

New Jersey Department of Environmental Protection
Bureau of NJPDES Stormwater Permitting and Water Quality Management

FACT SHEET

Masterfile #: Varies

PI #: Varies

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

PERMIT ACTION: Industrial Stormwater General Permit, NJ0088315 (5G2)

1 Name and Address of the Applicant

Varies – Statewide

2 Name and Address of the Facility/Site

Varies – Statewide

3 Type of Activity:

This general permit controls stormwater discharges to minimize the environmental impact to surface water and ground water by requiring facilities with stormwater associated with industrial activity (N.J.A.C. 7:14A-1.2 and 24) to eliminate exposure.

4 Objective of Permit Action:

The objective of this regulatory action is to renew a New Jersey Pollutant Discharge Elimination System (NJPDES) general permit, the Basic Industrial Stormwater General Permit NJ0088315 under the procedures established in N.J.A.C. 7:14A-15, 16, and 17.

5 Regulatory Authority:

Pursuant to the Federal Clean Water Act and its regulations at 40 CFR 122.26, this category of facilities is required to have a permit for its stormwater discharges to surface water. Stormwater discharges resulting from these types of activities are associated with industrial activity and therefore in accordance with 40 CFR 122.26 cannot discharge stormwater without authorization under a NPDES permit.

Under the authority of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the New Jersey Water Pollution Control Act (N.J.S.A. 58:10A-1 et seq.), the Department is the issuing authority for National Pollutant Discharge Elimination System (NPDES) permits in the State of New Jersey under the New Jersey Pollutant Discharge Elimination System (NJPDES) regulations for discharges to surface water and ground water. These Acts and their implementing regulations authorize the use of permit effluent limitations, non-numeric effluent limitations, monitoring requirements, Best Management Practices (BMPs) and other conditions in permits to control the quality of discharges in order to meet the surface water quality standards, the ground water quality standards, Total Maximum Daily Loads (TMDLs), and address water quality impairments.

The Department is authorized under federal regulations (40 CFR 122.44) and under NJPDES rules (N.J.A.C. 7:14A-6.2(b)) to impose BMPs to control or abate the discharge of pollutants in lieu of numeric effluent limitations in NJPDES permits. BMPs may be imposed when the Department determines numeric effluent limitations to be infeasible or when BMPs are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the State and Federal water quality-based effluent limits (WQBEL) for stormwater discharges.

The proposed limitations incorporated in the Stormwater Pollution Prevention Plan (SPPP) are consistent with the Department and EPA's stormwater permitting philosophy of reducing the amount of pollution created and preventing pollution from occurring in the first place (See 24 N.J.R. 2352). The SPPP requirements and monitoring requirements operate as limitations to control stormwater effluent discharges to prevent stormwater contamination and are intended to achieve Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT).

The permit contains requirements for preparing, certifying the preparation and implementation of the SPPP by a specific compliance date. The objective of the SPPP is to prevent stormwater contamination through the elimination of stormwater exposure, during and after storm events, of industrial materials, machinery, waste products, and other source materials associated with industrial activity located at the site.

The Department developed this general permit in accordance with N.J.A.C. 7:14A-6.13(b)4, which states that the Department may issue one general permit to cover a category of discharges that meet the following criteria: involve the same or substantially similar types of operations; discharge the same type of wastes; require the same or similar effluent limitations and operating conditions; require the same or similar monitoring; and are more appropriately controlled under a general permit than under an individual permit.

6 Permitting History:

In 1992, as part of the initial response to the USEPA stormwater discharge rules, the Department proposed and adopted amendments to the NJPDES rules, N.J.A.C. 7:14A. On October 1, 1992, as part of those rule amendments, the Department issued the Basic Industrial Stormwater General Permit No. NJ0088315 (general permit), authorizing stormwater discharges associated with a broad range of industrial activities. In 1996 and 1997, the Department proposed and adopted further changes to the NJPDES rules. As part of those rule changes, the Department revoked and reissued the general permit, as N.J.A.C. 7:14A-11, Appendix A.

The general permit, which authorized discharges of industrial stormwater to surface water, first became effective on November 2, 1992, and was revoked and reissued effective May 5, 1997. Background discussions, explaining the origin and basis for the general permit and other NJPDES rule amendments, are provided in the Department's fact sheets for the draft general permit (dated June 5, 1992, and February 5, 1996), and in the New Jersey Register notices for the proposal and adoption of NJPDES rule changes (see 24 N.J.R. 2352(a), 4088(a), 4364(a), 4522(a); 25 N.J.R. 687(a) 28 N.J.R. 320(a), 29 N.J.R. 1704 (a), 3822(a), and 30 N.J.R. 340(a)).

Effective January 22, 2002, the text of the general permit was removed from the NJPDES rules (through the deletion of N.J.A.C. 7:14A-11.5(j) and the repeal of N.J.A.C. 7:14A-11 Appendix A; see 33 N.J.R. 3636(a), 34 N.J.R. 595(a)). The general permit remained in full force and effect.

The general permit expired on January 31, 2002. In accordance with N.J.A.C 7:14A-2.8, the conditions of an expired permit continue in force until the effective date of the final renewal permit. The Department renewed the general permit with an effective date of June 1, 2002. The renewal incorporated a number of changes. The most significant change included the regulation of industrial stormwater discharges to ground water. Authority for regulating industrial stormwater discharges to ground water comes from the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. and N.J.A.C. 7:14A-7. This modification to the general permit also required changes to the term “stormwater discharges associated with industrial activity” since that term refers to surface water discharges only and required changes to the definition of “source material”. A less significant change was to the format of the general permit to facilitate the Department’s new database management system.

The general permit again expired on May 31, 2007. The Department renewed the permit with an effective date of June 1, 2007. The renewal permit incorporated a number of changes. The most significant change included the temporary authorization to discharge equipment and vehicle wash wastewater until May 31, 2009. Other changes included the addition of several definitions, the requirement that a separate RFA be submitted for each operating entity, the inclusion of a Table of Contents, and additional Stormwater Pollution Prevention Plan (SPPP) requirements including the requirement that facilities perform mandatory annual employee training.

The general permit again expired on May 31, 2012. The Department renewed the permit with an effective date of June 1, 2012. The renewal permit incorporated a number of changes. The most significant change included the distinction between new facilities and existing facilities being removed and thus both have been defined as “newly authorized facilities”. Other changes included the deletion of Equipment and Vehicle Washing section as this discharge was eliminated on May 31, 2009, and the deletion of references to the Incident of Noncompliance Report Form as well as the expansion of the definition of “process wastewaters”. The contents of a completed Request for Authorization now include a NJPDES-1 Form and a Supplemental Form. Several additional Stormwater Pollution Prevention Plan (SPPP) requirements were added including the preparation and implication of a SPPP within six (6) months for “newly authorized facilities” and monthly maintenance inspections.

The general permit again expired on January 31, 2018. The Department renewed the permit with an effective date of February 1, 2018. The renewal permit incorporated a number of changes. The most significant change included certain documents were required to be electronically submitted to the NJDEP effective December 21, 2020, in accordance with the USEPA Electronic Reporting Rule. These documents included general permit authorization requests (i.e. RFAs), general permit termination/revocation requests, and certification forms. Other changes included reference to the definition of “Stormwater Discharges Associated with Industrial Activity” to provide clarification to facilities in determining if they require a NJPDES permit for industrial stormwater discharges. The definition for SIC Code was also included. The contents of a completed RFA were modified to include a site map. A new email address was established to receive electronic submission of annual certifications. The 5G2 Certification Form was updated to include a list of permit requirements to be reviewed and checked by the permittee. These requirements assisted facilities in understanding their permit and attaining permit compliance.

7 Summary and Basis for Modified Permit Conditions:

Consistent with previous drafts, the proposed general permit requires that every facility authorized shall eliminate the exposure of source materials and/or industrial activity to stormwater discharges. Several modifications have been incorporated.

The permit has been updated to require electronic submission of all permit submittals. The changes involve removing mailing addresses, removing references to EPA's deadline for electronic submittals, and including email addresses for each type of permit submittal. Language regarding the permit's electronic communication has been added to the permit. This change to electronic communication is being made for consistency with other NJPDES permits and EPA's long-term requirements for electronic reporting.

Sections in the Part I Narrative Requirements of the permit have been reorganized to be more consistent with current stormwater permits. However, the permit requirements in those sections have not changed.

The automatic 90-day approval for RFAs is being removed. When the program was first implemented, the need to process a large volume of RFAs necessitated the automatic approval so that facilities would be able to comply with EPA's promulgated deadlines as implemented by the Department. This condition had been carried forward through numerous iterations of this general permit. At this point in time, it is not necessary to maintain this requirement. It is less efficient for everyone involved to deal with resolving an automatic approval for a facility that does not qualify for this general permit than it is to take the time necessary to properly evaluate the RFA. Since the program, and this general permit, have been implemented for 30 years, the Department is removing this requirement from the renewal of this general permit.

8 Type and Quantity of Pollutants:

The quantity and quality of stormwater discharges associated with industrial activity will depend on a variety of factors, including the industrial activities occurring at the facility, the nature of precipitation, and the degree of surface imperviousness. Stormwater may pick up pollutants from structures and other surfaces. In addition, sources of pollutants other than stormwater, such as illicit connections, spills, and other improperly disposed materials may increase the pollutant loads discharged from separate storm sewers. The sources that contribute pollutants to stormwater discharges vary with the type of industrial operation and facility-specific features.

Six activities were identified in the fact sheet for the USEPA draft (1993) Multi-Sector Storm Water General Permit as major sources of pollutants in stormwater discharges associated with industrial activity: (1) loading or unloading of dry bulk materials or liquids; (2) outdoor storage of raw materials or products; (3) outdoor process activities; (4) dust or particulate generating processes; (5) illicit connections or management practices; and (6) waste disposal practices. The USEPA fact sheet contains further general discussion of these six industrial activities, and the fact sheets for the USEPA draft (1993) and final (1995) Multi-Sector Storm Water General Permit also contain specific discussions of pollutant sources in the 29 identified industrial sectors.

As in the existing General Permit NJ0088315, the draft renewal permit addresses these major sources through best management practices (BMPs) required in the stormwater pollution prevention plan. Under the draft renewal permit, BMPs must be designed to eliminate the exposure of source materials and/or industrial

activity to stormwater discharges. Implementation of such BMPs will generally ensure that source materials and illicit discharges from industrial activities do not contribute pollutants to stormwater discharges.

9 Permit Eligibility:

The Basic Industrial Stormwater General Permit applies to all areas of the State of New Jersey and authorizes industrial stormwater discharges to the surface and/or ground waters of the State from facilities that can eliminate the exposure of source materials and/or industrial activity to stormwater discharges, except for the following:

1. Stormwater discharges subject to federal effluent guideline limitations for stormwater (see 40 CFR Subchapter N);
2. Stormwater discharges authorized under another NJPDES Discharge to Surface Water or Discharge to Ground Water permit (including an expired permit), or combined with domestic wastewater or process wastewater prior to treatment;
3. Stormwater discharges that require authorization under NJPDES Permit No. NJ0088323 (a separate general permit for stormwater discharges from certain construction activities);
4. Stormwater discharges from facilities with active "sanitary landfills" as defined in N.J.A.C. 7:26-1.4 or hazardous waste landfills subject to N.J.A.C. 7:26G, unless those landfills have been closed in compliance with N.J.A.C. 7:26-2A.9 (the Solid Waste rules) or N.J.A.C. 7:26G (the Hazardous Waste rules), the appropriate certifications have been submitted in accordance with N.J.A.C. 7:26 or N.J.A.C. 7:26G, and the landfills are not disrupted in a manner that exposes solid waste to the stormwater discharge and/or the landfill is not disrupted. Such closed landfills are eligible for authorization under this permit; and
5. Stormwater discharges from projects or activities that conflict with an adopted Water Quality Management plan.

10 Description of Procedures for Reaching a Final Decision on the Draft Action:

Please refer to the procedures described in the public notice published in the DEP Bulletin. In addition to the DEP Bulletin, the public notice for this permit action is published in the following newspapers:

Atlantic City Press

The Star Ledger

The Trenton Times

All comments submitted to the Department within the public comment period will be considered and addressed in the final permit.

11 Contact Information:

If you have any questions regarding this permit action, please contact Stephen Kelly of the Bureau of NJPDES Stormwater Permitting and Water Quality Management at (609) 633-7021 or via email at Stephen.Kelly@dep.nj.gov.

12 Contents of the Administrative Record:

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

Rules and Regulations:

1. 33 U.S.C. 1251 et seq., Federal Water Pollution Control Act.
2. 40 CFR Part 131, Federal Water Quality Standards.
3. 40 CFR Part 122, National Pollutant Discharge Elimination System.
4. N.J.S.A. 58:10A-1 et seq., New Jersey Water Pollution Control Act.
5. N.J.A.C. 7:14A-1 et seq., New Jersey Pollutant Discharge Elimination System Regulations.
6. N.J.A.C. 7:9B-1 et seq., New Jersey Surface Water Quality Standards.
7. Ground Water Quality Standards (N.J.A.C. 7:9-6)
8. N.J.A.C. 7:14C, Sludge Quality Assurance Regulations.

Guidance Documents / Reports:

1. EPA's Multi Sector General Permit Development Document available on the web at <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-epas-2021-msgp>
2. Fact Sheet for the Revocation and Reissuance of NJPDES General Permit No. NJ0088315, February 5, 1996.^[A]
3. Fact Sheet for the Draft Renewal of NJ0088315, March 13, 2002^[A]
4. Fact Sheet for the Draft Renewal of NJ0088315, March 7, 2007^[A]
5. Fact Sheet for the Draft Renewal of NJ0088315, September 5, 2012^[A]
6. Face Sheet for the Draft Renewal of NJ0088315, October 20, 2017^[A]

Permits / Applications:

1. NJPDES NJ0088315 Basic Industrial Stormwater General Permit issued for stormwater discharges to surface water effective November 2, 1992.^[A]
2. NJPDES NJ0088315 Basic Industrial Stormwater General Permit renewed for stormwater discharges to surface water effective May 5, 1997.^[A]
3. NJPDES NJ0088315 Basic Industrial Stormwater General Permit renewed and expanded to cover surface water and ground water discharges dated June 1, 2002.^[A]
4. NJPDES NJ0088315 Basic Industrial Stormwater General Permit renewed for surface water and ground water discharges dated June 1, 2007.^[A]
5. NJPDES NJ0088315 Basic Industrial Stormwater General Permit renewed for surface water and ground water discharges dated June 1, 2012.^[A]
6. NJPDES NJ0088315 Basic Industrial Stormwater General Permit renewed for surface water and ground water discharges dated February 1, 2018.^[A]

Footnotes:

[A] Denotes items that may be found in the NJPDES/DSW Administrative Record Library located in the NJDEP Central File Room, 401 East State Street, Trenton, New Jersey.

[B] Denotes items that may be found on the New Jersey Department of Environmental Protection website located at www.state.nj.us/dep.

[C] Denotes items that may be found on the United States Environmental Protection Agency (USEPA) website at www.epa.gov.