



State of New Jersey

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August 1, 2012

To: Permittees Eligible under the Vehicle Recycling General Stormwater Permit

Re: Issuance of Final Statewide Vehicle Recycling General Stormwater Permit
New Jersey Pollutant Discharge Elimination System (NJPDES) Permit No. NJ0163279

Dear Interested Party:

This letter is written to provide notification that the New Jersey Department of Environmental Protection (i.e. the Department) has issued a final Vehicle Recycling General Stormwater Permit. **This letter is being sent to you because our records indicate that you are a vehicle recycling facility that is eligible under this permit.** This permit regulates the discharge of stormwater to surface water and ground water and serves to renew your existing authorization under the Scrap Metal Processing and Recycling Permit.

A complete copy of the Vehicle Recycling General Stormwater Permit is available at www.state.nj.us/dep/dwq under "Featured Topics". If you would prefer that a paper copy be mailed to you please contact David Pepe at (609) 633-7021 or via e-mail at david.pepe@dep.state.nj.us.

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. As noted in detail in the Response to Comments document, the Department has modified language for certain sections of Part IV in this final permit document. In addition, the Department has clarified sections B.4.f.iii. and E.1.a. of Part IV; added section B.5.b. of Part IV to better address newly authorized facilities; and has corrected any references to the issuance date to reflect October 1, 2012.

The Department will issue individual renewal authorizations for all eligible facilities upon finalization of this master permit.

If you have any questions regarding the final action, please contact David Pepe or Susan Rosenwinkel at (609) 633-7021 or via e-mail at david.pepe@dep.state.nj.us or susan.rosenwinkel@dep.state.nj.us.

Sincerely,

James J. Murphy, Chief
Bureau of Nonpoint Pollution Control

New Jersey Department of Environmental Protection
Division of Water Quality
Bureau of Nonpoint Pollution Control

RESPONSE TO COMMENTS

Comments were received on the draft NJPDES Permit No. NJ0163279 issued on May 14, 2012. The thirty (30) day public comment period began on May 14, 2012 and ended on June 20, 2012. The United States Environmental Protection Agency – Region 2 (EPA) submitted comments at a later date where an extended comment period is provided for in the Memorandum of Agreement between EPA and the New Jersey Department of Environmental Protection (hereafter DEP or the Department).

A summary of the timely and significant comments received, the Department's responses to these comments, and an explanation of any changes from the draft action have been included below.

The following persons commented during the public comment period:

1. Michael Yeager, President, Automotive Recyclers Association of New Jersey (ARANJ) in a letter dated June 20, 2012. (Comments 1 through 13)
2. Nicholas Patton, Staff Attorney, Delaware Riverkeeper Network in a letter dated June 20, 2012. (Comments 14 through 19)
3. Michelle A. Josilo, Acting Chief, United States Environmental Protection Agency (USEPA) – Region 2 in a letter dated July 16, 2012. (Comments 20 through 22)

1. COMMENT:

Renew permit without substantive change

The ARANJ consists of approximately 90 members and associate members. The automotive recycling businesses in New Jersey are small and midsize businesses, collectively employing hundreds of New Jersey residents. In our view, DEP has not presented any compelling reason why the existing stormwater permit should be renewed without substantive changes, except to expand the scope of permittees as discussed below in Comment 4.

For the facilities covered by the existing permit, the permit is working well as verified and confirmed by the joint inspections conducted by DEP and ARANJ in 2008 and 2009. Specifically, considering a study of DEP inspection reports for 55 automobile recycling facilities, a total of 397 inspections were conducted by DEP between the years 2000 and 2009. Of the 397 inspection reports evaluated, 300 noted no violations whatsoever and an overwhelming 379 inspection reports (approximately 95%) noted no violations that could potentially impact the environment. In consideration of the remaining 18 inspection reports for which an environmental violation was reported, violations were attributed to only 14 of the 55 facilities. Thus, 41 of 55 facilities had no environmental violations of the current

permit at any time over a nine year period. The study and the joint inspections demonstrate that the current permit has almost completely deterred violation. A new permit with stricter requirements and environmental standards will unnecessarily burden the industry. Instead, DEP should continue to enforce the current permit against those few facilities that have been cited that could potentially affect the environment.

RESPONSE:

Notwithstanding the record of compliance with the existing stormwater permit, the conditions of the new Vehicle Recycling Industrial Stormwater General Permit are necessary for multiple reasons. By way of background, the Vehicle Recycling Industrial Stormwater General Permit is a new NJPDES permit that specifically regulates stormwater discharges from the vehicle recycling industry. This category of facilities was previously covered under the Department's Scrap Metal Processing and Recycling General Permit (NJ0107671) which authorizes the discharge of stormwater from three types of facilities, namely scrap metal processing, vehicle recycling, and metal shredding facilities. The Scrap Metal Processing and Recycling General Permit NJ0107671 was developed with the concept that both the scrap metal recycling industry and vehicle recycling industry were similar in industrial activity, waste production and environmental impact. Some of the permit conditions in NJ0107671 simply do not represent the activities at vehicle recycling facilities and inclusion of such conditions confuses both the permit process and the compliance inspection process. Instead of renewing NJ0107671 without change, the Department has determined that it is beneficial to segregate those facilities engaged in vehicle recycling only under a new, separate permit document. As a result, the Department has developed the Vehicle Recycling Industrial Stormwater General Permit NJ0163279 to better represent the vehicle recycling industry. The Department is confident that this new permit, which is targeted specifically for the vehicle recycling industry, will improve and assist in the compliance process.

The Scrap Metal Processing and Recycling General Permit NJ0107671 was originally issued in 1995 then renewed in 1999 where it was expanded to regulate stormwater discharges to surface and groundwater. In 2005, the 1999 permit was renewed "without change" with the exception of the temporary suspension of stormwater monitoring. This suspension remains in place, today. The 2005 renewal expired on January 31, 2010. In other words, the permit conditions have not been substantively changed since 1999. N.J.A.C. 7:14A-2.7(a) requires that NJPDES permits be issued for fixed terms not to exceed five years. Issuance of this new permit for vehicle recycling facilities is critical to ensure that current NJPDES regulations and policy are included. In addition, the changes between expired NJ0107671 and new NJ0163279 represent improvements in organization, readability and enforceability.

This newly issued vehicle recycling general permit can be characterized as follows:

- Tightly written best management practices (BMPs) that are broken down by processing area;
- Organized to simplify compliance evaluation;
- BMPs are pragmatic and not expensive to implement;

- Industrial process areas are generally required to be on an impervious surface under cover which is consistent with the previous permit for most areas;
- No visible sheen discharge requirement; and
- The 2005 temporary suspension of stormwater monitoring is formalized by monitoring can be imposed for cause.

Overall, the permit is not radically different from those applicable components of the existing Scrap Metal Processing and Recycling permit; however, the permit is better organized and easier to understand.

While the majority of the permit conditions are not more stringent, the commenter is correct that BMPs for the Fluid Draining and Dismantling Area and for Portable Vehicle Crushers are more stringent in this permit. Please refer to Response 3 for additional detail on these issues.

2. COMMENT:

Proposed permit will cause financial hardship

ARANJ contends that if the comments and concepts set forth in its comments document are not incorporated into the final permit, this permit will create severe financial hardships for the members of ARANJ. Further, it will adversely affect water quality as more vehicle recycling will migrate to completely unregulated facilities. There is no reason to adopt a draft permit that will create economic strife for very small businesses in a very difficult time. As with any small or mid-size business, financial margins are slim and any increase in the cost of doing business has an adverse impact on the facility, its owners and employees, and their families. Thus, it is critical that DEP make every effort to minimize the costs to the vehicle recycler in implementing the proposed draft permit requirements.

RESPONSE:

The Department does not agree that this permit will cause financial hardship. In addition to the applicable vehicle recycling permit conditions not being significantly different from the 2005 Scrap Metal Processing and Recycling General Permit, any more stringent permit conditions are pragmatic and cost effective to implement. Please refer to Responses 1 and 3 for more detail on these issues. Please refer to Response 4 regarding the issue of unregulated facilities.

3. COMMENT:

Proposed permit will cause conflicts with other regulations

The proposed draft permit requires certain activities to be conducted indoors or on a paved covered surface. Most, if not all, vehicle recycling facilities covered by the proposed draft permit are pre-existing non-conforming uses in the municipalities in which they are located,

so the draft permit will establish a legally impossible standard. All new structures, and in many cases newly paved areas, will be considered expansions of non-conforming uses and thus, are legally un-approvable under the New Jersey Municipal Land Use Law without a major variance or a change in zoning. In addition, state law (e.g. Pinelands Management Act and Highlands Water Protection and Planning Act) and DEP's own regulations (Coastal Zone Management Rules and Flood Hazard Control Act Area rules) drastically limit the use of impervious surfaces; however, recognition of these regulatory limits was not explicitly included in those sections of the draft permit where paving is required.

While we appreciate DEP's organization of an outreach session to affected municipalities, it is our understanding that this meeting was not well attended by the municipal representatives. While outreach to municipalities was a good first step, it cannot bring the issue to final conclusion. For example, if the municipality or other governmental entity does not allow the paving and/or structure required by the draft permit, the permit must contain an exemption for the recycling facility. Also, the proposed draft permit should require that diligent efforts be pursued in order to obtain the governmental approval, and that the facility reach out to a member of the DEP stormwater group and/or DEP enforcement inspector, to request assistance in the approval application process. However, if after those diligent efforts are pursued, the municipality or other governmental entity rejects the application, then the failure to pave and/or erect a structure will not be a permit violation. We have added a new section, to Part IV, F.2 Compliance Schedule to address this issue in Comment 13.

RESPONSE:

The Department agrees that some permit conditions require certain activities to be conducted on impervious cover. These conditions were retained from the previous Scrap Metal Processing and Recycling Stormwater Permit and are not new to this permit with the exception of the Fluid Draining and Dismantling Area and the Portable Vehicle Crusher.

With respect to the Fluid Draining and Dismantling Area, the 2005 permit included the following condition which was carried forward from 1999:

Fluids must be drained in a manner that prevents exposure of such fluids to stormwater or the ground surface. The vehicle processing area where fluids are drained shall be a bermed pad constructed of concrete or other impermeable material. Pads and berms shall be regularly maintained and kept free of liquid petroleum products.

As noted above, the requirement for an impervious surface is not new and has been in place since 1999. As noted in this final permit, the Fluid Draining and Dismantling Area is now required to be either: 1) indoors; 2) on an impervious surface that is contained and under cover; or 3) stormwater must be collected or drain in such a manner that does not discharge to surface water or groundwater. To allow time for the permittee to come into compliance, a two year compliance schedule has been allowed for this condition.

With respect to the new BMP for portable vehicle crushers, the Department has revised this BMP in the new permit to ensure that portable vehicle crushers are subject to the same

requirements as stationary vehicle crushers in that they are required to be located on an impervious surface with berms. The Department maintains that this is an easily implementable requirement since a portable vehicle crusher can easily be moved and most sites have at least one area of the site that already has impervious cover. Nonetheless, the Department has also provided a two year compliance schedule for the portable crusher BMP.

The Department is aware that many vehicle recycling sites are a pre-existing non-conforming use. While a facility may wish to complete site improvements (e.g. installation of paved work areas, canopies or buildings) to meet the requirements of the permit by eliminating exposure with stormwater, municipal zoning requirements may impede such improvements. In an effort to be cognizant of these regulatory constraints and expenses, the Department has provided more than one option for each BMP with respect to eliminating stormwater exposure to pollutants. Also, the Department has allowed an “under cover” option within the permit. Please note that the Department does not necessarily interpret “under cover” to be the same as “indoors.” For example, it is acceptable to use a pavilion or canopy type structure (which may or may not need municipal approval) to meet the definition of “under cover”. Based on numerous site visits performed, the Department recognizes that many facilities have developed innovative non-structural solutions to ensure that stormwater is not exposed to pollutants.

As noted in this comment, the Department met with municipalities on April 18, 2012 to discuss this permit and to educate them about the importance of eliminating stormwater exposure. In addition, the Department is in the process of preparing educational material designed specifically to assist municipalities. The Department is hopeful that better communication and availability of clear, understandable guidance documents, will assist municipalities and other regulatory entities in understanding the importance of site improvements. Please refer to Response 13 for the Department’s response to the suggestion regarding the compliance schedule provision.

4. COMMENT:
Unregulated Facilities

Another critical issue which ARANJ representatives have raised concerns the fact that numerous automotive facilities in New Jersey are unregulated and have the potential to adversely affect water quality. There are approximately 100-200 vehicle recycling facilities in New Jersey that identify themselves as such, which will be covered by the proposed draft permit requirements. However, there are hundreds, and perhaps thousands, of other facilities or locations in operation in New Jersey where all or a portion of their activities include vehicle dismantling and automotive parts removal. These facilities include automobile auction facilities, vehicle tow yards, automotive body shops, insurance tow yards, as well as individual noncommercial operations and the like. These facilities and locations must be included in every proposed draft permit, or alternatively, DEP must issue separate individual permits for these facilities, so they are regulated as well.

ARANJ appreciates that compliance with the draft permit is not limited to Standard Industrial Classification (“SIC”) codes as the existing permit does, and that the draft permit now expands its applicability to all facilities that engage in “dismantling of motor vehicles and the wholesale or retail distribution of used vehicle parts.” However, the Fact Sheet is not clear in this regard; hence ARANJ provides comments below to make the Fact Sheet consistent with the draft permit regarding applicability of the draft permit.

Had DEP continued the status quo, DEP would have been creating an unfair competitive advantage for unregulated facilities, and more importantly resulted in the auto parts recycling business to be driven to facilities and locations with no environmental safeguards. These unregulated facilities do not have to expend the time and money to achieve compliance with the DEP stormwater permit. Unregulated facilities could then provide the same vehicle recycling services as regulated facilities but at a much reduced price and the lack of pollution control would allow more contaminants to affect water quality. This would have the opposite effect of the intended purpose of the New Jersey Water Pollution Control Act.

RESPONSE:

Part II.C.1.a. of the Vehicle Recycling Industrial Stormwater General Permit NJ0163279 states the following with respect to eligibility:

Industrial stormwater discharges to surface and/or ground waters of the State from facilities engaged in the dismantling of motor vehicles and the wholesale or retail distribution of used vehicle parts are eligible under this general permit unless specifically listed...

While this permit applies to vehicle recycling facilities, any other facility that engages in the regulated activity of dismantling of motor vehicles and the wholesale or retail distribution of used vehicle parts would be eligible under this permit. This could include automobile auction facilities, vehicle tow yards, automotive body shops, insurance tow yards, as well as individual noncommercial operations so long as they are engaged in the regulated activity and meet the eligibility criteria of this permit. If these facilities do not engage in vehicle dismantling and recycling but are discharging pollutants, the Department could cite these facilities through its authority under the Spill Act.

The commenter is correct in that the previous permit limited eligibility under this permit to SIC Code 5015 (Used Motor Vehicle Parts). The Department recognizes that there are limitations to SIC codes (e.g. facilities may be given the wrong SIC codes, many government entities rely on NAICS codes) and instead the permit should be tied to the regulated activity. The Department agrees that this change could result in a greater number of facilities being appropriately regulated under this Vehicle Recycling Industrial Stormwater General Permit.

Please refer to Response 5 regarding clarification of the Fact Sheet regarding eligibility conditions.

5. COMMENT:

Applicability/Eligibility of the Draft Permit – Part II, Section C.1 and the Fact Sheet

The Fact Sheet circulated by DEP with the draft permit does not clearly indicate that the draft permit, once final, will apply to a broader range of facilities than the current permit, which is limited to certain SIC codes. During the discussions with DEP after the pre-draft permit was issued, DEP stated that the draft permit will not be limited to facilities identified within SIC codes, and has published the draft permit in accordance with this concept.

However, in the Fact Sheet, there are two (2) sections which conflict with this intent: First in the Description of Permit History, the Fact Sheet appears to state that the draft permit applies only to facilities currently authorized under the existing permit that engaged in dismantling and recycling of automobiles. Secondly, in the section regarding Industry Overview and Permit Eligibility Criteria, there is a reference to SIC Code 5015. The Fact Sheet must be clear that the draft permit is not limited by SIC codes. This is supported by Section C.1. of the draft permit which applies to “Industrial Stormwater Discharges to Surface and/or Groundwater of the States from facilities engaged in the dismantling of motor vehicles and the wholesale and resale of distribution of used vehicles parts are eligible under this general permit unless specifically noted [in the draft permit].” This clearly demonstrates that the draft permit is not intended to be limited to SIC codes. Therefore, the Fact Sheet must be amended accordingly.

RESPONSE:

As discussed in Response 4, it is the Department’s intent to utilize this permit for those facilities that engage in the regulated activity, namely Vehicle Recycling. In this comment, the commenter is referring to two sections of the Fact Sheet. In the section entitled “Description of Permit History”, there is only one reference to SIC Code 5015 which is as follows:

February 1, 1995 – The 1995 Scrap Metal Processing and Recycling General Permit was initially issued and authorizes the discharge of stormwater to surface water for facilities that engage in Standard Industrial Classification (SIC) Codes 5015 (Used Motor Vehicle Parts) and SIC Code 5093 (Scrap and Waste Materials).

Please note that this reference concerns the 1995 permit which linked utilization of the permit to SIC code 5015. While the Department intends for this new permit to be linked to the regulated activity and not just the SIC code, this reference does not refer to the new permit and rather concerns the 1995 permit. As a result, modification of this section is not necessary.

In the section entitled “Industry Overview and Permit Eligibility Criteria”, the commenter is correct in that there is a reference to SIC Code 5015 which must be revised to reflect the Department’s intent. While the Fact Sheet is not part of the final permit, this language has been modified for the purposes of the Administrative Record as follows (deletions shown with strikethrough, additions shown with underline) :

Facilities that are primarily engaged in the recycling and distribution of used motor vehicle parts ~~are classified under Standard Industrial Classification (SIC) code 5015 and~~ will be covered under this master general permit. These sites are generally categorized under Standard Industrial Classification (SIC) code 5015. Facilities that engage in scrap metal processing and recycling which may or may not include the dismantling of motor vehicles for scrap ~~are classified under SIC 5093 and~~ will continue to be covered under NJ0107671. Scrap metal processing and recycling facilities are generally classified under SIC code 5093.

6. COMMENT:

New Facilities – Part II, Section C.1.b.iii-v

We request that the term “new” facility (established after July 1, 2012) be defined and be expressly limited to newly located and constructed facilities and expressly exclude all existing facilities, including those facilities which undergo an expansion. Existing facilities which are transferred to a new owner or operator should also be expressly excluded from the definition of new facilities.

It is our understanding that this general permit is not intended to cover “new” facilities that:

- discharge to C1 or FW1 waters;
- discharge to a water that is classified as Pinelands waters;
- discharge to groundwater classified as Class 1-A and Class 1-PL; or
- discharge to groundwater which contributes to surface waters classified as C1 or FW1.

This effectively bars any vehicle recycler from locating in those areas without obtaining first an individual permit. Therefore, it is very important that the term “new” facility be expressly limited to one that is actually constructed as a new facility and is not a facility that merely expands, and/or is transferred to a new owner or operator. For example, a facility may have existed for many years discharging stormwater to a Pinelands water, and if “new” facility is not clarified, when the owner goes to transfer that facility whether by sale or by bequest, by the strict terms of the draft permit, the subsequent owner may be prohibited from obtaining a stormwater general permit. This could impact the ability of an owner to sell the facility, and/or could place an inequitable burden on the transferee of the facility if it is bequeathed, which is likely because many of these facilities are family operated.

We suggest that the following language be included as a new section (b)(vi): “Facilities that expand operations are eligible under this general permit notwithstanding the eligibility requirements set forth in (b) (i-v). In addition, if a facility is transferred to a new owner or operator, that facility is eligible under this general permit notwithstanding the eligibility requirements set forth in (b) (i-iv).”

RESPONSE:

The Department agrees that this permit should apply to those existing facilities that expand operations or transfer ownership notwithstanding the ineligibility conditions included in the permit. While the draft permit specified an effective date of July 1, 2012 for the master general permit, note that this effective date has since been modified to October 1, 2012. As such, under the Eligibility heading in Part II.C.1.a.i. of the draft permit, the following is stated with respect to existing facilities:

For existing facilities (established prior to ~~July 1,~~ October 1, 2012) this permit applies to all areas of the State of New Jersey. This permit also applies to existing facilities that expand operations or existing facilities that transfer ownership to a new owner or operation.

Because this language meets the intent of what the commentor is suggesting, the Department maintains that changes to the permit content is not necessary.

7. COMMENT:

BMP-Inbound Vehicle Inspection Area- Section C.1.

DEP should add language confirming that the Inbound Vehicle Inspection Area does not have to be paved and/or covered. Only vehicles that are leaking must be immediately placed on an impervious surface that is contained (i.e. bermed), in accordance with Part IV, Section C.1.b. This proposed clarifying language should be added at Part IV, Section C.1.a.

RESPONSE:

Items C.1.a. and b. of the BMP-Inbound Vehicle Inspection Area section state the following:

- a. Vehicles shall be inspected for leaks and/or evidence of discharges upon arrival in a designated Inbound Vehicle Inspection Area.
- b. Any leaking cars shall immediately be placed on an impervious surface (e.g. concrete pad) that is contained (e.g. bermed).

The commenter is correct in that it is not the Department's intent to require the Inbound Vehicle Inspection Area to be located in an area with impervious cover. The Department maintains that this section as written already conveys this intent.

Nonetheless, the Department is in the process of preparing a website specifically for this Vehicle Recycling Stormwater Permit. This will allow the Department to convey additional information and guidance regarding how to comply with certain provisions of the permit. Clarification on this BMP section as suggested in this comment is appropriate for inclusion on the website. No change to the permit has been made as a result of this comment.

8. COMMENT:
BMP-Fluid Draining and Dismantling Area- Section C.2.

DEP should clarify, pursuant to subsection (a), that dismantling of parts without fluids can occur in the Processed Vehicle Storage Area in accordance with Part IV, Section C.6.

RESPONSE:

The Department agrees that dismantling of parts without fluids can occur in the Processed Vehicle Storage Area. As such, item C.6.e. within the BMP-Processed Vehicle Storage Area section states the following:

- e. Dismantling may occur in the Processed Vehicle Storage Area under the following conditions:
 - i. Only parts that never contained fluids (e.g. bumper) or were previously drained of fluids can be removed from vehicles in the Processed Vehicle Storage Area.
 - ii. Sealed units or other parts that may leak upon removal shall only be removed from vehicles in the Fluid Draining and Dismantling Area.
 - iii. Sealed units or other parts that may leak upon dismantling shall only be dismantled in the Fluid Draining and Dismantling Area.

This permit was written so that the requirements for each area are contained within the BMP for that area. As such, the Department maintains that it is most appropriate for this dismantling language to be included in the BMP for the Processed Vehicle Storage Area section. No change to the permit has been made as a result of this comment.

9. COMMENT:
BMP-Processed Vehicle Storage Area - Section C.6.

DEP should confirm that the Processed Vehicle Storage Area does not need to be paved.

Subsection (b) states: “Vehicles stored in the Processed Vehicle Storage Area shall not leak or drip onto the ground or have pollutants exposed to stormwater.” The following language must be added: “deminimus or minor amounts of lubricant residue, oil/grease; or road grime or similar residues is not considered to be ‘pollutants exposed to stormwater’ as long as none of those residues or grime drip onto the ground.”

In subsection (d), DEP must also confirm that deminimus amounts of lubricant residue, oil/grease, or road grime associated with part(s) may be acceptable but must not drip onto the ground. The phrase “may be acceptable” is vague and confusing and could potentially lead to inconsistent interpretation of it by different DEP inspectors. “May be acceptable” must be changed to “is acceptable as long as the part does not have pollutants that drip onto the ground.”

RESPONSE:

The commenter is correct in that it is not the Department's intent to require the Processed Vehicle Storage Area to be located in an area with impervious cover. The Department maintains that this section as written already conveys this intent. As noted above for Response 7, the Department is in the process of preparing a website specifically for this Vehicle Recycling Stormwater Permit. Clarification on this BMP section as suggested in this comment is appropriate for inclusion on the website.

With respect to the suggested language regarding de minimus amounts of residue, the Department has reviewed the suggested language in this comment and agrees that minor clarification is appropriate to ensure consistency with other parts of the permit and to minimize subjectivity. This section has been modified in the final document as follows:

- b. Vehicles stored in the Processed Vehicle Storage Area shall not leak or drip onto the ground or have pollutants exposed to stormwater. For the purposes of this permit, de minimus or minor amounts of lubricant residue, oil/grease residue, road grime or similar residues are acceptable as long as none of those residues or grime drip or show evidence of having dripped onto the ground.
- d. Sealed units as described in C.2.b above and other parts which have been cleaned and/or degreased may be stored in the Processed Vehicle Storage Area. Any sealed units or other parts stored in this area shall not leak or drip onto the ground or have pollutants exposed to stormwater. ~~De minimus amounts of lubricant residue, oil/grease residue, road grime or similar residues associated with part(s) may be acceptable but must not drip onto the ground.~~ For the purposes of this permit, de minimus or minor amounts of lubricant residue, oil/grease residue, road grime or similar residues associated with part(s) are acceptable as long as none of those residues or grime drip or show evidence of having dripped onto the ground.

This change affects item C.6.b. and d. of Part IV of the final permit.

10. COMMENT:

BMP-Operable Vehicle Storage Area - Section C.7.

In subsection (b), DEP should revise this language to be less vague. Subsection (b) states "operable vehicles shall not leak or drip onto the ground or have pollutants exposed to stormwater." Adding the following language is necessary: "deminimus or minor amounts of lubricant residue, oil/grease, or road grime or similar residues is not considered to be 'pollutants exposed to stormwater' as long as none of those residues or grime drip onto the ground."

RESPONSE:

The Department has reviewed the suggested language in this comment and recognizes that minor clarification is appropriate to ensure consistency with other parts of the permit that address de-minimus amounts of residue. In addition, clarification is needed to minimize subjectivity in this regulatory document. As such, this section has been modified as follows:

- b. Operable vehicles shall not leak or drip onto the ground or have pollutants exposed to stormwater. For the purposes of this permit, de minimus or minor amounts of lubricant residue, oil/grease residue, road grime or similar residues are acceptable as long as none of those residues or grime drip or show evidence of having dripped onto the ground.

This change affects item C.7.b. of Part IV of the final permit.

11. COMMENT:

Facility Management – Section D

Subsection (2), items a-f, allow DEP to require a facility to sample and analyze stormwater discharges if the facility is not in compliance with the best management practices. Subsection (2)(b) states the DEP reserves the right to require the permittee to sample and analyze stormwater discharges if the permittee's best management practices are not meeting the design criteria in subsection (2)(a). Subsection (c) states that DEP has the right to monitor effluent.

These sections must be clear and state that DEP shall not require sampling, or perform the sampling itself, except in the most egregious circumstances. In this regard, DEP must change subsections (2)(b) and (2)(c) to allow a facility a reasonable time to come into substantial compliance before sampling is conducted or required. As set forth in Section III of the draft permit, DEP has already determined that if the requirement of the draft permit are being implemented and maintained, the exposure of stormwater to pollutants will be eliminated, and/or at the very least be minimized. Requiring sampling will be extremely expensive for the facility and/or DEP, and could also lead to inaccurate sampling results due to the commercial, industrial, settings the facilities are located which could likely have the same pollutants as the facility. In addition, once compliance is achieved, sampling should be suspended and eventually eliminated.

RESPONSE:

The ultimate goal of this general permit is to have effective BMPs as well as other permit conditions to ensure stormwater quality. The Department maintains that if the BMPs and other permit components are properly implemented and consistently maintained, the exposure of stormwater to pollutants will be minimized and/or eliminated. As a result, the Department is not requiring the facility to monitor its stormwater or groundwater in this master general permit, unless the criteria at D.2.b. is triggered. In other words, the Department agrees with the commenter that section D.2.b. allows the Department the discretion to require the facility to monitor its effluent only if the following conditions are met:

- The discharge exhibits a visible sheen, foam, discoloration or odor associated with the regulated activity; or
- The facility is not in compliance with BMPs.

Essentially, the Department would not require the permittee to sample their effluent unless the permittee is already not in compliance with the BMPs or the effluent exhibits a visible sheen, foam, discoloration or odor associated with the regulated activity. Of course, in accordance with N.J.A.C. 7:14A-2.11(e)4., the Department always has the right to monitor the effluent. As described in Response 15, the Department recognizes that many facilities already comply with the BMPs proposed in this new vehicle recycling general stormwater permit. As a result, the Department recognizes that this condition that requires the permittee to sample will likely be triggered for only a minority of facilities.

As noted in this comment, the Department agrees that the language in section D.2.b. should be clarified to better describe the Department's intent with respect to the length and frequency any sampling should occur if this criteria is triggered. In addition, there was no guidance or instruction in the May 14, 2012 draft permit as to how this data should be reported. To rectify this issue and to clarify the Department's intent, the Department has modified this section as follows:

- b. In the event that the discharge is not in compliance with D.1. above or the permittee is not in compliance with BMPs, the Department reserves the right to require the permittee to sample and analyze stormwater discharge(s), pursuant to N.J.A.C. 7:14A-6.2(a)14. These results will be utilized to assess compliance with D.2.a. above. If required to monitor, the permittee shall be notified in writing by the Department of the frequency and format which may include, but will not be more stringent than the addition of a quarterly Monitoring Report Form to the permittee's Authorization to Discharge under this General Permit. Any such Monitoring Report Form will be inactivated once effluent data comes into compliance with BMP design criteria for two consecutive quarters. Note that BMP design criteria are not limits.

This change affects item D.2.b. of Part IV of the final permit.

12. COMMENT:

Management of Stormwater Flow – Section D.3.

The draft permit states that the controlled stormwater discharges should be prevented from migrating off-site. The use of the word “should” indicates discretion. However, DEP must make it clear that this is not a requirement. The costs associated with preventing stormwater from migrating off-site would force many facilities out of business.

RESPONSE:

Section D.3. entitled “Management of Stormwater Flow” states the following:

- a. Uncontrolled stormwater discharges should be prevented from migrating off-site. Stormwater control measures such as berms, barriers, and site grading may be used to maintain stormwater on the site. Water quality impoundments or infiltration trenches, which should be bordered by hay bales and absorbent socks, are also acceptable stormwater control measures for maintaining stormwater on-site.

- b. If stormwater can not be contained on site then discharges should be channeled to enable flow to one or more outfalls.

The Department maintains that the section as written conveys its intent that maintaining stormwater on-site is preferred but that, when this cannot be achieved, stormwater should be channeled to one or more outfalls.

This section is intended for those areas of the site where BMPs do not specifically direct the permittee how to manage their stormwater. For example, the Processed Vehicle Storage Area is typically one of the largest areas of the site but the BMP for this area is silent on stormwater management. Therefore, this section applies to this area of the site.

The Department supports stormwater management measures on-site consistent with the intent of the Stormwater Management Rules at N.J.A.C. 7:8. Also, retention of stormwater on-site through stormwater control measures is generally a good neighbor policy since it prevents stormwater from the permittee's site from migrating to neighboring sites. Finally, as part of the outreach efforts on April 18, 2012, several municipalities stated that they generally encourage the retention of stormwater on site.

No change to the permit is necessary as a result of this comment.

13. COMMENT:

Compliance Schedule – Section F.2.

We propose that the compliance schedule provision be extended until January 2015. In addition, we suggest that a new subsection (2) (b) be added to address the preexisting-non-conforming use issues previously described. The proposed language is as follows:

If the municipality or other governmental entity does not issue an approval for any paving or structure required by this permit, the permittee is exempt from any permit requirement to undertake the required paving or erection of the structure. To qualify for this exemption, the permittee must timely file an application for the required paving or structure with the municipality or other governmental entity, and diligently pursue obtaining approval of that application diligent effort, including but not limited to contacting a member of the DEP stormwater group and/or DEP stormwater enforcement inspector, to request assistance in the application process. However, if after those diligent efforts are pursued, and the municipality or other governmental entity rejects the application, or otherwise prevents compliance, then the failure to pave and/or erect a structure will not be a permit violation.

RESPONSE:

The commenter is correct that the permit does include new requirements for the Fluid Draining and Dismantling Area (requirement to be indoors or under cover) and for the Portable Vehicle Crusher. But as described at length in Response 3, the Department does not

agree that these requirements necessarily translate to the erection of structures or new areas of impervious cover. As a result, the Department maintains that these requirements are not burdensome or egregious and does not agree that the suggested language (which would allow an “out”) should be included. In addition, the Department maintains that two years is sufficient time to incorporate measures to comply especially given the fact that the Department is flexible regarding compliance with the “under cover” provision.

The Department is also working towards creation of a website specifically for this permit which will include information designed specifically to assist municipalities in understanding the permit. Finally, in the event that the municipality or other regulate entity impedes this process, the permittee can contact the Department’s permitting or enforcement group who will contact the municipality to facilitate understanding of the permit conditions and the importance of minimizing stormwater exposure to pollutants.

While the Department has maintained that the compliance schedule provision is still two years, the Department has modified the end date to October 1, 2014 to ensure that the permittee benefits from the full two year timeframe since the effective date of this master general permit is October 1, 2012.

Comments 14 through 19 were submitted by the Delaware Riverkeeper Network

14. COMMENT:

Visual Monitoring is Not Sufficient, Part IV D.1.

The Department mandates that BMPs shall be designed, implemented and maintained to achieve “BMP design criteria,” which are the following numerical thresholds for these four parameters:

- Total Suspended Solid (“TSS”) ≤ 100 mg/L;
- Total Petroleum Hydrocarbons (“TPH”) ≤ 15 mg/L;
- Aluminum ≤ 0.75 mg/L,
- Lead ≤ 0.095 mg/L.

Problematically, while the draft permit mandates that the permittee shall visually monitor their stormwater effluent, parameters like TSS, Aluminum and Lead do not necessarily appear as sheen. Furthermore, other permit conditions such as the development, implementation and maintenance of a Stormwater Pollution Plan (SPPP), site specific BMPs, performance of routine inspections, submission of compliance certifications and compliance reports all fall short. This is due to the fact that these conditions do not ensure that the stormwater runoff is not contaminated with pollutants as well as the fact that the permittee cannot conclusively know that its BMPs meet the mandated BMP design criteria without sampling and analyzing its stormwater runoff.

RESPONSE:

The Department agrees that TSS, aluminum and lead have the potential to be present at vehicle recycling facilities. However, this permit contains strict BMPs for those areas where potential for stormwater exposure could occur. For example, the Fluid Draining and Dismantling Area is required to be on an impervious surface and under cover. So long as the permittee complies with this BMP as well as the other BMPs where pollutant exposure to stormwater could occur, presence of pollutants in stormwater discharges is eliminated or minimized. Nonetheless, as described in Response 11, if the permittee is not in compliance with its BMPs (which is a permit violation in and of itself) and the stormwater does not meet certain visual criteria, the Department can require the permittee to monitor its effluent to assure compliance with BMP Design Criteria. Please refer to Response 11 for additional detail as to how this requirement is implemented. Also, please note that the Department has also added iron to the list of criteria as described in Response 21.

While it is true that pollutants such as aluminum and lead may be present at vehicle recycling facilities, the primary pollutant of concern for these facilities is petroleum hydrocarbons. The presence of petroleum hydrocarbons is detectable through the presence of a sheen and/or odor. Excessive quantities of total suspended solids would be apparent through discoloration which is also addressed in this permit condition. In the event that BMPs are

not properly implemented with the result that aluminum and lead are present in stormwater effluent, it is unlikely that petroleum hydrocarbons or total suspended solids would not be present as well and would exhibit a visible sheen or discoloration in effluent. In sum, the Department maintains that this permit condition is protective of water quality. No change to the permit is necessary as a result of this comment.

With respect to visual monitoring, item D.1.a. states the following:

Discharges of stormwater to surface water and/or the ground shall not exhibit a visible sheen or other discoloration associated with the regulated activity. The permittee shall visually monitor their stormwater effluent on a routine basis to ensure that there is no visible sheen.

The concept for performing a visual assessment of effluent is not new and is also consistent with the 2008 EPA Multi-Sector General Permit (MSGP) as described in further detail in Response 17. A requirement for visual monitoring is a simple way for the permittee to monitor their effluent; discern any ongoing problems or exposure; then work towards rectifying these issues. A prohibition against visible sheen is included in most all NJPDES surface water and stormwater permits as it is contained in regulation at N.J.A.C. 7:14A-12.8. Finally, self-monitoring is the cornerstone of the NJPDES program and encourages the facility to be self aware of their effluent quality.

15. COMMENT:

Self-Policing Nature of the NJDES System is Not Working

The failing self-policing nature of the NJPDES system also supports sampling and analysis by the permittee to ensure compliance with BMP design criteria. While DEP conducts inspections and issues violations for non-compliance with permits, DEP can not inspect every facility and must rely on inspections of only a certain number of permittees. As a result, the majority of permittees are left to self-certify and self-police their activities for compliance. This begs the question, what portion of permittee's under the NJPDES system self-certify compliance?

In considering records regarding compliance with NJPDES permit conditions for forty-eight (48) Hot Mix Asphalt Producers, Wood Recyclers and Concrete Products Manufacturers facilities within the Delaware River Watershed, there is no record of a permittee self-certifying non-compliance with permit conditions prior to DEP inspection as evidenced by Exhibit 1 which is attached to the comments document. In fact many of the violations noted were from past years in which the facility certified compliance. This begs the question - what percentages of a permittee's violations are discovered by DEP inspection? It must be a substantially larger percentage than violations disclosed in the annual reports and the self-certifications. Either the permittee does not know that they are in violation or the permittee simply does not care.

From a resource perspective, wouldn't it be easier and more cost effective for DEP to mandate sampling and analysis to verify whether a permittee is in compliance? DEP could

more readily identify permittees failing to properly implement BMPs to meet “BMP design criteria” by reviewing Discharge Monitoring Reports and thereby obtain measurable reductions in the discharge of pollutants without having to inspect the facility initially. Also, the permittee could more readily identify whether it is in fact in compliance with its permit without having to speculate whether its BMPs are sufficient.

RESPONSE:

The commenter is incorrect that DEP relies on inspections for a certain number of permittees. On the contrary, DEP inspects all vehicle recyclers at least once a year. It is true that DEP relies in part on the permittee’s self-certification through annual inspections, annual reports and preparation of the SPPP. This is a critical component of the permit since the SPPP ensures that necessary BMPs are in place to eliminate or minimize ongoing exposure of stormwater to pollutants. The SPPP, annual inspection and annual reports are checked by DEP enforcement. This self-certification process is the crux of the NJPDES program and inclusion of self-certification permit conditions are common to many other NJPDES permits.

As described in further detail in Response 17, this general permit includes strict BMPs for those industrial processing areas which have potential for pollutant exposure. The vehicle recycling industry is unique in that processing areas of pollutant exposure are relatively small in area; therefore, measures can be implemented to eliminate stormwater exposure. A permit that includes strict BMPs which eliminate and/or minimize stormwater exposure to pollutants is quite different than a permit which includes monitoring and allows exposure. For example, consider a site which has processing material stored outside and holds a stormwater permit that includes effluent monitoring. When an effluent violation occurs, the permittee is required to evaluate measures to be instituted to rectify the issue. The Vehicle Recycling General Stormwater Permit already requires those measures through strict BMPs that in many cases require no exposure. In addition, routine visual monitoring of the effluent is required which allows the facility to become immediately aware of the problem which assists in working towards a more timely solution.

The commenter has included an attachment showing compliance records for Hot Mix Asphalt Producers, Wood Recyclers and Concrete Products Manufacturers facilities. There are several differences between these types of facilities and the vehicle recycling facilities that makes an apples to apples comparison difficult. First, Hot Mix Asphalt Producers, Wood Recyclers and Concrete Products Manufacturers store source materials outside and, as a result, their respective NJPDES permit contains effluent requirements for such. The commenter is correct in that the Department relies in part on effluent data from these facilities in assessing compliance. The commenter is also correct that these facilities are required to submit an annual certification and annual report. However, a key difference is that exposure to source materials at these sites can not be eliminated through BMPs. Therefore, reliance on effluent data for these facilities is a key part of the compliance process. In contrast, BMPs for the vehicle recycling facilities can easily be evaluated by looking at the structure and maintenance of the individual processing areas. Structures or

measures to ensure "under cover" typically don't change and an annual inspection confirming that they are in place in most instances is effective.

The commenter has also asserted that there are violations of other stormwater permits (Hot Mix Asphalt Producers, Wood Recyclers and Concrete Products Manufacturers) yet assumes that the permittee certified their facility is in compliance as part of its annual report. The commenter then asserts that this supports the fact that the facility is either not aware that they are in violation or that they don't care. As part of the vehicle recycling permit renewal process, the Department performed numerous joint site inspections with NJDEP enforcement personnel. The majority of vehicle recycling facilities have BMPs in place and are in compliance with the existing Scrap Metal Processing and Recycling General Permit. In many cases, existing BMPs already comply with the new vehicle recycling general stormwater permit conditions including those requirements that are more stringent than the existing permit. As noted in Response 1, the Department is making a concerted effort to ensure that permit conditions are clear and easily implementable to assist both the permittee and the Department in achieving a mutual goal. The Department is confident that these improvements will serve to protect water quality.

Please refer to Response 17 for additional detail regarding effluent monitoring.

16. COMMENT:

Environmental Harm

The environmental harm associated with the stormwater discharge of vehicle recycling pollutants warrants sampling and analysis by the permittee. Surely, DEP can not discount the environmental harm done by total suspended solids (TSS), total petroleum hydrocarbons, lead and aluminum as well as other pollutants associated with vehicle recycling such as ethylene glycol, sulfuric acid, heavy metals, benzene, ethylbenzene, galvanized metals, arsenic, chlorinated solvents, acid/alkaline metals, toluene, and fuel. (draft permit Fact Sheet at page 5).

Based on a review of data from the forty-eight (48) Hot Mix Asphalt Producers, Wood Recyclers and Concrete Products Manufacturers as included as Exhibit 1 to the comments document, this data demonstrates that as many as 63% of the facilities (30 of the 48) are in violation of or had been in violation of their respective NJPDES permit within the last 5 years.

Such non-compliance with NJPDES conditions apply to vehicle recyclers as well. In fact, data from 2004 and prior clearly indicates New Jersey vehicle recycling facilities will discharge Aluminum, Lead, TSS, and TPH in violation of draft permit standards. This data is included on an excel spreadsheet as an attachment to the comments document. After analyzing Scrap Metal Raw Data, here is a breakdown of the discharges from permittees as compared to EPA benchmarks and NJ WQS:

| | Proposed Benchmark in Draft Permit, ug/L | Average Sample, ug/L | Median Sample, ug/L | EPA 2000 Benchmark, ug/L | New Jersey Water Quality Standards (aquatic criteria), ug/L |
|-----------------|--|----------------------|---------------------|--------------------------|---|
| Aluminum, total | 750 | 2062 | 1145 | 750 | |
| Copper, total | | 295 | 111 | 64 | 3.1-4.8 |
| Lead, total | | 357 | 257 | 82 | 5.4-210 |
| Zinc | 95 | 997 | 667 | 117 | 81-90 |

We see that permittees engaging in vehicle recycling and other scrap metal clearly will struggle to meet benchmarks or “BMP design criteria” for Aluminum and Lead. As a result, DEP should implement more certainty in evaluating whether permittees are in compliance with these benchmarks by implementing sampling and analysis requirements on a quarterly basis. This would ensure compliance with the permit, water quality standards, and New Jersey’s anti-degradation policy.

RESPONSE:

With respect to the table included in this comment, it is important to note that the EPA MSGP was updated in 2008. Sector-specific benchmarks for automobile salvage yards are included for total suspended solids, aluminum, iron and lead but not for copper and zinc. As a result, while the sector-specific benchmarks are correct for total suspended solids, aluminum and iron, values for the metals are hardness dependent and have been modified in the 2008 EPA MSGP. The BMP design criteria have been expanded in this final permit to include iron as described in Response 20.

The Department agrees that TSS, aluminum and lead have the potential to be present at vehicle recycling facilities as noted in Response 14. However, this permit contains strict BMPs for those areas where potential for stormwater exposure could occur to eliminate and/or minimize pollutants in stormwater. Nonetheless, as described in Response 11, if the permittee is not in compliance with its BMPs (which is a permit violation in and of itself) and the stormwater does not meet certain visual criteria, the Department can require the permittee to monitor its effluent, in accordance with N.J.A.C. 7:14A-6.2(a)14, to assure compliance with BMP Design Criteria. Please refer to Response 11 for additional detail as to how this requirement is implemented.

While the commenter has expressed concern regarding copper and zinc levels, please note that these parameters are not typically present at vehicle recycling facilities and are not specified in the EPA MSGP for the vehicle recycling industry. The Department does recognize that these parameters are specified in the EPA MSGP for the scrap metal industry

and the Department will consider this information in its preparation of the Scrap Metal Processing and Recycling stormwater general permit.

In reviewing the excel spreadsheet attachment to the comments, the Department recognizes that the commenter has summarized data collected under the 1999 Scrap Metal Processing and Recycling Stormwater General Permit. This data is somewhat dated and includes 36 facilities. The Department has evaluated each of these facilities and has determined that only 9 sites are vehicle recycling and the remaining are scrap metal processing facilities or shredder facilities. Scrap metal processing facilities and shredder facilities are not eligible for inclusion under this new vehicle recycling permit. As a result, most of the data referred to is not relevant to this comment. Considering the data from the remaining 9 vehicle recycling sites, some of this data is part of a group monitoring plan so individual data points can be difficult to identify. In addition, it is not necessarily appropriate to utilize data which is over twelve years old in determining effluent limits for a statewide permit that will cover over 100 facilities.

Please refer to Response 20 for changes to BMP Design Criteria as a result of comments submitted by EPA.

17. **COMMENT:**

Likely Violations of Water Quality Standards

The draft permit as currently written is likely to allow discharges to occur that will not be in compliance with water quality standards and will degrade the existing and designated uses of New Jersey's waterways. This is based on the fact that many facilities will not comply with the draft permit conditions absent sampling and analysis requirements. In addition, DEP does not have the resources to bring permittees into compliance with discharge requirements absent quarterly sampling and monitoring requirements in the draft permit.

EPA's 2000 MSGP language on WQS states:

1.2.3.5 Discharge Compliance with Water Quality Standards. You are **not authorized** for storm water discharges that the Director determines will cause, or have reasonable potential to cause or contribute to, violations of water quality standards. Where such determinations have been made, the Director may notify you that an individual permit application is necessary in accordance with Part 9.12. However, the Director may authorize your coverage under this permit after you have included appropriate controls and implementation procedures designed to bring your discharges into compliance with water quality standards in your Storm Water Pollution Prevention Plan."

Moreover, federal case law supports a sampling and analysis condition in the draft permit. *See Env'tl. Def. Ctr., Inc. v. EPA*, 344 F.3d 832, 854 (9th Cir. 2003) ("A general permit is a tool by which EPA regulates a large number of similar dischargers. Under the traditional general permitting model, each general permit identifies the output limitations and technology-based requirements necessary to adequately protect water quality from a class of dischargers) (emphasis added).

Numeric limits tied to sampling requirements improve the simplicity, transparency, and fairness of the permitting, compliance and enforcement processes. Permits with such sampling requirements can be short and simple. Compliance review is simple and objective, thus taking very little staff time. This compares favorably with the current long and subjective BMP-based permits that are very staff intensive to evaluate compliance with. The existing, more complicated scheme helps to explain the poor track record of facilities to date. Further, numerics also provide a safe harbor and certainty to the dischargers. Either they are in compliance or they are not. Thus, numerics are the most protective of WQ, simplest to administer, and most fair to dischargers.

RESPONSE

In this comment the commenter cites EPA's MSGP to support its assertion that stormwater discharges that violate water quality need to be monitored. By way of background, under the statutory and regulatory authority of the Clean Water Act and the Water Quality Act, EPA issued the final 2008 MSGP for stormwater discharges associated with industrial sources. The permit document and related information are located at <http://cfpub.epa.gov/npdes/stormwater/msgp.cfm>. The 2008 EPA MSGP applies to industrial facilities located in 5 States, in certain Indian Country lands, and at various Federal Facilities where EPA still remains the NPDES permit authority. The 2008 MSGP contains requirements for industrial facilities in 30 different industrial sectors to develop, implement, and maintain site-specific stormwater control measures and SPPPs to comply with NPDES requirements. While EPA has authorized the State of New Jersey to implement the NPDES stormwater program and administer its own stormwater permitting program, the Department did consider the requirements of the MSGP for guidance and maintains that this permit is consistent with the philosophy of the EPA MSGP.

With respect to this citation from the MGSP, the Department maintains that those facilities that will violate water quality standards are required to obtain an individual permit consistent with the direction of this citation. This is described at length in Response 4. The Department also agrees that the concept of this general permit is consistent with the intent and direction of the cited federal law case summarized above since the general permit relies on technology based requirements, namely BMPs and stormwater pollution prevention plans. As noted on pages 4 and 5 of the Fact Sheet for the draft permit:

Permit effluent limitations, non-numeric effluent limitations, monitoring requirements, Best Management Practices (BMPs) and other conditions are authorized by the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the Water Pollution Control Act (State Act; N.J.S.A. 58:10A-1 et seq.). These statutes are implemented by the NPDES (40 CFR Part 122) and the NJPDES permit programs.

The Department is authorized under the 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 that BMPs are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the State and Federal Acts.

The proposed requirements incorporated in the SPPP are consistent with the Department's and EPA's stormwater permitting philosophy of reducing the amount of pollution created and to prevent pollution from occurring in the first place (See 24 N.J.R. 2352). The SPPP requirements and monitoring requirements operate as limitations and controls on 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).

In sum, the Department maintains that this permit is consistent with federal and state regulations as well as the intent of the EPA MSGP.

Please refer to Response 15 regarding the rationale behind the inclusion of strict BMPs that minimize or eliminate exposure to pollutants. Please refer to Response 14 regarding the inclusion of visual monitoring and the Department's compliance inspection process.

18. COMMENT:

Effluent Sampling should be mandated

In addition to the visual monitoring requirement, it is recommended that the permittee must be required to sample, analyze and report its stormwater discharge on a quarterly basis at each discharge point of the facility to ensure compliance with the TSS, TPH, Aluminum and Lead levels already identified in the draft permit.

The following language should be incorporated into the permit regarding sampling:

The sampling of discharge should occur during the first rain event of the quarter and within 4 hours of the start of such rain event. Should the operator fail to sample during the first rain event, the operator is required to sample during the next rain event within 4 hours of the start of such rain event.

RESPONSE:

With respect to the first part of the comment and as noted above in Response 11, the Department has modified item D.2.b. of this final permit to clarify that quarterly monitoring will be required if the Department determines that sampling is warranted. This sampling shall continue until such time as the permittee comes into compliance with BMP Design Criteria. Therefore, the Department has incorporated changes to the final permit consistent with this comment.

With respect to the second part of the comment, the commenter is suggesting that sampling occur within 4 hours of the start of a rain event. This suggested sampling limitation is not consistent with other NJPDES general permits issued for stormwater discharges. In

addition, the technical source of this language was not provided which would allow the Department to evaluate the issue further. In sum, the Department does not agree that specific direction is warranted.

19. COMMENT:
BMPs

Should a permittee exceed the discharge for these parameters, it should be mandated to implement and adjust its BMP's to reduce future exceedances. Should an exceedance occur again within one year of the initial exceedance (provided adequate sampling has occurred after the date of the exceedance), the benchmark or "BMP design criteria" should become an effluent limitation.

RESPONSE:

The Department agrees that if the permittee is required to institute effluent sampling and results exceed design criteria, BMPs must be adjusted. In fact, the permit as written (Part IV D.2.d.) requires that the following measures be instituted if the monitoring results exceed the design criteria:

- Evaluate potential sources for the specific parameter that did not comply with the design criteria;
- Identify BMPs (e.g. source control, operational control, stormwater treatment) by which the permittee can further reduce stormwater contamination;
- Evaluate whether any improvements or changes to the SPPP are warranted to reduce and control this parameter concentration;
- Update the SPPP with any improvements or changes; and
- Summarize any remedial actions taken in the annual report.

Item D.2.e. then states:

- e. If the permittee fails to institute corrective measures as directed by the Department, or as otherwise allowed pursuant to N.J.A.C. 7:14A-6.13(e), the Department may require any facility authorized under this general permit to apply for and obtain an individual permit to institute effluent limitations and monitoring requirements.

While the Department recognizes that the commenter is suggesting that the Department should have the option to incorporate effluent limitations into the general permit, the Department maintains that circumstances such as this are best addressed through an individual permit and are not suited for a general permit. It should also be noted that non-compliance with BMPs constitutes a violation in and of itself which can result in enforcement violations and penalties. In sum, the Department maintains that the commenter's intent is already met through the permit language as written.

No change to the permit has been made as a result of this comment.

Comments 20 through 22 were submitted by USEPA.

20. COMMENT:

EPA 2008 MSGP on Employee Training

As part of the federal MSGP, additional employee training is required and is applicable. Please add the equivalent of the following to the state permit:

Employee Training. If applicable to your facility, address the following areas (at a minimum) in your employee training program: proper handling (collection, storage, disposal) of oil, used mineral spirits, anti-freeze, mercury switches, and solvents.

RESPONSE:

As described in Response 17, because EPA has authorized the State of New Jersey to implement the NPDES stormwater program and administer its own stormwater permitting program, the Department considers the requirements of the MSGP for guidance. The Department agrees with the intent of this comment in that education and employee training is critical to making facilities self-aware of their activities. As a result the Department does not object to inclusion of this language but has expanded it slightly. As a result, item B.3.b. has been added to Part IV as follows:

- b. The SPPP Team shall be responsible for Employee Training. The training program shall address at a minimum, compliance with the SPPP; the BMPs; and proper handling (collection, storage, disposal) of oils, mineral spirits, coolant, mercury switches and solvents.

21. COMMENT:

Part IV. D.2.a., Facility Management

NJDEP's permit has omitted an iron limit which is included in the federal Sector M (Automobile Salvage Yards). Please include an iron limit of 1.0 mg/L.

RESPONSE:

The Department did not include iron as a BMP Design Criteria in the May 14, 2012 draft permit due to high concentrations of iron naturally occurring in surficial geology, bedrock and groundwater in many parts of the state of New Jersey. Nonetheless, the Department is willing to include the suggested iron requirement in Part IV due to the fact that item D.1.b. references that contaminants should be linked to regulated activity.

This change affects item D.2.b.v. of the final permit where iron has been added to the list of BMP Design Criteria at a value of 1.0 mg/L.

22. COMMENT:

Part IV. D.2.a.iv Facility Management

The federal permit has included a limit for “lead” based on water hardness. NJDEP included a “lead” limit which is as stringent as the federal limit to a water hardness of 100-125 mg/L, however, the state limit is less stringent than any water hardness lower than the 100-125 mg/L range. Please include the water hardness table and corresponding limits as per the federal permit at Table 8.M-1 or use the lowest “lead” limit on the table for the water hardness range of 0-25 mg/L.

RESPONSE:

The commenter is correct in that the Department assumed a water hardness value of 100 mg/L. Inclusion of a table which requires the permittee to choose the appropriate value based on in-stream hardness is not practical for the purposes of a general permit. In addition to the limit varying for each site, it would require the permittee to evaluate the water hardness of their receiving waterbody. This would result in unnecessary delays where the Department would prefer that the permittee focus on improving effluent quality.

Instead, the Department assumed a water hardness value of 100 mg/L. This assumption was based on the following:

- The USEPA "Technical Support Document for Water Quality-based Toxics Control" (TSD) (EPA- 505/2-90-001) suggests a water hardness ratio of 100 mg/L if the permittee has not performed an analysis for water hardness in the receiving waterbody. Assuming a hardness value of 100 mg/L is consistent with this EPA guidance document and is also consistent with the Department's discharge to surface water permit program.
- A hardness value of 100 mg/L is a conservative assumption since site-specific water hardness values for those facilities that analyze for in-stream hardness in the state of NJ generally find hardness values higher than 125 mg/L. Therefore, an assumption of 100 mg/L is a conservative approach.
- It is unlikely that a hardness value of 0-25 mg/L is reflective of any waterbodies in New Jersey which means that the design criteria contained in the permit would be unnecessarily restrictive.

No change to the permit is necessary as a result of this comment.



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: NJ0163279

Vehicle Recycling Industrial Stormwater General Permit

Permittee:

NJPDES Master General Permit Program Interest
Category RVR
Per Individual Notice of Authorization
Division of Water Quality
401-02B; P.O. Box 420
401 East State Street
Trenton, NJ 08625

Co-Permittee:

Property Owner:


NJPDES Master General Permit Program Interest
Category RVR
Per Individual Notice of Authorization
Division of Water Quality
401-02B; P.O. Box 420
401 East State Street
Trenton, NJ 08625

Location Of Activity:

NJPDES Master General Permit Program Interest
Category RVR
Per Individual Notice of Authorization
Division of Water Quality
401-02B; P.O. Box 420
401 East State Street
Trenton, NJ 08625

| Authorization(s) Covered Under This Approval | Issuance Date | Effective Date | Expiration Date |
|--|---------------|----------------|-----------------|
| RVR – Vehicle Recycling (GP) | 8/1/2012 | 10/1/2012 | 9/30/2017 |

**By Authority of:
Commissioner's Office**


DEP AUTHORIZATION
James J. Murphy, Chief
Bureau of Nonpoint Pollution Control
Water Pollution Management Element

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 Water

- 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. Conditions for General Permits at N.J.A.C. 7:14A-6.13
 - ii. Procedures and conditions applicable to certain stormwater discharges at N.J.A.C. 7:14A-24.

2. Requirements for Discharges to Ground Water

- a. When it is determined that regulated discharges to ground water cause a contravention of the Ground Water Quality Standards in accordance with N.J.A.C. 7:9C, corrective measures shall be implemented to address the problem pursuant to N.J.A.C. 7:14A-7.8. Such measures may include the following:
 - i. Implementation of additional best management practices (BMPs) to reduce the exposure of source materials to stormwater;
 - ii. Monitoring of the ground water downgradient of the discharge;
 - iii. Remediation of the release;
 - iv. Upgrade to the stormwater collection and discharge system that include pre-treatment of the stormwater prior to discharge to the ground surface or basin(s).

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.
- b. Permit conditions remain in effect and enforceable until and unless the permit is modified, renewed or revoked by the Department.
- c. Regulated activities covered under this general permit are specifically exempt from the stormwater runoff quality standards at N.J.A.C. 7:8-5.5.

2. Notification of Non-Compliance

- a. The permittee shall notify the Department of all non-compliance when required in accordance N.J.A.C. 7:14-6.10 by contacting the DEP Hotline at 1-877-WARN-DEP.
- b. The permittee shall submit a written report as required by N.J.A.C. 7:14A-6.10 within five (5) days.

3. Notification of 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 the 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.

4. 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.

5. Operator Certification

- a. In accordance with N.J.A.C. 7:10A-1.10, the facility operator is exempt from the operator certifications regulations for stormwater only discharges.

6. Other Discharges

- a. The permittee shall discharge stormwater to surface waters and/or ground waters of the State only as authorized herein and consistent with the terms and conditions of this permit. This permit does not authorize any unpermitted discharge of domestic wastewater, non-contact cooling water, leachate, or process water.

7. Construction Activities

- a. This permit does not authorize "stormwater discharges associated with industrial activity" from construction activity that disturbs one (1) acre or more or "stormwater discharges associated with small construction activity" as defined in N.J.A.C. 7:14A-1.2. In general, this is the discharge to surface water of stormwater from construction activity that disturbs at least one (1) or more acres. Any facility that operates a construction site with such a discharge shall submit a separate RFA or individual permit application for that discharge under NJPDES Permit no. NJ0088323 (General Stormwater Permit Construction Activity). An RFA submitted for the Vehicle Recycling Industrial Stormwater General Permit does not qualify as an RFA for such a discharge.

8. Other Laws

- a. In accordance with N.J.A.C. 7:14A-6.2(a)7, this permit does not authorize any infringement of State or local law or regulations, including, but not limited to, the Pinelands rules (N.J.A.C. 7:50), N.J.A.C. 7:1E (Department Rules entitled "Discharges of Petroleum and other Hazardous Substances"), and other Department rules. No discharge of hazardous substances (as defined in N.J.A.C. 7:1E-1.6) resulting from an onsite spill shall be deemed to be "pursuant to and in compliance with this permit" within the meaning of the Spill Compensation and Control Act at N.J.S.A. 58:10-23.11c.

C. Authorization Under This Permit**1. Eligibility**

- a. Industrial stormwater discharges to surface and/or ground waters of the State from facilities engaged in the dismantling of motor vehicles and the wholesale or retail distribution of used vehicle parts are eligible under this general permit unless specifically listed below:

- i. For existing facilities (established prior to October 1, 2012) this permit applies to all areas of the State of New Jersey. This permit also applies to existing facilities that expand operations or existing facilities that transfer ownership to a new owner or operation.
 - ii. For new facilities established after October 1, 2012 this permit applies to all areas of the State of New Jersey with the exception of those areas specifically noted below.
- b. The following facilities are not eligible under this general permit:
- i. Facilities engaged in the scrap metal recycling business AND the wholesale or retail distribution of used vehicle parts, including the dismantling of motor vehicles. These facilities shall retain or obtain authorization under the NJPDES Scrap Metal Industrial Stormwater General Permit - NJ0107671 or an individual NJPDES permit.
 - ii. Facilities with stormwater discharges already authorized under another general permit (e.g. 5G2 Permit), an individual NJPDES/ Stormwater permit or an individual NJPDES / Discharge to Groundwater permit.
 - iii. New facilities (established after October 1, 2012) that discharge to surface waters classified as Category One (C1) waters of FW1 waters as designated in the tables in N.J.A.C. 7:9B-1.15, and waters classified as Pinelands Waters (PL), as established in the Pinelands Protection Act, N.J.S.A. 13:18A-1 et seq.
 - iv. New facilities (established after October 1, 2012) that discharge to ground water classified as Class 1-A and Class 1-PL, or which discharge to ground water that contributes to surface waters classified as C1 or FW1.
 - v. New facilities (established after October 1, 2012) that submit a request for authorization application that fail to demonstrate a facility design capable of full compliance with this permit.

2. Authorization

- a. In order to obtain authorization under this permit (except for automatic renewal authorization below), a complete Request for Authorization (RFA) shall be submitted in accordance with the application requirements posted at www.state.nj.us/dep/dwq.
- b. Upon review of the RFA, the Department may, in accordance with N.J.A.C. 7:14A-6.13, either:
 - i. Issue notification of authorization under this permit.
 - ii. Deny authorization under this permit and require submittal of an application for an individual permit; or
 - iii. Deny authorization under this permit and require submittal of an RFA for another general permit.

3. Automatic Renewal of Authorization

- a. Authorization under this permit will be automatically renewed when this general permit is reissued as provided by N.J.A.C. 7:14A-6.13(d)9 and 25.4(a)3 so long as the discharge remains eligible.
- b. The Department shall issue a notice of renewed authorization to the facility.
- c. If the facility is aware of any information in the most recently submitted request for authorization application that is no longer true, accurate and/or complete, the facility shall provide the correct information to the Department.

4. Requiring an Individual Permit or another General Permit

- a. Pursuant to N.J.A.C. 7:14A-6.13(e) the Department may require any facility authorized under this permit to apply for and obtain an individual permit, or seek and obtain authorization under another general permit.
- b. In accordance with N.J.A.C. 7:14A-6.13(g) any facility authorized under this permit may request to be excluded from authorization under this permit by applying for an individual permit or for another general permit.

PART III

LIMITS AND MONITORING REQUIREMENTS

MONITORED LOCATION: Stormwater

The ultimate goal of this permit is to have effective BMPs, which are documented in the SPPP, as well as other permit conditions to ensure stormwater quality. The Department maintains that if the BMPs and other permit components are properly implemented and consistently maintained, the exposure of stormwater to pollutants will be minimized and/or eliminated. The Department is not requiring the facility to monitor its stormwater or groundwater in this master general permit at this time; however, sampling to determine compliance with design criteria may be triggered on a case-by-case basis pursuant to item D.2.b. of Part IV.

PART IV

SPECIFIC REQUIREMENTS: NARRATIVE

Notes and Definitions

A. Definitions

1. Stormwater Definitions

- a. Unless otherwise stated in this permit, the definitions set forth at N.J.A.C. 7:14A-1.1, N.J.A.C. 7:14A-1.2 and the Discharge Monitoring Report (DMR) Instruction Manual at www.state.nj.us/dep/dwq/pdf/MRF_Manual are incorporated into this permit.
- b. Other terms included in this permit are defined as follows:
 - i. "Design criteria" is a pollutant concentration that the Department has determined that when exceeded represents a level of concern. Design criteria are established as "design goals" for Best Management Practices (BMPs) and/or water treatment, and are not established as numeric effluent limitations. Sampling results exceeding the design criteria will not be deemed violations.
 - ii. "Operable vehicle" is an automobile or other vehicle that runs and is not leaking fluids.
 - iii. "Outfall" means the point where the facility discharges stormwater to surface water or the point where the discharge connects to another stormwater system which ultimately discharges to surface water.
 - iv. "Source materials" means any materials or machinery located at the facility and directly or indirectly related to process or other industrial activities which could be a source of pollutants in a stormwater discharge associated with industrial activity that is subject to N.J.A.C. 7:14A-24.2. Source materials include, but are not limited to: raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels; and lubricants, solvents, and detergents that are related to process or other industrial activities. Materials or machinery that are not exposed to stormwater are not "source materials".

2. Stormwater Acronyms

- a. Stormwater acronyms included in this permit are as follows:
 - i. "BMP" - Best Management Practices
 - ii. "CFR" - Code of Federal Regulations
 - iii. "DMR" - Discharge Monitoring Report
 - iv. "DPCC" Discharge Prevention Containment and Countermeasures
 - v. "EDI" - Electronic Data Interchange
 - vi. "EDP" - Effective Date of Permit
 - vii. "MRF" - Monitoring Report Form

- viii. "N.J.A.C." - New Jersey Administrative Code
- ix. "NJPDES" - New Jersey Pollutant Discharge Elimination System
- x. "N.J.S.A" - New Jersey Statutes Annotated
- xi. "SPCC" - Spill Prevention Control and Countermeasure
- xii. "SPPP" - Stormwater Pollution Prevention Plan
- xiii. "WCR" - Waste Characterization Report

Vehicle Recycling (GP)

A. Permit Overview

1. Summary of Stormwater Permit Requirements

- a. The permittee shall develop a Stormwater Pollution Prevention Plan (SPPP) (see Part IV.B.)
- b. The permittee shall implement, update and maintain a Stormwater Pollution Prevention Plan (SPPP) (see Part IV.B.)
- c. The permittee shall develop, implement, update and maintain site specific Best Management Practices (BMPs) (see Part IV.C.).
- d. The permittee shall manage the facility to ensure that stormwater quality is maintained (see Part IV.D.).
- e. The permittee shall be responsible for supervising and managing the operation and maintenance of the facility, which includes routine inspections of the facility (see Part IV.E).
- f. The permittee shall summarize inspections in written reports and certifications to ensure compliance with this permit (see Part IV.B.).
- g. The permittee shall retain records of all monitoring information, maintenance records, and copies of all reports (including the SPPP and soil and erosion and sediment control plans) required by this permit (see Part IV.B. and F).

B. Stormwater Pollution Prevention Plan (SPPP)

1. Objective of the SPPP

- a. The permittee shall develop, implement, update and maintain a SPPP. The objective of the SPPP is to:
 - i. Identify potential sources of pollution and source materials onsite; and
 - ii. Document the practices utilized to minimize and/or eliminate the exposure of pollutant sources to stormwater.
- b. For any existing or newly authorized facilities that are permitted after the effective date of the master Vehicle Recycling Permit (i.e. October 1, 2012), the permittee is required to develop a SPPP within six months of the issuance date of the authorization. SPPP implementation is then required within twelve months of the issuance date of the authorization. After implementation of the SPPP, annual reports and inspection certifications must be completed and retained as required in B.4.g & h and B.5, below.

2. SPPP Recordkeeping

- a. The SPPP shall be signed by a representative of the facility, and the original shall be retained at the facility for use by the facility and inspection by the Department.
- b. The SPPP shall be made available, upon request, to a representative of the Department and to the owner and operator of any municipal separate storm sewer receiving the stormwater discharge.
- c. The SPPP shall be made available to the public upon request, except as noted below.
- d. The facility may claim any portion of the SPPP as confidential in accordance with the provisions set forth in N.J.A.C. 7:14A-18.2.

3. SPPP Team

Vehicle Recycling (GP)

- a. The permittee shall form or maintain an SPPP team, which is responsible for developing, implementing and maintaining the SPPP in accordance with good engineering practices.
- b. The SPPP Team shall be responsible for Employee Training. The training program shall address, at a minimum, compliance with the SPPP; the BMP; and proper handling (collection, storage, disposal) of oils, mineral spirits, coolant, mercury switches and solvents.

4. Required Components of the SPPP

- a. Best Management Practices (BMPs)
 - i. The SPPP shall identify the BMPs that are in place to eliminate, reduce or minimize exposure of industrial activity and source material to stormwater that discharges to surface water or groundwater.
 - ii. The SPPP shall address all BMPs identified in Part IV C. below and can also include a description of proposed BMPs.
- b. Process Line Diagram
 - i. The SPPP shall contain a process line diagram showing the process of vehicles through areas of the facility.
- c. Site Map - The site map shall show the location of the following:
 - i. Inbound vehicle inspection area;
 - ii. Fluid draining and dismantling area;
 - iii. Vehicle parts storage area;
 - iv. Parts cleaning/solvent degreasing;
 - v. Fluid storage area;
 - vi. Processed vehicle storage area;
 - vii. Operable vehicle storage area;
 - viii. Vehicle crusher (if applicable);
 - ix. Locations of implemented BMPs;
 - x. Locations of proposed BMPs;
 - xi. Structures;
 - xii. Concrete pads;
 - xiii. Oil/water separators (if applicable);
 - xiv. Septic systems (if applicable);
 - xv. Potable wells (if applicable); and
 - xvi. Approximate direction of stormwater flow, drainage area, outfalls and adjacent surface water bodies.

d. Inventory of Source Materials

- i. A list of source materials on site that are used, loaded/unloaded, stored, treated and/or disposed. This shall include, at a minimum, fluids described within the Fluid Draining and Dismantling Area BMP.

e. SPPP Team

- i. The SPPP shall identify a team leader who has the authority to make decisions and give directives to effectively implement the plan;
- ii. The SPPP shall identify the names of those individuals and their titles within the facility's organization who are members of the team; and
- iii. The SPPP shall identify the responsibility of each team member, including a designated Spill Response Coordinator. The activities and responsibilities of the team shall address all aspects of the facility's SPPP.

f. Inspections

- i. The SPPP shall establish a schedule for regular inspections to verify that the BMPs are being implemented.
- ii. Inspections shall be conducted on a quarterly basis, at a minimum.
- iii. An inspection log shall be maintained in the SPPP and shall consist of the following information: 1) Date and time of inspection; 2) Verification that all BMPs are in place; 3) Any failures or breakdowns of BMPs including structural BMPs; 4) Any identified problems and their location (e.g. incidents such as leaks and accidental discharges); 5) Steps taken to correct any failures or problems as well as steps to prevent recurrence; and 6) Name and title of facility personnel performing the inspection.

g. Annual Report

- i. As described in further detail in item 5 below, the permittee shall compile an Annual Report on an annual basis. For example, the first Annual Report shall be prepared by October 1, 2013. The Annual Report shall be kept on site with the SPPP. This requirement is necessary pursuant to N.J.A.C. 7:14A-24.9(a)2(i).

h. Annual Certification

- i. As described in further detail in item 5 below, the permittee shall complete an annual certification to certify compliance with the SPPP Requirements in accordance with N.J.A.C. 7:14A-24.9. The certification form is available as an attachment to this permit and should be kept on site for a period of five (5) years.

5. Annual Inspections, Reports and Certifications

- a. The permittee shall conduct annual inspections of the facility in accordance with N.J.A.C. 7:14A-24.9(a) to assess all areas contributing to the stormwater discharge authorized by this permit, to evaluate whether the SPPP complies with and is implemented in accordance with this permit, and to determine whether additional measures are needed to meet the conditions of this permit.
- b. The permittee shall prepare an annual report by October 1 of each year.

- c. The annual report shall summarize the findings of the annual inspection in accordance with a. above, including:
 - i. The date of the inspection; and
 - ii. Name(s) and title of the facility inspector(s).
- d. The permittee shall complete an annual certification (using the form available as an attachment) that the facility has completed their annual report and is in compliance with the SPPP and the permit.
- e. Annual reports and certifications shall be retained by the permittee with the SPPP for a period of at least five (5) years.

C. Site-Specific Best Management Practices (BMPs)

1. BMP - Inbound Vehicle Inspection Area

- a. Vehicles shall be inspected for leaks and/or evidence of discharges upon arrival in a designated Inbound Vehicle Inspection Area
- b. Any leaking cars shall immediately be placed on an impervious surface (e.g. concrete pad) that is contained (e.g. bermed).
- c. Identified leaks shall be stopped or controlled and shall be cleaned up.
- d. A dedicated spill kit shall be kept in the Inbound Vehicle Inspection Area.
- e. Vehicles staged in the Inbound Vehicle Inspection Area shall be stored with their hoods down if the vehicle has a hood in place.

2. BMP - Fluid Draining and Dismantling Area

- a. All fluid draining and dismantling of parts that contain fluids shall occur in a designated area that is either: 1) indoors; 2) on an impervious surface (e.g. concrete pad) that is contained (e.g. bermed) and under cover; or 3) stormwater must be collected or drain in a manner that does not discharge to surface water or ground water.
- b. Fluids shall be drained from vehicles in the Fluid Draining and Dismantling Area. Fluids include, but are not limited to: fuel(s), engine oil(s), coolant(s), brake fluid(s), power steering fluid(s), transmission fluid(s) and wiper fluid(s).
 - i. Fluids do not need to be drained from the following sealed units: differentials, steering gear units, front and rear axle assemblies and transfer cases. A sealed unit is intended to be sold as a complete unit and does not leak.
 - ii. Fluids do not need to be drained from units that are part of an operable vehicle.
- c. A dedicated spill kit shall be kept in the Fluid Draining and Dismantling Area.
- d. Facilities shall follow the guidelines found at www.nj.gov/dep/dshw/resource/tankguid.htm for the safe collection, storage, transport and disposal of used oil and drained filters.
- e. Mercury switches shall be removed from vehicles prior to leaving the designated Fluid Draining and Dismantling Area.
- f. Batteries shall be removed from vehicles prior to leaving the designated Fluid Draining and Dismantling Area.

3. BMP - Vehicle Parts Storage Area

- a. After being drained per C.2. above, all engine blocks; cores; transmission/drive components; components with fuel, filter(s), coolant or lubricant residues and other oily materials shall be managed in any of the following four (4) ways: 1) indoors, 2) in leak-proof containers under cover, 3) on a bermed impervious surface under cover, or 4) in an area where stormwater is discharged into a properly maintained oil/water separator. If the permittee chooses to route stormwater from this area through an oil/water separator, the discharge into the oil/water separator can not contain coolant or other materials that are not effectively removed by the oil/water separator.
- b. Mercury switches shall be stored and disposed of in accordance with the N.J.S.A. 13:1E-99.82 - Mercury Switch Removal Act of 2005.
- c. All batteries shall be removed from vehicles and stored either: 1) indoors, or 2) in leak-proof containers on an impervious surface under cover.
- d. Sealed units as defined above in C.2.b above and other parts which have been cleaned and/or degreased are not subject to the requirements of this section.

4. BMP - Parts Cleaning/Solvent Degreasing

- a. Cleaning and degreasing of parts shall be performed either: 1) indoors, or 2) in leak-proof containers on an impervious surface (e.g. concrete pad) and under cover.
- b. Wastewater or cleaning fluids shall be hauled off-site for recycling/disposal by a NJDEP licensed hauler. Receipts of recycling/disposal shall be kept onsite for a period of five (5) years.

5. BMP - Fluid Storage Area

- a. All drained fluid shall be stored in a designated Fluid Storage Area.
- b. The Fluid Storage Area shall be either: 1) indoors, or 2) on an impervious surface (e.g. concrete pad) that is contained (e.g. bermed) and under cover.
- c. A dedicated spill kit shall be kept in the Fluid Storage Area.
- d. All drained fluid shall be placed in leak-proof containers with secondary containment and shall be labeled for easy identification of contents.
- e. All drained fluid shall be hauled off-site for recycling/disposal by a NJDEP licensed hauler. Receipts of recycling/ disposal shall be kept onsite for a period of five (5) years.

6. BMP - Processed Vehicle Storage Area

- a. All vehicles stored in the Processed Vehicle Storage Area shall be drained of fluids as per item C.2.b. above.
- b. Vehicles stored in the Processed Vehicle Storage Area shall not leak or drip onto the ground or have pollutants exposed to stormwater. For the purposes of this permit, de minimus or minor amounts of lubricant residue, oil/grease residue, road grime or similar residues are acceptable as long as none of these residues or grime drip or show evidence of having dripped onto the ground.
- c. Vehicles stored in the Processed Vehicle Storage Area shall be stored with their hoods down if the vehicle has a hood in place.

- d. Sealed units as described in C.2.b above and other parts which have been cleaned and/or degreased may be stored in the Processed Vehicle Storage Area. Any sealed units or other parts stored in this area shall not leak or drip onto the ground or have pollutants exposed to stormwater. For the purposes of this permit, de minimus or minor amounts of lubricant residue, oil/grease residue, road grime or similar residues associated with part(s) are acceptable as long as none of these residues or grime drip or show evidence of having dripped onto the ground.
- e. Dismantling may occur in the Processed Vehicle Storage Area under the following conditions:
 - i. Only parts that never contained fluids (e.g. bumper) or were previously drained can be removed in the Processed Vehicle Storage Area;
 - ii. Sealed units or other parts that may leak upon removal shall only be removed from vehicles in the Fluid Draining and Dismantling Area; and
 - iii. Sealed units or other parts that may leak upon dismantling shall only be dismantled in the Fluid Draining and Dismantling Area.

7. BMP - Operable Vehicle Storage Area

- a. Operable vehicles shall be stored in a designated area with their hoods down or by covering the engine compartment.
- b. Operable vehicles shall not leak or drip onto the ground or have pollutants exposed to stormwater. For the purposes of this permit, de minimus or minor amounts of lubricant residue, oil/grease residue, road grime or similar residues are acceptable as long as none of these residues or grime drip or show evidence of having dripped onto the ground.
- c. Parts which never contained fluids may be removed from vehicles stored in the Operable Vehicle Storage Area.

8. BMP - Facility Hydraulic Equipment

- a. Vehicle Crusher
 - i. A containment system, such as an impervious surface with berms, shall be provided under any vehicle crusher (stationary or portable) that is exposed to stormwater. Runoff from bermed areas shall be managed in any of the following three (3) ways: 1) runoff shall be contained and can not discharge to surface water or groundwater, 2) runoff shall be discharged into a properly maintained oil/water separator, or 3) runoff shall be discharged into another NJDEP approved treatment system.
- b. Other Hydraulic Equipment
 - i. All hydraulic equipment (e.g. front end loader) shall be maintained to prevent leaks and hydraulic line ruptures (e.g., routine and preventative maintenance). Hydraulic hoses shall be inspected quarterly for cracks or leaks where inspections shall be documented in the SPPP inspection report.

9. BMP - Spill Prevention and Response

- a. All impervious surfaces and bermed areas shall be regularly maintained and kept free of fluids.
- b. The permittee shall assemble spill kits containing appropriate absorbent materials and equipment for recovering spills.

- c. Spill kits shall be kept in a central area and be accessible to all employees and dedicated spill kits shall be kept in the Inbound Vehicle Inspection Area, the Fluid Draining and Dismantling Area, and the Fluid Storage Area.
- d. All employees shall be trained annually on spill response where the date of training shall be documented in the SPPP.
- e. To report a spill or for emergency response to a spill, the permittee shall call the Department Hotline at 1-877-WARNDEP (1-877-927-6337).
- f. For the purposes of this permit, recovered spills on impervious surfaces are not required to be reported.

10. BMP - Site Stabilization and Dust Control; Erosion Control

- a. The permittee shall include measures for site stabilization and dust control to prevent transport of particulate and sediment from areas devoid of vegetation and to prevent downstream soil erosion caused by routine operations and uncontrolled stormwater runoff.
- b. BMPs shall meet the most recent technical standards listed in Standards for Soil Erosion and Sediment Control in New Jersey, Engineering Standards Section titled Standards for Off-Site Stability.
- c. At a minimum, BMPs shall include:
 - i. Traffic control to prevent or minimize disturbance of unstabilized areas and to prevent disturbance of vegetative covers and/or other dust control mechanisms;
 - ii. Entrance/exit stabilization to prevent or minimize transport of sediment and dust outside the property line; and
 - iii. Identify areas that have high potential for soil erosion or a known soil erosion problem. Appropriate vegetative, structural, or stabilization measures shall be selected to limit erosion in these areas.
- d. If a stormwater outfall is on-site, stormwater velocity at the outfall shall be controlled to prevent downstream erosion and/or degradation and ensure stabilization.

D. Facility Management

1. Discharge Requirements

- a. Discharges of stormwater to surface water and/or the ground shall not exhibit a visible sheen or other discoloration associated with the regulated activity. The permittee shall visually monitor their stormwater effluent on a routine basis to ensure that there is no visible sheen.
- b. All facilities discharging to surface water are prohibited from discharging foam, discoloration, or odor associated with the regulated activity in accordance with N.J.A.C. 7:14A-12.6.
- c. For the purposes of this NJPDES permit, the stormwater discharges regulated by this permit are not process wastewaters.

2. Compliance with BMP Design Criteria

- a. Sampling of the stormwater discharge(s) and analysis by a certified laboratory is not a requirement of this permit except as required by D.2.b. below. However, with respect to stormwater discharge quality, BMPs shall be designed, implemented and maintained to achieve the following BMP design criteria for stormwater discharge(s) to surface water in implementing or maintaining the SPPP:
 - i. Total Suspended Solids ≤ 100 mg/L
 - ii. Total Petroleum Hydrocarbons ≤ 15 mg/L
 - iii. Aluminum ≤ 0.75 mg/L
 - iv. Lead ≤ 0.095 mg/L
 - v. Iron ≤ 1.0 mg/L
- b. In the event that the discharge is not in compliance with D.1. above or the permittee is not in compliance with BMPs, the Department reserves the right to require the permittee to sample and analyze stormwater discharge(s), pursuant to N.J.A.C. 7:14A-6.2(a)14. These results will be utilized to assess compliance with D.2.a. above. If required to monitor, the permittee shall be notified in writing by the Department of the frequency and format which may include, but will not be more stringent than the addition of a quarterly Monitoring Report Form to the permittee's Authorization to Discharge under this General Permit. Any such Monitoring Report Form will be inactivated once effluent data comes into compliance with BMP design criteria for two consecutive quarters. Note that BMP design criteria are not limits.
- c. The Department has the right to monitor the effluent pursuant to N.J.A.C. 7:14A-2.11(e)4.
- d. If monitoring is performed and results exceed the design criteria, the Department can require the permittee to institute the following measures:
 - i. Evaluate potential sources for the specific parameter that did not comply with the design criteria;
 - ii. Identify BMPs (e.g., source control, operational control, stormwater treatment) by which the permittee can further reduce stormwater contamination;
 - iii. Evaluate whether any improvements or changes to the SPPP are warranted to reduce and control this parameter concentration;
 - iv. Update the SPPP with any improvements or changes; and
 - v. Summarize any remedial actions taken in the annual report.
- e. If the permittee fails to institute corrective measures as directed by the Department, or as otherwise allowed pursuant to N.J.A.C. 7:14A-6.13(e), the Department may require any facility authorized under this general permit to apply for and obtain an individual permit to institute effluent limitations and monitoring requirements.
- f. Nothing in this section shall preclude the Department from taking direct enforcement action in response to non-compliance with any condition of this permit.

3. Management of Stormwater Flow

- a. Uncontrolled stormwater discharges should be prevented from migrating off-site. Stormwater control measures such as berms, barriers, and site grading may be used to maintain stormwater on the site. Water quality impoundments or infiltration trenches, which should be bordered by hay bales and absorbent socks, are also acceptable stormwater control measures for maintaining stormwater on-site.
- b. If stormwater can not be contained on site then discharges should be channeled to enable flow to one or more outfalls.

4. Oil/Water Separator

- a. Oil/water separators shall be designed with an adequate hydraulic capacity to collect water from the drainage area for a rain event with an intensity of two (2) inches in one hour.
- b. The system shall be designed by a New Jersey licensed professional engineer.
- c. Instruction for operation and maintenance of the system shall be provided by the professional engineer and included with the SPPP.
- d. The discharge from the oil/water separator shall achieve a maximum concentration of oil and grease (total petroleum hydrocarbons) of 15 mg/L, as measured by a method approved by the Department's Office of Quality Assurance (www.state.nj.us/dep/oqa/).
- e. N.J.A.C. 7:10A-1.10(c)2 specifically exempts wastewater treatment systems, for which a general permit authorization has been issued for stormwater runoff only, from the requirement for a licensed operator.
- f. A schedule of maintenance and cleaning of oil/water separators shall be incorporated into the SPPP to ensure proper functioning. Oil/water separators shall be cleaned once a year, at a minimum, or as often as necessary to maintain efficiency. Documentation of maintenance and cleaning shall be kept in the SPPP.
- g. The permittee shall ensure that good housekeeping practices are implemented to minimize sediment from flowing into the oil/water separator, which can limit efficiency.

5. Engineered Treatment Systems

- a. Stormwater treatment systems that are verified by NJCAT (www.njcat.org) and certified by NJDEP (as applicable, see www.njstormwater.org/treatment.html) may be considered to meet permit requirements. The permittee should consider site-specific factors prior to installing any system.

E. Operations and Maintenance

1. Facility and BMP Operation and Maintenance

- a. The permittee shall be responsible for supervising and managing the operation and maintenance of this facility. This requires implementing BMPs that shall be installed or used by the permittee to achieve compliance with the SPPP. Proper operation and maintenance also requires the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit.
- b. The operation and maintenance activities shall be verified through the certification and annual reporting requirements of Part IV, item B.5.

- c. Frequent and thorough inspections are necessary to ensure adequate functioning of control measures. Inspections are recommended to be conducted during dry periods as well as storm events.
 - i. Inspections during dry periods allow facilities to identify and address any problems prior to a storm event, thereby minimizing the chance for stormwater contamination.
 - ii. Inspections during significant storm events ensure that measures are functioning as originally intended and provide an opportunity for facilities to observe what materials and/or activities are exposed to stormwater.

F. Other Requirements

1. Soil Erosion and Sediment Control Plan

- a. For construction activities disturbing one (1) acre or more of total land area, authorization shall be obtained under NJPDES Permit No. NJ0088323 (Construction Activity Stormwater General Permit), for stormwater from such construction activities that would be discharged to surface waters.
- b. Land disturbances that may result in a stormwater discharge authorized by this permit, shall be executed only in accordance with a soil erosion and sediment control plan certified pursuant to N.J.S.A. 4:24-43, or requirements for soil erosion and sediment control established in or pursuant to a municipal ordinance in accordance with N.J.S.A. 4:24-48, whichever is applicable.
- c. A copy of this plan shall be retained by the permittee for a period of at least five (5) years after the completion of construction.

2. Compliance Schedule

- a. Those existing facilities who can not meet the BMPs for the Fluid Draining and Dismantling Area and the Vehicle Crusher (for portable crushers only) on the effective date of the permit (October 1, 2012) have until October 1, 2014 to institute measures in order to achieve them.

NJPDES MASTER GENERAL PERMIT PROGRAM INTEREST, Trenton

Permit No.NJ0163279
DST060002 Stormwater Discharge New Master General Permit



New Jersey Department of Environmental Protection
Bureau of Nonpoint Pollution Control
**Stormwater Pollution Prevention Plan (SPPP)
CERTIFICATION FORM**



Vehicle Recycling Industrial Stormwater General Permit

THE ORIGINAL PLAN AND A COPY OF THIS CERTIFICATION ARE TO REMAIN ON SITE AVAILABLE FOR INSPECTION. ALL REVISIONS MADE TO THE PLAN SHALL ALSO BE AVAILABLE FOR INSPECTION.

Facility Name: _____

NJPDES No. _____

“ I certify under penalty of law that the Stormwater Pollution Prevention Plan (SPPP), this Preparation Certification, and all attached documents were prepared by qualified personnel under my direction or supervision in accordance with a system designed to assure that this information was properly gathered and evaluated. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe and certify that the information in the SPPP and all attached documents is true, accurate, and complete.

“ I further certify that NJDEP has the option to request a copy of this SPPP and all applicable attachments for this permitted facility within five business days of the request. I am aware that pursuant to the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., there are significant civil and criminal penalties for making a false statement, representation, or certification any application, record, or other document filed or required to be maintained under that Act, including fines and/or imprisonment.

“I certify that the SPPP referred to in this SPPP Preparation Certification has been signed and the original is retained at the facility in accordance with the permit, and that it will be fully implemented at the facility in accordance with the terms and conditions of the permit. I further certify that if any part of this stormwater pollution prevention plan requires the consent of the owner(s) of or another operating entity for the facility, that consent has been obtained.”

(if applicable, print name of corporation, partnership, or public agency submitting this Certification)

(signature)

(date)

(print name)

WHO MUST SIGN?

FOR A CORPORATION: a “responsible corporate officer” or duly authorized representative. A “responsible corporate officer” is (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

FOR A PARTNERSHIP OR SOLE PROPRIETORSHIP: a general partner or the proprietor, respectively, or duly authorized representative.