

**RESPONSE TO COMMENTS – MUNICIPAL STORMWATER REGULATION PROGRAM**  
**August 1, 2005**

*Draft modifications to the Tier A Municipal Stormwater General Permit – NJ0141852  
(Tier A Permit)*

*Draft modifications to the Tier B Municipal Stormwater General Permit – NJ0141861  
(Tier B Permit)*

*Draft modifications to the Public Complex Stormwater General Permit – NJ0141879  
(Public Complex Permit)*

*Draft modifications to the Highway Agency Stormwater General Permit – NJ0141887  
(Highway Permit)*

The New Jersey Department of Environmental Protection (Department or NJDEP) accepted comments on the draft modifications of these four permits through July 18, 2005. The Department issued final modifications to the Tier A, Tier B, Public Complex and Highway Permit on August 1, 2005. The final modifications become effective on September 1, 2005. The Department received the following comments in writing prior to the close of the comment period.

List of Commenters:

1. Abigail Fair, Water Resources Specialist  
Association of New Jersey Environmental Commissions  
Tracy Carluccio, Special Projects Director  
Delaware Riverkeeper Network  
Nancy Merritt, Vice Chair  
Salem County Watershed Task Force  
Constance Stroh, Chair  
Upper Rockaway Rive Watershed Association
2. Amy Hansen, Policy Analyst  
New Jersey Conservation Foundation

The timely submitted comment and the Department's response are summarized below. The number(s) in parentheses after the comment identifies the respective commenter(s) listed above.

1. COMMENT: Two commenters strongly oppose setting the deadline for Equipment and Vehicle Washing as late as February 28, 2009. The commenters believe that allowing municipalities 4 years to comply with the new requirement would be entirely too long of a period for pollutants associated with equipment and vehicle washing activities to continue to be discharged into waters of the State through the municipal stormwater system. The commenters urge the Department to shorten the draft deadline for Equipment and Vehicle Washing to February 28, 2006 and to give further extensions on a case-by-case basis with municipalities giving adequate reason for further delaying the requirement. (1, 2)

RESPONSE: The Department has been working closely with municipalities and counties in the implementation of the Municipal Stormwater Regulation Program requirements. These requirements are designed to eliminate and/or mitigate many of the impacts of stormwater on the environment. There are a number of costs associated with the overall implementation of this program. While the Department agrees that discharges associated with equipment and vehicle wash water contain pollutants that may impact water quality, given the large capital expenditures needed to resolve this issue, we believe that establishing a more aggressive implementation schedule for this requirement would be counterproductive to the larger goal of compliance with the overall Municipal Stormwater Regulation Program.

A capital improvement project, such as a vehicle washing facility large enough to handle maintenance trucks and equipment is not an undertaking a governmental entity can complete in a short amount of time. The 42 month compliance schedule contained in the municipal stormwater permits allows municipalities, public complexes and highway agencies time to consider the options available to cease the unpermitted discharge, explore regional solutions, procure funds, apply for grants and loans, and design, site and construct a vehicle washing facility. In addition, the Department is encouraging the construction of regional equipment and vehicle washing facilities in order to reduce costs and take advantage of economies of scale. It is not feasible or economical to have 566 separate municipal equipment and vehicle washing facilities as well as facilities for entities like NJDOT, 21 county highway agencies, NJ Turnpike Authority and Rutgers University. Regional equipment and vehicle washing facilities spread out costs over a larger area, reducing the initial costs per municipality as well as spreading out maintenance costs. The Department is currently soliciting involvement from the New Jersey Department of Transportation, county highway agencies, and other regional entities to help implement these projects. In addition Gloucester, Ocean and Middlesex counties have all begun investigating such regional projects.

The Department is unable to modify general permit conditions to extend a implementation schedule on a case by case basis. The Tier A, Tier B, Public Complex and Highway Permits are general permits and changing the implementation schedule in a general permit would require a major modification that would affect all of the permittees involved.

## 2. Wildlife Feeding Ordinance (Control)

Tier A Permit - Part I, Section F.5.d.

Public Complex Permit - Part I, Section F.5.d.

Highway Permit - Part I, Section F.5.d.

The Department clarified upon issuance of the final Tier A, Public Complex, and Highway Permit modifications that the Wildlife Feeding Ordinance does not prohibit the feeding of feral cats when part of an approved Trap, Neuter, and Release (TNR) program. The Department had received remarks from the New Jersey Department of Health and Senior Services and the New Jersey Animal Rights Alliance that including feral cats in the definition of “wildlife” would undermine the TNR program. The Department had not

explicitly included feral cats in the definition of wildlife but to clarify any misconception the Department has added a specific exception to allow feeding of feral cats when part of an approved Trap, Neuter, and Release (TNR) program.