

**FACT SHEET
FOR THE DRAFT TIER A MUNICIPAL STORMWATER GENERAL PERMIT
NJ0141852**

I. BACKGROUND

The draft Tier A Municipal Stormwater General Permit (Tier A Permit) for discharge to surface water and groundwater is one of four draft New Jersey Pollutant Discharge Elimination System (NJPDES) general permits that are part of the Municipal Stormwater Regulation Program being established by the New Jersey Department of Environmental Protection (Department). This Program is the primary focus of the proposed amendments to the NJPDES rules, N.J.A.C. 7:14A, that the Department expects to be published in the January 6, 2003 New Jersey Register (DEP Docket Number 33-02-12/192). Those amendments have been prepared mainly in response to requirements mandated under the Federal Clean Water Act (CWA), 33 U.S.C. §§ 1251 et seq. The other three draft general permits are the Tier B Municipal Stormwater General Permit (Tier B Permit, NJ0141861), the Public Complex Stormwater General Permit (Public Complex Permit, NJ0141879), and the Highway Agency Stormwater General Permit (Highway Permit, NJ0141887). Separate fact sheets are available for those three general permits.

The Municipal Stormwater Regulation Program is part of the Department's Statewide Stormwater Permitting Program, and is also referred to in the Federal context as a "Phase II" program since it includes most of the second phase of the National Pollutant Discharge Elimination System (NPDES) Stormwater Permitting Program. The Department is the issuing authority for NPDES permits in New Jersey, and issues those permits as part of the NJPDES program. The Department develops and administers much of the Statewide Stormwater Permitting Program within the framework of Section 402(p) of the CWA (33 U.S.C. §1342(p)) and related provisions of the NPDES rules, 40 C.F.R. 122, 123, and 124. For additional background about the Municipal Stormwater Regulation Program and about the first phase (Phase I) of the NPDES and State Stormwater Permitting Programs, see the Summary of proposed amendments to the NJPDES rules.

The USEPA promulgated new "Phase II" regulations in the Federal Register on December 8, 1999 (see 64 Fed. Reg. 68721). These regulations represent the second phase of a two-phase permit program to control certain discharges of stormwater to surface waters, and consist mainly of provisions that address NPDES permit requirements for "municipal" (i.e., publicly owned or operated) stormwater discharges under Section 402(p)(6) of the CWA. These provisions expand the requirement for NPDES permits to many "small" municipal separate storm sewer systems (referred to as "MS4s") (generally those not serving a population of 100,000 or more). These systems include separate storm sewer systems owned or operated by municipalities (as defined in the Municipal Land Use Law at N.J.S.A. 40:55D-5). These systems also include separate storm sewer systems owned or operated by county, State, interstate, and Federal agencies at facilities that the proposed NJPDES rule amendments refer to as "public complexes", and at "highways and other thoroughfares".

Proposed N.J.A.C. 7:14A-25.6(a) requires the Department to issue one or more general permits for stormwater discharges from small MS4s (also see N.J.A.C. 7:14A-6.13(b)1 and proposed N.J.A.C. 7:14A-25.4(a) and 25.5(a)). The Department is proposing that all municipalities in the State that operate separate storm sewer systems be regulated to some degree. Under the proposed amendments to the NJPDES rules, all 566 municipalities will be assigned into one of the two Tiers. The Department is proposing that 467 municipalities (based on current information) will be regulated under the Tier A Permit and 99 municipalities will be regulated under the Tier B Permit. Counties and State, interstate, and Federal agencies will be regulated under the Public Complex Permit and/or the Highway Permit. Authority for municipalities to implement the draft Tier A Permit is contained in such statutes as the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., the Municipal and County Flood Control Financing Act, N.J.S.A. 40A-27-1 et seq., and N.J.S.A. 13:1E-99.3, 40:48-1 et seq., 40:49-1 et seq., 40:66-1, and 40:67-1.

While the Department expects that almost all Tier A Municipalities and other regulated entities will seek coverage under the appropriate general permit, there are provisions in the proposed NJPDES rule amendments for individual NJPDES permits if necessary. For small MS4s, the use of general permits (as encouraged by USEPA), instead of individual permits, reduces the administrative burden on permitting authorities, while also limiting the paperwork burden on regulated parties seeking permit authorization (see 40 C.F.R. 123.35(h)(2)(i) and 64 Fed. Reg. 68737).

Because of the limited scope of USEPA's jurisdiction under the Federal Clean Water Act, the Federal NPDES stormwater permit program is limited to stormwater discharges to "waters of the United States" as defined in 40 C.F.R. 122.2 (most surface waters). In the proposed Municipal Stormwater Regulation Program, however, the Department is exercising its broader authority under the New Jersey Water Pollution Control Act and Water Quality Planning Act to regulate not only those discharges, but also certain stormwater discharges to other waters of the State including groundwater. For example, the proposed NJPDES rule amendments and the draft Tier A Permit, Tier B Permit, Public Complex Permit, and Highway Permit regulate discharges to surface water (DSW) and discharges to groundwater (DGW) from small MS4s in a unified and consistent manner.

To the extent that the Tier A Permit regulates underground injection, the Tier A Permit implements USEPA regulations (found mainly at 40 C.F.R. 144-148) for the Federal Underground Injection Control (UIC) Program created pursuant to Part C of the Federal Safe Drinking Water Act (SDWA) (42 U.S.C. §§ 300(f) et seq.). USEPA recognizes that States issue general as well as individual permits to regulate Class V injection wells (see 64 Fed. Reg. 68554 (December 7, 1999), 67 Fed. Reg. 39590 (June 7, 2002), and The Class V Underground Injection Control Study, Volume 1, EPA/816-R-99-014a, September 1999).

II. TYPES OF DISCHARGES AUTHORIZED UNDER THE TIER A PERMIT

The draft Tier A Permit applies to all areas of the State of New Jersey, and is primarily intended to authorize and control new and existing stormwater discharges to surface water and groundwater from small MS4s owned or operated by municipalities assigned to Tier A under proposed N.J.A.C. 7:14A-25.3(a)1 (Tier A Municipalities). A NJPDES permit is required for

these stormwater discharges under proposed N.J.A.C. 7:14A-25.2(a) and 24.2(a). The terms “stormwater”, “small municipal separate storm sewer system” (“small MS4”), and “municipal separate storm sewer” are defined in the draft permit and in proposed amendments to N.J.A.C. 7:14A-1.2.

Tier A Municipalities are generally located within the more densely settled regions of the State, or along or near the Atlantic Ocean. Proposed N.J.A.C. 7:14A-25.3(a)3 provides a list of Tier A and Tier B Municipalities for informational purposes only. The 467 currently listed Tier A Municipalities contain about 70 percent of New Jersey’s land area and 96 percent of New Jersey’s population (2000 census), and are found in every county.

On a case-by-case basis, the Department may also use the draft Tier A Permit to authorize stormwater discharges to surface water and groundwater from small MS4s owned or operated by Tier B Municipalities. (An example is where a Tier B Municipality operates a stormwater discharge(s) identified under proposed N.J.A.C. 7:14A-25.2(a)4 (special designations), but the Department does not determine under proposed N.J.A.C. 7:14A-25.3(a)1v that such identification warrants assignment of the municipality to Tier A.) As used in the draft Tier A Permit and this fact sheet, the term “Tier A Municipality” includes Tier B Municipalities that seek or obtain authorization under the Tier A Permit.

The draft Tier A Permit also authorizes certain non-stormwater discharges (e.g., potable water sources, uncontaminated groundwater, and irrigation water) from small MS4s owned or operated by Tier A Municipalities. (If any of these discharges are identified by the municipality as a significant contributor of pollutants, the Tier A Municipality must address the discharge as an illicit connection or as an improper disposal of waste.) This authorization is closely related to the “illicit connection” provision in this permit, and these discharges are sufficiently similar to warrant a general permit under N.J.A.C. 7:14A-6.13(b).

The draft Tier A Permit does not authorize “stormwater discharges associated with industrial activity” or “stormwater discharges associated with small construction activity” as defined in N.J.A.C. 7:14A-1.2 or proposed amendments thereto. Any Tier A Municipality that operates an industrial facility or construction site with such a discharge must obtain a separate NJPDES permit for that discharge. In addition, the draft Tier A Permit does not authorize any stormwater discharge that is authorized under another NJPDES permit (so long as that other permit is in effect for that discharge). Also, to implement statutory and regulatory provisions governing consistency of NJPDES permits with Water Quality Management (WQM) Plans (e.g., N.J.S.A. 58:10A-6 and 58:11A-10), the draft Tier A Permit does not authorize stormwater discharges from projects or activities that conflict with an adopted WQM Plan.

The draft Tier A Permit does not authorize discharges from combined sewer systems, or stormwater discharges to combined or sanitary sewer systems (also see proposed N.J.A.C. 7:14A-24.2(f)).

III. POLLUTANTS IN DISCHARGES FROM SMALL MS4s

USEPA discussed pollutants in discharges from small MS4s in the Preamble to USEPA's final "Phase II" stormwater regulations (December 8, 1999, 64 Fed. Reg. 68724-68728), and in USEPA's 1999 Report To Congress On The Phase II Storm Water Regulations (EPA 833-R-99). The Environmental Impact statement for the proposed amendments to the NJPDES rules includes brief summary information about these pollutants, adapted from parts of those discussions. Pollutants mentioned in that statement include sediment, suspended and dissolved solids, nutrients (phosphorus and nitrogen), oil and grease, heavy metals and other toxic pollutants, pathogens, oxygen-demanding substances (organic material), and floatables. Also see the list of selected stormwater references cited in Section VIII.N of this fact sheet.

IV. BRIEF SUMMARY OF BASIS FOR DRAFT PERMIT CONDITIONS

Part of the basis for the draft Tier A Permit is contained in Sections I and II of this fact sheet. In accordance with N.J.A.C. 7:14A-6.13(d) (including the proposed amendment thereto) and proposed N.J.A.C. 7:14A-25.5(a), the draft permit includes requirements concerning the "Requests for Authorization" (RFA) to be submitted by the Tier A Municipality. The Department expects the RFA form for the permit to be short and simple. The deadlines for submitting the RFA are consistent with proposed N.J.A.C. 7:14A-25.4(a) and 24.4(a)7. Definitions in the draft permit are consistent with proposed N.J.A.C. 7:14A-25.1(b) and proposed amendments to N.J.A.C. 7:14A-1.1 and 1.2. As discussed below, most of the permit conditions implement proposed N.J.A.C. 7:14A-25.6 and 25.7.

In accordance with proposed N.J.A.C. 7:14A-25.6(a), the draft Tier A Permit requires Tier A Municipalities to develop, implement, and enforce a stormwater program. This program shall be designed to reduce the discharge of pollutants from the municipality's small MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the CWA and the New Jersey Water Pollution Control Act (State Act, N.J.S.A. 58:10A-1 et seq.) by including the Statewide Basic Requirements (SBRs) set forth in the draft permit, and any Additional Measures (AMs) required under the draft permit. (At the municipality's discretion, the stormwater program may also include Optional Measures (OMs) in accordance with the draft permit.)

The draft Tier A Permit also requires Tier A Municipalities to prepare and implement a written Stormwater Pollution Prevention Plan (SPPP) that describes the Tier A Municipality's stormwater program, and identifies the person or persons responsible for implementing or coordinating that program. A Tier A Municipality may rely on another governmental or private entity (for example, a watershed association) to satisfy the municipality's Tier A Permit obligations to implement one or more control measures (or components(s) thereof) if the requirements in proposed N.J.A.C. 7:14A-25.7(a) are satisfied.

The draft Tier A Permit is intended to provide substantial water quality benefits, including benefits from improved control of nutrients, pathogens, solid and floatable materials, toxic and other pollutants, and stormwater runoff quantity. This permit will also be one of the mechanisms

for implementing the stormwater requirements of total maximum daily loads (TMDLs) and regional stormwater management plans.

In accordance with the USEPA Phase II regulations and proposed N.J.A.C. 7:14A-25.6, the Department is not requiring numeric effluent limitations as SBRs in the draft Tier A Permit. Rather, the Department is following the principles established in Phase I whereby non-numeric effluent limitations, in the form of best management practices (BMPs), will be relied upon to protect water quality. The SBRs set forth in the draft permit are consistent with those listed in proposed N.J.A.C. 7:14A-25.6(b)1 and (b)3 through (b)8. Most of those SBRs are set forth in more detail as “Minimum Standards” in the draft permit. In accordance with proposed N.J.A.C. 7:14A-25.6(c), the draft Tier A Permit also specifies the BMPs that will be implemented for SBRs. The SBRs and related BMPs are to be detailed in the SPPP.

Proposed N.J.A.C. 7:14A-25.6(a) provides that BMP requirements are generally the most appropriate form of effluent limitations when designed to satisfy technology-based requirements (including reductions of pollutants to the maximum extent practicable) and to protect water quality. Implementation of BMPs (other than OMs) consistent with the stormwater program required pursuant to the draft Tier A Permit constitutes compliance with the standard of reducing pollutants to the maximum extent practicable. In addition, the Department is authorized under proposed N.J.A.C. 7:14A-6.2(b)1 (including proposed amendments thereto) to impose BMP requirements in NJPDES DSW permits when authorized under Section 402(p) of the CWA or under the State Act for the control of stormwater discharges, when numeric effluent limitations are infeasible, or when the BMPs are reasonable necessary to carry out the purposes and intent of the CWA and the State Act.

In accordance with proposed N.J.A.C. 7:14A-25.6(c), the draft Tier A Permit also specifies the “measurable goals” for BMPs that will be implemented for SBRs, including, as appropriate, an implementation schedule. For purposes of this draft permit and proposed N.J.A.C. 7:14A-25.6, the Department considers a “measurable goal” to be a specific action taken to implement a BMP, rather than a specific condition of stormwater or receiving water quality that is supposed to result from implementing a BMP. Tier A Municipalities are required to meet all specified measurable goals pursuant to proposed N.J.A.C. 7:14A-25.6(g). The Department shall provide guidance for SBRs in the Tier A Stormwater General Permit Guidance Manual. In accordance with proposed N.J.A.C. 7:14A-25.6(a) and (c), the draft Tier A Permit specifies implementation schedules that range (depending on the SBR or SBR component) from implementation upon the effective date of authorization (EDPA), to implementation within 60 months from the EDPA.

By specifying BMPs, measurable goals, and implementation schedules, the draft Tier A Permit provides Tier A Municipalities and the public with a substantial degree of certainty regarding what these municipalities must do to comply with the permit. The table on the following pages briefly summarizes the draft permit’s SBRs, including their minimum standards and implementation schedules, and the principal pollutants that each SBR reduces.

Pursuant to proposed N.J.A.C. 7:14A-25.6(b)2 and 25.7(b), the Department is responsible for developing, implementing, and enforcing a NJPDES permit program to reduce pollutants in stormwater runoff to small MS4s from construction activities. The Tier A Municipality is not

Summary of Statewide Basic Requirements (SBRs)			
Statewide Basic Requirement	Minimum Standard	Implementation Schedule	Principal Pollutants Reduced
Stormwater Pollution Prevention Plan (SPPP)	SPPP describes the municipality's stormwater program, which includes details on the implementation of required SBRs.	12 months from effective date of permit authorization (EDPA)	See SBRs listed below
Public Notice	Comply with applicable State and local public notice requirements when providing for public participation.	Upon EDPA	
Post-Construction Stormwater Management in New Development and Redevelopment			
Stormwater Management Plan	Adopt stormwater management (SWM) plan in accordance with N.J.A.C. 7:8. (Also see the proposal to update N.J.A.C. 7:8, which is expected to be published in the January 6, 2003 New Jersey Register (DEP Docket Number 34-02-12/109).)	12 months from EDPA	TSS; nutrients; metals; BOD; trash and debris; pesticides, hydrocarbons, and other toxic pollutants; microbes
Stormwater Control Ordinance	Adopt and implement stormwater control ordinance in accordance with N.J.A.C. 7:8 (also see above proposal to update).	Adopt ordinance 12 months from SWM plan adoption	Same as above
Residential Site Improvement Standards	Ensure compliance with Residential Site Improvement Standards for stormwater management (N.J.A.C. 5:21-7).	Upon EDPA	Same as above
BMP Operation and Maintenance	Ensure adequate long-term operation and maintenance of BMPs.	EDPA for BMPs on municipal property. 24 months elsewhere.	Same as above
Storm Drain Inlets	New storm drain inlets must meet the design standards specified in Attachment C of the permit.	12 mo. from EDPA if municipally installed. Otherwise 24 months	Large trash and debris
Local Public Education			
Local Public Education Program	Incorporate all SBRs that have an educational message into a cohesive package. Distribute educational information annually to residents and businesses, as well as conduct a yearly "event".	Start 12 months from EDPA	Microbes; nutrients; BOD; TSS; trash and debris; pesticides, hydrocarbons, metals, and other toxic pollutants
Stormwater/Nonpoint Source Education	Distribute information to residents and businesses regarding general stormwater/nonpoint pollution and steps that the public can take to reduce pollutants in stormwater runoff.	Start 12 months from EDPA	Same as above
Storm Drain Labeling	Label all municipal storm drain inlets. Coordinate efforts with watershed groups and volunteer organizations.	Complete 60 months from EDPA	Same as above
Fertilizer/Pesticide Education	Distribute information regarding fertilizer/pesticide application, storage and disposal, as well as alternatives, including the use of native or well adapted species when landscaping.	Start 12 months from EDPA	Nutrients and pesticides

Waste Disposal Education	Distribute information regarding proper waste disposal, handling and storage, including hazards associated with illicit connections and improper disposal of waste.	Start 12 months from EDPA	Microbes; nutrients; TSS; BOD; trash and debris; pesticides, hydrocarbons, and other toxic pollutants
Improper Disposal of Waste			
Pet Waste Ordinance	Adopt and enforce an ordinance requiring owners to properly dispose of their pet's solid waste. Distribute information regarding the ordinance and the environmental benefits of proper disposal of pet waste.	Complete 12 months from EDPA and ongoing	Microbes, nutrients, BOD, TSS
Litter Ordinance	Adopt and enforce a litter ordinance, or enforce the existing State litter statute (N.J.S.A. 13:1E-99.3). Distribute information concerning the ordinance and fines associated with littering.	Complete 12 months from EDPA and ongoing	Trash and debris
Improper Waste Disposal Ordinance	Adopt and enforce an ordinance prohibiting spilling, dumping or disposal of any materials other than stormwater into the MS4 (with some exceptions). Distribute information regarding the ordinance.	Complete 12 months from EDPA and ongoing	Pesticides, hydrocarbons, and other toxic pollutants
Wildlife Feeding Ordinance	Adopt and enforce an ordinance that prohibits feeding of non-confined wildlife in any public park or property owned/operated by the municipality. Distribute information regarding the wildlife feeding prohibition.	Complete 12 months from EDPA and ongoing	Microbes, nutrients, BOD, TSS
Yard Waste	Non-containerized yard waste placed at curb can be no closer than 10' from a storm drain inlet. Pickup must be monthly Oct.-Dec., once in spring, and "as needed" during remainder of year.	Start 12 months from EDPA and ongoing	Debris, BOD, TSS, nutrients
Illicit Connection Elimination and MS4 Outfall Pipe Mapping	Develop, implement and enforce a program and an ordinance, to the extent allowable under State law, to eliminate illicit connections to MS4 within the municipality. Map all municipal storm sewer outfall pipes which discharge to surface water.	Complete 60 months from EDPA and ongoing	Microbes; nutrients; BOD; TSS; metals, hydrocarbons, and other toxic pollutants
Solids and Floatable Controls			
Street Sweeping	Sweep curbed streets, roads and highways (with a posted speed limit of 35 mph or less) in predominantly commercial and/or industrial areas monthly, and within one week of any leaf pick up or snow melt.	Start 12 months from EDPA and ongoing	Trash and debris, TSS, metals, nutrients, hydrocarbons, BOD
Storm Drain Inlet Retrofitting	Retrofit storm drain inlets during road repair, reconstruction, alterations or repaving with inlets that meet the design standards specified in Attachment C of the permit.	Start 12 months from EDPA and ongoing	Large trash and debris

Stormwater Facility Maintenance	Develop and implement a structural stormwater facility maintenance program that includes yearly catch basin cleaning to ensure proper function and operation of the stormwater facility.	Start 12 months from EDPA and ongoing	TSS; nutrients; BOD; trash and debris; metals, hydrocarbons, and other toxic pollutants; microbes
Road Erosion Control Maintenance	Develop a roadside erosion control maintenance program to identify and stabilize roadside erosion. Make repairs in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey (N.J.A.C. 2:90-1).	Start 12 months from EDPA and ongoing	TSS
Outfall Pipe Stream Scouring Remediation	Develop and implement a stormwater outfall pipe scouring detection, remediation and maintenance program to identify and stabilize erosion in areas immediately downstream of the outfall pipe. Make repairs in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey (N.J.A.C. 2:90-1).	Start 12 months from EDPA and ongoing	TSS
Maintenance Yard Operations (including Ancillary Operations)			
De-icing Material Storage	Construct permanent indoor storage for deicing materials. Seasonal tarping shall be used as an interim BMP until the permanent structure is completed. Uncovered sand may be stored outside if a 50' setback is maintained from any storm sewer inlet.	Complete 60 months from EDPA	Dissolved solids, TSS
Fueling Operations	Develop and implement SOPs for vehicle fueling, bulk delivery and inspection and maintenance of storage tanks, piping and pumps in addition to required practices contained in the permit.	Start 12 months from EDPA and ongoing	Hydrocarbons
Vehicle Maintenance	Implement required practices contained in the permit for vehicle maintenance.	Start 12 months from EDPA and ongoing	Hydrocarbons and other toxic pollutants
Equipment and Vehicle Washing	Allow no discharge of wash water from maintenance operations (with limited exceptions) and follow prescribed BMP options for proper disposal of wash water.	Complete 36 months from EDPA	Hydrocarbons and other toxic pollutants; microbes; TSS; dissolved solids; BOD; nutrients
Good Housekeeping	Implement required practices contained in the permit for good housekeeping.	Start 12 months from EDPA and ongoing	Same as above
Employee Training			
Employee Training	Develop and conduct an employee training program for appropriate employees that covers the required topics contained in the permit.	Start 12 months and ongoing	See entries above for the required topics contained in the permit

required to include the SBR for construction site stormwater runoff control in its stormwater program, or to discuss this SBR in its SPPP.

The draft Tier A Permit does require the Tier A Municipality's stormwater program to include any Additional Measures (AMs) required under proposed N.J.A.C. 7:14A-25.6(e). AMs are non-numeric or numeric effluent limitations whose inclusion in the stormwater program is expressly required by a total maximum daily load (TMDL) or equivalent analysis, regional stormwater management plan, or other element of a WQM plan adopted in accordance with N.J.A.C. 7:15. AMs may modify, or be in addition to, SBRs listed under proposed N.J.A.C. 7:14A-25.6(b). For pollutants such as fecal coliform, PCB, nickel, suspended solids, and phosphorus, for example, a TMDL may establish limitations that would not be fully achieved by the SBRs initially specified in the Tier A Permit. The examples of Optional Measures (OMs) provided below are also examples of potential AMs. Any SBR modified by an AM must still, at a minimum, satisfy the requirements of proposed N.J.A.C. 7:14A-25.6(b).

The Department will provide written notice of the adoption of an AM to each Tier A Municipality whose stormwater program will be affected, and will list each adopted AM in a minor modification to the Tier A Permit (no AMs are listed in the draft Tier A Permit). The AMs, other than numeric effluent limitations, will specify the BMPs that must be implemented and the measurable goals for each BMP. The AMs will also specify time periods for implementation.

In accordance with proposed N.J.A.C. 7:14A-25.6(a) and (i), the stormwater program may also include (at the Tier A Municipality's discretion, and to the extent allowable under law) Optional Measures (OMs), which are BMPs that are not implemented for SBRs or AMs, but that prevent or reduce the pollution of waters of the State. The SPPP shall specifically identify such BMPs (if any) as OMs, and identify actions to implement those OMs. Failure to implement an OM identified in the SPPP shall not be considered a violation of the Tier A Permit or proposed N.J.A.C. 7:14A-25.6. Examples of potential OMs include BMPs for retrofitted stormwater treatment, road deicing, wildlife management, and fertilizer management ordinances.

The draft Tier A Permit requires Tier A Municipalities to complete an Annual Report summarizing the status of compliance with the permit, in accordance with proposed N.J.A.C. 7:14A-25.6(j) and 24.9(a). This report shall include a certification that the municipality is in compliance with its stormwater program, SPPP and the Tier A Permit, except for any incidents of noncompliance identified in the Annual Report and Certification. The Annual Report and Certification shall be submitted to the Department. The draft Tier A Permit does not require sampling and analysis of discharges from small MS4s except as part of a program to detect illicit connections (or if the Department requires information under an AM or N.J.A.C. 7:14A-2.11 or 6.2(a)14). The draft Tier A Permit also imposes recordkeeping requirements under proposed N.J.A.C. 7:14A-25.6(j), and various other permit conditions (mainly NJPDES rule provisions incorporated by reference) as contemplated by proposed N.J.A.C. 7:14A-25.6(h).

The Department has been actively encouraging public participation in the development of the Municipal Stormwater Regulation Program. The Department established the Municipal

Stormwater Advisory Group (MSAG), consisting of representatives from the Department, municipal, county, and state officials, professional associations, and environmental groups. The MSAG has met on 18 occasions since February 2000. In addition, the Department established a Best Management Practices (BMP) Subcommittee composed of representatives from various municipal, county and state public works agencies for the specific purpose of assisting the Department in developing SBRs and BMPs contained in the general permits for the Municipal Stormwater Regulation Program. The Department met with this Subcommittee eight times since December 2001.

The Department has been working closely with the MSAG, the BMP Subcommittee, and the NJ Department of Transportation's New Jersey Quality Initiative Group in developing the proposed NJPDES rule amendments and the general permits including the Tier A Permit. (In October 2002, for example, the Department distributed a complete pre-draft of the Tier A Permit conditions to the MSAG for review and comment, and made changes in response to comments received.) To a substantial degree, it was input from these advisory bodies that enabled the Department to draft a reasonable, workable Tier A Permit that provides substantial environmental benefit while minimizing the regulatory burden. A list of current MSAG and Best Management Practices Subcommittee members (excluding Department members) is cited in Section VIII.O of this fact sheet.

Costs that Tier A Municipalities will incur under the Municipal Stormwater Regulation Program are discussed in the Economic Impact statement for the proposed amendments to the NJPDES rules. Water quality and other environmental benefits of this Program are discussed in the Economic Impact and Environmental Impact statements for these proposed amendments. USEPA's National Menu of Best Management Practices for Storm Water Phase II (www.epa.gov/npdes/menuofbmps/menu.htm) includes information about the cost and effectiveness of many individual BMPs required in the draft Tier A Permit. Also see the list of selected stormwater references cited in Section VIII.N of this fact sheet.

V. REQUESTED VARIANCES OR ALTERNATIVES TO PERMIT CONDITIONS

No such requests exist in regard to this draft permit, which was initiated by the Department.

VI. PROCEDURES FOR REACHING A FINAL PERMIT DECISION ON THE DRAFT PERMIT

Included in the public notice are the dates, times, and places of three scheduled public hearings, requirements for the submission of comments by a specified date, and other procedures for reaching a final permit decision in accordance with N.J.A.C. 7:14A-15, -16, and -17. The comment period will begin on January 6, 2003, and will end on March 7, 2003.

VII. DEPARTMENT CONTACT

Additional information concerning the draft permit may be obtained between the hours of 8:00 A.M. and 4:00 P.M., Monday through Friday from: Bruce Friedman, Bureau of Nonpoint Pollution Control at (609) 633-7021 or (609) 292-0407.

VIII. ADMINISTRATIVE RECORD

- A. Draft Tier A Municipal Stormwater General Permit NJ0141852 (Tier A Permit)
- B. Fact Sheet for Draft Tier A Permit
- C. Federal Clean Water Act, 33 U.S.C. §§ 1251 et seq. (NPI)*
- D. Part C of the Federal Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300(f) et seq. (NPI)
- E. 40 CFR 122, 123, 124, and 144-148 (NPI)
- F. New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. (NPI)
- G. New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq. (NPI)
- H. Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. (NPI)
- I. Municipal and County Flood Control Financing Act, N.J.S.A. 40A-27-1 et seq. (NPI)
- J. N.J.S.A. 13:1E-99.3, 40:48-1 et seq., 40:49-1 et seq., 40:66-1, and 40:67-1 (NPI)
- K. N.J.A.C. 2:90-1, 5:21, 7:8, 7:14A, and 7:15 (NPI)
- L. Proposed amendments to the NJPDES rules, N.J.A.C. 7:14A (DEP Docket Number 33-02-12/192)(NPI), and the issue paper cited therein
- M. Proposed Stormwater Management Rules (N.J.A.C. 7:8) and proposed amendments to N.J.A.C. 7:7A, 7E, 7:13, 7:15, and 7:20 (DEP Docket Number 34-02-12/109) (NPI)
- N. List of selected stormwater references
- O. List of members of Municipal Stormwater Advisory Group and BMP Subcommittee
- P. All websites, Federal Register notices, and other documents cited in this Fact Sheet (but not listed in A. through O. above) (NPI)

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