



State of New Jersey

PHIL MURPHY
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Mail Code – 401-02B
Water Pollution Management Element
Bureau of Surface Water & Pretreatment Permitting
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SHAWN M. LATOURETTE
Commissioner

TAHESHA L. WAY
Lt. Governor

Via E-mail Only
December 26, 2023

Re: Final NJPDES Discharge to Surface Water Master General Permit Renewal - Statewide
Category: B6 - Swimming Pool Discharges (GP)
NJPDES Permit No. NJ0128589

Dear Interested Parties:

Enclosed is a **final** NJPDES permit action identified above which has been issued in accordance with N.J.A.C. 7:14A. This permit renewal authorizes the discharge to a surface waterbody resulting from the draining of pool water and/or filter backwash from any municipal, commercial, non-residential or community (e.g., townhouses and condominiums) swimming pools.

Comments were received on the draft permit issued on June 26, 2023. The Public Notice was published in the *DEP Bulletin* on July 5, 2023. The thirty (30) day public comment period began on July 11, 2023 when the Public Notice was published in *The Press of Atlantic City*, *The Record*, *The Star Ledger* and *The Trenton Times*. The public comment period ended on August 11, 2023. A summary of the significant and relevant comments received on the draft action during the public comment period, the Department's responses, and an explanation of any changes from the draft action have been included in the Response to Comments document attached hereto as per N.J.A.C. 7:14A-15.16.

New applicants must request authorization to be covered under the general permit by submitting a NJPDES Form 1 and Supplemental Application Form that can be obtained from the Department's Division of Water Quality web site. A guidance checklist for filing a request for authorization application for this general permit is also available. The checklist and the application forms are available at https://www.nj.gov/dep/dwq/forms_surfacewater.htm.

As per N.J.A.C. 7:14A-4.2(e)3, any person planning to continue discharging after the expiration date of an existing NJPDES permit shall file an application for renewal at least 180 calendar days prior to the expiration of the existing permit.

Questions or comments regarding the final action should be addressed to Tara Klimowicz either by phone at (609) 292-4860 or via email at swimmingpoolgp@dep.nj.gov.

Sincerely,

Susan Rosenwinkel
Assistant Director
Water Pollution Management Element

Enclosures cc: Permit Distribution List
Masterfile #: 39609; PI #: 50577

Table of Contents for the Final Permit

This permit package contains the items below:

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New Jersey Department of Environmental Protection
Division of Water Quality
Bureau of Surface Water and Pretreatment Permitting

RESPONSE TO COMMENTS

Comments were received on the NJPDES draft Surface Water Master General Permit Renewal No. NJ0128589 issued on June 26, 2023. The Public Notice was published in the *DEP Bulletin* on July 5, 2023. The thirty (30) day public comment period began on July 11, 2023 when the Public Notice was published in *The Press of Atlantic City*, *The Record*, *The Star Ledger* and *The Trenton Times*. The public comment period ended on August 11, 2023. The following person commented during the public comment period:

A. Stan Greberis, President, Upward LLC in emails, with attachments, dated July 21, 2023 and July 25, 2023.

A summary of the timely and significant comments received, the New Jersey Department of Environmental Protection's (NJDEP or the Department) responses to these comments, and an explanation of any changes from the draft action have been included below:

1. COMMENT:

I wish to send two comment letters, one for the residential pool water permit and one for the commercial/public pool water discharge permit:

1. NJDEP Master Swimming Pool Discharge General Permit Category B6 – NJPDES No. NJ0128589
2. NJDEP Tier A MS4 NJPDES Master General Permit - NJPDES No NJ0141852

These comments include documentation and images of why New Jersey's NJDEP Master Swimming Pool Discharge General Permit Category B6 – NJPDES No. NJ0128589 and NJDEP Tier A MS4 NJPDES Master General Permit (NJ0141852) permits are not adhered to by pool owners, pool service technicians and probably commercial/public operators too.

RESPONSE:

Item 1 concerns this subject permit action namely the Discharge to Surface Water Renewal – Master Swimming Pool Discharge General New Jersey Pollutant Discharge Elimination System (NJPDES) Permit Category B6 (NJ0128589) (hereafter Master B6). The Department received timely comments on this permit as identified above. Item 2 concerns the Tier A Municipal Separate Storm Sewer System (MS4) NJPDES Master General Permit (NJ0141852) (hereafter Tier A MS4 permit). The Tier A MS4 permit is not currently open to public comment. Responses on each are below.

Regarding item 1, the Department is proposing to renew the existing Master B6 permit as last issued August 23, 2017. This general permit renewal continues to authorize swimming pool water and/or filter backwash discharges into surface waters (i.e., rivers, streams) of the State of New Jersey. The Master B6 permit does not authorize discharges to groundwater beyond incidental discharges to groundwater which may result from a discharge authorized by the permit. The Master B6 permit does not concern discharges from residential swimming pools. Instead, the Master B6 permit concerns discharges from non-residential, municipal, commercial, or community (e.g., townhouses and condominiums) swimming pools. These discharge activities are essentially "clean" in nature and the Master B6 permit is intended to authorize discharge of water containing de minimis amounts of pollutants. In accordance with New Jersey's Water Pollution Control Act, N.J.S.A. 58:10A-1, et seq., this general permit contains Best Management Practices (BMPs) as necessary to protect the integrity and the designated uses of the receiving waters. Specific comments on the Master B6 permit as raised by the commenter are addressed in subsequent responses below.

Regarding item 2, the Tier A MS4 permit serves to authorize discharges from MS4s where such storm sewer systems exist in many New Jersey Tier A municipalities. Stormwater runoff is commonly transported through MS4s before discharging into local waterbodies; therefore, the Tier A MS4 permit applies to New Jersey Tier A municipalities as defined within that permit. The Tier A MS4 permit was issued in draft on July 28, 2022, finalized December 1, 2022 and became effective January 1, 2023. Supporting documentation for the Tier A MS4 permit is available here: [NJDEP| Bureau of NJPDES Stormwater Permitting and Water Quality Management | Tier A MS4 Stormwater Permit](#). The public comment period for that permit began on August 1, 2022 and Public Notices were published in the *Atlantic City Press*, the *Star Ledger*, and *The Times*. A public hearing was held on September 20, 2022 and the public comment period ended on September 20, 2022 at the close of the Public Hearing on the draft permit. The Tier A MS4 permit is not currently open for public comment. Comments submitted during the Master B6 public comment period which implicate both the Master B6 and Tier A MS4 permits have been identified throughout this document for the purposes of completeness. The Tier A MS4 permit is a separate document and regulatory action that is not currently open for public comment. This subject permit action concerns the Master B6 permit only. As such, the Department cannot address comments directed to the Tier A MS4 permit or incorporate changes to the Tier A MS4 permit via this permit action.

2. COMMENT:

The first known swimming pool was The Great Baths of Mohenjo-Daro dating back to 2600 B.C.E. Present day residential pool installation can be tracked back to the Vanderbilt estate in Asheville, North Carolina in 1895. We still have not figured out how to responsibly dispose of the wastewater 127 years later. The original US Water Pollution Control Act was written in 1948. It was significantly reorganized and expanded in 1972 and renamed the Clean Water Act. After all this time we still have not provided swimming pool owners with an unburdened simple solution to discharge their backwash and/or wastewater without adding excess water into our stormwater sewers or otherwise failing to be able to comply with the spirit of the law.

RESPONSE:

The Clean Water Act, 33 U.S.C. 1251, et seq., establishes the basic structure for regulating discharges of pollutants into waters of the United States and regulating water quality standards for surface water. Under the authority of the Clean Water Act, the U.S. Environmental Protection Agency (EPA) has implemented pollution control programs such as the National Pollutant Discharge Elimination System (NPDES) program. The Department implements the NPDES program within the State of New Jersey as the NJPDES permit program since NPDES program authority has been delegated to the Department by EPA. The NJPDES Regulations at N.J.A.C. 7:14A are utilized to implement water quality standards and regulate point source discharges through the issuance of NJPDES permits. The Master B6 permit is a NJPDES permit that was developed in accordance with the NJPDES Regulations.

Due to the nature of the discharge authorized under the Master B6, the Department has determined that if appropriate BMPs and/or any necessary temporary treatment is implemented prior to discharge, negative environmental impacts should not result from the discharge. The use of BMPs is consistent with EPA guidance on this topic. Specifically, to provide the regulated community with easy-to-understand solutions in discharging swimming pool water, EPA maintains educational resources on its website which can be found here:

[Stormwater Best Management Practice, Educating Residents on Safely Discharging Chemically Treated Water \(epa.gov\)](#)

[EPA WaterSense: Best Management Practices for Commercial Pool and Spa Equipment](#)

The Master B6 permit is not intended for residential swimming pool owners and those discharges are outside the scope of this permit. To be considered eligible under the Master B6 permit, a discharge to a surface water body must result from the draining of pool and/or filter backwash from any municipal, commercial, non-residential or community (e.g. townhouses and condominiums) swimming pool. This Master B6 permit allows:

- Draining of municipal, commercial, non-residential or community (e.g., townhouses and condominiums) swimming pool water into receiving waters classified as Category 1 (C1) and Category 2 (C2).
- Draining of filter backwash water from municipal, commercial, non-residential or community (e.g., townhouses and condominiums) swimming pools into receiving waters classified as Category 2 (C2) only. Filter backwash discharges are not permitted to Category 1 (C1) designated receiving waters.

Most waterbodies in the State of New Jersey are classified as Category 1 (C1) or Category 2 (C2) as set forth in the New Jersey Surface Water Quality Standards (NJSWQS) at N.J.A.C. 7:9B.

Any discharges of residential swimming pool waters to storm sewers are regulated through the Tier A MS4 NJPDES permit as issued to the local Tier A municipality. Specifically, Part II.C.2.vi of the Tier A MS4 permit identifies that draining of dechlorinated swimming pool discharges from single family residential homes is an eligible non-stormwater discharge under the permit.

3. COMMENT

There is a better way to give pool owners the helpful information they need to protect our natural waters by providing an option that meets or exceeds the requirements in the Tier A MS4 permit. Adding products such as wastewater fountains, wastewater diffusers or other similar solution-based devices to their discharge hose will result in pool owners/pool site managers and/or service technicians actually doing less physical work and spending less money and less time. These items are designed to aerate and distribute properly balanced chlorinated discharge water over almost any natural land surface. Water aeration is part of a wastewater fountain's design function in spraying the discharged water. Wastewater disposal through an on-site wastewater fountain is a good alternative to street water disposal. The only requirement for wastewater fountain on-site use is that fresh water be properly balanced. No holding periods or chemical treatment of the pool water is required.

While wastewater can be discharged through a hose, unrestricted use of a hose for this purpose can cause severe soil erosion. Alternatively, use of a wastewater fountain can reduce water consumption, recycle pool water, reduce chlorine levels, and minimize soil erosion.

It is requested that language be added to the permit to allow the use of wastewater fountains to discharge pool water. In addition, details regarding wastewater fountains, including benefits, should be added to the permit.

RESPONSE:

The Department acknowledges that the commenter is requesting that the use of a "wastewater fountain," as described within these comments, be allowed and endorsed by the Department. The Department also acknowledges that the commenter is requesting the Department add to the Master B6 permit a list of the claimed benefits of using a wastewater fountain. Based on the pictures and written description provided within the comments, the Department understands that a wastewater fountain is a product that allows the user to disperse drained pool water onto a grassy surface (i.e., the ground) through a ring-like device that functions similar to a sprinkler. The water would then infiltrate into the ground. The Department agrees that aeration of drained pool water should serve to increase dissolved oxygen levels and reduce chlorine levels.

Based upon the comments submitted, the use of a wastewater fountain as described by the commenter appears to be intended for residential use and for a discharge to groundwater. The Master B6 permit does not concern discharges from residential swimming pools or discharges to groundwater as described in RESPONSE 1 and RESPONSE 2. Rather, eligibility for this Master B6 permit is limited to municipal, commercial, non-residential or community (e.g., townhouses and condominiums) pools discharging to surface water. As a result, the use of a wastewater fountain as described within these comments is outside the scope of the Master B6 permit.

4. COMMENT:

Properly balanced chlorinated swimming pool water should be discharged directly to the pool owner's land surface. Fresh water pools can be discharged off the pool owner's property once free chlorine, combined chlorine, bromine, cyanuric acid, and sodium levels reach zero ppm (parts per million). The discharge should not flow onto a neighbor's property.

Salt water pools can be discharged off the pool owner's property once free chlorine, pH, stabilizer or cyanuric acid, sodium, total alkalinity, calcium hardness, and total dissolved solids levels reach zero ppm (parts per million). The discharge should not flow onto a neighbor's property. Salinity levels should be less than 1000 ppm before disposing to any land surface.

Diatomaceous earth filtration material sediment should be captured on the pool owner's property. Diatomaceous earth filtration material sediment must not enter stormwater sewers and/or any bodies of water, streams, wetlands, bays, watersheds, etc.

RESPONSE:

As described in RESPONSE 1 and RESPONSE 2, this Master B6 permit does not concern discharges from residential pools. In addition, this Master B6 permit authorizes discharges from non-residential pools to surface water, not to groundwater. Based on the pictures and written description provided within the comments, the Department understands that the use of a wastewater fountain, as described, would result in overland flow which would infiltrate the groundwater via the pool owner's land surface.

The Department notes that under the Master B6 permit overland flow is an acceptable BMP for waters generated from filter backwash, specifically, filter backwash generated from sand, cartridge, diatomaceous earth filtration and types of pool filters can be addressed via BMPs, such as overland flow. As stated in Part I.B.1.d:

- d. The water used to backwash the filter shall also be retained or discharged over a grassy area so any solids can settle out and can be removed (or filtered) prior to discharging the water. The solids, residue or sediment shall not be discharged to a waterway and shall be removed (i.e., discharged to a POTW, disposed of as solid waste, etc.) prior to discharging the filter backwash water to the receiving water classified as C2 waters.

Similarly, the Department acknowledges that there may be incidental discharges to groundwater during otherwise eligible discharges covered under this permit. Incidental discharges to groundwater during otherwise eligible discharges covered under this permit are acceptable. As stated in Part I.B.1.f:

- f. Incidental discharges to groundwaters of the State which may result from a discharge authorized by this permit, such as from overland flow on the way to the storm sewer or surface water conveyance, are also authorized under this general permit.

The Master B6 permit operates under the premise that if appropriate BMPs and/or any necessary temporary treatment is implemented prior to discharge, negative environmental impacts should not result from the discharge.

5. COMMENT

Details regarding wastewater fountains should be included in the permit. Incorporating the words “wastewater fountain” into the general permit text will provide an easy-to-understand solution. Those words deliver the required actions described in Part I.B.2.b., d., and f. This will reduce confusion, permit violations, and discharges to stormwater sewers.

RESPONSE:

Part I.B.2.b and Part I.B.2.d of the Master B6 permit as identified in this comment are stated within the permit as follows:

2. Discharge Requirements

- b. The swimming pool water discharge shall be retained, aerated and/or treated in such a way that the chlorine/bromine levels are 0.1 mg/L or below prior to discharging to the receiving waters. A pool test kit or other method approved by the Department may be used to confirm the results, and shall achieve a level at least as sensitive as 0.1 mg/L. Testing shall be conducted using the Total Residual Chlorine (TRC) Method.
- d. The water used to backwash the filter shall also be retained or discharged over a grassy area so any solids can settle out and can be removed (or filtered) prior to discharging the water. The solids, residue or sediment shall not be discharged to a waterway and shall be removed (i.e., discharged to a POTW, disposed of as solid waste, etc.) prior to discharging the filter backwash water to the receiving water classified as C2 waters.

The draft Master B6 permit does not contain item Part I.B.2.f as cited in this comment.

As described in RESPONSE 3, the use of a wastewater fountain is outside the scope of the Master B6 permit as the Master B6 permit is not intended for discharge from residential pools or to groundwater. As a result, these changes cannot be incorporated into the Master B6 permit. As noted in RESPONSE 1 and RESPONSE 2, the Master B6 permit concerns discharges from non-residential, municipal, commercial, or community (e.g., townhouses and condominiums) pools, which may not have the available land surface, such as a residential yard, to discharge other than to surface water.

6. COMMENT

The permit requires the discharger to aerate the swimming pool water or filter backwash. However, the permit does not mention wastewater fountains or wastewater diffusers, which are the only methods to aerate discharge water. Dischargers should be permitted to attach wastewater fountains, wastewater diffusers, or other similar solution-based devices to their discharge hose, which would aerate and distribute properly balanced chlorinated discharge water over almost any natural land surface.

RESPONSE:

The Master B6 permit requires permittees to implement appropriate BMPs within the permit. This includes a requirement within the Master B6 permit at Part I.B.2.b which states that “The swimming pool water discharge shall be retained, aerated and/or treated in such a way that the chlorine/bromine levels are 0.1 mg/L or below prior to discharging to the receiving waters...,” as referenced in RESPONSE 5. The commenter is correct in that specific measures to aerate the water are not included within the permit. Instead, the BMP of achieving chlorine/bromine levels below 0.1 mg/L is specifically mentioned in the permit, which can be attained through retention, aeration and/or treatment.

The Master B6 permit authorizes discharges to surface water for certain eligible discharges which do not include residential pools. Other than incidental discharges to groundwater, the Department cannot authorize direct discharges to groundwater in the Master B6 permit as such discharges are outside the scope of the Master B6 permit.

7. COMMENT:

More details regarding acceptable levels of chemicals in discharged pool water should be included in the permit. It is unlawful to discard, discharge, spill or dump any material other than stormwater and/or 100% chemical and salt (sodium) free swimming pool water into any stormwater system. Pool water is toxic to animals and should never enter a stormwater sewer, wetland, or body of water. Only swimming pool water with either zero measurable manufactured chemical and sodium (salt) content or 100% properly balanced pool water should be disposed on site. Swimming pool water must be disposed of on the pool owner's property.

Further, an illicit connection which is defined as any system that discharges domestic sewerage, swimming pool water and /or backwash, process wastewater or pollutants, is prohibited from discharging to the stormwater systems.

RESPONSE:

The Department maintains that the Master B6 permit adequately describes all applicable discharge requirements. As described in RESPONSE 2, the Master B6 permit requires permittees to implement appropriate BMPs as described within the permit. Specifically, Part I.B.2 contains discharge requirements for toxic pollutants, temperature, pH, and chlorine/bromine. Part I.B.2 further contains information on acceptable levels, methods to achieve acceptable levels, and testing.↵

Eligible discharges under the Master B6 permit may be lawfully discharged into storm sewers so long as the foregoing discharge requirements and all other terms of the permit are complied with. As noted in RESPONSE 1 and RESPONSE 2, the Department has determined negative environmental impacts should not result from discharges that comply with the terms of the permit.

The Master B6 permit does not concern discharges from residential swimming pools or discharges to groundwater, as described in RESPONSE 1 and RESPONSE 2. To be considered eligible under the Master B6 permit, a discharge to a surface water body must result from the draining of pool and/or filter backwash from any municipal, commercial, non-residential or community (e.g. townhouses and condominiums) swimming pool. Again, this permit utilizes BMPs to remove pollutants from eligible pool water or filter backwash discharges where a chlorine level of 0.1 mg/L is referenced as identified in RESPONSE 5.

An illicit connection to a storm sewer system is specifically defined within the Tier A MS4 NJPDES permit at Part IV.B.1.a.vi as follows:

"Illicit connection" means any physical or non-physical connection that discharges the following to a municipal separate storm sewer system (unless that discharge is authorized under a NJPDES permit other than the NJPDES permit for discharges from that system): 1. Domestic sewage; 2. Non-contact cooling water, process wastewater, or other industrial waste (other than stormwater); or 3. Any category of non-stormwater discharges that a permittee for the MS4 identifies as a source or significant contributor of pollutants pursuant to 40 C.F.R. 122.26(d)(2)(iv)(B)(1) or 122.34(b)(3)(iii).

Discharges to storm sewers from draining of dechlorinated swimming pool discharges from single family residential homes are an eligible non-stormwater discharge under the Tier A MS4 permit. As a result, these discharges are not considered an illicit connection to the Tier A MS4 system.

8. COMMENT:

Chemically treated swimming pool water is toxic to animals and should never enter any stormwater sewer, wetland, stream, river, pond, lake or body of water connected to or part of a C1 Water (Category 1). Chemical free and sodium (salt) free swimming pool water may be discharged to stormwater sewers that do not flow to or are part of C1 waterway or body of water. It is the pool owner's responsibility to confirm that their discharged pool water will not flow to any stormwater sewer, wetland, stream, river, pond, lake or body of water connected to or part of a C1 Waters. Only swimming pool water with either zero measurable manufactured chemical content and/or zero sodium (salt) ppm (parts per million) may be disposed on the street.

RESPONSE:

As specified in RESPONSE 2, the Master B6 permit authorizes the draining of municipal, commercial, non-residential or community (e.g., townhouses and condominiums) swimming pool water into receiving waters classified as Category 1 (C1) and Category 2 (C2) as per N.J.A.C. 7:9B. The Master B6 permit also authorizes the draining of filter backwash water from municipal, commercial, non-residential or community (e.g., townhouses and condominiums) swimming pools into receiving waters classified as Category 2 (C2). Filter backwash discharges are not permitted to Category 1 (C1) designated receiving waters. As noted in RESPONSE 1 and RESPONSE 2, the Department has determined negative environmental impacts should not result from discharges that comply with the terms of the permit, including authorized discharges to Category 1 (C1) receiving waters. The permit requires the use of BMPs such as allowing chlorine to dissipate to minimize discharges of chlorine to any receiving waterbodies.

An applicant who is applying for the Master B6 permit is required to identify the affected receiving waterbody and its waterbody classification. To determine the name and classification of the receiving water into which the storm sewer discharges, the local municipality can be contacted, or the applicant can follow the step-by-step instructions, as part of the Request for Authorization (RFA) checklist (available at: www.nj.gov/dep/dwq/pdf/B6_Checklist.pdf).

9. COMMENT

The following language should be added to the permit:

"NJ law prohibits the discharge of swimming pool water into public space. Chlorinated swimming pool water may not be discharged into the municipal separate storm sewer system (MS4) or storm drain. The MS4 conveys water directly to rivers and streams, and chlorinated water can kill aquatic life. The penalty for a first offense is up to \$1,000, and doubles for each subsequent offense."

RESPONSE:

This suggested language appears to be intended for the Tier A MS4 permit which is not open to public comment and is a separate permit from the Master B6 permit. See RESPONSE 1 for further information regarding the Tier A MS4 permit.

To the extent this comment is intended for the Master B6 permit, the Department has determined inclusion of this language is unnecessary as negative environmental impacts should not result from discharges that comply with the terms of the permit. See RESPONSE 1 and RESPONSE 2 for further information.

Furthermore, the Department is unable to establish a penalty like the one requested in the context of a permit action as establishing penalties is beyond the scope of this subject master permit. However, the Department notes that the general NJPDES enforcement and penalty regulations are incorporated by reference into the Master B6 permit at Part I.E.1.b.

10. COMMENT:

Dechlorinating prior to discharging backwash and/or wastewater leads to a repetitious cycle that puts the pool in a constant stage of repeating the cycle over and over again without the opportunity to use the pool. Leaving pool water untreated during dechlorination changes the water chemistry and may result in an increase in algae.

RESPONSE:

The Department's role is to issue the Master B6 permit for eligible dischargers as part of NJPDES permit requirements. This permit includes references to dechlorination of pool water prior to discharge as identified in RESPONSE 5 which is equivalent to a specified level of 0.1 mg/L for chlorine. This is consistent with the US EPA Fact Sheet referenced in RESPONSE 2 and as available here: Stormwater Best Management Practice, Educating Residents on Safely Discharging Chemically Treated Water (epa.gov).

In administering permits, it is the Department's role to draft appropriate terms and conditions and enforce those terms and conditions to prevent water pollution. It is not appropriate for the Department to prescribe how permittees should maintain and operate their swimming pools.

11. COMMENT:

Dischargers authorized under the B6 permit do not comply with the permit requirement that pool water be dechlorinated prior to discharge. The permit should reference products, the use of which will ensure compliance with the conditions of the permit and provide the public with a clear path to compliance.

RESPONSE:

As noted in RESPONSE 9, the general NJPDES enforcement and penalty regulations are incorporated by reference into the Master B6 permit at Part I.E.1.b. Furthermore, Part I.D. of the permit authorizes the Department to conduct inspections of regulated activities and require noncompliant discharges to cease.

As described in RESPONSE 10, it is not appropriate for the Department to dictate how permittees should maintain and operate their swimming pools. It is the Department's role to draft appropriate terms and conditions and enforce those terms and conditions. It is inappropriate for the Department to prescribe how permittees are to meet the terms and conditions of their permit through methods such as product endorsements.

12. COMMENT:

Certain cities outside of New Jersey have the authority to impose fines for unauthorized swimming pool discharges.

RESPONSE:

The Department is unable to comment on the municipal ordinances of localities outside of New Jersey. As noted in RESPONSE 9, the general NJPDES enforcement and penalty regulations are incorporated by reference into the Master B6 permit at Part I.E.1.b. In appropriate situations, a violation of a NJPDES permit may lead to the imposition of a fine.

The Department is aware that local ordinances can be put in place to guide pool owners. See the Tier A MS4 permit for examples of community-wide ordinances. See also RESPONSE 2.

13. COMMENT:

I respectfully request an in-person appointment so I can address any additional questions you may have.

RESPONSE:

The Department appreciates the commenter's interest in these issues and has discussed many of these questions and concerns in telephone calls with the commenter prior to the issuance of the draft permit as well as in a recent virtual meeting on December 15, 2023.

The Department also acknowledges that the commenter received a Governor's Award of Excellence for the Sustainability (Business) Category on December 18, 2023 for the Eco Pool Drain Waste Water Fountain.



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: NJ0128589

Final: Surface Water Master General Permit Renewal

Permittee:

NJPDES Master General Permit Program Interest
Category B6
Per Individual Notice of Authorization
Division of Water Quality
Mail Code: 401-02B; PO Box 420
401 East State Street
Trenton, NJ 08625-0420

Property Owner:

NJPDES Master General Permit Program Interest
Category B6
Per Individual Notice of Authorization
Division of Water Quality
Mail Code: 401-02B; PO Box 420
401 East State Street
Trenton, NJ 08625-0420

Location Of Activity:

NJPDES Master General Permit Program Interest
Category B6
Per Individual Notice of Authorization
Division of Water Quality
Mail Code: 401-02B; PO Box 420
401 East State Street
Trenton, NJ 08625-0420

Authorization Covered Under This Approval	Issuance Date	Effective Date	Expiration Date
B6 - Swimming Pool Discharge (GP)	12/26/2023	02/01/2024	01/31/2029

By Authority of:
Commissioner's Office

Susan Rosenwinkel

DEP AUTHORIZATION
Susan Rosenwinkel
Assistant Director
Water Pollution Management Element

(Terms, conditions and provisions attached hereto)

Division of Water Quality

PART I

NARRATIVE REQUIREMENTS

Swimming Pool Discharges (GP)

A. GENERAL REQUIREMENTS FOR SWIMMING POOL DISCHARGE

1. Purpose

- a. The New Jersey Pollutant Discharge Elimination System (NJPDES) Discharge to Surface Water (DSW) General Permit for Swimming Pool Discharge authorizes the following discharges:
 - i. Draining of municipal, commercial, non-residential or community (e.g., townhouses and condominiums) swimming pool water into receiving waters classified as Category 1 and Category 2.
 - ii. Filter backwash water from municipal, commercial, non-residential or community (e.g., townhouses and condominiums) swimming pools into receiving waters classified as Category 2 only. Whenever possible, discharges of filter backwash shall be directed to the sanitary sewer with permission from the Publicly Owned Treatment Works (POTW). Note, filter backwash discharge to Category 1 designated receiving waters is not permitted.

2. Scope

- a. This permit is intended for discharges containing de minimis amounts of pollutants. A de minimis discharge of pollutants for purposes of this permit is defined as a discharge containing a relatively insignificant amount of pollutants that complies with all of the conditions specified in this permit. De minimis amounts of pollutants that may be present in these discharges include filterable or dissolved solids, suspended solids, bromine levels, chlorine levels and chlorine related compounds.
- b. This permit operates under the premise that if appropriate Best Management Practices (BMPs) are implemented prior to discharge and temporary treatment is provided (if necessary) then no negative environmental impact should result from the discharge.

3. Eligible Discharge Types

- a. The following discharges are eligible for authorization under this permit:
 - i. Draining of municipal, commercial, non-residential or community (e.g., townhouses and condominiums) swimming pool water into receiving waters classified as Category 1 and Category 2.
 - ii. Filter backwash water from municipal, commercial, non-residential or community (e.g., townhouses and condominiums) swimming pools into receiving waters classified as Category 2 only.

4. Ineligible Discharge Types

- a. The following discharges are not eligible for authorization under this permit for Authorization under this permit:
 - i. Discharges of filter backwash to Category 1 waterbodies;

- ii. All discharges of industrial process wastewater including contact and non-contact cooling water;
- iii. Sanitary sewer flushing;
- iv. Discharges from domestic, publicly or privately owned, and industrial treatment works;
- v. Combined sewer overflow;
- vi. Sanitary sewer overflow;
- vii. All stormwater discharges;
- viii. Discharges that are regulated under the Municipal Stormwater Permit (Tier A MS4 - NJ0141852) and the Public Complex Permit (NJ0141879);
- ix. Discharges in any way associated with site remediation activities, including water from well construction and development;
- x. Water from monitoring well construction and development or capping;
- xi. Discharges from water and wastewater treatment system bench scale and pilot testing;
- xii. Discharges resulting from water main breaks and water distribution system infrastructure failures;
- xiii. Water used to clean and rinse storage tanks, natural gas pipelines, or other vessels;
- xiv. Emergency discharges of polluted waters;
- xv. Dewatering from construction activities, including contaminated waters resulting from construction dewatering activities;
- xvi. Discharges from the disinfection of newly constructed or repaired potable water mains;
- xvii. Discharges resulting from fire hydrant flushing;
- xviii. Discharges resulting from Hydrostatic testing of tanks, vessels or pipelines;
- xix. Discharges from mining operations; and
- xx. Discharges that are solely to the groundwater.

5. Eligible Waterbody Types

- a. Discharges to the following waterbodies are eligible for authorization under this permit:
 - i. Swimming pool water discharges eligible for authorization under this permit may be discharged to FW2(C1 and C2), SE1(C1 and C2), SE2(C2), SE3(C2) and SC (C1 and C2) waters of the State.
 - ii. Filter backwash discharges eligible for authorization under this permit may be discharged to FW2(C2), SE1(C2), SE2(C2), SE3(C2) and SC(C2) waters of the State. Note that filter backwash discharges to C1 designated receiving waters are not eligible.

- iii. Water body classifications are defined in N.J.A.C. 7:9B-1.4 and can be found online at: http://www.nj.gov/dep/rules/rules/njac7_9b.pdf. All individual stream classifications are designated in tables located at N.J.A.C. 7:9B-1.15 (c) through (j). For those receiving waters not listed, the applicable classification is that of the waterbody into which the immediate receiving water empties.

6. Ineligible Waterbody Types

- a. Discharges to the following waterbodies are NOT ELIGIBLE for authorization under this permit:
 - i. This general permit does not authorize discharges into Outstanding National Resource Waters (ONRW) which is the highest level of protection afforded to the surface waters under the New Jersey Surface Water Quality Standards (SWQS). ONRW refers to high quality waters that constitute an outstanding national resource (for example, waters of National/State Parks and Wildlife Refuges and waters of exceptional recreational or ecological significance). ONRW includes FW1 waters and PL waters:
 - ii. FW1 waters: refers to those fresh waters, as designated in N.J.A.C. 7:9B-1.15(j), that are to be maintained in their natural state of quality (set aside for posterity) and not subjected to any man-made wastewater discharges or increases in runoff from anthropogenic activities. Activities that might alter existing water quality in FW1 waters are prohibited. These waters are set aside for posterity because of their clarity, color, scenic setting, other characteristic of aesthetic value, unique ecological significance, exceptional recreational significance, exceptional water supply significance or exceptional fisheries resource(s).
 - iii. Pinelands (PL) waters: refers to all waters within the boundaries of the Pinelands Area, except those waters designated as FW1 in N.J.A.C. 7:9B-1.15(j), as established in the Pinelands Protection Act (N.J.S.A. 13:18A-1 et seq.) and shown on Plate 1 of the "Comprehensive Management Plan" adopted by the New Jersey Pinelands Commission in November 1980. PL waters are maintained in their natural state and changes are allowed only toward natural water quality.
- b. This general permit does not authorize discharges into certain Shellfish waters, to be determined by the Department on a case-by-case basis.
 - i. Shellfish waters exclusion locations are consistent with the current Shellfish Growing Water Classification Charts, which are updated annually in accordance with N.J.A.C. 7:12-1 et seq. This information is available online at the Department's website at <http://www.nj.gov/dep/bmw/waterclass.htm>.
- c. This general permit does not authorize filter backwash discharges into receiving waters classified as C1.

B. CONDITIONS FOR AUTHORIZATION UNDER THE NJPDES MASTER SWIMMING POOL DISCHARGE GENERAL PERMIT

1. Narrative Discharge Requirements

- a. The below pollutant-specific guidelines and requirements shall be employed, when necessary, to comply with the terms of this general permit. Best Management Practices (BMPs) appropriate to this type of discharge shall be employed at all times.
- b. The discharge shall not contain any scum, foam or other residual matter.

- c. The permittee shall not discharge foam or cause foaming of the receiving water that:
 - i. forms objectionable deposits on the receiving water;
 - ii. forms floating masses producing a nuisance; or
 - iii. interferes with a designated use of the waterbody.
- d. The permittee's discharge shall not contain any color or odor that would render the water unsuitable for the designated uses. Color shall not be noticeable in the receiving water. Odors shall not be offensive to humans and shall not have a negative impact on water supplies.
- e. The discharge shall not exhibit a visible sheen.
- f. Incidental discharges to groundwaters of the State which may result from a discharge authorized by this permit, such as from overland flow on the way to the storm sewer or surface water conveyance, are also authorized under this general permit.

2. Discharge Requirements

- a. The discharge shall not contain toxic pollutants in toxic amounts, as defined under 33 U.S.C. 1251 et seq., the Federal Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and the New Jersey Water Pollution Control Act. The discharge shall not contain other pollutants, including temperature and pH, in mass, concentration, or other measures, which could cause adverse impacts or be detrimental to the natural aquatic biota, or which could cause instream exceedances of the Federal Water Quality Criteria in 40 CFR, Part 131 or New Jersey Surface Water Quality Criteria (N.J.A.C. 7:9B-1.14 et seq.) in the receiving water.
 - i. Temperature control (i.e., heating) equipment shall be turned off for a minimum of 24 hours and water shall be allowed to stabilize to ambient conditions prior to discharge.
 - ii. pH of the discharge to FW2, SE1, SE2 and SE3 waters shall be between 6.5 and 8.5 standard units using a pool test kit or other method approved by the Department. For discharges to SC waters, the natural pH conditions shall prevail. Chemical additives, such as soda ash, can be used to adjust the pH. A pool supply professional may be contacted for assistance on how to properly adjust the pool pH.
- b. The swimming pool water discharge shall be retained, aerated and/or treated in such a way that the chlorine/bromine levels are 0.1 mg/L or below prior to discharging to the receiving waters. A pool test kit or other method approved by the Department may be used to confirm the results, and shall achieve a level at least as sensitive as 0.1 mg/L. Testing shall be conducted using the Total Residual Chlorine (TRC) Method.
- c. The swimming pool filter backwash water shall be retained, until such time that the chlorine/bromine levels are 0.1 mg/L or below prior to discharging to the receiving waters. A pool test kit or other method approved by the Department may be used to confirm the results and shall achieve a level at least as sensitive as 0.1 mg/L. Testing shall be conducted using the TRC Method.
- d. The water used to backwash the filter shall also be retained or discharged over a grassy area so any solids can settle out and can be removed (or filtered) prior to discharging the water. The solids, residue or sediment shall not be discharged to a waterway and shall be removed (i.e., discharged to a POTW, disposed of as solid waste, etc.) prior to discharging the filter backwash water to the receiving water classified as C2 waters.

- e. Algaecides containing copper and/or silver are toxic to fish and other aquatic life and shall not be discharged.

3. Discharge Requirements Related to Erosion

- a. The discharge shall not cause or result in erosion to the area of the discharge or the surrounding stream banks. Adequate dewatering structures and velocity dissipation devices should be used when necessary to prevent and minimize erosion, stream scouring, and increases in turbidity. Dischargers may refer to "Standards for Soil Erosion and Sediment Control in New Jersey", as promulgated by the State Soil Conservation Committee and N.J.A.C. 2:90-1.3 et seq. In addition, the Regional Soil Conservation District office (organized by county) may be contacted for guidance on soil erosion control.
- b. The discharger shall take into account the conveyance capacity of the discharge outlet structure and/or conveyance structure prior to discharge and shall manage or control the flow of the discharge accordingly. The discharge shall not cause or create downstream flooding conditions.
- c. The discharger shall minimize the amount of suspended solids or turbidity in the discharge so as to not cause adverse impacts or be detrimental to the natural aquatic biota, or cause instream exceedances of the New Jersey Surface Water Quality Criteria (N.J.A.C. 7:9B-1.14 et seq.) of the receiving water. If the discharge contains suspended solids, BMPs shall be utilized to reduce or eliminate the levels of the solids prior to discharge to the receiving water. For example, BMPs can include increased retention time and/or filtration devices (such as hay bales and/or filter bags).
- d. There shall be no discharge of floating solids in other than trace amounts. The discharger shall use appropriate BMPs to eliminate floating debris, floatable or settleable solids, including construction or maintenance-related dirt, rust, or scale present in the waters prior to discharge.

4. Other Regulatory Requirements

- a. This permit is subject to modification, revocation, or change at any time, pursuant to the applicable regulations, when in the judgment of the Department such revocation, modification or change is deemed necessary.
- b. The Department may, on a case-by-case basis, authorize other similar uncontaminated discharges. Although this Master General Permit is specifically designed for swimming pool discharges, the Department reserves the right to include, as deemed appropriate, other similar, uncontaminated, clean water discharges.
- c. This permit does not waive the requirement to obtain any other necessary Federal, State or Local government consents or approvals. No work shall be undertaken until such time as all other required approvals and permits have been obtained.
- d. This permit does not grant permission to use publicly or privately owned storm sewers or conveyances. The discharger is responsible for obtaining permission from the appropriate entity for such use.

C. ADMINISTRATIVE PROCESS

1. Application Requirements

- a. The B6 checklist and application forms are available on the Department's website at: www.nj.gov/dep/dwq/forms_surfacewater.htm.

- b. The operating entity authorizing the activity which will result in the discharge to be authorized by this permit must sign the NJPDES Form-1 and B6 Supplemental Form certifying that the proposed discharge(s) will comply with all of the conditions of this permit.
- c. A complete and signed application including associated Safety Data Sheets (SDS) shall be electronically submitted to the Department's Bureau of Surface Water and Pretreatment Permitting via email at swimmingpoolgp@dep.nj.gov.
- d. The applicant becomes authorized to discharge under this general permit once a final individual general permit authorization has been issued by the Department.
- e. Authorizations under the Master Swimming Pool Discharge General Permit will be given two NJPDES numbers. Applicants will be given a specific individual NJPDES general permit authorization number in addition to the Master Swimming Pool Discharge General Permit NJPDES number, NJ0128589.
- f. All applicants will have the same expiration date and will follow the same permit cycle. In accordance with N.J.A.C. 7:14A-2.7, all NJPDES permits shall be issued for fixed terms not to exceed five (5) years.
- g. The Department may deny authorization under this permit and require submittal of an application for an individual NJPDES discharge to surface water permit, another NJPDES general permit, or a NJPDES discharge to ground water permit, if deemed appropriate.
- h. A general permit authorization renewal application shall be submitted 180 days before the expiration date.
- i. A general permit revocation request shall be submitted to the Department if the pool discharge has permanently ceased.
- j. Questions regarding this general permit, should be directed to the Bureau of Surface Water and Pretreatment Permitting at (609) 292-4860 or via email at swimmingpoolgp@dep.nj.gov.

D. RECORDKEEPING, INSPECTION AND REPORTING

1. Recordkeeping

- a. The applicant/operating entity must maintain a copy of the general permit authorization on-site for a period of five (5) years, as per N.J.A.C. 7:14A-6.6.
- b. The applicant/operating entity shall retain records of all data used to complete the application for a NJPDES permit and copies of all reports for a period of five (5) years, as per N.J.A.C. 7:14A-6.6.

2. Inspection

- i. If the B6 application is not submitted as specified per the instructions on the forms, or cannot be produced upon request of a Department or other government or jurisdictional representative, the discharger may be subject to enforcement action(s).
- ii. The discharger and/or operating entity shall allow an authorized representative of the Department, upon the presentation of credentials, to enter the premises where the regulated swimming pool is located, for purposes of inspection, and to access/copy any records that must be kept under the conditions of the permit.

3. Reporting

- a. If it is suspected at any time during or directly after a discharge even that a discharge is not being conducted or was not conducted in accordance with all applicable requirements of this permit, the discharger shall call the Department's Environmental Action Hotline at 1-877-WARN-DEP (1-877-927-6337).
- b. If the conditions of this permit are not met, the Department reserves the right to require the discharger to cease discharging and obtain an individual or other general NJPDES permit or to utilize other alternate disposal methods. The Department also reserves the right to enforce all applicable NJPDES regulations should there be a suspected or confirmed violation of the conditions of the General Permit for Swimming Pool Discharges or of the Federal or New Jersey Water Pollution Control Act. Discharges, which are not conducted in accordance with all applicable conditions of this permit and, which therefore may result in adverse environmental impacts, including, but not limited to a fish kill, may subject the operating entity to enforcement action(s).
- c. If the discharge causes adverse environmental impacts to the receiving water, the discharge is in violation of this permit. The operating entity authorizing the activity and certifying compliance with the requirements of this permit would then be subjected to enforcement action as deemed appropriate by the Department.

4. Electronic Submission of NJPDES Information

- a. The below identified documents and reports, if required to be submitted by this permit, shall be electronically submitted to the NJDEP via the Department's designated Electronic Submission Service
 - i. General permit authorization requests (i.e. NJPDES applications)
 - ii. General permit termination/revocation requests

E. GENERAL REQUIREMENTS FOR 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
 - i. Penalties for Violations - N.J.A.C. 7:14-8.1 et seq
 - ii. Incorporation by Reference - N.J.A.C. 7:14A-2.3
 - iii. Toxic Pollutants - N.J.A.C. 7:14A-6.2(a)4i
 - iv. Duty to Comply N.J.A.C. 7:14A-6.2(a)1 & 4
 - v. Duty to Mitigate - N.J.A.C. 7:14A-6.2(a)5, 6.2(a)11
 - vi. Inspection and Entry - N.J.A.C. 7:14A-2.11(e)
 - vii. Enforcement Action - N.J.A.C. 7:14A-2.9

- viii. Signatory Requirements for Applications and Reports N.J.A.C. 7:14A-4.9
- ix. Effect of Permit/Other Laws - N.J.A.C. 7:14A-2.9(c), 6.2(a)6&7
- x. Severability - N.J.A.C. 7:14A-2.2(b)
- xi. Administrative Continuation of Permits N.J.A.C. 7:14A-2.8
- xii. Permit Actions - N.J.A.C. 7:14A-2.7(c)
- xiii. Permit Duration and Renewal - N.J.A.C. 7:14A-2.7(a)&(b)
- xiv. Confidentiality N.J.A.C. 7:14A-18.2 & 2.11(g)
- xv. Treatment Works Approval - N.J.A.C. 7:14A-22 & 23
- xvi. General Permits - N.J.A.C. 7:14A-6.13
- c. Operation and Maintenance
 - i. Need to Halt or Reduce not a Defense - N.J.A.C. 7:14A-2.9(b)
 - ii. Proper Operation and Maintenance - N.J.A.C. 7:14A-6.12(a)
- d. Monitoring And Records
 - i. Monitoring N.J.A.C. 7:14A-6.5
 - ii. Record Keeping - N.J.A.C. 7:14A-6.6
 - iii. Signatory Requirements for Monitoring Reports - N.J.A.C. 7:14A-6.9
- e. Reporting Requirements
 - i. Planned Changes - N.J.A.C. 7:14A-6.7
 - ii. Noncompliance Reporting - N.J.A.C. 7:14A-6.10
 - iii. Hotline/Two Hour & Twenty-four Hour Reporting N.J.A.C. 7:14A-6.10(c) & (d)
 - iv. Written Reporting N.J.A.C. 7:14A-6.10(e) &(f) & 6.8(h)
 - v. Duty to Provide Information - N.J.A.C. 7:14A-2.11, 6.2(a)14 & 18.1
 - vi. Transfer - N.J.A.C. 7:14A-6.2(a)8, 6.13(n), 16.1, 16.2

NJPDES MASTER GENERAL PERMIT PROGRAM INTEREST, Trenton

Permit No.NJ0128589
DSW220001 Surface Water Master General Permit Renewal