State of New Jersey

PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Water Quality
Water Pollution Management Element
Bureau of Surface Water and Pretreatment Permitting
P.O. Box 420 – 401 E State St
Trenton, NJ 08625-0420
Mail Code 401-02B
Phone: (609) 292-4860 | Fax: (609) 777-0432

SHAWN M. LATOURETTE
Commissioner

Via Email Only
January 30, 2025

Dominic L. DiSalvo, P.E., Director of Engineering
Bergen County Utilities Authority
PO Box 9 – Mehrhof Road
Little Ferry, New Jersey 07643

Re: Final Surface Water Renewal Permit Action
Categories: A - Sanitary Wastewater
CSM - Combined Sewer Management
NJPDES Permit No. NJ0020028
Bergen County Utilities Authority (BCUA)
Little Ferry Borough, New Jersey 07643, Bergen County

Dear Dominic DiSalvo:

Enclosed is a **final** NJPDES permit action identified above which has been issued in accordance with N.J.A.C. 7:14A. The Bergen County Utilities Authority (BCUA) owns and operates the Water Pollution Control Facility (WPCF) located in Little Ferry, which provides wastewater treatment and transportation services collected in a 135 square mile service area and serving about 565,000 people in 47 municipalities. Three of these municipalities, namely, the Borough of Fort Lee, the City of Hackensack, and the Village of Ridgefield Park, are served by combined sewer systems (CSSs), which are hydraulically connected to the BCUA WPCF. This subject renewal permit action is issued to BCUA. Minor changes have been made to Part II of the permit, as detailed in an attachment to this cover letter.

The Department is concurrently preparing to issue final NJPDES DSW permits to the Borough of Fort Lee (NJ0034517), the City of Hackensack (NJ0108766), and the Village of Ridgefield Park (NJ0199118) to authorize discharges from their Combined Sewer Overflow (CSO) outfalls. The three municipalities have selected sewer separation as the primary CSO control strategy which should result in an overall reduction of combined sewage to the BCUA WPCF. BCUA does not own or operate any CSO outfalls.

Comments were received on the draft permit issued on September 7, 2023. The public comment period began on September 6, 2023 when the public notice was published in *The Record,* as shown here: https://www.njpublicnotices.com. The public comment period ended on November 27, 2023, encompassing a total of eighty-two (82) days. A Public Notice was also published in the *DEP Bulletin* on September 6, 2023, as shown here: http://www.state.nj.us/dep/bulletin. The Department held two virtual public hearings to solicit public comment on the draft permit. The virtual public hearings were held on October 16, 2023 from 10 a.m. to 12 p.m. and again from 6 p.m. to 8 p.m. 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.

Any requests for an adjudicatory hearing shall be submitted in writing by certified mail, or by other means which provide verification of the date of delivery to the Department, within 30 days of receipt of this Surface Water Renewal

Permit Action in accordance with N.J.A.C. 7:14A-17.2. You may also request a stay of any contested permit condition, which must be justified as per N.J.A.C. 7:14A-17.6 et seq. The adjudicatory hearing request must be accompanied by a completed Adjudicatory Hearing Request Form; the stay request must be accompanied by a completed Stay Request Form. Copies of these forms can be downloaded from the Department's website at https://www.nj.gov/dep/dwq/forms_adjudicatory.htm.

This renewal permit implements the initial five years of the LTCP Implementation Schedule as established by the permittee and as approved in the Administrative Compliance Agreement executed by the Department and the permittees, dated January 27, 2025. The LTCP, as approved by the Administrative Compliance Agreement, also addresses the CSO control measures within the Implementation Schedule that extend beyond the five-year NJPDES permit term for the Borough of Fort Lee, City of Hackensack, Village of Ridgefield Park and Bergen County Utilities Authority.

Please note that annual Wastewater Characterization Report (WCR) sampling for DSN 001A and the Influent IPP requirements, as required by the existing permit, shall be conducted between July 1, 2024 and June 30, 2025 in accordance with the schedule as included in the Department's on-line portal (http://www.nj.gov/dep/online/). The new annual WCR sampling for the Influent IPP requirements for the purposes of this renewal permit shall begin on July 1, 2025 and sampling shall be conducted between July 1, 2025 and June 30, 2026 (and subsequent annual monitoring periods thereafter according to the same schedule). The new semi-annual WCR sampling for DSN 001A for the purposes of this renewal permit shall begin on July 1, 2025 and sampling shall be conducted between July 1, 2025 and December 31, 2025 (and subsequent semi-annual monitoring periods thereafter according to the same schedule).

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.

All monitoring shall be conducted in accordance with 1) the Department's "Field Sampling Procedures Manual" applicable at the time of sampling (N.J.A.C. 7:14A-6.5(b)4), and/or 2) the method approved by the Department in Part IV of the permit. The Field Sampling Procedures Manual is available at http://www.nj.gov/dep/srp/guidance/fspm/.

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

Sincerely,

Brett Callanan, Chief
Bureau of Surface Water and Pretreatment Permitting

Enclosures

cc: Permit Distribution List
Masterfile #: 14271; PI #: 46121

Attachment A

The final permit incorporates changes to the requirements in Parts II and IV. The Department has determined that these changes are minor in nature. Only those items in Parts II and IV which are affected are listed below, where deletions are shown in strikethrough and additions are shown in underline.

PART II
GENERAL REQUIREMENTS:
DISCHARGE CATEGORIES

B. General Conditions

2. Permit Renewal Requirement

a. Permit conditions remain in effect and enforceable until and unless the permit is modified, renewed or revoked by the Department.

b. ~~Submit a complete permit renewal application 180 days before the expiration date.~~ Submit a complete permit renewal application at least 180 calendar days prior to the expiration date of the permit.

4. Notification of Facility Changes

a. The permittee shall give written notification to the Department of any planned physical or operational alterations or additions to the permitted facility when the alteration is expected to result in a significant change in the permittee's discharge and/or residuals use or disposal practices including the cessation of discharge in accordance with N.J.A.C. 7:14A-6.7.

~~b. Prior to any change in ownership, the current permittee shall comply with the requirements of N.J.A.C. 7:14A-16.2, pertaining to the notification of change in ownership.~~

5. Notification of Change in Ownership and/or Permittee/Operating Entity

a. As set forth at N.J.A.C. 7:14A-16.2, prior to any change in ownership and/or the permittee/operating entity, the current permittee shall provide written notice to the Department at least thirty (30) days prior to the proposed transfer date.

i. Written notice to the Department shall be in the form of a completed Application for Transfer of a NJPDES Permit form, which is available on the Department's website or by contacting the appropriate permitting program.

6. Notification of Changes to the Facility/Permit Contacts

a. The permittee shall notify the Department within thirty (30) days of a change in contact information for any of the following persons associated with the facility/permit:

i. Permittee/Operating Entity Contact;

ii. Property Owner Contact;

iii. Facility Contact; or

iv. Fees/Billing Contact.

b. Notification to the Department shall be in the form of a completed Contact Information Update form (i.e. NJPDES-2 form), which is available on the Department's website or by contacting the appropriate permitting program.

7. **Notification of Changes to Emergency Contacts**

   a. The permittee shall register for the Department's Emergency Contact Management System (ECMS) found at https://www.njportal.com/DEP/ECMS/Home/ and shall actively maintain the emergency contact information within ECMS. The permittee shall update and/or certify the information within ECMS upon the Department's request.

C. Custom Requirement

1. **CSO Reopener Clause**

   a. This reopener clause authorizes the NJDEP to reopen and modify the permit upon determination that the CSO controls as contained in a LTCP fail to meet WQS or protect designated uses.

PART IV
SPECIFIC REQUIREMENTS: NARRATIVE
COMBINED SEWER MANAGEMENT (IP)

F. NINE MINIMUM CONTROL REQUIREMENTS

1. **Proper Operation and Maintenance Programs for the Sewer System and CSOs**

   i. The O&M Manual shall specifically address, at a minimum, the following details for the treatment works' infrastructure owned/operated by BCUA:

   - Normal and Alternate operating positions;
   - Start-up, shut-down, and draining procedures;
   - Process control;
   - Fail-safe features;
   - Emergency operating procedures;
   - Common operating and control problems;
   - Out-of-service procedures;
   - Alternate operating procedures;
   - Instrumentation and controls;
   - Engineering design information; and
   - Schedules and procedures of the preventative maintenance program and corrective maintenance procedures, or references to these procedures in the manufacturer's maintenance manuals for the treatment works' infrastructure.

Table of Contents for the Final Permit

List of Acronyms

ACR	Acute to Chronic Ratio
AL	Action Level
AML	Average Monthly Limitation
BMP	Best Management Practices
BPJ	Best Professional Judgement
CAP	Capacity Assurance Program
CFR	Code of Federal Regulations
CV	Coefficient of Variation
CWEA/CWA	Clean Water Enforcement Act/Clean Water Act
Department	New Jersey Department of Environmental Protection
DGW	Discharge to Groundwater
DMR	Discharge Monitoring Report
DRBC	Delaware River Basin Commission
DSN	Discharge Serial Number
DSW	Discharge to Surface Water
EDP/M	Effective Date of the Permit/Permit Modification
EEQ	Existing Effluent Quality
ELG	Effluent Limitation Guideline
g/d or g/day	Grams per Day
IEC	Interstate Environmental Commission
IPP	Industrial Pretreatment Program
kg/d or kg/day	Kilograms per Day
LTA	Long Term Average
MA1CD10 or 1Q10	Minimum average one day flow with a statistical recurrence interval of ten years
MA7CD10 or 7Q10	Minimum average seven consecutive day flow with a statistical recurrence interval of ten years
MA30CD5 or 30Q5	Minimum average 30 consecutive day flow with a statistical recurrence interval of five years
mg/L	Milligrams per Liter
MDL	Maximum Daily Limitation
MGD	Million Gallons per Day
MRF	Monitoring Report Form
NAICS	North American Industry Classification System
NPDES/NJPDES	National/New Jersey Pollutant Discharge Elimination System
NJR	New Jersey Register
PCB	Polychlorinated Biphenyls
PMP	Pollutant Minimization Plan
POTW	Publicly Owned Treatment Works
RPMF	Reasonable Potential Multiplying Factor
RTR	Residuals Transfer Report
RQL	Recommended Quantification Levels
RWBR	Reclaimed Water for Beneficial Reuse
SIC	Standard Industrial Classification
SIU	Significant Indirect User
SQAR	Sludge Quality Assurance Regulations
SWQS	Surface Water Quality Standards
TMDL	Total Maximum Daily Load
TR	Total Recoverable
TRIR	Toxicity Reduction Implementation Requirements
USEPA TSD	USEPA Technical Support Document for Water Quality Based Toxics Control (EPA/505/2-90-001, March 1991)
µg/L	Micrograms per Liter
USEPA	United States Environmental Protection Agency
USGS	United States Geological Survey
UV	Ultraviolet
WCR	Wastewater Characterization Report
WER	Water Effects Ratio
WLA	Wasteload Allocation
WWTP	Wastewater Treatment Plant
WQBEL	Water Quality Based Effluent Limitation

List of CSO Acronyms

CMP	Compliance Monitoring Program
CSM	Combined Sewer Management
CSO	Combined Sewer Overflow
CSS	Combined Sewer System
DEAR	Development and Evaluation of Alternatives Report
DWO	Dry Weather Overflow
FCA	Financial Capability Analysis
I/I	Infiltration/Inflow
H&H	Hydrologic and Hydraulic
LTCP	Long Term Control Plan
MHI	Median Household Income
NJIB	New Jersey Infrastructure Bank
NJHDG	New Jersey Harbor Dischargers Group
NMC	Nine Minimum Controls
O&M	Operation and Maintenance
PCCMP	Post Construction Compliance Monitoring Program
QA/QC	Quality Assurance/Quality Control
QAPP	Quality Assurance Project Plan
RI	Residential Indicator
S/F	Solids/Floatables
SOPs	Standard Operating Procedures
SRF	State Revolving Fund
TWA	Treatment Works Approval

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 New Jersey Pollutant Discharge Elimination System (NJPDES) draft Surface Water Renewal Permit Action No. NJ0020028 as issued on September 7, 2023 to the Bergen County Utilities Authority (BCUA), and NJ0034517, NJ0108766, NJ0109118 as issued on August 17, 2023 to the Borough of Fort Lee, the City of Hackensack, and the Village of Ridgefield Park, respectively. The public comment period began on September 6, 2023 when the Public Notice for all four facilities was published in *The Record*. It ended on November 27, 2023, encompassing a total of eighty-two (82) days. A Public Notice was also posted in the *DEP Bulletin* on September 6, 2023. The New Jersey Department of Environmental Protection (the Department or NJDEP) held a virtual public hearing to solicit public comment on the draft permits on October 16, 2023 as scheduled from 10 a.m. to 12 p.m., then again from 6 p.m. to 8 p.m.

During the public comment period, the Department accepted written and oral comments from numerous parties and individuals. The Department accepted oral testimony as comments since the public hearings were recorded and transcribed. The public hearings are available to view on the Department's You Tube channel at https://www.youtube.com/@NewJerseyDEP/videos. The administrative record includes, but is not limited to, copies of all written comments, testimony given at the public hearings, and any documents identified in this Response to Comments document consistent with N.J.A.C. 7:14A-15.17. The administrative record is available for review and is on file at the offices of the Department, located at 401 E. State Street, Trenton, NJ. It is available for inspection by appointment, Monday through Friday, between 8:30 a.m. and 4 p.m. Appointment for inspection may be requested through the Office of Record Access. Details are available online at www.nj.gov/dep/opra or by calling (609) 341-3121. The full draft permits are available at www.nj.gov/dep/dwq/cso.htm and were posted on September 7, 2023.

The Department has summarized the written comments and public testimony received on the draft NJPDES permits. To the best extent practicable, the Department has grouped the comments according to similar issues then by specific sections of the draft permits. To highlight changes to specific language throughout this document, deletions are shown with strikethrough and additions are shown with underline.

Comments were received from the following persons as identified by the commenter numbers below:

Written Comments		
Person	**Title / Affiliation**	**Commenter Number**
Virginia Wong	Chief, Clean Water Regulatory Branch, USEPA Region 2	1
Sewage Free Streets and Rivers	*Local Partner Organization:* Hackensack Riverkeeper *Advisory Board Members:* Jose Amarte, Perth Amboy SWIM Suzanne Aptman, Program Manager, SFSR & New Jersey Future Amy Goldsmith, State Director, Clean Water Action Michele Langa, Staff Attorney, NY/NJ Baykeeper Nicole Miller, Co-Chair, Newark DIG (Doing Infrastructure Green) *Technical Advisors:* Rosana Pedro Nobre, New York - New Jersey Harbor Estuary Program Christopher C. Obropta, Rutgers Cooperative Extension Water Resources Program	2
Jersey Water Works CSO Committee	*Comments signed by:* Jersey Water Works CSO Committee Michele Langa, CSO Committee co-chair, NY/NJ Baykeeper Andrea Sapal, Program Coordinator, Jersey Water Works	3
Patricia Dunkak	Policy & Program Coordinator, New Jersey Future	4
Sondra Flite	Resident, Metuchen, NJ	5
Ben Rich		6

Testimony at Public Hearing on October 16, 2023		
Morning Session		
Person	**Title / Affiliation**	**Commenter Number**
Suzanne Aptman	Program Manager, NJ Future Advisory Board Member, Sewage Free Streets and Rivers	7
Patricia Dunkak	New Jersey Future	4
Michele Langa	Staff Attorney, Hackensack Riverkeeper, Member of Sewage Free Streets and Rivers, Jersey Water Works	8
Amy Goldsmith	New Jersey State Director, Clean Water Action	9

Testimony at Public Hearing on October 16, 2023		
Evening Session		
Person	**Title / Affiliation**	**Commenter Number**
Suzanne Aptman	Program Manager, NJ Future Advisory Board Member, Sewage Free Streets and Rivers	7

Comments submitted on behalf of the permittees, as identified below, are included at the end of this document. See pages 41 through 76 for the permittees' comments and the Department's responses.

Written Comments		
Person	**Title / Affiliation**	**Commenter Number**
Kristen Wheaton, PE, PP, BCE Alfred Restaino Mark Olson	City Engineer, City of Hackensack Borough Administrator, Borough of Fort Lee Commissioner, Village of Ridgefield Park	10
Dominic L. DiSalvo	Director of Engineering, Bergen County Utilities Authority	11

To the extent practicable, the Department has grouped the following comments into the following general categories:

Topics	Comment Numbers
General	1-12
Nine Minimum Control Requirements (Part IV.F)	13-28
Long Term Control Plan Requirements (Part IV.G)	29-95
Custom Requirement (Part IV.H)	96-113

Where changes to the permit are specified in the responses below, deleted language is shown in strikethrough and additional language is shown in underline.

GENERAL COMMENTS

1. **COMMENT:** Thank you to all of the staff at the NJDEP for getting us to this point and valuing the public health and ecosystems of New Jersey's urban communities. Additionally, a sincere note of thanks to Susan Rosenwinkel and Joe Mannick, along with their dedicated staff, for the years of hard work they have put into drafting these permits and the collaborative effort they have shown.

   We would also like to acknowledge all of the work that was done by the Combined Sewer Overflow (CSO) permit holders and their consultants to develop these plans, as well as members of the Supplemental CSO Teams, community members, and stakeholders who have worked together over the past several years, some since the issuance of the first CSO Permits in 2015. [2]

2. **COMMENT:** The JWW CSO Committee thanks the NJDEP for all of its work on the CSO LTCP process from the very beginning of the initiative to its release of the CSO permits.

   The JWW CSO Committee expresses thanks for NJDEP's efforts in developing CSO permits and for the chance to provide these comments. We look forward to your response and hope you can incorporate these recommendations before this permit and the previous permits for North Hudson Sewerage Authority and the City of Elizabeth and the Joint Meeting of Essex and Union Counties are finalized. [3]

3. **COMMENT:** Thank you to the New Jersey Department of Environmental Protection (NJDEP, or the Department) for the opportunity to provide comments on the draft NJPDES combined sewer overflow (CSO) permits issued to the Bergen County Utilities Authority (Permit No. NJ0020028), Borough of Fort Lee (Permit No. NJ0034517), the City of Hackensack (Permit No. NJ0108766), and the Village of Ridgefield Park (Permit No. NJ0109118). NJ Future thanks NJDEP for its hard work on drafting these permits. NJ Future supports requirements to reduce combined sewer discharges, that will improve water quality and reduce flooding issues in New Jersey. New Jersey Future appreciates NJDEP's hard work on drafting these permits and supports requirements to reduced combined sewer discharges to improve water quality in New Jersey. We appreciate the opportunity to provide comments we

hope will allow for increased public engagement around CSOs and can be a step towards improving New Jersey's water quality. [4]

4. **COMMENT:** Thanks again to the NJDEP for all of your hard work since 2015, working with the permit holders to release these draft permits. It's much appreciated. Thank you for taking this testimony very seriously and looking at ways to finalize the permits, listening to the public, and taking into account our views. Thank you also to the permit holders.

   We were wondering when the final North Hudson Sewerage Authority permit will be released? [7]

   RESPONSE (1-4): The Department appreciates the commenters' support of the work involved on the development of the NJPDES CSO permits and LTCPs which has led to the issuance of the draft NJPDES Discharge to Surface Water (DSW) permits for BCUA, the Borough of Fort Lee, the City of Hackensack, and the Village of Ridgefield Park. These four permittees submitted a single, coordinated LTCP for the hydraulically connected system in October 2020 as required by the March 12, 2015 NJPDES CSO permits. These subject permit actions serve to renew the 2015 NJPDES CSO Permits and incorporate the findings of the LTCPs.

   Since the release of the 2015 NJPDES CSO permits, the Department has made a concerted effort to connect with external stakeholders and EPA in order to listen to suggestions at all stages of the LTCP process. Department staff have participated in many meetings including CSO Supplemental Team meetings as well as meetings held by stakeholders where many of those stakeholders have now commented on these two NJPDES CSO permits. The Department also held four stakeholder sessions on the topics of public participation, environmental justice, climate change and CSO metrics on December 7, 2021, January 13, 2022, February 10, 2022 and February 17, 2022, respectively. The Department acknowledges the ongoing collaborative and cooperative effort by stakeholders and permittees to inform the development of LTCPs to reduce CSOs in the affected communities. The Department agrees that this holistic involvement has contributed to the development of comprehensive permit conditions to address the complex issue of CSOs.

   Regarding the status of other NJPDES CSO permits referenced in this comment, a final NJPDES CSO permit was issued to North Hudson Sewerage Authority (NHSA) Adams Street on February 7, 20224 which contains a complete response to comments document. The final permits for Joint Meeting Elizabeth & Union Counties, the City of Elizabeth and NHSA River Road are still pending.

5. **COMMENT:** We recommend the Department partner with organizations such as New York-New Jersey Harbor & Estuary Program (HEP) to expand this digital tool (https://wikimapping.com/water-recreation.html) for recreational uses in New Jersey waters, specifically in the state's CSO-impacted bodies of water. This information should inform reclassification of waters, particularly where swimming or other primary contact recreation is taking place in waters not currently managed for that use, and water quality standards should be updated to ensure that primary contact users are protected. [3]

   RESPONSE (5): The Department is a regular participant in meetings conducted by HEP and views this organization as an important partner in addressing water quality issues, including CSOs. The Department has reviewed the public access tool provided in this comment and notes that it is a survey that is designed to collect data on recreational uses by the public in the area of New York State. The Department applauds all efforts to enhance recreation to allow the enjoyment of our state's valuable water resources for the public and agrees that this tool could be expanded for New Jersey waters. However, while this is a useful tool, particularly in helping to understand public recreational uses, the Department maintains that a public access survey is separate from NJPDES permit conditions and is outside the purview of the federal CSO Control Policy, which has been adopted into the Department's NJPDES regulations at N.J.A.C. 7:14A-11, Appendix C.

   The Department's Division of Water Monitoring, Standards and Pesticides Control regularly assesses New Jersey's waters in order to protect and manage public drinking water supplies, recreational uses, shellfish harvesting and the health of aquatic organisms in accordance with state and federal regulations. New Jersey employs an integrated

approach to assessing water quality by compiling a vast amount of water monitoring data and related information collected by numerous sources throughout the State and evaluating it to determine the health of New Jersey's surface waters. Additional information is available at https://www.nj.gov/dep/wms/.

6. **COMMENT:** Concerning the CSO plans for Fort Lee, Hackensack and Ridgefield Park, I would like to note that my grandfather, born in 1901, became a master plumber, and worked in the City of New York. He remarked that New York City was foolish to install a combined system, which was bound to fail. If he knew it in 1930, we certainly know it now. The risk of heavy rains and flooding have increased, not diminished. NJDEP should act to help towns expedite replacement of antiquated systems. [5]

7. **COMMENT:** We must move away from CSOs in New Jersey. This is the only way to have truly clean water consistently in one of the most densely populated areas in the USA. Stormwater Utilities should be set up to fund these upgrades and a coordinated plan involving all townships and counties whose water is treated by these facilities must be created. [6]

RESPONSE (6-7): The municipalities of Fort Lee, Hackensack and Ridgefield Park are served, in part, by a combined sewer system (CSS) as are certain other cities or municipalities in New Jersey. See www.nj.gov/dep/dwq/cso.htm for additional information. During periods of heavy rainfall, the capacity of the CSS may be exceeded resulting in the discharge of combined sewage to the waterbody as CSOs. Combined sewage can contain bacteria, debris and other substances that can be harmful to people and wildlife. CSOs can also cause algae growth and reduce oxygen levels in the waterway. The Department agrees that CSO-impacted waters are subjected to a variety of stressors that need to be addressed through a reduction in CSOs and through other state regulatory programs. The requirements of the NJPDES CSO permits and CSO control measures implemented by permittees will serve to improve overall water quality for the public and aquatic life and will improve recreational opportunities. The Department agrees that the reduction and/or elimination of CSOs is a high priority and the Department has strived to create these permits with that goal in mind.

The permittees have selected CSO control projects that will reduce the volume of combined sewer overflows and are proactively implementing controls. For the City of Hackensack, selected projects include: completion of five partial sewer separation projects in the Court Street subdrainage area (consisting of 64 acres and outfall improvements); the Anderson Street Combined Sewer Separation Project (ongoing as of July 2024) and expected to drain approximately 22.50 acres of contributing stormwater runoff; and the finalization of design for the Clay Street Combined Sewer Separation – West of the Rail Project. The Borough of Fort Lee's implementation schedule is nine years. The original LTCP for Fort Lee submitted in October 2020 (and revised in 2021) proposed a 25-year implementation schedule consisting of a five-phase sewer separation program. Following discussions with the Department, Fort Lee significantly accelerated its implementation schedule to nine-years, consisting of a four-phase sewer separation program with two green infrastructure projects. Additionally, Fort Lee began its Bluff Road Netting Facility Improvement Project in 2023 which will modify the netting facility to increase flow and reduce backups as well as the design and installation of the new stormwater conduit for sewer separation. The implementation schedule for the Village of Ridgefield Park is 16 years mainly consisting of sewer separation. It is anticipated that Ridgefield Park will achieve approximately 80% capture by year 10 of the schedule. To date, Ridgefield Park has undertaken a program to inspect and clean a portion of its sewer system and recently completed design and awarded the contract for its Phase I sewer separation.

Stormwater utility fees are similar to a water or sewer utility fee except customers pay a fee based on the amount of impervious surface on their property. This includes all commercial, residential, and tax exempt properties within the service area. Comprehensive guidance for stormwater utility creation, feasibility studies, and fee assessments is available at https://dep.nj.gov/njpdes-stormwater/swu_stormwaterutility. Stormwater utilities can be a means to fund infrastructure projects. However, feasibility studies for stormwater utilities are outside the scope of the NJPDES CSO permit.

8. **COMMENT:** We recommend that the NJDEP strengthen requirements in certain areas as described in our provided comments. Where strengthened requirements are not possible by the NJDEP, we recommend that the NJDEP provide separate, concurrent guidance (in a document) for permittees. When providing guidance, we recommend that NJDEP be as specific and prescriptive in their overall guidance as possible. [3]

9. **COMMENT:** Addressing water quality issues by 1) reducing flooding and CSO discharges, and 2) ensuring the proper maintenance of infrastructure are important priorities in protecting public health, the environment, and economic redevelopment. We ask that this final permit, and all future CSO permits, have clear conditions and requirements reflecting the highest standards for design of control measures, implementation, and public engagement.

   Overall, New Jersey Future supports this draft permit as it will improve water quality and reduce combined sewer overflows. However, we ask NJDEP to please ensure the shortest timeline practicable for implementation and to strengthen requirements as recommended above, and where that is not possible, to provide permittees separate guidance documents for the highest design standards, implementation, and public engagement. [4]

10. **COMMENT:** On behalf of the Hackensack Riverkeeper, we believe the river is a valued resource by the community so anything that can be done to make CSOs less of an issue faster is the goal for us. We have a lot of folks who recreate on the river and we want to make it safe for them faster rather than later. [8]

    RESPONSE (8-10): The Department agrees that the reduction and/or elimination of CSOs is a high priority and has strived to create these permits with that goal in mind. The Department also agrees that prescriptive language should be included in NJPDES CSO permits to the extent practicable and has incorporated such where appropriate within the NJPDES CSO permits. Prescriptive permit language is beneficial to all affected parties, including the community, permittees, and government regulators, as predictive permit language ensures that expectations regarding compliance are clear and measurable. Specific suggestions for prescriptive permit language have been provided within many of the public comments and these suggestions are addressed individually in responses for those specific NJPDES CSO permit sections.

    While the Department cannot establish requirements for permittees through guidance, the Department agrees that it is advantageous to develop guidance to explain prescriptive permit language where needed. See responses below on specific topics regarding commitments to updating or developing guidance, particularly on the topic of Public Engagement.

11. **COMMENT:** How will NJDEP make sure the process and the permits are enforced? How is innovation accommodated? [9]

    RESPONSE (11): The NJPDES CSO permits contain various permit requirements to implement the federal CSO Control Policy and NJPDES regulations including an implementation schedule that requires the implementation of the selected CSO control measures. As per Part IV.D.2, the permittee is required to submit semi-annual progress reports to the Department to track progress with required permit conditions. State statutes and regulations provide the Department with various means to ensure compliance and enforce permit requirements. Compliance with NJPDES CSO permits is evaluated on a routine basis by the Department's Division of Water Enforcement. If NJPDES permit conditions are violated, the Department may issue administrative orders and/or notices of civil administrative penalty assessments which could require facilities to correct violations and/or assess monetary penalties.

    These four permittees submitted a single, coordinated LTCP for the hydraulically connected system in October 2020 as required by the March 12, 2015 NJPDES CSO permits. These subject permit actions serve to renew the 2015 NJPDES CSO Permits and incorporate the findings of the LTCPs. The LTCP reflects many years of data gathering, evaluation and modeling and included an assessment of Cost/Performance analysis to determine what level of technology to control CSO discharges may be reasonably implemented. However, the Department acknowledges that innovative technologies may develop over time and could result in the permittee wanting to

reconsider, modify or replace certain CSO control measures. Note that Adaptive Management permit provisions at Part IV.H.2 sets forth a process in the event that any of the permittees decides to consider an alternate CSO control measure that is not set forth in the LTCP.

12. **COMMENT:** We recommend the Department provide concurrent guidance documents to permittees outlining best practices on engaging communities on water conservation methods to ensure this control alternative is properly utilized. [3]

    RESPONSE (12): The Department agrees that water conservation can be an effective measure in reducing the amount of flow in a CSS and encourages all permittees to educate the community in this regard. NJDEP guidance materials are available at https://dep.nj.gov/conserve-water/. Water conservation can serve to increase the effective capacity of the CSS to store and transfer wet weather flows for treatment. Additionally, water conservation can be a topic for public education and outreach. Water conservation measures are often addressed through building codes and other relevant requirements that are outside the purview of the NJPDES CSO Permit.

NINE MINIMUM CONTROL REQUIREMENTS (PART IV.F) COMMENTS

13. **COMMENT:** EPA strongly supports the enhanced inspection and cleaning requirements, including requirements to inspect, and clean if needed, a minimum of 20% of the system on a yearly basis, thereby ensuring that the entire collection system is inspected, and cleaned as needed, during the term of the permit. EPA notes that certain critical portions of the system, such as regulators, screening/netting facilities, and tide gates, may benefit from even more frequent inspections, due to the likely impacts from climate change. [1]

14. **COMMENT:** The planning, design, and construction of CSO controls have been (and will be) a long, arduous process for permittees and, likely, the most costly component of the process overall. It is, therefore, critical to ensure the work is well-planned, adequately funded, and maintained accordingly. As potentially one of the most significant public investments a municipality or utility will make, it is critical to allow for transparency with the public on progress, funding sources, avenues for monitoring compliance, and ways to ensure construction and maintenance occur as planned to eliminate future system failures.

    What will be the enforcement mechanism to ensure that the permittee implements the system cleaning program? What will the NJDEP do if the permittee does not comply with the annual system cleaning program and/or if they do not meet the 100% inspection and cleaning of the system at the end of the respective five-year permit? Will performance factors and deficiencies be communicated to the public? If so, how will that be communicated to the public? [2]

15. **COMMENT:** We suggest that the permit include compliance and enforcement language that makes it clear to the permittees that there will be serious consequences if the requirement of cleaning the sewers is not met on a continual basis. Include language that explains the steps that NJDEP will take if the permittee does not comply annually with the system cleaning program and if they do not meet the 100% inspection and cleaning of the system at the end of the respective permit (five years). The permit should require performance factors and deficiencies to be communicated to the public. [3]

16. **COMMENT:** We're so glad that the NJDEP is including a System Cleaning Program which is a big change from 2015 and the LTCP discussions. It isn't clear what the enforcement mechanism will be to ensure that the permittee implements the system cleaning program. Can you clarify how the performance factors and the deficiencies will be communicated to the public? [7]

17. **COMMENT:** We request that NJDEP develop clear and specific inspecting, monitoring and enforcement procedures to ensure that the permittee complies with the system cleaning program for both gray and green infrastructure projects. What will be the enforcement mechanism to ensure that the permittee implements the system cleaning program? How will deficiencies and performance factors be communicated to the public? [8]

RESPONSE (13-17): Collection system cleaning is integral to the proper function of the sewer system and specific requirements are included in these subject renewal permits. Proper operation and maintenance of the collection system is the responsibility of all NJPDES CSO permittees for the collection system that they own/operate. The 2015 NJPDES CSO permits contain Proper Operation and Regular Maintenance Program Requirements in Part IV.F.1 which has been carried forward in this renewal permit. The extensive language included in this section of the permit specifically states that the collection system, CSO outfalls, solids/floatables facilities, regulators, and related appurtenances that are owned/operated by the permittee must be operated in a manner to function properly and minimize CSO-related street flooding.

As part of external outreach leading up to the development of the LTCPs, the Department received multiple requests to include specific, measurable system cleaning requirements within the NJPDES permits to ensure proper maintenance of the CSS. As a result, and upon consultation with several CSO permittees, the Department expanded upon the Proper Operation and Regular Maintenance Program permit requirements by developing the System Cleaning Program requirements in Part IV.F.1.f. Based on these comments and the specific suggestion provided by EPA, the Department is further enhancing the requirements of Part IV.F.1.f regarding the System Cleaning Program. Note that Part IV.F.1.f.ii contains the length of the system for the Borough of Fort Lee, City of Hackensack and the Village of Ridgefield Park which varies by permittee and is not shown below. The revised language is as follows:

f. The permittee shall include in the O&M Program and corresponding Manual, a System Cleaning Program to address the following:

   i. The System Cleaning Program shall be designed to ensure the entire collection system, including, but not limited to, tide gates, outfalls and regulators, is sufficiently clean in order to function properly and minimize CSO-related street flooding.

   ii. The System Cleaning Program shall be designed to ensure that the entire collection system is sufficiently clean which can be accomplished through regular inspection and, if necessary, cleaning. Such inspection and cleaning should be done, such that within five years, the entire system has been covered. Critical portions of the system, such as regulators, solids/floatables facilities, and tide gates, may benefit even more from frequent inspection.

   iii. The System Cleaning Program shall include an annual certification that a minimum of 20% of the system (by linear feet/miles) shall have been inspected and, if necessary, cleaned, within the last year. Alternatively, if less than 20% of the system has been completed within the last year, the certification shall include a statement of how much of the system was inspected and, if necessary, cleaned, within the last year and a plan to ensure that 100% of the system is inspected and if necessary cleaned, by the expiration date of the permit. This is an annual requirement based on the calendar year, due February 1 of the following year and is part of the Operation and Maintenance Manual. The total length of the system in linear/feet shall also be defined. Updates on the System Cleaning Program shall also be provided in Progress Reports.

As noted in this permit requirement the permittee is required to submit Progress Reports at Part IV.D.2 with a specific condition customized for the System Cleaning Program at Part IV.D.2.a.ii. A template for the progress report is available at https://dep.nj.gov/dwq/combined-sewer-overflow/cso-permittees/#resources. The Department conducts routine compliance inspections where inspection reports are available online at https://njems.nj.gov/DataMiner.

Failure to comply with the NJPDES permit conditions, including the System Cleaning Program, can result in enforcement action and penalties. Refer to N.J.A.C. 7:14A-6.12, N.J.A.C. 7:14A-8.1 et seq., N.J.A.C. 7:14A-6.2, and N.J.A.C. 7:14A-2.9 as referenced within the permit at Part I of the NJPDES CSO permits. The federal CSO

Control Policy and N.J.A.C. 7:14A-11, Appendix C also contain requirements that relate to the proper operation and maintenance of the collection system.

This change affects Part IV.F.1.f (CSM Requirements) of the final permits.

18. **COMMENT:** We request that NJDEP develop clear and specific inspecting, monitoring, and enforcement procedures to ensure the permittee complies with the system cleaning program for both gray and green infrastructure projects. We also request that the NJDEP staff play a role in inspecting and enforcing all projects, including gray and green infrastructure and maintenance. How will the NJDEP inspect and enforce all projects, including green infrastructure? How will the NJDEP ensure the permittee complies with their maintenance plan for all projects? [2]

19. **COMMENT:** The Department should ensure that the permit requires the permittee to provide documentation that all green infrastructure practices are being inspected and maintained in accordance with the operations and maintenance manual. A cross-reference to New Jersey Administrative Code 7:8 and New Jersey Administrative Code 7:14A requirements for stormwater practice maintenance would be useful. We also recommend that the Department create a system of enforcement to ensure that green infrastructure practices are being maintained.

We request NJDEP define its role in inspecting and enforcing all projects, including gray and green infrastructure, more clearly. [3]

20. **COMMENT:** More clarity as to the role of the NJDEP concerning inspection and enforcement and ensuring the maintenance of green and gray infrastructure is critical. [9]

RESPONSE (18-20): The Department agrees that the operation and maintenance of both gray and green CSO control measures is integral to their proper function. Operation and maintenance of CSO control measures, such as green infrastructure, is addressed in a separate permit condition at Part IV.G.6 which reads as follows:

a. Throughout implementation of the LTCP, the permittee shall update the Operational Plan, including Operation & Maintenance (O&M) Manual, Emergency Plan, and Asset Management Plan in accordance with F.1, to address the LTCP CSO control facilities and operating strategies, including but not limited to: the implementation, operation, and maintenance of CSO related bypass, Gray and Green Infrastructure; staffing and budgeting; and I/I. Climate change resilience requirements shall also be considered in the update of these plans.

Failure to properly operate and maintain any CSO control facility is a violation of the NJPDES permit. Refer to N.J.A.C. 7:14A-6.12, N.J.A.C. 7:14A-8.1 et seq., N.J.A.C. 7:14A-6.2, and N.J.A.C. 7:14A-2.9 as referenced within Part I of the NJPDES CSO permits. The federal CSO Control Policy and N.J.A.C. 7:14A-11, Appendix C also contain requirements for an Operational Plan.

Any green infrastructure practices must comply with applicable state and local rules, regulations and ordinances. While relevant citations to NJPDES regulations are provided within the NJPDES CSO permits, the Department does not agree that it is necessary to include a cross reference to N.J.A.C. 7:8 as these requirements are outside the purview of operation of green infrastructure. N.J.A.C. 7:8 pertains to general requirements for stormwater management plans and stormwater control ordinances; content requirements and procedures for the adoption and implementation of regional stormwater management plans and municipal stormwater management plans under the Municipal Land Use Law; design and performance standards for stormwater management measures as required by various rules; and safety standards for stormwater basins.

Extensive operation and maintenance program requirements are contained in Part IV.F.1 of the NJPDES permits and the System Cleaning Program is included as Part IV.F.1.f. However, the System Cleaning Program requirements do not apply to all gray and green infrastructure but rather is limited to the combined sewer collection system as described in Part IV.F.1.f.

21. **COMMENT:** There has been a great deal of concern among impacted community members that they are exposed to Escherichia coli (E. coli) and other harmful bacteria, viruses, and chemicals during sewage backups into homes and streets. The fear of not knowing causes panic and a sense of urgency to disinfect homes. Since this and subsequent permits will only partially solve the localized flooding issue, community members must have time to prepare for impending heavy rainstorms and possible sewage back-ups.

We recommend the Department require that the permittee measures the amount of sewage released in localized flooding. We also recommend the Department require alerts and notification systems in flooding impacted neighborhoods and not just for the Hackensack River. This notification should be published through all of the municipal communication channels, including those designed for emergency situations, as well as through the press, social media, and outreach to community-based organizations.

In addition, while the reports that track flooding and sewage back-ups into streets are technically available, they are not user-friendly and difficult to read. We recommended that the permittee improve public accessibility to this information. [2]

22. **COMMENT:** Sewage back-ups may expose community members to Escherichia coli (E. coli) and other harmful bacteria and chemicals. Since this permit will not completely eliminate all flooding and water quality issues, it is important that community members are notified in advance of possible flooding events. We recommend that NJDEP require permittees to create alerts through a municipal notification system, similar to those used for emergency situations, in advance of potential sewer overflows and back-ups. [4]

23. **COMMENT:** There should be early and advanced warnings if there is going to be floods and raw discharge is going to happen. Whether it's before the permits, and remedies are going to be achieved, and beyond. People should get some early warning. [9]

RESPONSE (21-23): During periods of heavy rainfall, the capacity of the CSS may be exceeded, and can cause overflows from manholes onto surface streets and can even cause untreated combined sewage and storm water to back up into basements. Combined sewage can contain bacteria, debris and other substances that can be harmful. The Department agrees that addressing any areas that flood with combined sewage are of the utmost priority since flooding of combined sewage in streets is a public health concern and is not acceptable. Any events related to CSO-related flooding should be reported to the respective permittee who is required to track this information on required progress reports to be submitted on a semi-annual basis. CSO-related flooding can also be reported to the NJDEP Hotline at 1-888-WARN-DEP where details of the physical address or location should be provided. In addition, locations of CSO-related flooding should be a topic of CSO Supplemental Team meetings as stated in Part IV.G.2.

In addition to the above, specific permit provisions in Part IV.F are as follows:

1.h.i. SOPs [Standard Operating Procedures] shall be designed to ensure that the entire collection system owned/operated by the permittee that conveys flows to the treatment works functions in such a way as to not result in sewage overflows (except from designated CSO outfalls) including to basements, streets and other public and private areas, or bottlenecks/constrictions that limit flow in specific areas and prevent the downstream STP treatment capacity from being fully utilized, in accordance with Section F.4.

1.h.x. SOPs shall be designed to provide a system for documenting, assessing, tracking, and addressing residential complaints regarding blockages, bottlenecks, flow constrictions, sewer overflows including to basements, streets and other public and private areas, or related incidents for the collection system that is owned/operated by the permittee.

2.a. The permittee shall continue to use the entire collection system owned/operated by the permittee for in-line storage of sewage for future conveyance to the STP when sewer system flows subside by

ensuring that the sewage is retained in the sewer system to the extent practicable to minimize CSO discharges (i.e. volume, frequency and duration), while not creating or increasing sewage overflows, including to basements, streets and other public and private areas.

In summary, the NJPDES permit contains specific permit conditions that require the permittee to directly address flooding through SOPs as well as by requiring a method to track flooding locations.

In addition, it is not feasible to predict where and when CSO-related flooding and basement back-ups may occur given the many variables that impact the occurrence of any CSO-related flooding such as weather patterns, capacity of the CSS, tidal stage, when the last storm occurred etc. Requiring reporting of the amount or volume of raw sewage discharged as suggested in this comment would also not be feasible. Effluent sampling of CSOs during rain events has demonstrated that these levels are not safe and it is unlikely that additional water quality sampling would prove otherwise. Nonetheless, the Department encourages the reporting of CSO-related flooding events to better understand the location of problematic areas. The reduction of CSOs and the associated contaminants is consistent with the goals of the Clean Water Act and the Department.

24. **COMMENT:** We recommend the Department ensure the CSO Supplemental Team provides input on the Asset Management Plan and how the wastewater utility or municipality establishes rates. [3]

25. **COMMENT:** It is encouraging that an Asset Management Plan (AMP) is included in this permit. However, it is not clear if affordability is assessed in this plan. Is affordability considered in the AMP and where is that described? How will the NJDEP ensure the CSO Supplemental team can provide meaningful input on the AMP and how it is establishing rates? [2]

RESPONSE (24-25): Asset Management is a process to ensure that there is sufficient investment and planned maintenance, needed repair, replacement, and upgrade of the physical components of a wastewater system. These physical components of the system infrastructure are considered assets. To achieve effective asset management, a water system must assess the current state of their assets and have a program in place to prioritize investment. This prioritization is done through an Asset Management Program and documented in an Asset Management Plan. Asset Management is separate from affordability and is a separate issue from setting sewer rates. Additional guidance on the development of an Asset Management Plan is available at https://www.nj.gov/dep/assetmanagement/index.html.

The preparation of an Asset Management Plan is a requirement of the NJPDES CSO permits. As stated in Part IV.F.1.l, an Asset Management is required to address asset inventory/mapping and condition assessment, level of service, criticality/prioritization assessment, life-cycle costing, and long-term funding strategy of the treatment works. In addition, the Asset Management Plan must address infrastructure inventory with infrastructure repair/replacement needs listed and scheduled according to priority/criticality.

The objectives of the CSO Supplemental Team as listed in the NJPDES permits at Part IV.G.2 do not include Asset Management or setting sewer rates. Asset Management requirements are designed for the purpose of a permittee developing an Asset Management Plan. Sewer rates will be set by the permittee and are based in part on costs of LTCP projects and presently available funding.

26. **COMMENT:** EPA recognizes the draft permit requirements concerning the identification and assessment of loading from Significant Industrial Users (SIUs) in the draft permits. For permittees with an approved pretreatment program, it is recommended that permittees be required not only to evaluate the CSO impacts from SIUs, but also take appropriate steps to minimize such impacts during times when CSO events are likely to occur. For permittees without an approved pretreatment program, the permittees should continue to implement selected CSO controls to minimize CSO impacts resulting from nondomestic discharges. [1]

RESPONSE (26): BCUA has an approved pretreatment program as it is a delegated POTW pursuant to N.J.A.C. 7:14A-19. The Department agrees that this language can be clarified to meet EPA's intent in Part IV.F.3.a.

The revised language for the NJPDES CSO permit for the BCUA permit is as follows:

a. For the SIU dischargers upstream of any CSO outfall which is owned/operated by the permittee, the permittee shall: (1) determine the locations of the SIUs; (2) identify the CSO outfalls associated with each of the SIUs; and (3) determine the discharge volume and loading of SIU-permitted parameters for each SIU. In the case of a municipal permittee or non-delegated STP permittee, information to satisfy (1) and (3) shall be obtained from the delegated local agency that regulates the SIU or, if there is no delegated local agency, from the Department. The permittee should take appropriate steps to minimize impacts from SIUs when CSO events are likely to occur. This information shall be used to prioritize O&M activities in portions of the CSS affected by SIU discharges.

The Borough of Fort Lee, City of Hackensack, and Village of Ridgefield Park do not have an approved pretreatment program as they are not delegated POTWs pursuant to N.J.A.C. 7:14A-19. The revised language is as follows:

a. For the SIU dischargers upstream of any CSO outfall which is owned/operated by the permittee, the permittee shall: (1) determine the locations of the SIUs; (2) identify the CSO outfalls associated with each of the SIUs; and (3) determine the discharge volume and loading of SIU-permitted parameters for each SIU. In the case of a municipal permittee or non-delegated STP permittee, information to satisfy (1) and (3) shall be obtained from the delegated local agency that regulates the SIU or, if there is no delegated local agency, from the Department. The permittee should continue to implement selected CSO controls to minimize CSO impacts resulting from nondomestic discharges. This information shall be used to prioritize O&M activities in portions of the CSS affected by SIU discharges.

This change affects Part IV.F.3 (CSM Requirements) of the final permits.

27. COMMENT: We were glad to read in the Guttenberg/North Bergen Municipal Utilities Authority permit that NJDEP agrees with the EPA that language can be clarified for pretreatment requirements and modified the language in that final permit. We encourage NJDEP to similarly ensure that appropriate pretreatment requirements and language are included in this permit, in subsequent CSO permits and in the finalized CSO permits. [2]

RESPONSE (27): Final NJPDES CSO permits were issued to the Town of Guttenberg and North Bergen Municipal Utilities Authority on May 25, 2023. EPA provided comments as part of the draft permit process for those permits as is summarized in the previous comment. The Department had incorporated modified language in those two permits; in the final NHSA Adams Street NJPDES CSO permit as issued on February 7, 2024; and in the final NJPDES CSO permits as issued on November 4, 2024 to Camden County Municipal Utilities Authority, the City of Camden, and Gloucester City.

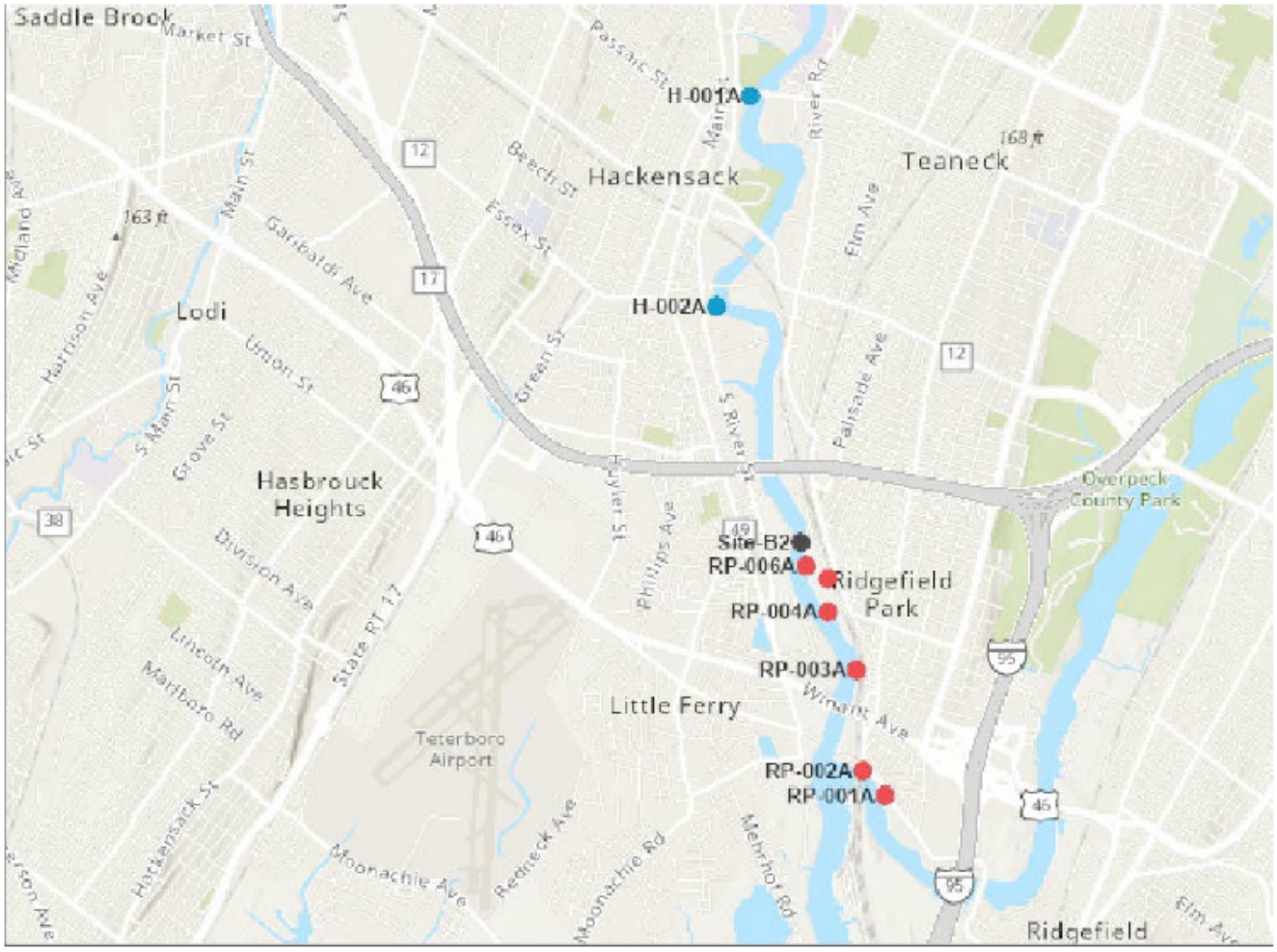
Modified language is also incorporated in these four permits as described in the previous response.

28. COMMENT: Regarding the identification and control of dry weather sources, the document "Calibration and Validation of the Pathogen Water Quality Model (PWQM) Report" prepared on behalf of all the CSO permittees in Northern NJ, including Hackensack City and Ridgefield Park Village, by the Passaic Valley Sewerage Commission (September 2020) identified significant unknown dry-weather bacteria sources. These sources, which may be of sanitary sewage, are modeled and result in significant additional bacteria loads to the receiving waters, as identified in the following table.

River	No. of model cells	Equivalent Flow (gpd)	Fecal Coliform (10^{12} cfu/yr)	Enterococci (10^{12} cfu/yr)	E. Coli (10^{12} cfu/yr)
Elizabeth River	20	45,000	2,500	421	1,560
Hackensack River	81	182,250	10,100	1,700	6,320
Passaic River	37	83,250	4,620	779	2,880
Raritan River	19	42,750	2,370	400	1,480

As noted in the table, there is a large, unknown dry-weather source(s) in the Hackensack River based on monitoring data from Station B2. The following map identifies the section of the Hackensack River with the unknown dry-weather source(s) along with the monitoring location (Site B2) and the Hackensack City and Ridgefield Park Village CSO locations.

Map of Section of Hackensack River with Unknown Dry-Weather Source(s)



The modeling report includes the calculation of attainment with water quality criteria and identifies this section of the Hackensack River as attaining the bacterial criteria zero percent of the time under baseline conditions. It further identifies this section of the Hackensack River of attaining the bacterial criteria zero percent of the time even after 100% CSO control, indicating that these unknown dry-weather sources are a very significant sources of projected impairment.

Therefore, we strongly recommend that the NJDEP enforce the prohibition of CSOs during dry weather and require Hackensack City and Ridgefield Park Village to:

- develop and implement a bacterial/pathogen trackdown program to identify and remediate the dry-weather sources of bacteria,
- solicit funding from the sewer overflow grant program to implement a real-time monitoring system for CSO discharges to more accurately determine when CSOs are discharging, and
- increase CSO inspections to identify dry weather overflows

[1]

RESPONSE (28): Dry weather overflows are defined in the Borough of Fort Lee, City of Hackensack and Village of Ridgefield Park permits as follows:

a. "Dry weather overflow (DWO)" means a combined sewer overflow that cannot be attributed to a precipitation event, including snow melt, within the hydraulically connected system. DWOs include the following flows: domestic sewage, dewatering activities, commercial and industrial wastewaters, ground water and tidal infiltration upstream of the regulator, and any other non-precipitation event related flows downstream of the regulator to the outfall pipe. Groundwater infiltration and tidal infiltration originating downstream of the regulator are allowable sources of discharges from a CSO during dry weather. On a case-by-case basis, the Department reserves the right to allow temporary use of the CSO outfall structures for other types of discharges to address extraordinary circumstances. Such use must be specifically approved by the Department.

Dry weather overflows are prohibited during dry weather where Part IV.F.5 of the permit is stated as follows:

a. "Dry weather overflows (DWOs) are prohibited from any CSO outfall in the entire collection system owned/operated by the permittee.

b. All DWOs must be reported to the Department as incidents of non-compliance in accordance with the requirements at N.J.A.C. 7:14A-6.10(c) and (e), along with a description of the corrective actions taken.

c. The permittee shall inspect the combined sewer system as required under Section F.1 to minimize the potential of DWOs and to abate DWOs that occur.

d. The permittee shall prohibit any connections, including but not limited to construction dewatering, remediation activities or similar activities, downstream of a CSO regulator, that will convey flow to the CSO during dry weather. On a case-by-case basis, the Department reserves the right to allow temporary use of the CSO outfall structures for other types of discharges to address extraordinary circumstances. Any use under this provision must be specifically approved by the Department."

BCUA does not own/operate any CSO outfalls; therefore, dry weather overflow permit conditions are not included in the BCUA NJPDES permit.

The Department is aware that the document entitled "Calibration and Validation of the Pathogen Water Quality Model (PWQM) Report" does describe Dry Weather Loads in Section 4.2.2.5 where the data provided in this

comment is associated with Table 4-20 as entitled "Dry-Weather Loads" on page 80 of 815. However, the report does not conclude that these are sanitary sewage contributions. As stated in this section:

> "In some locations, the receiving water data indicated that unaccounted for dry-weather sources were contributing to a background bacteria concentration. These dry-weather sources are some of the most difficult to assign due to the uncertainty in their location, magnitude, and temporal variability. To account for this source, or sources, a dry-weather load was assigned to multiple model segments along several rivers in the model. These sources were assigned as constant loads. Appendix B contains figures that show where dry-weather loads were assigned in the model. Table 4-20 presents the loads for these sources. Equivalent daily flows have been added to the table based on an assumption that the source has sanitary sewage concentrations. The dry-weather sources may not be sanitary sewage. The equivalent flows were added to provide perspective against the other sources. This analysis does indicate that a relatively small sanitary flow can result in fairly significant bacteria loads."

The Department is investigating the source of these dry weather flows with the City of Hackensack. In the event that it is determined that a track down report is required, the Department will modify the appropriate NJPDES CSO permits.

LONG TERM CONTROL PLAN REQUIREMENTS (PART IV.G) COMMENTS

29. **COMMENT:** Thank you for drafting a Public Engagement Guidance document on the various methods for successful public engagement for the permit holder to utilize. Thank you for the opportunity to review this draft and guidance and for developing the document with expediency. [2]

30. **COMMENT:** We acknowledge and commend the NJDEP for revising the Public Engagement Guidance document which was drafted earlier. The completion and distribution of the Public Engagement Guidance document should be prioritized by NJDEP. [3]

31. **COMMENT:** Thank you to NJDEP for drafting a supplemental guidance regarding public engagement. NJDEP should prioritize the completion and distribution of the CSO Public Engagement document. We encourage a diverse group of stakeholders to be involved in the creation and review process of this resource, including the Supplemental Teams and community organizations. Engaging and informing the community are important tools towards reducing or eliminating CSOs, which is why we ask NJDEP to strengthen requirements related to environmental justice, accessibility, and inclusive multilingual meetings and resources. [4]

32. **COMMENT:** We appreciate the shift in focus from participation to public engagement. Thank you for developing the public engagement guidance document which will be critical for the communities to engage the public. We hope that the Department will share the next iteration of the draft guidance document with the public so we can provide feedback that might be helpful for the public as well as for the permit holders. [7]

RESPONSE (29-32): As noted in these comments, the Department posted the final guidance entitled "A Guide to CSO Public Engagement" on January 5, 2024 on Department's CSO webpage (https://www.nj.gov/dep/dwq/cso.htm) and notified interested parties on that date. This guidance serves to revise the first set of guidance as posted on the Department's CSO webpage on June 27, 2023, with a stakeholder meeting held on July 19, 2023. At that meeting, stakeholders requested an opportunity to comment on any revised guidance as well as another stakeholder meeting. Since substantive changes were made to the guidance, the Department agreed that another round of input was appropriate for both interested parties and permittees and held another stakeholder meeting on November 28, 2023. Written feedback was collected through December 11, 2023, and the guidance was finalized shortly thereafter on January 5, 2024.

Public Engagement is a requirement of the NJPDES CSO permits. As a result, Public Engagement must begin with the effective date of the permit for all permittees.

33. **COMMENT:** Given that important decisions will be made in the CSO Supplemental teams, we remain concerned that the public may be underrepresented on those teams since there is no specific requirement for how many community members should participate nor who they should represent. As such, we highly encourage NJDEP to require that a certain percentage of CSO Supplemental teams consist of community representatives and that a certain percentage must be present at any given meeting.

Moreover, since CSO Supplemental teams are regional versus city-specific, we highly encourage that members present at every meeting represent the specific municipalities included in that regional permit and that at least one of the community members represents a routinely impacted home or neighborhood. [2]

34. **COMMENT:** We recommend the Department clarify the role and responsibilities of the CSO Supplemental Team. We recommend that the language be adjusted to ensure that members of the community, especially those from environmental justice or overburdened communities, are actively included in public engagement. The Supplemental Team should have a transparent process for recruiting members, and that process should be shared publicly. We recommend the Department develop minimum requirements on methods used to recruit and replace CSO Supplemental Team members that ensure a cross-sector representation of the community, given the particular community's makeup.

We also recommend that the Department require that a majority percentage of community members are aware of the opportunity to participate on the team. We recommend the Department clarify minimum outreach requirements to ensure overburdened communities are aware of Supplemental Team meetings, including through social media and traditional print. [3]

35. **COMMENT:** We support the requirement of permittees to hold a combination of virtual and in-person meetings that are accessible and should include all community members. Hosting these meetings in different and diverse neighborhoods will allow for easier access. Regular meetings that provide a consistent and clearly defined feedback loop with the public where the public may provide input as projects are implemented and see how or if input is incorporated into final decisions will make the implementation process more successful.

We recommend that the Department require that a certain percentage of CSO Supplemental Teams consist of community representatives and that a certain percentage must be present at any given meeting. Moreover, since CSO Supplemental Teams may be regional and not city-specific, we highly encourage that members represent the specific municipalities included in that regional permit and that at least one of the community members representing a municipality be present at every meeting. [4]

36. **COMMENT:** In terms of public engagement, we appreciate the public engagement process that you're designing with the permit holders to educate the public about the status of the program, document progress in implementing the program, inform neighborhood residents before, during and after construction. It is critical to be as specific and clear as you can in terms of those requirements. [7]

RESPONSE (33-36): The Department maintains that requirements pertaining to reconstituting the CSO Supplemental Team as well as the role and responsibilities of the team are prescriptive within the renewal permit to the best extent practicable. As described in the Part IV.G.2.b of the permits, permittees are required to develop a CSO Supplemental Team to serve as a liaison between the affected community, interested public, and the decision makers for the permittee regarding the implementation of the CSO control alternatives. The CSO Supplemental Team shall be reconstituted with the goal of including members of the following groups, at a minimum, where possible: mayor's office, local planning board, local community groups, and residents from the affected areas and from any affected areas that are also overburdened communities. The permittee shall solicit members of its community to join the CSO Supplemental Team through various outreach and public notice activities. The permittee's efforts to recruit CSO Supplemental Team members shall be documented on the permittee's website.

The NJPDES CSO permits also contain language at Part IV.G.2.e specifying that engagement with overburdened communities to solicit representation is required where overburdened communities (OBCs) should be aware of the meeting schedule in order to encourage participation. The Department published a list of overburdened communities in the State and associated electronic mapping available at https://www.nj.gov/dep/ej/communities.html. The permittee is also required to give the Department's Office of Environmental Justice 30 days advance notice of meetings scheduled so they may be shared with Environmental Justice community leaders as described at Part IV.G.2.g. Based on the above, the Department maintains that the objectives of the CSO Supplemental Team are clearly defined within Part IV.G.2.

While the Department maintains that the language as written is sufficiently prescriptive, the NJPDES CSO permit is not intended to dictate the recruitment, retainment, and participation aspect of the Public Engagement process. That should be decided by the permittees based on the needs of the affected community and to allow input from the CSO Supplemental Team members.

Nonetheless, due in part to these comments, the Department has determined it appropriate to clarify permit language at Part IV.G.2.c, which outlines the objectives of meetings related to Public Engagement. Specifically, CSO Supplemental Team meetings should be accessible to all community members by being open to the public which allows for a wider range of participation from community members including OBCs. As a result, Part IV.G.2.c is modified as follows:

c. The permittee is required to hold regular CSO Supplemental Team ~~public~~ meetings that are open to the public (virtual, in person or a combination of both) in order to:

This change affects Part IV.G.2.c (CSM Requirements) of the final permits.

37. COMMENT: We encourage NJDEP to include more prescriptive ways to make meetings accessible. The permit suggests having a call-in number along with in-person meetings for those who do not have access to a computer and that updates during periods of inactivity can also be communicated through websites which are required by the permit. These should be made more explicit and a requirement.

Furthermore, the permit provides permittees the option to hold meetings outside of the implementation schedule. As we may conclude from the permit holders' response to NJDEP, they may be less likely to hold meetings when no work is being implemented and limit the CSO Supplemental team's desire to meet**.** We recommend including a minimum of one CSO Supplemental Team meeting per year, outside of implementation meetings, to ensure members stay active and engaged with the permit holder throughout the lifecycle of the LTCP. We recommend these meetings as the place where annual reports are reviewed and updates are shared by the permit holder. [2]

38. COMMENT: The permit provides permittees the option of holding meetings outside of the implementation schedule. However, permit holders may be less likely to hold meetings when no work is being implemented**.** There should be more frequent meetings. We recommend including a minimum of one CSO Supplemental Team meeting per year, outside of implementation meetings. That way you can ensure that members stay active; they're engaged with the permit holder throughout the lifecycle of the LTCP. These meetings could be an opportunity to review annual reports and updates.

Given that important decisions will be made in these teams, we're still concerned that the public may be underrepresented on those teams since there's no specific requirement for how many community members should participate nor necessarily who they should represent. We highly encourage NJDEP to require a certain percentage of teams consisting of community representatives and that a certain percentage must be present at a given meeting to ensure everyone is informed of decisions and is participating in that. Since many of these teams are regional versus city specific, we highly encourage that members represent the specific municipalities included in that regional permit and that at least one of the community members representing a municipality be present at every meeting so there's clear engagement in every community. [7]

39. **COMMENT:** We recommend the Department develop minimum requirements around the number of Supplemental Team meetings to be held annually so that meetings are not only held when a project is occurring but with a frequency that will keep the public informed. For example, require a minimum of two meetings annually, outside of any project-specific meetings. Require that these meetings also be an opportunity to share funding, jobs, and training opportunities. We also recommend the Department require a minimum number of LTCP milestone meetings with successful efforts in engaging the community. We also recommend the Department require meeting accessibility with clearly defined terms for accessibility for language, visual, audio, and physical access. [3]

40. **COMMENT:** We recommend the Department clearly define accessibility of meetings in this permit, including how documents will be translated, into what languages, and where they will be posted. We also recommend the Department require a minimum number of meetings yearly or quarterly to provide updates to the CSO Supplemental Team and the public to maintain transparency, consistency, and engagement throughout the lifecycle of the LTCP. [4]

RESPONSE (37-40): To implement the Public Engagement requirements in this renewal permit, it is suggested that decision making for meeting frequency be decided by the CSO Supplemental Team at the first meeting (similar to the 2015 permits). The permit language as written encourages regular meetings to be held (virtual, in person or a combination of both) with defined tasks. Virtual meetings typically include an option for a telephone call-in number for those who do not have access to a computer. Updates during periods of inactivity can also be communicated through websites as required by the permit. Department representatives attended all CSO Supplemental Team meetings held under the 2015 NJPDES permit and will continue to provide representation at Public Engagement meetings held under this NJPDES permit renewal to ensure compliance with permit requirements. The Department also held stakeholder meetings specific to this topic and prepared guidance specific to this topic available at https://www.nj.gov/dep/dwq/cso.htm. This guidance was a direct result of specific requests and public comments on this topic.

The primary goal of this NJPDES CSO permit is to require the implementation of CSO control measures through an Implementation Schedule. The Department maintains that meeting schedules should be based on dates and milestones within the Implementation Schedules in order to encourage active participation and relevant meeting topics.

In summary, the Department maintains that the NJPDES CSO permit language as written provides clear and specific methods to acquire CSO Supplemental Team members as well as clear language for meeting accessibility including language needs. However, the Department agrees that the permit language in Part IV.G.2.d regarding CSO Supplemental Team meeting attendance can be clarified as it was not the Department's intent to say that meetings should be discontinued. Modified language is as follows:

d. The frequency of CSO Supplemental Team meetings that are open to the public shall be determined by the milestones in the Implementation Schedule (See G.8.) and by input from the affected community and interested public. ~~Meeting frequency may subsequently be adjusted based on documented attendance.~~ Meetings should be held with accessibility for the interested public in mind. This may include varying start times and attendance options (availability of public transit or parking and virtual meetings), as fits the needs of the affected community and interested public.

This change affects Part IV.G.2.d (CSM Requirements) of the final permits.

41. **COMMENT:** We recommend NJDEP draft a baseline requirement for what the LTCP Coordinator's role is and what their responsibilities are, including the minimum requirements for communication and outreach to the community. We further recommend NJDEP release a training manual for selecting and onboarding a new LTCP Coordinator and provide clear guidance on how the permittee shall select an LTCP Coordinator and what training the LTCP Coordinator should receive to perform the role effectively. Furthermore, we recommend NJDEP strongly encourage the permit holder to select an LTCP Coordinator who is a current community member from an

overburdened community, as this will increase the chances that community voices are part of the public engagement process. [3]

42. COMMENT: We appreciate the aspects of the permit that require public engagement, such as the requirement of hiring a LTCP Coordinator, continuing a CSO Supplemental Team and subsequent team meetings, and the creation of a website with public notifications.
The LTCP Coordinator requirement is a positive shift toward transparency. NJDEP should provide clear guidance on training and onboarding so that this position is consistent and transparent across all permit holders. [4]

RESPONSE (41-42): The NJPDES CSO permit requires that the permittee designate one LTCP outreach coordinator. This coordinator (or any another person designated by the permittee) must be available to maintain regular communication with the affected community and interested public. The permit also defines the many duties that are expected from the LTCP outreach coordinator so that tasks are clear, specific, and measurable. See Part IV.G.2.f.i through vi.

The inclusion of an LTCP outreach coordinator was suggested by several external organizations through the stakeholder process and the Department agreed that there were multiple benefits including streamlined coordination and consistency. While the Department agrees that an LTCP outreach coordinator should be familiar with the needs of the affected community, the Department maintains that it is advantageous for the permittees to define how this position will be chosen and managed.

43. COMMENT: It is not clear how community members will know when the CSO Supplemental Teams are formed. How and when does that process initiate? Will NJDEP be involved in ensuring accountability for the kick-offs and that these required meetings are occurring in accordance with the permit requirements?
Is there a name for this team that can create clarity around the term's purpose? "CSO Supplemental Team" may seem technical and uninviting for community members who want to engage but are unfamiliar with the process. [2]

44. COMMENT: Is there anything NJDEP can do to clarify how a community member will know or how they can be part of the very crucial CSO supplemental teams? It's not quite clear how a community member will know when these CSO Supplemental Teams are being formed, how and when the process initiates, and if NJDEP will be involved in ensuring accountability in those kick offs. Find prescriptive ways to make meetings accessible to ensure that everyone has an opportunity to have their voice heard and to participate on those teams.

Is there a way to change the name from CSO Supplemental Teams to something more conducive and accessible for the communities so they know what they're participating on? It might attract and help with engagement. [7]

45. COMMENT: There has been a lot of mention of making sure the public has access to the process, to discussions, to documents, and transparency and if there is access to meetings through phones, virtual, Facebook, websites, in person, going to the library, and if there is need for translations. All of those are things that should be ongoing, not just in certain stages.

Give the supplemental team a name that people understand and that reflects the responsibility of this team. There should be regular meetings during downtime. There should be transparency, contact names, information about who the members are, and who they represent, including impacted public members, not just public officials. Public officials represent a municipality but they are there with a very different point of view than somebody from a community group or impacted neighborhood. We want more accountability and mechanisms in that regard. [9]

RESPONSE (43-45): As described in the Part IV.G.2.b of the permits, permittees are required to develop a CSO Supplemental Team to serve as a liaison between the affected community, interested public, and the decision makers for the permittee regarding the implementation of the CSO control alternatives. These requirements take effect upon the effective date of the NJPDES CSO permit as specified on the final permit authorization page. Department staff routinely attend CSO Supplemental Team meetings to ensure compliance with permit conditions.

Regarding the name "CSO Supplemental Team", this name is consistent with the 2015 NJPDES CSO permit and provides continuity with that process.

46. **COMMENT:** We recommend the Department clearly establish a process for how CSO Supplemental Team input will be documented, incorporated into the planning and design process, and made public. We also recommend the Department clearly define the process of how the public within and outside of the community can give input to the CSO Supplemental Team.

Regular progress updates on implementing the LTCP should be posted on the CSO Supplemental Team and CSO public engagement website. In case of any significant changes to the LTCP, the Supplemental Team should notify the website viewers and provide them with an opportunity to comment. The website should also be updated with meeting materials, including presentation slides and materials, flyers, and meeting minutes. The permittee should be required to provide responses to all questions regarding the LTCP, either from the CSO Supplemental Team or from the public through the website, and both questions and answers should be readily available on the website to ensure full responsiveness and transparency. [3]

RESPONSE (46): The Department maintains that the NJPDES CSO permit conditions encourage a feedback loop in Part IV.G.2.f and other permit conditions in Part IV.G.2. The permit requires that the permittees post handouts or other meeting materials on the website within one week after the meeting. The permit also requires the permittees to make data available on the amount of public feedback received including the number of meeting attendees. The Department maintains that it would be inappropriate to include strict requirements on this topic as the CSO Supplemental Teams are best suited to managing the needs of their team and members as well as the needs of the affected community.

47. **COMMENT:** In the final Guttenberg/NBMUA permit, NJDEP suggests that CSO Supplemental Team members may object to publication of their name and contact information on a website. We suggest that it be required that each CSO Supplemental team member be given the opportunity to be listed on the website and that all public officials have their names/contact information listed. Certainly, the LTCP Coordinator's contact information should be listed as a point of contact to manage the team and be a point for new prospective members to engage. [2]

48. **COMMENT:** We recommend that once CSO Supplemental Team members are identified, they are listed on the website with clear methods to get in contact with them. [3]

RESPONSE (47-48): The Department maintains that a degree of flexibility in the process is necessary to account for circumstances unique to each permittee during the process and does not agree that it is appropriate to strictly define how the permittees manage their CSO Supplemental Team. The permittees must manage their CSO Supplemental Team to inform, educate and engage members of the communities with an overall goal of generating participation and input from stakeholders. In addition, CSO Supplemental Team members may object to publication of their name and contact information on a website which could dissuade interest in involvement. As noted in Part IV.G.2.b, the permittee's efforts to recruit Supplemental Team members are required to be documented on the permittee's website.

49. **COMMENT:** We support the requirement of permittees to hold Supplemental Team meetings that require permittees to notify the Department's Office of Environmental Justice 30 days before a meeting to include overburdened communities. [4]

RESPONSE (49): The Department acknowledges the commenter's support. As noted within the permit at Part IV.G.2.g, the permittee is required to provide the Department's Office of Environmental Justice (see https://dep.nj.gov/ej/) 30 days advance notice of the meeting schedule so that it can be shared with Environmental Justice community leaders.

50. COMMENT: The CSO LTCP does not conform to the sensitive area provisions of the CSO Control Policy.

The CSO Control Policy expects "a permittee's long-term CSO control plan to give the highest priority to controlling overflows to sensitive areas" and to "eliminate or relocate overflows that discharge to sensitive areas wherever physically and economically achievable". 59 Fed. Reg. 18688, 18692 (April 19, 1994).

In addition, the CSO Control Policy recognizes the importance of maximizing treatment at the existing POTW and states that "increased flows during wet weather at the POTW treatment plant may enable the permittee to eliminate or minimize flows to sensitive areas." Furthermore, the CSO Control Policy states that "[c]onstruction phasing should consider: a. Eliminating overflows that discharge to sensitive areas as the highest priority." Id. At 18694.

As noted in the Fort Lee Fact Sheet, the NJDEP previously determined that the two CSO outfalls in Fort Lee discharge to sensitive areas based on potential habitat for the endangered Atlantic sturgeon and Shortnose sturgeon.

Section IV.B.2.e. of the CSO Control Policy identifies the following as a required provision in Phase II CSO permits:

> "A requirement to reassess overflows to sensitive areas in those cases where elimination or relocation of the overflows is not physically possible and economically achievable. The reassessment should be based on consideration of new or improved techniques to eliminate or relocate overflows or changed circumstances that influence economical achievability;" [1]

RESPONSE (50): The Department acknowledges that certain outfalls discharge to waterbodies classified as sensitive areas based on potential habitat for Atlantic sturgeon, Shortnose sturgeon, and one or more freshwater mussels (Easten Pondmussel, Yellow Lampmussel, and/or Tidewater Mucket), as noted in the Fact Sheets of the draft permits. The Department acknowledges that the language provided in this comment is included in the federal CSO Control Policy, N.J.A.C. 7:14A-11, Appendix C, and the Fact Sheets of the draft permits. Language has been included to address this provision at Part IV.G.3.b as follows:

> b. The permittee is required to prohibit new or significantly increased CSOs and to eliminate or relocate CSOs that discharge to sensitive areas wherever physically possible and economically achievable. Additionally, where elimination or relocation is not physically possible and economically achievable, or would provide less environmental protection than additional treatment, the permittee is required to provide the level of treatment for the remaining CSOs deemed necessary to meet water quality standards for full protection of existing and designated uses.

This change affects Part IV.G.3 (CSM Requirements) of the final permits for the Borough of Fort Lee, City of Hackensack and the Village of Ridgefield Park. BCUA does not own/operate any CSO outfalls.

51. COMMENT: Phase II CSO permits must include water quality-based effluent limitations expressed as a numeric performance standard for the CSO controls.

Section 301(b)(1)(c) of the Clean Water Act requires that permits include limits as necessary to meet water quality standards. EPA's regulations at 40 CFR §122.44(d)(1)(vii)(A) require that permits include limits that derive from and comply with water quality standards. Section IV.B.2.c.ii of the CSO Control Policy identifies the following as a permitting provision in Phase II CSO permits:

> "water quality-based effluent limits under 40 CFR Section 122.44(d)(1) and 122.44(k), requiring, at a minimum, compliance with, no later than the date allowed under the State's WQS, the numeric performance standards for the selected CSO controls, based on average design conditions" which include "a minimum percentage capture of combined sewage by volume for treatment under specified design conditions specifying at least one of the following:

…….

ii. A minimum percentage capture of combined sewage by volume for treatment under specified design conditions consistent with II.C.4.a.ii; or

…….”

59 Fed. Reg. 18688, 18696 (April 19, 1994)

The example below shows how the permit may be modified to include the CSO Water Quality Based Effluent Limitation.

Exhibit 4-4. Example Permit Language for Performance Standards for the Presumption Approach

I. Effluent Limits

B. Water quality-based requirements for CSOs

The permittee shall not discharge any pollutant at a level that causes or contributes to an in-stream excursion above number or narrative criteria adopted as part of the **[insert State name]** water quality standards.

The permittee shall comply with the following performance standards. These standards shall apply during **[insert average design conditions upon which controls are based]**.

1. **[The permit writer should select the appropriate standard below.]**

The permittee shall discharge no more than an average of [insert appropriate number: 4, 5, or 6] overflow events per year not receiving the treatment specified below.

[or]

The permittee shall eliminate or capture for treatment, or storage and subsequent treatment, at least 85 percent of the system-wide combined sewage volume collected in the combined sewer system during precipitation events under design conditions. Captured combined sewage shall received the treatment specified below.

[or]

The permittee shall eliminate or remove the following mass of pollutants from the combined sewage volume collected in the combined sewer system during precipitation events under design conditions:

[insert x] pounds of [insert pollutant]
[insert y] pounds of [insert pollutant]

Combined Sewer Overflows Guidance for Permit Writers, - August 1995, EPA 832-B-95-008.
https://www.epa.gov/sites/default/files/2015-10/documents/csopermitwriters_full.pdf

[1]

RESPONSE (51): The Department acknowledges that CSOs are point sources subject to NJPDES permit requirements that include both the technology-based and water quality-based requirements of the Clean Water Act. Section 301(b)(1)(C) of the Clean Water Act requires that permits include limits as necessary to meet water quality standards. Likewise, EPA’s regulations at 40 CFR § 122.44(d)(1)(vii)(A) require that permits include limits that derive from and comply with water quality standards. Similar language is included within the NJPDES regulations at N.J.A.C. 7:14A-11, Appendix C, Section IV.B.2, Phase II Permits – Requirements for Implementation of a Long-Term CSO Control Plan.

All New Jersey CSO permittees, including BCUA, the Borough of Fort Lee, the City of Hackensack, and the Village of Ridgefield Park, have selected the “Presumption Approach,” as described in II.C.4.a of the federal CSO Control Policy, N.J.A.C. 7:14A-11, Appendix C, and specified in Part IV.G.4.a.ii of this NJPDES CSO permit.

Under the Presumption Approach, a permittee that meets any of the following criteria would be presumed to provide an adequate level of control to meet the water quality-based requirements of the Clean Water Act, and provided the permitting authority determines that such presumption is reasonable in light of the data and analysis conducted in the characterization, monitoring, and modeling of the system and the consideration of sensitive areas. Criteria is as follows:

(1) no more than an average of four overflow events per year, provided that the permitting authority may allow up to two additional overflow events per year. For this criterion, an overflow event is one or more overflows from a combined sewer system (CSS) as the result of a precipitation event that does not receive the minimum treatment specified below;

(2) the elimination or the capture for treatment of no less than 85% by volume of the combined sewage collected in the CSS during precipitation events on a system-wide annual average basis; or

(3) the elimination or removal of no less than the mass of the pollutants, identified as a causing water quality impairment through the sewer system characterization, monitoring, and modeling effort, for the volumes that would be eliminated or capture for treatment under (2) above.

Combined sewer flows remaining after implementation of the nine minimum controls and within the criteria specified in (1) or (2) should receive a minimum of: primary clarification (removal of floatables and settleable solids that may be achieved by any combination of treatment technologies or methods that are shown to be equivalent to primary clarification.); solids and floatables disposal; and disinfection of effluent, if necessary, to meet WQS, protect designated uses and protect human health, including removal of harmful disinfection chemical residuals, where necessary. Where a permittee has selected controls based on the Presumption Approach, the Department must have determined that the presumption that such level of treatment will achieve water quality standards is reasonable considering the data and analysis conducted under the federal CSO Control Policy.

Because the permittees have selected the Presumption Approach, the numeric performance standard for the selected CSO controls is a minimum percentage capture of combined sewage by volume for treatment under specified design conditions. This is consistent with Part IV.B.2.c.ii, which refers to II.C.4.a.ii, of the federal CSO Control Policy. As a result, the Department acknowledges that the minimum 85% volume capture must be expressed explicitly in the permit as a water-quality based effluent limit to achieve water quality standards. As a result, the Department agrees that it is appropriate to include II.C.4.a.ii of the federal CSO Control Policy as a water-quality based requirement for CSOs as a numeric performance standard. Accordingly, the Department has included this additional language as Part II.C.2 of this final NJPDES permit to ensure conformance with the federal CSO Control Policy and N.J.A.C. 7:14A-11, Appendix C. The Department met with the Borough of Fort Lee, the City of Hackensack, the Village of Ridgefield Park, and BCUA on October 10, 2024 and notified them of this change.

Part II.C.2 has been modified as follows:

2. Water-Quality Based Requirements for CSOs as a Numeric Performance Standard

   a. CSOs are point sources subject to NJPDES permit requirements including both technology-based and water-quality based requirements of the Clean Water Act.

   b. Water quality-based effluent limits under 40 CFR Sections 122.44(d)(1) and 122.44(k) require, at a minimum, compliance with, no later than the date allowed under the State's WQS, the numeric performance standards for the selected CSO controls, based on average design conditions. Because the permittee selected the Presumption Approach, as specified in Part IV.G.4.a.ii,the numeric performance standard for the selected CSO controls is a minimum percentage capture of combined sewage by volume for treatment under specified design conditions consistent with II.C.4.a.ii of the CSO Control Policy.

These changes affect Part II of the final permits.

52. **COMMENT:** We recommend the Department specify guidance to permit holders around other cost-effective, innovative financing opportunities to help finance this work equitably, such as stormwater utilities, NJ Water Bank low-interest loan programs, utilizing green infrastructure, accessing grant programs, and more. This guidance on innovative funding strategies should be given concurrently with the release of the final permit so that it may be incorporated into the final implementation plans with a goal of shortening timelines around critical projects while maintaining affordability for ratepayers.

We recommend the Department provide guidance and technical assistance for municipal CSO permittees to conduct stormwater utility fee feasibility studies to determine if this assessment opportunity would benefit their communities. [3]

53. **COMMENT:** NJDEP provides specificity in its guidance to permit holders around other cost-effective, innovative financing opportunities to help fund this work equitably, such as Water Bank low-interest loan programs, utilizing more green infrastructure, grants, and more.

NJDEP should provide future funding for stormwater utility feasibility studies through additional rounds of Technical Assistance for Stormwater Utility Feasibility Studies. Establishing a stormwater utility will help offset future costs to ratepayers. [4]

54. **COMMENT:** NJDEP should strengthen its outreach to ensure that municipalities are aware of funding, how it can benefit them, and how to leverage those funds to be equitable for all communities. Perhaps NJDEP can create a guidance document for financing and do outreach and education for communities around other innovative financing opportunities like stormwater utilities.

We're concerned that innovative funding mechanisms are not being fully considered and taken advantage of at present especially with the recent federal funding. The impacts of this can include delayed timelines, increases in rates to ratepayers, especially in overburdened communities, and a risk to project completion. In the long term, with such a long timeframe, there's going to be a risk of higher construction costs or future political administrations renegotiating requirement increases. Knowing this, how can NJDEP actively encourage and help permit holders to take advantage of this and other innovative financing? We recommend including Water Bank funding in the affordability calculation.

The permit holders should include the impact on affordability and corresponding timeframe that implementation that an equitable stormwater fee would have. Can that be included and required as steps for the permit holders? [7]

RESPONSE (52-54): The Department and the New Jersey Infrastructure Bank (NJIB) partner together as the New Jersey Water Bank to administer New Jersey's State Revolving Fund in order to provide low-cost financing for the design, construction, and implementation of projects that help to protect, maintain and improve water quality. The Department recognizes the importance of providing robust funding opportunities for CSO projects, including gray and green infrastructure, wastewater treatment plant (WWTP) improvements, and stormwater resilience projects. To this end, the New Jersey Water Bank offers a variety of funding packages with low interest loans and principal forgiveness, and additional resources for disadvantaged communities. For additional information visit http://nj.gov/dep/dwq/cwpl.htm.

All three CSO municipalities have pursued and received funding for various CSO projects. The City of Hackensack has received long-term funding through the NJ Water Bank for a variety of combined sewer system improvements. The City of Hackensack has also been awarded short-term construction financing for four projects associated with the combined sewer system. Eight additional projects have been submitted for funding consideration; one is under planning and design review, the other seven are recent submissions and no planning or design documents have been submitted to date. Ridgefield Park submitted a project for its Phase 1 sewer separation for NJ Water Bank funding. The construction contract received NJDEP Authorization to Award on

December 27, 2024. Construction will commence in early 2025. Ridgefield Park also submitted a project for localized sewer separation in March of 2023; however, no planning or design documents have been submitted to date. The Borough of Fort Lee submitted a project for improvements to the Bluff Road CSO netting facility for NJ Water Bank funding consideration in July of 2024. The project is currently under planning review.

A fact sheet specific to CSO funding was recently developed to assist permittees and can be found at https://dep.nj.gov/dwq/combined-sewer-overflow/. This guidance document includes a summary about these funding opportunities for the upcoming State Fiscal Year.

The NJ Water Bank also offers free technical assistance to disadvantaged communities for clean water projects. Participants of this program are also eligible for planning and design principal forgiveness loans and guaranteed funds upon construction certification. This comprehensive support framework streamlines project development for disadvantaged CSO communities and enhances capacity to comply with their LTCPs and meet their environmental and infrastructural needs. Detailed information about these funding opportunities, including eligibility and technical assistance can be found within the Programs Intended Use Plan at https://dep.nj.gov/wiip/intended-use-plan-and-project-priority-lists/.

Stormwater utility fees are similar to a water or sewer utility fee except customers pay a fee based on the amount of impervious surface on their property. This includes all commercial, residential, and tax exempt properties within the service area. Comprehensive guidance for stormwater utility creation, feasibility studies, and fee assessments is available at https://dep.nj.gov/njpdes-stormwater/swu_stormwaterutility. If grants for stormwater utility feasibility studies become available, notices will be posted to https://dep.nj.gov/grantandloanprograms/. Stormwater utilities can be a means to fund infrastructure projects. However, feasibility studies for stormwater utilities are outside the scope of the NJPDES CSO permit.

55. **COMMENT:** We encourage the NJDEP and the permittees to take advantage of EPA's technical assistance intake form, which begins the formal process for communities, utilities, and state to request assistance with financial capability assessments and with finding and applying for funding opportunities. [1]

56. **COMMENT:** There are new federal funding opportunities, released since the LTCPs were drafted, that permit holders can take advantage of through the Water Bank. In addition, there is technical support from the EPA that permit holders can take advantage of to help them develop a more robust financial capability analysis. This is described and recommended in the US EPA's 2023 CWA FCA Guidance. [2]

RESPONSE (55-56): The Department agrees that all available funding opportunities should be pursued. The Department is aware that EPA's free Water Technical Assistance (WaterTA) services support communities to identify water challenges, develop plans, build technical, managerial, and financial capacity, and develop application materials to access water infrastructure funding. Additional information is available at https://www.epa.gov/water-infrastructure/request-water-technical-assistance.

57. **COMMENT:** The permit must include a requirement that all CSO controls identified in the LTCP are implemented.

The NJDEP should clearly identify all the approved LTCP CSO controls in each permit. Section IV.B.2 of the CSO Control Policy identifies the following as a permitting provision in Phase II CSO permits:

> "b. Narrative requirements which ensure that the selected CSO controls are implemented, operated and maintained as described in the long-term CSO control plan;"

Section IV.B.2. of the CSO Control Policy also addresses compliance with the Phase II CSO permit requirement that all CSO controls be implemented, operated and maintained, as described in the LTCP. It states that "[u]nless the permittee can comply with all requirements of the Phase II permit, the NPDES authority should include, in an enforceable mechanism, compliance dates on the fastest practicable schedule for those activities directly related to

meeting the requirements of the CWA. For major permittees, the compliance schedule should be placed in a judicial order."

Section V.B.2. of the CSO Control Policy addresses enforcement as well as compliance with this Phase II CSO permit requirement. It states that "[t]he main focus for enforcing compliance with Phase II permits will be to incorporate the long-term CSO control plan through civil judicial action, an administrative order, or other enforceable mechanism requiring compliance with the CWA and imposing a compliance schedule with appropriate milestone dates necessary to implement the plan. In general, a judicial order is the appropriate mechanism for incorporating the above provisions for Phase II. Administrative orders, however, may be appropriate for permittees whose long-term control plans will take less than five years to complete, and for minors that have complied with the final date of the enforceable order for compliance with the Phase I permit."

To ensure compliance with this Phase II CSO permit requirement in the CSO Control Policy, these judicial or administrative orders, which include the fastest practicable schedules and dates for implementing all of the CSO controls identified in the final LTCP, are expected to be issued in conjunction with the Phase II CSO permit.

Should the permitting authority not issue a judicial or administrative order for compliance in conjunction with this Phase II CSO permit requirement, the permit itself must include a compliance schedule that includes all CSO controls and the corresponding implementation schedule. Compliance schedules included in NPDES permits must "require compliance as soon as possible, but not later than the applicable statutory deadline under the CWA." 40 C.F.R. § 122.47(a)(1). Additional guidance on the use of compliance schedules for water quality-based effluent limitations in NPDES permits is contained in EPA's memo, dated May 10, 2007, from James Hanlon, Director of EPA's Office of Wastewater Management to Alexis Strauss, Director of the Water Division in EPA Region 9. https://www3.epa.gov/npdes/pubs/memo_complianceschedules_may07.pdf . A compliance schedule longer than one year must include, among other things, interim requirements and dates for their achievement (40 CFR § 122.47(a)(3), as well as an enforceable final effluent limitation and date for its achievement (CWA sections 301(b)(1)(C); 502(17); 40 C.F.R. §§ 122.2, 122.44(d), 122.44(d)(1)(vii)(A) and 122.47(a)(3)).

The example provided below shows how the draft permit may be revised to include a compliance schedule including interim design requirements with corresponding dates, in addition to final project deliverables, to implement the CSO controls.

Exhibit 4-3. Example Permit Language for Implementing Selected CSO Controls

II. Long-Term Control Plan

The permittee shall implement and effectively operate and maintain the CSO controls identified in the long-term control plan. The implementation schedule for those controls shall be as follows:

Activity	Completion Date
[Insert name of activity]	**[insert date]**
Site-Specific Language:	
1. Retention basin	
• Complete design of [named] retention basin.	[insert date]
• Submit construction drawings for [named] retention basin.	[insert date]
• Initiate Construction of [named] retention basin.	[insert date]
• Complete construction of [named] retention basin.	[insert date]
2. [Named street] sewer separation	
• Complete design	[insert date]
• Solicit bids	[insert date]
• Award contracts	[insert date]

NOTE: A compliance schedule exceeding the term of the permit may only be included in the permit if explicitly authorized in the applicable State WQS.

Combined Sewer Overflows Guidance for Permit Writers, - August 1995, EPA 832-B-95-008.

https://www.epa.gov/sites/default/files/2015-10/documents/csopermitwriters_full.pdf
[1]

RESPONSE (57): The Department is aware that interim project deliverables for larger projects are required and are intended to help the permittees stay on schedule. Accordingly, the Department requested that the permittees expand the Implementation Schedule as originally included in the October 2020 LTCP to include engineering, bid, and construction phases which resulted in submission of a Gantt chart as included in the draft permit Fact Sheets. The first five years of this Implementation Schedule are included in Part IV.G.8 which includes final project deliverable dates.

The NJPDES permit term is limited to a five-year period pursuant to N.J.A.C. 7:14A-2.7(a). Therefore, as the implementation schedule for the Borough of Fort Lee, City of Hackensack and the Village of Ridgefield Park goes beyond five years, it will not be possible for the permittees to implement all CSO controls within the term of this NJPDES permit. The permittees' obligations beyond the five-year permit term should be included in an appropriate enforceable mechanism, as contemplated by the federal CSO Control policy. The Department has determined that a separate enforceable instrument is necessary in order to formalize and solidify any implementation schedule that goes beyond the five-year permit term. As such, the Department and the permittee have executed an Administrative Compliance Agreement, dated January 27, 2025, to solidify the LTCP and Implementation Schedule. This document is separate from the NJPDES permit but will be issued in conjunction with the permit.

This change affects Part II.C of the final permits as follows:

3. Approval of the LTCP

a. This renewal permit implements the initial five years of the LTCP Implementation Schedule as established by the permittee and as approved in the Administrative Compliance Agreement executed by the Department and the permittees, dated January 27, 2025. The LTCP as approved by the Administrative Compliance Agreement also addresses the CSO control measures within the Implementation Schedule that extend beyond the five-year NJPDES permit term for the Borough of Fort Lee, City of Hackensack and the Village of Ridgefield Park.

58. COMMENT: NJDEP did incorporate the EPA's recommendation and updated that final permit to include interim deliverables. We request that NJDEP similarly include interim project deliverables in these Bergen County permits as well as prior and subsequent permits. [2]

59. COMMENT: We recommend the Department include interim project deliverables in this permit and subsequent permits. [3]

60. COMMENT: NJDEP must include interim project deliverables in this permit and subsequent permits. To increase transparency, the permittees should provide NJDEP with detailed descriptions of each sewer separation project phase, as well as each project description. [4]

RESPONSE (58-60): The Department agrees that interim project deliverables are appropriate. The implementation schedule in Part IV.G.8 includes detail for project deliverables, including design and construction, as suggested by EPA in **COMMENT 57**.

61. COMMENT: The CSO Long Term Control Plan implementation schedule must provide for the implementation of CSO Controls "as soon as practicable."

The CSO Control Policy states that LTCPs are expected to include "both fixed-date project implementation schedules (which may be phased) and a financing plan to design and construct the project as soon as practicable." 59 Fed. Reg. 18688, 18691 (April 19, 1994).

The Policy further states that "Construction phasing should consider:

a. Eliminating overflows that discharge to sensitive areas as the highest priority;
b. Use impairment;
c. The permittee's financial capability"

Therefore, when phasing construction, where there are overflows to sensitive areas and/or impaired waters, permittees should give the highest priority to addressing those discharges. Fort Lee's CSOs discharge to sensitive areas, and Hackensack and Ridgefield Park both have CSOs that contribute to the impairment of water quality standards.

EPA developed a guidance document to assist in the development of CSO control implementation schedules and to this end, includes guidance on performing a Financial Capability Assessment (USEPA, 1997). The goals of this guidance document are that it serve as a planning tool for evaluating the financial resources a permittee has available to implement CSO controls, and to assist the permittee, EPA, and state National Pollutant Discharge Elimination System (NPDES) authorities in cooperatively developing CSO control implementation schedules. The EPA guidance includes a methodology to evaluate the financial "burden" CSO control implementation places on permittees; it suggests that a longer implementation schedule of up to 15-20 years may be appropriate for "High Burden" permittees, a schedule length of up to 10 years for "Medium Burden" permittees and a Normal Engineering/Construction schedule for "Low Burden" permittees. In 2023, EPA finalized its updated FCA Guidance (USEPA, 2023) to include Recommended Implementation Schedule Benchmarks, which allow additional time (5 more years) if a Comprehensive Financial Alternatives Analysis has been performed.

In consultation with the NJDEP, an EPA contractor performed a separate review of the permittee's financial information and concluded that the CSO controls identified in the LTCP present a "Low" financial burden on Fort Lee Borough, Hackensack City, and Ridgefield Park Borough. Consistent with the EPA FCA guidance, implementation schedules following normal engineering and construction implementation schedules are identified for "Low" burden communities.

EPA strongly recommends that the NJDEP negotiate with the permittees to aggressively pursue all available funding opportunities so that CSO controls may be designed and implemented as soon as practicable. [1]

RESPONSE (61): The Department is aware that the federal CSO Control Policy and N.J.A.C. 7:14A-11, Appendix C requires fixed date implementation schedules as well as the implementation of CSO controls "as soon as practicable." Both of these requirements are evidenced within the draft permits and Implementation Schedules for the permittees. Significant CSO control projects for these permittees are already in various stages of completion.

For the City of Hackensack, selected projects include: completion of five partial sewer separation projects in the Court Street subdrainage area (consisting of 64 acres and outfall improvements); the Anderson Street Combined Sewer Separation Project (ongoing as of July 2024) and expected to drain approximately 22.50 acres of contributing stormwater runoff; and the finalization of design for the Clay Street Combined Sewer Separation – West of the Rail Project. The Borough of Fort Lee's implementation schedule is nine years. The original LTCP for Fort Lee submitted in October 2020 (and revised in 2021) proposed a 25-year implementation schedule consisting of a five-phase sewer separation program. Following discussions with the Department, Fort Lee significantly accelerated its implementation schedule to nine-years, consisting of a four-phase sewer separation program with two green infrastructure projects. Additionally, Fort Lee began its Bluff Road Netting Facility Improvement Project in 2023 which will modify the netting facility to increase flow and reduce backups as well as the design and installation of the new stormwater conduit for sewer separation. The implementation schedule for the Village of Ridgefield Park is 16 years mainly consisting of sewer separation. It is anticipated that Ridgefield Park will achieve approximately 80% capture by year 10 of the schedule. To date, Ridgefield Park has undertaken a program to inspect and clean a portion of its sewer system and recently completed design and awarded the contract for its Phase I sewer separation.

The Department notes that the permittees submitted the LTCP in October 2020 and, as such, evaluated financial capability under EPA's 1997 FCA guidance. Subsequent to the LTCP submission, EPA issued updated FCA guidance in February 2023 (updated March 2024). The Department maintains that the Implementation Schedules identified in the draft and final permits are compliant with the federal CSO Control Policy and N.J.A.C. 7:14A-11, Appendix C based upon a thorough review of the LTCP, requirements of the federal CSO Control Policy, recommendations of the 1997 and 2023 FCA guidance, and discussions with the permittees.

The Department is aware that the federal CSO Control Policy, which has been adopted into the Department's regulations at N.J.A.C. 7:14A-11, Appendix C, states that CSO controls shall be implemented "as soon as practicable." However, the federal CSO Control Policy does not expand on that phrase. Nevertheless, the federal CSO Control Policy notes that implementation schedules may be phased with consideration given to, among other things, the permittee's financial capability and user fees and rate structures.

Likewise, and although guidance only, the 1997 and 2023 FCA guidance provide "general boundaries" for schedules. Notably, however, the "general boundaries" are not unyielding depending on the attendant circumstances. Specifically, the 1997 FCA guidance states "the time boundaries are not intended to replace the negotiations and deliberations necessary to balance all of the environmental and financial considerations that influence the site specific nature of the controls and implementation schedules." Similarly, the 2023 FCA guidance states:

> EPA does not view or use the FCA guidance as a rigid metric that points to a given schedule length….In practice, EPA considers each community's financial capability on a holistic case-by-case basis. Where appropriate, EPA has and will continue to consider supplemental information submitted by the community (as encouraged by the 2014 FCA Framework) and may agree to implementation schedules that are different than the schedules suggested by the FCA guidance's baseline analysis.

As referenced in the 1997 FCA guidance, the permittee and permitting authority should ultimately agree on a "reasonable and effective" schedule. Although longer than the "general boundaries" set forth in the 1997 and 2023 FCA guidance, the Department, upon a holistic review of the permittees' circumstances, has determined that the implementation schedules are nevertheless compliant with the requirements of the federal CSO Control Policy, N.J.A.C. 7:14A-11, Appendix C, and recommendations of the FCA guidance and represents the permittees' implementation of CSO controls as soon as practicable based on given circumstances. The Department met with the permittees numerous times, which resulted in significant improvements. Of note, the Borough of Fort Lee appreciably shortened its schedule, and all three permittees have begun and completed significant control projects prior to approve of the LTCP and the issuance of a final permit.

As described in **RESPONSE (52-54)**, the Department understands the important role that State Revolving Fund funding plays in the reduction of CSOs. All three CSO municipalities have received funding through the NJ Water Bank for a variety of control projects. Since 2015, the Department has maintained a dedicated team for all CSO permittees and associated projects in order to provide guidance, streamline funding applications, and ensure internal and external coordination. A variety of wastewater treatment facility, CSS, and stormwater management projects have been financed through the New Jersey Water Bank to date.

The Department maintains that the Implementation Schedules included are appropriate and compliant with the federal CSO Control Policy and N.J.A.C. 7:14A-11, Appendix C. The Department is proceeding with the issuance of the final permits in order to solidify the Implementation Schedules for planning purposes and to ensure that projects proceed under an enforceable mechanism. Implementation of these projects is necessary to reduce CSOs and improve water quality.

62. COMMENT: Will NJDEP and permit holders utilize the 2023 US EPA FCA guidelines to lessen the impact on residents during longer implementation schedules while minimizing financial impacts on lower-income households? [3]

63. **COMMENT:** In February 2023, the US EPA released the final 2023 CWA FCA Guidance, created to help communities "seek ways to minimize financial impacts while ensuring residents also enjoy the benefits of infrastructure investments and improved water quality." This EPA guidance encourages municipalities to integrate stormwater management practices, such as green infrastructure, to reach compliance with the Clean Water Act. To ensure that ratepayers are not affected by the impacts of longer schedules while minimizing financial impacts on lower-income households, we ask that NJDEP and permittees for this permit and subsequent CSO permits follow the US EPA's 2023 CWA FCA Guidance. [4]

64. **COMMENT:** Funding is so critical to these projects and we appreciate the requirement that a financial capability analysis be conducted. Can permittees be required to conduct a more thorough review of funding alternatives to see if they can reduce the environmental and health burdens of the extended implementation timelines? A lot of this is laid out in the EPA 2023 Clean Water Act FCA Guidance. We encourage permit holders to follow this guidance which shows them how to limit the impacts of these longer schedules while minimizing the impacts on lower income households. We know that other states are using this guidance with success. [7]

65. **COMMENT:** We appreciate NJDEP's requirement that a financial capability analysis be conducted, however we are concerned that innovative funding mechanisms are not being fully considered and taken advantage of at present. The impacts of this include delayed timelines, increases in rates to ratepayers, and a risk to project completion in the long term. Moreover, with such a long time-frame, the risks of higher construction costs or future political administrations renegotiating requirements increase.

Knowing that connecting this funding to the ability to shorten timelines is so critical, how can the NJDEP actively encourage and help permit holders to take advantage of this and other innovative financing? In addition to including Water Bank funding in the affordability calculation, the permit holder should include the impact on affordability and the corresponding time frame that implementation of an equitable stormwater fee would have. Can the permit holder be required to take these steps?

To provide for more clarity and prescriptive measures to ensure equity and consistency across permits, we recommend that NJDEP issue concurrent guidance to permittees to assist them with tracking and demonstrating their work on affordability. [2]

RESPONSE (62-65): The permittees conducted a financial capability assessment required by the 2015 NJPDES CSO permit, as outlined in the October 2020 LTCP. The purpose of this analysis is to evaluate the financial capability of the permittees and sewer rate payers to fund future investments in combined sewer infrastructure. As required by the 2015 NJPDES CSO permit, the permittees' financial capability was submitted along with the implementation schedule. To complete the assessment, the permittees utilized the 1997 FCA guidance which outlines the process for determining financial impacts and affordability associated with mitigating CSOs.

The Department acknowledges that EPA announced its updated CWA FCA Guidance on February 1, 2023 (updated March 2024). This guidance outlines strategies for communities to follow to support affordable rates while planning investments in water infrastructure essential to protecting our Nation's waters. Specifically, this guidance is intended to be used by municipalities after controls are selected when it is devising specific timeframes for implementation. See https://www.epa.gov/waterfinancecenter/clean-water-act-financial-capability-assessment-guidance. As stated within the EPA document, it is intended to provide clarity to the public regarding existing requirements under the law or agency policies. Moreover, further financial analyses as suggested by these comments would delay, potentially significantly, implementation of CSO controls. At this time, the Department maintains that the analysis completed under EPA's 1997 FCA guidance and contained within the LTCP is sufficient as written.

These subject NJPDES CSO permits serve to incorporate the findings of the October 2020 LTCP which was required based on the Department's issuance of the 2015 NJPDES CSO permits. The LTCP reflects many years of data gathering, evaluation and modeling and included an assessment of Cost/Performance analysis as part of LTCP

to determine what level of technology to control CSO discharges may be reasonably implemented. 59 Fed. Reg. at 18693. There are significant projects already completed, underway, or occurring at the beginning of the implementation schedule which will ensure that the benefits of reductions in CSO volume are realized in the short term.

In sum, the Department maintains that the CSO control measures should be implemented as soon as practicable as evidenced by the Implementation Schedule. The Department does not agree that it would be appropriate to require the permittees to revise their LTCP and resubmit it to the Department in order to incorporate the suggestions provided within the February 1, 2023 EPA FCA guidance. To do so would require the permittees to revisit the findings of their LTCP and resubmit to the Department which could result in delays in the implementation of the CSO control measures.

66. **COMMENT:** We strongly recommend consideration of shorter timelines by leveraging federal funds and grants so communities don't suffer the negative impacts from extended timelines. [2]

67. **COMMENT:** All controls should be prioritized to have the greatest impact on CSOs and local flooding in the shortest timeframe, while maintaining affordability for lower income households. We recommend the Department ensure the shortest timeline possible while still ensuring affordability.

    Knowing that connecting this funding to the ability to shorten timelines is so critical, how can the NJDEP actively encourage and help permit holders to take advantage of this? [3]

68. **COMMENT:** We recognize that it is vital to consider the financial impact on lower-income rate-payers and overburdened households. We recommend that a review of the permit holder's financial capability analysis, including interest and inflation rates and related calculations, be incorporated into the permit to clarify how affordability for lower-income households is reflected.

    This permit should not extend the timeline for requirements to reduce rate increases, as this will extend the time the community faces environmental and public health issues. We ask permittees to shorten the project timelines so that the project benefits are demonstrated within ten years. Given that the LTCPs were crafted before the availability of federal water infrastructure funding through the Bipartisan Infrastructure Law and American Rescue Plan Act, we suggest that NJDEP, the City of Hackensack, the Borough of Fort Lee, the Village of Ridgefield Park, and the BCUA revisit financing of these critical projects and find ways to shorten the timeline while maintaining affordability for ratepayers. This once-in-a-generation funding opportunity can reduce the debt the permittees would need to take on to shorten the timeline and could limit the cost for ratepayers.

    We hope that innovative funding opportunities will shorten timelines, ensure affordability to ratepayers and reduce the timeline that the communities face environmental and public health issues related to CSO discharges. [4]

69. **COMMENT:** Permittees sometimes seek to use costs as a rationale for extending implementation timelines. This leaves communities with the extended burden of environmental and public health issues. Can we require them to conduct a more thorough review of funding alternatives to see if they can reduce these burdens?

    We encourage the NJDEP to work with the permit holders to ensure that they are leveraging funding to shorten timelines but in a way that doesn't raise costs especially those from overburdened communities. [7]

70. **COMMENT:** The timeline in some cases is too long. It will escalate costs and create public health harms for longer periods of time when people have been burdened by this for too long already. [9]

    RESPONSE (66-70): Practicability and affordability must be balanced with reducing CSOs and CSO-related flooding as quickly as possible. The development and implementation of CSO projects requires both the permitting authority and the permittee to carefully balance a number of considerations to implement the LTCP as soon as practicable and ultimately achieve compliance with the CWA. In developing an implementation schedule, the federal CSO Control Policy and N.J.A.C. 7:14A-11, Appendix C directs permitting authorities and permittees

to consider, among other things, use impairment, financial capability, funding availability, and user rates and fee structures. As discussed in **RESPONSE (62-65)**, the permittees conducted a financial capability assessment in accordance with EPA's FCA Guidance. Please refer to **RESPONSE (61)** regarding the implementation schedule.

As more fully discussed in **RESPONSE (52-54)**, there are funding opportunities available through the New Jersey Water Bank. As noted in previous responses, the Department agrees that all funding opportunities should be pursued and has shared information regarding available funding and the EPA technical assistance program with the permittees. Low-cost financing is available for the design, construction, and implementation of projects that help to protect, maintain and improve water quality. Projects eligible for financing include a wide variety of wastewater treatment works, stormwater management, drinking water systems, land acquisition, and landfill activities. However, there is a limited amount of funding available, and costs above and beyond available funding must be shouldered by the permittee. Projects costs, regardless of whether they are financed through the New Jersey Water Bank, impact user rates and fee structures, and the amount of debt which a given permitting authority can take on is prescribed by its specific financial capability. Shortening an implementation schedule will lead to costs being spread out over a correspondingly shorter period, generally resulting in higher user rates. Again, the permittee, based on its specific circumstances, must develop a schedule compliant with the CWA which balances the competing interests of shorter timeframes and lower user rates.

71. COMMENT: Can NJDEP require that permittees not only conduct the standard calculations, but also an alternative calculation considering new federal funding that would reduce the ratepayer burden and accelerate environmental and community benefits? [3]

72. COMMENT: In deciding innovative funding strategies, we recommend engaging community members and the CSO Supplemental Team in these discussions. How is the permit holder held accountable to engage community members in these discussions? [2]

RESPONSE (71-72): The federal CSO Control Policy requires completion of an FCA analysis as part of the LTCP. As discussed in **RESPONSE (62-65)**, the permittees fulfilled this requirement by performing a financial capability assessment pursuant to EPA's FCA Guidance. It is unclear what is intended regarding the reference to an alternative calculation as stated in this comment. The Department maintains that the EPA-required assessment completed by the permittees is sufficient and additional assessments would necessarily require the permittees to revisit the LTCP which could result in a delay in the implementation of CSO controls.

The Department agrees that all innovative funding strategies should be considered. The Department further agrees that funding may be a topic for CSO Supplemental Team meetings to engage community members.

73. COMMENT: We were pleased to see that the permit holders are investing a significant amount of construction and design activities. We are glad to see that all three municipalities are working towards the minimum capture numbers. It was disappointing to see that the timelines are still so extended in many cases, and really in all three cases. In terms of Fort Lee the plan gets to about 81% capture in 10 years through sewer separation, which is good, but it takes until 2049 to be completed which, in our opinion, is too long. In Hackensack, the plan is to achieve 81.2% capture by 2025, which is good. However, full implementation is by 2036 or 2038 depending on performance obtained by prior projects. That is a very long timeline and we're hoping that before these permits are finalized you can work with the permit holders to adjust that. We are hoping that by looking at new funding opportunities that have arrived or released since the LTCPs were drafted that will allow you to go back to shortening these timelines and finding ways to invest. [7]

74. COMMENT: While we are pleased to see the permit holders are investing in a significant amount of construction and design activities, we are concerned to see that timelines are so extended in most cases throughout each permit. In terms of Fort Lee, the plan achieves 81% capture in the first 10 years through sewer separation, which is good, but takes until the year 2049 to reach 85.4% volume capture. In Hackensack, although there are only two outfalls compared to Ridgefield Park's 6 CSO outfalls affecting the Hackensack River, Hackensack has a greater volume of overflows occurring annually [Hackensack baseline is 256.7 MG/yr. while. 53.2 MG/yr.]. The LTCP, as

outlined, aims to achieve an impressive 81.2% CSO volume capture by 2025. However, full implementation is not until 2036 or 2038, depending on performance by prior projects. This is an unacceptable timeline that risks the health and safety of our communities and environment. In Ridgefield Park, we noted the shift in the Implementation Plan shown in the suggested Selected Implementation of Alternative Report (SIAR) versus the plan in the draft permit on page 24 of the Fact Sheet. Their permit notes that recent funding opportunities makes sewer separation more cost effective.

The draft permit notes that the storage tank alternative described in the SIAR might be reduced in size or even eliminated by more effective use of sewer separation. The storage alternative will be evaluated after Phase 1 of Sewer Separation in year seven. However, the SIAR [page 186] indicated that property acquisition for the storage facility would start in year three of the plan and finish in year five. Design would follow property acquisition in year six according to the SIAR. With the proposed shift, it is unclear what the impact of property acquisition would be to the schedule proposed in the draft permit as outlined in the SIAR. [2]

75. **COMMENT:** There are ten CSO outfalls within this permit and we are pleased to see investment in construction and design activities. We recommend that NJDEP encourage the permittees to shorten project timelines to achieve 85% capture as prolonged timelines will further impair the Hackensack River, the Overpeck Creek, and Hudson River. Specifically, the planned projects that should be implemented and completed as soon as possible include: Village of Ridgefield Park's sewer separation project which has a 25 year timeline; Borough of Fort Lee's sewer separation plan gets to about 81% capture in 10 years, but the projected completion is not until 2049; and the City of Hackensack's plan achieves 81.2% capture by 2025, but full implementation is not until 2036 or 2038.

We recommend the Department work with the permit holder to leverage their expertise and support to accelerate the implementation of the sewer separation projects. This is another avenue for shortening timelines toward achieving the minimum 85% capture goal. If funding is required to support this, encourage the permit holder to take advantage of federal funding from NJ Water Bank, etc., to get projects underway sooner. [3]

76. **COMMENT:** We recommend the Department encourage the permittees to shorten project timelines to achieve 85% capture, as prolonged timelines will further impair the Hudson River, Hackensack River, and Overpeck Creek. NJDEP should encourage the Village of Ridgefield Park to reduce the 25-year sewer separation project timeline in the permit so as not to prolong and worsen water quality impairments. [4]

RESPONSE (73-76): The Department agrees that CSO controls should be prioritized to minimize CSO volume being discharged to the waterways. The selection of CSO control strategies is left to the permittees consistent with the federal CSO Control Policy. The schedule contains a number of significant CSO control measures that require time to plan, design and construct. The development and implementation of CSO projects requires both the permitting authority and the permittee to carefully balance a number of considerations to implement the LTCP as soon as practicable and ultimately achieve compliance with the CWA. In developing an implementation schedule, the federal CSO Control Policy and N.J.A.C. 7:14A-11, Appendix C directs permitting authorities and permittees to consider, among other things, use impairment, financial capability, funding availability, and user rates and fee structures. Refer to **RESPONSE (61)** for additional information regarding the implementation schedule.

Sewer separation is a control strategy that can increase the capacity of the CSS by removing stormwater flows. All three CSO municipalities are pursuing sewer separation, which is expected to result in an overall reduction in combined sewage flow to BCUA over time, as specified in the joint LTCP. Some sewer separation projects have already been completed.

The two CSO outfalls in the City of Hackensack discharge to the Hackensack River; the two CSO outfalls in the Borough of Fort Lee discharge to the Hudson River; and the six outfalls in the Village of Ridgefield Park discharge to Hackensack River and Overpeck Creek. BCUA discharges its wastewater discharge to the Hackensack River.

The Department's Bureau of Environmental Analysis, Restoration and Standards is responsible for conducting water quality assessments of the state's surface waters which includes the identification of water quality

impairments. The Department employs an integrated approach to assessing water quality by compiling a vast amount of water monitoring data and related information collected by numerous sources throughout the State and evaluating it to determine the health of New Jersey's surface waters. This integrated water quality assessment process is used to determine if water quality conditions have changed over time; if water quality standards are met and if designated uses, such as recreation and water supply, are fully supported; to identify causes and sources of water quality impairment; and to develop restoration strategies for impaired waters and protection strategies for healthy waters. See https://dep.nj.gov/wms/bears/water-quality-assessment/#wqa for additional information.

As discussed in **RESPONSE (52-54)** and **RESPONSE (62-65)**, there is a limited amount of funding available, and costs above and beyond available funding must be shouldered by the permittee. Projects costs, regardless of whether they are financed through the New Jersey Water Bank, impact user rates and fee structures, and the amount of debt which a given permitting authority can take on is prescribed by its specific financial capability. Of course, shortening an implementation schedule will lead to costs being spread out over a correspondingly shorter period, generally resulting in higher user rates. Similarly, a recalculation of an FCA or review of funding alternatives would necessitate extending the timeline to finalization of an LTCP. Again, the permittee, based on its specific circumstances, must develop a schedule compliant with the CWA which balances the completing interests.

Lastly, the federal CSO Control Policy and N.J.A.C. 7:14A-11, Appendix C contemplates memorialization of approved LTCPs and implementation schedules in an appropriate enforceable mechanism. The Department has determined that a separate enforceable instrument is necessary in order to formalize and solidify any implementation schedule that goes beyond the five-year permit term. As such, the Department and the permittees have executed an Administrative Compliance Agreement, dated January 27, 2025, to solidify the LTCP and Implementation Schedule, as referenced in **RESPONSE 57**.

77. COMMENT: We recommend the Department require permittees to prioritize controls and projects based on the impact on CSO volume reduction and water quality improvements, including well-designed green infrastructure. Ensure that green infrastructure is implemented as much as possible, wherever possible, and as quickly as possible. [3]

78. COMMENT: We recommend the Department require permittees to prioritize controls and projects based on the impact on CSO volume reduction and water quality improvements, including well-designed green infrastructure. GI is an integral stormwater practice and an essential climate resilient solution that has benefits for CSO volume reduction and water quality improvement. CSO control alternatives including green infrastructure are important components in achieving 85% capture of combined sewage collected during wet weather events. Green infrastructure should be explored during the sewer separation projects included in these permits. CSO control alternatives including green infrastructure are important components in achieving 85% capture during wet weather. The permittees should work collaboratively across municipalities, with community members and community-based organizations to identify locations for green infrastructure projects to maximize community benefits. Green infrastructure can be a strong educational tool to increase public awareness of water quality and flooding issues.

NJDEP must ensure that the benefits from green infrastructure and flood mitigation projects included in these permits are maximized by accelerating timelines and creating maintenance plans.

We ask that NJDEP provide assistance for permittees to explore conducting a GI feasibility study to determine locations with a large volume of impervious cover that would benefit from the implementation of GI that will address localized flooding issues. [4]

79. COMMENT: Green infrastructure seems a little light and it does not seem that there are many meaningful green infrastructure projects being considered. Projects that capture a great deal of volume should be evaluated. With so many gray infrastructure projects being implemented, whether it's CSOs or for lead service lines or other, has the permit holder evaluated these opportunities to achieve economies of scale?

Not only will green infrastructure benefit the volume reduction, but it also has other cross benefits for community members in terms of having them be closer to nature and is also a great thing for mental health and a sense of well-being. Green infrastructure is the future. Permit holders should start to incorporate and look for more opportunities to incorporate green infrastructure. We recommend they hire a professional consultant to do a feasibility study so they know where it makes sense. [7]

80. **COMMENT:** In terms of green infrastructure, it does not seem that many meaningful green infrastructure projects are being considered as part of these permits. With so many gray infrastructure projects being implemented, has the permit holder evaluated the opportunities to install green infrastructure practices, simultaneously, and achieve economies of scale?

NJDEP should provide assistance to the permittee, in the form of funding and/or technical assistance, so the permittee can more easily explore conducting a green infrastructure feasibility study to determine locations with a large amount of impervious cover that might benefit from implementation of green infrastructure projects to address flooding.

NJDEP should require that the permittees monitor and track the impacts of green infrastructure projects on CSOs to ensure that they are correctly installed and maintained. [2]

81. **COMMENT:** Completing green and gray infrastructure improvements at the same time would be more efficient, less disruptive, and lead to more cost savings. It wasn't obvious that that was part of the plan.

Cost normally goes up over time, so doing something efficiently, quickly with a multiplier benefit, like doing gray and green other utility work at the same time, will bring down costs and is important. [9]

RESPONSE (77-81): As discussed in **RESPONSE (61)**, significant CSO controls for these permittees are already in various stages of completion.

The Department acknowledges that green infrastructure can be utilized to manage stormwater while simultaneously providing environmental, social, and other co-benefits. These co-benefits can include a reduction in urban heat island effect, decreased energy use, removal of pollutants from the air through greater utilization of vegetation, beautification of public spaces, and increased property values. The Department has long supported the use of green infrastructure to assist with CSO reduction and released a document in January 2018 entitled "Evaluating Green Infrastructure: A Combined Sewer Overflow Control Alternative for Long Term Control Plans" and available at https://dep.nj.gov/dwq/combined-sewer-overflow/cso-permittees/#resources.

The 2015 NJPDES CSO permit required the three Permittees to work collaboratively through the three stages of LTCP development including the submission of the Development and Evaluation of Alternatives Report (DEAR) dated September 6, 2019 (available at https://www.nj.gov/dep/dwq/cso-ltcpsubmittals.htm). The objective of the DEAR was to provide a comprehensive evaluation of CSO control alternatives including gray and green infrastructure. The DEAR discussed the phased implementation of green stormwater infrastructure projects throughout the report. Subsequent to the DEAR, the Permittees were required to work collaboratively to create and submit an LTCP which included Implementation Schedules consisting of projects and timelines. As part of that requirement, the Permittees were required to evaluate the practical and technical feasibility of a range of CSO control alternatives that met the goals of the federal CSO Control Policy and N.J.A.C. 7:14A-11, Appendix C. The selection of CSO control strategies was left to the permittees consistent with the federal CSO Control Policy.

The Department recognizes the importance of providing robust funding opportunities for CSO projects, including green infrastructure. Green infrastructure projects are eligible for funding through the New Jersey Water Bank who offers a variety of funding packages with low interest loans and principal forgiveness, and additional resources for disadvantaged communities.

Regarding tracking and monitoring, green infrastructure can absorb stormwater and thereby contribute to reductions in volume of CSOs. Any such reductions from completed green infrastructure projects can be assessed through a rerun of the H&H model.

The Department agrees that the operation and maintenance of green infrastructure is integral to their proper function. Operation and maintenance of CSO control measures, such as green infrastructure, are addressed in a separate permit condition at Part IV.G.6 as described in **RESPONSE (18-20)**.

82. COMMENT: One specific opportunity to include green infrastructure is while building Valley Road and separating the combined sewer system in Ridgefield Park. This is an opportune time to incorporate meaningful green infrastructure into this project and develop a Complete Green Streets plan for that area to reduce flow. [2]

83. COMMENT: We recommend the Department provide guidance to the Village of Ridgefield Park to explore opportunities to implement complete and green streets. For reference, the New Jersey Department of Transportation's Complete & Green Streets for All: Model Complete Streets Policy and Guide outlines policy implementation strategies and checklists to enable the implementation of complete and green streets. We hope permittees will conduct LTCPs simultaneously with green streets to reduce the overall cost and impact on community members during construction. [3]

84. COMMENT: The Department should provide additional guidance for permittees to ensure that high-impact green infrastructure is considered as part of gray infrastructure projects to address both solutions simultaneously and achieve economies of scale while ensuring affordability to ratepayers.

The Department should provide guidance to the Village of Ridgefield Park to explore opportunities to implement. For reference, the New Jersey Department of Transportation's (NJDOT) Complete & Green Streets for All: Model Complete Streets Policy and Guide outlines policy implementation strategies and checklists to enable the implementation of complete and green streets. We hope permittees will implement their LTCPs simultaneously with green streets to reduce the overall cost and impact on community members during construction. [4]

85. COMMENT: One specific opportunity in Ridgefield Park to include green infrastructure is while reconstructing Valley Road and separating the sewer. That is a great opportunity to look at meaningful green infrastructure and how that can be built into the process and design. That is even an opportunity to develop a Complete Green Streets plan for that area as a way to reduce the flow while embedding these effective nature-based and related solutions. It's great that there's an opportunity for that and hope that you can consider that. [7]

RESPONSE (82-85): The Department is aware of the document entitled "Complete & Green Streets for All" which is a model policy and guide developed by the New Jersey Department of Transportation. As described in the document, "Complete Streets" are designed and operated with the safety, mobility, and accessibility needs of users of all ages and abilities in mind. Although the contents of this document are largely unrelated to CSO issues, there are references to green infrastructure within the document that largely point to the New Jersey Future website as entitled "New Jersey Green Infrastructure Municipal Toolkit" (see https://gitoolkit.njfuture.org/). The Department supports the use of green infrastructure; however, the selection of CSO control strategies is left to the permittees consistent with the federal CSO Control Policy and N.J.A.C. 7:14A-11, Appendix C as part of the already submitted LTCP.

86. COMMENT: We recommend the Department require the permittees to review the projected CSO reductions from the municipal Green Infrastructure projects and track and report on the climate change impact that they will have on CSO volume. [3]

87. COMMENT: NJDEP should require that the permittees monitor and track the impact of green infrastructure projects implemented by the permittees on CSOs. The Department should ask that permittees in the Borough of Fort Lee and City of Hackensack provide additional information on the status of green infrastructure projects included in the permit. [4]

RESPONSE (86-87): All green infrastructure measures serve to free up capacity in the collection system. There is no requirement to monitor and track the efficacy of any particular gray or green control alternative. However, note that the final permit contains "specific requirements to track and assess compliance with the attainment of wet weather percent capture" in Part IV.G.4.c and d in achieving the federal CSO Control Policy and N.J.A.C. 7:14A-11, Appendix C requirements. Also see Part IV.G.9.e. A rerun of the H&H model as part of the LTCP amendment will document any changes to wet weather percent capture as a result of any completed green infrastructure projects.

88. **COMMENT:** The permit should require that implementation of the LTCP, for either gray or green infrastructure, be accomplished in a manner that minimizes impact to the host community, especially during construction activities. This includes but is not limited to obeying local ordinances, dust, noise, traffic control, etc. We recommend that priority be given to the green and gray projects that have the fastest and greatest impact on CSO reduction and water quality improvement. [3]

RESPONSE (88): All local ordinances, which may include those related to dust, noise and traffic control, are required to be obeyed at all times. This is noted in Part II.B.1.a which states "The issuance of this permit shall not be considered as a waiver of any applicable federal, state, and local rules, regulations and ordinances."

89. **COMMENT:** We recommend the Department require the permittee to conduct water quality sampling near CSO outfalls during the implementation of LTCP projects and during wet weather events that generate overflows. This could further protect the public from the effects of CSO events by maintaining transparency and conducting outreach around water quality and sampling. Due to the increased risks in the 24–72 hours after a CSO event, this information should be communicated to recreational users of the impacted waterways in a timely manner. We also recommend the Department utilize water quality and precipitation data to look at opportunities to improve protections on the waterbody, such as a Use Attainability Analysis. [3]

RESPONSE (89): Ambient water quality sampling around CSO outfalls is a required component of the Compliance Monitoring Program (CMP) as contained in the federal CSO Control Policy and N.J.A.C. 7:14A-11, Appendix C. Submission of a CMP Report was required by the March 12, 2015 NJPDES CSO permit. The CMP Report generated sufficient data to establish existing ambient water quality conditions for pathogens in the CSO receiving waters. In review of the report, the Department determined that the data collection effort, in concert with the ongoing New Jersey Harbor Discharge Group (NJHDG) Monitoring Network, provided sufficient information for the purposes of data characterization for baseline and existing conditions.

The CMP is a continued requirement in this renewal permit consistent with the federal CSO Control Policy and N.J.A.C. 7:14A-11, Appendix C. The portion of the CMP conducted during and after implementation of the LTCP is referred to as the Post Construction Compliance Monitoring Plan (PCCMP). The PCCMP will provide data to evaluate the effectiveness of the CSO control measures constructed during and after the implementation of the LTCP including a monitoring schedule, regulator monitoring locations, receiving water sampling locations, and rain gauge locations.

The NJPDES CSO permit requires collection of ambient sampling utilizing the NJHDG monitoring network for ongoing PCCMP data given that this is a comprehensive and longstanding data set. The NJHDG had initiated a Long-Term Ambient Water Quality Monitoring Program for the NJ portion of the NY/NJ Harbor Estuary in 2003. The main objective of the NJHDG program is to develop a comprehensive database on the existing water quality of the NY/NJ Harbor by routinely and extensively monitoring the waters of the Passaic River, Hackensack River, Newark Bay, Arthur Kill, Raritan River, Raritan Bay, and the Hudson River. Monitoring is performed at each station weekly from May through September and monthly from October through April. Additional information is available here at https://www.nj.gov/pvsc/what/njhdg/.

A Use Attainability Analysis, as referenced in the comment, refers to a structured scientific assessment of the factors affecting the attainment of uses specified in Section 101(a)(2) of the Clean Water Act. This is separate and distinct from the CMP contained in the NJPDES CSO permits and is outside the scope of this permit. Data

collected as part of this process may be utilized to inform NJ Surface Water Quality Standards (SWQS) at N.J.A.C. 7:9B; however, it would be premature to determine any effect that may have given that the PCCMP process has not yet begun.

90. COMMENT: EPA supports the requirements of the PCCMP. Of particular note is the importance of requiring post construction compliance monitoring every 5 years to assess the performance and effectiveness of CSO controls as they are implemented, including an assessment as to whether the control is performing as expected and achieving the required interim increase in percent capture of wet weather flows, as well as the final capture of no less than 85%. Interim requirements/milestones for capture percentage of combined wet weather flows be identified and included in the fact sheet/permit. EPA also recommends that the permittee be required to submit its water quality compliance monitoring plan to the NJDEP for review and approval prior to implementation. [1]

RESPONSE (90): Extensive Post Construction Compliance Monitoring Plan requirements are included in Part IV.G.9 of the permit as noted in this comment. This requirement already specifies a time interval of five years for submission of an Interim PCCMP Report as shown in Part IV.G.9.e:

e. The permittee shall conduct interim post-construction compliance monitoring every five years as established in the LTCP. Such monitoring shall assess the projects and implementation schedule including attainment of percent capture milestones set forth in the LTCP. These projects shall be monitored and analyzed to determine if they are operating as intended and whether the implementation of projects under the LTCP are achieving the interim required percent capture milestones set forth in the LTCP. If the PCCMP determines that the implemented CSO control measures do not meet the interim required percent capture or the final required percent criteria, an evaluation must be included in the Adaptive Management Plan in accordance with H. below.

Both the Interim PCCMP Report and the Final PCCMP Report are required to be submitted to the Department and will include modeling results regarding wet weather percent capture. Interim wet weather percent capture milestones are summarized in the draft NJPDES CSO permits.

In the event that the Permittees do not obtain final percent capture requirements, Adaptive Management practices must commence to ensure that additional CSO control measures are implemented to attain interim milestones. As stated in Part IV.H.2:

b. If an Interim or the Final PCCMP Report determines that the implemented CSO control measures do not meet the interim required percent capture or the final required percent capture, the Adaptive Management Plan shall include:.

   i. Modified or additional CSO control measures that will be to achieve the interim required percent capture or the final required percent capture;
   ii. A detailed analysis and a modified implementation plan and schedule of the CSO control measures; and
   iii. Inclusion of any adaptive management modifications based on an Interim or the Final PCCMP Report.

In addition, Part IV.G.9 of the permit also requires submission of water quality monitoring results. As stated in Part IV.G.9.g:

g. Upon implementation of all the LTCP CSO control measures, the monitoring information collected from the ambient baseline monitoring phase of the BCMP shall be compared to the post-construction compliance monitoring to evaluate the effectiveness of CSO control measures implemented to verify that the remaining CSOs are not precluding the attainment of water quality standards for pathogens.

Finally, Part II contains a reopener clause which references compliance with water quality standards. Specifically,

a. This reopener clause authorizes the NJDEP to reopen and modify the permit upon determination that the CSO controls as contained in a LTCP fail to meet WQS or protect designated uses.

In summary, the Department maintains that the NJPDES permit is fully reflective of PCCMP requirements as included in the federal CSO Control Policy and N.J.A.C. 7:14A-11, Appendix C.

91. **COMMENT:** Part g. of the Compliance Monitoring – Post Construction Compliance Monitoring Plan section of the permits includes the statement: "remaining CSOs are not precluding the attainment of water quality standards for pathogens." EPA requests that this statement be revised to remove "for pathogens" as the CSO Control Policy (Section II.C.9.) does not limit water quality standards attainment to only pathogens. [1]

RESPONSE (91): The Department agrees that the NJPDES CSO permit must be consistent with the federal CSO Control Policy and N.J.A.C. 7:14A-11, Appendix C. Part IV.G.9.g has been modified in the final permits as follows:

g. Upon implementation of all the LTCP CSO control measures, the monitoring information collected from the ambient baseline monitoring phase of the BCMP shall be compared to the post-construction compliance monitoring to evaluate the effectiveness of CSO control measures implemented to verify that the remaining CSOs are not precluding the attainment of water quality standards ~~for pathogens~~.

This change affects Part IV.G.9.g (CSM Requirements) of the final permits.

92. **COMMENT:** The draft Fort Lee Borough, Hackensack City, Ridgefield Park Village and BCUA NJPDES permits should be cross referenced in each permit. The CSO Control Policy states that "[w]hen a CSO is permitted separately from the POTW, both permits should be cross-referenced for informational purposes." Id. At 18695. [1]

RESPONSE (92): The Department has included an additional permit condition to Part IV.G.10 to include a cross-reference to the hydraulically connected system for informational purposes. As a result, Part IV.G.10.a of the final permits is as follows:

a. The Borough of Fort Lee (NJPDES Permit No. NJ0034517), City of Hackensack (NJPDES Permit No. NJ0108766), Village of Ridgefield Park (NJPDES Permit No. NJ0109118) and Bergen County Utilities Authority (NJPDES Permit No. NJ0020028) are a hydraulically connected combined sewer system. The permittees own/operate separate portions of one hydraulically connected combined sewer system.

This change affects Part IV.G.10 (CSM Requirements) of the final permits.

93. **COMMENT:** While there is mapping of systems and inspections related to broken pipes, leaks, etc., as well as data collection of water quality monitoring programs such as those identified in the New York-New Jersey Harbor Estuary Program's (HEP's) Environmental Monitoring Plan, it is not clear how the findings from the mapping/inspections and water quality data are enforced. We encourage NJDEP to establish guidelines and procedures to utilize the findings in the permit holder's adaptive management strategies. [2]

94. **COMMENT:** While there is mapping of systems and inspections related to broken pipes and leaks as well as programs such as HEP's Environmental Monitoring Program, it is not clear how the findings of such are enforced. We encourage NJDEP to establish guidelines and procedures to enforce those findings. [7]

95. **COMMENT:** We'd like to have some clarity around provisions on mapping leaks. We'd like some clarity about moving from funding to repair of leaks to avoid costly emergency repairs as opposed to scheduled repairs which are much more effective, economical, and less disruptive to communities and homes. [9]

RESPONSE (93-95): Mapping of combined sewer versus separate sewer areas was a required component of the 2015 NJPDES CSO permits. Maps are posted and available here: NJDEP | Division of Water Quality | CSOs in New Jersey.

Mapping of combined systems is a separate issue from the New York-New Jersey Harbor Estuary Program's Environmental Monitoring Plan. The Environmental Monitoring Plan consists of three tools: a monitoring inventory and interactive map, a companion digital storymap and a research and monitoring recommendations report. Additional information is available here: https://www.hudsonriver.org/article/environmental-monitoring-plan.

Both these issues are separate and distinct from Adaptive Management which is defined in the NJPDES CSO permits at Part IV.H.2. The Department maintains that the NJPDES CSO permit conditions already establish objectives as written.

CUSTOM REQUIREMENT (PART IV.H) COMMENTS

96. COMMENT: EPA is very supportive of the H. Custom Requirements for 1. Precipitation Trends, which require the permittee to analyze the annual precipitation trends over the term of the permit and compare them to the assumptions used in the development of the LTCP. EPA would also like to highlight the importance of the Adaptive Management Plan and the requirement to provide additional or modified CSO control measures, additional analysis, and a modified implementation plan, should recent precipitation trends not agree with assumptions contained in the LTCP or if interim capture requirements for CSO controls are not met. [1]

RESPONSE (96): The Department acknowledges this supportive comment. The Department agrees that an assessment of annual precipitation trends is appropriate given climate change effects. In addition, the Department agrees that Adaptive Management is a key permit component to allow flexibility for changing conditions as well as technology improvements.

97. COMMENT: There is still less clarity in the language in these permits around how CSO controls address climate change and rising sea levels. At a minimum, the permittee should review the projected CSO removals and whether current projections of precipitation and sea level rise due to climate change affect the implementation plan.

It is unclear how this recent tool released by NJDEP will be used: https://njprojectedprecipitationchanges.com/. This was part of the two Extreme Precipitation Studies that NJDEP released confirming increased precipitation across New Jersey over the last twenty years and projecting further increases in precipitation intensity through the end of this century due to climate change. Can you clarify how this tool will be used by NJDEP and permit holders?

How will the Permit Holder be required to adjust their current plan to include these new precipitation models and projections? How will this be documented and reported on? Will NJDEP require permit holders to review the projected CSO removals and whether current projections of precipitation and sea level rise due to climate change require alterations to the implementation plan? [2]

98. COMMENT: Will NJDEP require permit holders to review the projected CSO removals and whether current projections of precipitation and sea level rise due to climate change require alterations to the implementation plan? [3]

99. COMMENT: NJDEP should provide guidance to permittees on how to use the newly released Extreme Precipitation Projection Tool, which projects increased precipitation intensity due to climate change. [4]

100. COMMENT: Language must be clear around how CSO controls will address sea level rise and climate change. We hope that the permits will better reflect that. [7]

101. **COMMENT:** Except for Ridgefield Park, climate does not seem to be something that was considered in these permits. Adjustments should be made as required as conditions change. How can climate change be accommodated? [9]

RESPONSE (97-101): The Department agrees that climate change must be considered as part of CSO control measures. NJPDES permit requires measures to prepare for and respond to the effects of climate change, including: Adaptive Management provisions, the preparation of an Emergency Plan (including Vulnerability Analysis and Asset Management requirements), and annual precipitation analyses over the life of the permit. The requirements of this permit may be modified or updated at the discretion of the Department as technology, information, and legal or regulatory requirements relating to climate change continue to develop.

Projects financed through the New Jersey Water Bank, which offers principal forgiveness loans and additional assistance for disadvantaged communities, will review individual projects for climate change impacts. This includes fluvial flooding, coastal flooding, sea level rise, category 1 hurricanes, and extreme precipitation in order to ensure that climate change considerations are maintained throughout the planning and implementation process.

The New Jersey Extreme Precipitation Projection Tool identified in this comment is an interactive tool for users to identify regional and local estimates of projected changes in extreme rainfall amounts. The tool allows users to view a range of rainfall depths, with options for frequencies, emission scenarios and time periods. The use of this specific tool by permittees is not required by the NJPDES CSO permits or the federal CSO Control Policy. However, as described in **RESPONSE (100),** the NJPDES CSO permits require permittees to determine the annual precipitation depth and analyze them against the assumptions used in the development of the LTCP.

Permittees are encouraged to consider the potential for increases in precipitation throughout the implementation of the LTCP via information sources like the New Jersey Extreme Precipitation Projection Tool.

102. **COMMENT:** We recommend the Department ensure that the permit holder develops a plan to evaluate changes in precipitation trends, quantifies the impact on the implementation plan, and makes appropriate changes accordingly. [3]

RESPONSE (102): The permittee is required to submit information regarding Precipitation Trends as stated in Part IV.H.1 of the NJPDES CSO permit:

1. Precipitation Trends

    a. The following information shall be submitted to the Department as part of the NJPDES permit renewal application:

        i. The permittee shall analyze and submit the annual precipitation depth obtained by the National Oceanic Atmospheric Administration (NOAA) at the Newark Liberty International Airport in order to determine the annual precipitation depth during the effective period of the permit.

        ii. The permittee shall determine and submit the annual precipitation depth for each calendar year, such that by the end of the permit, the most recent five calendar years of data has been collected. The permittee shall compare this data to assumptions utilized in the development of the LTCP.

        iii. This information shall be submitted to the Department with the NJPDES renewal application with an assessment of any change in precipitation trends.

The Department will evaluate this information at the time of permit renewal to determine if any changes need to be made based on these reported trends. Any such change would need to be in accordance with the federal CSO Control Policy as well as N.J.A.C. 7:14A-11, Appendix C.

103. **COMMENT:** Future hydrologic and hydraulic modeling should be updated based on precipitation data and modeling from the Northeast Regional Climate Center released in November 2021. [4]

RESPONSE (103): As per the federal CSO Control Policy and N.J.A.C. 7:14A-11, Appendix C, "The permittee should examine the complete rainfall record for the geographic area of its existing CSS …." The Department maintains that utilizing local historical rainfall data is accurately representative of local conditions and is required to be used for the H&H model. The H&H model and system wide annual average rainfall were addressed in the System Characterization Report dated June 2018 (revised September 17, 2018 and January 14, 2019) and approved by the Department on January 24, 2019.

104. **COMMENT:** We acknowledge the NJDEP is working towards the development of the Resilient Environments and Landscapes (REAL) rules as part of New Jersey Protecting Against Climate Threats (NJ PACT) regulatory reform. The forthcoming REAL rules will make our natural and built environments more resilient to the impacts of climate change that are now unavoidable. We look forward to the development and implementation of NJ PACT by permittees through the CSO permit and other applicable regulations.

Governor Phil Murphy announced the adoption of the landmark Inland Flood Protection Rule to better protect New Jersey communities on the frontlines of severe flooding and increased storm events. The Inland Flood Protection Rule corrects outdated portions of the Flood Hazard Area and Stormwater Management Rules to better protect people and property from the devastating flooding that science shows is occurring with increasing frequency due to climate change. Currently, the state underestimates these floodplains because it uses outdated 20-100-year-old data that does not account for recent development and increased rains due to climate change. [2]

105. **COMMENT:** NJDEP should provide guidance on how to incorporate rules being developed by the NJ PACT process. Additionally, permit conditions should include a requirement to update models reflecting available climate data and incorporate projections from NJ PACT.

Governor Phil Murphy announced the adoption of the landmark Inland Flood Protection Rule to better protect New Jersey communities on the frontlines of severe flooding and increased storm events. The Inland Flood Protection Rule corrects outdated portions of the Flood Hazard Area and the Stormwater Management Rules to better protect people and property from the devastating flooding that science shows is occurring with increasing frequency due to climate change. How will the Permit Holder be required to adjust their current 5-year plan to include these new precipitation models and projections? [3]

106. **COMMENT:** NJDEP should provide clear guidance on how the NJ PACT rules will be incorporated into this permit and future permits, especially the anticipated Resilient Environments and Landscapes rule. The Department should require the permittees to document and report the impacts of climate change on CSO removals. How will the permittees be required to adjust their current five-year plans and include the new precipitation models and projections involved in these new rules? [4]

107. **COMMENT:** For the Inland Flood Protection Rule, how will the permit holder be required to adjust their five-year plan to include these new models? How will this be documented and reported? [7]

108. **COMMENT:** Speaking to climate change and the models used, we're still seeing a little bit less clarity in the language within the permits about how CSO controls address climate change and sea level rise. We know that not all the NJPACT rules have been released yet, but it is an important part of what we're dealing with particularly in the Hackensack River/Meadowlands area. We're hoping permittees will be able to review projected CSO removals and whether current projections of precipitation and sea level rise due to climate change will affect their implementation plans and adjust accordingly. [8]

RESPONSE (104-108): The Department acknowledges that New Jersey is threatened by climate change impacts such as rising sea levels, increasing temperature, and more intense and frequent storm events and flooding. As referenced in these comments, the Department continues its regulatory reform effort commonly referred to as NJ PACT. These regulations are the result of Executive Order No. 100 signed by Governor Phil Murphy. Consequently, Administrative Order No. 2020-01 required the Department to begin a regulatory reform effort to help reduce greenhouse gas and other climate pollutant emissions while making our natural and built environments more resilient to the impacts of climate change that are now unavoidable. The Inland Flood Protection Rule is a regulation that aims to improve community resilience against flooding by using updated precipitation data. This rule adopts amendments to the Flood Hazard Area Control Act rules and the Stormwater Management Rules. This rule applies to new and reconstructed assets in areas at most significant risk of flooding. The federal CSO Control Policy and N.J.A.C. 7:14A-11, Appendix C is the relevant regulation that is applied to NJPDES CSO permits.

The permittees are required to comply with all final and applicable regulations.

109. COMMENT: We are encouraged that Ridgefield Park is using EPA's CREAT tool for assessing climate resiliency. We recommend that NJDEP encourage the use of this tool for all permit holders. [2]

110. COMMENT: We recommend the Department encourage all permit holders to use EPA's Climate Resilience Evaluation and Awareness Tool (CREAT) for assessing climate resiliency. [3]

111. COMMENT: It's great to see that Ridgefield Park is using EPA's CREAT tool for assessing climate resiliency. It's important to be thinking forward like that and we would hope that all permit holders would be encouraged to do so as well. [8]

112. COMMENT: It's great to see that Ridgefield Park is using the EPA CREAT tool for assessing climate resiliency; we hope that can be encouraged for all permit holders. [7]

RESPONSE (109-112): Climate Resilience Evaluation and Awareness Tool (CREAT) is a tool that assists water sector utilities in assessing climate-related risks to utility assets and operations. While the Department cannot require use of the CREAT tool, the use of such tool is encouraged as CSO control measures are designed and developed in order to assess the vulnerability to climate change. Additional information on CREAT is available at: https://www.epa.gov/crwu/climate-resilience-evaluation-and-awareness-tool.

Some permittees in the northeastern portion of the state have partnered with the Hudson River Foundation New York-New Jersey Harbor Estuary Program to work with the EPA in using the CREAT tool. As noted in this comment, Ridgefield Park assessed the vulnerability of the CSS vulnerability to the impacts of climate change. The CREAT tool was also used to assess the potential impact of sea level rise on the Outfall 001A regulator basin, to evaluate the resilience of selected CSO control alternatives, and to identify potential additional analyses and data that would be useful for future climate change impact assessments.

113. COMMENT: Sea level rise is already creating a problem in Ridgefield Park. A 2020 HEP report explains: "The Village of Ridgefield Park focused on CSO Outfall 001A located in a low-lying area adjacent to the Hackensack River which is tidally influenced. Sea level has been rising in this area, increasing the extent to which the outfall remains submerged throughout the tidal cycle. While a flap-type tide gate prevents backflow into the system, high tides can restrict the discharge of wet weather flows. When the drainage area for the outfall floods, portions of a main road and its neighboring side streets can become submerged. This flooding hinders traffic flow, and the police or Department of Public Works (DPW) may be needed to detour through-traffic." [2]

RESPONSE (113): The Department agrees that sea level rise can impact the operation of CSO outfalls. Outfall 001A, as referenced in this comment, is equipped with a tide gate which helps prevent backflow.

RESPONSE TO PERMITTEE COMMENTS

Comments on behalf of the municipal permittees were submitted as identified below:

Written Comments		
Person	**Affiliation**	**Commenter Number**
Kristen Wheaton, PE, PP, BCE Alfred Restaino Mark Olson	City Engineer, City of Hackensack Borough Administrator, Borough of Fort Lee Commissioner, Village of Ridgefield Park	10

The three municipal permittees submitted a joint comment letter and are thus collectively referred to as Commenter Number "10."

To the extent practicable, the Department has grouped the Permittee comments into the following general categories:

Topics	Comment Numbers
General	114
Fact Sheet	115-136
Monitoring Requirements (Part IV.A)	137
Nine Minimum Control Requirements (Part IV.F)	138-140
Long Term Control Plan Requirements (Part IV.G)	141-142
Custom Requirement (Part IV.H)	143

Where applicable, the phrase 'the three municipalities' NJPDES CSO draft permits' refers to the draft permits for the municipalities which are served by the combined sewer systems (CSSs), namely, the Borough of Fort Lee, the City of Hackensack, and the Village of Ridgefield Park, as issued on August 17, 2023. The CSS for these three municipalities are hydraulically connected to the BCUA Water Pollution Control Facility (WPCF).

Where changes to the permit are specified in the responses below, deleted language is shown in strikethrough and additional language is shown in underline.

GENERAL COMMENTS

114. **COMMENT:** The Permittees must have the ability to comply with the permit. The Draft Permit contains a number of absolute terms (i.e. any, all, every, etc.,) that render compliance impossible. Issuance of the Permit with these conditions would result in the municipalities being immediately out of compliance or out of compliance once the first overflow occurs. We do not believe that is the Department's intent and these terms should be addressed. [10]

RESPONSE (114): The Department does not agree with this assessment of the permit and this general comment does not cite specific language or permit conditions. In fact, many of the conditions in these renewal permits, particularly the Nine Minimum Control requirements in Part IV.F, are identical or very similar to the 2015 NJPDES CSO permit. In addition to draft permits being issued to BCUA, the Borough of Fort Lee, City of Hackensack and the Village of Ridgefield Park, draft NJPDES CSO permits have now been issued to North Bergen Municipal Utilities Authority, the Town of Guttenberg, North Hudson Sewerage Authority – Adams Street, North Hudson Sewerage Authority – River Road, the City of Elizabeth, and Joint Meeting of Elizabeth & Union Counties. Final NJPDES CSO permits have been issued to North Bergen Municipal Utilities Authority, the Town of Guttenberg; North Hudson Sewerage Authority – Adams Street; and Camden County Municipal Utilities Authority (CCMUA), the City of Camden and Gloucester City. The Department has not received similar

comments regarding impossibilities of compliance from other permittees. Specific comments on permit language have been addressed below.

No changes have been made to the final permits as a result of this comment.

FACT SHEET COMMENTS

115. **COMMENT:** In the City of Hackensack draft permit, page 1 of the Fact Sheet, Section 3, paragraph 2 states, "Most of the time, the CSSs transport all wastewater to a sewage treatment plant..." This should be revised to state "Most of the time during dry weather" as the current performance of the combined sewer system is dependent on the absence of wet weather flows. [10]

RESPONSE (115): The sentence identified in the comment is included in the following paragraph as descriptive language within the Fact Sheet in all three municipalities' NJPDES CSO draft permits and the BCUA permit:

> "CSSs are sewers that were designed many decades ago to collect rainwater and snowmelt runoff, domestic sewage, and industrial wastewater in the same pipe. New CSSs are no longer permitted in New Jersey for new communities, but many older cities in the State continue to operate existing CSSs. Most of the time, the CSSs transport all wastewater to a sewage treatment plant, where it is treated and then discharged to a waterbody. However, during periods of rainfall or rainfall with snowmelt, the wastewater volume in a CSS can exceed the hydraulic capacity of the sewer system or treatment plant. For this reason, CSSs were designed to overflow during these periods and discharge excess wastewater directly from CSO outfalls to nearby streams, rivers, or other water bodies."

The Department maintains that the sentence identified in the comment is clear when read with the remainder of the paragraph.

No changes have been made to the final permits as a result of this comment.

116. **COMMENT:** Regarding the City of Hackensack draft permit, page 4 of the Fact Sheet, Section 5.A, paragraph 4, the majority of the collection system for Hackensack is NOT served by a combined sewer system. The majority of the City of Hackensack, by population and by area, is served by separate sewers. This paragraph should be revised to reflect this information. [10]

RESPONSE (116): The following is stated on page 29 of the revised LTCP, dated July 23, 2021:

> "The City of Hackensack has approximately 31 miles of combined sewer and 39 miles of sanitary sewer. The combined sewer system (CSS) lays within the central portion of the City, while the separated sanitary sewer surrounds the outer portions of the City."

The Department agrees to make this change to the fact sheet language, as requested in the comment as the draft permit Fact Sheet language is not consistent with the descriptive language in the LTCP. The language included on page 4 of the Fact Sheet for the three municipalities' NJPDES CSO draft permits and the BCUA permit, is hereby modified as follows:

> "Combined sewage that drains to the collection system can cause large spikes in influent flow levels to the sewage treatment plant when certain precipitation conditions (e.g. heavy rain) occur. While ~~the majority of~~ 31 of 70 miles of the collection system for Hackensack is served by a combined sewer system, a portion of the collection system consists of separate sewers (i.e., a separate pipe for stormwater and a separate pipe for sewage)."

While the fact sheet is not part of the final permit, this clarification is hereby incorporated for the purposes of the Administrative Record for the three municipalities' NJPDES CSO draft permits and the BCUA permit. In

addition, note that the length of 31 miles for the combined sewer system is correctly specified in Part IV.F.1.f of the final permit for the City of Hackensack and was correctly specified in Part IV.F.1.f of the draft permit.

117. **COMMENT:** In the City of Hackensack draft permit, page 2 of the Fact Sheet, Section 4.A, paragraph 2 states, "The requirements of this permit may be modified or updated at the discretion of the Department as technology, information, and legal or regulatory requirements relating to climate change continue to develop." The City of Hackensack requests that the extent to which the permit may be modified or updated be explicitly stated as to prohibit the ability for the "Typical Year" or targets for compliance to be changed. [10]

RESPONSE (117): The sentence identified in the comment is included in the following paragraph in all three municipalities' NJPDES CSO draft permits and the BCUA permit:

> "The State of New Jersey is working to reduce and respond to climate change, including through enhanced water infrastructure resilience measures. This NJPDES permit requires measures to prepare for and respond to the effects of climate change, including: Adaptive Management provisions, the preparation of an Emergency Plan (including Vulnerability Analysis and Asset Management requirements), and annual precipitation analyses over the life of the permit. The requirements of this permit may be modified or updated at the discretion of the Department as technology, information, and legal or regulatory requirements relating to climate change continue to develop."

The Department maintains that identification of the system-wide annual average (i.e., Typical Year) is a component of the System Characterization Report as described in Section 4.4.3 of the "Sewer System Characterization Report" dated June 27, 2018. This design condition is utilized to run the H&H model for baseline conditions as well as to assess compliance with the Presumption Approach upon completion of the required LTCP projects. This sentence should not be misinterpreted to mean that the "Typical Year", as approved by the Department on May 31, 2018, will be modified. Any such change would be considered significant and would require public comment and public notice requirements, pursuant to N.J.A.C. 7:14A-16.4.

No changes have been made to the final permits as a result of this comment.

118. **COMMENT:** Regarding the City of Hackensack draft permit, page 3 of the Fact Sheet, Section 5.A, paragraph 2 states, "The collection and conveyance of wastewater" should be changed to: "The systems for the collection and conveyance of wastewater." [10]

RESPONSE (118): The following is stated on page 18 of the revised LTCP, dated July 23, 2021:

> "The collection and conveyance of wastewater (both dry and wet weather) from municipal combined sewer systems into the BCUA trunk/intercepting sewer system, including the Combined Sewer Overflow (CSO) discharge pipes, are owned and operated by the individual municipalities."

The Department agrees that clarification is appropriate; therefore, the following paragraph as included in all three municipalities' NJPDES CSO draft permits is modified as follows:

> "The BCUA owns and operates the trunk/intercepting sewer system that transports flows to the WPCF, including wastewater flows from combined sewer systems. The systems for the collection and conveyance of wastewater (both dry and wet weather) from municipal combined sewer systems into the BCUA trunk/intercepting sewer system, including the CSO discharge pipes, are owned and operated by the individual municipalities."

While the fact sheet is not part of the final permit, these clarifications are hereby incorporated for the purposes of the Administrative Record for the Borough of Fort Lee, City of Hackensack and Village of Ridgefield Park NJPDES CSO permits.

119. **COMMENT:** Regarding the City of Hackensack draft permit, page 5 of the Fact Sheet, Section 5.C, paragraphs 3 and 5 should be revised in accordance with the enclosed redline markup 'Attachment A' of the draft permit. [10]

RESPONSE (119): 'Attachment A' (as referenced in the comment) was included as an attachment to the permittees' comments and contains minor clarifications to two paragraphs on page 5 of the Fact Sheet for the City of Hackensack NJPDES CSO permit. The Department agrees to make these changes to the fact sheet language, as requested in the comment. The language on page 5 of the Fact Sheets for the City of Hackensack is hereby modified as follows:

Paragraph 3:

> "The stormwater infrastructure project will consist of a large, dedicated stormwater interceptor pipe system with in-line storage capabilities. The Court Street Stormwater Project would serve two main purposes for ~~the~~ Hackensack: (1) flood mitigation; and (2) decreasing the amount of stormwater ~~from~~ entering the combined sewer system (which ultimately increases the percent capture). The new stormwater interceptor and outfall will include treatment and adhere to the latest stormwater management rules. The stormwater project would be able to drain approximately 200 acres of area in the vicinity ~~west~~ of Railroad Avenue. The in-line storage would be capable of storing approximately 1.5 MG of stormwater, and the pump station near the outfall would be capable of pumping additional flow."

Paragraph 5:

> "~~The proposed CSO Storage Tank in its current proposed location~~ A storage tank is also proposed as part of the LTCP; ~~and~~ in its currently proposed location, it would lie along with the proposed pump station as part of the stormwater project ~~lie~~ within the floodplain of the Hackensack River, which is tidally controlled. All electrical equipment and mechanical equipment that could be impacted by flooding will need to be elevated or floodproofed. Compliance with Flood plain requirements would be accomplished within current standards at the time of design, including requirements related to projected sea level rise."

While the fact sheet is not part of the final permit, these clarifications are hereby incorporated for the purposes of the Administrative Record for the City of Hackensack NJPDES CSO permit.

120. **COMMENT:** Regarding the City of Hackensack draft permit, page 8 of the Fact Sheet, Section 8.B.1.iii, item i, paragraph 3, the City requests that the NJDEP clarify the basis for the length of the total sewer system being 39 miles. The City's Sewer System Characterization Report states that within the City there are 31 miles of combined sewers and 39 miles of sanitary sewers.

RESPONSE (120): The following is stated on page 29 of the revised LTCP, dated July 23, 2021:

> "The City of Hackensack has approximately 31 miles of combined sewer and 39 miles of sanitary sewer. The combined sewer system (CSS) lays within the central portion of the City, while the separated sanitary sewer surrounds the outer portions of the City."

The Department concurs that the descriptive language in the Fact Sheet is incorrect. The Department agrees to make this change to the fact sheet language, as requested in the comment. The language included on page 4 of the Fact Sheet for the three municipalities' NJPDES CSO draft permits is hereby modified as follows:

> "Such inspection and cleaning should be done, such that within five years, the entire system has been covered where the length of the system shall be defined in linear feet/miles. Specifically, for the City of Hackensack, the total combined sewer system is ~~39~~ 31 miles long."

While the fact sheet is not part of the final permit, this clarification is hereby incorporated for the purposes of the Administrative Record the three municipalities' NJPDES CSO draft permits. In addition, note that the length of 31

miles for the combined sewer system is correctly specified in Part IV.F.1.f of the final permit for the City of Hackensack.

121. **COMMENT:** In the municipalities' draft permits, page 9 of the Fact Sheet for the Borough of Fort Lee and page 10 of the Fact Sheet for the City of Hackensack and Village of Ridgefield Park, Section 8.B.2, item a. states, "The permittee shall use the entire collection system owned/operated by the permittee for in-line storage of sewage for future conveyance to the STP…" It is not reasonable to require the entire system be used for storage. The Permittees are concerned that this requirement could be used to show they are not in compliance, because the upper portions of the system may not be storing combined sewage during an overflow. We request that the text be revised to indicate that the system be used for storage to the extent practicable. [10]

RESPONSE (121): The sentence identified in the comment is included in the Fact Sheets of the municipalities' NJPDES CSO draft permits, as identified in the comment, and Page 33 Section 12.B.2, item a. for the BCUA draft permit:

> "The permittee shall use the entire collection system owned/operated by the permittee for in-line storage of sewage for future conveyance to the STP when sewer system flows subside by ensuring that the sewage is retained in the sewer system to the extent possible to minimize CSO discharges (i.e. volume, frequency and duration), while not creating or increasing sewage overflows, including to basements, streets and other public and private areas."

Furthermore, the permit condition for Maximum Use of the Collection System for Storage can be found in Part IV.F.2.a, which states:

> "The permittee shall continue to use the entire collection system owned/operated by the permittee for in-line storage of sewage for future conveyance to the STP when sewer system flows subside by ensuring that the sewage is retained in the sewer system to the extent practicable to minimize CSO discharges (i.e. volume, frequency and duration), while not creating or increasing sewage overflows, including to basements, streets and other public and private areas."

The intent of language proposed by the commenter, namely that "the system be used for storage to the extent practicable", is currently included in Section 8.B.2 of the Fact Sheet and Part IV.F.2.a of the draft permits and has been retained in the final NJPDES CSO permits for all three municipalities' permits and the BCUA permit. The Department maintains that the intention of utilizing the collection system for storage to the extent practicable is clear when read with the remainder of the paragraph. In addition, note that the language at Part IV.F.2.a is unchanged from the 2015 NJPDES CSO permits.

No changes have been made to the final permits as a result of this comment.

122. **COMMENT:** In the City of Hackensack draft permit, page 11 of the Fact Sheet, Section 8.B.4, paragraph 2 states, that the renewal permit requirement "includes the operation and maintenance of the collection system to increase flow to the STP in order to convey and treat flows to meet the requirements..." This should be revised as the City of Hackensack's collection system is already contributing the maximum allowable flow to the STP, and as such, increasing the flow would not be permitted. [10]

RESPONSE (122): The sentence identified in the comment is included at the end of the following paragraph in all three municipalities' NJPDES CSO draft permits and the BCUA permit:

> "The Department has determined that the existing permit condition related to Maximization of Flow to the POTW for Treatment is still applicable to ensure the ongoing operation of the system in an effective manner and to ensure that the CSO controls are properly implemented to address the Presumption Approach as set forth in the Federal CSO Control Policy and N.J.A.C. 7:14A-11, Appendix C. However, this permit condition requires updates to reflect the work completed as part of the LTCP. As a result, this renewal permit action

continues the requirement to maximize the conveyance of wastewater to the STP for treatment with wording modifications. This includes the operation and maintenance of the collection system to increase flow to the STP in order to convey and treat flows to meet the requirements of the Federal CSO Control Policy and N.J.A.C. 7:14A-11, Appendix C."

The intent of this sentence is to require ongoing maximization of flow to the POTW for treatment. The Department maintains that the sentence identified in the comment is clear when read with the remainder of the paragraph. In addition, this requirement is consistent with the Federal CSO Control Policy and N.J.A.C. 7:14A-11, Appendix C.

No changes have been made to the final permits as a result of this comment.

123. **COMMENT:** In the municipalities' draft permits, page 12 of the Fact Sheet, Section 8.B.5, item d. states, "the permittee shall prohibit any connections, including but not limited to construction dewatering, remediation activities or similar activities, downstream of a CSO regulator, that will convey flow to the CSO during dry weather." While the Department offers to review "extraordinary circumstances" on a case-by-case basis, this places an undue burden on the permittees. First, this requirement does not affect the water quality impacts of the combined sewer system, as it introduces no additional sanitary sewage to the watercourse. Second, it is ambiguous as to the requirements in regard to existing stormwater connections to the outfall downstream of the regulator. If such a condition existed, the permittees would find themselves immediately out of compliance and faced with the expensive prospect of relocating storm sewers to achieve no environmental benefit. We request that clarification be provided regarding existing connections. We also request the conditions be modified so that activities that do not impact water quality may be approved locally rather than needing the State to approve them as extraordinary. [10]

RESPONSE (123): The sentence identified in the comment is included in item d. of the following section in the Fact Sheets of the municipalities' NJPDES CSO draft permits, as identified in the comment, where similar language is included in Part IV.F.5:

"Renewal Permit Requirements for Prohibition of CSOs During Dry Weather

The Department has determined that the existing permit condition related to DWOs is still applicable. As a result, this renewal permit action retains the DWO definition and continues the requirement to prohibit CSOs during dry weather. This condition also serves to ensure the ongoing operation of the system in an effective manner. Part IV.F.5 is included in the renewal permit as follows:

a. Dry weather overflows (DWOs) are prohibited from any CSO outfall in the entire collection system owned/operated by the permittee.

b. All DWOs must be reported to the Department as incidents of non-compliance in accordance with the requirements at N.J.A.C. 7:14A-6.10(c) and (e), along with a description of the corrective actions taken.

c. The permittee shall inspect the combined sewer system as required under Section F.1. to minimize the potential of DWOs and to abate DWOs that occur.

d. The permittee shall prohibit any connections, including but not limited to construction dewatering, remediation activities or similar activities, downstream of a CSO regulator, that will convey flow to the CSO during dry weather. On a case-by-case basis, the Department reserves the right to allow temporary use of the CSO outfall structures for other types of discharges to address extraordinary circumstances. Any use under this provision must be specifically approved by the Department."

This language was included in the 2015 NJPDES CSO permit and has been carried forward into this renewal permit. This language is consistent with the Federal CSO Control Policy and N.J.A.C. 7:14A-11, Appendix C, which prohibit discharges during dry weather.

The Department disagrees with the permittee's contention as raised in this comment stating that the requirements are ambiguous in regard to existing stormwater connections to the outfall downstream of the regulator. As stated in the comment, it is contended that the permittees would find themselves immediately out of compliance and faced with the expensive prospect of relocating storm sewers to achieve no environmental benefit. The Department maintains that this interpretation is inconsistent with the language, and specifically, for "dry weather overflows". Existing stormwater connections to the outfall downstream of the regulator are not dry weather overflows and should not be interpreted as a violation of the NJPDES CSO permit.

124. **COMMENT:** Regarding the City of Hackensack draft permit, page 19 of the Fact Sheet, Section 8.C.2, bullet 5 should be revised to begin with "Provide neighborhood" as opposed to "Neighborhood." [10]

RESPONSE (124): The sentence identified in the comment is included in the following paragraph in all three municipalities' NJPDES CSO draft permits under the header "The permittee is required to hold regular public meetings (virtual, in person, or a combination of both) in order to:". The Department agrees that the term "Provide" should be incorporated to make this language consistent with the other bullets in this section where each bullet begins with a verb. Modified language is as follows:

> "Provide n~~N~~eighborhood specific information on construction of CSO control projects throughout the process including before and during construction in order to receive feedback from the community. This should include the posting of information on scheduling of street closures as well as any other potential impacts to the residents in the vicinity of any CSO mitigation projects."

While the fact sheet is not part of the final permit, this clarification is hereby incorporated for the purposes of the Administrative Record for the three municipalities' NJPDES CSO draft permits and the BCUA permit.

As such, the Department has made this same revision to the corresponding language in Part IV G.2.c.5 (CSM Requirement). No other changes have been made to the permit as a result of this comment.

125. **COMMENT:** Regarding the municipalities' draft permits, page 22 of the Fact Sheet, Section 8.C.3, the draft permits reference the Atlantic and Shortnose sturgeons for all Permittees. As per the approved Identification of Sensitive Areas Report, the Atlantic and Shortnose sturgeons are present in the Hudson River. As the sturgeon was not identified in the Hackensack River or Overpeck Creek, the outfalls to these watercourses do not discharge to "potential habitat" for the sturgeon. Accordingly, the references to the sturgeon should be removed from the City of Hackensack and Village of Ridgefield Park's permits. This will make the permit more accurate and will prevent impacts to the permittees if some element of the Sturgeon's status changes. [10]

RESPONSE (125): There are only two references to "sturgeon" in the draft permit Fact Sheets for the City of Hackensack and the Village of Ridgefield Park:

> "Regarding waters with threatened or endangered species and their habitat, the Department found that the CSO outfalls authorized in this permit are not considered Sensitive Areas based on potential habitat for Atlantic sturgeon and Shortnose sturgeon."

The Department maintains that the language included in the draft permit Fact Sheets is appropriate as written and does not identify any of the discharge locations for the City of Hackensack and Village of Ridgefield Park outfalls as potential habitats for Atlantic sturgeon and Shortnose sturgeon.

No changes have been made to the final permits as a result of this comment.

126. **COMMENT:** Regarding the City of Hackensack draft permit, page 23 of the Fact Sheet, Section 8.C.4, the page should be revised in accordance with the enclosed redline markup 'Attachment B' of the draft permit. [10]

RESPONSE (126): 'Attachment B' (as referenced in the comment) was included as an attachment to the permittees' comments and concerns minor clarifications to sections under the 'Selected Alternatives in the LTCP' section on page 23 of the Fact Sheet for the City of Hackensack NJPDES CSO permit.
The Department agrees to make the following changes to the fact sheet language, as requested in the comment. The language in paragraphs 1 and 2 on page 23 of the Fact Sheet for the City of Hackensack is hereby modified as follows:

> "… alternatives, conceptual designs, and cost estimates for the management of stormwater ~~west~~ in the vicinity of Railroad Avenue in the Court Street Subdrainage Area. This area is notorious for flooding during rainfall events and has been a longstanding issue for City residents.
>
> The conclusion of the study recommended a dedicated stormwater interceptor sewer system with inline storage ~~underneath~~ in the vicinity of Railroad Avenue and a pump station located near a new stormwater outfall. The stormwater project would be able to drain approximately 200 acres of area ~~west~~ in the vicinity of Railroad Avenue. The in-line storage would be capable of storing approximately 1.5 MG of stormwater, and the pump station near the outfall would be capable of pumping additional flow. By undertaking the Court Street Stormwater Study, the City intends to create a project that assists in mitigating a City specific flooding issue and also assists with the CSO reduction requirements in the City's NJPDES permit."

While the fact sheet is not part of the final permit, these clarifications are hereby incorporated for the purposes of the Administrative Record for the City of Hackensack NJPDES CSO permit.

127. **COMMENT:** Regarding the City of Hackensack draft permit, page 23 of the Fact Sheet, Section 8.C.4, the page should be revised in accordance with the enclosed redline markup 'Attachment B' of the draft permit where the third bullet for Year 2036 beginning with, "If Hackensack is very close…" should be changed to "If the City of Hackensack determines that they are very close…" [10]

RESPONSE (127): 'Attachment B' (as referenced in the comment) concerns minor clarifications to sections under the 'Selected Alternatives in the LTCP' section on page 23 of the Fact Sheet for the City of Hackensack NJPDES CSO permit.

The schedule for Year 2036 is written as follows:

Schedule	CSO Control Technology
Year 2036	Perform another round of post construction monitoring of any partial sewer separation projects, as well as the Court Street Stormwater Project. - Complete a flow monitoring program and recalibration of the Hackensack's CSS model to determine the percent capture impacts of the LTCP program to date. - Hackensack will evaluate if a storage tank is still required, and if so, what size storage tank will be required. - If Hackensack is very close or at the percent capture goal after the first phases of the LTCP implementation, Hackensack may choose to construct additional localized partial sewer separation projects in lieu of a storage tank.

The following is stated on page 184 of the revised LTCP, dated July 23, 2021:

"To clarify, if the City is very close or at the percent capture goal after the first phases of the LTCP implementation, the City may choose to construct additional localized partial sewer separation projects in lieu of a storage tank."

The Department maintains that compliance is determined by wet weather capture being greater than or equal to 85%. The suggestion that such compliance be determined by the term "very close" is not consistent with the NJPDES CSO permit or the Federal CSO Control Policy. Furthermore, the Department maintains that the sentence identified in the comment is clear when read with the remainder of the paragraph, and that the decision surrounding CSO control alternatives is left to the permittee so long as a path to compliance is presented.

No changes have been made to the final permit as a result of this comment.

128. **COMMENT:** Regarding the Village of Ridgefield Park draft permit, page 23 of the Fact Sheet, Section 8.C.4, the page should be revised in accordance with the enclosed redline markup 'Attachment C' of the draft permit. [10]

RESPONSE (128): 'Attachment C' (as referenced in the comment) was included as an attachment to the permittees' comments and concerns minor clarifications to sections under the 'Selected Alternatives in the LTCP' section on page 23 of the Fact Sheet for the Village of Ridgefield Park NJPDES CSO permit.

The Department agrees to make the following changes to the fact sheet language, as requested in the comment. The language in paragraph 2 under the 'Selected Alternatives in the LTCP' section on page 23 of the Fact Sheet for the Village of Ridgefield Park is hereby modified as follows:

"As described within the revised LTCP dated June 2023, Ridgefield Park has identified ~~a~~ cost-effective sewer separation, supplemented, if necessary, by a storage tank as the selected LTCP alternative. If necessary, the tank is proposed to be situated on the west side of Ridgefield Park and will collect overflow from the two largest outfalls by annual volume of discharge and by the most active by frequency of overflow. Ridgefield Park will initially be evaluating the potential of enhancing or completing sewer separation projects in drainage areas 003A, 004A, 006A, and ~~to those~~ areas directly contributing flow to the BCUA Interceptor Sewer System. This evaluation, and other cost-effective sewer separations projects, will help determine if these steps could cost-effectively decrease the site of offline storage required to achieve ~~an~~ 85% ~~volume reduction in CSOs~~ capture of wet weather flows."

While the fact sheet is not part of the final permit, these clarifications are hereby incorporated for the purposes of the Administrative Record for the Village of Ridgefield Park NJPDES CSO permit.

129. **COMMENT:** Regarding the Village of Ridgefield Park draft permit, page 25 of the Fact Sheet, Section 8.C.4, the page should be revised in accordance with the enclosed redline markup 'Attachment C' of the draft permit. [10]

RESPONSE (129): 'Attachment C' (as referenced in the comment) concerns minor clarifications to sections under the 'Selected Alternatives in the LTCP' section on page 25 of the Fact Sheet for the Village of Ridgefield Park NJPDES CSO permit.

The Department agrees to make the following changes to the Fact Sheet as requested in the comment. The Implementation Schedule on page 25 of the Fact Sheet for the Village of Ridgefield Park is hereby modified as follows, where additions are shown in underline:

Schedule	CSO Control Technology
Year 14	• Conclude construction of storage facility, if necessary. Commence system monitoring. • Construction of 004A Sewer Separation Phase 6

While the fact sheet is not part of the final permit, these clarifications are hereby incorporated for the purposes of the Administrative Record.

130. **COMMENT:** Regarding the draft permits, page 26 of the Fact Sheet, Section 8.C.4, the draft permits state, "In order to evaluate the performance of the CSO control measures, the permittees are required to demonstrate a value of 85% wet weather capture through the use of the hydrologic and hydraulic model." This statement implies that during this renewal period the permittees will demonstrate 85% capture. However, the LTCPs cover a longer period and no permittees will demonstrate 85% capture during this period. We request the language by revised to state that the permittees will demonstrate progress towards 85% capture by timely completion of the projects in the LTCP and that the model will be used to verify that progress. The language should also indicate that, should the 85% capture goal be reached prior to the completion of all projects in the LTCP, that the remaining projects do not need to be completed, unless on the permittees' own accord. [10]

RESPONSE (130): The sentence identified in the comment is included in the following paragraph within the Fact Sheet in all three municipalities' NJPDES CSO draft permits:

> "This permit renewal includes an implementation schedule as well as specific requirements to track and assess compliance with the attainment of wet weather percent capture upon completion of the CSO control alternatives. In order to evaluate the performance of the CSO control measures, the permittees are required to demonstrate a value of 85% wet weather capture through the use of the hydrologic and hydraulic model. Please refer to Part IV.G.9 for compliance with this performance criteria."

The Department concurs that the permittees will not comply with the 85% wet weather capture requirement during the first five years of the NJPDES CSO permit cycle. This is evidenced by the inclusion of the implementation schedules which range beyond five years. The Department disagrees with the contention that this statement implies that during this five-year renewal period the permittees will demonstrate 85% capture. Rather, there will be iterative steps towards compliance with 85% wet weather capture as demonstrated through interim post-construction monitoring as projects are completed. The value of 85% must be verified by final post-construction compliance monitoring. As noted in Part IV.G.9.e:

> "e. The permittee shall conduct interim post-construction compliance monitoring every five years as established in the LTCP. Such monitoring shall assess the projects and implementation schedule including attainment of percent capture milestones set forth in the LTCP. These projects shall be monitored and analyzed to determine if they are operating as intended and whether the implementation of projects under the LTCP are achieving the interim required percent capture milestones set forth in the LTCP. If the PCCMP determines that the implemented CSO control measures do not meet the interim required percent capture or the final required percent criteria, an evaluation must be included in the Adaptive Management Plan in accordance with H. below."

Final post construction monitoring is described in Part IV.G.9.i is as follows:

> "i. A Final PCCMP Report shall be submitted to the Department within 30 months after the last LTCP project has been constructed and is in operation. The single Final PCCMP Report shall evaluate and document the system-wide performance of the LTCP CSO control measures…."

The Department maintains that the sentence questioned in the comment is correct.

No changes have been made to the final permits as a result of this comment.

131. **COMMENT:** The process of separating sewers is dynamic and while representative projects were presented in the Selection and Implementation of Alternatives Report (SIAR), as the system investigation and planning and design phases of projects are completed, the areas to be separated may differ from the specific projects used as the basis of the SIAR. To avoid confusion as to if the Village of Ridgefield Park is in compliance with the permit

requirements, we request the following statement be added to Page 24 of the Fact Sheet, Page 29 of the Fact Sheet in Section 8.C.8, and Part IV Combined Sewer Management G.8.b Page 17 of 21:

> "Note sewer separation projects are representative of approximately 10 acre sewer separations and as a result of system investigations, may not take place within the drainage area indicated. The drainage areas indicated are subject to change at the discretion of the Village of Ridgefield Park, but the intent and general scope of the projects will remain the same in order to progress towards the 85% capture goal." [10]

RESPONSE (131): The Department acknowledges that flexibility on project locations is needed for the proposed sewer separation projects as described in the LTCP (also referred to as the SIAR). Part IV.G.8.b contains the following language:

> "i. Year One (EDP to EDP + 1 year): Evaluate the means and cost-effectiveness of completing sewer separation in various drainage areas throughout Ridgefield Park, including but not limited to 003A, 004A, and 006A; Evaluate the means and cost-effectiveness of eliminating direct stormwater connections from the east side of Ridgefield Park directly tributary to the BCUA Ridgefield Park Branch Trunk Sewer; Evaluate the potential reduction in sizing of the proposed offline storage facility based on the expected results of the sewer separation projects."

While language regarding years 2 through 5 reference outfalls 004A and 006A, the Department acknowledges that the permittee will be exploring the feasibility of sewer separation for drainage areas that contribute to outfalls 003A, 004A, and 006A. As a result, the language included in the permit already allows flexibility as requested in this comment and additional language as suggested in this comment is not necessary. In the event that changes to the implementation schedule are warranted over time, refer to the Adaptive Management Plan provisions in Part IV.H.2.

No changes have been made to the final permits as a result of this comment.

132. COMMENT: Regarding the Village of Ridgefield Park draft permit, pages 29 and 30 of the Fact Sheet, Section 8.C.8, the implementation schedule should be replaced with the schedule that is included on Pages 24-25 of 40, including the revisions enclosed in the redline markup 'Attachment C' of the draft permit. [10]

RESPONSE (132): The implementation schedule included on pages 24-25 of 40 of the Fact Sheet is identical to the implementation schedule as included on pages 29-30 of the Fact Sheet. The implementation schedule is the revised version provided by the Village of Ridgefield Park in the revised LTCP (latest version dated August 30, 2024). This updated schedule has also been included in Part IV.G.8.b. for the first five years of the NJPDES permit cycle.

No changes have been made to the final permits as a result of this comment.

133. COMMENT: Regarding the City of Hackensack draft permit, page 30 of the Fact Sheet, Section 8.9.C, the City of Hackensack does not have any interim percent capture goals outlined in their LTCP. The City therefore requests that any reference to interim percent capture goals be removed from the permit documents. [10]

RESPONSE (133): The following paragraph is included on Page 30 of the fact sheet which references the interim percent capture milestone:

> "The main elements of the PCCMP shall include:
>
> - A process to determine whether the CSO control measures are meeting the interim required percent capture milestone set forth in the LTCP or the final required percent capture of no less than 85% by volume of the combined sewage collected in the CSS during precipitation events is eliminated or captured for treatment on a system-wide annual average basis as defined in the Federal CSO Policy and N.J.A.C.7:14A-11,

Appendix C. The PCCMP shall provide data to evaluate the effectiveness of the CSO control measures constructed during and after the implementation of the LTCP."

The following language is included in Part IV G.9 (CSM Requirement) of the permit:

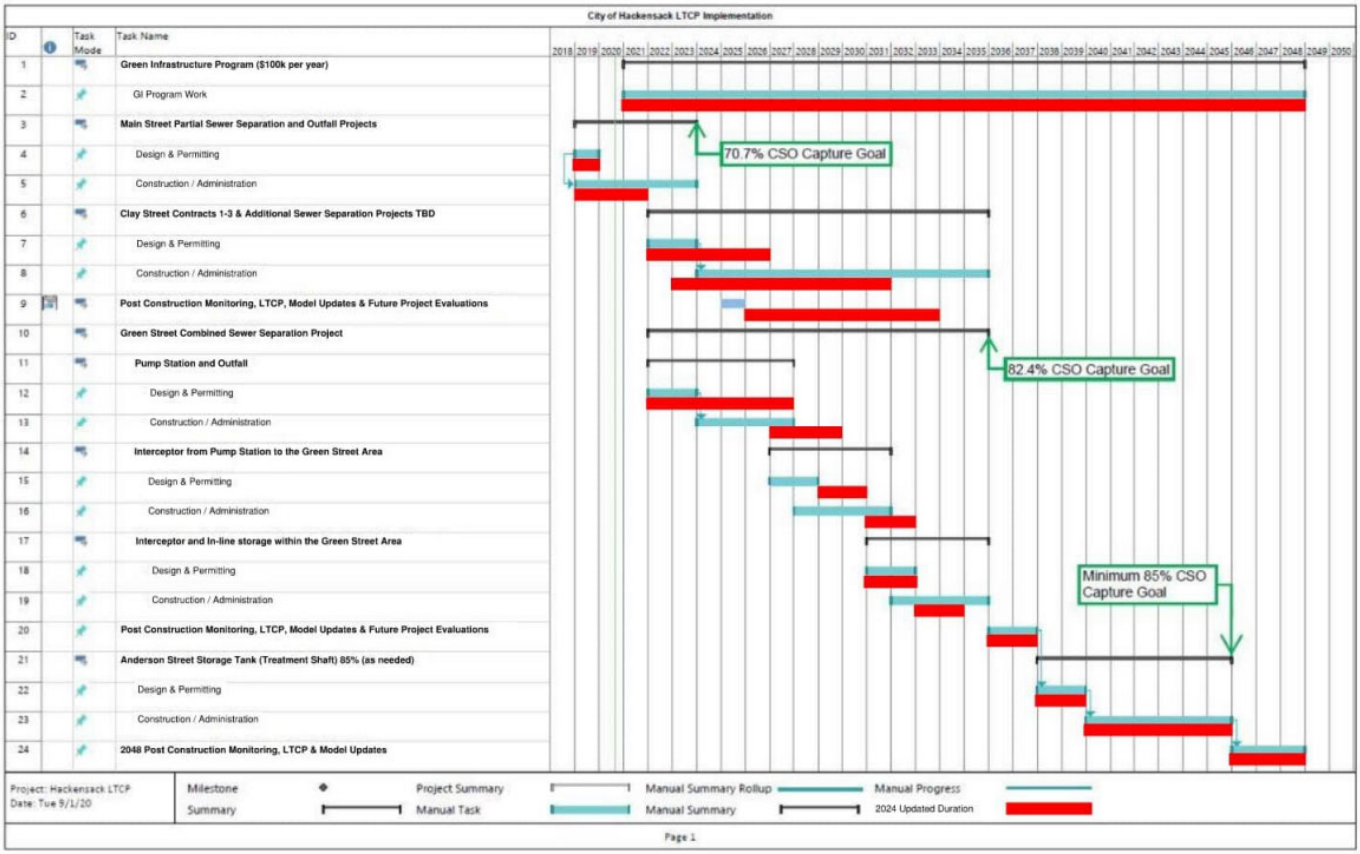
" e. The permittee shall conduct interim post-construction compliance monitoring every five years as established in the LTCP. Such monitoring shall assess the projects and implementation schedule including attainment of percent capture milestones set forth in the LTCP. These projects shall be monitored and analyzed to determine if they are operating as intended and whether the implementation of projects under the LTCP are achieving the interim required percent capture milestones set forth in the LTCP. If the PCCMP determines that the implemented CSO control measures do not meet the interim required percent capture or the final required percent criteria, an evaluation must be included in the Adaptive Management Plan in accordance with H. below."

And,

"i. A Final PCCMP Report shall be submitted to the Department within 30 months after the last LTCP project has been constructed and is in operation. The single Final PCCMP Report shall evaluate and document the system-wide performance of the LTCP CSO control measures. The Report shall include an assessment of whether the control measures are meeting the final required percent capture and complying with water quality standards. The report shall include:

i. A complete post-construction compliance monitoring period data summary and analysis;
ii. A reporting of all of the CSO control measures that have been constructed, implemented, and that are in operation;
iii. An evaluation of the CSO control measures' performance, and whether the controls meet the final required percent capture;
iv. A description of any actions that were needed to be implemented to meet the interim required percent capture or the final required percent capture; and
v. An assessment of whether the control measures are complying with water quality standards."

Furthermore, percent capture over time is represented in Section 10.3, Implementation Schedule for Hackensack in the revised LTCP dated July 23, 2021, and June 2023. The most recent version as included in the August 30, 2024 LTCP is as follows:



Therefore, the Department disagrees that interim percent requirements are not referenced in the LTCP.

No changes have been made to the final permits as a result of this comment.

134. **COMMENT:** Regarding the municipalities' draft permits, page 32 of the Fact Sheet, Section 8.C.9, the draft permits requires "Collect flow monitoring for a 1-year period and rainfall data for a 1-year period during the effective NJPDES permit.". This requirement is arbitrary and may not provide meaningful information. If the system must be monitored for 1-year during a 5-year permit cycle, and then the model updated, then the monitoring must begin no later than EDP + 3.5 years. Depending on the permittee's planned projects, there may be minimal, or no new CSO control measures implemented at this point. Therefore, the permittee would expend considerable funds to monitor a system that is substantially the same as was monitored under the System Characterization. We request that this requirement be revised to state that a flow monitoring plan be developed in coordination with the Department and LTCP to collect data and update the model at appropriate points with the plan. [10]

RESPONSE (134): In accordance with Part IV.G.9.d, the NJPDES CSO Permit requires that the Post Construction Compliance Monitoring Plan determine if the implemented CSO control measures are meeting the required percent capture through a simulation using the H&H model on the system wide annual average. To comply with this requirement, the H&H model must be updated to include all completed CSO control measures since the original calibration of the H&H model for the LTCP. If calibration and/or validation of the H&H model is needed, flow monitoring and rainfall data for a 1-year period during the effective permit shall be used. The Department acknowledges that flow monitoring for a 1-year period will result in costs to the permittee. Therefore, prior to any recalibration of the H&H model, the permittee may provide an alternate flow metering plan to the Department for approval.

No changes have been made to the final permits as a result of this comment.

135. **COMMENT:** Regarding the municipalities' draft permits, page 35 of the Fact Sheet, Section 8.D.1, the draft permits state, "The permittee shall determine and submit the annual precipitation depth for each calendar year, such that by the end of the permit, the most recent five calendar years of data has been collected." We note that depending on the date the permit is issued the requirement to collect and provide data by the calendar year may be impractical. We request that the language be revised to indicate within 60 days of the end of the calendar year the permittee shall submit this information. [10]

RESPONSE (135): The language identified in this response is included in the Fact Sheet where corresponding language is included in Part IV.H.1, as shown below:

"1. Precipitation Trends

a. The following information shall be submitted to the Department as part of the NJPDES permit renewal application:

i. The permittee shall analyze and submit the annual precipitation depth obtained by the National Oceanic Atmospheric Administration (NOAA) at the Newark Liberty International Airport in order to determine the annual precipitation depth during the effective period of the permit.

ii. The permittee shall determine and submit the annual precipitation depth for each calendar year, such that by the end of the permit, the most recent five calendar years of data has been collected. The permittee shall compare this data to assumptions utilized in the development of the LTCP.

iii. This information shall be submitted to the Department as a supplement to with the NJPDES renewal application with an assessment of any change in precipitation trends."

This permit condition requires a summary of annual precipitation depth for each calendar year, beginning at the effective date of the permit, to be submitted with the NJPDES permit renewal application. This data is recorded on a continuous basis at the Newark Liberty International Airport. The Department does not agree that it is necessary to build sixty days into the submission as this data is just a summary of readily available precipitation data. As an example, if the permit becomes effective on April 1, 2025, the NJPDES permit renewal application is due on September 28, 2029 and annual precipitation data would be reported for the remainder of 2025, and the full years of 2026, 2027, 2028 and part of 2029.

No changes have been made to the final permits as a result of this comment.

136. **COMMENT:** Regarding the municipalities' draft permits, page 35 of the Fact Sheet, Section 8.D.1, the draft permits state, "This information shall be submitted to the Department with the NJPDES renewal application with an assessment of any change in precipitation trends. The Department will review this information and make a determination that Adaptive Management measures may need to be pursued in a subsequent permit action."

Furthermore, Fact Sheet Section 8.D.2, Renewal Requirements, page 35 of 40 Adaptive Management Plan states, "The precipitation trends required in Part IV.H.1 above demonstrates a change in the assumptions used in the development of the LTCP."

When taken independently and in conjunction those two statements indicate the LTCP could be modified due to changing weather patterns. The standard for compliance for the LTCP has been firmly established as 85% capture during the 2004 Typical Year. The permittees cannot accept any language that even remotely implies that the target for compliance might be changed. We request that the text be revised to explicitly state that there will be no changes to the 2004 Typical Year or the compliance requirements based on the Typical Year. [10]

RESPONSE (136): These statements are in different sections of the NJPDES CSO permit where the first statement is included in Part IV.H.1.a and the second statement is included in Part IV.H.2.a.iii. The Department

agrees that any change to the system-wide annual average would constitute a significant change to the permit and would warrant a major modification to the permit. The Department maintains that identification of the system-wide annual average (i.e., Typical Year) is a component of the System Characterization Report as described in Section 4.4.3 of the "Sewer System Characterization Report" dated June 27, 2018 and was approved by the Department on May 31, 2018 as identified in the Contents of the Admnistrative Record. This applies to all three NJPDES CSO permits. This design condition is utilized to run the H&H model for baseline conditions as well as to assess compliance with the Presumption Approach upon completion of the required LTCP projects.

No changes have been made to the final permits as a result of this comment.

MONITORING REQUIREMENTS (PART IV.A) COMMENTS

137. **COMMENT:** Regarding the municipalities' draft permits, page 4 of Part IV.A.1.c, the draft permits state, "Discharges shall be directly monitored or predicted using a DEP approved up-to-date model." The Permittees note that the current monitoring and public notification system uses rating curves based on modeled data, and are not directly modeled, nor is the reporting predictive in nature. We request the language be revised to allow the use of model-based methods, including rating curves, and to strike the term "predicted using a DEP approved up-to-date model." and use "estimated based on information from a DEP approved up-to-date model." [10]

RESPONSE (137): Part IV.A.1.c of the municipalities' NJPDES CSO draft permits states:

"c. Discharges shall be directly monitored or predicted using a DEP approved up-to-date model."

Part IV.F.8.b.iii is also stated as follows:

"iii. The permittee shall maintain on a daily basis a CSO Notification System website to inform interested citizens of CSO discharges that are occurring or have occurred."

Both permit conditions are consistent with the 2015 NJPDES CSO permit and were carried forward in this renewal permit action. In order to comply with this permit condition, all CSO permittees in the Northeastern portion of New Jersey utilize the CSO Online Public Notification System as available at http://njcso.hdrgateway.com. The Department has determined that this method is in compliance with the required permit conditions for both the 2015 NJPDES CSO permit as well as any of the renewal NJPDES CSO permits.

As described on this website under Technical Basis, each of the municipalities that participates in this CSO Notification web application owns a computer model of its sewer collection system (that is, the drainage and piping systems that convey rainfall runoff and sanitary sewage to a sewage treatment plant). These models can be used to determine how the sewer system responds to a particular rainfall pattern.

In sum, the Department maintains that this database does utilize a computer model and the language as written is appropriate.

No changes have been made to the final permits as a result of this comment.

NINE MINIMUM CONTROL REQUIREMENTS (PART IV.F) COMMENTS

138. **COMMENT:** Regarding the municipalities' draft permits, pages 6 and 7 of Part IV.F.1.b, c, and d, the draft permits prohibit the discharge of foam, objectionable color or odor and visible sheen. These requirements seem more applicable to a wastewater treatment plant discharge. The permittees provide the required treatment through ½" screening, there has not been a requirement for other treatment such as foam traps, odor control, or oil water separators, and this requirement could unnecessarily put the permittees out of compliance. The prohibition of "objectionable" color and odor is subjective, arguably the color and smell of any discharge could be deemed

objectionable to some, again unnecessarily putting the permittees out of compliance. Finally, the combined sewers collect urban runoff which has potential to exhibit a sheen.

Without the construction of additional facilities, the permittees have no way of controlling foam, color, odor or sheen. We request these sections be struck from the permit or at a minimum the text be reworded so that the permittees can feasibly comply with the requirements. [10]

RESPONSE (138): The Department believes that the commenter has incorrectly identified Part IV.F.1.b, c, and d, instead of Part IV.E.1.b, c, and d.

The Department has imposed the requirements of Part IV.E.1.b, c, and d in order to ensure that discharges from CSOs do not create a nuisance by visual and odor characteristics or detrimental effects on the aquatic biota. Imposition of this requirement is authorized consistent with the provisions of N.J.A.C. 7:9B-1 as well as N.J.A.C. 7:14A-6.3(a).

Additionally, the permit conditions at Part IV.E.1.b, c, and d are required for all direct to surface water dischargers in accordance with N.J.A.C. 7:14A-12.6. Specifically, N.J.A.C. 7:14A-12.6(a) states:

> "a. DSW dischargers are prohibited from discharging foam or causing foaming of the receiving water that:
>
> 1. Forms objectionable deposits on the receiving water;
> 2. Forms floating masses producing a nuisance;
> 3. Produces objectionable color or odor; or
> 4. Interferes with a designated use of the waterbody."

Furthermore, the existing CSO permits issued in 2015 include these same permit conditions. As such, permittees are already required to comply with these permit conditions.

The Department acknowledges that CSO outfalls are equipped with solids/floatables which serve to screen debris from combined sewage prior to discharge.

No changes have been made to the final permits as a result of this comment.

139. COMMENT: Regarding the City of Hackensack draft permit, page 7 of Part F.1.f.ii, the City requests that the NJDEP clarify the basis for the length of the total sewer system being 39 miles. The City's Sewer System Characterization Report states that within the City there are 31 miles of combined sewers and 39 miles of sanitary sewers. [10]

RESPONSE (139): The following is stated on page 29 of the revised LTCP, dated July 23, 2021:

> "The City of Hackensack has approximately 31 miles of combined sewer and 39 miles of sanitary sewer. The combined sewer system (CSS) lays within the central portion of the City, while the separated sanitary sewer surrounds the outer portions of the City."

The Department acknowledges that the total length of the combined sewer system is 31 miles. The Department agrees to make this change to Part IV of the final permit, as requested in the comment. The language included on page 7 of Part IV.F.1.f.ii is hereby modified as follows:

> "The System Cleaning Program shall be designed to ensure that the entire collection system is sufficiently clean which can be accomplished through regular inspection and, if necessary, cleaning. Such inspection and cleaning should be done, such that within five years, the entire system has been covered. Specifically, for the City of Hackensack the total combined sewer system is ~~39~~ 31 miles long."

This change has been incorporated into Part IV.F.1.f.ii in the final permit for the City of Hackensack NJPDES CSO permit.

140. **COMMENT:** Regarding the City of Hackensack draft permit, page 8 of Part IV.F.1.h.i, it is requested that the requirement that "SOPs shall be designed to ensure that the entire collection system...functions in such a way as to not result in sewage overflows (except from designated CSO outfalls)" be revised to include a provision of "to the greatest extent possible." The City of Hackensack is in a unique position given its topography that makes it impossible to meet this requirement until the LTCP projects are completed. SOPs will be followed to the maximum extent practicable to minimize these overflow occurrences. [10]

RESPONSE (140): The sentence identified in the comment is included in the following paragraph in Part IV.F.1.h.i:

> "SOPs shall be designed to ensure that the entire collection system owned/operated by the permittee that conveys flows to the treatment works functions in such a way as to not result in sewage overflows (except from designated CSO outfalls) including to basements, streets and other public and private areas, or bottlenecks/constrictions that limit flow in specific areas and prevent the downstream STP treatment capacity from being fully utilized, in accordance with Section F.4."

This language was included in the 2015 NJPDES CSO permit and has been carried forward into this renewal permit. The Department maintains that this language is consistent with the Federal CSO Control Policy and N.J.A.C. 7:14A-11, Appendix C.

No changes have been made to the final permits as a result of this comment.

LONG TERM CONTROL PLAN REQUIREMENTS (PART IV.G)

141. **COMMENT:** Regarding the Village of Ridgefield Park permit, page 17 of Part IV.G.8.b, the implementation schedule should be replaced with the schedule that is included on Pages 24-25 of 40, including the revisions from **COMMENT 129**. [10]

RESPONSE (141): Part IV.G.8.b states:

> "i. Year One (EDP to EDP + 1 year): Evaluate the means and cost-effectiveness of completing sewer separation in various drainage areas throughout Ridgefield Park, including but not limited to 003A, 004A, and 006A; Evaluate the means and cost-effectiveness of eliminating direct stormwater connections from the east side of Ridgefield Park directly tributary to the BCUA Ridgefield Park Branch Trunk Sewer; Evaluate the potential reduction in sizing of the proposed offline storage facility based on the expected results of the sewer separation projects.
>
> ii. Year Two (EDP + 1 year to EDP + 2 years): Complete feasibility studies and develop conceptual design for recommended improvements (Sewer separation and/or offline storage facility); Begin construction of Outfall 006A Sewer Separation Phase 1; Begin planning, design and funding of 006A Sewer Separation Phase 2.
>
> iii. Year Three (EDP + 2 years to EDP + 3 years): Complete construction of Outfall 006A Sewer Separation Phase 1; Begin construction of 006A Sewer Separation Phase 2.
>
> iv. Year Four (EDP + 3 years to EDP + 4 years): Complete construction of Outfall 006A Sewer Separation Phase 2; Begin planning, design and funding of 004A Sewer Separation Phase 1.
>
> v. Year Five (EDP + 4 years to EDP + 5 years): Continue planning, design and funding for 004A Sewer Separation Phase."

The implementation schedule identified above is identical to the first five years of the implementation schedule specified on pages 24-25 of 40 of the Fact Sheet as well as the implementation schedule as included on pages 29-30 of the Fact Sheet. The implementation schedule is the revised version provided by the Village of Ridgefield Park in the revised LTCP (draft dated June 2023) and is consistent with the most recent final version of the LTCP dated August 30, 2024.

No changes have been made to the final permits as a result of this comment.

142. **COMMENT:** Regarding Page 17 of Part IV.G.9.a. in the municipalities' permits, please clarify text to indicate that the CMP Report, approved on March 1, 2019, fulfilled the requirement for conducting a CMP before the implementation of the LTCP. [10]

RESPONSE (142): Part IV.G.9.a states:

> "a. The permittee shall implement a Compliance Monitoring Program (CMP) adequate to: verify baseline and existing conditions, the effectiveness of CSO control measure, compliance with water quality standards, and protection of designated uses. The CMP shall be conducted before, during and after implementation of the LTCP. The NJCSO Group Compliance Monitoring Program Report dated June 30, 2018, revised October 5, 2018 was submitted and subsequently approved by the Department on March 1, 2019."

The Department acknowledges that the NJCSO Group Compliance Monitoring Program Report approved on March 1, 2019, fulfills the requirement for conducting a CMP before the implementation of the LTCP, in accordance with the part of the permit condition which states, "before" implementation of the LTCP. The approval of the NJCSO Group Compliance Monitoring Program Report is also noted in the contents of the Administrative Record as follows:

> "3. Technical Comments on the "NJCSO Group Compliance Monitoring Program QAPP" dated January 22, 2016, with the approval letter dated February 24, 2016."

No changes have been made to the final permits as a result of this comment.

CUSTOM REQUIREMENT (PART IV.H) COMMENTS

143. **COMMENT:** The LTCPs were developed based on achieving 85% capture during the 2004 Typical Year. At various points, the Draft Permit allows for the possibility that the Typical Year could be revised. This would be catastrophic to the LTCPs. The Permittees developed their plans in good faith to meet the agreed upon goal of 85% capture during the Typical Year, consistent with the National CSO Control Policy. The Permittees have expended considerable effort to develop these LTCPs and have planned for the extraordinary costs of implementing them. It would be unjust for the goal to be changed in any way that could adversely impact the Permittees. [10]

RESPONSE (143): The Department maintains that identification of the system-wide annual average (i.e., Typical Year) is a component of the System Characterization Report as described in Section 4.4.3 of the "Sewer System Characterization Report" dated June 27, 2018. This applies to all three NJPDES CSO permits. This design condition is utilized to run the H&H model for baseline conditions as well as to assess compliance with the Presumption Approach upon completion of the required LTCP projects.

The Department disagrees that the permit implies that this design condition, as approved by the Department on May 31, 2018, as identified in the Contents of the Administrative Record, will be modified. Any such change would be considered significant and would require public comment and public notice requirements, pursuant to N.J.A.C. 7:14A-

16.4.

RESPONSE TO COMMENTS SPECIFIC TO BCUA

Comments on behalf of the Bergen County Utilities Authority (BCUA) were submitted, as identified below:

Written Comments		
Person	**Affiliation**	**Commenter Number**
Dominic L. DiSalvo	Director of Engineering, Bergen County Utilities Authority	11

The following comments and responses apply only to the BCUA draft NJPDES permit issued on September 7, 2023 (hereafter referred to as the BCUA draft permit). Where changes to the permit are specified in the responses below, deleted language is shown in strikethrough and additional language is shown in underline.

144. **COMMENT:** Page 2 of the Fact Sheet of the BCUA draft permit states:

> "While the existing facility has a NJPDES flow value of 94 MGD, the Department acknowledges that BCUA intends to initiate updates to its Wastewater Management Plan (WMP) to accommodate future needs for a higher design flow. Refer to N.J.A.C. 7:15-3.2(f)3 regarding any Water Quality Management Plan (WQMP) requirements for flow expansion to address the reduction or elimination of CSO flow."

The BCUA has submitted an updated WMP to NJDEP on June 30, 2023. The revised WMP specifies that the BCUA will have a twenty-year flow projection flow of 105.3 million gallons per day (MGD). This statement should be updated, and this submittal should be acknowledged with this permit action. [11]

RESPONSE (144): The Department acknowledges that an application regarding the Bergen County WMP was submitted to the Department prior to the release of the draft NJPDES CSO permit on September 7, 2023. The Department agrees to modify the language on page 3 of the Fact Sheet for BCUA as follows:

> While the existing facility has a NJPDES flow value of 94 MGD, the Department acknowledges that BCUA has initiated ~~intends to initiate~~ updates to its Wastewater Management Plan (WMP) to accommodate future needs for a higher design flow. Refer to N.J.A.C. 7:15-3.2(f)3 regarding any Water Quality Management Plan (WQMP) requirements for a flow expansion to address the reduction or elimination of CSO flow.

While the fact sheet is not part of the final permit, these clarifications are hereby incorporated for the purposes of the Administrative Record for the BCUA NJPDES CSO permit.

145. **COMMENT:** Page 7 and 10 of the Fact Sheet and Page 2 of Part III of the BCUA draft permit states:

> "... the loading limitations are calculated based on the NJPDES permitted flow value of 94 MGD."

The above effluent loading limits are based on the Treatment Works Approval (TWA) permitted flow of 94 MGD. Please be aware that the BCUA has submitted an updated WMP to the NJDEP on June 30, 2023 and the WMP concludes that the BCUA's twenty-year flow projection should be 105.3 MGD. As the BCUA is using the new WMP projections as a basis for the future wastewater treatment facility upgrade/expansion, it is necessary and appropriate for NJDEP to acknowledge the revised twenty-year flow projection as part of this the permit renewal process — either in the form of a future permit limits table (with loading limits established for 105.3 MGD) or a permit re-opener clause. [11]

RESPONSE (145): The application for the Bergen County WMP was submitted and dated June 29, 2023 and is being reviewed by the Department, namely the Water Quality Management Planning program within the Division of Watershed Protection and Restoration. This is a separate review process to the NJPDES permit. This application

is still undergoing that process and the Department cannot issue a NJPDES permit action to activate this flow until such time as a WMP amendment is finalized and a Treatment Works Approval is issued.

The NJPDES permitting program does agree that effluent limitations for an expanded flow of 105.3 MGD could be established as part of any antidegradation study once the WMP is finalized. This study must address the provisions of N.J.A.C. 7:9B-1.5(d). Generally speaking, existing loading limits are retained and concentration limits are backcalculated using the higher flows to ensure that antidegradation requirements are met. Once these limits are established, a higher flow phase could be cause for permit modification through a separate table within the NJPDES permit to be activated at a future date once the WMP and TWA are received. The concept of a watershed management plan as a cause for permit modification is already referenced within the NJPDES permit at Part IV.F.2.b as item 3):

2. Causes for modification

    b. The Department may modify or revoke and reissue any permit to incorporate 1) any applicable effluent standard or any effluent limitation, including any effluent standards or effluent limitations to control the discharge of toxic pollutants or pollutant parameters such as acute or chronic whole effluent toxicity and chemical specific toxic parameters, 2) toxicity reduction requirements, or 3) the implementation of a TMDL or watershed management plan adopted in accordance with N.J.A.C. 7:15-7.

No changes have been made to the final permit as a result of this comment.

146. <u>COMMENT</u>: Page 6 of Part IV of the BCUA draft permit states:

"3. Applicability of Discharge Limitations and Effective Dates
    a. Surface Water Discharge Monitoring Report (DMR) Form Requirements
        i. The final effluent limitations and monitoring conditions contained in PART III for DSN 001A apply for the full term of this permit action."

The Permit included only a final phase permit table within PART III. This Table's specified effluent concentration and loading limits for $CBOD_5$ (16 mg/L as a monthly average and 24 mg/L as a weekly average), Ammonia (4 mg/L as a monthly average from May through October and 6 mg/L as a weekly average) as well as Dissolved Oxygen (DO) (6.0 mg/L as a weekly average) become effective as on the Effective Date of Permit (EDP).

a. The BCUA's current facility is designed to provide secondary treatment only. Thus, it is not capable of attaining the above effluent limits. The BCUA has previously commented on this in the context of the Appeal/Stay of the 2019 Permit. At that time, NJDEP acknowledged that:

    "However, the Department does agree that significant upgrades and changes in treatment will be needed to attain these limits, which are significant in scope and will likely require a longer schedule than three years. However, specifics regarding that design and construction schedule must be submitted to the Department in order for the Department to fully evaluate this issue."

    Consistent with the foregoing Department response to comments, the BCUA did in fact submit such a design and construction schedule to NJDEP on December 23, 2020. To date, the BCUA has received neither comment nor reply to this submittal. As per the discussion between the Department and the BCUA of August 18, 2023, the BCUA is planning to provide an updated schedule. The BCUA is currently completing Phase One of its Facility Plan. Additionally, the BCUA is continuing its ongoing efforts to improve its current treatment facility.

b. BCUA formally requested adjudication of the effluent limit timetable in the context of the Appeal/Stay of the 2019 Permit. To date, NJDEP has not responded specifically to this request and the Appeal/Stay of the 2019

Permit remains pending. Thus, the request for adjudication remains open and is indicative of an important issue that has not been properly addressed or settled in this draft Permit or otherwise.

As the issue of the 3-year compliance schedule deadline in the 2019 Permit is one of the matters directly on appeal in the Appeal/Stay of the 2019 Permit, the information and detail concerning the projected facility upgrades and the associated schedule/timeline for implementation of same are submitted and included for "settlement purposes/discussion only" within the context of the Appeal/Stay of the 2019 Permit, and all rights are reserved and preserved. Further, please be advised that the submission of details, information and timeline for facility upgrades is based on information and review completed to date and is expected/anticipated to be subject to change and further refinement as the planning and design process continues, as noted herein.

c. Any approach to facility upgrades and expansion is inherently conditioned on the appropriation and/or receipt of funding sufficient to complete all required planning, design, construction and implementation phases of any such project. The ability of the BCUA to successfully obtain such required funding is not subject to certainty, is vested in various third-party agencies and entities, and thus, necessarily is outside of the control of the BCUA. Accordingly, to the extent sufficient funding is not available, such circumstances can and will impact the scope and details of any planned/designed capital improvements, as well as the timing and schedule for construction and implementation of same. Accordingly, the BCUA reserves and preserves all rights for modifications to the projected facility upgrades and expansion and timeline, and the submission and discussion of the timeline herein is without prejudice to the submission of such future revised plant upgrade and scheduling documents.

d. The existing BCUA facility is not capable of attaining the above limits at this time. Furthermore, compliance with these effluent limits will require the completion of a series of major facility upgrades, which necessarily can only be implemented over an extended period of time, at great expense to the BCUA and its ratepayers. Such work will include construction of new facilities and renovation of existing facilities. Accordingly, the project implementation schedule and timeline must account for, among offer things, wastewater management planning, facility evaluation, pilot testing, design, various types of permitting, contractor procurement, construction and start-up testing.

   The BCUA has already initiated efforts in furtherance of the necessary future major facility upgrades, including completion of wastewater management planning, a comprehensive facility assessment, ongoing improvements to existing facilities (such as clarifiers and aeration facilities) and evaluation of treatment process alternatives (ongoing). Notwithstanding these BCUA efforts to date, as noted, completion of the major facility upgrades will still necessarily require a further extended period of time.

   The BCUA is committed to continuing to improve its effluent quality (pending the major facility upgrades referenced above) to achieve seasonal ammonia limits and other agreed to effluent limits, but their immediate implementation as proposed in this Draft Permit places the BCUA in certain jeopardy of continual enforcement action and will not result in improved effluent quality.

In sum, the proposed effluent limitations which become immediately effective establish a compliance standard which is impossible for the BCUA to satisfy in view of the BCUA's facility providing secondary treatment only. It is respectfully submitted that it is legally impermissible and factually unreasonable to establish a permit condition which at permit issuance is objectively verifiable as being impossible for a permittee to satisfy. Accordingly, as a more extended time period is necessary for the BCUA to complete the extensive major facility upgrades necessary to meet proposed effluent limits, this unavoidable extended time period should be established in the BCUA's NJPDES Permit. [11]

RESPONSE (146): As noted in this comment, the draft NJPDES permit issued September 7, 2023 includes effluent concentration and loading limits for $CBOD_5$ (16 mg/L as a monthly average and 24 mg/L as a weekly average), Ammonia (4 mg/L as a monthly average from May through October and 6 mg/L as a weekly average) as well as DO (6.0 mg/L as a weekly average minimum). Effluent limitations for $CBOD_5$, Ammonia and DO are

routinely applied to NJPDES sanitary wastewater dischargers throughout the state. As described in the modification dated June 28, 2019, these effluent limitations are based on Treatment Level 3 as stipulated in the Northeast New Jersey Water Quality Management Plan. Similar limits are imposed in other NJPDES Permits that are within the area of this same plan.
This comment has been broken into subparts due to its length. Responses to each of these subparts are below:

a. The Department disagrees that the December 23, 2020 submission serves as a construction schedule given that the tasks are conditioned on the conclusion of other regulatory processes and are also conditioned on the receipt of funding. A construction schedule is intended to be a schedule for planned improvements with tasks and a timeline associated with each step. Given that this technical memorandum does not include specific tasks or timeframes, the Department does not have adequate justification at this time to set forth an alternate compliance schedule via this subject NJPDES permit renewal.

   As noted above, the NJPDES permitting program does agree that effluent limitations for an expanded flow of 105.3 MGD could be established as part of any antidegradation study once the WMP is finalized. This study must address the provisions of N.J.A.C. 7:9B-1.5(d) prior to consideration of any NJPDES permit changes to incorporate an alternate permitted flow.

   The NJPDES permit modification dated June 28, 2019 included the effluent limits for $CBOD_5$, Ammonia, and DO, as specified above, in Part III of that permit action. These effluent limitations were included with a three-year compliance schedule as specified in Part IV.E.2.a of the 2019 permit modification action. Given that the effective date of the modification is August 1, 2019, the three-year compliance schedule was set to expire August 1, 2022. However, subsequent to the issuance of the June 28, 2019 modification the permittee had entered into an Administrative Consent Order (ACO) on April 1, 2022 where the permittee was required to comply with the limits set forth within that ACO instead of the limitations included in the June 28, 2019 NJPDES permit modification.

   As referenced in this comment, the Department did receive correspondence from BCUA dated December 23, 2020 which included a technical memorandum entitled “BCUA Little Ferry WPCF Expansion Schedule”. Tasks included in this memorandum include Capacity Analysis Report (CAR) Acceptance by NJDEP; Wastewater Management Plan Update; Negotiations for Adjudicatory Consent Order; Facility Plan for WPCF Expansions; Pilot Testing; Procure Design Engineering Services; Design of WPCF Expansion and Rehab of Existing WPCF; Permitting and Approval; Multiple Contractors Selection; and Construction of WPCF Expansion. The permittee has set these tasks to build upon each other and, with the exception of the last task, the Department disagrees that these tasks constitute a construction schedule. The last task regarding the “Construction of WPCF Expansion” was identified with a projected schedule of 64.15 months. While identified as a construction schedule, only generic construction related detail was included for this task namely demolition, excavation, pile driving, structural improvements, mechanical improvements, architectural improvements, plumbing improvements etc. with no timeline breakdown for the individual tasks. To date the Department has not received a detailed construction schedule.

   The Department met with the permittee on March 5, 2021, July 25, 2022, November 4, 2022, August 18, 2023, and December 28, 2023 through meetings as well as in person site visits at BCUA by permitting staff on July 6, 2023 and July 1, 2024. The Department disagrees with the statement that it has not responded to the December 23, 2020 submission. The need for a detailed construction schedule has been discussed in some of these meetings as evidenced in this comment in reference to the August 18, 2023 meeting.

b. The Department acknowledges that BCUA is currently adjudicating its 2019 NJPDES permit modification by way of submission dated July 25, 2019 which includes a request for administrative hearing and a request for stay. A hearing request was granted by the Office of Legal Affairs on September 6, 2019.

   A summary of issues raised in this filing include but are not limited to: the flow used for loading calculations should be based on the updated Wastewater Management Plan; the three year deadline for the modified

effluent limits; relocation of the monitoring point for DO; TSS loading limits should be based on the TWA permitted flow of 94 MGD; and use of blending as part of its permitted operations. As noted in this comment, the request for adjudicatory hearing includes adjudication of the effluent limit timetable in the context of the Appeal/Stay of the 2019 Permit. The Department did respond to the request for a stay on February 24, 2021, August 1, 2024 and December 10, 2024. However, the adjudicatory hearing for the 2019 Permit remains pending. Please refer to the previous response regarding the need for additional detail regarding the timeline for facility upgrades.

c. The Department disagrees with BCUA's statement that treatment upgrades are "inherently conditioned on the appropriation and/or receipt of funding sufficient to complete all required planning, design, construction and implementation phases of any such project." Similarly, BCUA stated within the December 23, 2020 correspondence that "the details and discussion of the upgrade and expansions of the LFWPCF [Little Ferry Water Pollution Control Facility] is expressly conditioned on the appropriation and/or receipt of funding sufficient to complete all required planning, design, construction and implementation phases of any Plant upgrade/expansion." It is further stated within BCUA's December 23, 2020 correspondence that "to the extent sufficient funding is not available, such circumstances can and will impact the scope and details of any planned/designed capital improvements, as well as the timing and schedule for construction and implementation of same, and all rights are reserved and preserve consistent therewith." Finally, the Department does not agree with BCUA's contention that treatment upgrades cannot occur until funding is appropriated. Rather, NJPDES permits are based on applicable regulations and standards and are reflected in the NJPDES permit action. Compliance with permit conditions is not dependent on receipt of funding for necessary upgrades.

   BCUA has historically pursued funding through the New Jersey Water Bank and has recently submitted its 28th application for funding and the Department is confident BCUA will continue to do so. The BCUA has been awarded several construction loans totaling almost $161 million from the New Jersey Water Bank for a variety of projects to rehabilitate its wastewater treatment facility and the Northern Valley Force Main, and to eliminate the Edgewater MUA wastewater treatment facility via the construction of a pumping station and force main to convey Edgewater flows to the BCUA's Little Ferry facility. Most recently, BCUA has been awarded $140 million of New Jersey Water Bank loans for power supply and plant-wide improvements for the Little Ferry facility. The BCUA has applied for $36 million of New Jersey Water Bank loans for sludge management and primary settlement tank rehabilitation projects; this work is in the planning and design phase with construction anticipated within the next two years. In sum, BCUA's engineering consultant firms have a long-standing relationship and an extensive history of developing New Jersey Water Bank projects, including planning, design, and construction management activities, i.e., BCUA has a proven track record for obtaining funding and an overall familiarity with the process. Additionally, the Department disagrees that receipt of funding must occur first before permit compliance can be assured.

d. As allowable under N.J.A.C. 7:14A-6.4, the Department allotted a 3-year compliance schedule for attainment of the modified effluent limits as set forth in the June 28, 2019 permit modification. A period of time was also afforded via the Administrative Consent Order (ACO) as issued on April 1, 2022 which allowed interim limit to allow wastewater treatment plant upgrades. As previously stated, the Department has not received a detailed construction schedule to justify additional time for treatment plant improvements via the NJPDES permit.

   The aforementioned ACO acknowledged construction improvements including the rehabilitation and improvement of BCUA's 16 Final Sedimentation Tanks (FSTs) in order to address effluent violations. BCUA has also completed installation of a polymer feed system to the FST feed channel. As noted in the previous response, BCUA has a long record of obtaining funding through the New Jersey Water Bank. The Department is unable to allow additional time at this time.

The Department maintains that the limits set forth in the June 28, 2019 permit modification are technologically achievable and consistent with the Department's regulation of dischargers to surface waters in New Jersey. As

noted in previous responses, the Department does not have adequate justification at this time to set forth an alternate compliance schedule.

No changes have been made to the final permit as a result of these comments.

147. **COMMENT:** Regarding Page 6 of Part IV of the BCUA draft permit, the BCUA is compelled to restate that the imposition of any additional future permit limits (or modification of the currently proposed permit limits) during or shortly following the completion of this process (to meet the proposed permit limits) will cause significant hardship to the BCUA, along with wasteful expenditures of BCUA funds and significant, otherwise avoidable, scheduling delays. In the worst case, the imposition of new and/or modified limits could require a reset of all planning, design and construction activities during the latter phases of this project.

The currently proposed permit limits will result in quite substantial short-term and long-term costs to the BCUA, funded by the BCUA's ratepayers, for the planning, design, implementation and construction of the required extensive upgrades to the BCUA facility. This process will require multiple years for completion and will be based on tasks required to meet permit limits, which limits cannot be subject to change once the muti-year process has been initiated. With the anticipated cost of the expansion/upgrade, estimated to be upwards of $500,000,000 to $900,000,000, the additional financial burden of any future new and/or modified permit limits on the BCUA and its ratepayers is a material factor that must be considered. [11]

RESPONSE (147): The effluent limits contained in this permit renewal for $CBOD_5$, TSS, Ammonia, and DO are carried forward from the June 28, 2019 permit action. As allowable under N.J.A.C. 7:14A-6.4, the Department allotted a 3-year compliance schedule for attainment of the modified effluent limits as set forth in the June 28, 2019 permit modification. A period of time was also afforded via the Administrative Consent Order, as issued on April 1, 2022, which included interim limits for certain parameters to allow wastewater treatment plant upgrades. To date, the Department has not received the necessary information to justify additional time for treatment plant improvements. Again, BCUA has a long history of obtaining New Jersey Water Bank funding which offers attractive financing to fund wastewater treatment improvements.

No changes have been made to the final permit as a result of this comment.

148. **COMMENT:** Page 3 of Part III of the BCUA draft permit states:

Table III- A-I: Surface Water DMR Limits and Monitoring Requirements

Oxygen, Dissolved (DO)	Effluent Gross Value	*****	*****	*****	6.0 Weekly Av Minimum	*****	*****	MG/L	1/Day	Grab
January thru December	QL	***	***		***	***	***			

Effluent limitations for DO (6.0 mg/L as a weekly average) are included in the current draft permit. Comments related to DO are as follows:

a. In its current configuration, the BCUA monitors DO at a location just upstream of its four Parshall flumes, which is at the same locations where all other effluent constituents are monitored. However, after the Parshall flumes, there is a large degree of turbulence within its outfalls that adds an unquantified amount of DO to the effluent — a contention that has been verified by preliminary testing. Since the NJPDES permit provides for a DO limit, the BCUA is planning to do a more complete in-house investigation to determine the feasibility and advantages of an alternate monitoring location for DO, possibly within the outfall pipe. Based on this investigation, the BCUA may request an alternative monitoring location for DO as a future protocol modification, and the BCUA requests that the Permit includes specific express reference to such contemplated protocol modification (i.e., the relocation of the monitoring location for DO).

b. On September 29, 2023, the BCUA submitted an anti-degradation report to NJDEP indicating that there would be no discernable effect on the water quality of the Hackensack River if its minimum effluent DO

concentration was changed from 6 mg/l to 4 mg/l. The 4 mg/l limit would conform with the relevant in-stream criterion. The BCUA contends that this report more than justifies the recommended change in effluent DO concentration and that NJDEP should include the minimum 4 mg/l DO limit in the relevant permit tables.

[11]

RESPONSE (148): Subsequent to issuance of the draft permit, the Department received a technical study dated September 29, 2023, specific to DO. This comment has been broken into subparts due to its length. Responses to each of these subparts are below:

a. The Department does not object to monitoring DO after all treatment steps and concurs that treatment could include mixing after the Parshall flumes. When and if the permittee's investigation is completed, as outlined in this comment, BCUA can petition the Department for a modification to the permit pursuant to N.J.A.C. 7:14A-16 to change the sampling location for DO to be more reflective of DO levels within the effluent prior to discharge to the receiving waters. However, it would be premature to alter the sampling location until such time as BCUA completes its investigation and formally applies for such a change to its permit as referenced in this comment.

b. In response to the September 29, 2023 technical study, the Department issued findings in a letter dated January 30, 2025. As described in that correspondence, the Department has concluded that this report meets the requirements of the antidegradation policies at N.J.A.C. 7:9B for DO. This determination is based on the fact that the proposed change in DO loadings, i.e., from a DO effluent limitation of 6 mg/L as a weekly average minimum to an effluent limitation of 4.0 mg/L as a minimum. The Department will address this issue as part of the request for modification as outlined in item a. above as changes to effluent limitations require a permit modification pursuant to N.J.A.C. 7:14A-16.4.

No changes have been made to the final permit as a result of this comment.

149. COMMENT: Page 3 of Part III of the BCUA draft permit states:

Table III- A-I: Surface Water DMR Limits and Monitoring Requirements

Solids, Total Suspended	Effluent Gross Value	8550 Monthly Average	12825 Weekly Average	KG/DAY	*****	30 Monthly Average	45 Weekly Average	MG/L	1/Day	24 Hour Composite
May thru October	QL	***	***		***	***	***			
Solids, Total Suspended	Effluent Gross Value	9608 Monthly Average	14412 Weekly Average	KG/DAY	*****	30 Monthly Average	45 Weekly Average	MG/L	1/Day	24 Hour Composite
November thru April	QL	***	***		***	***	***			

The above limits are not water quality based as there is no Total Suspended Solids (TSS) criterion for saline waters. These limits are based on the federal secondary treatment standards (30 mg/l monthly average and 45 mg/l weekly average) and previously permitted flow rates of 75 MGD and 84.28 MGD for summer and winter, respectively. As the Fact Sheet indicates that all other effluent loading limits are based on 94 MGD, the BCUA contends that this permit's effluent tables should reflect TSS loading limits that are based on the secondary treatment standards (30 mg/l monthly average and 45 mg/l weekly average). Therefore, using the permit recognized flow of 94 MGD, the TSS loading established in the Permit should be 10,675 kg/day for the monthly limit and 16,010 kg/day as a weekly limit. [11]

RESPONSE (149): The Department concurs that the TSS concentration based effluent limitations included in the March 12, 2015 NJPDES are based on secondary treatment standards in accordance with N.J.A.C. 7:14A-12.2(e). Secondary treatment standards are applicable to all direct discharges to surface water from publicly or privately owned domestic treatment works included in a NJPDES permit in accordance with N.J.A.C. 7:14A-12.2(a). Secondary treatment standards are also applicable to publicly or privately owned domestic treatment works regardless if the receiving waterbody is fresh waters or saline waters. The loading limitations are based on 75

MGD and 84.28 MGD for summer and winter, respectively. As specified in the September 7, 2023 draft NJPDES renewal permit:

> "Consistent with the renewal permit issued on March 12, 2015 and effective on July 1, 2015, the Department is including loading limitations based on previously permitted flow rates of 75 MGD in the summer and 84.28 MGD in the winter. Therefore, the effluent loading limitations are 8,550 kg/day as a summer monthly average, 12,825 kg/day as a summer weekly average, 9,608 kg/day as a winter monthly average, and 14,412 as a winter weekly average. If BCUA wishes to increase a permitted loading for TSS, BCUA must first conduct an anti-degradation study in accordance with N.J.A.C. 7:9B-1.9(d) as stated in the Response to Comments document of the 2015 NJPDES CSO permit."

After issuance of the draft permit, the Department received an anti-degradation study dated September 14, 2023, and issued a response in a letter dated January 30, 2025. As described in that correspondence, the Department has concluded that the report meets the requirements of the antidegradation policies at N.J.A.C. 7:9B with respect to the analysis for TSS. As noted in this correspondence, the Department concurs that the year-round TSS loadings would be calculated based on the permitted flow of 94 MGD resulting in TSS loadings of 10,674 kg/day as a monthly average and 16,011 kg/day as a weekly average. The Department will address this issue as part of the request for modification as outlined in item a. above as changes to effluent limitations require a permit modification pursuant to N.J.A.C. 7:14A-16.4.

No changes have been made to the final permit as a result of this comment.

150. COMMENT: Page 8 of the Fact Sheet of the BCUA draft permit states:

> "If BCUA wishes to increase the permitted loading for TSS, BCUA must first conduct an antidegradation study in accordance with N.J.A.C. 7:9B-1.9(d) as stated in the Response to Comments document of the 2015 NJPDES CSO permit."

In accordance with this directive, the BCUA submitted a separate anti-degradation report to NJDEP on September 14, 2023, that addresses the TSS loading limitation. This report indicates that increasing the loading basis of TSS from 75 MGD to 94 MGD will cause no discernable effect on the water quality of the Hackensack River. The BCUA contends that this report more than justifies the recommended change of loading basis and that NJDEP should base the TSS permit loads on 94 MGD. Further, it should be noted that this anti-degradation analysis would also be relevant for the BCUA's future flow of 105.3 MGD and the BCUA is willing to submit documentation in this regard. [11]

RESPONSE (150): As discussed in **RESPONSE (144)**, it is premature to prepare effluent limitations for the flow of 105.3 MGD at this time.

No changes have been made to the final permit as a result of this comment.

151. COMMENT: Page 23 of Part IV of the BCUA draft permit states:

> "b. The permittee shall continue to implement alternatives for increasing flow to the STP.
>
> i. Capacity evaluations of the entire collection system owned/operated by the permittee that conveys flows to the treatment works in accordance with Section F.1.f to determine the maximum amount of flow that can be stored and transported.
>
> ii. Identification of other activities conducted and/or planned to further maximize flow to the POTW. However, during periods of rainfall or rainfall with snowmelt, the wastewater volume in a CSS can exceed the hydraulic capacity of the sewer system or treatment plant."

The BCUA has historically experienced large seasonal variations in flow. Further, it also experiences very high peak flows during storm events. Some of this flow is due to inflow/infiltration within older municipal collection systems. A portion of this flow comes directly from the combined sewer within its collection area. In the future, sharp swings in hydraulic input may impact the facility's ammonia removal process since the ammonia removal is much more sensitive to washout effects from large peak flow events. As an aid in its future planning, the BCUA requests that it be allowed to do a degree of "blending" between its final and primary effluents. Such a "blending" procedure would allow the BCUA to better preserve its treatment integrity during (and after) peak flow conditions while maintaining compliance with its permit limits. As the BCUA will be entering the facility planning and design process, it is important that direction be provided on this issue so that these projects phases can proceed in a prompt and cost-effective manner. The BCUA requests that the Permit authorize the BCUA to employ blending as a part of its future permitted operations.

The BCUA has previously commented on the above in the context of the Appeal/Stay of the 2019 Permit (Comment #8). At that time, NJDEP acknowledged that:

> "...EPA bypass regulations at 40 CFR 122.41(m) and the National CSO Policy allow for a treatment facility that serves a combined sewer system to bypass some or all the flow from its treatment process under specified limited circumstances including a demonstration that there are no feasible alternatives to the use of a bypass... ... . NJDEP may provide a reopener clause in the reissued permit that would allow the permit to be reopened to add language approving a CSO related bypass [if the permittee] submits information demonstrating that the requirements in 40 CFR 122.41(m)(4)(i) have been met."

And,

> "Accordingly, if the BCUA intends to do a degree of bypass between its final and primary effluents a No Feasible Alternatives ("NFA ") Analysis must be provided to the Department in accordance with 40 CFR 122.41(m) and the National CSO Policy."

As per the above paragraphs, the BCUA contends that it is eligible to conduct a NFA Analysis to assess the possibility/value of future blending operations, as part of its upgrade/expansion process. Further, the BCUA requests that a reopener clause (to include a blending provision pending the submittal and review of an NFA Analysis) be included in their final Permit. Note that the LTCP for the three CSO communities has changed over time and may require a number of years to achieve full implementation. Thus, the BCUA must consider their combined sewer input as part of its future wastewater facility planning. [11]

RESPONSE (151): For clarification, Part IV.F.4.b of the BCUA draft permit states the following (which differs slightly from the language included in the comment):

b. The permittee shall continue to implement alternatives for increasing flow to the STP.

   i. Capacity evaluations of the entire collection system owned/operated by the permittee that conveys flows to the treatment works in accordance with Section F.1.f to determine the maximum amount of flow that can be stored and transported.

   ii. Identification of other activities conducted and/or planned to further maximize flow to the POTW.

This is the same permit condition as included in the March 12, 2015 NJPDES permit as well as all subsequent modifications, with further clarification in **RESPONSE 8** of the June 28, 2019 permit modification. The federal regulations, at 40 C.F.R. 122.41(m)(4)(i) prohibit bypass. Bypass is the intentional diversion of waste streams from any portion of a treatment facility, 40 C.F.R. 122.41(m)(1)(i), including bypassing of secondary treatment. Similarly, the Department's regulations, at N.J.A.C. 7:14A-23.13(m), prohibit the use of bypass lines that circumvent treatment units and allow untreated or partially treated wastewater to be discharged. However, EPA bypass regulations at 40 CFR 122.41(m) and the Federal CSO Policy allow for a treatment facility that serves a

combined sewer system to bypass some or all the flow from its treatment process under specified limited circumstances including a demonstration that there are no feasible alternatives to the use of a bypass.

As described in the Response to Comments as part of the March 12, 2015 NJPDES Permit, in a letter to the Department dated October 9, 2014 from Kate Anderson, Chief of EPA's Region 2 Clean Water Regulatory Branch, EPA confirmed that blending of primary and secondary treated flows to meet existing effluent limitations may be allowed through a CSO permit if the proposal satisfies the factors described in Part II.C.7 of the CSO Control Policy, 59 Fed. Reg. at 18693-94, and those at 40 C.F.R. § 122.41(m). As stated:

> "NJDEP may provide a reopener clause in the reissued permit that would allow the permit to be reopened to add language approving a CSO related bypass [if the permittee] submits information demonstrating that the requirements in 40 CFR § 122.41(m)(4)(i) have been met. If the permit is reopened and modified to include a preapproved bypass, the approval would need to set conditions for when and how an approved bypass would occur."

To date, BCUA has not submitted a NFA analysis or otherwise demonstrated compliance with the requirements in the CSO Control Policy and 40 CFR 122.41(m). If the BCUA's no feasible alternatives analysis shows that blending would be appropriate during the term of this permit and all other requirements are satisfied, and after examination of any adverse effects, the Department would consider a change to the permit to allow a deviation under N.J.A.C. 7:14A-23.2(b) from the prohibition against bypassing any portion of the treatment works at N.J.A.C. 7:14A-23.13(m). The Department maintains that this would constitute new information that meets the criteria of N.J.A.C.7:14A-16.4(b)2, thereby constituting cause for major modification or revoke and reissuance of the permit.

Accordingly, if BCUA intends to do a degree of bypass between its final and primary effluents, a No Feasible Alternatives ("NFA") Analysis must be provided to the Department in accordance with 40 CFR 122.41(m) and the Federal CSO Policy. Additionally, a TWA application must be received for the construction and operation of any bypass line.

In summary, for a bypass to be authorized, all of the requirements of the applicable regulations including 40 CFR 122.41(m) and the Federal CSO Policy must be met.

No changes have been made to the final permit as a result of this comment.

152. <u>COMMENT</u>: Page 24 of the Fact Sheet of the BCUA draft permit states:

> "To date, the Department has not received a variance request from the permittee.
>
> Procedures for modifying a WQBEL are found in the SWQS, N.J.A.C 7:9B-1.8 and 1.9. If a WQBEL has been proposed in this permit action, the permittee may request a modification of that limitation in accordance with N.J.A.C. 7:14A-11.7(a). This request must be made prior to the close of the public comment period. The information that must be submitted to support the request may be obtained from the Bureau of Environmental Analysis, Restoration and Standards at (609) 633-1441."

With regard to the above, the BCUA has expressed its interest in the variance procedure with regard to the Hackensack River. In an email dated October 2, 2023, the BCUA inquired about the applicability of the variance procedure to its discharge and the Hackensack River and what steps would be needed to implement a variance for the Hackensack River. In a reply dated October 10, 2023 from Victor Poretti (Director NJDEP Division of Water Monitoring, Standards and Pesticide Control), the BCUA was informed that "the Department is currently developing a guidance document which will provide additional information on the variance and assist permittees in determining whether they should apply and the application process. " The BCUA feels that the variance procedure may be an appropriate mechanism to address the difficult Water Quality Standards issues related to the Hackensack River. In particular, the need to address the timetable for attaining the river's *"fishable/swimmable"*

criteria. Thus, the BCUA is interested in further pursuing a request for variance after the Department has developed appropriate guidance. Note that: (a) the BCUA's previously submitted water quality study of the Lower Hackensack River would be an important source of information for such an analysis; (b) the USEPA has designated the Lower Hackensack River as a Superfund Site in September 2022 due to contaminated sediments; and (c) NJDEP lists several fish consumption advisories that are pertinent to the Lower Hackensack River.

The BCUA requests that it be informed when the above-mentioned variance guidance becomes available and reserves that right to implement that procedure in a variance application for the Lower Hackensack River, and that the draft permit reflect such future variance application. [11]

RESPONSE (152): The Department acknowledges BCUA's interest in the variance procedure in regards to the Hackensack River. Given that a variance is an allowable procedure in the SWQS at N.J.A.C. 7:9B, the permittee may pursue a variance at any time. As noted above, the Department is currently developing a guidance document to further assist permittees with the application process.

Note that the variance procedure is only applicable to water-quality based effluent limitations. While this comment is not specific as to which parameters BCUA may seek a variance for, know that the effluent limits for $CBOD_5$, TSS, Ammonia and DO would not be eligible for this procedure as these effluent limitations are based on Treatment Level 3 as stipulated in the Northeast New Jersey Water Quality Management Plan.

No changes have been made to the final permit as a result of this comment.

153. COMMENT: Page 13 of the Fact Sheet of the BCUA draft permit states with regard to Chlorine Produced Oxidants (CPO):

> "The existing permit included language that the permittee was only required to demonstrate compliance with the Recommended Quantitation Levels of 0.1 mg/L (28.4 kg/day) as the monthly average and daily maximum concentration and equivalent loading; these values were imposed as enforceable permit levels since the permit limit was below 0.1 mg/L. This permit action proposes the newly calculated more stringent limitations of 0.02 mg/L (7.12 kg/day) as a monthly average and 0.06 mg/L (21.35 kg/day) as a daily maximum. The loading limitations are calculated based on the NJPDES permitted flow value of 94 MGD."

The above reference, and the subsequent permit tables, are not clear as to whether the Recommended Quantitation Level (RQL) still functions as the monitoring/enforcement limit. No further reference to the RQL for CPO is included within the permit. [11]

RESPONSE (153): As noted in this comment, this permit action proposes the newly calculated more stringent limitations of 0.02 mg/L (7.12 kg/day) as a monthly average and 0.06 mg/L (21.35 kg/day) as a daily maximum. The loading limitations are calculated based on the NJPDES permitted flow value of 94 MGD.

In September 2014, EPA codified the use of sufficiently sensitive test methods. Because of this rule update, the Department removed the Recommended Quantitation Level of 0.1 mg/L in this subject renewal permit as this level does not comply with these regulatory changes. Due to adoption of the sufficiently sensitive test methods, the limit of 0.02 mg/L has been shown to be attainable using an EPA approved standard method. Specifically, the Department has determined that the limit is routinely achievable using a handheld colorimetric test (DPD Colorimetric Method (4500-Cl G-11)) where this method is well described in the Standard Methods for the Examination of Water and Wastewater, available at www.standardmethods.org. This method is standard practice in testing for CPO and has been available for decades.

As such, the new RQL of 0.02 mg/L is equivalent to the new monthly average limitation of 0.02 mg/L imposed in this permit and is therefore, moot.

No changes have been made to the final permit as a result of this comment.

154. COMMENT: Page 36 of the Fact Sheet of the BCUA draft permit states:

> "b. The permittee shall enforce street litter ordinances and rules and regulations on illegal connections and unauthorized discharge(s) into the POTW. " (underline added)

The BCUA has no legal authority to enforce street litter ordinances within the municipalities and this item must be removed from the Permit. [11]

RESPONSE (154): This permit condition refers to Nine Minimum Control #7, namely, Pollution Prevention. The Department acknowledges that the Fact Sheet Page 36 of 56 of the draft permit states:

> b. The permittee shall enforce street litter ordinances and rules and regulations on illegal connections and unauthorized discharge(s) into the POTW.

Consequently, Part IV.F.7.b of the draft permit states:

> b. The permittee shall enforce rules and regulations on illegal connections and unauthorized discharge(s) into the POTW.

It was not the intent of the Department to require the BCUA to enforce street litter ordinances within the municipalities. However, erroneous language was included in the Fact Sheet. Since the Fact Sheet is not part of the final permit action, the administrative record is hereby modified accordingly. Part IV.F.7.b of the final permit action correctly reflects the Department's intent.

155. COMMENT: Page 50 of the Fact Sheet and Page 29 of Part IV of the BCUA draft permit states:

> "1) Collect flow monitoring for a 1-year period and rainfall data for a 1-year period during the effective NJPDES permit. Perform QA/QC on the data;
>
> 2) At the end of the effective NJPDES permit, update the hydrologic and hydraulic model to include all completed CSO control measures and any other modifications to the CSS since the hydrologic and hydraulic model was calibrated for the LTCP;"

And,

> "i. Collect flow monitoring for a 1-year period and rainfall data for a 1-year period during the effective NJPDES permit. Perform QA/QC on the data. Note that this is separate from the monthly monitoring form data;
>
> ii. At the end of the effective NJPDES permit, update the H&H model to include all completed CSO control measures and any other modifications to the CSS since the H&H model was calibrated for the LTCP;"

This requirement is arbitrary and may not provide meaningful information. If the system must be monitored for 1-year during a 5-year permit cycle, and then the model updated, then the monitoring must begin no later than EDP + 3.5 years. Depending on the permittees' planned projects, there may be minimal, or no new CSO control measures implemented at this point. Therefore, the permittee would expend considerable funds to monitor a system that is substantially the same as was monitored under the System Characterization. We request that this requirement be revised to state that a flow monitoring plan be developed in coordination with the NJDEP and LTCP to collect data and update the model at appropriate points with the plan. [11]

RESPONSE (155): Extensive flow metering was performed as part of the "Sewer System Characterization Report" dated June 27, 2018. This flow metering served to provide baseline percent capture values. This renewal permit serves to require an interim analysis to provide a checkpoint against those baseline values as CSO control

measures are implemented and to determine if the control measures are meeting the required percent capture in the PCCMP.

The Department acknowledges that, depending on the status of implementation of CSO control measures, 1-year of flow metering during every 5-year permit cycle may not always provide measurable improvement due to the progress of implemented infrastructure. Note, alternate flow metering periods were utilized as part of the System Characterization Report requirements as approved by the Department in a work plan. As a result, the permittee may propose an appropriate monitoring period for flow metering as part of any work plan for flow metering for the PCCMP. Any such work plan is subject to the Department's review and approval.

No changes have been made to the final permit as a result of this comment.

156. **COMMENT:** Page 53 of the Fact Sheet and Pages 30-31 of Part IV of the BCUA draft permit states:

> "This information shall be submitted to the Department with the NJPDES renewal application with an assessment of any change in precipitation trends. The Department will review this information and make a determination that Adaptive Management measures may need to be pursued in a subsequent permit action."

And,

> "iii. The precipitation trends required in Part IV.H.1 above demonstrate a change in the assumptions used in the development of the LTCP."

When taken independently and in conjunction those two statements indicate that the LTCP could be modified due to changing weather patterns. The standard for compliance for the LTCP has been firmly established as 85% capture during the 2004 Typical Year. The BCUA cannot accept any language that even remotely implies that the target for compliance might be changed. The BCUA requests that the text be revised to explicitly state that there will be no changes to the 2004 Typical Year or the compliance requirements based on the Typical Year. [11]

RESPONSE (156): These statements are in different sections of the NJPDES CSO permit where the first statement is included in Part IV.H.1.a and the second statement is included in Part IV.H.2.a.iii. The Department agrees that any change to the system-wide annual average would constitute a significant change to the permit and would warrant a major modification to the permit where the Department would be required to justify any such change. The Department maintains that identification of the system-wide annual average (i.e., Typical Year) is a component of the System Characterization Report as described in Section 4.4.3 of the "Sewer System Characterization Report" dated June 27, 2018 and was approved by the Department on May 31, 2018 as identified in the Contents of the Admnistrative Record. This applies to all three NJPDES CSO permits. This design condition is utilized to run the H&H model for baseline conditions as well as to assess compliance with the Presumption Approach upon completion of the required LTCP projects.

No changes have been made to the final permit as a result of this comment.

157. **COMMENT:** Regarding page 53 of the Fact Sheet and Page 19 of Part IV of the BCUA draft permit, regarding the Progress Reports, the BCUA requests that the NJDEP develop and distribute a template similar to what was done for the quarterly reports required under the 2015 Permit. This will help provide consistency and assist in making the report cover the required topics. [11]

RESPONSE (157): As specified at Part IV.D.2., the permittee is required to submit a progress report on February 1st and August 1st of every year beginning from the effective date of the permit. The Department has already developed a template to include the required information. The template for the progress report is available at https://dep.nj.gov/dwq/combined-sewer-overflow/cso-permittees/#resources.

No changes have been made to the final permit as a result of this comment.

158. COMMENT: Page 18 of Part IV of the BCUA draft permit states:

> "c. Since multiple municipalities own separate portions of the hydraulically connected sewer system, the permittee shall work cooperatively with all other appropriate municipalities/permittees in the hydraulically connected sewer system to ensure that the Nine Minimum Controls (NMC) & Long Term Control Plans (LTCP) activities are being developed and implemented consistently."

The BCUA can work cooperatively, with the municipalities, but cannot **ensure** that cooperation results in any specified action by the municipalities. The language of the Permit should be revised accordingly. [11]

RESPONSE (158): CSO permits were issued to both the owners and operators of CSO outfalls and to the STPs that accept and treat flows from CSO communities, because both types of permittees have a role in implementing the NMCs and the measures required to reduce CSOs through the implementation of the LTCP in accordance with the Federal CSO Policy. Given that BCUA is the receiving POTW and does not own/operate the collection system or any CSO outfalls, all NMCs were included in the municipalities' permits, but only certain NMCs were included the BCUA permit. Therefore, BCUA must ensure that the applicable NMCs related to BCUA are implemented. Similar language was included in the 2015 NJPDES CSO permit.

Accordingly, Part IV Section D requires submittal of progress reports that detail and document compliance with the continued implementation of the NMCs and the manner in which all owner/operators of the hydraulically connected collection system implement the LTCP. All of the LTCP requirements have been included in each CSO permit (Part IV Section G) to ensure that the permittees address all sections of the LTCP requirements either directly through their own actions, or by cooperating with the other hydraulically connected permittees.

No changes have been made to the final permit as a result of this comment.

159. COMMENT: Page 18 of Part IV of the BCUA draft permit states:

> "d. The permittee shall summarize on a semiannual basis its CSO construction related activities, as well as those reported to them by the other CSO entities, in their system. Notification through the TWA process is sufficient for this purpose. The permittee shall make these construction related activities available publicly on their website or other acceptable means."

It is not reasonable for the BCUA to take on reporting responsibility for project reporting simply because it receives a notification through the TWA process. The information on projects conducted by other permittees is best undertaken by the respective permittee. We request that the requirement to report on the activities of others be removed from the Permit. [11]

RESPONSE (159): This same requirement was included in the 2015 NJPDES CSO Permit with a quarterly monitoring frequency whereas the requirement in this renewal permit reduces the monitoring frequency to semi-annually. The purpose of this section is to promote effective communication since construction activities may impact the operation of the CSO outfalls. For the purposes of this requirement, "construction related activities" refers to all sewer related construction specific to BCUA that would require a TWA within the CSS. Separately, the Department recognizes that member communities, i.e., CSO entities, are required to notify the STP of construction-related activities through the TWA process.

In addition, it is also important to make CSO related activities publicly available in order to demonstrate to the public the activity taken to reduce or eliminate discharges from CSOs. Therefore, BCUA is required to make this information for both BCUA and CSO entities available on BCUA's website or other acceptable means.

No changes have been made to the final permit as a result of this comment.

160. COMMENT: Page 28 of Part IV of the BCUA draft permit states:

> "iv. A Public Notification System to notify the public of the occurrence of combined sewer overflows for each receiving water body."

Please note that the BCUA does not own any CSO outfalls and this condition should be removed from the Permit or identified and not applicable. [11]

RESPONSE (160): The BCUA cooperatively with the NJCSO Group submitted the "NJCSO Group Compliance Monitoring Program Report" dated June 30, 2018 (revised October 5, 2018) to develop the Compliance Monitoring Program (CMP). The area covered within the CMP includes all CSO areas in Northeastern NJ, including treatment plants that accept CSO flows but have no outfalls, such as BCUA. The portion of the CMP conducted during and after implementation of the LTCP is referred to as the Post Construction Compliance Monitoring Plan (PCCMP). Post Construction Compliance Monitoring is also a requirement of the Federal CSO Control Policy and N.J.A.C. 7:14A-11, Appendix C. As specified in Section 12 of the "Selection and Implementation of Alternatives Report" dated October 1, 2020, revised July 23, 2021 submitted by the BCUA CSO Group, one of the main elements of the PCCMP includes:

- A Public Notification System to notify the public of the occurrence of combined sewer overflows for each receiving water body.

The permit condition at Part IV G.9.b.iv (CSM Requirement) requires that communities with CSOs notify the public when and where CSOs may be occurring as a result of wet weather. The following website continues to satisfy this requirement: https://njcso.hdrgateway.com/

No changes have been made to the final permit as a result of this comment.

161. COMMENT: Regarding Page 20 of Part IV of the BCUA draft permit, there is a placeholder for the length of the BCUA sewer system, please update this placeholder to 97 miles. [11]

RESPONSE (161): The Department agrees that the length of the BCUA sewer system was omitted from Part IV.F.1.f.ii of the permit. As a result, Part IV.F.1.f.ii has been modified as follows to include the length of the BCUA sewer system:

> ii. The System Cleaning Program shall be designed to ensure that the entire collection system is sufficiently clean which can be accomplished through regular inspection and, if necessary, cleaning. Such inspection and cleaning should be done, such that within five years, the entire system has been covered. Specifically, for BCUA the total system is 97 miles long.

This change affects Part IV.F.1.f.ii (CSM Requirement) of the final permit. No other changes have been made to the final permit as a result of this comment.

162. COMMENT: Regarding Pages 28-30 of Part IV of the BCUA draft permit, this section of the permit initially states:

> "The permittee shall implement a Compliance Monitoring Program (CMP) adequate to: verify baseline and existing conditions, the effectiveness of CSO control measure, compliance with water quality standards, and protection of designated uses."

The BCUA does not own or operate any CSO outfalls and is, therefore, not responsible for the monitoring of such outfalls or the associated regional waterbodies, nor is the BCUA implementing CSO capture projects, such that it should have to assess progress towards 85% capture to be achieved by others. The BCUA objects to such language

requiring a PCCMP as it is unrelated to the BCUA demonstrating compliance with its permit requirements, and it should not be included within its permit.

RESPONSE (162): As a requirement of the 2015 NJPDES CSO Permit, the permittees were required to submit a Compliance Monitoring Program (CMP) Report. The BCUA cooperatively with the NJCSO Group submitted the "NJCSO Group Compliance Monitoring Program Report" dated June 30, 2018 (revised October 5, 2018). The portion of the CMP conducted during and after implementation of the LTCP is referred to as the Post Construction Compliance Monitoring Plan (PCCMP). Post Construction Compliance Monitoring is also a requirement of the Federal CSO Control Policy and N.J.A.C. 7:14A-11, Appendix C. As specified in Section 12 of the "Selection and Implementation of Alternatives Report" dated October 1, 2020, revised July 23, 2021, the BCUA CSO Group will work with the NJCSO Group to implement the CMP upon completion of the CSO projects described in the LTCP.

No changes have been made to the final permit as a result of this comment.

163. COMMENT: Regarding Page 53 of the Fact Sheet and Page 31 of Part IV of the BCUA draft permit, there appears to be words omitted from two statements on each of these pages.

"i. Modified or additional CSO control measures that will be [proposed] to achieve the interim required percent capture or the final required percent capture;"

"c. If a permittee requests to modify the implementation schedule and/or CSO control measures in the implementation schedule by incorporating new technologies, group similar control measures to reduce cost, increase wet weather, change the order of the control measures and/or accelerate the schedule. If such a request [is made], the Adaptive Management Plan shall include:" [11]

RESPONSE (163): The Department agrees that words were omitted from Part IV.H.2.b.i and Part IV.H.2.c. As a result, Part IV.H.2.b.i has been modified as follows:

i. Modified or additional CSO control measures that will be proposed to achieve the interim required percent capture or the final required percent capture;

Additionally, Part IV.H.2.c has been modified as follows:

c. If a permittee requests to modify the implementation schedule and/or CSO control measures in the implementation schedule by incorporating new technologies, group similar control measures to reduce cost, increase wet weather, change the order of the control measures and/or accelerate the schedule. If such a request is made, the Adaptive Management Plan shall include:

These changes affect Part IV.H.2.b.i and Part IV.H.2.c. of the final permit. No other changes have been made to the final permit as a result of these comments.

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: NJ0020028

Final: Surface Water Renewal Permit Action

Permittee:
Bergen County Utilities Authority
P.O. Box 9 – Mehrhof Road
Little Ferry, New Jersey 07643

Co-Permittee:

Property Owner:
Bergen County Utilities Authority
P.O. Box 9 – Mehrhof Road
Little Ferry, New Jersey 07643

Location Of Activity:
Bergen County Utilities Authority
Mehrhof Road
Little Ferry, New Jersey 07643
Bergen County

Authorizations Covered Under This Approval	Issuance Date	Effective Date	Expiration Date
A – Sanitary Wastewater – Renewal CSM – Combined Sewer Management – Renewal	01/30/2025	04/01/2025	03/31/2030

DEP AUTHORIZATION
Brett Callanan, Chief
Bureau of Surface Water and Pretreatment Permitting

(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 et seq.
Incorporation by Reference	N.J.A.C. 7:14A-2.3
Toxic Pollutants	N.J.A.C. 7:14A-6.2(a)4i
Duty to Comply	N.J.A.C. 7:14A-6.2(a)1 & 4
Duty to Mitigate	N.J.A.C. 7:14A-6.2(a)5 & 11
Inspection and Entry	N.J.A.C. 7:14A-2.11(e)
Enforcement Action	N.J.A.C. 7:14A-2.9
Duty to Reapply	N.J.A.C. 7:14A-4.2(e)3
Signatory Requirements for Applications and Reports	N.J.A.C. 7:14A-4.9
Effect of Permit/Other Laws	N.J.A.C. 7:14A-6.2(a)6 & 7 & 2.9(c)
Severability	N.J.A.C. 7:14A-2.2
Administrative Continuation of Permits	N.J.A.C. 7:14A-2.8
Permit Actions	N.J.A.C. 7:14A-2.7(c)
Reopener Clause	N.J.A.C. 7:14A-6.2(a)10
Permit Duration and Renewal	N.J.A.C. 7:14A-2.7(a) & (b)
Consolidation of Permit Process	N.J.A.C. 7:14A-15.5
Confidentiality	N.J.A.C. 7:14A-18.2 & 2.11(g)
Fee Schedule	N.J.A.C. 7:14A-3.1
Treatment Works Approval	N.J.A.C. 7:14A-22 & 23

c. Operation And Maintenance

Need to Halt or Reduce not a Defense	N.J.A.C. 7:14A-2.9(b)
Proper Operation and Maintenance	N.J.A.C. 7:14A-6.12

d. Monitoring And Records

Monitoring	N.J.A.C. 7:14A-6.5
Recordkeeping	N.J.A.C. 7:14A-6.6
Signatory Requirements for Monitoring Reports	N.J.A.C. 7:14A-6.9

e. Reporting Requirements

Planned Changes	N.J.A.C. 7:14A-6.7
Reporting of Monitoring Results	N.J.A.C. 7:14A-6.8
Noncompliance Reporting	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. Requirements for Discharges to Surface Waters

a. In addition to conditions in Part I of this permit, the conditions in this section are applicable to activities at the permitted location and are incorporated by reference. The permittee is required to comply with the regulations which are in effect as of the effective date of the final permit.

i. Surface Water Quality Standards N.J.A.C. 7:9B-1

ii. Water Quality Management Planning Regulations N.J.A.C. 7:15

B. General Conditions

1. Scope

a. The issuance of this permit shall not be considered as a waiver of any applicable federal, state, and local rules, regulations and ordinances.

2. Permit Renewal Requirement

a. Permit conditions remain in effect and enforceable until and unless the permit is modified, renewed or revoked by the Department.

b. Submit a complete permit renewal application at least 180 calendar days prior to the expiration date of the permit.

3. Notification of Non-Compliance

a. The permittee shall notify the Department of all non-compliance when required in accordance with N.J.A.C. 7:14A-6.10 by contacting the DEP HOTLINE at 1-877-WARNDEP (1-877-927-6337).

b. The permittee shall submit a written report as required by N.J.A.C. 7:14A-6.10 within five days.

4. Notification of Facility Changes

a. The permittee shall give written notification to the Department of any planned physical or operational alterations or additions to the permitted facility when the alteration is expected to result in a significant change in the permittee's discharge and/or residuals use or disposal practices including the cessation of discharge in accordance with N.J.A.C. 7:14A-6.7.

5. Notification of Change in Ownership and/or Permittee/Operating Entity

a. As set forth at N.J.A.C. 7:14A-16.2, prior to any change in ownership and/or the permittee/operating entity, the current permittee shall provide written notice to the Department at least thirty (30) days prior to the proposed transfer date.

i. Written notice to the Department shall be in the form of a completed Application for Transfer of a NJPDES Permit form, which is available on the Department's website or by contacting the appropriate permitting program.

6. Notification of Changes to the Facility/Permit Contacts

a. The permittee shall notify the Department within thirty (30) days of a change in contact information for any of the following persons associated with the facility/permit:.

i. Permittee/Operating Entity Contact;.

ii. Property Owner Contact;.

iii. Facility Contact; or.

iv. Fees/Billing Contact.

b. Notification to the Department shall be in the form of a completed Contact Information Update form (i.e. NJPDES-2 form), which is available on the Department's website or by contacting the appropriate permitting program.

7. Notification of Changes to Emergency Contacts

a. The permittee shall register for the Department's Emergency Contact Management System (ECMS) found at https://www.njportal.com/DEP/ECMS/Home/ and shall actively maintain the emergency contact information within ECMS. The permittee shall update and/or certify the information within ECMS upon the Department's request.

8. Access to Information

a. The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to enter upon a person's premises, for purposes of inspection, and to access / copy any records that must be kept under the conditions of this permit.

9. Standard Reporting Requirements – Monitoring Report Forms (MRFs)

a. All MRFs shall be electronically submitted to the Department's MRF Submission Service.

b. MRF data submission shall be in accordance with the guidelines and provisions outlined in the Department's Electronic Data Interchange (EDI) agreement with the permittee.

c. MRFs shall be submitted at the frequencies identified in Part III of this permit.

d. All MRFs shall be certified by the highest ranking official having day-to-day managerial and operational responsibilities for the discharging facility.

e. The highest ranking official may delegate responsibility to certify the MRFs in his or her absence. Authorizations for other individuals to certify shall be made in accordance with N.J.A.C. 7:14A-4.9(b).

f. Monitoring results shall be submitted in accordance with the current NJPDES MRF Reference Manual and any updates thereof.

g. If monitoring for a parameter is not required in a monitoring period, the permittee must report "CODE=N" for that parameter.

h. If, for a monitored location, there are no discharge events during an entire monitoring period, the permittee must notify the Department when submitting the monitoring results by checking the "No Discharge this monitoring period" box on the paper or electronic version of the monitoring report submittal form.

10. Standard Reporting Requirements - Electronic Submission of NJPDES Information

a. The below identified documents and reports shall be electronically submitted to the NJDEP via the Department's designated Electronic Submission Service.

i. POTW pretreatment program annual reports

ii. Non-compliance reports required by N.J.A.C. 7:14A-6.10 and 40 CFR 122.41(1)(6) and (7) related to sanitary sewer overflows or bypass events.

11. Operator Certification

a. Pursuant to N.J.A.C. 7:10A-1.1 et seq. every wastewater system not exempt pursuant to N.J.A.C. 7:10A-1.1(b) requires a licensed operator. The operator of a system shall meet the Department's requirements pursuant to N.J.A.C. 7:10A-1.1 and any amendments. The name of the proposed operator, where required shall be submitted to the Department at the address below, in order that his/her qualifications may be determined prior to initiating operation of the treatment works.

i. Notifications shall be submitted to:
NJDEP
Bureau of Water System Engineering
Mail Code 401-04Q
PO Box 420
Trenton, New Jersey 08625 - 0420
(609) 292-2957
or via email to www@dep.nj.gov

b. The permittee shall notify the Department of any changes in licensed operator within two weeks of the change.

12. Operation Restrictions

a. The operation of a waste treatment or disposal facility shall at no time create: (a) a discharge, except as authorized by the Department in the manner and location specified in Part III of this permit; (b) any discharge to the waters of the state or any standing or ponded condition for water or waste, except as specifically authorized by a valid NJPDES permit.

C. Custom Requirement

1. CSO Reopener Clause

a. This reopener clause authorizes the NJDEP to reopen and modify the permit upon determination that the CSO controls as contained in a LTCP fail to meet WQS or protect designated uses.

2. Water-Quality Based Requirements for CSOs as a Numeric Performance Standard

a. CSOs are point sources subject to NJPDES permit requirements including both technology-based and water-quality based requirements of the Clean Water Act.

b. Water quality-based effluent limits under 40 CFR Sections 122.44(d)(1) and 122.44(k) require, at a minimum, compliance with, no later than the date allowed under the State's WQS, the numeric performance standards for the selected CSO controls, based on average design conditions. Because the permittee selected the Presumption Approach, as specified in Part IV.G.4.a.ii,the numeric performance standard for the selected CSO controls is a minimum percentage capture of combined sewage by volume for treatment under specified design conditions consistent with II.C.4.a.ii of the CSO Control Policy.

3. Approval of the LTCP

a. This renewal permit implements the initial five years of the LTCP Implementation Schedule as established by the permittee and as approved in the Administrative Compliance Agreement executed by the Department and the permittees dated January 27, 2025. The LTCP as approved by the Administrative Compliance Agreement also addresses the CSO control measures within the Implementation Schedule that extend beyond the five-year NJPDES permit term for the Borough of Fort Lee, City of Hackensack, Village of Ridgefield Park and Bergen County Utilities Authority.

PART III
LIMITS AND MONITORING REQUIREMENTS

MONITORED LOCATION:	RECEIVING STREAM:	STREAM CLASSIFICATION:	DISCHARGE CATEGORY(IES):
001A Sanitary Outfall	Hackensack River	SE2(C2)	A - Sanitary Wastewater (IP)

Location Description

The influent monitored location shall be before any treatment, other than degritting, and before the addition of any internal wastestreams. The effluent monitored location shall be after the last treatment step. DSN 001A is authorized to discharge treated wastewater to the Hackensack River, classified as SE2 (C2) waters at Latitude 40° 49' 54" N and Longitude 74° 01' 57" W.

Contributing Waste Types

Sanitary

Surface Water DMR Reporting Requirements:

Submit a Monthly DMR: Within twenty-five days after the end of every month beginning from the effective date of the permit (EDP)..

Table III - A - 1: Surface Water DMR Limits and Monitoring Requirements

PHASE: Final **PHASE Start Date:** 04/01/2025 **PHASE End Date:**

Parameter	Sample Point	Limit	Limit	Units	Limit	Limit	Limit	Units	Frequency	Sample Type
Flow, In Conduit or Thru Treatment Plant	Effluent Gross Value	REPORT Monthly Average	REPORT Daily Maximum	MGD	*****	REPORT 12 Month Rolling Av	*****	MGD	Continuous	Metered
January thru December	QL	***	***		***	***	***			
CAP Threshold	Calculated Adjust.	*****	*****	*****	*****	REPORT 12 Month Rolling Av	*****	PERCENT	1/Month	Calculated
January thru December	AL	***	***		***	95	***			
pH	Raw Sew/influent	*****	*****	*****	REPORT Report Per Minimum	*****	REPORT Report Per Maximum	SU	6/Day	Grab
January thru December	QL	***	***		***	***	***			
pH	Effluent Gross Value	*****	*****	*****	6.0 Report Per Minimum	*****	9.0 Report Per Maximum	SU	6/Day	Grab
January thru December	QL	***	***		***	***	***			

Surface Water DMR Reporting Requirements:

Submit a Monthly DMR: Within twenty-five days after the end of every month beginning from the effective date of the permit (EDP)..

Table III - A - 1: Surface Water DMR Limits and Monitoring Requirements

PHASE: Final **PHASE Start Date:** 04/01/2025 **PHASE End Date:**

Parameter	Sample Point	Limit	Limit	Units	Limit	Limit	Limit	Units	Frequency	Sample Type
Solids, Total Suspended	Raw Sew/influent	REPORT Monthly Average	REPORT Weekly Average	KG/DAY	*****	REPORT Monthly Average	REPORT Weekly Average	MG/L	1/Day	24 Hour Composite
January thru December	QL	***	***		***	***	***			
Solids, Total Suspended	Effluent Gross Value	8550 Monthly Average	12825 Weekly Average	KG/DAY	*****	30 Monthly Average	45 Weekly Average	MG/L	1/Day	24 Hour Composite
May thru October	QL	***	***		***	***	***			
Solids, Total Suspended	Effluent Gross Value	9608 Monthly Average	14412 Weekly Average	KG/DAY	*****	30 Monthly Average	45 Weekly Average	MG/L	1/Day	24 Hour Composite
November thru April	QL	***	***		***	***	***			
Solids, Total Suspended	Percent Removal	*****	*****	*****	85 Monthly Av Minimum	*****	*****	PERCENT	1/Day	Calculated
January thru December	QL	***	***		***	***	***			
Oil and Grease	Effluent Gross Value	*****	*****	*****	*****	10 Monthly Average	15 Instant Maximum	MG/L	2/Week	Grab
January thru December	QL	***	***		***	***	***			
Nitrogen, Ammonia Total (as N)	Effluent Gross Value	1423 Monthly Average	2135 Weekly Average	KG/DAY	*****	4.0 Monthly Average	6.0 Weekly Average	MG/L	1/Day	24 Hour Composite
May thru October	QL	***	***		***	***	***			
Nitrogen, Ammonia Total (as N)	Effluent Gross Value	REPORT Monthly Average	REPORT Weekly Average	KG/DAY	*****	REPORT Monthly Average	REPORT Weekly Average	MG/L	1/Day	24 Hour Composite
November thru April	QL	***	***		***	***	***			

Surface Water DMR Reporting Requirements:

Submit a Monthly DMR: Within twenty-five days after the end of every month beginning from the effective date of the permit (EDP)..

Table III - A - 1: Surface Water DMR Limits and Monitoring Requirements

PHASE: Final **PHASE Start Date:** 04/01/2025 **PHASE End Date:**

Parameter	Sample Point	Limit	Limit	Units	Limit	Limit	Limit	Units	Frequency	Sample Type
Coliform, Fecal General	Effluent Gross Value	*****	*****	*****	*****	200 Monthly Geo Avg	400 Weekly Geometric	#/100ML	1/Day	Grab
January thru December	QL	***	***		***	***	***			
BOD, Carbonaceous 5 Day, 20oC	Raw Sew/influent	REPORT Monthly Average	REPORT Weekly Average	KG/DAY	*****	REPORT Monthly Average	REPORT Weekly Average	MG/L	1/Day	24 Hour Composite
January thru December	QL	***	***		***	***	***			
BOD, Carbonaceous 5 Day, 20oC	Effluent Gross Value	5692 Monthly Average	8539 Weekly Average	KG/DAY	*****	16 Monthly Average	24 Weekly Average	MG/L	1/Day	24 Hour Composite
January thru December	QL	***	***		***	***	***			
BOD, Carbonaceous 5 Day, 20oC	Percent Removal	*****	*****	*****	85 Monthly Av Minimum	*****	*****	PERCENT	1/Day	Calculated
January thru December	QL	***	***		***	***	***			
IC25 Statre 7day Chr Mysid Bahia	Effluent Gross Value	*****	*****	*****	16 Report Per Minimum	*****	*****	%EFFL	1/Quarter	Composite
January thru December	QL	***	***		***	***	***			
IC25 Statre 7day Chr Cyprinodon	Effluent Gross Value	*****	*****	*****	REPORT Report Per Minimum	*****	*****	%EFFL	1/Quarter	Composite
January thru December	QL	***	***		***	***	***			
Chlorine Produced Oxidants	Effluent Gross Value	7.12 Monthly Average	21.35 Daily Maximum	KG/DAY	*****	0.02 Monthly Average	0.06 Daily Maximum	MG/L	6/Day	Grab
January thru December	MDL	***	***		***	***	***			

Surface Water DMR Reporting Requirements:

Submit a Monthly DMR: Within twenty-five days after the end of every month beginning from the effective date of the permit (EDP)..

Table III - A - 1: Surface Water DMR Limits and Monitoring Requirements

PHASE: Final **PHASE Start Date:** 04/01/2025 **PHASE End Date:**

Parameter	Sample Point	Limit	Limit	Units	Limit	Limit	Limit	Units	Frequency	Sample Type
Temperature, oC	Raw Sew/influent	*****	*****	*****	REPORT Report Per Minimum	REPORT Monthly Average	REPORT Report Per Maximum	DEG.C	6/Day	Grab
January thru December	QL	***	***		***	***	***			
Temperature, oC	Effluent Gross Value	*****	*****	*****	REPORT Report Per Minimum	REPORT Monthly Average	REPORT Report Per Maximum	DEG.C	6/Day	Grab
January thru December	QL	***	***		***	***	***			
Oxygen, Dissolved (DO)	Effluent Gross Value	*****	*****	*****	6.0 Weekly Av Minimum	*****	*****	MG/L	1/Day	Grab
January thru December	QL	***	***		***	***	***			
Arsenic, Total Recoverable (as As)	Effluent Gross Value	REPORT Monthly Average	REPORT Daily Maximum	GR/DAY	*****	REPORT Monthly Average	REPORT Daily Maximum	UG/L	1/Month	24 Hour Composite
January thru December	QL	***	***		***	***	***			
Nickel, Total Recoverable	Effluent Gross Value	49.1 Monthly Average	77.9 Daily Maximum	KG/DAY	*****	138 Monthly Average	219 Daily Maximum	UG/L	1/Month	24 Hour Composite
January thru December	QL	***	***		***	***	***			
Zinc, Total Recoverable	Effluent Gross Value	100 Monthly Average	159 Daily Maximum	KG/DAY	*****	281 Monthly Average	447 Daily Maximum	UG/L	1/Month	24 Hour Composite
January thru December	QL	***	***		***	***	***			
Cadmium, Total Recoverable	Effluent Gross Value	19.5 Monthly Average	REPORT Daily Maximum	KG/DAY	*****	54.9 Monthly Average	REPORT Daily Maximum	UG/L	1/Month	24 Hour Composite
January thru December	QL	***	***		***	***	***			

Surface Water DMR Reporting Requirements:

Submit a Monthly DMR: Within twenty-five days after the end of every month beginning from the effective date of the permit (EDP)..

Table III - A - 1: Surface Water DMR Limits and Monitoring Requirements

PHASE: Final **PHASE Start Date:** 04/01/2025 **PHASE End Date:**

Parameter	Sample Point	Limit	Limit	Units	Limit	Limit	Limit	Units	Frequency	Sample Type
Lead, Total Recoverable	Effluent Gross Value	55.5 Monthly Average	71.9 Daily Maximum	KG/DAY	*****	156 Monthly Average	202 Daily Maximum	UG/L	1/Month	24 Hour Composite
January thru December	QL	***	***		***	***	***			
Copper, Total Recoverable	Effluent Gross Value	11.1 Monthly Average	15.9 Daily Maximum	KG/DAY	*****	31.2 Monthly Average	44.7 Daily Maximum	UG/L	1/Month	24 Hour Composite
January thru December	QL	***	***		***	***	***			
Mercury Total Recoverable	Effluent Gross Value	0.25 Monthly Average	REPORT Daily Maximum	KG/DAY	*****	REPORT Monthly Average	REPORT Daily Maximum	UG/L	1/Month	24 Hour Composite
January thru December	QL	***	***		***	***	***			
Butyl benzyl phthalate	Effluent Gross Value	406 Monthly Average	REPORT Daily Maximum	KG/DAY	*****	1140 Monthly Average	REPORT Daily Maximum	UG/L	1/Month	Grab
January thru December	QL	***	***		***	***	***			
Diethyl phthalate	Effluent Gross Value	93929 Monthly Average	REPORT Daily Maximum	KG/DAY	*****	264000 Monthly Average	REPORT Daily Maximum	UG/L	1/Month	Grab
January thru December	QL	***	***		***	***	***			
Chloroform	Effluent Gross Value	4483 Monthly Average	6435 Daily Maximum	KG/DAY	*****	12600 Monthly Average	18086 Daily Maximum	UG/L	1/Month	Grab
January thru December	QL	***	***		***	***	***			
Toluene	Effluent Gross Value	32021 Monthly Average	44796 Daily Maximum	KG/DAY	*****	90000 Monthly Average	125907 Daily Maximum	UG/L	1/Month	Grab
January thru December	QL	***	***		***	***	***			

Surface Water DMR Reporting Requirements:

Submit a Monthly DMR: Within twenty-five days after the end of every month beginning from the effective date of the permit (EDP)..

Table III - A - 1: Surface Water DMR Limits and Monitoring Requirements

PHASE: Final **PHASE Start Date:** 04/01/2025 **PHASE End Date:**

Parameter	Sample Point	Limit	Limit	Units	Limit	Limit	Limit	Units	Frequency	Sample Type
Methylene Chloride	Effluent Gross Value	1390 Monthly Average	REPORT Daily Maximum	KG/DAY	*****	3906 Monthly Average	REPORT Daily Maximum	UG/L	1/Month	Grab
January thru December	QL	***	***		***	***	***			

Surface Water WCR - Semi Annual Reporting Requirements:

Submit a Semi-Annual WCR: within twenty-five days after the end of every 6 month monitoring period beginning from the effective date of the permit (EDP).

Comments:

The semi-annual WCR sampling for this renewal permit shall begin on July 1, 2025 and sampling shall be conducted between July 1, 2025 and December 31, 2025 (and subsequent monitoring periods thereafter according to the same schedule).

Table III - A - 2: Surface Water WCR - Semi Annual Limits and Monitoring Requirements

PHASE: Final **PHASE Start Date:** 04/01/2025 **PHASE End Date:**

Parameter	Sample Point	Compliance Quantity	Units	Sample Type	Monitoring Period
Manganese, Total Recoverable	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Cyanide, Total (as CN)	Effluent Gross Value	REPORT	UG/L	Grab	January thru December
Selenium, Total Recoverable	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Thallium, Total Recoverable	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December

Surface Water WCR - Semi Annual Reporting Requirements:

Submit a Semi-Annual WCR: within twenty-five days after the end of every 6 month monitoring period beginning from the effective date of the permit (EDP).

Comments:

The semi-annual WCR sampling for this renewal permit shall begin on July 1, 2025 and sampling shall be conducted between July 1, 2025 and December 31, 2025 (and subsequent monitoring periods thereafter according to the same schedule).

Table III - A - 2: Surface Water WCR - Semi Annual Limits and Monitoring Requirements

PHASE: Final **PHASE Start Date:** 04/01/2025 **PHASE End Date:**

Parameter	Sample Point	Compliance Quantity	Units	Sample Type	Monitoring Period
Beryllium, Total Recoverable (as Be)	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Silver, Total Recoverable	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Cadmium, Total Recoverable	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Chromium, Total Recoverable	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Antimony, Total Recoverable	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Acenaphthylene	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Acenaphthene	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Anthracene	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Benzo(b)fluoranthene (3,4-benzo)	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Benzo(k)fluoranthene	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Benzo(a)pyrene	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Bis(2-chloroethyl) ether	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Bis(2-chloroethoxy) methane	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Bis (2-chloroiso-propyl) ether	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Chrysene	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December

Surface Water WCR - Semi Annual Reporting Requirements:

Submit a Semi-Annual WCR: within twenty-five days after the end of every 6 month monitoring period beginning from the effective date of the permit (EDP).

Comments:

The semi-annual WCR sampling for this renewal permit shall begin on July 1, 2025 and sampling shall be conducted between July 1, 2025 and December 31, 2025 (and subsequent monitoring periods thereafter according to the same schedule).

Table III - A - 2: Surface Water WCR - Semi Annual Limits and Monitoring Requirements

PHASE: Final **PHASE Start Date:** 04/01/2025 **PHASE End Date:**

Parameter	Sample Point	Compliance Quantity	Units	Sample Type	Monitoring Period
Dimethyl phthalate	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
1,2-Diphenyl-hydrazine	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Fluoranthene	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Fluorene	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Hexachlorocyclo-pentadiene	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Hexachloroethane	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Indeno(1,2,3-cd)-pyrene	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Isophorone	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
N-nitrosodi-n-propylamine	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
N-nitrosodiphenyl-amine	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
N-nitrosodimethyl-amine	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Nitrobenzene	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Phenanthrene	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Pyrene	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Benzo(ghi)perylene	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December

Surface Water WCR - Semi Annual Reporting Requirements:

Submit a Semi-Annual WCR: within twenty-five days after the end of every 6 month monitoring period beginning from the effective date of the permit (EDP).

Comments:

The semi-annual WCR sampling for this renewal permit shall begin on July 1, 2025 and sampling shall be conducted between July 1, 2025 and December 31, 2025 (and subsequent monitoring periods thereafter according to the same schedule).

Table III - A - 2: Surface Water WCR - Semi Annual Limits and Monitoring Requirements

PHASE: Final **PHASE Start Date:** 04/01/2025 **PHASE End Date:**

Parameter	Sample Point	Compliance Quantity	Units	Sample Type	Monitoring Period
Benzo(a)anthracene	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
1,2-Dichlorobenzene	Effluent Gross Value	REPORT	UG/L	Grab	January thru December
1,2,4-Trichloro-benzene	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Dibenzo(a,h) anthracene	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
1,3-Dichlorobenzene	Effluent Gross Value	REPORT	UG/L	Grab	January thru December
1,4-Dichlorobenzene	Effluent Gross Value	REPORT	UG/L	Grab	January thru December
2-Chloronaphthalene	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
2,4-Dinitrotoluene	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
2,6-Dinitrotoluene	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
3,3'-Dichloro-benzidine	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
4-Bromophenyl phenyl ether	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Naphthalene	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Bis(2-ethylhexyl) phthalate	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Di-n-butyl phthalate	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Benzidine	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December

Surface Water WCR - Semi Annual Reporting Requirements:

Submit a Semi-Annual WCR: within twenty-five days after the end of every 6 month monitoring period beginning from the effective date of the permit (EDP).

Comments:

The semi-annual WCR sampling for this renewal permit shall begin on July 1, 2025 and sampling shall be conducted between July 1, 2025 and December 31, 2025 (and subsequent monitoring periods thereafter according to the same schedule).

Table III - A - 2: Surface Water WCR - Semi Annual Limits and Monitoring Requirements

PHASE: Final **PHASE Start Date:** 04/01/2025 **PHASE End Date:**

Parameter	Sample Point	Compliance Quantity	Units	Sample Type	Monitoring Period
Hexachlorobenzene	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Hexachlorobutadiene	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
1,3-Dichloropropene	Effluent Gross Value	REPORT	UG/L	Grab	January thru December
Dichlorobromomethane	Effluent Gross Value	REPORT	UG/L	Grab	January thru December
Carbon Tetrachloride	Effluent Gross Value	REPORT	UG/L	Grab	January thru December
1,2-Dichloroethane	Effluent Gross Value	REPORT	UG/L	Grab	January thru December
Bromoform	Effluent Gross Value	REPORT	UG/L	Grab	January thru December
Benzene	Effluent Gross Value	REPORT	UG/L	Grab	January thru December
Acrolein	Effluent Gross Value	REPORT	UG/L	Grab	January thru December
Acrylonitrile	Effluent Gross Value	REPORT	UG/L	Grab	January thru December
Chlorobenzene	Effluent Gross Value	REPORT	UG/L	Grab	January thru December
Chlorodibromomethane	Effluent Gross Value	REPORT	UG/L	Grab	January thru December
Ethylbenzene	Effluent Gross Value	REPORT	UG/L	Grab	January thru December
Methyl Bromide	Effluent Gross Value	REPORT	UG/L	Grab	January thru December
Tetrachloroethylene	Effluent Gross Value	REPORT	UG/L	Grab	January thru December

Surface Water WCR - Semi Annual Reporting Requirements:

Submit a Semi-Annual WCR: within twenty-five days after the end of every 6 month monitoring period beginning from the effective date of the permit (EDP).

Comments:

The semi-annual WCR sampling for this renewal permit shall begin on July 1, 2025 and sampling shall be conducted between July 1, 2025 and December 31, 2025 (and subsequent monitoring periods thereafter according to the same schedule).

Table III - A - 2: Surface Water WCR - Semi Annual Limits and Monitoring Requirements

PHASE: Final **PHASE Start Date:** 04/01/2025 **PHASE End Date:**

Parameter	Sample Point	Compliance Quantity	Units	Sample Type	Monitoring Period
1,1-Dichloroethane	Effluent Gross Value	REPORT	UG/L	Grab	January thru December
1,1-Dichloroethylene	Effluent Gross Value	REPORT	UG/L	Grab	January thru December
1,1,1-Trichloro-ethane	Effluent Gross Value	REPORT	UG/L	Grab	January thru December
1,1,2-Trichloro-ethane	Effluent Gross Value	REPORT	UG/L	Grab	January thru December
1,1,2,2-Tetrachloro-ethane	Effluent Gross Value	REPORT	UG/L	Grab	January thru December
1,2-Dichloropropane	Effluent Gross Value	REPORT	UG/L	Grab	January thru December
1,2-trans-Dichloro-ethylene	Effluent Gross Value	REPORT	UG/L	Grab	January thru December
2-Chloroethyl Vinyl Ether (Mixed)	Effluent Gross Value	REPORT	UG/L	Grab	January thru December
trans-1,3-Dichloro-propene	Effluent Gross Value	REPORT	UG/L	Grab	January thru December
cis-1,3-Dichloro-propene	Effluent Gross Value	REPORT	UG/L	Grab	January thru December
Vinyl Chloride	Effluent Gross Value	REPORT	UG/L	Grab	January thru December
Trichloroethylene	Effluent Gross Value	REPORT	UG/L	Grab	January thru December
Methoxychlor	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Acetone	Effluent Gross Value	REPORT	UG/L	Grab	January thru December
Parachloro-m-cresol	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December

Surface Water WCR - Semi Annual Reporting Requirements:

Submit a Semi-Annual WCR: within twenty-five days after the end of every 6 month monitoring period beginning from the effective date of the permit (EDP).

Comments:

The semi-annual WCR sampling for this renewal permit shall begin on July 1, 2025 and sampling shall be conducted between July 1, 2025 and December 31, 2025 (and subsequent monitoring periods thereafter according to the same schedule).

Table III - A - 2: Surface Water WCR - Semi Annual Limits and Monitoring Requirements

PHASE: Final **PHASE Start Date:** 04/01/2025 **PHASE End Date:**

Parameter	Sample Point	Compliance Quantity	Units	Sample Type	Monitoring Period
Delta BHC, Total (ug/l)	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Endosulfan Sulfate	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Beta Endosulfan	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Alpha Endosulfan	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Endrin Aldehyde	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
PCB-1016 (Arochlor 1016)	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
2,3,7,8-Tetrachloro-dibenzo-p-dioxin	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
4,4'-DDT(p,p'-DDT)	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
4,4'-DDD(p,p'-DDD)	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
4,4'-DDE(p,p'-DDE)	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Aldrin	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Alpha BHC	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Beta BHC	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Gamma BHC (lindane),	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Chlordane	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December

Surface Water WCR - Semi Annual Reporting Requirements:

Submit a Semi-Annual WCR: within twenty-five days after the end of every 6 month monitoring period beginning from the effective date of the permit (EDP).

Comments:

The semi-annual WCR sampling for this renewal permit shall begin on July 1, 2025 and sampling shall be conducted between July 1, 2025 and December 31, 2025 (and subsequent monitoring periods thereafter according to the same schedule).

Table III - A - 2: Surface Water WCR - Semi Annual Limits and Monitoring Requirements

PHASE: Final **PHASE Start Date:** 04/01/2025 **PHASE End Date:**

Parameter	Sample Point	Compliance Quantity	Units	Sample Type	Monitoring Period
Dieldrin	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Endosulfans, Total (alpha and beta)	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Endrin	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Toxaphene	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Heptachlor	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Heptachlor Epoxide	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
PCB-1221 (Arochlor 1221)	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
PCB-1232 (Arochlor 1232)	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
PCB-1242 (Arochlor 1242)	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
PCB-1248 (Arochlor 1248)	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
PCB-1254 (Arochlor 1254)	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
PCB-1260 (Arochlor 1260)	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Polychlorinated Biphenyls (PCBs)	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
2-Chlorophenol	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
2-Nitrophenol	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December

Surface Water WCR - Semi Annual Reporting Requirements:

Submit a Semi-Annual WCR: within twenty-five days after the end of every 6 month monitoring period beginning from the effective date of the permit (EDP).

Comments:

The semi-annual WCR sampling for this renewal permit shall begin on July 1, 2025 and sampling shall be conducted between July 1, 2025 and December 31, 2025 (and subsequent monitoring periods thereafter according to the same schedule).

Table III - A - 2: Surface Water WCR - Semi Annual Limits and Monitoring Requirements

PHASE: Final **PHASE Start Date:** 04/01/2025 **PHASE End Date:**

Parameter	Sample Point	Compliance Quantity	Units	Sample Type	Monitoring Period
2,4-Dichlorophenol	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
2,4-Dimethylphenol	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
2,4-Dinitrophenol	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
2,4,6-Trichloro-phenol	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
4-Chlorophenyl phenyl ether	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
4-Nitrophenol	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
4,6-Dinitro-o-cresol	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Phenol Single Compound	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December
Pentachlorophenol	Effluent Gross Value	REPORT	UG/L	24 Hour Composite	January thru December

MONITORED LOCATION:	RECEIVING STREAM:	STREAM CLASSIFICATION:	DISCHARGE CATEGORY(IES):
IPPI Influent IPP Requirements			A - Sanitary Wastewater (IP)

Contributing Waste Types

Sanitary

Surface Water WCR - Annual Reporting Requirements:

Submit an Annual WCR: within twenty-five days after the end of every 12 month monitoring period beginning from the effective date of the permit (EDP).

Comments:

The annual WCR sampling for this renewal permit shall begin on July 1, 2025 and sampling shall be conducted between July 1, 2025 and June 30, 2026 (and subsequent years thereafter according to the same schedule).

Table III - B - 1: Surface Water WCR - Annual Limits and Monitoring Requirements

PHASE: Final **PHASE Start Date:** 04/01/2025 **PHASE End Date:**

Parameter	Sample Point	Compliance Quantity	Units	Sample Type	Monitoring Period
Cyanide, Total (as CN)	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Arsenic, Total Recoverable (as As)	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Selenium, Total Recoverable	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Thallium, Total Recoverable	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Beryllium, Total Recoverable (as Be)	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Nickel, Total Recoverable	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Silver, Total Recoverable	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Zinc, Total Recoverable	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Cadmium, Total Recoverable	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Lead, Total Recoverable	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Chromium, Total Recoverable	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Copper, Total Recoverable	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December

Surface Water WCR - Annual Reporting Requirements:

Submit an Annual WCR: within twenty-five days after the end of every 12 month monitoring period beginning from the effective date of the permit (EDP).

Comments:

The annual WCR sampling for this renewal permit shall begin on July 1, 2025 and sampling shall be conducted between July 1, 2025 and June 30, 2026 (and subsequent years thereafter according to the same schedule).

Table III - B - 1: Surface Water WCR - Annual Limits and Monitoring Requirements

PHASE: Final **PHASE Start Date:** 04/01/2025 **PHASE End Date:**

Parameter	Sample Point	Compliance Quantity	Units	Sample Type	Monitoring Period
Antimony, Total Recoverable	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Mercury Total Recoverable	Raw Sew/influent	REPORT	UG/L	Grab	January thru December
Acenaphthylene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Acenaphthene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Anthracene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Benzo(b)fluoranthene (3,4-benzo)	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Benzo(k)fluoranthene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Benzo(a)pyrene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Bis(2-chloroethyl) ether	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Bis(2-chloroethoxy) methane	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Bis (2-chloroiso-propyl) ether	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Butyl benzyl phthalate	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Chrysene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Diethyl phthalate	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Dimethyl phthalate	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December

Surface Water WCR - Annual Reporting Requirements:

Submit an Annual WCR: within twenty-five days after the end of every 12 month monitoring period beginning from the effective date of the permit (EDP).

Comments:

The annual WCR sampling for this renewal permit shall begin on July 1, 2025 and sampling shall be conducted between July 1, 2025 and June 30, 2026 (and subsequent years thereafter according to the same schedule).

Table III - B - 1: Surface Water WCR - Annual Limits and Monitoring Requirements

PHASE: Final **PHASE Start Date:** 04/01/2025 **PHASE End Date:**

Parameter	Sample Point	Compliance Quantity	Units	Sample Type	Monitoring Period
1,2-Diphenyl-hydrazine	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Fluoranthene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Fluorene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Hexachlorocyclo-pentadiene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Hexachloroethane	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Indeno(1,2,3-cd)-pyrene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Isophorone	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
N-nitrosodi-n-propylamine	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
N-nitrosodiphenyl-amine	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
N-nitrosodimethyl-amine	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Nitrobenzene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Phenanthrene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Pyrene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Benzo(ghi)perylene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Benzo(a)anthracene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December

Surface Water WCR - Annual Reporting Requirements:

Submit an Annual WCR: within twenty-five days after the end of every 12 month monitoring period beginning from the effective date of the permit (EDP).

Comments:

The annual WCR sampling for this renewal permit shall begin on July 1, 2025 and sampling shall be conducted between July 1, 2025 and June 30, 2026 (and subsequent years thereafter according to the same schedule).

Table III - B - 1: Surface Water WCR - Annual Limits and Monitoring Requirements

PHASE: Final **PHASE Start Date:** 04/01/2025 **PHASE End Date:**

Parameter	Sample Point	Compliance Quantity	Units	Sample Type	Monitoring Period
1,2-Dichlorobenzene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
1,2,4-Trichloro-benzene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Dibenzo(a,h) anthracene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
1,3-Dichlorobenzene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
1,4-Dichlorobenzene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
2-Chloronaphthalene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
2,4-Dinitrotoluene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
2,6-Dinitrotoluene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
3,3'-Dichloro-benzidine	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
4-Bromophenyl phenyl ether	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Naphthalene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Bis(2-ethylhexyl) phthalate	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Di-n-butyl phthalate	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Benzidine	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Hexachlorobenzene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December

Surface Water WCR - Annual Reporting Requirements:

Submit an Annual WCR: within twenty-five days after the end of every 12 month monitoring period beginning from the effective date of the permit (EDP).

Comments:

The annual WCR sampling for this renewal permit shall begin on July 1, 2025 and sampling shall be conducted between July 1, 2025 and June 30, 2026 (and subsequent years thereafter according to the same schedule).

Table III - B - 1: Surface Water WCR - Annual Limits and Monitoring Requirements

PHASE: Final **PHASE Start Date:** 04/01/2025 **PHASE End Date:**

Parameter	Sample Point	Compliance Quantity	Units	Sample Type	Monitoring Period
Hexachlorobutadiene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
1,3-Dichloropropene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Dichlorobromomethane	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Carbon Tetrachloride	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
1,2-Dichloroethane	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Bromoform	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Chloroform	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Toluene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Benzene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Acrolein	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Acrylonitrile	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Chlorobenzene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Chlorodibromomethane	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Ethylbenzene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Methyl Bromide	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December

Surface Water WCR - Annual Reporting Requirements:

Submit an Annual WCR: within twenty-five days after the end of every 12 month monitoring period beginning from the effective date of the permit (EDP).

Comments:

The annual WCR sampling for this renewal permit shall begin on July 1, 2025 and sampling shall be conducted between July 1, 2025 and June 30, 2026 (and subsequent years thereafter according to the same schedule).

Table III - B - 1: Surface Water WCR - Annual Limits and Monitoring Requirements

PHASE: Final **PHASE Start Date:** 04/01/2025 **PHASE End Date:**

Parameter	Sample Point	Compliance Quantity	Units	Sample Type	Monitoring Period
Methyl Chloride	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Methylene Chloride	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Tetrachloroethylene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Trichlorofluoro-methane	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
1,1-Dichloroethane	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
1,1-Dichloroethylene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
1,1,1-Trichloro-ethane	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
1,1,2-Trichloro-ethane	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
1,1,2,2-Tetrachloro-ethane	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
1,2-Dichloropropane	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
1,2-trans-Dichloro-ethylene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
2-Chloroethyl Vinyl Ether (Mixed)	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Vinyl Chloride	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Trichloroethylene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Chloroethane	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December

Surface Water WCR - Annual Reporting Requirements:

Submit an Annual WCR: within twenty-five days after the end of every 12 month monitoring period beginning from the effective date of the permit (EDP).

Comments:

The annual WCR sampling for this renewal permit shall begin on July 1, 2025 and sampling shall be conducted between July 1, 2025 and June 30, 2026 (and subsequent years thereafter according to the same schedule).

Table III - B - 1: Surface Water WCR - Annual Limits and Monitoring Requirements

PHASE: Final **PHASE Start Date:** 04/01/2025 **PHASE End Date:**

Parameter	Sample Point	Compliance Quantity	Units	Sample Type	Monitoring Period
Parachloro-m-cresol	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Phenols	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Delta BHC, Total (ug/l)	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Endosulfan Sulfate	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Beta Endosulfan	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Alpha Endosulfan	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Endrin Aldehyde	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
PCB-1016 (Arochlor 1016)	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
4,4'-DDT(p,p'-DDT)	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
4,4'-DDD(p,p'-DDD)	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
4,4'-DDE(p,p'-DDE)	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Aldrin	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Alpha BHC	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Beta BHC	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Gamma BHC (lindane),	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December

Surface Water WCR - Annual Reporting Requirements:

Submit an Annual WCR: within twenty-five days after the end of every 12 month monitoring period beginning from the effective date of the permit (EDP).

Comments:

The annual WCR sampling for this renewal permit shall begin on July 1, 2025 and sampling shall be conducted between July 1, 2025 and June 30, 2026 (and subsequent years thereafter according to the same schedule).

Table III - B - 1: Surface Water WCR - Annual Limits and Monitoring Requirements

PHASE: Final **PHASE Start Date:** 04/01/2025 **PHASE End Date:**

Parameter	Sample Point	Compliance Quantity	Units	Sample Type	Monitoring Period
Chlordane	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Dieldrin	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Endrin	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Toxaphene	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Heptachlor	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Heptachlor Epoxide	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
PCB-1221 (Arochlor 1221)	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
PCB-1232 (Arochlor 1232)	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
PCB-1242 (Arochlor 1242)	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
PCB-1248 (Arochlor 1248)	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
PCB-1254 (Arochlor 1254)	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
PCB-1260 (Arochlor 1260)	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
2-Chlorophenol	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
2-Nitrophenol	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
2,4-Dichlorophenol	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December

Surface Water WCR - Annual Reporting Requirements:

Submit an Annual WCR: within twenty-five days after the end of every 12 month monitoring period beginning from the effective date of the permit (EDP).

Comments:

The annual WCR sampling for this renewal permit shall begin on July 1, 2025 and sampling shall be conducted between July 1, 2025 and June 30, 2026 (and subsequent years thereafter according to the same schedule).

Table III - B - 1: Surface Water WCR - Annual Limits and Monitoring Requirements

PHASE: Final **PHASE Start Date:** 04/01/2025 **PHASE End Date:**

Parameter	Sample Point	Compliance Quantity	Units	Sample Type	Monitoring Period
2,4-Dimethylphenol	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
2,4-Dinitrophenol	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
2,4,6-Trichloro-phenol	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
4-Chlorophenyl phenyl ether	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
4-Nitrophenol	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
4,6-Dinitro-o-cresol	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Phenol Single Compound	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December
Pentachlorophenol	Raw Sew/influent	REPORT	UG/L	24 Hour Composite	January thru December

PART IV

SPECIFIC REQUIREMENTS: NARRATIVE

Notes and Definitions

A. Footnotes

1. These notes are specific to this permit

a. The permit conditions in the CSO section apply only to the combined sewer system and related discharges

2. CSO related resources are listed below with a link to the current webpage

a. NJDEP's CSO main website and related links can be found at http://www.nj.gov/dep/dwq/cso.htm

b. EPA's Combined Sewer Overflows Principal Guidance Documents can be found at http://water.epa.gov/polwaste/npdes/cso/Guidance-Documents.cfm

c. The Nine Minimum Control requirements from the National CSO Policy along with EPA's guidance document can be found at N.J.A.C. 7:14A-11.12-Appendix C and http://www.epa.gov/npdes/pubs/owm0030.pdf

d. The Nine elements of a Long Term Control Plan from the National CSO Policy along with EPA's guidance document can be found at N.J.A.C. 7:14A-11.12-Appendix C and http://water.epa.gov/polwaste/npdes/cso/upload/owm0272.pdf

e. EPA's Post Construction Compliance Monitoring Guidance document can be found at http://www.epa.gov/npdes/pubs/final_cso_pccm_guidance.pdf

f. EPA's Guidance: Coordinating Combined Sewer Overflow (CSO) Long-Term Planning with Water Quality Standards Reviews (PDF)

g. EPA's Capacity, management, operation and maintenance (CMOM) guidance document can be found at http://www.epa.gov/npdes/pubs/cmom_5.pdf

h. Dry-Weather Deposition and Flushing for Combined Sewer Overflow Pollution Control: http://nepis.epa.gov/Adobe/PDF/30000821.PDF

i. Combined sewer overflow control (manual): http://nepis.epa.gov/Adobe/PDF/30004MAO.pdf

j. EPA's Storm Water and Combined Sewer Overflows Publications can be found at http://water.epa.gov/polwaste/wastewater/StormwaterPubs.cfm

B. Definitions

1. These definitions are specific only to this permit

a. “Dry weather overflow (DWO)” means a combined sewer overflow that cannot be attributed to a precipitation event, including snow melt, within the hydraulically connected system. DWOs include the following flows: domestic sewage, dewatering activities, commercial and industrial wastewaters, ground water and tidal infiltration upstream of the regulator, and any other non-precipitation event related flows downstream of the regulator to the outfall pipe.

   Groundwater infiltration and tidal infiltration originating downstream of the regulator are allowable sources of discharges from a CSO during dry weather. On a case-by-case basis, the Department reserves the right to allow temporary use of the CSO outfall structures for other types of discharges to address extraordinary circumstances. Such use must be specifically approved by the Department.

b. "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

c. "Hydraulically connected system" means the entire collection system that conveys flows to one Sewage Treatment Plant (STP). On a case-by-case basis, the permittee, in consultation with the Department, may segment a larger hydraulically connected system into a series of smaller inter-connected systems, based upon the specific nature of the sewer system layout, pump stations, gradients, locations of CSOs and other physical features which support such a sub area. A hydraulically connected system could include multiple municipalities, comprised of both combined and separate sewers

C. NINE MINIMUM CONTROL REQUIREMENTS

1. **Proper operation and regular maintenance programs for the sewer system and the CSOs**
2. **Maximum use of the collection system for storage**
3. **Review and modification of pretreatment requirements to assure CSO impacts are minimized**
4. **Maximization of flow to the POTW for treatment**
5. **Prohibition of CSOs during dry weather**
6. **Control of solid and floatable materials in CSOs**
7. **Pollution prevention**
8. **Public notification to ensure that the public receives adequate notification of CSO occurrences and CSO impacts**
9. **Monitoring to effectively characterize CSO impacts and the efficacy of CSO controls**

D. NINE ELEMENTS OF THE LONG TERM CONTROL PLAN

1. **Characterization, Monitoring, and Modeling of the Combined Sewer Systems**
2. **Public Participation**
3. **Consideration of Sensitive Areas**

4. **Evaluation of Alternatives**
5. **Cost/Performance Considerations**
6. **Operational Plan**
7. **Maximizing Treatment at the Existing POTW Treatment Plant**
8. **Implementation Schedule**
9. **Compliance Monitoring Program**

Sanitary Wastewater (IP)

A. MONITORING REQUIREMENTS

1. Standard Monitoring Requirements

a. Each analysis required by this permit shall be performed by a New Jersey Certified Laboratory that is certified to perform that analysis.

b. The Permittee shall perform all water/wastewater analyses in accordance with the analytical test procedures specified in 40 CFR 136, unless other test procedures have been approved by the Department in writing or as otherwise specified in the permit.

c. When more than one test procedure is approved for the analysis of a pollutant or pollutant parameter, the test procedure must be sufficiently sensitive as defined at 40 CFR 136, 40 CFR 122.21(e)(3), and 40 CFR 122.44(i)(1)(iv).

d. All sampling shall be conducted in accordance with the Department's Field Sampling Procedures Manual, or an alternate method approved by the Department in writing.

e. All monitoring shall be conducted as specified in Part III.

f. All sample frequencies expressed in Part III are minimum requirements. Any additional samples taken consistent with the monitoring and reporting requirements contained herein shall be reported on the Monitoring Report Forms.

g. Annual and semi-annual wastewater testing shall be conducted in a different quarter of each year so that tests are conducted in each of the four permit quarters of the permit cycle. Testing may be conducted during any month of the permit quarters.

h. Monitoring for Wastewater Characterization Report parameters shall be conducted concurrently with the Whole Effluent Toxicity (WET) monitoring, when feasible.

i. Any influent and effluent sampling for toxic pollutant analyses shall be collected concurrently.

j. Flow shall be measured using a meter.

B. RECORDKEEPING

1. Standard Recordkeeping Requirements

a. The permittee shall retain records of all monitoring information, including 1) all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation (if applicable), 2) copies of all reports required by this NJPDES permit and 3) all data used to complete the application for a NJPDES permit, for a period of at least 5 years from the date of the sample, measurement, report, application or record.

b. Records of monitoring information shall include 1) the date, locations, and time of sampling or measurements, 2) the individual(s) who performed the sampling or measurements, 3) the date(s) the analyses were performed, 4) the individual(s) who performed the analyses, 5) the analytical techniques or methods used, and 6) the results of such analyses.

C. SUBMITTALS

1. Standard Submittal Requirements

Sanitary Wastewater (IP)

a. The permittee shall amend the Operation & Maintenance Manual whenever there is a change in the treatment works design, construction, operations or maintenance which substantially changes the treatment works operations and maintenance procedures.

2. New Jersey Polychlorinated Biphenyls (PCB) Requirements

a. The permittee has completed sampling for PCBs as required in a previous permit action. The Department is currently reviewing the sampling data for this and other facilities to determine which facilities are discharging at more elevated levels. Once the Department completes this review and if the permittee's effluent is discharging PCBs at more elevated levels, the Department will require the permittee to develop and submit a PMP for approval within 12 months from the effective date of the permit action the requirement is incorporated in.

b. PCB PMP Annual Report Requirement

i. The permittee shall submit an annual report in accordance with the Annual Report Guidance Document every 12 months from the implementation of the PMP.

ii. Any revisions to the PMP as a result of the ongoing work shall be reported in the annual report.

iii. The annual report shall contain, at a minimum, a detailed discussion of the specific progress and actions taken by the permittee during the previous twelve month period that addresses PCB loadings and implementation of the PMP.

D. FACILITY MANAGEMENT

1. Discharge Requirements

a. The permittee shall discharge at the location(s) specified in PART III of this permit.

b. The permittee shall not discharge foam or cause foaming of the receiving water that 1) forms objectionable deposits on the receiving water, 2) forms floating masses producing a nuisance, or 3) interferes with a designated use of the waterbody.

c. The permittee's discharge shall not produce objectionable color or odor in the receiving stream.

d. The discharge shall not exhibit a visible sheen.

e. When quantification levels (QL) and effluent limits are both specified for a given parameter in Part III, and the QL is less stringent than the effluent limit, effluent compliance will be determined by comparing the reported value against the QL.

f. The permittee shall comply with the following Capacity Assurance Program (CAP) requirements:

i. The permittee shall ensure compliance with the CAP regulations and upon triggering the action level in Part III, the permittee is required to initiate the requirements of N.J.A.C. 7:14A-22.16.

ii. For the calculation of the parameter "CAP Threshold" in Part III of the permit, the permittee shall use the permitted flow of 94 MGD and the 12-month rolling average flow calculated for the parameter of "Flow, In Conduit or Thru Treatment Plant" in the calculation of the percentage of the permitted flow for the month. This percentage shall be reported as the CAP Threshold percentage.

iii. For more information concerning the CAP, please contact the Bureau of Environmental, Engineering and Permitting at (609) 984-4429.

2. Interstate Environmental Commission

a. The permittee shall comply with the Interstate Environmental Commission's (IEC) "Water Quality Regulations." Although no monitoring requirements specific to the IEC are included in this permit, compliance may be determined by the IEC based on its own sampling events. IEC effluent requirements shall not be considered effluent limitations for the purpose of mandatory penalties under N.J.S.A. 58:10A-10.1.

3. Applicability of Discharge Limitations and Effective Dates

a. Surface Water Discharge Monitoring Report (DMR) Form Requirements

i. The final effluent limitations and monitoring conditions contained in PART III for DSN 001A apply for the full term of this permit action.

b. Wastewater Characterization Report (WCR) Form Requirements

i. The final effluent monitoring conditions contained in PART III for DSN 001A apply for the full term of this permit action.

4. Operation, Maintenance and Emergency conditions

a. The permittee shall operate and maintain treatment works and facilities which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit as specified in the Operation & Maintenance Manual.

b. The permittee shall develop emergency procedures to ensure effective operation of the treatment works under emergency conditions in accordance with N.J.A.C. 7:14A-6.12(d).

5. Toxicity Testing Requirements - Chronic Whole Effluent Toxicity

a. The permittee shall conduct toxicity tests on its wastewater discharge in accordance with the provisions in this section. Such testing will determine if appropriately selected effluent concentrations adversely affect the test species.

b. Any test that does not meet the specifications contained in the Department's "Chronic Toxicity Testing Specifications for Use in the NJPDES Program" document must be repeated within 30 days of the completion of the initial test. The repeat test shall not replace subsequent testing required in Part III.

c. The permittee shall collect and analyze the concentration of ammonia-N in the effluent on the day a sample is collected for WET testing. This result is to be reported on the Biomonitoring Report Form.

d. Chronic toxicity testing shall initially consist of concurrent chronic toxicity tests, with split effluent samples, using the test species and methods identified in Part III of this permit.

e. The results for the most sensitive test species will be used to evaluate compliance with the WET limitation.

f. Testing with two species will be considered complete when four sets of acceptable concurrent tests using split samples on the two species, have been completed and the data has been deemed sufficient to designate the more sensitive species.

g. After completing four sets of concurrent toxicity tests on two species, the Department may modify the permit to reduce testing to the more sensitive test species.

h. IC25 - Inhibition Concentration - Concentration of effluent which has an inhibitory effect on 25% of the test organisms for the monitored effect, as compared to the control (expressed as percent effluent).

i. Test results shall be expressed as the IC25 for each test endpoint. Where a chronic toxicity testing endpoint yields IC25's from more than one test endpoint, the most sensitive endpoint will be used to evaluate effluent toxicity.

j. The permittee shall resubmit a Chronic Methodology Questionnaire within 60 days of any change in laboratory.

k. Submit a chronic whole effluent toxicity test report within twenty-five days after the end of every quarterly monitoring period beginning from the effective date of the permit (EDP).

l. Test reports shall be submitted to:

   i. biomonitoring@dep.nj.gov

6. Toxicity Reduction Implementation Requirements (TRIR)

a. The permittee shall initiate a tiered toxicity investigation if two out of six consecutive WET tests demonstrate that the effluent does not comply or will not comply with the toxicity limit or action level specified in Part III of this permit.

   i. If the exceedence of the toxicity limit or action level is directly caused by a documented facility upset, or other unusual event which has been identified and appropriately remedied by the permittee, the toxicity test data collected during the event may be eliminated when determining the need for initiating a TRIR upon written Department approval.

b. The permittee shall begin toxicity characterization within 30 days of the end of the monitoring period when the second toxicity test exceeds the toxicity limits or action levels in Part III. The monitoring frequency for toxicity testing shall be increased to monthly. Up to 12 additional tests may be required.

   i. The permittee may return to the toxicity testing frequency specified in Part III if four consecutive toxicity tests conducted during the Toxicity Characterization do not exceed the toxicity limit or action level.

   ii. If two out of any six consecutive, acceptable tests again exceed the toxicity limit or action level in Part III, the permittee shall repeat the Toxicity Reduction Implementation Requirements.

c. The permittee shall initiate a preliminary toxicity identification (PTI) upon the third exceedence of the toxicity limit or action level specified in Part III during toxicity characterization.

   i. The permittee may return to the monitoring frequency specified in PART III while conducting the PTI. If more frequent WET testing is performed during the PTI, the permittee shall submit all biomonitoring reports to the DEP and report the results for the most sensitive species on the DMR.

ii. As appropriate, the PTI shall include:
(1) treatment plant performance evaluation,
(2) pretreatment program information,
(3) evaluation of ammonia and chlorine produced oxidants levels and their effect on the toxicity of the discharge,
(4) evaluation of chemical use and processes at the facility, and
(5) an evaluation of incidental facility procedures such as floor washing, and chemical spill disposal which may contribute to effluent toxicity.

iii. If the permittee demonstrates that the cause of toxicity is the chlorine added for disinfection or the ammonia concentration in the effluent and the chlorine and/or ammonia concentrations are below the established water quality based effluent limitation for chlorine and/or ammonia, the permittee shall identify the procedures to be used in future toxicity tests to account for chlorine and/or ammonia toxicity in their preliminary toxicity identification report.

iv. The permittee shall submit a Preliminary Toxicity Identification Notification within 15 months of triggering TRIR. This notification shall include a determination that the permittee intends to demonstrate compliance OR plans to initiate a CTI.

d. The permittee must demonstrate compliance with the WET limitation or action level in four consecutive WET tests to satisfy the requirements of the Toxicity Reduction Investigation Requirements. After successful completion, the permittee may return to the WET monitoring frequency specified in PART III.

e. The permittee shall initiate a Comprehensive Toxicity Investigation (CTI) if the PTI does not identify the cause of toxicity and a demonstration of consistent compliance with the toxicity limit or action level in Part III can not be made.

i. The permittee shall develop a project study plan identifying the party or parties responsible for conducting the comprehensive evaluation, establish a schedule for completing the study, and a description of the technical approach to be utilized.

ii. If the permittee determines that the PTI has failed to demonstrate consistent compliance with the toxicity limit or action level in Part III , a Comprehensive Toxicity Investigation Workplan must be prepared and submitted within 90 days.

iii. The permittee shall summarize the data collected and the actions taken in CTI Quarterly Reports. The reports shall be submitted within 30 calendar days after the end of each quarter.

iv. The permittee shall submit a Final CTI Report 90 calendar days after the last quarterly report. The final CTI report shall include the corrective actions identified to reduce toxicity and a schedule for implementing these corrective actions.

f. Upon receipt of written approval from the Department of the corrective action schedule, the permittee shall implement those corrective actions consistent with that schedule.

i. The permittee shall satisfy the requirements of the Toxicity Reduction Implementation Requirements and return to the original toxicity monitoring frequency after corrective actions are implemented and the permittee demonstrates consistent compliance with the toxicity limit or action level in Part III in four consecutive toxicity tests.

ii. If the implemented corrective measures do not result in consistent compliance with the toxicity limit or action level in Part III, the permittee shall submit a plan for resuming the CTI.

iii. Documents regarding Toxicity Investigations shall be sent to the following:
New Jersey Department of Environmental Protection
Mail Code 401-02B
Division of Water Quality
Bureau of Surface Water & Pretreatment Permitting
401 East State Street
P.O. Box 420
Trenton, New Jersey 08625-0420

7. Introduction to RWBR Requirements

a. The following RWBR sections contain the conditions for the permittee to beneficially reuse treated effluent or Reclaimed Water for Beneficial Reuse (RWBR), provided the effluent is in compliance with the criteria specified for the particular use specified below.

b. There are two levels of RWBR uses. Public Access and Restricted Access.

8. Inactive RWBR Requirements

a. The following RWBR sections are included in this permit for various reuse applications. For any RWBR category where a reuse application does not show a status of Approved in Appendix B, these sections are inactive and not effective until a permit action where Appendix B shows that an application under this category is approved. Any specific RWBR category not approved in the Appendix, may be approved at a later date by a minor modification permit action once the appropriate submittal requirements have been received and approved by the Department. Those sections related to a RWBR category where an application in Appendix B shows a status of Approved are effective on the effective date of the permit.

9. RWBR Requirements for Public Access

a. The Public Access reuse types authorized by this permit are those approved in Appendix B. Other Public Access reuse types may be added by minor modification of this permit.

b. The hydraulic loading rate for land application of RWBR shall not exceed 2 inches per week.

c. Any water diverted for RWBR shall be monitored and comply with the high level treatment requirements listed below and the operational requirements in the approved Operations Protocol. If any of these requirements are not achieved, the effluent shall not be diverted for RWBR.

i. Total Suspended Solids (TSS): Instantaneous maximum of 5.0 mg/L prior to disinfection.

ii. Nitrogen, Total (NO3 + NH3): Daily maximum of 10.0 mg/L. This requirement only applies when RWBR is land applied.

iii. Fecal Coliform: 7-day median maximum of 2.2 colonies per 100 mL and an instantaneous maximum of 14 colonies per 100 mL.

iv. Chlorine Produced Oxidants (CPO): If the permittee disinfects utilizing chlorine, an instantaneous minimum of 1.0 mg/L after fifteen minutes contact time at peak hourly flow must be met.

d. Monitoring of the diverted public access RWBR shall be conducted in the following manner:

i. Sampling for TSS shall be immediately prior to disinfection. Monitoring for TSS shall be a grab sample once per week.

ii. Sampling for Turbidity in systems shall be sampled immediately prior to disinfection. The permittee shall establish a correlation between Turbidity and TSS in their effluent as detailed in the Reuse Technical Manual. A statistically significant correlation between Turbidity and TSS shall be established prior to commencement of the RWBR program and shall be incorporated into the Operations Protocol and updated annually. The initial correlation should be done as part of a daily monitoring program for at least 30 days. To ensure continuous compliance with the 5.0 mg/L TSS level, Turbidity must be monitored continuously and achieve the level established in the Operations Protocol.

iii. For chlorine disinfection, monitoring for CPO shall be continuous and shall be monitored after the appropriate contact time is achieved.

iv. Monitoring for Fecal Coliform shall be a grab sample, taken in accordance with Part III, at least a minimum of once per week taken immediately after disinfection. Fecal coliform shall be monitored immediately after disinfection.

v. Monitoring for Total Nitrogen (NO3 + NH3) shall be a composite sample, taken in accordance with Part III, at least once per week taken prior to RWBR diversion. Total Nitrogen (NO3 + NH3) shall be monitored after the appropriate disinfection treatment is achieved.

e. All monitoring results of the RWBR shall be reported each month on Wastewater Characterization Reports (WCR). Unless noted otherwise, the highest of all measured values for diverted RWBR shall be reported.

i. If chlorine is used for disinfection, the lowest sampling result obtained during the reporting month shall be reported for CPO.

10. RWBR Requirements for Restricted Access--Land Application and Non Edible Crops

a. The Restricted Access--Land Application and Non Edible Crops reuse types authorized by this permit are those approved in Appendix B. Other Restricted Access--Land Application and Non Edible Crops reuse types may be added by minor modification of this permit.

b. The hydraulic loading rate for land application of RWBR shall not exceed 2 inches per week.

c. Any water diverted for RWBR shall be monitored and comply with the high level treatment requirements listed below and the operational requirements in the approved Operations Protocol. If any of these requirements are not achieved, the effluent shall not be diverted for RWBR.

d. Nitrogen, Total (NO3 + NH3): Daily maximum of 10 mg/L. Frequency of sampling for Total Nitrogen shall be in accordance with Part III of this permit. The sample shall be collected as a composite sample taken prior to diversion for RWBR. Nitrogen, Total (NO3 + NH3) shall be monitored after the appropriate disinfection treatment time is achieved. This requirement only applies when RWBR is land applied, however, this requirement does not apply to spray irrigation within a fenced perimeter or otherwise restricted area.

e. Fecal Coliform: 200 colonies per 100 ml monthly average Geometric Mean, 400 colonies per 100 ml maximum in any one sample. Frequency of sampling for Fecal Coliform shall be in accordance with Part III of this permit. The sample shall be collected as a grab sample taken immediately after disinfection.

f. Chlorine Produced Oxidants (CPO): For chlorine disinfection, instantaneous minimum of 1.0 mg/L after fifteen minutes contact time at peak hourly flow. Frequency of sampling for CPO shall be in accordance with Part III of this permit. The sample shall be collected as a grab sample taken immediately after disinfection. The value reported for CPO shall be the minimum sampling result obtained during the reporting month for diverted RWBR. Chlorine Produced Oxidants (CPO) shall be monitored after the appropriate contact time is achieved.

g. All monitoring results of the RWBR shall be reported each month on Wastewater Characterization Reports (WCR). Unless noted otherwise, the highest of all measured values for diverted RWBR shall be reported.

11. RWBR Requirements for Restricted Access--Construction and Maintenance Operations

a. The Restricted Access--Construction and Maintenance Operations reuse types authorized by this permit are those approved in Appendix B. Other Restricted Access--Construction and Maintenance Operations reuse types may be added by minor modification of this permit.

b. Fecal Coliform: 200 colonies per 100 ml monthly average Geometric Mean, 400 colonies per 100 ml maximum in any one sample. Frequency of sampling for Fecal Coliform shall be in accordance with Part III of this permit. Fecal coliform shall be monitored immediately after disinfection. This requirement does not apply to sanitary sewer jetting.

12. RWBR Requirements for Restricted Access--Industrial Systems

a. The Restricted Access--Industrial Systems reuse types authorized by this permit are those approved in Appendix B. Other Restricted Access--Industrial Systems reuse types may be added by minor modification of this permit.

13. RWBR Submittal Requirements

a. For Public Access RWBR, the permittee shall submit and receive approval of an Operations Protocol or modify the existing Operations Protocol as detailed in the most recent version of the Department's "Technical Manual for Reclaimed Water for Beneficial Reuse" (Reuse Technical Manual) prior to the commencement of this/these type/s of RWBR activity. A copy of the approved Operations Protocol shall be maintained onsite. Specific requirements for the Operations Protocol are identified in the Reuse Technical Manual.

b. For all types of Restricted Access RWBR, the permittee shall submit and receive approval of a Standard Operations Procedure or modify an existing Standard Operations Procedure as detailed in the most recent version of the Department's "Technical Manual for Reclaimed Water for Beneficial Reuse" (Reuse Technical Manual) prior to the commencement of this/these type/s of RWBR activity. A copy of the approved Standard Operations Procedure shall be maintained onsite. Specific requirements for the Standard Operations Procedure are identified in the Reuse Technical Manual. This requirement does not apply to sanitary sewer jetting and STP washdown water.

c. The permittee shall submit a copy of the Reuse Supplier and User Agreement with each request for authorization to distribute RWBR in which the user is a different entity than the supplier. Specific requirements for the Reuse Supplier and User Agreement are identified in the Reuse Technical Manual.

d. For Public Access RWBR on Edible Crops, the permittee shall submit an annual inventory of edible crop irrigation with the Beneficial Reuse Annual Report. Specific requirements for the annual inventory are identified in the Reuse Technical Manual.

e. Submit a Beneficial Reuse Annual Report: by February 1 of each year beginning from the effective date of the permit (EDP).

f. The permittee shall submit and receive approval of an Engineering Report in support of RWBR authorization requests for new or expanded RWBR projects as detailed in the most recent version of the Department's "Technical Manual for Reclaimed Water for Beneficial Reuse" (Reuse Technical Manual) prior to the commencement of this/these type/s of RWBR activity. A copy of the approved Engineering Report shall be maintained onsite. Specific requirements for the Engineering Report are identified in the Reuse Technical Manual.

g. All submittals shall be mailed or delivered to: New Jersey Department of Environmental Protection, Division of Water Quality, Mail Code 401-02B, Bureau of Surface Water and Pretreatment Permitting , P.O. Box 420, Trenton, New Jersey 08625-0420.

14. RWBR Operational Requirements

a. Effluent that does not meet the requirements for RWBR established in Part III, Part IV and the operational requirements specified in the facility's approved Operations Protocol or Standard Operations Procedure, as applicable, shall not be diverted for RWBR.

b. The land application of RWBR shall not produce surface runoff or ponding.

c. All setback distances shall be consistent with the distances outlined in the Reuse Technical Manual.

d. Land application sites shall not be frozen or saturated when applying RWBR.

e. A daily log noting the volume of RWBR distributed to each approved application site shall be maintained on-site by the permittee and made available to the Department upon request. The volume of RWBR to be distributed shall be determined through the use of a totalizing flow meter, or other means of accurate flow measurement.

f. Any vehicle used to transport and/or distribute RWBR shall be appropriately marked. The vehicle shall not be used to transport water or other fluid that does not meet all limitations and requirements as specified in this permit for water diverted for RWBR, unless the tank has been emptied and adequately cleaned prior to the addition of the RWBR.

g. The permittee shall post Access Control and Advisory Signs in accordance with the requirements of the Reuse Technical Manual.

h. There shall be no cross-connections to potable water systems.

i. All RWBR piping, pipelines, valves, and outlets shall be appropriately color coded, tagged or labeled to warn the public and employees that the water is not intended for drinking. Worker contact with RWBR shall be minimized.

j. The issuance of this permit for the use of RWBR shall not be considered as a waiver of any applicable federal, state or local rule, regulation or ordinance.

E. INDUSTRIAL PRETREATMENT PROGRAM REQUIREMENTS

1. General Requirements

a. The Permittee has developed an industrial pretreatment program pursuant to the General Pretreatment Regulations 40 CFR Part 403 and N.J.A.C. 7:14A-1 et seq. The Permittee shall implement and enforce its approved pretreatment program to prevent the introduction of pollutants into its system which would:

   i. interfere with attainment of the effluent limitations contained in the permittee's NJPDES permit;

   ii. pass through the treatment works and impair the water quality of the receiving stream; or

   iii. affect sludge quality so as to interfere with the use or management of the municipal sludge.

b. The Permittee shall comply with the public participation and notification requirements, including but not limited to, those specified in N.J.A.C. 7:14A-19.10, and 40 CFR Part 25.

c. The Permittee shall secure and maintain sufficient resources and qualified personnel to carry out the program implementation procedures described in this permit.

2. Identify and Locate Industrial Users

a. The Permittee shall update its inventory of indirect users at a frequency and diligence adequate to ensure proper identification of indirect users subject to pretreatment standards, appropriate characterization of the nature of their discharges, and correct designation of indirect users as categorical, significant/major, or other regulated. At a minimum, this inventory shall be updated annually and shall be included in the Pretreatment Program 40 CFR Part 403 Annual Report.

b. The Permittee shall notify an indirect user of pretreatment standards and requirements within thirty (30) days of the determination of the indirect user being subject to regulation under the pretreatment program.

3. Program Modifications

a. The Permittee shall notify the Bureau of Surface Water and Pretreatment Permitting (BSWPP) of all substantial industrial pretreatment program (IPP) modifications, as defined under 40 CFR 403.18(b), and comply with the program modification requirements under N.J.A.C. 7:14A-19.9. The Permittee must await formal approval from the BSWPP before implementing substantial program modifications.

b. For non-substantial program modifications, the Permittee shall provide to the BSWPP the information required under N.J.A.C. 7:14A-19.9(b). The Permittee, as required by 40 CFR 403.18(d)(1), must submit this information to the BSWPP at least 45 days prior to implementation. Modifications that are not considered substantial are deemed approved unless the Department notifies the Permittee within 45 days that the modifications are not approved.

4. Develop Local Limits

a. The Permittee has developed and shall enforce local limits as required by N.J.A.C. 7:14A-19.7.

b. The Permittee shall submit a written technical evaluation of the need to revise local limits as required under N.J.A.C. 7:14A-19.7(f).

c. The written technical evalulation required in b. above shall be submitted: within 6 months from the effective date of the permit (EDP).

5. Issue IPP Permits

a. The Permittee must issue an individual IPP Permit to those facilities which are classified as industrial user (IU) as defined in the Bergen County Utilities Authority's rules and regulations.

b. These individual IPP Permits must contain the minimum requirements as specified under N.J.A.C. 7:14A-19.8(b).

c. The Permittee shall issue a draft IPP Permit to a newly identified (i.e. currently discharging) IU within 180 days of identifying that IU.

d. New IUs shall receive an IPP Permit prior to commencement of discharge.

e. The Permittee shall issue or reissue the IPP Permits, in absence of litigation and/or enforcement action(s) initiated by the Permittee, within one hundred and eighty (180) days of the expiration date of the IPP Permit previously issued to an existing industrial user.

6. Perform Compliance Monitoring and Inspections

a. The Permittee shall randomly inspect indirect users and randomly sample and analyze indirect user effluents at a frequency commensurate with the character, consistency, and volume of the contribution. However, the frequency of sampling shall be adequate to determine the compliance status of the indirect user exclusive of self-monitoring data submitted by the user. Specifically, the frequency of inspection and sampling of all significant industrial users (SIUs), as defined by Bergen County Utilities Authority's rules and regulations, shall be no less than once per year for inspection and no less than once per year for sampling. Also, in accordance with N.J.A.C. 7:14A-19.6(a)1, facilities which have an IPP permit from the POTW but do not meet the POTW's definition of SIU, and are not CIUs, must be inspected by the POTW once per year and must be sampled by the POTW at least once every three (3) years.

b. Sample collection and analysis and the gathering of other compliance data shall be performed with sufficient care to produce evidence admissible in judicial enforcement proceedings.

7. Take Enforcement Actions

a. The permittee shall take enforcement actions based upon indirect users' noncompliance in accordance with its approved enforcement response plan.

8. Perform Data Management and Record Keeping

a. The Permittee shall develop and maintain a data management system which includes industrial user inventory, characterization of discharge, compliance status, IPP permit status, and enforcement actions.

b. The Permittee shall retain for a minimum of five (5) years all records of monitoring activities and results (whether or not such activities are required by this permit) and shall make such records available to EPA and the State upon request.

9. Notification Requirements

a. The Permittee shall notify its significant industrial users in writing of their obligation to comply with applicable requirements under Subtitles C and D of the Resource Conservation and Recovery Act (RCRA).

10. Pretreatment Annual Report

a. The Permittee shall submit a report annually to the Bureau of Surface Water and Pretreatment Permitting describing the Permittee's pretreatment activities for the twelve (12) month period from April through March. In the event that the Permittee is not in compliance with any conditions or requirements of the approved industrial Pretreatment program, the Permittee shall also include the reason for noncompliance and state how and when the Permittee shall comply with such conditions and requirements.

b. Submit the Annual Pretreatment Program Report: by May 1 of each year beginning from the effective date of the permit (EDP) This report shall contain the following:.

   i. a summary of analytical results of the pollutants molybdenum (Mo), ammonia (NH3), phosphorus (P), and the priority pollutant scans performed on the Delegated Local Agency's (DLA) influent, effluent, and sludge during the annual reporting period noted in (a) above.

   ii. a discussion of upset, interference, or pass through incidents, if any, at the DLA treatment plant(s) which the Permittee knows or suspects were caused by indirect users of the DLA system. The discussion shall include the reasons why the incidents occurred, the corrective actions taken, and, if known, the name and address of the indirect user(s) responsible;

   iii. an updated list of the Permittee's industrial users including their names and addresses, and a list of deletions and additions. The Permittee shall provide a brief explanation for each deletion. The list shall identify the industrial users subject to Federal categorical standards and which set(s) of standards are applicable; significant/major non-categorical IUs (as defined by the DLA); and other regulated non-categorical industries. The Permittee shall characterize the compliance status of each industrial user with respect to the discharge limitations and reporting requirements;

   iv. a summary of the inspection and sampling activities conducted by the Permittee during the period covered by the annual report to gather information and data regarding industrial users;

   v. a summary of the compliance and enforcement activities during the period covered by the annual report. The summary shall include administrative and legal/judicial actions initiated by the permittee during the period noted;

   vi. a description of any significant changes in operating the pretreatment program which differ from the information in the Permittee's approved DLA pretreatment program including, but not limited to, changes concerning:
      (1) the program's administrative structure
      (2) local industrial discharge limitations
      (3) monitoring program or monitoring frequencies
      (4) Legal authority or enforcement policy
      (5) funding mechanisms
      (6) resource requirements
      (7) staffing levels;

   vii. a summary of the annual pretreatment funding, including salaries (as a lump sum), analytical costs for both in-house and contract analyses, equipment costs, and other expenditures associates with implementation of the pretreatment program. The Permittee must also provide a manpower estimate in full-time equivalents (FTEs);

   viii. a summary of public participation activities to involve and inform the public. This shall include a copy of the annual publication of significant non-compliance, if such publication was needed to comply with N.J.A.C. 7:14A-19.10(b); and

ix. other information as required and described in the NJDEP 403 Annual Report Guidance.

x. The Pretreatment Program Annual Report shall be submitted to the BSWPP in the form prescribed in that guidance. An electronic copy of the report shall be submitted via email to dwq_pretreatment@dep.nj.gov and a hard copy shall be mailed to:

NJDEP, Mail Code - 401-02B
Bureau of Surface Water and Pretreatment Permitting
401 E. State Street
P.O. Box 420
Trenton, N.J. 08625-0420.

11. CWEA Annual Report

a. The Permittee must submit information required by N.J.A.C. 7:14A-19.6(c), (d) and (e) pertaining to the implementation of the DLA's approved pretreatment program.

b. Submit the CWEA Annual Report: by February 1 of each year beginning from the effective date of the permit (EDP).

c. An electronic copy of this report shall be submitted via email to dwq_pretreatment@dep.nj.gov and a hard copy shall be mailed to:

NJDEP, Mail Code 401-02B
Bureau of Surface Water and Pretreatment Permitting
401 E. State Street
P.O. Box 420
Trenton, N.J. 08625-0420.

12. Grace Period Annual Report

a. The permittee must submit the information required by N.J.A.C. 7:14A-19.6(h) and (i) pertaining to implementation of the DLA's approved pretreatment program.

b. Submit the Grace Period Annual Report: by March 1 of each year beginning from the effective date of the permit (EDP).

c. An electronic copy of this report shall be submitted via email to dwq_pretreatment@dep.nj.gov and a hard copy shall be mailed to:

NJDEP, Mail Code 401-02B
Bureau of Surface Water and Pretreatment Permitting
401 E. State Street
P.O. Box 420
Trenton, N.J. 08625-0420.

F. CONDITIONS FOR MODIFICATION

1. Notification requirements

a. The permittee may request a minor modification for a reduction in monitoring frequency for a non-limited parameter when four consecutive test results of "not detected" have occurred using a sufficiently sensitive quantification level as defined at 40 CFR 136, 40 CFR 122.21(e)(3), and 40 CFR 122.44(i)(1)(iv).

2. Causes for modification

a. The Department may modify this permit through a minor modification in accordance with N.J.A.C. 7:14A-16.5(a)1 to eliminate monitoring for the less sensitive species upon completion of the WET characterization requirement.

b. The Department may modify or revoke and reissue any permit to incorporate 1) any applicable effluent standard or any effluent limitation, including any effluent standards or effluent limitations to control the discharge of toxic pollutants or pollutant parameters such as acute or chronic whole effluent toxicity and chemical specific toxic parameters, 2) toxicity reduction requirements, or 3) the implementation of a TMDL or watershed management plan adopted in accordance with N.J.A.C. 7:15-7.

c. The permittee may request a minor modification to eliminate the monitoring requirements associated with a discharge authorized by this permit when the discharge ceases due to changes at the facility.

Combined Sewer Management (IP)

A. MONITORING REQUIREMENTS

1. CSO Monitoring Requirements

a. Since the permittee does not own and/or operate any CSO outfalls, this section does not apply.

B. RECORDKEEPING

1. Recordkeeping Requirements

a. The permittee shall identify the Combined Sewer System (CSS) complaint, maintenance, inspection, and repair documentation forms and related tracking forms and/or systems and the Permittee shall also specify how, where and when this documentation will be maintained.

C. REPORTING

1. Reporting Requirements

a. Since the permittee does not own and/or operate any CSO outfalls, this section does not apply.

D. SUBMITTALS

1. CSO Submittal Requirements

a. The permittee shall respond to all deficiencies cited by the Department within 30 days of notification. With adequate justification provided by the permittee, the Department may extend this deadline an additional 30 days.

b. All reports submitted to the Department pursuant to the requirements of this permit shall comply with the signatory requirements of N.J.A.C. 7:14A-4.9., and contain the following certification (or such revised form as previously approved in writing by the Department):

i. I certify under penalty of law that those portions of this document relating to the treatment and collection system owned and operated by the permittee and all attachments related thereto were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system owned and operated by the permittee, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for purposely, knowingly, recklessly, or negligently submitting false information.

c. Since multiple municipalities own separate portions of the hydraulically connected sewer system, the permittee shall work cooperatively with all other appropriate municipalities/permittees in the hydraulically connected sewer system to ensure that the Nine Minimum Controls (NMC) & Long Term Control Plans (LTCP) activities are being developed and implemented consistently. The permittee shall identify their joint and separate responsibilities with all other appropriate municipalities in the hydraulically connected sewer system regarding implementation of the NMCs and LTCPs. This information shall be provided/updated in the Progress Reports.

d. The permittee shall summarize on a semiannual basis its CSO construction related activities, as well as those reported to them by the other CSO entities, in their system. Notification through the TWA process is sufficient for this purpose. The permittee shall make these construction related activities available publicly on their website or other acceptable means.

Combined Sewer Management (IP)

e. The permittee shall submit all information required by this permit via email or other electronic format acceptable to the Department to NJCSOProgram@dep.nj.gov.

2. CSO Progress Report Submittal Requirements

a. The permittee shall submit a progress report on Februrary 1st and August 1st of every year beginning from the effective date of the permit. The Progress Reports shall be prepared in accordance with the following requirements:

i. The Progress Report shall include a summary of all CSO control measures implemented to date and the effectiveness of those control measures.

ii. Each Progress Report must include a verification that the Operation and Maintenance Manual, including the SOPs, Asset Management Plan and Emergency Plan, have been updated in accordance with this permit and amended annually, as necessary. Detail shall also be provided regarding the System Cleaning Program.

iii. A discussion of the continued implementation of the NMCs including maintenance of the telephone hotline/website pursuant to Section F.8.

iv. Each Progress Report shall include a list of any complaints received by the permittee regarding CSO related flooding including location and duration.

E. FACILITY MANAGEMENT

1. CSO Discharge Requirements

a. Since the permittee does not own and/or operate any CSO outfalls, this section does not apply.

2. Interstate Environmental Commission (IEC)

a. The permittee shall comply with the Interstate Environmental Commission's (IEC) "Water Quality Regulations", where applicable.

F. NINE MINIMUM CONTROL REQUIREMENTS

1. Proper Operation and Maintenance Programs for the Sewer System and CSOs

a. The permittee shall operate the treatment works using a licensed operator in accordance with N.J.S.A. 58:11-66(a), N.J.A.C. 7:14A-6.12(b) and N.J.A.C. 7:10A.

b. The permittee shall provide adequate operator staffing for the treatment works.

c. The permittee shall continue to implement and review annually, and update as needed, an Operations & Maintenance (O&M) Program and corresponding Manual, including an Emergency Plan, in accordance with N.J.A.C. 7:14A-6.12, to ensure that the treatment works, including but not limited to collection system, the CSO outfalls, solids/floatables facilities, regulators, and related appurtenances including any green infrastructure which are owned/operated by the permittee are operated and maintained in a manner to achieve compliance with all terms and conditions of this permit.

d. The permittee shall provide documentation that demonstrates that employees were provided with appropriate training to perform the operation and maintenance duties required and to follow the Standard Operating Procedures (SOPs) in the O&M Program and corresponding Manual. This shall include a current training program for the purpose of informing new employees and maintaining training levels for current employees in regards to the CSO O&M Program and corresponding Manual, including safety related concerns.

e. The permittee shall implement an O&M Program & Manual that includes, at a minimum the following:

   i. A directory of appropriate O&M staff, including a description of their individual responsibilities and emergency contact information.

   ii. A description of the permittee's Fats, Oils and Greases (FOG) Program (if applicable).

   iii. Details regarding operations for the treatment works owned/operated by the permittee as set forth in SOPs as described in Part IV.F.1.f, Part IV.F.1.g and Part IV.F.1.h.

   iv. An Emergency Plan as described in Part IV.F.1.i.

f. The permittee shall include in the O&M Program and corresponding Manual, a System Cleaning Program to address the following:

   i. The System Cleaning Program shall be designed to ensure the entire collection system, including, but not limited to, tide gates, outfalls and regulators, is sufficiently clean in order to function properly and minimize CSO-related street flooding.

   ii. The System Cleaning Program shall be designed to ensure that the entire collection system is sufficiently clean which can be accomplished through regular inspection and, if necessary, cleaning. Such inspection and cleaning should be done, such that within five years, the entire system has been covered. Specifically, for BCUA the total system is 97 miles long. Critical portions of the system, such as regulators, solids/floatables facilities, and tide gates, may benefit even more from frequent inspection.

   iii. The System Cleaning Program shall include an annual certification that a minimum of 20% of the system (by linear feet/miles) shall have been inspected and, if necessary, cleaned, within the last year. Alternatively, if less than 20% of the system has been completed within the last year, the certification shall include a statement of how much of the system was inspected and, if necessary, cleaned, within the last year and a plan to ensure that 100% of the system is inspected and if necessary cleaned, by the expiration date of the permit. This is an annual requirement based on the calendar year, due February 1 of the following year and is part of the Operation and Maintenance Manual. The total length of the system in linear/feet shall also be defined. Updates on the System Cleaning Program shall also be provided in Progress Reports.

g. The permittee shall also include SOPs in the O&M Program and corresponding Manual for the operation, inspections, and scheduled preventative maintenance in accordance with the appropriate manufacturer's recommendations and equipment manuals at a minimum, to ensure that the entire collection system that is owned/operated by the permittee that conveys flows to the treatment works will function properly.

h. At a minimum, the SOPs shall contain detailed instructions for system operations, such as frequency of inspections, regular maintenance, and the timely repair, and documentation of such information, of the entire collection system that conveys flows to the treatment works. These SOPs shall include procedures to address the following items:

i. SOPs shall be designed to ensure that the entire collection system owned/operated by the permittee that conveys flows to the treatment works functions in such a way as to not result in sewage overflows (except from designated CSO outfalls) including to basements, streets and other public and private areas, or bottlenecks/constrictions that limit flow in specific areas and prevent the downstream STP treatment capacity from being fully utilized, in accordance with Section F.4.

ii. SOPs shall be designed to ensure that the storage and conveyance of combined sewage to the STP is maximized in accordance with Sections F.2 and F.4.

iii. SOPs shall be designed to ensure that the impacts from SIUs contributing to the CSOs that are owned/operated by the permittee are minimized in accordance with Section F.3.

iv. SOPs shall be designed to ensure there will be no dry weather overflows from any CSO that is owned/operated by the permittee in accordance with Section F.5.

v. SOPs to conduct a visual inspection program of sufficient scope and frequency of the CSS that is owned/operated by the permittee to provide reasonable assurance that unpermitted discharges, obstructions, damage, and DWOs will be discovered.

vi. SOPs shall be designed to ensure the solids/floatables appurtenances that are owned/operated by the permittee will be maintained and the solids/floatables will be removed from the CSO discharge and disposed of properly at such frequency so as not to cause obstructions of flow for any future CSO discharges, in accordance with Part II of this permit and Section F.6.

vii. SOPs designed to prevent the Intrusion upstream due to high tides and/or receiving water flooding into the entire collection system owned/operated by the permittee that conveys flows to the treatment works through proper operation and maintenance.

viii. SOPs designed to provide a gravity sewer and catch basin inspection schedule and clean as necessary for the collection system that is owned/operated by the permittee.

ix. SOPs shall be designed to provide a system for documenting, assessing, tracking, and addressing residential complaints regarding blockages, bottlenecks, flow constrictions, sewer overflows including to basements, streets and other public and private areas, or related incidents for the collection system that is owned/operated by the permittee.

x. Unless written extension is granted by the Department for extraordinary circumstances, the SOP shall be designed to ensure removal within seven (7) calendar days of the permittee becoming aware of any obstructions within the collection system that is owned/operated by the permittee that are directly causing any CSO overflows due to debris, Fats, Oils and Greases and sediment buildup, or other foreign materials.

The SOP shall be designed to ensure removal of any other obstructions that are contributing to overflows due to debris, Fats, Oils and Greases and sediment buildup, or other foreign materials in the collection system owned/operated by the permittee on a scheduled basis as necessary for the proper operation of the system.

xi. Require immediate steps to take corrective action(s) to repair damage and/or structural deterioration, address unpermitted discharges, and eliminate DWOs of the entire collection system owned/operated by the permittee that conveys flows to the treatment works.

xii. Provide reduction strategies to resolve excessive I/I through the identification of I/I sources and the prioritization and implementation of I/I reduction projects within the collection system that is owned/operated by the permittee.

xiii. Provide procedures whereby wet weather flows are maximized for conveyance to the STP.

i. The O&M Manual shall specifically address, at a minimum, the following details for the treatment works' infrastructure owned/operated by BCUA:
- Normal and Alternate operating positions;
- Start-up, shut-down, and draining procedures;
- Process control;
- Fail-safe features;
- Emergency operating procedures;
- Common operating and control problems;
- Out-of-service procedures;
- Alternate operating procedures;
- Instrumentation and controls;
- Engineering design information; and
- Schedules and procedures of the preventative maintenance program and corrective maintenance procedures, or references to these procedures in the manufacturer’s maintenance manuals for the treatment works' infrastructure.

j. The permittee shall also include an Emergency Plan (https://www.nj.gov/dep/dwwq/erp_home.htm) in the O&M Program and corresponding Manual in accordance with N.J.A.C. 7:14A-6.12(d). The Emergency Plan shall provide for, to the maximum extent possible, uninterrupted treatment works operation during emergency conditions using in-house and/or contract based including those emergencies caused by natural disaster; extreme weather events, including those due to climate change; civil disorder; strike; sabotage; faulty maintenance; negligent operation or accident. At a minimum, the Emergency Plan shall include:
- SOPs which ensure the effective operation of the treatment works under emergency conditions, such as extreme weather events and extended periods of no power.
- A Vulnerability Analysis" that estimates the degree to which the treatment works would be adversely affected by each type of emergency situation which could reasonably be expected to occur. A Vulnerability Analysis shall include, but is not limited to, an estimate of the effects of such an emergency upon the following: power supply; communication equipment; supplies; personnel; security and emergency procedures to be followed."

k. The permittee shall review annually the O&M Program & Manual and update it as needed to reflect updated information and changes in the characterization, design, construction, operations, maintenance, Emergency Plan, and SOPs as listed in Section F.1, and include verification that the O&M Program and corresponding Manual has been prepared and updated in accordance with Section D.

l. The permittee shall continue to update an Asset Management Plan (https://www.nj.gov/de/assetmanagement/pdf/asset-management-plan-guidance.pdf), as part of the overall O&M strategy, which shall be updated on an annual basis. The Asset Management Plan shall include the following, at a minimum:
- Five basic components: asset inventory/mapping and condition assessment; level of service; criticality/prioritization assessment; life-cycle costing; and long-term funding strategy of the treatment works.
- Infrastructure inventory with infrastructure repair/replacement needs listed and scheduled according to priority/criticality, that demonstrates the entire collection system owned/operated by the permittee that conveys flows to the treatment works is perpetually and proactively managed with the appropriate resources (capital, staffing, training, supplies, equipment).

2. Maximum use of the collection system for storage

a. The permittee shall continue to use the entire collection system owned/operated by the permittee for in-line storage of sewage for future conveyance to the STP when sewer system flows subside by ensuring that the sewage is retained in the sewer system to the extent practicable to minimize CSO discharges (i.e. volume, frequency and duration), while not creating or increasing sewage overflows, including to basements, streets and other public and private areas.

b. The permittee shall minimize the introduction of sediment and obstructions in the entire collection system owned/operated by the permittee that conveys flows to the treatment works pursuant to Sections F.1. and F.7.

c. The permittee shall operate and maintain the entire collection system owned/operated by the permittee that conveys flows to the treatment works pursuant to Section F.1.

d. The permittee shall identify and implement minor modifications, based on the ongoing evaluations, to enable appropriate segments of the collection system owned/operated by the permittee to store additional wet weather flows to reduce any CSOs until downstream sewers and treatment facilities can adequately convey and treat the flows.

3. Review and modification of pretreatment requirements to assure CSO impacts are minimized

a. For the SIU dischargers upstream of any CSO outfall which is owned/operated by the permittee, the permittee shall: (1) determine the locations of the SIUs; (2) identify the CSO outfalls associated with each of the SIUs; and (3) determine the discharge volume and loading of SIU-permitted parameters for each SIU. In the case of a municipal permittee or non-delegated STP permittee, information to satisfy (1) and (3) shall be obtained from the delegated local agency that regulates the SIU or, if there is no delegated local agency, from the Department. The permittee should take appropriate steps to minimize impacts from SIUs when CSO events are likely to occur. This information shall be used to prioritize O&M activities in portions of the CSS affected by SIU discharges.

b. The permittee shall require SIUs upstream of any CSO outfall which is owned/operated by the Permittee to investigate ways to minimize their discharges during wet weather and report their findings to the permittee.

c. The permittee shall establish agreements with SIUs upstream of any CSO outfall which is owned or operated by the permittee or ordinances specifying that the SIUs (especially for batch discharges, non-continuous dischargers) should restrict discharges to the extent practical during wet weather periods.

4. Maximization of flow to the POTW for treatment

a. The permittee shall continue to operate and maintain the entire collection system owned/operated by the permittee that conveys flows to the treatment works to maximize the conveyance of wastewater to the STP for treatment subject to existing capacity.

b. The permittee shall continue to implement alternatives for increasing flow to the STP.

i. Capacity evaluations of the entire collection system owned/operated by the permittee that conveys flows to the treatment works in accordance with Section F.1.f to determine the maximum amount of flow that can be stored and transported.

ii. Identification of other activities conducted and/or planned to further maximize flow to the POTW.

5. Prohibition of CSOs during dry weather

a. The permittee shall operate the system in such a way that it does not cause any dry weather overflow from the collection system owned/operated by other permittees in the hydraulically connected system

6. Control of Solids/Floatables in CSOs

a. Since the permittee does not own and/or operate any CSO outfalls, this section does not apply.

7. Implementation of Pollution Prevention Measures

a. The permittee shall continue to encourage municipalities to implement and upgrade pollution prevention measures necessary to prevent and limit contaminants from entering the entire collection system owned/operated by the permittee that conveys flows to the treatment works. Unless demonstrated to the Department to be impracticable measures, shall include, but not be limited to, the following:.

i. Implementation of a regular street cleaning program.

ii. Retrofitting of existing storm drains to meet the standards in Appendix C, where such inlets are in direct contact with repaving, repairing (excluding repair of individual potholes), reconstruction, resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen) or alterations of facilities owned/operated by the permittee. For exemptions to this standard see "Exemptions" listed in Appendix C.

iii. Implementation of stormwater pollution prevention rules and ordinances.

iv. Implementation of solid waste collection and recycling ordinances.

v. Implementation of public education programs.

b. The permittee shall enforce rules and regulations on illegal connections and unauthorized discharge(s) into the POTW.

8. Public notification to ensure that the public receives adequate notification of CSO occurrences and CSO impacts

a. Since the permittee does not own and/or operate any CSO outfalls, this section does not apply.

9. Monitoring to effectively characterize CSO impacts and the efficacy of CSO controls

a. Since the permittee does not own and/or operate any CSO outfalls, this section does not apply.

G. LONG TERM CONTROL PLAN REQUIREMENTS

1. Characterization Monitoring and Modeling of the Combined Sewer System

a. As required by the 2015 NJPDES CSO permit, BCUA submitted the "System Characterization Quality Assurance Project Plan" dated December 9, 2015 (revised June 2016) and the “Sewer System Characterization Report” dated June 27, 2018 and revised February 15, 2019 . The work plan and the System Characterization Report were approved by the Department on July 14, 2016 and March 5, 2019, respectively.

b. The major elements of the sewer system characterization are noted below where additional detail is included on these topics within the report:

i. Rainfall Records;

ii. Combined Sewer System Characterization;

iii. CSO Monitoring; and

iv. Modeling

2. Public Engagement

a. The permittee shall conduct a public engagement process to inform, educate and engage members of the hydraulically connected communities. The goal of this process is to generate participation and collect input from the affected community and interested public.

b. The permittee shall develop a CSO Supplemental Team to serve as a liaison between the affected community, interested public and the decision makers for the permittee regarding the implementation of the CSO control alternatives. The CSO Supplemental Team shall be reconstituted with the goal of including members of the following groups, at a minimum, where possible: mayor's office, local planning board, local community groups and residents from the affected areas and from any affected areas that are also overburdened communities. The permittee shall solicit members of its community to join the CSO Supplemental Team through various outreach and public notice activities. The permittees efforts to recruit CSO Supplemental Team members shall be documented on the permittee's website.

c. The permittee is required to hold regular CSO Supplemental Team meetings that are open to the public (virtual, in person or a combination of both) in order to:.

i. Inform the affected community and interested public of the ongoing process of implementing the LTCP including reports of project status and its present impact on the local community including consideration of locating specific meetings in the affected neighborhood.

ii. Continue to identify areas of combined sewer-related flooding.

iii. Allow the affected community and interested public an opportunity to provide input on the siting of GI as required by the permit.

iv. Engage the affected community and interested public in solutions they can implement to reduce CSOs. Examples may include an adopt-a-catch-basin program, rain barrels, water conservation, the removal of impervious surfaces, and the installation of green infrastructure projects.

v. Provide neighborhood specific information on construction of CSO control projects throughout the process including before and during construction in order to receive feedback from the community. This should include the posting of information on scheduling of street closures as well as any potential impacts to the residents in the vicinity of any CSO mitigation projects.

d. The frequency of CSO Supplemental Team meetings that are open to the public shall be determined by the milestones in the Implementation Schedule (See G.8.) and by input from the affected community and interested public. Meetings should be held with accessibility for the interested public in mind. This may include varying start times and attendance options (availability of public transit or parking and virtual meetings), as fits the needs of interested public and affected community.

e. The permittee shall engage with overburdened communities (OBC) within combined sewer service areas in order to solicit representation and engagement, ensure the OBCs' awareness of the meeting schedule, and encourage participation. The Department published a list of overburdened communities in the State and associated electronic mapping available at https://www.nj.gov/dep/ej/communities.html.

f. The permittee must designate one LTCP outreach coordinator. This coordinator (or any another person designated by the permittee) should be available to maintain regular communication with the affected community and interested public including, but not limited to.

i. Maintain a website that acts as a clearinghouse for information regarding implementation of the LTCP.
- The website shall contain public engagement information and include a platform for the interested public to sign up and attend any meetings.
- The website shall contain any progress reports required to be submitted by this permit.
- The website shall also list the construction status of any project identified in the Implementation Schedule in Section G.8. below.

ii. Engage the affected community and interested public in order to solicit individuals who are willing to become involved.

iii. Post meeting invitations (including dates and times) on the website at least one month in advance.

iv. Post handouts or other meeting materials on the website within one week after the meeting.

v. Make data available on the amount of public feedback received including the number of meeting attendees.

vi. Any project identified in the Implementation Schedule in Section G.8. below must display signage indicating that the project is required by the LTCP.

g. The Department's Office of Environmental Justice (see https://dep.nj.gov/ej/) shall be given 30 days advance notice of the meeting schedule so that it can be shared with Environmental Justice community leaders.

h. Public meetings shall be live streamed and made available to the affected community and interested public for viewing afterwards including materials in the language(s) appropriate to the majority of community demographics.

i. Outreach materials, including physical handouts and websites, should be produced in the language(s) appropriate to the majority of community demographics.

3. Consideration of Sensitive Areas

a. Since the permittee does not own and/or operate any CSO outfalls, this section does not apply.

4. Evaluation of Alternatives

a. The "Presumption" Approach, in accordance with N.J.A.C 7:14A-11 Appendix C provides:
A program that meets any of the criteria listed below will be presumed to provide an adequate level of control to meet the water quality-based requirements of the CWA, provided the Department determines that such presumption is reasonable in light of the data and analysis conducted in the characterization, monitoring, and modeling of the system and the consideration of sensitive areas described above.
Combined sewer flows remaining after implementation of the NMCs and within the criteria specified in this Section at G.4.f.i. and ii. shall receive minimum treatment in accordance with the items below:
- Primary clarification (removal of floatables and settleable solids may be achieved by any combination of treatment technologies or methods that are shown to be equivalent to primary clarification),
- Solids and floatables disposal, and
- Disinfection of effluent, if necessary, to meet WQS, protect designated uses and protect human health, including removal of harmful disinfection chemical residuals/by-products (e.g. chlorine produced oxidants), where necessary.
The permittee must demonstrate any of the following three criteria below:

i. No more than an average of four overflow events (see below) per year from a hydraulically connected system as the result of a precipitation event that does not receive the minimum treatment specified below. The Department may allow up to two additional overflow events per year. For the purpose of this criterion, an ‘event' is:
- In a hydraulically connected system that contains only one CSO outfall, multiple periods of overflow are considered one overflow event if the time between periods of overflow is no more than 24 hours.
- In a hydraulically connected system that contains more than one CSO outfall, multiple periods of overflow from one or more outfalls are considered one overflow event if the time between periods of overflow is no more than 24 hours without a discharge from any outfall.

ii. The elimination or the capture for treatment of no less than 85% by volume of the combined sewage collected in the CSS during precipitation events on a hydraulically connected system-wide annual average basis.

iii. The elimination or removal of no less than the mass of the pollutants, identified as causing water quality impairment through the sewer system characterization, monitoring, and modeling effort, for the volumes that would be eliminated or captured for treatment under Section G.4.f.ii.

5. Cost Performance Considerations

a. BCUA accepts combined sewage from Fort Lee, Hackensack and Ridgefield Park. The Regional LTCP specifies that these municipalities will be pursuing sewer separation at this time, which is expected to result in an overall reduction in combined sewage flow to BCUA over time. BCUA shall continue to coordinate with these municipalities on the acceptance of combined sewage as set forth in the LTCP.

6. Operational Plan

a. Throughout implementation of the LTCP as appropriate, the permittee shall update the Operational Plan, including Operation & Maintenance (O&M) Manual, Emergency Plan, and Asset Management Plan in accordance with F.1, to address the LTCP CSO control facilities and operating strategies, including but not limited to: the implementation, operation, maintenance of green infrastructure; staffing and budgeting; and I/I. Cliamate change resilience requirements shall also be considered in the update of these plans.

7. Maximizing Treatment at the Existing STP

a. The permittee shall continue to operate and maintain the entire collection system owned/operated by the permittee that conveys flows to the treatment works to maximize treatment at the hydraulically connected STP.

8. Implementation Schedule

a. BCUA accepts combined sewage from Fort Lee, Hackensack and Ridgefield Park. The Regional LTCP specifies that these municipalities will be pursuing sewer separation at this time, which is expected to result in an overall reduction in combined sewage flow to BCUA over time. BCUA shall continue to coordinate with these municipalities on the acceptance of combined sewage as set forth in the LTCP.

9. Compliance Monitoring Program (CMP) – Post Construction Compliance Monitoring Plan (PCCMP)

a. The permittee shall implement a Compliance Monitoring Program (CMP) adequate to: verify baseline and existing conditions, the effectiveness of CSO control measure, compliance with water quality standards, and protection of designated uses. The CMP shall be conducted before, during and after implementation of the LTCP. The "NJCSO Group Compliance Monitoring Program Report" dated June 30, 2018 (revised October 5, 2018) was submitted and subsequently approved by the Department on March 1, 2019.

b. The portion of the CMP conducted during and after implementation of the LTCP is referred to as the Post Construction Compliance Monitoring Plan (PCCMP). The main elements of the PCCMP shall include:

i. A process to determine whether the CSO control measures are meeting the interim required percent capture milestone set forth in the LTCP or the final required percent capture of no less than 85% by volume of the combined sewage collected in the CSS during precipitation events is eliminated or captured for treatment on a system-wide annual average basis as defined in the Federal CSO Policy. The PCCMP shall provide data to evaluate the effectiveness of the CSO control measures constructed during and after the implementation of the LTCP.

ii. A monitoring schedule, regulator monitoring locations, receiving water sampling locations, and rain gauge locations.

iii. The approach for analysis of the PCCMP data for assessing the performance of CSO control measures and for reporting progress to regulatory agencies and the general public. The PCCMP shall evaluate the incremental reduction in overflow rates and volumes as the CSO control measures are placed into operation.

iv. A Public Notification System to notify the public of the occurrence of combined sewer overflows for each receiving water body.

c. The PCCMP shall include the implementation of a rainfall and hydraulic monitoring program, as well as a detailed analysis and evaluation of the CSO control measures' efficacy. Through a calibrated/validated H&H model, a continuous simulation on the system-wide annual average shall be run to compare the remaining CSO discharge volume to baseline conditions and determine whether the CSO control measures have achieved the interim required percent capture or the final required percent capture.

d. During and after the implementation of the LTCP, the PCCMP shall use the following steps to determine if the CSO control measures are meeting the interim required percent capture or the final required percent capture:.

i. Collect flow monitoring for a 1-year period and rainfall data for a 1-year period during the effective NJPDES permit. Perform QA/QC on the data. Note that this is separate from the monthly monitoring form data;

ii. At the end of the effective NJPDES permit, update the H&H model to include all completed CSO control measures and any other modifications to the CSS since the H&H model was calibrated for the LTCP;

iii. Calibrate and/or validate the updated H&H model, if needed, using the flow and rainfall data collected during the effective NJPDES permit. Any recalibration of the H&H model shall be approved by the Department; and

iv. Perform continuous simulation using the updated H&H model on the system-wide annual average and calculate the percent capture to determine if the interim required percent capture or the final required percent capture is being achieved.

e. The permittee shall conduct interim post-construction compliance monitoring every five years as established in the LTCP. Such monitoring shall assess the projects and implementation schedule including attainment of percent capture milestones set forth in the LTCP. These projects shall be monitored and analyzed to determine if they are operating as intended and whether the implementation of projects under the LTCP are achieving the interim required percent capture milestones set forth in the LTCP. If the PCCMP determines that the implemented CSO control measures do not meet the interim required percent capture or the final required percent criteria, an evaluation must be included in the Adaptive Management Plan in accordance with H. below.

f. The permittee shall submit an Interim PCCMP Report on or before 54 months from the effective date of the permit (EDP). The report shall include:

i. A statement setting forth the deadlines and other terms that the permittees were required to meet in the effective NJPDES permit;

ii. A summary of principal contacts with the Department during the effective NJPDES permit relating to CSOs or implementation of the LTCP;

iii. NJPDES permit violations, including but not limited to dry weather overflows;

iv. A summary of flow and hydraulic monitoring data collected by the permittees during the effective NJPDES permit;

v. A description of the CSO control measures completed within the effective NJPDES permit and a projection of CSO control measure work to be performed during the subsequent renewal NJPDES permit;

vi. An evaluation of the effectiveness of the CSO control measures constructed in the effective NJPDES permit to determine if the interim required percent capture is achieved; and

vii. A summary of any proposed adjustments to the components of the LTCP.

g. Upon implementation of all the LTCP CSO control measures, the monitoring information collected from the ambient baseline monitoring phase of the BCMP shall be compared to the post-construction compliance monitoring to evaluate the effectiveness of CSO control measures implemented to verify that the remaining CSOs are not precluding the attainment of water quality standards.

h. The PCCMP must contain data from the on-going New Jersey Harbor Discharger Group Monitoring Network. This data is required to supplement the existing data to represent future conditions. This will ensure consistency for sampling stations, parameters etc.

i. A Final PCCMP Report shall be submitted to the Department within 30 months after the last LTCP project has been constructed and is in operation. The single Final PCCMP Report shall evaluate and document the system-wide performance of the LTCP CSO control measures. The Report shall include an assessment of whether the control measures are meeting the final required percent capture and complying with water quality standards. The report shall include:
   i. A complete post-construction compliance monitoring period data summary and analysis;

   ii. A reporting of all of the CSO control measures that have been constructed, implemented, and that are in operation;

   iii. An evaluation of the CSO control measures' performance, and whether the controls meet the final required percent capture;

   iv. A description of any actions that were needed to be implemented to meet the interim required percent capture or the final required percent capture; and.

   v. An assessment of whether the control measures are complying with water quality standards.

10. Permittee's LTCP Responsibilities

a. The Borough of Fort Lee (NJPDES Permit No. NJ0034517), City of Hackensack (NJPDES Permit No. NJ0108766), Village of Ridgefield Park (NJPDES Permit No. NJ0109118) and Bergen County Utilities Authority (NJPDES Permit No. NJ0020028) are a hydraulically connected combined sewer system. The permittees own/operate separate portions of one hydraulically connected combined sewer system.

b. The permittee is responsible for implementing CSO control measures to ensure compliance with the Federal CSO Control Policy and N.J.A.C. 7:14-11, Appendix C as outlined in the Implementation Schedule located in Section G.8. Since multiple permittees own/operate different portions of a hydraulically connected CSS, the permittee is required to work cooperatively and provide the necessary information with all other CSO permittees to ensure overall compliance. In addition, each permittee is required to institute necessary measures in accordance with the Implementation Schedule for only the portion of the hydraulically connected system that the permittee owns/operates and provide this information to the other permittees for compliance with the Federal CSO Control Policy and N.J.A.C. 7:14A-11, Appendix C.

H. Custom Requirement

1. Precipitation Trends

a. The following information shall be submitted to the Department as part of the NJPDES permit renewal application:

i. The permittee shall analyze and submit the annual precipitation depth obtained by the National Oceanic Atmospheric Administration (NOAA) at the Newark Liberty International Airport in order to determine the annual precipitation depth during the effective period of the permit.

ii. The permittee shall determine and submit the annual precipitation depth for each calendar year, such that by the end of the permit, the most recent five calendar years of data has been collected. The permittee shall compare this data to assumptions utilized in the development of the LTCP.

iii. This information shall be submitted to the Department with the NJPDES renewal application with an assessment of any change in precipitation trends.

2. Adaptive Management Plan

a. An Adaptive Management Plan shall be submitted on or before 54 months from the effective date of the permit (EDP) if any of the following occurs:

i. An Interim or the Final PCCMP Report determines that the implemented CSO control measures do not meet the interim required percent capture or the final required percent capture as per Part IV.G.9.e. above;.

ii. A permittee requests to modify the implementation schedule and/or CSO control measures in the implementation schedule; and/or

iii. The precipitation trends required in Part IV.H.1 above demonstrates a change in the assumptions used in the development of the LTCP.

b. If an Interim or the Final PCCMP Report determines that the implemented CSO control measures do not meet the interim required percent capture or the final required percent capture, the Adaptive Management Plan shall include:.

i. Modified or additional CSO control measures that will be proposed to achieve the interim required percent capture or the final required percent capture;.

ii. A detailed analysis and a modified implementation plan and schedule of the CSO control measures; and

iii. Inclusion of any adaptive management modifications based on an Interim or the Final PCCMP Report.

c. If a permittee requests to modify the implementation schedule and/or CSO control measures in the implementation schedule by incorporating new technologies, group similar control measures to reduce cost, increase wet weather, change the order of the control measures and/or accelerate the schedule. If such a request is made, the Adaptive Management Plan shall include:.

   i. A detailed analysis of the modified and/or new CSO control measures including verification that the interim required percent capture or the final required percent capture will be achieved; and.

   ii. A modified implementation plan and schedule of the CSO control measures.

APPENDIX A:

CHRONIC TOXICITY TESTING SPECIFICATIONS

FOR USE IN THE NJPDES PERMIT PROGRAM

Version 3.0

May 2017

TABLE OF CONTENTS

Notice: Mention of trade names or commercial products do not constitute endorsement or recommendation for use.

I. AUTHORITY AND PURPOSE

These methods specifications for the conduct of whole effluent chronic toxicity testing are established under the authority of the NJPDES permitting program, N.J.A.C. 7:14A-6.5(a)2 and 40 CFR 136, for discharges to waters of the State. The methods referenced herein are included by reference in 40 CFR 136, Table 1.A. and, therefore, constitute approved methods for chronic toxicity testing. The information contained herein serves to clarify testing requirements and outline and implement the interlaboratory Standard Reference Toxicant Program until specific chronic requirements are incorporated into the laboratory certification regulations under N.J.A.C. 7:18. As such these methods are intended to be used to determine compliance with discharge permits issued under the authority of the NJPDES permit program. Tests are to be conducted in accordance with the general conditions and method specifications (test organism specific) contained in this document. All other conditions and specifications can be found in 40 CFR 136 and USEPA methodologies.

Until a subchapter on chronic toxicity testing within the regulations governing the certification of laboratories and environmental measurements (N.J.A.C. 7:18) becomes effective, tests shall be conducted in conformance with the methodologies as designated herein and contained in 40 CFR 136. The laboratory performing the testing shall possess certification for the applicable chronic methodologies incorporated by reference through the laboratory certification program established under N.J.A.C. 7:18, as required by N.J.A.C. 7:9B-1.5(c)5.

These methods are incorporated into discharge permits as enforceable permit conditions. Each discharge permit will specify in Parts III&IV of the permit, the test species specific methods from this document that will be required under the terms of the discharge permit. Although the test species specific methods for each permit are determined on a case-by-case basis, the purpose of this methods document is to assure consistency among dischargers and to provide certified laboratories with information on the universe of tests to be utilized so that they can make the necessary preparations, including completing the required Standard Reference Toxicant testing. Please note that these methodologies are required for compliance testing only. Facilities and/or laboratories conducting testing under the requirements of a Toxicity Identification Evaluation or for informational purposes are not bound by these methods.

This document constitutes the fifth version of the NJDEP's interim chronic methodologies. This version contains no significant changes to the test methods themselves.

II. GENERAL CONDITIONS

A. LABORATORY SAFETY, GLASSWARE, ETC.

All safety procedures, glassware cleaning procedures, etc., shall be in conformance with 40 CFR 136 and USEPA's "Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms," "Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms" and N.J.A.C. 7:18.

B. TEST CONCENTRATIONS / REPLICATES

All testing is to be performed with a minimum of five effluent concentrations plus a dilution water control. A second reference water control is optional when a dilution water other than culture water is used. The use of both a 0.5 or 0.75 dilution factor is acceptable for the selection of test concentrations. The Department recommends the use of the 5 standard dilutions plus a dilution water control to cover the entire range of effluent test concentrations e.g. 0%, 6.25%, 12.5%, 25%, 50%, 100%.

The number of replicates used in the test must, at a minimum, satisfy the specifications of the applicable methods contained herein. Increased data sensitivity can be obtained by increasing the number of replicates equally among test concentrations and thus an increased number of replicates is acceptable. Further, the use of nonparametric statistical analysis requires a minimum of four replicates per test concentration. If the data for any particular test is not conducive to parametric analyses and if less than four replicates were included, the test may not be considered acceptable for compliance purposes.

The use of single concentration tests consisting of the permit limitation as a concentration and a control is not permitted for compliance purposes, but may be used by a permittee in the conduct of a Toxicity Investigation Evaluation (TIE) or for information gathering purposes. Such a test would be considered a "pass" if there was no significant difference in test results, using hypothesis testing methods.

C. DILUTION WATER

1. Marine and Estuarine Waters

A high quality natural water, such as the Manasquan River Inlet is strongly recommended as the dilution water source for chronic toxicity testing with marine and estuarine organisms. The use of the receiving water as the dilution water source is not required. Saline waters prepared with hypersaline brine and deionized water may also be used as dilution water. Hypersaline brines shall be prepared from a high quality natural seawater and shall not exceed a concentration of 100 ppt. The type of dilution water for a permittee may not be changed without the prior approval of the Department.

The standard test salinity shall be 25 ppt. Since most effluents are freshwater based, in most cases it will be necessary to adjust the salinity of the test concentrations to the standard test salinity.

2. Fresh Waters

A high quality natural water, such as Round Valley Reservoir (if access is allowed) or Lake Hopatcong, is recommended as the dilution water source for chronic toxicity testing with freshwater organisms. It is not required to perform the toxicity testing with the receiving water as dilution water. Tests performed with reconstituted water or up to 20% Diluted Mineral Water (DMW) as dilution water is acceptable. For testing with *Ceriodaphnia dubia*, the addition of 5 µg/l selenium (2 µg/l selenium with natural water) and 1 µg/l vitamin B12 is recommended (Keating and Dagbusan, 1984: Keating, 1985 and 1988). The source of a dilution water for a permittee may not be changed without the prior approval of the Department through the completion of a Whole

Effluent toxicity testing methodology questionnaire. Reconstituted water and DMW should be prepared with Millipore Super Q^{R} or equivalent, meet the requirements of N.J.A.C. 7:18-6 and should be aerated a minimum of 24 hrs prior to use, but not supersaturated.

D. EFFLUENT SAMPLE COLLECTION

Effluent samples shall be representative of the discharge being regulated. For each discharge serial number (DSN), the effluent sampling location shall be the same as that specified in the NJPDES permit for other sampling parameters unless an alternate sampling point is specified in the NJPDES discharge permit. For continuous discharges, effluent sampling shall consist of 24 hour composite samples consisting either of equal volumes taken once every hour or of a flow-proportionate composite sample, unless otherwise approved by the Department. Unless otherwise specified, three samples shall be collected as specified above, preferably one every other day. The first sample should be used for test initiation and the first renewal. The second sample for the next two renewals. The third sample should be used for the final three renewals. For the *Selenastrum* test, a single sample shall be collected not more than 24 hours prior to test initiation. In no case, shall more than 36 hours' elapse between collection and first use of the sample. It is acceptable to collect samples more frequently for chronic WET testing and if samples are collected daily for acute toxicity testing conducted concurrently, available samples may be used to renew the test solutions as appropriate.

For all other types of discharges, effluent sampling shall be conducted according to specifications contained within the discharge permit, methodology questionnaire, or as otherwise specified by the Department. The use of grab samples or other special sampling procedures may be approved by the Department based on time of occurrence and duration of intermittent discharge events.

If a municipal discharger has concerns that the concentrations of ammonia and/or chlorine in an effluent are adequate to cause violations of the permit limit for chronic toxicity testing, the permittee should conduct analyses, as specified in USEPA's toxicity investigation methods documents, to illustrate the relationship between chronic effluent toxicity and chlorine and/or ammonia as applicable. This data may then be submitted to the Department as justification for a request to use modified test procedures, which account for ammonia and/or chlorine toxicity, in future chronic toxicity tests. The Department may, where adequate justification exists, permit the adjustment of these pollutants in the effluent sample if discharge limits for these pollutants are contained in the NJPDES permit and those permit limitations are adequate for the protection of water quality. Any proposed modified test procedures to adjust effluent chlorine and/or ammonia shall be approved by the Department prior to use of those test procedures for any compliance testing.

Except for filtration through a 2 mm or larger screen or an adjustment to the standard test salinity, no other adjustments to the effluent sample shall be made without prior written approval by the Department. When a laboratory adjusts a freshwater effluent salinity and the pH of the test concentration changes more than 0.5 pH units from the initial pH, the laboratory shall readjust the pH of the test concentration to within 0.5 pH units of the original test concentration. Aeration of samples prior to test start shall be minimized where possible and samples shall not be aerated where adequate saturation exists to maintain dissolved oxygen.

E. PHYSICAL CHEMICAL MEASUREMENTS

At a minimum, the physical chemical measurements shall be as follows unless more stringent criteria is required by the method:

- pH and dissolved oxygen shall be measured at the beginning and end of each 24 hour exposure period, in at least one chamber, of each test concentration and the control. In order to ensure that measurements for these parameters are representative of the test concentrations during the test, measurements for these parameters should be taken in an additional replicate chamber for such concentrations which contains no test organisms, but is subject to the same test conditions.

- Temperature shall either be monitored continuously, measured daily in at least two locations in the environmental control system, or measured at the beginning and end of each 24 hr exposure period in at least one replicate for each treatment.

- Salinity shall be measured in all salt water tests at the beginning and end of each 24 hour exposure period, in at least one replicate for each treatment.

- For all freshwater tests, alkalinity, hardness and conductivity shall be measured in each new sample (100% effluent) and control.

- When natural salt water is used; nitrite, nitrate, and ammonia shall be measured in the control before each renewal in the mysid test only.

- For samples of discharges where concentrations of ammonia and/or chlorine are known or are suspected to be sufficient to cause toxicity, it is recommended that the concentrations of these pollutants be determined and submitted with the standardized report form. The laboratory is advised to consult with the permittee to determine if these parameters should be measured in the effluent. Where such measurements are deemed appropriate, measurements shall be conducted at the beginning of each 24 hour exposure period. Also, since a rise in the test pH can affect the toxicity of ammonia in the effluent, analysis of ammonia during the test may be appropriate if a rise in pH is accompanied by a significant increase in mortality.

F. STATISTICS

Special attention should be given to the omission and inclusion of a given replicate in the analysis of mysid fecundity data (USEPA 1994, p. 275) and *Ceriodaphnia* reproduction data (USEPA 1994, page 174).

Determination of acceptability criteria and average individual dry weight for the growth endpoints must follow the specifications in the applicable documents (e.g., p.84 for saltwater methods document.)

Use of nonparametric statistical analyses requires a minimum of four replicates per test concentration. If the data for any particular test are not conducive to parametric analyses and if less than four replicates were included, the test may not be acceptable to the Department.

For point estimate techniques, statistical analysis must follow the protocol contained in the approved testing method. The linear interpolation estimate ICp values and not the bootstrap mean ICp, shall be reported for permit compliance purposes. The ICp value reported on the Discharge Monitoring Report shall be rounded off as specified in the Department's “NJPDES Monitoring Report Form Reference Manual", updated December 2007, and available on the web at http://www.state.nj.us/dep/dwq/pdf/MRF_Manual.pdf for further information.

If the result reported by the ICp method is greater than 100% effluent, the test result is reported as ">100%"

If separate IC25's can be calculated from multiple test endpoints, for example a reproductive and/or growth endpoint and a survival endpoint, the lowest IC25 value expressed in units of "% effluent" will be used to determine permit compliance and should, therefore, be reported as the IC25 value for the test. If the IC25 value for growth and/or reproduction is not lower than that for survival, the IC25 value reported for the test shall be as survival. For saltwater tests, where additional controls are used in a test (i.e. brine and/or artificial sea salt control), a T-test shall be used to determine if there is a significant difference between the original test control and the additional controls. If there is a significant difference between any of the controls, the test may be deemed unacceptable and if so, will not be used for permit compliance.

III. TEST ACCEPTABILITY CRITERIA

Any test that does not meet the test acceptability criteria of the chronic toxicity method will not be used by the Department for any purpose and must be repeated as soon as practicable, with freshly collected samples.

1. Tests must be performed by a laboratory approved for the conduct of chronic toxicity tests and certified for chronic toxicity testing under N.J.A.C. 7:18.

2. Test results may be rejected due to inappropriate sampling, including the use of less than three effluent samples in a test and/or use of procedures not specified in a permit or methodology questionnaire, use of frozen samples, not refrigerating samples upon collection, or unapproved pretreatment of an effluent sample.

3. Controls shall meet, at a minimum, the applicable performance criteria specified in the Table 2.0 and in the individual method specifications contained herein.

4. Acceptable and applicable Standard Reference Toxicant Data must be available for the test.

5. No unapproved deviations from the applicable test methodology may be present.

6. When using hypothesis testing techniques, a deviation from the dose response as explained in the statistical portion of this document shall not be present in the data.

7. If more stringent criteria are required within the chronic toxicity test method or rule, the more stringent criteria must be met.

Table 2.0: CONTROL PERFORMANCE

TEST ORGANISM	MINIMUM SURVIVAL	MINIMUM WEIGHT GAIN	MINIMUM FECUNDITY/ REPRODUCTION
Pimephales promelas	80%	0.25 mg avg	N/A
Ceriodaphnia dubia	80%	N/A	Average of $\geq$15 young per surviving female
Selenastrum capricornutum	Density $\geq 2x10^5$cells/ml	N/A	Variability in controls not to exceed 20%.
Cyprinodon variegatus	80%	0.60 mg (unpreserved) avg 0.50 mg (preserved) avg	N/A
Menidia beryllina	80%	0.50 mg (unpreserved) avg 0.43 mg (preserved) avg	N/A
Mysidopsis bahia	80%	0.20 mg per mysid avg	egg production by 50% of control females if fecundity is used as an endpoint.

THE DETERMINATION OF A TEST AS UNACCEPTABLE DOES NOT RELIEVE THE FACILITY FROM MONITORING FOR THAT MONITORING PERIOD

IV. STANDARD REFERENCE TOXICANT TESTING

All chronic testing shall be accompanied by testing with a Standard Reference Toxicant (SRT) as a part of each laboratory's internal quality control program. Such a testing program must be consistent with the quality assurance/quality control protocols described in the USEPA chronic testing manuals. Laboratories may utilize the reference toxicant of their choice and toxicants such as cadmium chloride, potassium chloride, sodium dodecyl sulfate and copper sulfate are all acceptable. However, Potassium chloride has been chosen by several laboratories and is recommended by the Department. The concentration of the reference toxicant shall be verified by chemical analysis in the low and high test concentrations once each year or every 12 tests, whichever is less. It is not necessary to run SRT tests, for all species using the same SRT.

A. INITIAL STANDARD REFERENCE TOXICANT (SRT) TESTING REQUIREMENTS

At a minimum, this testing shall include an initial series of at least five SRT tests for each test species method. Acceptable SRT testing for chronic toxicity shall be performed utilizing the short term chronic toxicity test methods as specified herein. Reference toxicant tests utilizing acute toxicity testing methods, or any method other than those contained in this document are not acceptable. The laboratory should forward results of the initial SRT testing, including control charts, the name of the reference toxicant utilized, the supplier and appropriate chemical analysis of the toxicant to the Department's laboratory certification program prior to obtaining certification for chronic toxicity testing. Certification for the applicable chronic toxicity method must be obtained prior to the conduct of any chronic toxicity testing for compliance purposes.

B. SUBSEQUENT SRT TESTING REQUIREMENTS

After receiving the initial approval from the Department to conduct chronic toxicity tests for compliance purposes, subsequent SRT testing shall be conducted as follows:

1. Where organisms used in testing are cultured at the testing laboratory, SRT testing must be conducted at least once per month for each species/method.

2. Where the laboratory purchases organisms for the conduct of chronic toxicity testing for the test organism in question, the testing laboratory must conduct a concurrent SRT per lot of organisms, unless the supplier provides at least the most recent five monthly SRT's using the same toxicant and control conditions. SRT data provided by the supplier for each lot of organisms purchased is acceptable as long as the SRT test result falls within the control limits of the control chart established by the supplier for that organism. The laboratory using purchased organisms is responsible for the results of any compliance tests they perform.

3. A testing laboratory purchasing organisms from a supplier laboratory must still perform SRT testing on a monthly basis at a minimum, for each species they test with, in order to adequately document their own interlaboratory precision.

4. If a testing laboratory purchasing organisms elects not to use the SRT data from a "supplier laboratory" or such data is unavailable or where organisms are purchased from another organism supplier, the testing laboratory must conduct SRT testing on each lot of organisms purchased.

5. If a testing laboratory conducts testing for a species/method less frequently than monthly, then an SRT shall be run concurrent with the toxicity test.

   NOTE: Based on these requirements, SRT data are considered applicable to a compliance test when the SRT test results are acceptable and the SRT test is conducted within 30 days of the compliance test, for the test species and SRT in question. Therefore, it is not necessary for an approved laboratory to run an SRT test every month if the laboratory is not conducting compliance tests for a particular species.

C. CHANGING OF AN ESTABLISHED REFERENCE TOXICANT

The SRT used for any species by a laboratory may be changed at any time provided that the following conditions have been satisfied:

1. A series of at least three reference toxicant tests are conducted with the new reference toxicant and the results of those tests are identified as satisfactory, in writing, by the Department.

2. Laboratories must continue using the already approved SRT in their ongoing QA/QC program, until such time as the letter referenced above, is received by the laboratory.

D. CONTROL CHARTS

Control charts shall be established from SRT test results in accordance with the procedures outlined in the USEPA methods documents. Control charts shall be constructed using IC25's using the following methods:

1. The upper and lower control limits shall be calculated by determining +/- two standard deviations above and below the mean.

2. SRT test results which exhibit an IC25 that is greater than the highest concentration tested or less than the lowest concentration tested (i.e. a definitive endpoint cannot be determined), shall not be used to establish control charts.

3. SRT tests which do not meet the acceptability criteria for a specific species shall not be used to establish control charts.

4. All values used in the control charts should be as nominal concentrations. However, the control charts shall be accompanied by a chart tabulating the test results as measured concentrations.

5. An outlier (i.e. values which fall outside the upper and lower control limits) should be included on the control chart unless it is determined that the outlier was caused by factors not directly related to the test organisms (e.g., test concentration preparation) as the source of variability would not be directly applicable to effluent tests. In such case, the result and explanation shall be reported to the Department within 30 days of the completion of the SRT test.

The control chart established for the initial series of SRT data submitted will be used by the laboratory and the Department to determine outliers from SRT test results reported in the "NJPDES Biomonitoring Report Form - Chronic Toxicity Test" submitted by the permittees for the test species. These initial control limits will remain unchanged until twenty SRT tests have been completed by the laboratory.

The following procedures shall be used for continually updating control charts after twenty acceptable SRT tests have been completed:

1. Once a laboratory has completed twenty acceptable SRT tests for a test species, the upper and lower control limits shall be recalculated with those twenty values.

2. For each successive SRT test conducted after these first twenty tests, a moving average shall be calculated and the control limits reevaluated using the last twenty consecutive test results.

3. The upper and lower control limits shall be reported on the "NJPDES Biomonitoring Report Form - Chronic Toxicity Tests" along with the SRT test result.

E. UNACCEPTABLE SRT TEST RESULTS

If a laboratory produces any SRT test results which are outside the established upper and lower control limits for a test species at a frequency greater than one test in any twenty tests, the laboratory shall investigate sources of variability, take corrective actions to reduce identified sources of variability, and perform an additional SRT during the same month. The Department may not accept or may require repeat testing for any toxicity testing that may have been affected by such an occurrence.

If a laboratory produces two consecutive SRT test results or three out of any twenty test results which are outside the established upper and lower limits for a specific test species, the laboratory shall cease to conduct chronic toxicity tests for compliance purposes for that test species until the reason(s) for the outliers have been resolved. Approval to resume testing may be contingent upon the laboratory producing SRT test results within the established upper and lower control limits for that test species in two consecutive SRT tests. If one or both of those test results again fall outside the established control levels, the laboratory is unapproved for that test species until five consecutive test results within the established upper and lower control limits are submitted and approved by the Department.

F. ANNUAL SUBMITTALS

The Department may request, at any time, any information which is essential in the evaluation of SRT results and/or compliance data.

V. TEST CANCELLATION / RESCHEDULING EVENTS

A lab may become aware of QA problems during or immediately following a test that will prevent data from being submitted or a lab may be unable to complete a tests due to sample collection or shipping problems. If for any reason a chronic toxicity test is initiated and then prematurely ended by the laboratory the laboratory shall submit the form entitled "Chronic Whole Effluent Toxicity Testing Test Cancellation / Rescheduling Event Form" contained herein. This form shall be used to detail the reason for prematurely ending the test. This completed form and any applicable raw data sheets shall be submitted to the biomonitoring program at the address below within 30 days of the cessation of the test.

Tests are considered to be initiated once test organisms have been added to all test chambers.

Submission of this form does not relieve the facility from monitoring for that monitoring period.

VI. REPORTING

The report form entitled "NJPDES Biomonitoring Report Form - Chronic Toxicity Tests" should be used to report the results of all NJPDES chronic compliance biomonitoring tests. Laboratory facsimiles are acceptable but must contain all information included on any recent revisions of the form by the Department. Statistical printouts and raw data sheets (including chain of custody documents) for all endpoints analyzed shall be included with the report submitted to the Department. All chronic toxicity test report forms shall be submitted to the following email addresses as applicable:

biomonitoring@dep.nj.gov

In addition, the results of all chronic toxicity tests conducted must be reported on the DMR form under the appropriate parameter code in the monitoring period in which the test was conducted.

VII. METHOD SPECIFICATIONS

The following method specifications shall be followed as specified in the NJPDES permit. Any changes to these methods will not be considered acceptable unless they are approved in writing by the Department, prior to their use.

A. Fathead Minnow (*Pimephales promelas*), Larval Survival and Growth Test, method 1000.0
B. *Ceriodaphnia dubia*, Survival and Reproduction Test, method 1002.0
C. Algal, (*Selenastrum capricornutum*), Growth Test, method 1003.0
D. Sheepshead Minnow (*Cyprinodon variegatus*), Larval Survival and Growth Test, method 1005.0
E. Inland Silverside (*Menidia beryllina*), Larval Survival and Growth Test, method 1006.0
F. *Mysidopsis bahia*, Survival, Growth, and Fecundity Test, method 1007.0

VIII. REFERENCES

1. NJPDES Monitoring Report Form Reference Manual October 2007 http://www.state.nj.us/dep/dwq/pdf/MRF_Manual.pdf

2. USEPA. 2002. Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms. EPA-821-R-02-014. October 2002. Third Edition.

3. USEPA. 2002. Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms. EPA-821-R-02-013. October 2002. Fourth Edition.

New Jersey Department of Environmental Protection
Water Pollution Management Element
Bureau of Surface Water & Pretreatment Permitting
biomonitoring@dep.nj.gov

CHRONIC WHOLE EFFLUENT TOXICITY TESTING
TEST CANCELLATION / RESCHEDULING EVENT FORM

THIS FORM IS TO BE COMPLETED AND SUBMITTED TO THE DEPARTMENT DIRECTLY BY THE LABORATORY CONDUCTING CHRONIC TOXICITY TESTS WHENEVER A CHRONIC TOXICITY TEST IS PREMATURELY ENDED FOR ANY REASON

NJPDES No.: _____

FACILITY NAME: _____

LOCATION: _____

CONTACT: _____ PHONE: _____

CANCELLATION EVENT:

LABORATORY NAME / NUMBER: _____

CONTACT: _____

TEST START DATE: _____/_____/_____ TEST END DATE: _____/_____/_____

REASON FOR CANCELLATION: _____

_____

_____

_____

When is retest scheduled to be performed?

EFFLUENT SAMPLING:

SAMPLING POINT / DESCRIPTION OF SAMPLING SITE: _____

_____

SAMPLING INITIATED: DATE: ____/____/____ TIME: _____

SAMPLING ENDED: DATE: ____/____/____ TIME: _____

NUMBER OF EFFLUENT SAMPLES COLLECTED: _____

SAMPLE TYPE (GRAB/COMPOSITE): _____

RECEIVED IN LAB BY/FROM: _____

_____

METHOD OF SHIPMENT: _____

(ALL APPLICABLE RAW DATA SHEETS MUST BE ATTACHED)

c: Permittees authorized agent.

Masterfile #: 14271 **PI #:** 46121

RWBR Approval Status List

The permittee is only authorized to utilize RWBR for the specific category, type and location that has been approved in the table below.

RWBR Category	Specific RWBR Type	Location	Status
PA	Spray Irrigation (Golf Course)	None	Not Approved
PA	Spray Irrigation (Athletic Fields, Playgrounds)	None	Not Approved
PA	Spray Irrigation (Residential Lawns)	None	Not Approved
PA	Vehicle Washing	None	Not Approved
PA	Hydroseeding/Fertilizing	None	Not Approved
PA	Decorative Fountains	None	Not Approved
PA	Toilet Flushing	None	Not Approved
RA-LA	Sod Irrigation	None	Not Approved
RA-LA	Spray Irrigation within a fenced perimeter or otherwise restricted area	None	Not Approved
RA-LA	Spray Irrigation within a fenced perimeter or otherwise restricted area (Without NH3 + NO3)	None	Not Approved
RA-LA	Spray Irrigation (not fenced or restricted area)	None	Not Approved
RA-CM	**Street Sweeping**	**BCUA Sewer Service Area**	**Approved**
RA-CM	**Dust Control**	**None**	**Not Approved**
RA-CM	Fire Protection	None	Not Approved
RA-CM	Vehicle Washing (at STP or DPW)	None	Not Approved
RA-CM	Composting	None	Not Approved
RA-IS	**Sanitary Sewer Jetting**	**BCUA Sewer Service Area**	**Approved**
RA-IS	Non-Contact Cooling Water	None	Not Approved
RA-IS	Boiler Makeup Water	None	Not Approved
RA-IS	Road Milling	None	Not Approved
RA-IS	Hydrostatic Testing	None	Not Approved
RA-IS	Parts Washing	None	Not Approved
RA-IS	**STP Washdown**	**BCUA**	**Approved**

Categories:

PA	Public Access
RA-LA	Restricted Access-Land Application and Non-Edible Crops
RA-CM	Restricted Access--Construction and Maintenance Operations
RA-IS	Restricted Access--Industrial Systems

Abbreviations:

NH3 -	Ammonia
NO3 -	Nitrate
STP -	Sewage Treatment Plant
DPW -	Dept. of Public Works

Annual Reuse Report

Any facility that has received an RWBR authorization is required to submit an Annual Reuse Report. The following information, at a minimum, shall be included in the report, due on February 1st of each year.

(1) The total wastewater reused (R) by the facility in the previous calendar year. If no wastewater was reused in the previous calendar year, report R as zero and skip to (6) below;

R = _____ gallons

(2) The total wastewater discharged (D) by the facility in the previous calendar year;

D = _____ gallons

(3) The percent of wastewater reused (%R) by the facility in the previous calendar year, calculated as follows:

%R = R/(R+D), expressed as a percent;

%R = _____ percent

(4) The total wastewater that was reused for **each reuse type** in the previous calendar year. This information should be provided in the chart format utilized in the RWBR Usage Table below;

RWBR Usage Table

RWBR Category	Specific RWBR Type	Location	Flow (gallons)

Attach additional pages as necessary.

(5) An update to the correlation between Total Suspended Solids and Turbidity, if necessary;

Correlation = _____

(6) Submit a completed copy of this form to:

For paper copies:
ATTN: RWBR Review Team
Mail Code 401 – 02B
Division of Water Quality
Bureau of Surface Water and Pretreatment
Permitting
P.O. Box 420
Trenton, NJ 08625-0420

For electronic copies:
DWQRWBR@dep.nj.gov

Annual Reuse Report - SAMPLE

Any facility that has received an RWBR authorization is required to submit an Annual Reuse Report. The following information, at a minimum, shall be included in the report, due on February 1st of each year.

(1) The total wastewater reused (R) by the facility in the previous calendar year. If no wastewater was reused in the previous calendar year, report R as zero and skip to (6) below;

R = _____ gallons

(2) The total wastewater discharged (D) by the facility in the previous calendar year;

D = _____ gallons

(3) The percent of wastewater reused (%R) by the facility in the previous calendar year, calculated as follows:

%R = R/(R+D), expressed as a percent;

%R = _____ percent

(4) The total wastewater that was reused for **each reuse type** in the previous calendar year. This information should be provided in the chart format utilized in the RWBR Usage Table below;

RWBR Usage Table

RWBR Category	Specific RWBR Type	Location	Flow (gallons)
	For Example:		
RA-CM	*Street Sweeping*	*Local Township*	*42,000*
RA-IS	*Sanitary Sewer Jetting*	*Facility Sewer Service Area*	*15,000*
RA-IS	*STP Washdown*	*Sewage Treatment Plant*	*43,000*
		Grand Total (R)	*100,000*

Attach additional pages as necessary.

(5) An update to the correlation between Total Suspended Solids and Turbidity, if necessary;

Correlation = _____

(6) Submit a completed copy of this form to:

For paper copies:
ATTN: RWBR Review Team
Mail Code 401 – 02B
Division of Water Quality
Bureau of Surface Water and Pretreatment Permitting
P.O. Box 420
Trenton, NJ 08625-0420

For electronic copies:
DWQRWBR@dep.nj.gov

APPENDIX C

Design Standards for Storm Drain Inlets

Grates in pavement or other ground surfaces, such as 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, shall meet the following standards:

1. 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 (April 1996).

2. 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.

3. 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.

The following exemptions apply:

1. Where each individual clear space in the curb opening in existing curb-opening inlets do not have an area of more than nine (9.0) square inches.

2. 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.

3. 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. 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

    b. A bar screen having a bar spacing of 0.5 inches.

4. 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.

5. 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.