optional Measure identified in the SPPP shall not be considered a violation of this NJPDES permit. These Optional Measures could then be used in conjunction with the requirement to use TMDL information for prioritization of inspection and maintenance and repairs in order to attain reasonable progress toward achieving the reductions specified in the approved or adopted TMDL.

The Department maintains that increased TMDL awareness and incorporation of implementation strategies can benefit water quality. However, other initiatives that are outside the Highway Agency MS4 NJPDES permit will also lead to water quality improvements for pollutant parameters identified in TMDLs. First, the implementation of TMDL phosphorus effluent limits in other NJDPES discharge to surface water permits will lead to upgrades to wastewater treatment plants that will result in lesser phosphorus levels in effluent. Second, the passage of the State Fertilizer Law on January 5, 2012 (NJ Fertilizer Act, P.L.2010, c112 (C.58:10A-61), see <http://www.nj.gov/dep/healthylawnshealthywater>) served to decrease the amount of nitrogen in fertilizer, increase the amount of slow release nitrogen, restrict the use of fertilizer containing phosphorus, and establish other standards and practices intended to reduce the impact of nutrients on surface water quality. Finally, fecal coliform and other bacterial indicators (E. Coli and Enterococci) continue to be limited in point sources from wastewater treatment plants and are also addressed through approaches such as riparian buffer planning and certain agricultural strategies.

D. Additional Measures (Part IV.D)

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 MS4 stormwater program by a TMDL, a regional stormwater management plan, other elements of an adopted areawide Water Quality Management Plan, or the adopted Statewide Water Quality Management Plan. Additional Measures are allowable pursuant to N.J.A.C. 7:14A-25.6(a) and (e). The 2009 Highway Agency MS4 NJPDES permit included language to describe the intent of Additional Measures. One example of an Additional Measure is the Fertilizer Management Ordinance that was required by the 2009 Highway Agency Municipal Stormwater Permit but which has since been superseded by the NJ Fertilizer Act.

This draft permit does not require Additional Measures at this time. In the event that the Department determines that Additional Measures are appropriate, the Department will provide written notice of the adoption of any Additional Measures to any affected permittee. The Department will list each adopted Additional Measure in a minor modification to the Highway Agency MS4 NJPDES permit since the adoption process of the underlying plan (i.e. TMDL; regional stormwater management plan; other elements of an adopted areawide Water Quality Management Plan; or adopted Statewide Water Quality Management Plan) will have already provided opportunity for public comment. For any required Additional Measures other than numeric effluent limitations, the required Additional

Measures will specify, according to the underlying plan, the best management practices, measurable goals, and an implementation schedule, and shall be documented in the permittee's SPPP.

E. Optional Measures (Part IV.E)

Permittees may incorporate Optional Measures into the MS4 stormwater program that extend beyond the requirements of the Highway Agency MS4 NJPDES permit to further prevent or reduce pollution to waters of the State. Optional Measures are typically BMPs or control measures that are developed by the permittee at its own discretion. Optional measures could simply build off current permit requirements, such as additional street sweeping, or could be measures that are designed to minimize pollutants as identified in a TMDL report. The objective of Optional Measures is to encourage permittees to be proactive and creative in employing implementation strategies. Optional Measures are required to be identified in the SPPP but failure to implement an Optional Measure identified in the SPPP shall not be considered a violation of this NJPDES permit. See also N.J.A.C. 7:14A-25.6(a) and (i).

8. Summary of Reports

A. Annual Report and Certification (Part IV.G) Including Electronic Reporting (Part II.B.3)

The draft permit requires permittees to complete an Annual Report (including any Supplemental Questions) using the electronic format provided by the Department through 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 conditions of this permit. Specifically, this includes compliance for the subject year, between January 1 and December 31, with the permittee's Stormwater Management Program (Part IV.A), Statewide Basic Requirements (Part IV.B), Other Control Measures (Part IV.C), Additional Measures (Part IV.D), Optional Measures (Part IV.E), Recordkeeping (Part IV.F), and any other permit conditions listed on the MSRP Annual Report form, including Supplemental Questions.

The Stormwater Coordinator, or duly authorized representative, shall certify, sign and date the Annual Report. The permittee shall submit the Annual Report and Certification to the Department through the Regulatory Services Portal (instructions at <https://www.nj.gov/dep/dwq/highway.htm>) on or before May 1st of each year. A copy of each Annual Report and Certification shall be made available to the Department for inspection. The permittee shall retain the Annual Report and Certification as well as any records necessary to demonstrate compliance with the permit for a period of at least five years.

As noted in Part II.A.1.f, permittees are required to comply with the NPDES Electronic Reporting rule at 40 CFR Part 127. As noted at Part II.B.3, this federal rule requires electronic submission of general permit authorization requests (i.e. RFAs), general permit termination/revocation requests; and MS4 program reports by December 21, 2020. Since submission of the Annual Report occurs electronically as required in Part IV.G, the requirements of this rule are satisfied with respect to Annual Reports prior to the 2020 deadline.

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

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

Atlantic City Press

The Star Ledger

The Times

10. Contact Information

If you have any questions regarding this permit action, you may address them to stormwatermanager@dep.nj.gov or by telephone inquiry to Stephen Boyer at the Bureau of Nonpoint Pollution Control at (609) 633-7021.

11. Contents of the Administrative Record

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

Rules and Regulations (NPI):

1. 33 U.S.C. 1251 *et seq.*, Federal Water Pollution Control Act.
2. 16 U.S.C. § 471I, Section 502 of the National Parks and Recreation Act of 1978.
3. 42 U.S.C. § 300f, Part C of the federal Safe Drinking Water Act (42 U.S.C. 300f *et seq.*).
4. 40 CFR Part 131, Federal Water Quality Standards.
5. 40 CFR Part 122, National Pollutant Discharge Elimination System.
6. 40 CFR Part 127, NPDES Electronic Reporting.
7. 40 CFR Part 130, Water Quality Planning and Management Regulations.
8. 40 CFR Part 144-148, Federal Underground Injection Control Program.
9. N.J.S.A. 58:10A-1 *et seq.*, New Jersey Water Pollution Control Act.
10. N.J.S.A. 58:11-10, New Jersey Water Supply Management Act.
11. N.J.S.A. 13:18A-1 *et seq.*, Pinelands Protection Act.
12. N.J.A.C. 2:90, Standards for Soil Erosion and Sediment Control in New Jersey.
13. N.J.A.C. 7:14A-1 *et seq.*, New Jersey Pollutant Discharge Elimination System Regulations.
14. N.J.A.C. 7:9B-1 *et seq.*, New Jersey Surface Water Quality Standards.
15. N.J.A.C. 7:9C, New Jersey Ground Water Quality Standards.
16. N.J.A.C. 7:9D, Well Construction Maintenance and Sealing Rules.
17. N.J.A.C. 7:8, Stormwater Management Rules.
18. N.J.A.C. 7:13, Flood Hazard Area Control Act Rules.
19. N.J.A.C. 7:14C, Sludge Quality Assurance Regulations.
20. N.J.A.C. 7:15, Statewide Water Quality Management Planning Rules.
21. N.J.A.C. 7:26C, Administrative Requirements for the Remediation of Contaminated Sites.
22. N.J.A.C. 7:26E, Technical Requirements for Site Remediation.
23. N.J.A.C. 7:26G, Hazardous Waste Regulations.
24. N.J.A.C. 7:26A, Recycling Regulations.
25. N.J.A.C. 7:26, Solid Waste Regulations.
26. N.J.A.C. 7:50, Pinelands Comprehensive Management Plan.
27. N.J.A.C. 7:38, Highlands Water Protection and Planning Act Rules.
28. N.J.A.C. 7:7, Coastal Zone Management Rules.
29. N.J.A.C. 7:7A, Freshwater Wetlands Protection Act Rules.

Guidance Documents / Reports (NPI):

1. Guidance documents as listed in the Notes and Definitions Section of Part IV.
2. MS4 Permit Improvement Guide, EPA 833-R-10-001.
3. New Jersey's Integrated Water Quality Monitoring and Assessment Report (includes 305(b) Report 303(d) List).
4. Highway Agency Stormwater Guidance Document, Bureau of Nonpoint Pollution Control, 2004.
5. New Jersey Stormwater Best Management Practices Manual, 2004, revised 2016.
6. "Recycled Asphalt Pavement and Asphalt Millings (RAP) Reuse Guidance".
7. "Guidance Document for the Management of Street Sweepings and Other Road Cleanup Materials".

Permits / Applications:

1. 2009 Highway Agency Permit issued March 1, 2009 and effective March 1, 2009.
2. 2005 Highway Agency Permit Modification, issued August 1, 2005 and effective September 1, 2005.
3. 2004 Highway Agency Permit issued February 2, 2004 and effective March 3, 2004.

Public Presentations and Outreach

1. Permittee Highway Agency MS4 Predraft Outreach Session South on March 19, 2019.
2. Permittee Highway Agency MS4 Predraft Outreach Session Central in the morning on March 27, 2019.
3. Permittee Highway Agency MS4 Predraft Outreach Session North on March 21, 2019.
4. Interested Parties Highway Agency MS4 Predraft Outreach Session in the afternoon on March 27, 2019.

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

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

12. Listing of Acronyms

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

<u>Acronym</u>	<u>Meaning</u>
BMP	Best Management Practices
CAFRA	Coastal Area Facility Review Act
CFR	Code of Federal Regulations
EDP	Effective Date of Permit
EDPA	Effective Date of Permit Authorization
EPA	United States Environmental Protection Agency
GPS	Global Positioning System
MS4	Municipal Separate Storm Sewer System
N.J.A.C	New Jersey Administrative Code
NJPDES	New Jersey Pollutant Discharge Elimination System
N.J.R.	New Jersey Register
N.J.S.A.	New Jersey Statutes Annotated
NJSWQS	New Jersey Surface Water Quality Standards
NPDES	National Pollutant Discharge Elimination System
RFA	Request for Authorization
SBRs	Statewide Basic Requirements
SPPP	Stormwater Pollution Prevention Plan
SWRPA	Special Waters Resource Protection Areas
TMDL	Total Maximum Daily Load
TSS	Total Suspended Solids
UIC	Underground Injection Control
WQM	Water Quality Management



NEW JERSEY POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

Permit Number: NJ0141887

DRAFT: Stormwater Discharge Master General Permit Renewal

Permittee:

Master General Permit
Per Individual Notice of Authorization

Co-Permittee:

Property Owner:

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

Location Of Activity:

Master General Permit
Per Individual Notice of Authorization

Authorization(s) Covered Under This Approval	Issuance Date	Effective Date	Expiration Date
R12 -Highway Agency Stormwater General Permit			

By Authority of:
Commissioner's Office

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

(Terms, conditions and provisions attached hereto)

PART I GENERAL REQUIREMENTS: NJPDES

A. General Requirements of all NJPDES Permits

1. Requirements Incorporated by Reference

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

PART II

GENERAL REQUIREMENTS: DISCHARGE CATEGORIES

A. Additional Requirements Incorporated By Reference

1. Additional Requirements Incorporated by Reference

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

B. General Conditions

1. Notification of Non-Compliance

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

2. Discharge of Pollutants

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

3. Standard Reporting Requirements – Electronic Reporting of NJPDES Information

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

4. Other Regulatory Requirements

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

C. Eligibility

1. Permit Scope

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

2. Authorized Discharges Under the Highway Agency MS4 NJPDES Permit

- a. Eligible Stormwater Discharges – Except as provided in Part II.C.3 below, this permit authorizes all new and existing stormwater discharges to surface water and groundwater from:
 - i. Small MS4s (as defined at N.J.A.C. 7:14A-1.2) that are owned or operated by a “Highway Agency”.
 - ii. Maintenance yards and other ancillary operations (see Part IV.B.5.c) that are owned or operated by a “Highway Agency”.

- b. Eligible Non-Stormwater Discharges – Except as identified in Part II.C.3.e below, the following new and existing non-stormwater discharges from small MS4s owned or operated by Highway Agencies and from maintenance yards and other ancillary operations (see Part IV.B.5.c) owned or operated by Highway Agencies are eligible for authorization under this permit:
- i. Potable water line flushing and discharges from potable water sources, excluding the discharge of filter backwash and first flush water from potable well development/redevelopment activities utilizing chemicals in accordance with N.J.A.C. 7:9D. The volume of first flush water, which is a minimum of three times the volume of the well water column, shall be handled and disposed of properly;
 - ii. Uncontaminated ground water (e.g. infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters);
 - iii. Air conditioning condensate (excluding contact and non-contact cooling water; and industrial refrigerant condensate);
 - iv. Irrigation water (including landscape and lawn watering runoff);
 - v. Flows from springs, riparian habitats, wetlands, water reservoir discharges and diverted stream flows;
 - vi. Residential car washing water; and dechlorinated swimming pool discharges from single family residential homes;
 - vii. Sidewalk, driveway and street wash water;
 - viii. Flows from firefighting activities 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 Under the Highway Agency MS4 NJPDES Permit

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

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

4. Exclusions

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

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

D. Administrative Process

1. Automatic Renewal of Authorizations

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

2. Notification of Changes

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

3. Requests for Authorization

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

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

PART III

Recordkeeping and Reporting

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

PART IV

SPECIFIC REQUIREMENTS: NARRATIVE

Notes and Definitions

A. Footnotes

1. Acronyms

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

2. Internal Cross References

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

3. Department Resources for Guidance Relating to MS4 Issues

- a. MS4 main website and related links: https://www.nj.gov/dep/dwq/msrp_home.htm
- b. MS4 Highway Agency Guidance document: https://www.nj.gov/dep/dwq/highway_guidance.htm
- c. Construction Site Stormwater Runoff: <https://www.nj.gov/dep/dwq/5g3.htm>

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

4. EPA Resources for Guidance Relating to MS4 Issues

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

B. Definitions

1. Definitions

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

- i. Domestic sewage;
 - ii. Non-contact cooling water, process wastewater, or other industrial waste (other than stormwater);
or
 - iii. Any category of non-stormwater discharges that a permittee for the MS4 identifies as a source or significant contributor of pollutants pursuant to 40 C.F.R. 122.34(b)(3)(iii).
- g. "Limited-access highway" means every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway; and includes any highway designated as a "freeway" or "parkway" by authority of law.
- h. "Maintenance plan" means a maintenance plan pursuant to N.J.A.C. 7:8-5.2(b) and 5.8 prepared by the design engineer for the stormwater management measures incorporated into the design of a major development.
- i. "Major development" means any development that provides for ultimately disturbing one or more acres of land and any additional development defined as "major development" by a permittee's stormwater program. Disturbance is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Projects undertaken by any government agency which otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development."
- j. "Manufactured treatment device" means a pre-fabricated stormwater treatment structure utilizing settling, filtration, absorptive/adsorptive materials, vortex separation, vegetative components, and/or other appropriate technology to remove pollutants from stormwater runoff.
- k. "New permittee" means a permittee that obtains its first authorization to discharge under the Highway Agency MS4 NJPDES permit on or after the effective date of this permit.
- l. "Permanent structure" means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (a door is recommended, but not required). A fabric frame structure is a permanent structure if it meets the following specifications:
- i. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
 - ii. The design shall prevent stormwater run-on and run through and the fabric cannot leak;
 - iii. The structure shall be erected on an impermeable slab;
 - iv. The structure cannot be open sided; and
 - v. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- m. "Regulatory mechanism" means an ordinance, permit, standard, contract language, or any other procedure, that will be enforced by the permittee.
- n. "Small MS4" means all municipal separate storm sewers systems (other than "large" or "medium" municipal separate storm sewer systems as defined in N.J.A.C. 7:14A-1.2) that are:

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

Highway Agency Stormwater General Permit

A. Stormwater Management Program

1. Stormwater Program Requirements

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

2. Stormwater Pollution Prevention Plan (SPPP) Requirements

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

Highway Agency Stormwater General Permit

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

3. Implementation of Permit Conditions through Shared or Contracted Services

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

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

B. Statewide Basic Requirements and Associated Conditions

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

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

2. Minimum Standards for Local Public Education and Outreach

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

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

3. Minimum Standards for Construction Site Stormwater Runoff

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

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

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

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

5. Minimum Standards for Pollution Prevention / Good Housekeeping

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

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

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

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

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

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

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

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

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

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

C. Other Control Measures

1. Minimum Standards for Stormwater Facilities Mapping

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

2. Minimum Standards for Stormwater Facilities Maintenance

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

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

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

D. Additional Measures

1. Incorporation of Additional Measures

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

E. Optional Measures

1. Incorporation of Optional Measures

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

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

F. Recordkeeping

1. Standard Recordkeeping Requirements

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

G. Annual Report and Certification

1. Reporting Requirements

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

NJPDES MASTER GENERAL PERMIT PROGRAM INTEREST, Trenton

Permit No.NJ0141887
DST160006 Stormwater Discharge Master General Permit
Renewal

Attachment A – Measurable Goals and Implementation Schedule

General

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attachment B – Points System for Public Education and Outreach Activities

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

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

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

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

Attachment C - Design Standards for Storm Drain Inlets

Application of Design Standard

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

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

Design Standard

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

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

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

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

Exemptions from the Design Standard

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

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

A bar screen having a bar spacing of 0.5 inches;

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

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

Attachment D – Major Development Project List

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

Highway Agency: _____		NJPDES#: NJG: _____			PI ID#: _____		Calendar Year: _____	
Project Name	Municipality / County	5G3 Construction Stormwater Permit Auth.#	DLUR Stormwater Review? (Y/N)	Total Area of Disturbance (acres)	Water Quality Treatment Required? (Y/N)	Waiver Claimed Under N.J.A.C. 7:8-5.2(e)? (Y/N)	Project Design Engineer	Project Reviewer(s)

Attachment E – Best Management Practices for Maintenance Yards and Other Ancillary Operations

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

Inventory of Materials and Machinery

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

Inspections and Good Housekeeping

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

Fueling Operations

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

Discharge of Stormwater from Secondary Containment

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

Vehicle Maintenance

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

On-Site Equipment and Vehicle Washing and Wash Wastewater Containment

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

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

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

Salt and De-icing Material Storage and Handling

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

Aggregate Material and Construction Debris Storage

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

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

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

Yard Trimmings and Wood Waste Management Sites

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

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

Permittee: _____ NJPDES Permit No: _____

Containment Structure Location: _____

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

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

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

Acceptable _____

Unacceptable _____

Conditionally Acceptable _____

List necessary repairs and other conditions: _____

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

Name (print): _____ Seal: _____

Signature: _____

Date: _____

Underground Vehicle Wash Water Storage Tank Use Log

Name and Address of Facility _____

Facility Permit Number _____

Tank ID Number _____

Tank Location _____

Tank Volume _____ gallons

Tank Height _____ inches

95% Volume _____ gallons

95% Volume _____ inches

<u>Date and Time</u>	<u>Inspector</u>	<u>Height of Product Before Introducing Liquid (inches)</u>	<u>Is Tank Less Than 95% Full? (Y/N)</u>	<u>Visual Inspection Pass? (Y/N)</u>	<u>Comments</u>

Notes: The volume of liquid in the tank shall be measured **before** each use.

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

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

Underground Vehicle Wash Water Storage Tank Pump Out Log

Name and Address of Facility _____

Facility Permit Number _____

Tank ID Number _____

Tank Location _____

Tank Volume _____ gallons

<u>Date and Time of Pump Out</u>	<u>Volume of Liquid Removed</u>	<u>Waste Hauler *</u>	<u>Destination of the Liquid Disposal *</u>

*** The Permittee must maintain copies of all hauling and disposal records and make them available for inspection**