



## State of New Jersey

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SHAWN M. LATOURETTE  
*Commissioner*

August 23, 2024

Re: Stormwater Discharge Master General Permit Renewal  
Cat: R12 – Highway Agency Stormwater General Permit  
NJPDES Permit No.: NJ0141887, Program Interest No.: 50577  
Trenton City, Mercer County

Dear Interested Party:

The New Jersey Department of Environmental Protection (the Department) is proposing to renew the Highway Agency MS4 NJPDES Master General Permit (NJ0141887). The conditions of this permit were last renewed in 2020 and continue in force pending completion of the renewal process (see N.J.A.C. 7:14A-2-8).

Notice of this draft permit action appeared in the August 21, 2024 editions of *The Times* and *Star-Ledger* and the August 22, 2024 edition of the *Atlantic City Press*. The draft permit action also appeared in the August 21, 2024 *DEP Bulletin*. The *DEP Bulletin* is available on the internet at [www.state.nj.us/dep/bulletin](http://www.state.nj.us/dep/bulletin). The enclosed public notice includes instructions and requirements for the submittal of comments by a specified date, information about a public hearing, and other procedures for reaching a final permit decision in accordance with N.J.A.C. 7:14A-15, 16, and 17.

The draft Highway Agency MS4 NJPDES Master General Permit and supporting documents will be posted at <https://dep.nj.gov/njpdes-stormwater/municipal-stormwater-regulation-program/highway-agency-stormwater-permit/>. If you have questions regarding the draft permit, please contact Dan Kuti at [Daniel.Kuti@dep.nj.gov](mailto:Daniel.Kuti@dep.nj.gov).

Sincerely,

Gabriel Mahon, Chief  
Bureau of NJPDES Stormwater Permitting and Water Quality Management

cc: Enclosures

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

**PUBLIC NOTICE**

Notice is hereby given that the New Jersey Department of Environmental Protection (Department) proposes to renew the Highway Agency New Jersey Pollutant Discharge Elimination System (NJPDES) Master General Permit (NJ0141887). Renewal of this permit is in accordance with N.J.A.C. 7:14A, and by authority of the Water Pollution Control Act at N.J.S.A. 58:10A-1 et seq.

This permit renewal serves to authorize discharges from Municipal Separate Storm Sewer Systems (MS4) from New Jersey Highway Agencies. Stormwater runoff is commonly transported through MS4s before discharging into local waterbodies. A full copy of the proposed Master General Permit renewal for Highway Agency will be available at <https://dep.nj.gov/njpdes-stormwater/municipal-stormwater-regulation-program/highway-agency-stormwater-permit/> starting on August 23, 2024.

The regulation of stormwater runoff through the Highway Agency MS4 NJPDES permit is intended to provide water quality benefits and prevent increased flooding and erosion. The permit is a regulatory mechanism which addresses stormwater quality and quantity issues related to maintenance operations, new development, redevelopment, and existing developed areas by requiring Highway Agencies to implement stormwater programs. New Jersey's MS4 permit program is prescriptive in nature in that it clearly defines specific permit requirements that incorporate the Statewide Basic Requirements (SBRs) and other regulatory requirements applicable to Highway Agencies. This includes requirements that pertain to Public Involvement and Participation, Local Public Education and Outreach, Post Construction Stormwater Management in New Development and Redevelopment, Pollution Prevention/Good Housekeeping, MS4 Mapping, Stream Scouring Detection and Control, Illicit Discharge Detection and Elimination, and development of a Watershed Improvement Plan.

The Department is establishing a 30-day public comment period for this proposed permit renewal. Written comments may be submitted via e-mail to [stormwatermanager@dep.nj.gov](mailto:stormwatermanager@dep.nj.gov). Written comments may also be submitted to Gabriel Mahon, Chief, or Attention: Comments on Public Notice NJ0141887, at Mail Code 501-02A, Bureau of NJPDES Stormwater Permitting and Water Quality Management, P.O. Box 420, Trenton, NJ 08625-0420. Written comments must be submitted to the Department by September 24, 2024. All persons who believe that any conditions of this draft document are inappropriate must raise all reasonable arguments and factual grounds supporting their position, including all supporting materials, during the public comment period. All materials supporting a comment shall be included in full and may not be incorporated by reference. The Department requests that comments submitted on this permit renewal be numbered and identify the permit requirement subject to the comment in order to adequately respond to all comments.

The Department will hold a virtual non-adversarial public hearing via Microsoft Teams to solicit public comment on the Highway Agency draft permit on September 24, 2024 from 9 A.M. to 12 P.M. The public hearing will be re-opened from 1:00 P.M. to 4:00 P.M. to accommodate additional individuals if the attendance limitation for the 9:00 A.M. to 12:00 P.M. Microsoft Teams session is exceeded. The public hearing will close at 12:00 P.M. for the first session and 4:00 P.M. if a second session is held, or at end of testimony, whichever comes first. To request to attend the public hearing, please email [stormwatermanager@dep.nj.gov](mailto:stormwatermanager@dep.nj.gov).

The hearing shall be held before a Hearing Officer designated by the Department. Interested persons will have the opportunity to electronically present and submit information on the proposed action.

This draft NJPDES permit renewal has been prepared, based on the administrative record which is on file at the offices of the Department, located at 501 East State Street, Trenton, New Jersey. It is available for inspection, by appointment, Monday through Friday, between 8:30 A.M. and 4:00 P.M. Appointments for inspection may be requested through the Open Public Records Act office. Details are available online at [www.nj.gov/dep/opra](http://www.nj.gov/dep/opra), or by calling (609) 341-3121.

The Department will respond to all significant and timely comments upon issuance of the final documents. All individuals and entities that submit written comments will receive notice of the Department's permit decisions.

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

## FACTSHEET

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

**PERMIT ACTION: Highway Agency Stormwater New Jersey Pollutant Discharge Elimination System Master General Permit Renewal for Municipal Separate Storm Sewer Systems (the Highway Agency MS4 NJPDES Permit) - A Comprehensive General Permit under 40 CFR 122.28**

### 1. Introduction

During a rainstorm, precipitation that reaches the ground is either lost by evapotranspiration; infiltrates into the ground below the root zone (becoming groundwater); or becomes stormwater runoff. Stormwater runoff flows from rooftops, over paved areas and bare soil, and through sloped vegetated areas while picking up a variety of sediments and pollutants on its way to a receiving surface or ground water body. The quantity and quality of runoff is affected by many factors including the season, local meteorology, geography, topography, land cover, and the activities which lie in the path of the flow. Impervious surfaces, such as rooftops and pavement, can increase the rate at which stormwater reaches the receiving waters, thus resulting in a higher probability of downstream erosion and flooding. The quality of the stormwater runoff depends on the associated pollutants within the flow path of the stormwater. Although the amount of pollutants from a single site may seem insignificant, the combined concentrations of pollutants running off many sites can negatively affect waterbodies.

Stormwater runoff is commonly transported through Municipal Separate Storm Sewer Systems (MS4s) before discharging into local waterbodies. In an effort to prevent harmful pollutants from being washed or transported into an MS4, federal stormwater regulations require MS4 operators to obtain a National Pollutant Discharge Elimination System (NPDES) permit and implement a stormwater program. State stormwater regulations also require MS4 operators to obtain a NJPDES permit and develop a stormwater program. This subject permit renewal is a Comprehensive General Permit (under 40 CFR 122.28) which serves to authorize MS4 stormwater discharges from New Jersey Highway Agencies and requires the permittees to develop a stormwater program.

The regulation of stormwater runoff through this permit renewal is intended to continue to provide substantial water quality benefits. This includes benefits described in detail in this Fact Sheet including an emphasis on proper operation and maintenance of stormwater facilities to control nutrients, pathogens, solid and floatable materials, and other pollutants as well as to reduce stormwater runoff quantity. The Department maintains that the conditions of this renewed permit, if implemented correctly, provide a continued, iterative process towards improving stormwater quality.

## Table of Contents

Section Number	Section Name	Page Number
1.	Introduction	1
2.	Federal Stormwater Regulations	3
3.	New Jersey Municipal Stormwater Program	4
4.	MS4 Highway Agency NJPDES Permit History	6
5.	Identification of Highway Agencies	10
6.	Overview of Draft Highway Agency NJPDES Permit	12
7.	Basis and Background for the Draft Highway Agency MS4 NJPDES Permit Requirements	14
8.	Electronic Reporting Requirements	53
9.	Description of Procedures for Reaching a Final Decision on the Draft Action	53
10.	Contact Information	53
11.	Contents of the Administrative Record	53
12.	Listing of Acronyms	55

## **2. Federal Stormwater Regulations**

Federal stormwater regulations were issued in two phases:

- Phase I, issued in 1990, requires *medium* and *large* cities or certain counties with populations of 100,000 or more to obtain NPDES permit coverage for their stormwater discharges.
- Phase II, issued in 1999, requires regulation of *small* MS4s (which are smaller jurisdictions) to obtain NPDES permit coverage for their stormwater discharges.
- The Phase II stormwater rule was revised by USEPA in 2016 as a result of litigation (see [www.epa.gov/npdes/npdes-stormwater-final-ms4-general-permit-remand-rule](http://www.epa.gov/npdes/npdes-stormwater-final-ms4-general-permit-remand-rule)). The 2016 rule change "does not change the stringency of the underlying requirements in the statute or Phase II regulations to which small MS4 permittees are subject, nor does it establish new substantive requirements for MS4 permittees" (81 FR 89322). The rule revision primarily addresses procedural issues and "establishes two alternative approaches a permitting authority can use to issue National Pollutant Discharge Elimination (NPDES) general permits for small MS4s and meet the requirements of the court remand. The first option is to establish all necessary permit terms and conditions to require the MS4 operator to reduce the discharge of pollutants from its MS4 to the MEP (maximum extent practicable), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act ("MS4 permit standard") upfront in one comprehensive permit. The second option allows the permitting authority to establish the necessary permit terms and conditions in two steps: A first step to issue a base general permit that contains terms and conditions applicable to all small

MS4s covered by the permit and a second step to establish necessary permit terms and conditions for individual MS4s that are not in the base general permit. Public notice and comment and opportunity to request a hearing would be necessary for both steps of this two-step general permit. This final rule does not establish any new substantive requirements for small MS4 permits." [language added]. 81 Fed. Reg. 89320 (December 9, 2016). The Department is renewing the Highway Agency MS4 NJPDES permit under the first option by issuing a Comprehensive General Permit under 40 CFR 122.28.

Small MS4s that are located within the boundaries of a Census Bureau defined "urban area" with a population of 50,000 or more people are regulated under the United States Environmental Protection Agency's (EPA) Phase II Stormwater Rule. Small MS4s also include those MS4s that are not covered under the Phase I Regulation. Small MS4 means all municipal separate storm sewers (other than "large" or "medium" municipal separate storm sewer systems as defined in N.J.A.C. 7:14A-1.2) that are:

- Owned or operated by municipalities described under N.J.A.C. 7:14A-25.1(b);
- Owned or operated by county, State, interstate, or Federal agencies, and located at public complexes as described under N.J.A.C. 7:14A-25.2(a)2;
- Owned or operated by county, State, interstate, or Federal agencies, and located at highways and other thoroughfares as described under N.J.A.C. 7:14A-25.2(a)3; or
- Owned or operated by county, State, interstate, Federal, or other agencies, and receive special designation under N.J.A.C. 7:14A-25.2(a)4.

The federal Phase II Rule at 40 CFR 122.34 requires that, at a minimum, operators of small MS4s develop, implement and enforce a program that includes six minimum control measures to minimize the amount of pollutants discharged into receiving waterbodies from small MS4s. The federal six minimum control measures are as follows:

- Public Education and Outreach: Distribution of educational materials and performance of outreach to inform citizens about the impacts polluted stormwater runoff discharges can have on water quality.
- Public Involvement/Participation: Providing opportunities for citizens to participate in program development and implementation.
- Illicit Discharge Detection and Elimination: Development and implementation of a program to detect and eliminate illicit discharges to the MS4.
- Construction Site Storm Water Runoff Control: Development, implementation and enforcement of an erosion and sediment control program for construction activities that disturb one or more acres of land.
- Post-Construction Storm Water Management in New Development and Redevelopment: Development, implementation and enforcement of a program to address discharges of post-construction storm water runoff from new development and redevelopment areas.
- Pollution Prevention/Good Housekeeping for Municipal Operations: Development and implementation of a program with the goal of preventing or reducing pollutant runoff from municipal operations.

### **3. New Jersey Municipal Stormwater Program**

#### **Regulatory Background**

Stormwater discharged from an MS4 is regulated through both federal and state rules. In response to EPA's 1999 Phase II stormwater rules, the Department promulgated:

- The Phase II NJPDES Stormwater rules, N.J.A.C. 7:14A-25 ([https://dep.nj.gov/wp-content/uploads/dwq/pdf/n.j.a.c/njac714a\\_sub25.pdf](https://dep.nj.gov/wp-content/uploads/dwq/pdf/n.j.a.c/njac714a_sub25.pdf)) administered as the Municipal Stormwater Regulation Program (<https://www.nj.gov/dep/dwq/msrphome.htm>).
- The Stormwater Management rules, N.J.A.C. 7:8 ([NJDEP-N.J.A.C. 7:8, Stormwater Management](https://dep.nj.gov/stormwater/)), administered as the Stormwater Management Program (<https://dep.nj.gov/stormwater/>).

Formally defined at N.J.A.C. 7:14A-1.2., a "municipal separate storm sewer" is generally a conveyance or system of conveyances that ultimately discharges to waters of the State and:

- Is owned or operated by the United States, an interstate agency, a State, city, town, borough, county, parish, district, association, or other public body;
- Is designed or used to collect or convey stormwater;
- Is not a combined sewer;
- Is not part of a publicly owned treatment works (e.g. sewage treatment system); and
- Includes curbs; gutters; ditches; manmade channels; storm drains; catch basins; municipal streets; or roads with drainage systems.

To protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act, the MS4 State rules (N.J.A.C. 7:14A-25) require the Department to issue permits regulating each small MS4. These MS4 permits specify the minimum control measures that must be implemented by the permittee. These control measures serve to reduce the discharge of pollutants from the permittee's MS4, maintenance yards and other ancillary operations, to the maximum extent practicable pursuant to N.J.A.C. 7:14A-25.6(a) and 40 CFR 122.34(a) to protect water quality and to satisfy the appropriate water quality requirements of the Clean Water Act. The benefit of this approach was described in the NJPDES rule adoption notice published in the February 2, 2004 New Jersey Register (see 36 N.J.R. 828-829).

New Jersey's MS4 NJPDES general permit program was developed under N.J.A.C. 7:14A-25 which requires all New Jersey municipalities, state, county and interstate transportation entities; and certain public complexes to apply for a NJPDES permit, and N.J.A.C. 7:8 which establishes the requirements for stormwater management plans and stormwater control ordinances or regulatory mechanisms, design and performance standards for stormwater management measures, and long-term operation and maintenance of stormwater management measures. The following general permits address discharges from MS4s in the State of New Jersey:

- Tier A Permit (NJ0141852);
- Tier B Permit (NJ0141861);
- Public Complex Permit (NJ0141879); and
- Highway Agency Permit (NJ0141887).

To administer the master general permits, the Department issues each eligible entity a separate Notice of Authorization to discharge under one of the above listed master general permits. Because New Jersey does not currently have any Highway Agencies that operate a medium or large MS4, all permittees covered under this permit operate "small MS4s." The Highway Agency Stormwater Master General NJPDES permit authorizes the discharge of stormwater from small MS4s at Highway Agencies in New Jersey and, under certain conditions, from maintenance yards and other ancillary operations owned or

operated by the Highway Agency permittees.

This draft NJPDES master general permit is available for public comment in accordance with N.J.A.C. 7:14A-15. The draft Highway Agency MS4 NJPDES master general permit is a Comprehensive General Permit (under 40 CFR 122.28) which identifies the requirements necessary to protect water quality from stormwater discharges. Under the Department's MS4 general permit program and consistent with N.J.A.C. 7:14A-6.13, the general permit is the means by which the Department regulates a large number of similar dischargers. To request authorization under this general permit, the applicant must submit a Request for Authorization (RFA), which represents a formal acceptance of the terms of the general permit. As provided by N.J.A.C. 7:14A-6.13(d)9 and 25.4(a)3, upon reissuance of this general permit, existing authorizations shall be automatically renewed using the information provided in the permittees' most recently submitted RFA (see Part II.D. 1 of the draft permit) and the information collected by the Department in each permittee's Annual Report and Certification received electronically through the Department's Regulatory Services Portal.

### **Regulation of Stormwater from Existing Development**

The type of pollutants discharged from small MS4s vary and may contain varying amounts of conventional and non-conventional pollutants such as total suspended solids, dissolved solids, petroleum hydrocarbons, metals, nutrients and bacteria. The concentration of pollutants as well as the volume of the stormwater discharged from the MS4 is directly linked to the types of land use development, and percent of impervious surface in the drainage area.

Under N.J.A.C. 7:14A-25 and as required under Notice of Authorizations issued under the general permit, permittees are required to implement various control measures to reduce pollutant loadings to watersheds from existing development. Specifically, and consistent with 40 CFR 122.28, each permittee must develop, implement, and enforce a stormwater program. Pursuant to N.J.A.C. 7:14A-25.6(a)3, the permittee must document its stormwater program in a Stormwater Pollution Prevention Plan (SPPP). The SPPP must describe the measures necessary for compliance with this permit, including the Statewide Basic Requirements (as developed to implement the federal six minimum control measures at 40 CFR 122.34) and other permit conditions. Examples of control measures described in the SPPP include documentation of permit required adoption and enforcement of a regulatory mechanism for pet waste disposal; prohibition on the feeding of unconfined wildlife on properties owned by the Highway Agency; catch basin cleaning; performance of good housekeeping at maintenance yards; and providing related public education and employee training.

### **Regulation of Stormwater from New Development and Redevelopment**

Post-construction stormwater management in new development and redevelopment are components of the minimum control measures at 40 CFR 122.34. The regulatory standards to ensure that the stormwater measures of such developments are both properly designed, constructed, and thereafter maintained lie largely in the Stormwater Management rules (N.J.A.C. 7:8), which are incorporated as part of the overall federal municipal stormwater program consistent with 40 CFR 122.34(c).

The Stormwater Management rules at N.J.A.C. 7:8 define what constitutes new development and redevelopment projects. The Stormwater Management rules at N.J.A.C. 7:8 also establish the stormwater management design and performance standards for water quality, water quantity and groundwater recharge. The design and performance standards of the Stormwater Management rules are implemented for major development by the Highway Agency in accordance with their Authorization under this permit. In addition, design and performance standards of the Stormwater Management rules are implemented by the Department through the review of permits issued by the Division of Land Resource Protection (Flood Hazard, Freshwater Wetlands, Coastal Area Facility Review Act (CAFRA), Waterfront Development, Coastal Wetlands, and Highlands Water Protection and Planning).

The Stormwater Management rules require development projects that meet the definition of "major development" to minimize the impacts of development on water quality, quantity (flooding), groundwater recharge and through the use of green infrastructure. "Green infrastructure" is defined at N.J.A.C. 7:8-1.2 to mean stormwater management measures that manage stormwater close to its source either by stormwater runoff treatment through infiltration into subsoil, treatment by vegetation or soil, or storage for reuse. The Stormwater Management rules under N.J.A.C. 7:8 overall implement various water quality, water quantity, and groundwater recharge design and performance standards intended to provide water quality treatment for total suspended solids (TSS) and nutrients, prevent increases to flooding and erosion, and prevent the depletion



of aquifers and base flow of watercourses, respectively.

### **Regulation of Groundwater**

This permit authorizes all new and existing stormwater discharges to surface water or ground water from small MS4s owned or operated by the Highway Agency. To the extent that this permit regulates underground injection, the permit implements EPA's regulations (found mainly at 40 C.F.R. 144-148) for the federal Underground Injection Control (UIC) Program. The UIC Program was created pursuant to Part C of the federal Safe Drinking Water Act (42 U.S.C. 300f et seq.). EPA recognizes that States issue general as well as individual permits to regulate Class V injection wells (see 64 Fed. Reg. 68554 (December 7, 1999), 67 Fed. Reg. 39590 (June 7, 2002), and the Class V Underground Injection Control Study, Volume 1 (see [www.epa.gov/uic/class-v-underground-injection-control-study](http://www.epa.gov/uic/class-v-underground-injection-control-study)). UIC is also covered in the NJPDES Regulations at N.J.A.C. 7:14A-8.

## **4. Highway Agency MS4 NJPDES Permit History**

### **2004 Highway Agency MS4 NJPDES Permit**

New Jersey first issued the Highway Agency MS4 NJPDES Permit in 2004 consistent with the requirements of N.J.A.C. 7:14A-25.6. This permit included the below listed Statewide Basic Requirements (SBRs) and related best management practices (BMPs) that were designed to achieve the federal Six Minimum Measures discussed in Section 2, Federal Stormwater Regulations above. These SBRs were prescriptive in nature to aid in implementation where compliance of SBRs and related BMPs must be detailed in the permittee's SPPP. A summary of SBRs as included in the 2004 Highway Agency NJPDES Permit included the following:

- Public Notice for public participation in the development of Highway Agency stormwater programs;
- Post-Construction stormwater management in new development and redevelopment;
- Local public education (if applicable);
- Regulatory Mechanisms addressing improper disposal of waste;
- Illicit connection elimination and MS4 outfall pipe mapping;
- Solids and floatable controls;
- Maintenance yard operations;
- Employee training; and
- Construction site stormwater runoff control.

The 2004 Highway Agency MS4 NJPDES permit also included a provision for additional measures. Pursuant to N.J.A.C. 7:14A-25.6(e), additional measures can be either non-numeric or numeric effluent limitations that are expressly required to be included in the stormwater program by an areawide or Statewide water quality management plan as adopted in accordance with N.J.A.C. 7:15. Additional measures could also be required by the Department based on an adopted Total Maximum Daily Load (TMDL) report or a regional stormwater management plan adopted under N.J.A.C. 7:8. For additional measures other than numeric effluent limitations, the areawide or Statewide WQM plan shall specify the BMPs that the permittee or another entity will implement along with the measurable goals for each of those BMPs.

The 2004 Highway Agency MS4 NJPDES permit also included a provision for optional measures. Optional measures are BMPs that are included at the permittee's discretion (in addition to any SBRs) that are intended to further prevent or reduce pollution of the waters of the state pursuant to N.J.A.C. 7:14A-25.6(i). In the case of optional measures, the SPPP shall

specifically identify such BMPs as optional measures and identify actions to implement those optional measures.

#### **2005 Highway Agency MS4 NJPDES Permit Modification**

The Department issued a modification to the 2004 Highway Agency MS4 NJPDES permit to further develop and refine certain aspects of the permit. This included the following changes:

- Expanded the scope of non-stormwater discharges allowable to include wash water from certain activities;
- Established a definition of "catch basin";
- Revised requirements within the Post-Construction Stormwater Management in New Development and Redevelopment SBR; and
- Established an Equipment and Vehicle Washing SBR.

#### **2009 Highway Agency MS4 NJPDES Permit**

The Highway Agency MS4 NJPDES permit was renewed in 2009. A summary of the most significant changes included in the 2009 Highway Agency MS4 NJPDES permit are itemized below:

- Established a definition for "Permanent Structure" to clarify eligible structures for De-Icing Storage;
- Required adoption and enforcement of a regulatory mechanism requiring certain dumpsters and refuse containers to be covered and leak proof;
- Removed the Road Erosion Control BMP requirement;
- Clarified the storm drain inlet retrofitting SBR to specifically state that "resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen)" is repaving;
- Revised the Solids and Floatables Control SBR so that catch basin cleaning becomes a separate BMP with a schedule for catch basin inspection and cleaning;
- Required permittees to record where and when vehicle and equipment washing activities occur;
- Refined the language within the minimum standard of the Employee Training BMP; and
- Required revision of the SPPP on or before June 1, 2009 to incorporate the changes required by the 2009 renewal.

#### **2020 Highway Agency MS4 NJPDES Permit**

The Highway Agency MS4 NJPDES permit was renewed in 2020. A summary of the most significant changes included in the 2020 Highway Agency MS4 NJPDES permit are itemized below:

- Revised the structure of the 2020 permit from a single Part I in the 2009 permit to multiple Parts I through IV.
- Added two new sections at Notes and Definitions Part IV.A.3 and 4 to serve as references to available guidance.
- Added definitions of green infrastructure, limited-access highway, maintenance plan, major development, manufactured treatment device, storm drain inlet, stormwater management basin, stormwater management measure, stream scouring, subsurface infiltration/detention system, wood waste, and yard trimmings.

- Modified definitions for existing permittee, illicit connection, new permittee, small MS4, solids and floatable materials, and stormwater facility and removed definition of “Original EDPA”
- Eliminated the repetitive “Minimum Standard”, “Measurable Goal”, and “Implementation” language found throughout the body of the 2009 permit and summarized each Minimum Standard in a tabular format, added as Attachment A–Measurable Goals and Implementation Schedule.
- Added requirements to post SPPP, regulatory mechanisms, and outfall pipe map to permittee webpage.
- Added requirement for permittees who operate rest areas to conduct 5 points of public education and outreach activities annually.
- Added herbicide application management and excess de-icing material management to the pollution prevention/good housekeeping control measures requirements section.
- Added aggregate material and construction debris storage, street sweepings and catch basin clean-out material storage, and yard trimmings and wood waste management sites BMPs to the Maintenance Yard and Other Ancillary Operations section.
- Added requirement to map stormwater facilities and outfalls electronically and submit those maps to the Department.
- Added requirement to identify TMDLs which intersect or border maintenance yards, rest areas, service areas and new major development projects and list that TMDL information in the SPPP.
- Added Attachment B – Points System for Public Education and Outreach Activities; Attachment C – Design Standards for Storm Drain Inlets; Attachment D – Major Development Project List; and Attachment E – Best Management Practices for Maintenance Yards and Other Ancillary Operations.

#### **Proposed Highway Agency MS4 NJPDES Master General Permit Renewal**

This MS4 NJDPES master general permit is proposed to be renewed and a summary of the most significant changes proposed are listed below, with a detailed explanation of each of these changes in Section 7 of this fact sheet below:

- Adding requirement for Highway Agencies to develop a Watershed Improvement Plan (WIP) in three stages to address water quality impairments, TMDLs, flooding, and protect high quality waters. The Highway Agencies are encouraged to develop regionalized WIPs with local municipalities and other entities;
- Adding requirement to map all MS4 stormwater infrastructure (in addition to the mapping requirement from 2020 permit);
- Removing authorizations for wood chipping and leaf composting activities at maintenance yards under the Highway Agency permit, and require authorizations under the new Wood Waste Recycling & Leaf Compost General Permit;
- Adding the ability for permittees to propose additional public education and outreach activities not included in Attachment A;
- Adding the ability for the Department to approve a variance from the design and performance standards in the Post Construction section of the permit to reflect changes to the Stormwater Management rule;
- Adding the requirement to replace specified trees if removed on Highway Agency property;

- Requiring Highway Agencies to retrofit all remaining applicable storm drain inlets by the end of the 5-year permit cycle;
- Adding a minimum inspection frequency for BMPs to ensure proper maintenance;
- Adding additional BMPs to be implemented at Maintenance Yards and Ancillary Operations;
- Adding measurable time frames for stream scouring and illicit connection program remediation;
- Adding increased frequency of some employee stormwater training to be reflective of annual SPPP updates;
- Adding de-icing/anti-icing material application training requirement;
- Adding road erosion sediment control requirements back into the permit under the Good Housekeeping section; and
- Adding a requirement to attend a short update course to cover Stormwater Management rule amendments.
- Adding a requirement for Stormwater Program Coordinators to attend a Department hosted SPC Training Course.
- Moving permit requirements out of Attachments A, D and E and into Part IV.

It should also be noted that the attachments to the permit have been revised. These updated attachments are listed below with additional descriptions included in Section F:

- Attachment A - Point System for Public Outreach and Education has been revised to remove points for creating a dedicated stormwater webpage, simplification of what activities can be used to get points, and adding additional activities that are relevant to Highway Agencies; and
- Attachment B - Design Standards for Storm Drain Inlets has been revised slightly to remove the reference to the netting facility.

### **Compliance Assistance and Stakeholder Outreach**

In an effort to improve overall effectiveness of this Highway Agency MS4 NJPDES permit renewal process and to maximize stakeholder input, the Department issued a preliminary draft Highway Agency MS4 NJPDES permit on June 20, 2024. Additionally, the Department held one virtual outreach session with existing permittees and interested parties on July 9, 2024 to explain and gather feedback about proposed permit conditions. The virtual outreach session included a presentation and was open to questions where a productive and informative dialogue ensued. Notification of the virtual outreach session was provided via e-mail invitation to all existing Highway Agency Stormwater Program Coordinators and interested parties. Comments were considered in the preparation of this draft permit.

The Department provides a multitude of resources, including guidance documents, checklists and training modules to assist with compliance with the Highway Agency MS4 NJPDES permit. The Department maintains that these resources will assist permittees to implement compliant MS4 stormwater programs which will positively impact water quality. Resources for permittees are available at <https://dep.nj.gov/njpdes-stormwater/municipal-stormwater-regulation-program/highway-agency-stormwater-permit/> and links are provided within this draft permit in Part IV. Please note that this link is associated with the current guidance manual; the updated guidance manual will replace this current version once this permit renewal is final and effective. Additionally, the Department has posted materials at <https://dep.nj.gov/njpdes-stormwater/municipal-stormwater-regulation-program/> which guides stormwater management professionals, permittees and the general public to the Department's stormwater related technical information, guidance materials, educational resources, forms, and applications.

## 5. Identification of Highway Agencies

### Regulatory Background

Pursuant to N.J.A.C. 7:14A-25.2(a)2, this permit addresses all stormwater discharges from small MS4s at highways or other thoroughfares that are owned or operated by a county, State, interstate, or Federal Highway Agency.

### Existing Permittees

The following is a list of the thirty-three (33) permittees currently authorized under this general permit:

Facility Name	NJPDES Permit Number	PI Number	Municipality	County
ATLANTIC COUNTY	NJG0148016	221489	Northfield City	Atlantic
BERGEN COUNTY DPW	NJG0155535	228986	Hackensack City	Bergen
BURLINGTON COUNTY	NJG0150223	222277	Mount Holly Twp	Burlington
BURLINGTON COUNTY BRIDGE COMMISSION	NJG0148547	221692	Palmyra Boro	Burlington
CAMDEN COUNTY	NJG0153419	222992	Lindenwold Boro	Camden
CAPE MAY COUNTY	NJG0153869	223120	Middle Twp	Cape May
CUMBERLAND COUNTY DPW	NJG0155411	228439	Bridgeton City	Cumberland
DELAWARE RIVER & BAY AUTHORITY	NJG0155101	225789	Out Of State	Out Of State
DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION	NJG0153052	222834	Out Of State	Out Of State
DELAWARE RIVER PORT AUTHORITY OF PA & NJ	NJG0154270	223638	Camden City	Camden
ESSEX COUNTY	NJG0153397	222982	Verona Twp	Essex
GARDEN STATE PARKWAY	NJG0156485	235697	Woodbridge Twp	Middlesex
GLOUCESTER COUNTY	NJG0155373	228000	Clayton Boro	Gloucester
HUDSON COUNTY DIVISION OF ROADS & BRIDGES	NJG0154253	223636	Jersey City	Hudson
HUNTERDON COUNTY	NJG0149144	221972	Flemington Boro	Hunterdon
MERCER COUNTY	NJG0153753	223077	Trenton City	Mercer
MIDDLESEX COUNTY DEPT OF HIGHWAYS & BRIDGES	NJG0155136	226145	North Brunswick Twp	Middlesex
MONMOUTH COUNTY	NJG0152234	222751	Freehold Boro	Monmouth
MORRIS COUNTY DPW	NJG0153346	222927	Morristown Town	Morris
NEW JERSEY TURNPIKE	NJG0153354	222955	Woodbridge Twp	Middlesex
NJDOT REGION CENTRAL	NJG0154288	223739	Freehold Boro	Monmouth
NJDOT REGION NORTH	NJG0154300	223746	Mount Arlington Boro	Morris
NJDOT REGION SOUTH	NJG0154652	224332	Cherry Hill Twp	Camden
OCEAN COUNTY	NJG0152382	222780	Toms River Twp	Ocean

PALISADES INTERSTATE PARK COMMISSION	NJG0149136	221969	Alpine Boro	Bergen
PASSAIC COUNTY	NJG0152005	222729	Paterson City	Passaic
PORT AUTHORITY OF NY & NJ	NJG0155861	232055	Newark City	Essex
SALEM COUNTY	NJG0154954	225003	Salem City	Salem
SOMERSET COUNTY	NJG0151351	222611	Somerville Boro	Somerset
SOUTH JERSEY TRANSPORTATION AUTHORITY	NJG0153729	223060	Hammonton Town	Atlantic
SUSSEX COUNTY	NJG0149730	222158	Newton Town	Sussex
UNION COUNTY	NJG0153320	222925	Scotch Plains Twp	Union
WARREN COUNTY BOARD OF CHOSEN FREEHOLDERS	NJG0152013	222740	Belvidere Town	Warren

### **Issuance of Authorizations to Permittees**

Upon completion of the public comment and public notice process pursuant to N.J.A.C. 7:14A-16.4, the Department will make a determination whether to finalize this Highway Agency MS4 NJPDES permit. If finalized, the Department will then issue individual authorizations to each eligible Highway Agency in accordance with NJ.A.C. 7:14A-6.13 consistent with the terms and conditions of this permit.

## **6. Overview of Draft Highway Agency MS4 NJPDES Permit**

### **Overview**

The permittee is required to develop, update, implement and enforce an MS4 stormwater program. A primary objective of the MS4 stormwater program is for permittees to implement BMPs and other control measures to meet the Minimum Standards and other permit requirements set forth in the permit. The permit requirements serve to reduce the discharge of pollutants from the Highway Agencies' MS4s, maintenance yards, rest areas, and other ancillary operations to the maximum extent practicable pursuant to N.J.A.C. 7:14A-25.6(a)1 and 40 CFR 122.34(a) to protect and restore water quality and to satisfy the applicable water quality requirements of the Clean Water Act.

The preparation of the Stormwater Pollution Prevention Plan (SPPP) is required to document the permittee's stormwater program and describes the measures necessary to be in compliance with the Minimum Standards as well as all other permit requirements, including any Optional Measures and Additional Measures. The permittee shall submit an Annual Report and Certification summarizing the status of compliance with this permit. See Part IV.K (Annual Report and Certification).

### **Use of Best Management Practices to Reduce Pollutants to Maximum Extent Practicable**

Consistent with the EPA Phase II stormwater rules for small MS4s, the NJPDES regulations at N.J.A.C. 7:14A-25 outline in broad terms what must be included in NJPDES MS4 permits. Beginning with the issuance of the 2004 MS4 NJPDES permits, the Department has been prescriptive in its approach to defining MS4 NJPDES permit conditions. This is partly due to the fact that state and federal regulations (N.J.A.C. 7:14A-25.6(a)1 and 40 CFR 122.34(a)) stipulate that compliance with the standard of reducing pollutants to the maximum extent practicable is accomplished through the implementation of BMPs or control measures. This draft permit is a Comprehensive General Permit (under 40 CFR 122.28) which requires permittees to develop, update, implement and enforce a stormwater program (as documented in an SPPP) to ensure compliance with Statewide Basic Requirements (SBRs), Other Control Measures, Additional Measures, and Optional Measures, which are included in Part IV of this MS4 permit. The Department provides an appropriate level of specificity in

establishing permit conditions by specifying BMPs, measurable goals, and implementation due dates for these SBRs and other measures. This provides permittees, the public, and regulators with clarity regarding what permittees must do to comply with the permit.

Without specific conditions, the Highway Agency MS4 NJPDES permit would be difficult to enforce and would give permittees little direction as to how to meet the requirements of State and Federal Rules. The Department has taken care to issue specific MS4 permit conditions with clear stormwater program requirements since 2004 in order to establish a standard of compliance rather than requiring permittees to independently create compliance conditions for public and Department individual review and approval.

The Department is not requiring numeric effluent limitations in this draft permit which is consistent with the federal Clean Water Act and EPA Phase II regulations at 40 CFR Part 122. The federal Clean Water Act defines the term "effluent limit" broadly to include BMPs that would restrict the quantities, rates, and concentrations of constituents within a discharge. Thus, BMPs provide treatment pursuant to the Department's authority under the Clean Water Act with the goal of meeting water quality standards. Specifically, Section 402(p)(3)(B)(iii) of the Clean Water Act requires that permits for discharges from municipal separate storm sewers include:

"... controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants."

Similarly, inclusion of best management practices as effluent limitations is also consistent with the NJPDES Regulations at N.J.A.C. 7:14A-25.6(a)l which states:

"Best management practice (BMP) requirements are generally the most appropriate form of effluent limitations when designed to satisfy technology-based requirements (including reductions of pollutants to the maximum extent practicable) and to protect water quality. Implementation of BMPs (other than OMs [Optional Measures]) consistent with the provision of the stormwater program required ... and the provisions of the NJPDES permit ... constitutes compliance with the standard of reducing pollutants to the maximum extent practicable."

In accordance with 40 CFR 122.34(a), the Department must "include terms and conditions that meet the requirements of this section based on its evaluation of the current permit requirements, record of permittee compliance, program implementation progress, current water quality conditions, and other relevant information." Continued efforts by the Department's Municipal Stormwater Regulation Program, including review of Compliance Evaluations, Annual Reports and Certifications, Supplemental Questionnaires, outreach efforts, and implementation of a municipal stormwater program audit process constitute evaluation of the permit requirements and the progress of the Highway Agencies' stormwater programs. Based on the Department's evaluations of current stormwater programs, the requirements contained in this draft permit have been developed to account for the information gathered since the issuance of the 2004 Highway Agency MS4 NPDES permit. The requirements included in this draft permit constitute the Department's determination of reasonable progress toward reducing pollutant discharges to the maximum extent practicable.

The 2004, 2009, and 2020 Highway Agency MS4 NJPDES permits required the MS4 permittees to develop a stormwater program and document that program in an SPPP. The SPPP was required in all previously issued permits to be retained on site and be made available for review by the Department. To certify compliance with this requirement, permittees were required to complete an Annual Report and Certification which queries specific details regarding the permittees stormwater program. This renewal permit continues those requirements and includes an additional requirement for permittees to post their SPPP, regulatory mechanisms, stormwater infrastructure maps, and Watershed Improvement Plan documents on their website for greater transparency to the public.

### **Eligible and Ineligible Discharges (Part II.C)**

This draft permit is intended to continue to authorize and control new and existing stormwater discharges to surface water from small MS4s owned or operated by Highway Agencies and from maintenance yards and other ancillary operations owned or operated by the Highway Agencies. A NJPDES permit is required for these stormwater discharges under N.J.A.C.

7:14A-24.2(a) and 25.2(a). Permit conditions regarding eligible stormwater discharges are included in Part II.C.2.a. Part II.C.2.a includes a specific reference to maintenance yards and other ancillary operations, however, stormwater discharges from wood waste recycling and composting activities will not be authorized under this Highway Agency MS4 permit renewal. Once this permit is final and effective, continued stormwater discharges from these activities will need to be authorized under the Department's new Wood Waste Recycling and Leaf Composting (WRC) Master General Stormwater Permit.

This draft permit continues to authorize certain non-stormwater discharges (e.g., certain potable water sources, uncontaminated groundwater, and irrigation water) from small MS4s owned or operated by the Highway Agencies. A complete list of the eligible non-stormwater discharges is included in Part II.C.2.b. of this draft permit. However, if any of these discharges are identified by the permittee as a significant contributor of pollutants, the permittee must not allow that discharge to continue by addressing the discharge as an illicit connection or as an improper disposal of waste (see Part II.C.3.e. of this draft permit).

This permit does not authorize "stormwater discharges associated with industrial activity" or "stormwater discharges associated with construction activity," except as otherwise provided in the permit in Part II.C. Specifically, in Part II.C.2.a, the permit lists activities that commonly occur at maintenance yards and ancillary operations that are regulated under this permit in Part IV.F.4. Any permittee that operates an industrial facility or construction site beyond what is specifically authorized in Part II.C, must apply for and obtain a separate NJPDES permit for that discharge as required in Part II.C.4. In addition, this permit does not authorize any stormwater discharge that is authorized under another NJPDES permit so long as that other permit is in effect for that discharge. Also, to implement statutory and regulatory provisions governing consistency of NJPDES permits with Water Quality Management (WQM) Plans (e.g., N.J.S.A. 58:10A-6 and 58:11A-10), this permit does not authorize stormwater discharges from projects or activities that conflict with an adopted WQM Plan.

## **7. Basis and Background for the Draft Highway Agency MS4 NJPDES Permit Requirements**

### **Statewide Basic Requirements and Associated Conditions**

The Highway Agency MS4 permit must address the six Federal Minimum Control Measures under CFR 122.34(b): (1) Public Education and Outreach on Stormwater Impacts; (2) Public Involvement/Participation; (3) Illicit Discharge Detection/Elimination; (4) Construction site runoff control; (5) Post-Construction management; and (6) Pollution Prevention or Good Housekeeping for Municipal Operations and the following Statewide Basic Requirements (SBRs): (1) Public Involvement/Participation; (2) Construction Site Stormwater Runoff Control; (3) Post-construction Stormwater Management in New Development and Redevelopment; (4) Public Education on Stormwater Impacts; (5) Prohibiting Improper Disposal of Waste; (6) Control of Solid and Floatable Materials; (7) Maintenance Yards and Highway Service Areas; (8) Employee Training. This renewal permit implements the Federal Minimum Control Measures and includes Statewide Basic Requirements and associated BMPs, consistent with the 2004, 2009 and 2020 Highway Agency permits. Many requirements are retained from the 2004, 2009, and 2020 Highway Agency permits and, for any new requirements in this permit renewal, the permit provides delayed compliance due dates pursuant to N.J.A.C. 7:14A- 25.6(a) and (c), to give permittees time to prepare for implementation.

This renewal permit retains the permit requirements as they were restructured to be consistent with the six Federal Minimum Measures in the 2020 Highway Agency permit, described in Section 2 of this fact sheet under Federal Stormwater Regulations, above. A detailed basis and background for each permit requirement, as well as an explanation of any changes from the 2020 Highway Agency permit, is included below.

### **Stormwater Program Requirements (Part IV.A.1)**

This permit renewal, similar to the 2020 Highway Agency permit, continues to require each permittee to develop, update, implement, and enforce an MS4 stormwater program in accordance with N.J.A.C. 7:14A-25.6(a), with the primary objective to implement best management practices and other measures designed to reduce the discharge of pollutants from the permittee's MS4, maintenance yards and other ancillary operations to the maximum extent practicable, to protect water



quality, and to satisfy the appropriate water quality requirements of the Federal Act and the State Act. The permittee will continue to be required to modify their stormwater program to conform with all applicable new legislation or rule amendments within 12 months from written notification by the Department. This permit renewal also still requires permittees to document their stormwater program in a written Stormwater Pollution Prevention Plan (SPPP) as per N.J.A.C. 25.6(a)3, describing the measures necessary for the permittee to comply with each permit conditions.

This permit renewal requires a principal executive officer or a ranking elected official to designate a Stormwater Program Coordinator (SPC) who has the knowledge to manage the implementation and compliance of the permittee's MS4 stormwater program as per N.J.A.C. 7:14A-4.9 and 25.6(a)3. As the SPC, this individual is responsible for:

- Coordinating the permittee's implementation of its MS4 stormwater program, permit conditions, and SPPP;
- Attending one session of the new SPC training program during the permit term;
- Signing and dating the SPPP; and
- The completion and submittal of the Municipal Stormwater Regulation Program (MSRP) Annual Report, along with the required outfall inspection forms, consistent with Part IV.K of the permit.

Permittees should form a Stormwater Pollution Prevention Team that is made up of individuals responsible for overseeing the implementation of the various permit requirements based on their specific job duties. Due to the wide range of tasks required, a variety of personnel should be involved in planning and implementing the permittees' stormwater programs. Team members could also include local volunteers, members of local watershed associations, environmental groups, and educational professionals.

If the person assigned as the permittee's Stormwater Program Coordinator leaves this position, the permittee must designate a new SPC and submit the SPC contact information to the Department within thirty (30) days of the change. Providing this information to the Department is important as this is the contact person that the Department will forward all permit related information and questions to regarding your permit and compliance status, including notification of changes to the permit, potential grant opportunities, and compliance concerns. This notification is accomplished through completion of the online MSRP Annual Report, or the Stormwater Program Coordinator Information Update Sheet found at <https://dep.nj.gov/njpdcs-stormwater/municipal-stormwater-regulation-program/>. MS4 case managers may be contacted with any questions at <https://dep.nj.gov/njpdcs-stormwater/municipal-stormwater-regulation-program/ms4-case-manager-list/>. It should be noted that the new SPC must also attend the SPC training.

#### **Stormwater Pollution Prevention Plan (SPPP) Requirements (Part IV.A.2)D**

The permittee is required to document their MS4 stormwater program in their Stormwater Pollution Prevention Plan (SPPP) as per N.J.A.C. 7:14A-25.6(a)3. This requirement has been in place since the 2004 Highway Agency permit. The SPPP is required to describe how the permittee will implement each permit requirement and provides a place for record keeping documenting when and how permit requirements were met. The SPPP is a living document that is never "completed." The SPPP shall be reviewed at least annually and updated as often as necessary to reflect changes related to the Highway Agency's MS4 Stormwater Program.

The current SPPP shall be posted on the permittee's dedicated stormwater webpage or other approved webpage with updates posted at least annually thereafter. A new SPPP template, in both Microsoft Word and as a fillable PDF, will be completed once this permit is finalized and posted on the program's website at <https://dep.nj.gov/njpdcs-stormwater/municipal-stormwater-regulation-program/highway-agency-stormwater-permit/-templates-and-forms>. The version posted on the permittee's dedicated stormwater webpage can exclude inspection logs and other required record keeping. It is advisable for each member of the Stormwater Pollution Prevention Team or affected employees to have access to the full SPPP for reference and compiling record keeping data. The Department has created an easy-to-fill HTML dedicated stormwater webpage template that permittees can use. The Department's example templates are available for free and 1-on-1 assistance is available if needed. <https://dep.nj.gov/njpdcs-stormwater/example-webpage-home/>.

The SPPP shall include information regarding the location of any records required by this permit. The Department may notify the permittee at any time that the SPPP does not meet one or more of the permit requirements. Within thirty (30) days after receiving such notification, unless otherwise specified by the Department, the permittee shall amend the SPPP to adequately address all deficiencies, and written certification of such amendments shall be submitted to the Department. Any amendments to the SPPP shall be posted on the permittee's dedicated stormwater webpage or other approved webpage within thirty (30) days of the amendment.

Permittees will need to update and submit their SPPP to reflect the 2025 permit renewal conditions by the Effective Date of Permit Authorize (EDPA) + 6 months.

#### **Implementation of SPPP Conditions through Shared or Contracted Services (Part IV.A.3)**

As allowed in the previous Highway Agency MS4 permits starting in 2004, the permittee may rely on another entity (e.g., governmental, stormwater utility, private, or nonprofit organization such as a watershed association) to satisfy one or more of the permit conditions, or component(s) of any permit condition, provided the other entity implements the contracted services in compliance with the corresponding permit requirements and agrees to such in writing (See N.J.A.C. 7:14A-3 and 7:14A-25.7(a)). However, the permittee remains responsible for compliance with the permit conditions if the other entity fails to implement any of the measure(s) or component(s).

#### **Minimum Standards for Public Involvement and Participation Including Public Notice (Part IV.B.1)**

The 2020 Highway Agency permit renamed this permit requirement "Public Involvement and Participation Including Public Notice" consistent with N.J.A.C. 7:14A-25.6(b)1 and with the six Federal Minimum Control Measures at 40 CFR 122.34(b)(2) (see [www.epa.gov/npdes/npdes-stormwater-program](http://www.epa.gov/npdes/npdes-stormwater-program) and Section 2, Federal Stormwater Regulations above). In the 2020 Highway Agency permit renewal, the Department also consolidated several previous permit requirements within this permit requirement for clarity and to ensure that applicable public participation and involvement requirements were met. This permit renewal retains these changes, as follows:

- a. The permittee shall comply with applicable State and local public notice requirements when providing for public participation in the development and implementation of the MS4 stormwater program. Requirements include, but are not limited to:
  - i. The Open Public Meetings Act ("Sunshine Law," N.J.S.A. 10:4-6 et seq.);
  - ii. Statutory procedures for the enactment of ordinances (N.J.S.A. 40:49-2), including the stormwater control ordinance and other ordinances adopted to comply with Part IV of this permit; and
- b. The permittee shall maintain records necessary to demonstrate compliance with the public participation requirements of Part IV.B.1.a, above.

This permit requirement ensures notification and opportunity for public involvement in those elements of the permittee's stormwater program, and ensures transparent development, updating and implementation of the permittee's stormwater program.

Since these requirements have been applicable to Highway Agencies since the 2004 permit, no additional time for implementation is necessary so permittees are to comply on EDPA.

#### **Dedicated Stormwater Webpage (Part IV.B.2)**

This permit renewal improves the accessibility of stormwater program information for the public. This information should be posted on a dedicated stormwater website for the Highway Agency. However, if the permittee does not have the ability to create a dedicated stormwater webpage, they shall request approval via email to [stormwatermanager@dep.nj.gov](mailto:stormwatermanager@dep.nj.gov) to post their stormwater documents on an alternate website hosted by their county (for county-owned Highway Agencies), state agency (for state-owned Highway Agencies), or federal agency (for federally-owned Highway Agencies). The documents

listed below are required to be posted on the Highway Agency's dedicated stormwater webpage or other approved website:

- i. SPPP (excluding inspection logs and other recordkeeping documents);
- ii. Pet Waste Control Regulatory Mechanism;
- iii. Wildlife Feeding Regulatory Mechanism;
- iv. Litter Control Regulatory Mechanism;
- v. Improper Disposal of Waste Regulatory Mechanism;
- vi. MS4 Outfall Pipe Map;
- vii. MS4 Infrastructure Map (due on or before EDPA + 36 months as per Part IV.G); and
- viii. Watershed Improvement Plan (due in accordance with the phases identified in Part IV.H).

As noted above, the Department has created an easy-to-fill HTML stormwater webpage template that permittees can use. The Department's example templates are available for free and 1-on-1 assistance is available if needed.

Permittees will have EDPA + 6 months to develop this dedicated stormwater webpage with links to the above referenced documents, with the exception of the MS4 Infrastructure Map, which is not required to be posted until EDPA + 36 months, and the Watershed Improvement Plan documents, which are not required to be posted until EDPA + 36 months.

#### **Local Public Education and Outreach (Part IV.C.1)**

The Highway Agency permit renewal changed the name of this requirement to "Local Public Education and Outreach" from "Minimum Standards for Local Public Education and Outreach." This remains consistent with the six Federal Minimum Control Measures namely "Public Education and Outreach," which is codified at CFR 122.34(b)(1) (see [www.epa.gov/npdes/stormwaterdischarges](http://www.epa.gov/npdes/stormwaterdischarges)). The first component of the Local Public Education and Outreach requirement in this permit renewal continues the public education program as well as a point system as detailed in the Attachment entitled, "Points System for Public Education and Outreach Activities," previously included as Attachment B, is now included as Attachment A.

This renewal permit makes a change to the number of educational activity points the permittee needs to obtain to meet the requirement but remains consistent with N.J.A.C. 7:14A-25.6(b)4. The 2020 Highway Agency permit required the permittee to achieve a total of 5 points. The renewal permit increases the number of points to 7 which must be obtained from at least 3 of the different activities and adds additional activities that can be conducted to achieve the new number of points. The renewal permit also removes the possibility of earning points for having a dedicated stormwater webpage, which is now a permit requirement under Part IV.B.2.

This renewal permit enhances the social media options available for points, allowing for one point for each social media platform the permittee posts on quarterly. The permittee can now only receive one point maximum for quarterly publications in newspapers and quarterly radio/television broadcasts. The "Green Infrastructure and Stormwater Facility Signage" category has been changed to "Stormwater Facility Signage," making it broader and allowing signage at more than just green infrastructure. The renewal permit has also added "Promotional Item Giveaway", "Designated Pet Relief Area", "Regulatory Mechanism Signage", "Regulatory Mechanism Education", "Storm Drain Labeling Campaign", "Litter Cleanup Campaign", "Report Excess Road Salt Pile Program", and "Road Salt Education Campaign" to the list of available educational activities that the permittee can conduct to obtain at least 7 points. These activities are related to permit requirements from the 2020 Highway Agency permit that were retained in the renewal permit as well as permit requirements that are new in the renewal permit.

To give permittees additional flexibility to meet the Local Public Education and Outreach requirement, the Department has

included the following language in the renewal permit:

“The permittee may conduct public education and outreach activities not included in Attachment A of the permit provided that those activities are submitted to the Department for review and approval prior to being conducted.”

Since types of Highway Agencies permittees vary, some permittees may have ideas of ways to educate the public on stormwater related issues that the Department did not include in Attachment A. Those ideas can be sent to the Department for approval and be conducted by the permittees after approval is received.

Since this requirement was included in the 2020 Highway Agency permit, no additional time is necessary for permittees to come into compliance. Therefore, compliance with this requirement is due on EDPA.

#### **Construction Site Stormwater Runoff Requirements (Part IV.D.1)**

Stormwater runoff from construction sites can cause significant harm to New Jersey’s rivers, lakes, and coastal waters if not managed properly. To address these impacts, it is necessary to control soil erosion and sedimentation during land disturbance, as well as minimize stormwater contamination from other construction related activities. Managing construction site stormwater runoff is one of the six Federal Minimum Control Measures, codified at CFR 122.34(b)(4). Any NJPDES permit issued for small MS4s shall recognize that under N.J.A.C. 7:14A25.6(b)2, the Department is responsible for implementing the SBR for construction site stormwater runoff control.

The Department satisfies this Minimum Control Measure under a separate Construction Activity Stormwater General Permit (NJPDES Permit No. NJ0088323). The Construction Activity Stormwater General Permit (5G3) controls stormwater discharges to surface water from certain construction activities, including clearing, grading, and excavation. Generally, this includes construction activity that disturbs at least one acre, or disturbs less than one acre but is part of a larger common plan of development or sale that ultimately disturbs more than one acre.

The Construction Activity Stormwater General Permit is administered by the Department’s Bureau of NJPDES Stormwater Permitting and Water Quality Management in coordination with the New Jersey Department of Agriculture and the State Soil Conservation Committee through its 14 Soil Conservation Districts located throughout the State (see [www.nj.gov/agriculture/divisions/anr/nrc/njdep.html](http://www.nj.gov/agriculture/divisions/anr/nrc/njdep.html)). The result of this effort is a program that emphasizes implementation at the district level and maximum utilization of existing requirements and resources.

Construction activity that may result in stormwater discharges authorized by the Construction Activity Stormwater General Permit shall be executed only in accordance with a specific Stormwater Pollution Prevention Plan (SPPP) required by that general permit and is subject to routine inspections identifying the effectiveness of the SPPP. This SPPP is specific to construction activity under the 5G3 permit and not to be confused with the permittees’ MS4 SPPP. As a result, and as retained from the 2020 Highway Agency permit, a permittee is not required to specifically address construction site stormwater runoff control in its MS4 SPPP since it is already regulated in a separate permit and no due date is specified in this permit as compliance with the 5G3 permit is required outside of this permit action. The Construction Activity Stormwater General Permit (NJ0088323) and associated guidance is posted at <https://dep.nj.gov/njpdес-stormwater/industrial-stormwater-program/general-permits/5g3/>.

#### **Stormwater Management Program to Address Post Construction Stormwater Management in New Development and Redevelopment (Part IV.E.1)**

This renewal permit requires the permittee to implement and enforce a post construction stormwater management program to address Post Construction Stormwater Management in New Development and Redevelopment and to ensure compliance with the Stormwater Management rules at N.J.A.C. 7:8. Post Construction Stormwater Management in New Development and Redevelopment are components of the minimum control measures at 40 CFR. 122.34(b)(5). The regulatory process to ensure that such development is both properly designed and thereafter maintained lies largely in the Stormwater Management rules (N.J.A.C. 7:8) and is complimented by and, in part, implemented through the NJPDES Stormwater Rules at N.J.A.C. 7:14A-25.6(b)3.

The permittee's post construction stormwater management program shall require compliance with the applicable design, performance, and maintenance standards established under the Stormwater Management rules, N.J.A.C. 7:8. In general, the Stormwater Management rules at N.J.A.C. 7:8 et. seq. establishes design and performance standards for stormwater management measures and establish safety standards for stormwater management basins.

The Stormwater Management rules at N.J.A.C. 7:8 establish the stormwater management design and performance standards for new development and redevelopment and require applicants to design their projects to minimize the adverse impact of stormwater runoff on water quality and water quantity and loss of groundwater recharge in receiving water bodies. Pursuant to amendments to those rules adopted in March of 2020, applicants must utilize green infrastructure to achieve those goals. Also, pursuant to more recent amendments to those rules adopted on July 17, 2023, major development must now be designed to address additional stormwater runoff resulting from increased precipitation and climate change. This permit requires permittees to implement the current rules, or a more stringent standard.

The permittee shall address stormwater runoff from the following types of major development through a post construction stormwater management program, as well as any additional development that is defined as "major development" by the permittee's stormwater program:

- New development and redevelopment projects that individually or collectively result in the disturbance of one acre or more of land, or the creation of one-quarter acre or more of a combination of "regulated impervious surface" and "regulated motor vehicle surface" that are owned or operated by the Highway Agency; and
- All new development and redevelopment projects that individually result in the disturbance of less than one acre and the creation of less than one-quarter acre of a combination of "regulated impervious surface" and "regulated motor vehicle surface" but are part of a larger common plan of development that ultimately disturbs one acre or more or one-quarter acre or more of a combination of "regulated impervious surface" and "regulated motor vehicle surface" that are owned or operated by the Highway Agency.

"Disturbance" is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance. Projects undertaken by any government agency which otherwise meet the definition of "major development", but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development."

The design and performance components of the Stormwater Management rules are implemented by the Department through the review of permits issued by the Watershed and Land Management Program (Flood Hazard, Freshwater Wetlands, Coastal Area Facility Review Act (CAFRA), and Waterfront Development) and by local authorities through the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.).(See also [www.nj.gov/dep/stormwater/sw\\_rule\\_faqs.htm](http://www.nj.gov/dep/stormwater/sw_rule_faqs.htm)).

This permit condition is retained largely unchanged from the 2020 Highway Agency permit. However, one enhancement to this permit renewal is a clarification that compliance with N.J.A.C. 7:8 requires the permittee's review engineer be independent from the design engineer and shall not have been involved in the design of the development plans. This permit renewal retains the requirement from the 2020 Highway Agency permit that the design review engineer shall have completed the Department's SWMDR Course within the last five years and adds a new requirement that the same individuals that review and approve stormwater management designs for major development projects on behalf of the permittee for compliance with the Stormwater Management rules at N.J.A.C. 7:8 also complete Stormwater Management Rule Amendment Training within 1 year of any amendments to the Stormwater Management rules. The permittee can check the list of individuals who have completed the SWMDR course, as well as the dates that their certificates expire, at <https://dep.nj.gov/stormwater/stormwater-management-design-review-course/>.

This permit renewal also removes Attachment D, the Major Development Stormwater Summary, which required detailed information for each structural and nonstructural stormwater management measure and replaces it with a requirement to include all major development projects approved each year on the Major Development Project List and submit that to the Department annually with the MSRP Annual Report, which is required to be uploaded via the RSP.

Since these requirements were included the 2020 Highway Agency permit, and the Major Development Project List is required to be completed for the calendar year beginning on the EDPA and submitted by the following May 1, no additional time is necessary for permittees to come into compliance, and therefore compliance with these requirements is due on EDPA.

#### **Variance From the Design and Performance Standards for Stormwater Management Measures (Part IV.E.2)**

This is a new section in Part IV.E of the Highway Agency renewal permit. The Department is proposing to amend N.J.A.C. 7:8 as part of New Jersey's Protecting Against Climate Threats (NJPACT) Rule Amendment Proposal. The changes to this section of the renewal permit would reflect the newly proposed N.J.A.C. 7:8-5.10. Existing N.J.A.C. 7:8-4.6 rule language provides standards for granting a variance from the design and performance standards by mitigating the requirement offsite. However, the current rules do not provide a mechanism for the Department to grant a variance as a municipality can. This discrepancy in the ability to grant a variance between MS4 permittees and the Department may create a situation that a project receives a valid variance to mitigate the design and performance standards offsite, but the same offsite mitigation cannot be approved through the Department's stormwater management review when the project also needs a Department permit. Proposed new N.J.A.C. 7:8-5.10 adds flexibility for the Department to grant a variance from meeting certain design and performance standards onsite in cases where the MS4 permittee with review obligations over the project has determined, pursuant to a mitigation plan that meets the Department's requirements, that these standards must instead be provided offsite.

The proposed language additionally clarifies that the reference to municipal mitigation plans or municipal approvals at N.J.A.C. 7:8-4.6 do not apply to projects that are not subject to municipal review, such as a project undertaken by the State. Additionally, although N.J.A.C. 7:8-4.6(a)3vi limits the use of green infrastructure BMPs to those in Table 5-1, the Department is proposing additional flexibility in cases where the applicant is a public transportation entity. In light of the unique challenges and limitations facing linear transportation projects, proposed new N.J.A.C. 7:8-5.10(a)1 allows mitigation projects proposed by public transportation entities to use green infrastructure BMPs listed at either Table 5-1 or Table 5-2; provided all other requirements of the proposed new section are met.

The 2020 Highway Agency permit required that the permittee create a mitigation plan that identified the measures that are necessary to offset the deficit created by an alternate location or design. The mitigation plan had to be consistent with N.J.A.C. 7:8-4.6. A written report had to be submitted to the Department 30 days after approving an alternative location or design which described the alternate location or design and the required mitigation.

The renewal permit includes the following language to be consistent with the proposed rule amendments:

- a. The permittee may be granted a variance from the design and performance standards at N.J.A.C. 7:8-5.3 through 5.6 by the Department for aspects of a particular major development project provided requirements b through f below are completed.
- b. The permittee shall create a written report which demonstrates how the requirements of N.J.A.C. 7:8-4.6(a)1, 2, and 3 and the requirements of Part IV.E are met. At a minimum, this demonstration shall include the following information in the written report:
  - i. An explanation as to why it is impracticable to accomplish the onsite stormwater management requirements of N.J.A.C. 7:8; and
  - ii. A demonstration of how the proposed offsite mitigation will ensure that the requirements of N.J.A.C. 7:8-5.3 through 5.6 are met.
  - iii. If the variance that resulted in the mitigation project being required is from the green infrastructure standards at N.J.A.C. 7:8-5.3, then, notwithstanding the requirement at N.J.A.C. 7:8-4.6(a)3vi regarding the use of green infrastructure BMPs in Table 5-1, the mitigation project may use green infrastructure BMPs listed in either Table 5-1 or Table 5-2 provided that the project is a public roadway project and all other requirements of Part IV.E.2 are met.

- c. The permittee shall create no adverse impacts to surrounding properties as a result of granting the variance pursuant to the requirements set forth above.
- d. The permittee shall submit the written report to the Department electronically via the NJDEP Online Stormwater Document Submittal Service.
- e. The permittee shall not begin construction of a project until written approval of the requested variance from the design and performance standards is received from the Department.
- f. The permittee shall provide documentation to the Department that the approved mitigation was accomplished within 30 days of completion of the mitigation project(s).

Since the requirements of the renewal permit are similar to those of the 2020 Highway Agency permit and there is no requirement for the permittee to seek a variance from the design and performance standards, no additional time is allotted for permittees to come into compliance.

**Minimum Standards for Pollution Prevention / Good Housekeeping (Part IV.F)**

Since there are many requirements within this section of the renewal permit, the Department is providing a tabular outline of the heading changes and re-ordering of topics from the 2020 Highway Agency permit to this renewal permit under the Minimum Standards for Pollution Prevention/Good Housekeeping section to assist with readability. The specific discussions regarding the requirements, and the changes thereto, are included in the order they appear in the renewal permit following the table.

2020 Permit Sections	Renewal Permit Sections
<b>Regulatory Mechanisms</b> <ul style="list-style-type: none"> <li>• Pet Waste Control</li> <li>• Wildlife Feeding Control</li> <li>• Litter Control</li> <li>• Improper Disposal of Waste</li> </ul>	<b>Regulatory Mechanisms</b> <ul style="list-style-type: none"> <li>• Pet Waste Control</li> <li>• Wildlife Feeding Control</li> <li>• Litter Control</li> <li>• Improper Disposal of Waste</li> </ul>
<b>Control Measures</b> <ul style="list-style-type: none"> <li>• Litter Pick-Up Program</li> <li>• Quarterly Street Sweeping</li> <li>• Triannual Street Sweeping</li> <li>• Annual Street Sweeping</li> <li>• Storm Drain Inlet Inspection</li> <li>• Catch Basin Inspection</li> <li>• Storm Drain Inlet Cleaning</li> <li>• Catch Basin Cleaning</li> <li>• Storm Drain Inlet Labeling</li> <li>• Storm Drain Inlet Label Maintenance</li> <li>• Storm Drain Inlet Retrofit</li> <li>• Herbicide Application Management</li> <li>• Excess De-icing Material Management</li> <li>• Roadside Vegetative Waste Management</li> <li>• Refuse Containers and Dumpsters</li> </ul>	<b>Good Housekeeping</b> <ul style="list-style-type: none"> <li>• Illicit Connections*</li> <li>• Litter Pick-Up Program</li> <li>• Quarterly Street Sweeping</li> <li>• Triannual Street Sweeping</li> <li>• Annual Street Sweeping</li> <li>• Storm Drain Inlet Labeling</li> <li>• Storm Drain Inlet Retrofitting</li> <li>• Storm Drain Inlet Installation</li> <li>• Herbicide Application Management</li> <li>• Excess De-icing/Anti-icing Material Management</li> <li>• Vegetative Waste Management</li> <li>• Tree Replacement Management</li> <li>• Roadside Erosion Control</li> <li>• Outdoor Refuse Containers and Dumpsters</li> </ul> <p>*Note: The Illicit Connections good housekeeping measure is not a new requirement but moved from section IV.B.6.d of the 2020 permit.</p>

<p><b>Please note that the conditions within “Inspection and Maintenance of Stormwater Facilities Owned or Operated by the Permittee” section were relocated to Part IV.F. from Part IV.B.4.g in this permit renewal.</b></p>	<p><b>Inspection and Maintenance of Stormwater Facilities Owned or Operated by the Permittee – New</b></p> <ul style="list-style-type: none"> <li>• Stormwater Outfall Inspections and Maintenance for Condition</li> <li>• Stormwater Outfall Inspections and Maintenance for Stream Scouring</li> <li>• Stormwater Outfall Inspections and Maintenance for Illicit Discharge Detection and Elimination</li> <li>• Storm Drain Inlet Inspection, Cleaning, and Maintenance</li> <li>• Catch Basin Inspection, Cleaning, and Maintenance</li> <li>• MS4 Conveyance Inspection, Cleaning, and Maintenance</li> <li>• Stormwater Facility Inspection, Cleaning, and Maintenance</li> <li>• Maintain a log sufficient to demonstrate compliance with Part IV.F</li> <li>• Complete corrective maintenance and repairs within 90 days</li> </ul>
<p><b>Maintenance Yards and Other Ancillary Operations Detailed in Attachment E</b></p> <ul style="list-style-type: none"> <li>• Inventory of Material and Machinery</li> <li>• Inspections and Good Housekeeping</li> <li>• Fueling Operations</li> <li>• Discharge of Stormwater from Secondary Containment</li> <li>• Vehicle Maintenance</li> <li>• On-Site Equipment and Vehicle Washing and Wash Wastewater Containment</li> <li>• Salt and De-icing Material Storage and Handling</li> <li>• Aggregate Material and Construction Debris Storage</li> <li>• Street Sweepings, Catch Basin Clean Out and other Material Storage</li> <li>• Yard Trimmings and Wood Waste Management Sites</li> </ul>	<p><b>Best Management Practices at Maintenance Yards and Other Ancillary Operations</b></p> <ul style="list-style-type: none"> <li>• Documenting Best Management Practices</li> <li>• Site Inspections</li> <li>• Inventory List</li> <li>• Container Labels and Storage</li> <li>• Spill Kits</li> <li>• Bulk Liquid Storage</li> <li>• Fueling and other Bulk Liquid Operations</li> <li>• Discharge of Stormwater from Secondary Containment</li> <li>• Vehicle and Equipment Maintenance</li> <li>• Wash Wastewater Containment</li> <li>• Salt and Other Granular De-icing/Anti-Icing Material Storage and Handling</li> <li>• Aggregate Material, Wood Chips, and Finished Leaf Compost Storage</li> <li>• Construction and Demolition Waste, Wood Waste, and Yard Trimmings Storage</li> <li>• Cold Patch Asphalt Storage</li> <li>• Street Sweepings and Storm Sewer Clean-out Material Storage</li> <li>• Scrap Tires</li> <li>• Inoperable Vehicles or Equipment</li> </ul>
	<p><b>Stormwater Program Coordinator (SPC) Training - New</b></p>
<p><b>Employee Training</b></p>	<p><b>Annual Employee Training</b></p>
	<p><b>De-Icing/Anti-Icing Material Application Training - New</b></p>
<p><b>Stormwater Management Design Review Training</b></p>	<p><b>Stormwater Management Design Review (SWMDR) Training</b></p>
	<p><b>Stormwater Management Rule Amendment Training - New</b></p>



The 2009 Highway Agency MS4 permit contained the following four SBRs:

- Improper Disposal of Waste;
- Solids and Floatable Controls;
- Maintenance Yard Operations; and
- Employee Training.

The 2020 Highway Agency permit merged those sections into a newly named section entitled “Pollution Prevention/Good Housekeeping.” This name is derived from one of the six Federal Minimum Control Measures (See CFR 122.34(b)(6)) and clarifies that permittees can utilize Federal guidance for this permit requirement. See the “National Menu of Best Management Practices (BMPs) for Stormwater” at <https://www.epa.gov/npdes/stormwaterdischarges-municipal-sources>.

The 2020 Highway Agency permit included the four previous sections from the 2009 Highway Agency permit, with the addition of Regulatory Mechanisms.

All stormwater facility inspection and maintenance conditions have been consolidated in this permit renewal into one permit section under Part IV.F.3., titled “Inspection and Maintenance of Stormwater Facilities Owned or Operated by the Permittee”.

This permit renewal also adds two new requirements under the Pollution Prevention/Good Housekeeping section entitled Stormwater Program Coordinator Training and the Stormwater Management Rule Amendment Training. The following conditions have also been retained from the 2020 permit but clarified with revisions in this permit renewal:

- Annual Employee Training; and
- Stormwater Management Design Review (SWMDR) Training.

This permit renewal also includes a new Tree Replacement Management condition under the Good Housekeeping section of the permit. In addition, the Salt and De-icing Material Storage and Handling conditions have been relocated under the Good Housekeeping section of the permit. This section has been renamed “Excess De-Icing/Anti-icing Material Management”.

### **Regulatory Mechanisms (Part IV.F.1)**

This permit renewal proposes to retain the four Regulatory Mechanisms from the 2020 Highway Agency permit, which state:

- Pet Waste Control

Adopt and enforce an appropriate regulatory mechanism that requires pet owners or their keepers to immediately and properly dispose of their pet's solid waste deposited on any part of the Highway Agency property; or prohibit pets from being allowed on Highway Agency Property.

- Wildlife Feeding Control

Adopt and enforce an appropriate regulatory mechanism that prohibits the feeding of any wildlife (e.g., Canada Geese) on Highway Agency property owned or operated by the permittee. Exclusions include unconfined wildlife at environmental education centers and feral cats as part of an approved Trap-Neuter-Release program.

- Litter Control

Enforce the existing State litter statute at N.J.S.A 13:1E-99.3, or adopt and enforce an appropriate regulatory mechanism that is at least as stringent as the State litter statute;

- Improper Disposal of Waste

Adopt and enforce an appropriate regulatory mechanism prohibiting the improper spilling, dumping, or disposal of materials other than stormwater into the MS4 system excluding those discharges as allowable under Part II.C.2.b.

The permittee, via these regulatory mechanisms and consistent with N.J.A.C. 7:14A-25.6(b)5.iii, must effectively prohibit improper disposal of waste into the permittee's MS4 and implement appropriate enforcement procedures and actions. Consistent with the 2004, 2009 and 2020 Highway Agency permits, the Department continues to provide model regulatory mechanisms posted at <https://dep.nj.gov/njpdes-stormwater/municipal-stormwater-regulation-program/example-ordinances/>.

The content of the permit requirements regarding regulatory mechanisms, as well as the suggested regulatory mechanisms for pet waste, litter, improper disposal of waste, and wildlife feeding are consistent with the 2020 Highway Agency permit. Because this has been a longstanding Highway Agency requirement, permittees will be required to comply with this requirement on EDPA.

### **Good Housekeeping (Part IV.F.2)**

This permit renewal contains fourteen requirements under the heading "Good Housekeeping." Most of these good housekeeping BMPs are required to control solid and floatable materials. Herbicide Application Management and Excess De-icing/Anti-icing Material Management are required to protect water quality from direct discharges from inappropriate roadside herbicide application and saline discharges from excess piles of road salt that would have otherwise remained on the road until they completely dissolved into the stormwater runoff and adversely impacted the receiving waters.

- Illicit Connections

Permit requirements regarding Illicit Connections were located in the "Minimum Standards for MS4 Outfall Pipe Mapping, and Illicit Discharge and Scouring Detection and Control" section of the 2020 permit. These requirements have been relocated under the "Good Housekeeping" section of this permit renewal, and state:

"Illicit Connections: The permittee shall prevent illicit discharges into the MS4. In addition, the permittee shall inspect outfalls and eliminate any observed illicit discharges in accordance with Part IV.F.3."

The Department has revised the requirements for ensuring that there are no illicit discharges emanating from within the Highway Agency property. The Department determined that, since the Highway Agency permittees maintain control over the site operations on their property, it is more appropriate for the requirement to reflect that authority and be applied to the permittee as opposed to a regulatory mechanism passed down to users. Therefore, the Department removed the requirement to adopt a regulatory mechanism and replaced it with the permit requirement noted above. Though this change effects the way that the requirement is applied, it does not change how illicit discharges are to be inspected for and corrected from the previous 2020 permit. Illicit discharges are illegal and unpermitted discharges to waters of the state and, therefore, there is no allowance for a compliance schedule and permittees shall implement this requirement upon EDPA.

- Quarterly, Triannual, and Annual Street Sweeping

Street Sweeping has been a permit requirement since the 2004 Highway Agency permit. The sweeping

requirement proposed in this permit renewal carries forward the language from the 2020 Highway Agency permit. This requirement continues to meet the reduction/elimination of solid and floatable materials requirement in the Federal MS4 rule at 40 CFR 122.34(b)(6)(ii) and N.J.A.C. 7:14A-25.6(b)6.

Since these requirements were included in the 2020 Highway Agency permit, no additional time is necessary to come into compliance. Therefore, permittees shall implement this requirement upon EDPA.

- Storm Drain Inlet Labeling

Storm drain inlet labeling in the 2020 Highway Agency permit was located under the “Control Measures” heading. The location of this requirement has not moved but the section has been renamed to “Good Housekeeping” in this permit renewal and states:

“Storm Drain Inlet Labeling: The permittee shall label all storm drain inlets that eventually discharge to surface water and do not have permanent wording cast into the structure of the inlet to indicate that it drains into a local waterway. This applies to inlets that are located at rest areas, maintenance facilities, and along streets with sidewalks.”

Since this requirement was included in the 2020 Highway Agency permit, no additional time is necessary to come into compliance. Therefore, permittees shall implement this requirement upon EDPA.

- Storm Drain Inlet Retrofitting

The Storm Drain Inlet Retrofit requirement from the 2020 Highway Agency permit has been enhanced and renamed to “Storm Drain Inlet Retrofitting” in this renewal permit. In the 2020 Highway Agency permit, retrofitting of permittee owned or operated storm drain inlets was only required when:

“In direct contact with any repaving, repairing (excluding any pothole repair), or resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen); or in direct contact with any reconstruction or alteration of facilities. Storm drain inlet retrofits shall meet the standard in Attachment C (Design Standards for Storm Drain Inlets).”

In the draft permit renewal, the requirement has changed to state:

“The permittee shall comply with the standards set forth in Attachment B (Design Standards for Storm Drain Inlets) of this permit to control passage of solid and floatable materials through storm drain inlets owned or operated by the permittee. The permittee shall retrofit all storm drain inlets owned or operated by the permittee with the standards set forth in Attachment B on or before EDPA + 59 months.”

As noted above, the due date for Highway Agency permittees to retrofit all remaining permittee owned or operated storm drain inlets in accordance with the standards set forth in Attachment B is EDPA + 59 months. Highway Agencies have been required to retrofit any storm drain inlets that came in contact with repaving since the first iteration of the MS4 general permits in 2004. Storm drain inlets must be replaced or retrofitted to restrict the passage of solids/floatables, and in doing so, this will also reduce the facility’s costs of needing to employ the use of a vacuum truck to clean the catch basin below the inlet.

The Department asserts that it is appropriate to set a deadline of EDPA + 59 months for all storm drain inlets to be retrofitted since existing MS4 permittees have been required to retrofit them for repaving and utility projects for over 20 years and we anticipate that the number of inlets that will need to be retrofitted (outside of those that are in non-compliance of the existing requirement during repaving, etc.) has been reduced significantly since 2004. Further, Highway Agency permittees will have almost five (5) years to complete this task and retrofitting can be accomplished with relatively insignificant costs by bolting a grate or bars over the openings, which will be much less costly than replacing the entire inlet structure.

- Storm Drain Inlet Installation

The renewal permit includes a new section not included in the 2020 Highway Agency permit called “Storm Drain Inlet Installation.” This requirement applies to the installation of new storm drain infrastructure and is not a requirement to begin retrofitting existing storm drains. This requirement is being added in the renewal permit to reduce the amount of solid and floatable material being discharged into the receiving waters and to meet the reduction/elimination of solid and floatable materials requirement in the Federal rule at 40 CFR 122.34(b)(6)(ii). The requirement in this permit states:

“The permittee shall install storm drains that include a catch basin or other BMP designed to collect solids directly below the inlet grate in areas that drain to surface waters. This applies to new storm drain inlet installations that are due to construction that is not considered a major development as defined by N.J.A.C. 7:8.”

Additional costs should be minimal for most permittees as retrofitting of stormwater inlet BMPs is not required. This requirement will only be triggered when permittees install new storm drain inlets that are not part of a project that meets the definition of “major development”, and the cost of installing a new inlet with a catch basin should be minimal relative to the cost of the overall improvement project and are minimal compared to the overall water quality benefit they produce.

Catch basins would only be required when there is no other BMP (such as a stormwater basin or MTD) located between the new inlet and the outfall and are not required to be installed on bridges or culverts. Further, storm drains are exempt from needing catch basins if the hydraulic losses will result in unavoidable adverse hydraulic impacts.

Since this requirement does not require permittees to immediately begin installing catch basins in existing storm drain inlets and the overall number of storm drain inlets that would be subject to this requirement are not substantial, permittees shall implement this requirement upon EDPA.

- Herbicide Application Management

Some permittees apply herbicides on their properties. Management of this application was addressed in the 2020 Highway Agency permit and has been moved under “Good Housekeeping” in the renewal permit. The language remains unchanged except for a minor clarification from the 2020 Highway Agency permit. Permittees can apply herbicides on steeply sloping ground if it is unsafe or infeasible to access with equipment.

Application of herbicides is an optional practice so this requirement may not be applicable to every Highway Agency. Since this requirement does not require the purchase of equipment and the program is to essentially ‘not’ spray herbicide in certain areas, compliance with this requirement is due on EDPA for all permittees.

- Excess De-Icing/Anti-Icing Material Management

Excess De-Icing/Anti-Icing in the 2020 Highway Agency permit was located under the “Control Measures” heading. The location of this requirement has not moved but the section has been renamed to “Good Housekeeping” in this permit. The language of the requirement in the renewal permit remains unchanged and states:

“The permittee shall remove, within 72 hours after the end of the storm event, conditions permitting, piles of excess salt and de-icing/anti-icing materials that have been deposited during spreading operations, e.g., piles resulting from accidental spillage or when spreading equipment is started or stopped, on streets, ramps, and parking areas owned or operated by the permittee. Excess de-icing material removed may be returned to storage or properly managed if unsuitable for reuse.”

Since this requirement was included in the 2020 Highway Agency permit, no additional time is necessary to come into compliance. Therefore, permittees shall implement this requirement upon EDPA.

- Vegetative Waste Management

In the 2020 Highway Agency permit, this section was moved from the “Improper Disposal of Waste” under the heading “Vegetative Waste” section in the 2009 permit to be under “Pollution Prevention/Good Housekeeping” had been clarified and updated to “Roadside Vegetative Waste Management”. The renewal permit changes the name of the requirement to “Vegetative Waste Management” and the language reads:

“The permittee shall ensure the proper pickup, handling, storage, and disposal of wood waste and yard trimmings generated by the permittee to minimize the impact of vegetative maintenance activities on stormwater discharge quality. At a minimum, the permittee shall ensure that wood waste and yard trimmings are not swept, raked, blown, or otherwise deposited onto other areas, such as streets or parking areas, where the material can be transported by the MS4 system and ensure that no person sweeps, rakes, blows, or otherwise places loose wood waste and yard trimmings into streets or parking areas.”

This requirement is intended to ensure appropriate management of materials generated from activities such as mowing, tree trimming, and wood chipping along permittee owned roads or at other properties owned or operated by the Highway Agency.. This is so that these materials are not transported into the MS4, thus increasing maintenance requirements and resulting costs for the permittees. This requirement is also intended to eliminate these materials from being transported to and have negative impacts on the receiving waters.

Since this requirement was included in the 2020 Highway Agency permit and only has minor rewording in the renewal permit, no additional time is necessary to come into compliance. Therefore, permittees shall implement this requirement upon EDPA.

- Tree Replacement Management

This new permit requirement is derived from discussions with stakeholders during the 2019 Stormwater Management rule stakeholder outreach sessions. These discussions included improvements to the Stormwater Management program and the ongoing need for enhanced stormwater management strategies. Trees play a critical, often overlooked, role in the water cycle and can mitigate stormwater runoff issues. This good housekeeping requirement is intended to ensure that permittees are considering these undervalued assets in their water quality management efforts. This permit renewal requires permittees to replace certain trees when removed in an effort to reduce stormwater runoff and pollutants, and to promote infiltration of rainwater into the soil. The language added to the permit is as follows:

“The permittee shall ensure that any tree removed from the property owned or operated by the permittee be replaced with a tree of equal or greater size or according to the following:

Any street tree removed with DBH of 2.5” to 5.99” shall be replaced with one tree with caliper of 2-2.5” or more;

Any tree removed with DBH of 6” to 12.99” shall be replaced with one tree with caliper of 2-2.5” or more;

Any tree removed with a DBH of 13” to 22.99” shall be replaced with two trees with caliper of 2-2.5” or more;

Any tree removed with a DBH of 23” to 32.99” shall be replaced with three trees with caliper of 2-2.5” or more;

Any tree removed with DBH of 33” or greater shall be replaced with four trees with caliper of 2-2.5” or more.”

Additionally, the permittee has the option of planting replacement trees in separate areas if they cannot be replanted as part of the project during which the removal occurred or paying a fee of \$300 per tree removed unless it can be demonstrated that the actual cost of the tree(s) purchase and installation is less which would be used for tree planting and/or maintenance. Exemptions to replanting were added for certain circumstances and for hazard trees along with an exemption for trees removed in order to protect the function of stormwater management basins.

This requirement was added to the 2023 MS4 Tier A permit and 2024 MS4 Public Complex permit renewals.

Since this requirement does not require permittees to immediately begin planting trees to make up for past removals, permittees shall implement this requirement upon EDPA.

- Roadside Erosion Control

This renewal permit reincorporates the requirement for Roadside Erosion Control from the original 2004 Highway Agency permit. In the 2004 Highway Agency permit there was a section called “Roadside Erosion Control Maintenance” at Part I.F.6.d. that was implemented to require Highway Agencies to develop a roadside erosion control maintenance program. The 2004 permit stated that the minimum standard for Highway Agency was to develop a roadside erosion control maintenance program to identify and repair erosion along streets (including roads or highways) operated by the Highway Agency. Highway Agencies were also required to regularly inspect and maintain the stability of shoulders, embankments, ditches and soils along these streets to ensure that they were not eroding and contributing to sedimentation of receiving waters. Repairs were to be made in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey, N.J.A.C. 2:90-1 (or N.J.A.C. 16:25A where NJDOT operates the Highway Agency).

This requirement was removed in the 2009 Highway Agency permit because, at the time, it was viewed as a redundancy, since permittees were required to control erosion under the Standards for Soil Erosion and Sediment Control in New Jersey (N.J.A.C. 2:90-1). This section was also kept out of the 2020 permit for the same reason. However, those standards only applied to construction sites, while this permit requirement will apply to existing roadways. In this renewal permit, this requirement has been reintroduced in response to citizen complaints and Department inspections and observations of roadside erosion. This condition is also being restored in the permit to provide additional water quality protection, and as a stormwater facility maintenance requirement, as roads are considered to be part of the stormwater conveyance systems. New Jersey has approximately 35,600 miles of roads, and more highways per square mile than any other state. Erosion of or along these streets, highways, and other roads contributes suspended solids, sediment and other materials to storm sewer systems and waterways.

Permittees will be required to re-implement the roadside erosion control inspection and maintenance program to identify and repair erosion along streets (including roads or highways) operated by the permittee. Permittees will also be required to regularly inspect and maintain the stability of shoulders, embankments, ditches, and soils along these streets to ensure that they are not eroding and contributing to clogging or destabilization of stormwater infrastructure, or sedimentation of receiving waters.

Sedimentation not only causes an increase of permittee costs for ditch, culvert and catch basin cleaning to ensure proper operation and maintenance and prevent associated flooding, it is also the single largest contributor of pollution to our nation’s waters. Sedimentation and the deposition of material eroded by runoff from roads and roadsides can significantly impact water quality, and when not maintained, this erosion can also convey a significant amount of pollutants in the stormwater runoff. Sedimentation can also lead to a decrease in water carrying and storage capacities of streams and reservoirs, as well as destroy fish and other aquatic habitats. For example, sedimentation can fill the pores between gravel and cobble stream bottoms, greatly decreasing the

spawning areas for many fish species (including native trout) and the habitat for macroinvertebrates, which serve as food for many fish species.

The reintroduced “Roadside Erosion Control” requirement has been added under “Good Housekeeping” and states:

“Roadside Erosion Control: The permittee shall develop a program to detect and repair erosion along driveways, streets, and parking areas owned or operated by the permittee and to inspect and maintain the stability of shoulders, embankments, ditches, and soils along these areas to ensure that they are not eroding and contributing to the sedimentation of receiving waters or stormwater infrastructure.”

The Department recognizes that permittees may be concerned that implementing this condition will expand the burden of inspection activities and incur more costs and resources. However, it should be noted that there is no requirement for permittees to schedule separate inspections as these inspections can occur incidental to conducting other activities, including the inspection of storm drain inlets or street sweeping. As such, the permittee should not incur any additional significant costs due to inspection. Any driveway, street, and parking area repairs would need to be conducted for public safety reasons, as well as to ensure the proper operations and maintenance of the stormwater conveyance system.

Permittees will have 12 months from EDPA to comply with this requirement.

- **Outdoor Refuse Containers and Dumpsters**

The 2020 Highway Agency permit requires that permittees ensure that dumpsters and other refuse containers that are outdoors or exposed to stormwater, are covered at all times. This renewal permit has added some enhancements to further clarify and to prevent stormwater impacts from spilling, dumping, leaking, or discharging of liquids, semi-liquids, or solids from outdoor refuse containers and dumpsters. The permit adds language to ensure that roll-offs and open-top waste containers are covered to prevent runoff. This permit also clarifies that clean roll-offs used to collect clean household recyclables shall be covered when not in use. This measure is not intended for temporary demolition containers (e.g., rubble or construction waste, and wood waste) or containers that hold large bulky items (e.g., furniture), provided they do not contain putrescible waste. The updated language reads as follows

“The permittee shall ensure that refuse containers and dumpsters that are outdoors or exposed to stormwater are managed as follows: Must always be covered with a tarp, lid, or under a permanent structure to prevent the contact of waste materials with stormwater unless actively being filled or emptied, must be leak proof to prevent the discharge of leachate from the contents of the container (temporary demolition containers, e.g., rubble, construction waste, and wood waste, or containers that hold large bulky items, e.g., furniture, do not need to be leak proof as long as they do not contain putrescible waste.), and this measure is not intended for litter receptacles; recycling receptacles; and refuse containers at industrial facilities where the discharge of stormwater from the area is regulated by a valid NJPDES permit.”

Since this requirement was established in the 2020 permit and compliance with this requirement would only entail the use of minimal and inexpensive equipment, such as portable tents, covers or tarps, and since the discharge of stormwater that had become exposed to source materials would be considered an unpermitted discharge, permittees shall implement this requirement upon EDPA.

### **Inspection and Maintenance of Stormwater Facilities Owned or Operated by the Permittee (Part IV.F.3.)**

The 2004 and 2009 Highway Agency permits required permittees to ensure adequate long-term operation and maintenance of stormwater facilities owned or operated by the Highway Agency.

Consistent with, but more specific than the 2004 and 2009 permit requirements, the 2020 Highway Agency permit required permittees to develop a program to ensure adequate long-term cleaning, operation, and maintenance of all permittee owned or operated stormwater facilities under Minimum Standards for Stormwater Facilities Maintenance in Part IV.C.2 which stated:

“The permittee shall develop, update and implement a program to ensure adequate long-term cleaning, operation and maintenance of all permittee owned or operated stormwater facilities at the Highway Agency.

- a) Stormwater facility inspection and maintenance must be performed pursuant to any maintenance plans, or more frequently as needed, to ensure the proper function and operation of the stormwater facility.
- b) Stormwater facility maintenance must be performed pursuant to any maintenance plans, or more frequently as needed, to ensure the proper function and operation of the stormwater facility. See [https://www.nj.gov/dep/stormwater/maintenance\\_guidance.htm](https://www.nj.gov/dep/stormwater/maintenance_guidance.htm).
- c) The permittee shall maintain a log sufficient to demonstrate compliance with this section; which shall include, but is not limited to the following information:
  - i. name & type of stormwater facility inspected;
  - ii. location information of the facility inspected (location information must be specific enough to locate and identify the stormwater facility in the field; e.g. geographic coordinates);
  - iii. name of inspector;
  - iv. date of inspection;
  - v. findings; and
  - vi. any preventative and corrective maintenance performed.”

The 2020 Highway Agency permit further clarified and expanded the expected actions that were considered adequate long-term cleaning, operation, and maintenance; the inclusion of inspection frequencies of stormwater facilities to ensure better operation; clarification of the requirements for catch basins; the addition of specific requirements for stormwater conveyance system inspection and cleaning; inclusion of inspections for all other stormwater infrastructure; as well as retaining the requirement maintain logs and records of cleanings and inspections of all facilities.

This draft renewal proposes to keep the language on maintaining stormwater facilities owned or operated by the permittee mostly the same with some clarifying language. The permit states:

“The permittee shall develop, update, and implement a program to ensure adequate long-term cleaning, operation, and maintenance of all stormwater facilities owned or operated by the permittee to restrict pollutants from entering the waters of the State, to eliminate recurring problems, and maintain proper function. This program shall include all stormwater infrastructure, including but not limited to b. - h. below.”

This draft renewal has reorganized some permit requirements to include Stormwater Outfall Inspections and Maintenance for Condition, Stream Scouring, and Illicit Discharge and Detection Elimination into one section to make it clear that permittees can perform the outfall pipe, stream scouring detection, and illicit discharge inspections on the same schedule.



The Stream Scouring requirements of this permit are included to protect water quality from negative effects of erosion. The Illicit Discharge requirements of this permit are included to protect water quality from nonpermitted and illegal discharges. As with the 2020 permit, this permit retains references to “localized” stream scouring “in the vicinity of the outfall pipe.” The stream scouring and illicit discharge permit conditions require identification, documentation, investigation and, when feasible, reduction of sources of stormwater that contribute to outfall pipe stream scouring and water quality impacts.

The permit renewal also includes an enhanced requirement from the 2020 permit to now require that permittees attach the Department’s completed Outfall Inspection, Stream Scouring and Illicit Connection Inspection Report Form(s) to the MSRP Annual Report for each outfall inspection that is conducted for the calendar year, as opposed to the 2020 permit requirement that only required the Department’s Illicit Connection Inspection Report Form to be attached to the Annual Report to document investigations and actions taken regarding illicit connections.

The 2020 Highway Agency permit separated the requirements in this section for “Storm Drain Inlet and Catch Basin Inspection” This renewal permit retains separate definitions for storm drain inlets versus catch basins to differentiate that they are separate devices and maintains separate requirements for inspecting storm drain inlets from inspecting catch basins. This separation aids in clarifying that these are separate devices which require separate protocols for inspection and cleaning. The maintenance of these devices is necessary to remove sediment, trash, or other debris to control it from entering the waters of the State, to eliminate recurring problems, or maintain proper function. For guidance related to catch basin cleaning, refer to the EPA Catch Basin Technology Overview and Assessment in the Highway Agency Guidance document (<https://dep.nj.gov/njpdessstormwater/municipal-stormwater-regulation-program/highway-agency-stormwater-permit/#guidancedocument>).

The renewal permit also expands and clarifies that MS4 conveyance systems need to be inspected, cleaned and maintained to ensure proper function and operation. The permit states:

“MS4 Conveyance Inspection, Cleaning, and Maintenance: At a minimum, the permittee shall:

- i. Include inspections at a frequency to determine if cleaning and/or maintenance are necessary. The frequency for inspections shall be based on known areas of storm sewer back-ups/complaints, and other relevant factors;
- ii. Ensure that sediment, trash, or other solids or floatable material is removed; and
- iii. Describe conditions under which areas of the MS4 conveyance system must be cleaned and maintained.”

This renewal permit proposes to retain the same basic requirements to maintain stormwater infrastructure but has enhanced and re-titled this section, “Stormwater Facility Inspection, Cleaning, and Maintenance” with specific requirements regarding the schedule of inspections for stormwater infrastructure that does not have specific maintenance or inspection schedules. The permit states:

“Stormwater Facility Inspection, Cleaning, and Maintenance (excluding b. – g. above): At a minimum, the permittee shall:

- i. Inspect all stormwater infrastructure pursuant to approved maintenance plans;
- ii. Conduct cleaning and maintenance pursuant to approved maintenance plans, or more frequently as needed. See the Department’s maintenance guidance at <https://dep.nj.gov/stormwater/maintenance-guidance/>;
- iii. If no plan or guidance exists for a particular type of stormwater facility, the permittee shall inspect the infrastructure at least four times; and

- iv. If there are no approved maintenance plans for certain stormwater facilities, the permittee may create one by following the Department's Best Management Practice Manual at <https://dep.nj.gov/stormwater/bmp-manual/> or other maintenance guidance at <https://dep.nj.gov/stormwater/maintenance-guidance/>;

The renewal permit has consolidated several previous permit requirements into Part IV.F.3.i - m within this section for clarity and to ensure that applicable documentation and involvement requirements were met. These requirements are retained mostly unchanged from the 2020 permit. One of the minor changes was adding a 90 day timeline for repairing any stormwater facilities found not to be functioning properly unless the Department is notified ahead of time of an alternative schedule. Additionally, specific language was added to ensure that all maintenance, repairs, or changes to any stormwater facility are made in accordance with N.J.A.C. 7:8. This language was added to ensure that stormwater facilities continue to function in a manner that properly addresses stormwater quality and quantity.

#### **Best Management Practices at Maintenance Yards and Other Ancillary Operations (Part IV.F.4.)**

The 2009 Highway Agency MS4 NJPDES permit presented requirements related to maintenance yard activities in both the body of the permit and in an attachment. Part I.E.8 of the 2009 Permit contained requirements for de-icing material storage, equipment and vehicle washing, and Standard Operating Procedures under the heading "Maintenance Yard Operations (including Maintenance Activities at Service Areas, and Ancillary Operations)." This section of the 2009 Permit also referenced Attachment D entitled "Required Practices for Fueling Operations, Vehicle Maintenance, and Good Housekeeping SBRs".

The 2020 Highway Agency MS4 NJPDES permit kept the same format of requirements related to maintenance yards in both the body of the permit and as an attachment but added a few more requirements. Those expanded requirements included BMPs for Discharge of Stormwater from Secondary Containment, On-Site Equipment and Vehicle Washing and Wash Wastewater Containment, Aggregate Material and Construction Debris Storage, Street Sweepings, Catch Basin Clean Out and Other Material Storage, and Yard Trimmings and Wood Waste Management Sites.

As part of this permit renewal, all BMPs for Maintenance Yards and Ancillary Operations have been removed from an attachment and are now located strictly in the body of the permit at Part IV.F.4. A tabular summary of the relevant attachments for the 2020 Highway Agency MS4 NJPDES permit and the 2025 Highway Agency MS4 NJPDES permit is as follows:

<b>2020 Permit Renewal SBR - Attachment E</b>  <b>Best Management Practices for Maintenance Yards and Other Ancillary Operations</b>	<b>2025 Draft Permit Renewal</b>  <b>Part IV.F.4. - Best Management Practices at Maintenance Yards and Other Ancillary Operations</b>
<ul style="list-style-type: none"> <li>• Inventory of Material and Machinery;</li> <li>• Inspections and Good Housekeeping;</li> <li>• Fueling Operations;</li> <li>• Discharge of Stormwater from Secondary Containment;</li> <li>• Vehicle Maintenance;</li> <li>• On-Site Equipment and Vehicle Washing and Wash Wastewater Containment;</li> <li>• Salt and De-icing Material Storage and Handling;</li> <li>• Aggregate Material and Construction Debris Storage;</li> <li>• Street Sweepings, Catch Basin Clean Out and Other Material Storage; and</li> </ul>	<ul style="list-style-type: none"> <li>• Best Management Practices</li> <li>• Site Inspections</li> <li>• Inventory List</li> <li>• Container Labels and Storage</li> <li>• Spill Kits</li> <li>• Bulk Liquid Storage</li> <li>• Fueling and Other Bulk Liquid Operations</li> <li>• Discharge of Stormwater from Secondary Containment</li> <li>• Vehicle and Equipment Maintenance</li> <li>• Wash Wastewater Containment</li> <li>• Salt and Other Granular De-icing/Anti-</li> </ul>

<ul style="list-style-type: none"> <li>• Yard Trimmings and Wood Waste Management Sites.</li> </ul>	<ul style="list-style-type: none"> <li>• icing Material Storage and Handling</li> <li>• Aggregate Material, Wood Chips, and Finished Leaf Compost Storage</li> <li>• Construction and Demolition Waste, Wood Waste, and Yard Trimmings Storage</li> <li>• Cold Patch Asphalt Storage</li> <li>• Street Sweepings and Storm Sewer Clean-out Material Storage</li> <li>• Scrap Tires</li> <li>• Inoperable Vehicles or Equipment</li> </ul>
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Consistent with 40 CFR 122.34(b)(6) and N.J.A.C. 7:14A-25.6, each iteration of New Jersey's Highway Agency MS4 NJPDES permit since 2004 has included requirements related to maintenance yard operations. N.J.A.C. 7:14A- 25.6(b)7 states:

"Maintenance yards and highway service areas: The permittee shall develop and implement an operation and maintenance program that prevents or reduces pollutant runoff from maintenance yards and highway service areas owned or operated by the permittee."

At Part IV.F.4 of this permit, the requirements are presented and renamed "Best Management Practices at Maintenance Yards and Other Ancillary Operations." This section of the permit presents a comprehensive list of activities to better represent common activities at maintenance yards and unifies all applicable BMPs and control measures in one location in the body of the permit. Based on information garnered from site inspections as well as input from field inspectors, the 2020 Highway Agency MS4 NJPDES permit did not accurately represent all the activities at maintenance yard locations. This permit proposes to remedy this gap by expanding this section as well as by including BMPs or control measures that must be implemented to minimize or eliminate pollutant exposure to stormwater for each activity listed in Part IV.F.4, which is written so that it can be distributed to and utilized by employees that work at or use the maintenance yard.

The Department has determined that expanding coverage under this permit for additional activities commonly occurring at maintenance yards is appropriate since such activities can be a significant contributor of pollutants to surface water if not managed properly (see N.J.A.C. 7:14A-24.2(a)). These activities could be otherwise regulated under individual permits, but the Department has determined that this general permit is the most efficient and appropriate means by which the Department can regulate a large number of similar dischargers (see also N.J.A.C. 7:14A-6.13). Therefore, this draft permit now includes an expanded version of BMPs related to site inspections, inventory lists, container labels and storage, spill kits, fueling and other bulk liquids operation, discharge of stormwater from secondary containment, vehicle and equipment maintenance, wash wastewater containment, salt and other granular de-icing/anti-icing material storage as well as new requirements for bulk liquid storage, cold patch asphalt storage, scrap tire storage, and inoperable vehicles or equipment storage. Inclusion of this more comprehensive set of activities for maintenance yards is an important component of this permit and are consistent with 40 CFR 122.34(b)(6)ii which states:

"consider the following in developing your program: . . . controls for reducing or eliminating the discharge of pollutants from . . . maintenance and storage yards, fleet or maintenance shops with outdoor storage areas, salt/sand storage locations and snow disposal areas ... procedures for properly disposing of waste removed from the separate storm sewers and areas listed above (such as dredge spoil, accumulated sediments, floatables, and other debris) ... "

These BMPs are intended to improve stormwater quality through the implementation of techniques to minimize the exposure of pollutants to stormwater. A permittee is not exempt from the requirement to apply for another stormwater permit for any activity addressed in the permit if required to do so, for due cause, by the Department (N.J.A.C. 7:14A-6.13).

The BMPs in this renewal permit are intended to improve stormwater quality through the implementation of techniques to minimize the exposure of pollutants to stormwater as follows:

- Documenting Best Management Practices (BMPs) at all Maintenance Yards and Other Ancillary Operations

Properly implemented good housekeeping measures and BMPs can eliminate or minimize contact between stormwater and source materials. It was observed during stormwater compliance inspections of Highway Agency permittees that some permittees had more than one maintenance yard or were performing ancillary operations at various locations. Often, Department staff were unaware of these locations unless the permittee's staff mentioned them. To remedy this information gap, the requirement to create a form in the SPPP for each individual maintenance yard and ancillary operation, which can be found in Part IV.A.2 of both the 2020 Highway Agency permit and this renewal permit, was added to Part IV.F.5.a of the renewal permit. This ensures that it is clear that each individual maintenance yard and ancillary operation is to be identified with its own form in the SPPP, including a description of the site-specific activities and associated BMPs.

Permittees shall implement this requirement upon EDPA + 6 months.

- Site Inspections

There is no change from the 2020 Highway Agency permit regarding monthly site inspection requirements. The requirement shall continue for permittees to track site inspections in a log. The inspection log must contain (at a minimum) a record of inspections of all operations detailed in Part IV.F.4, including dates and times of the inspections, the name of the person conducting the inspection and relevant findings. This inspection log must be kept on-site with the SPPP and made available to the Department upon request.

Permittees shall implement this requirement upon EDPA since there is no change from the 2020 permit requirements.

- Inventory List

There is no change from the 2020 Highway Agency permit regarding the inventory list requirements. The requirement shall continue for permittees to implement good housekeeping procedures including maintaining an inventory of materials and machinery which could be a source of pollutants in stormwater discharges.

Permittees shall implement this requirement upon EDPA since there is no change from the 2020 permit requirements.

- Container Labels and Storage

There is no change from the 2020 Highway Agency permit regarding container label requirements. The requirement shall continue for permittees to properly label all containers with labels that are legible, clean, and visible. Permittees shall keep containers in good condition, protected from damage and spillage, and tightly closed when not in use.

Permittees shall implement this requirement upon EDPA since there is no change from the 2020 permit requirements.

- Spill Kits

There is no substantial change from the 2020 Highway Agency permit regarding the handling of spills. The requirement shall continue for permittees to conduct cleanups of spills of liquids or dry materials immediately after discovery. The permit renewal now includes the following sentence: "Spills that are suspected to be a

threat to human health or the environmental shall be immediately reported to the NJDEP Hotline at 1-877-WARNDEP (1-877-927-6337).” The permit retains the following requirements from the 2020 permit with some minor wording changes for additional clarity: “All spills shall be cleaned using dry cleaning methods only. Clean up spills with a dry, absorbent material (i.e., kitty litter, sawdust, etc.) and sweep the rest of the area. Dispose of collected waste properly. Store clean-up materials, spill kits and drip pans near all liquid transfer areas, protected from rainfall.”

Permittees shall implement this requirement upon EDPA.

- Bulk Liquid Storage

This is a new requirement for Highway Agency permittees. Secondary containment of the containers utilized in the normal course of storage, transfer, or use, is necessary for preventing leaks and spills of bulk liquid materials from becoming discharges to the MS4 system or directly to surface or ground water. Secondary containment is also required to trap leaks and leakage where they can be cleaned up and removed prior to their escape onto the land, groundwaters or surface waters of the State. Permittees shall have secondary containment, such as a spill containment for all new and existing aboveground storage tanks containing bulk liquid materials (including but not limited to gasoline, diesel fuel, heating oil, hydraulic oil, and used oil) and all new liquid de-icing/anti-icing tanks. The containment area must be impervious and be able to contain the volumetric capacity of at least 110% of the largest tank’s capacity within the containment area. The containment area must be constructed so that no volume of bulk liquid material can escape through drains, storm sewer systems, or to the surface waters or ground waters of the state. All accessory pipes, hoses, valves, and pumps must also be located within the containment area or under cover and not exposed to stormwater. It is recommended that the secondary containment area be protected from the weather with a roof to prevent stormwater from accumulating in the containment structure so that there is no need to determine if that accumulated stormwater can be discharged.

Permittees shall implement this requirement by EDPA + 12 months.

- Fueling and other Bulk Liquid Operations

There is one minor change from the 2020 Highway Agency permit regarding fueling and other bulk liquid operations. A trained employee shall be present to supervise the bulk transfer of fuel or other bulk liquids to ensure BMPs are followed. This will ensure that the BMPs required by the permit will be properly implemented at the time of receipt of fuel or other bulk liquids. Stormwater contamination can occur from residual spillage that may occur from topping off fuel tanks, not being attentive during loading and unloading procedures, or improper cleanup after a spill occurs. This requirement shall continue for permittees to establish, maintain, and implement standard BMPs for vehicle fueling; receipt of bulk fuel deliveries; and inspection and maintenance of storage tanks, including the associated piping and fuel pumps.

Permittees shall implement this requirement upon EDPA.

- Discharge of Stormwater from Secondary Containment

There is no change from the 2020 Highway Agency permit regarding discharge of stormwater from secondary containment. This requirement shall continue for permittees to implement BMPs for discharges of stormwater from secondary containment systems (e.g., waste oil storage). Permittees may only discharge stormwater accumulated in a secondary containment area if it can be ascertained that the stormwater has not come into contact with stored product.

Permittees shall implement this requirement upon EDPA.

- Vehicle/Equipment Maintenance

There is no substantial change from the 2020 Highway Agency permit regarding vehicle and equipment maintenance. Some minor edits to the wording of this requirement have been made for clarity. This requirement continues for permittees to implement BMPs for vehicle and equipment maintenance and/or repair. When stormwater is exposed to pollutants associated with these activities it can become polluted with toxic or other deleterious materials (e.g., petroleum hydrocarbons).

Permittees shall implement this requirement upon EDPA.

- Wash Wastewater Containment

There is no change from the 2020 Highway Agency permit regarding wash wastewater containment. This requirement continues to require permittees to manage any equipment and vehicle washing activities so that there are no unpermitted discharges of wash wastewater to storm sewer inlets or to waters of the State. A permittee that cannot discharge wash wastewater to a sanitary sewer may temporarily store wash wastewater in a containment structure prior to proper disposal while following the conditions in the permit for:

- Structural Inspections;
- Visual Inspections;
- Overfill Prevention;
- Leak Remediation;
- Pump-outs (including Clean-outs);
- Annual Engineer's Certification; and
- Recordkeeping

The wash wastewater containment structure language provides permittees that are otherwise unable to manage equipment and vehicle washing activities without unpermitted discharges of wash wastewater to storm sewer inlets or to waters of the State with the option to temporarily contain wash wastewater prior to proper disposal. Such containment structures are typically installed at maintenance facilities which are not connected to a sanitary sewer system.

Permittees are required to maintain all logs, inspection records and certifications on-site and available to the Department upon request.

The Department maintains that these conditions provide prescriptive, pragmatic conditions that prevent the inappropriate discharge of equipment and vehicle wash wastewater. Since vehicle washing can be done at commercial wash locations or can be contained on impervious surfaces with booms and vacuumed up without discharge to surface or ground waters of the state, and since the discharge of vehicle wash wastewater would be considered an illegal unpermitted discharge, permittees shall implement this requirement upon EDPA.

- Salt and Other Granular De-icing/Anti-icing Material Storage and Handling

There is no change from the 2020 Highway Agency permit requiring permittees to install a permanent structure for salt and other granular de-icing material storage and handling to prevent stormwater from coming into contact with salt and de-icing material, with the exception of the text "other granular" and "anti-icing" being added to this condition.

When salt and other de-icing materials are stored outside and uncovered, they can easily dissolve and be

transported by stormwater to the surface waters and ground waters of the state. Temporary outdoor storage is only allowable when a permanent structure is under construction, repair, or replacement, and provided certain conditions are met. "Permanent Structure" is explicitly defined in Part IV, Notes and Definitions section of the permit. The definition of "Permanent Structure" has been edited in the renewal permit to give permittees the flexibility to use other methods of preventing wind driven rain from coming into contact with stored de-icing/anti-icing material other than a structural door. Requiring indoor storage of salt and de-icing materials is an effective pollution prevention technique which helps to eliminate pollutant loadings to surface and ground water. The Department's goal is to ensure that these materials are properly handled, stored, or covered, so that they are not transported by stormwater and discharged to surface and ground waters of the state.

Permittees shall implement this requirement upon EDPA.

- Aggregate Material, Wood Chips and Finished Compost Storage

In the 2020 Highway Agency MS4 NJPDES permit, aggregate material storage was addressed in Attachment E under "Aggregate Material and Construction Debris Storage." This condition has been modified and incorporated into the body of the permit renewal and is now addressed under "Aggregate Material, Wood Chips, and Finished Leaf Compost Storage." This renewal permit authorizes permittees to store aggregate material (e.g., sand, gravel, stone, and topsoil) provided these materials are stored and managed with appropriate stormwater pollution prevention BMPs. Since construction debris is classified as solid waste and there are requirements under the Solid Waste program restricting the temporary storage of these materials, they are no longer addressed in this section and have been moved to the section below that includes other solid waste materials, such as wood waste and yard trimmings. Also, wood chips and finished compost have been added to this section as they are not considered to be solid waste.

In addition, this renewal permit prohibits the processing of wood waste and yard trimmings (i.e., composting, chipping, grinding, screening, and/or size reducing.) The discharge of stormwater from the processing of materials is not authorized under this permit. Facilities conducting processing activities shall contact the Industrial Stormwater Permitting Unit at [industrialstormwaterpermitting@dep.nj.gov](mailto:industrialstormwaterpermitting@dep.nj.gov) for information regarding obtaining the applicable NJPDES individual or general industrial stormwater discharge permit.

This condition continues the implementation of measures to minimize stormwater run-on and pollutant run-off via surface grading, dikes and/or berms (which may include sandbags, hay bales and curbing) or three-sided storage bays. Other measures, such as the 50-foot setback from surface water bodies, storm sewer inlets and/or ditches or other stormwater conveyance channels, also continue to apply.

Inclusion of these enhanced requirements serve to improve the permit by specifying practical measures to minimize stormwater contact with aggregate material, wood chips, and finished compost storage material. The Department's goal is to ensure that these materials are properly handled and stored so that contact with stormwater can be minimized.

Permittees shall implement this requirement upon EDPA.

- Construction and Demolition Waste, Wood Waste, and Yard Trimmings Storage

Stormwater discharges from these activities at maintenance yards were authorized under the 2020 Highway Agency permit, provided that certain BMPs were followed. However, based on observations made during the MS4 stormwater compliance inspections and audits, the current BMPs are not protective enough and require further enhancement. The Department determined that because similar BMPs are required, construction and demolition waste is also to be included in this section.

This permit renewal enhancement authorizes permittees to temporarily store rubble such as asphalt millings, asphalt pavement, concrete, brick, block, and asphalt-based roofing scrap, and vegetative waste such as wood

waste and yard trimmings, provided these materials are:

- Removed within six (6) months of placement into storage;
- Stored a minimum of 50 feet from surface water bodies, storm sewer inlets, and/or ditches or other stormwater conveyance channels;
- Stored in a manner as to minimize stormwater run-on and pollutant run-off via surface grading, dikes and/or berms (which may include sandbags, hay bales and curbing, among others) or three-sided storage bays;
- Situate the open side of storage bays on the upslope where possible;
- The area in front of storage bays and adjacent to storage areas shall be swept clean after loading/unloading; and
- Not Being Processed (i.e., composting, chipping, grinding, screening, and or size reducing). The discharge of stormwater from the processing of these materials is not authorized under this permit. Please see below for additional permitting information for these activities.

Originally included in Attachment E of the 2020 Highway Agency permit, the requirement that road millings to be managed in conformance with the Division of Solid and Hazardous Waste's (DSHW's) March 2013 "Recycled Asphalt Pavement and Asphalt Millings (RAP) Reuse Guidance" no longer applies because this document contained guidance on alternate uses for RAP and no guidance on the proper storage of RAP at maintenance yards. In addition, the NJDEP Science Advisory Board's 2019 report on asphalt millings determined that RAP is not specifically defined in any of New Jersey's regulations, and the definitions and requirements for RAP in this guidance document is inconsistent with other State agency guidance; thus, this RAP Reuse Guidance document was removed from the DSHW's webpage. Also, the Division of Land Use Regulation, now called the Division of Land Resource Protection, reference has been removed because it was redundant. This reference was included in Attachment E of the 2020 Highway Agency permit when the requirements for aggregate storage at municipal maintenance yards were first added. All permit iterations since the initial 2004 permit issuance have maintained the statement "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;" thus, the Division of Land Resource Protection reference was deemed unnecessary.

Permittees shall implement this requirement upon EDPA.

- Cold Patch Asphalt Storage

This is a new requirement for all Highway Agency permittees to store cold patch asphalt in a permanent structure or on an impervious surface and covered with a waterproof material (i.e., tarpaulin or 10-mil plastic sheeting) and contained (e.g., contained by berms) to control leachate and stormwater run-on or run through. MS4 Stormwater compliance audits confirmed that many permittees are storing cold patch asphalt uncovered in their maintenance yards, and some cold patch piles have been observed with a rainbow sheen in the runoff. Review of some Material Safety Data Sheets showed residual concentrations of benzene as part of the composition of cold patch asphalt.

The Department maintains that these conditions provide prescriptive, pragmatic conditions that prevent the inappropriate discharge of benzene from cold patch asphalt stockpiles.

Since cold patch stockpiles are generally small and can be readily stored in an existing permanent structure or easily contained on an impervious surface with the appropriate type of cover, and since the discharge of benzene would be considered an illegal, unpermitted discharge, permittees shall implement this requirement upon



EDPA.

- Street Sweepings and Storm Sewer Clean-out Material Storage

There is no significant change from the 2020 Highway Agency permit regarding street sweepings and storm sewer clean-out material storage. An enhancement was added for materials that are bermed on an impervious surface be stored under a waterproof cover. Additionally, an enhancement was added to clarify that any dewatering of street sweepings and storm sewer clean-out material must be done in a manner that prevents a discharge to surface or ground water. Dewatering liquid is not a stormwater related discharge and would therefore not be authorized by the permit. Any discharge of dewatering liquids would be considered an illicit discharge. Part IV.F.4.o provides BMPs for the temporary storage of street sweepings, storm sewer and catch basin clean-out materials, stormwater management basin clean-out materials and other similar materials that may be collected during road cleanup operations. These BMPs do not address materials such as liquids, wastes which are removed from municipal sanitary sewer systems, or material which constitutes hazardous waste in accordance with N.J.A.C. 7:26G. Any of these materials, collected in conformance with this BMP, must be stored in leak-proof containers or on an impervious surface that is contained (e.g., bermed) and covered with a waterproof material (i.e., tarpaulin or 10-mil plastic sheeting) to control leachate and stormwater run-on or run-through; and be removed for disposal within six (6) months of placement into storage.

Inclusion of this change serves to improve the permit and protect surface and ground water quality by specifying another practical measure to minimize stormwater contact with these materials. The Department's goal is to ensure that these materials are properly handled and stored so that contact with stormwater that is discharged to surface and ground waters can be minimized. Permittees shall implement this requirement upon EDPA.

- Scrap Tires

While many permittees store scrap tires at their maintenance yards, management of this stormwater pollution source material was not addressed in the 2020 permit. MS4 stormwater compliance audits confirmed that many permittees are storing scrap tires uncovered in their yards. This new condition of the permit renewal requires permittees to cover scrap tires with a waterproof material (i.e., tarpaulin or 10-mil plastic sheeting) on an impervious surface or in a covered container or enclosure to prevent the exposure to stormwater.

Since compliance with this requirement would only entail the use of minimal and inexpensive equipment, such as portable tents or covers, permittees shall implement this requirement upon EDPA.

- Inoperable Vehicles or Equipment

While many permittees store inoperable vehicles or equipment at their maintenance yards, management of these stormwater pollution sources was not addressed in the 2020 Highway Agency permit. MS4 stormwater compliance audits confirmed that many permittees are storing vehicles and/or equipment in various states of disrepair in their maintenance yards. This permit renewal authorizes permittees to store inoperable vehicles or equipment, provided portable tents or covers are placed over and drip pans under any leaking vehicle or equipment, and use designated areas that must be located at least fifty (50) feet away from storm drains for the storage of inoperable vehicles or equipment. Monthly inspections are required to check vehicles and equipment for leaks and filled drip pans in compliance with the Site Inspections requirement in section IV.F.q.vi of the renewal permit.

Since compliance with this requirement would only entail the use of minimal and inexpensive equipment, such as portable tents or covers, and drip pans, and since the discharge of vehicle fluids would be considered an illegal unpermitted discharge, permittees shall implement this requirement upon EDPA.

### **Stormwater Program Coordinator (SPC) Training (Part IV.F.5.)**

Since the 2004 Highway Agency permit, the Department has received feedback from permittees and NJDEP Compliance and Enforcement staff requesting training and guidance for Stormwater Program Coordinators (SPCs) to better understand their responsibilities in overseeing and implementing their stormwater programs. In addition, upon SPC staff turnover, the MS4 unit and NJDEP Compliance and Enforcement staff have received requests from individuals who are new to the SPC role asking for clarification and assistance with their program responsibilities. In response to these requests and observations, the Department has prepared and is requiring training for all SPCs on details related to the permit requirements and due dates for actions and submissions, SPC responsibilities, including webpage postings, employee training, and annual MSRP reporting requirements. The Department will notify all SPCs of record via email of the scheduled dates of the training. The Department will conduct this free training via an interactive webinar or in person sessions at least twice per year. Appointed SPCs are required to attend this training within EDPA + 12 months and once per permit cycle thereafter. Upon commencement of duties of a new SPC, the permittee shall notify the Department of the new SPC as per the conditions set forth in Part IV.A.1.e. and ensure that the new SPC attends the next available SPC training session. The recording of the latest SPC training sessions will be posted on the MSRP webpage for informational purposes between training sessions.

### **Annual Employee Training (Part IV.F.6.)**

Since the issuance of the 2004 Highway Agency permit, the Department has required training of staff whose job responsibilities include activities required by the MS4 stormwater permit. Training on certain topics was required every year while training on other topics was required every other year. The Department is now proposing that training be conducted on all topics each year, which changes the frequency of training for those topics that had previously only been required every two years. The 2020 Highway Agency permit required facilities to provide employee training on ten topics, with training on three of those topics required annually and the others every two years. However, one of the three annual topics is on the Stormwater Pollution Prevention Plan (SPPP), which encompasses all the biennial topics, resulting in effectively requiring annual training on those biennial topics.

This change in the required training schedule is being made in acknowledgement of the ‘overlapping’ annual and biennial training requirements of the 2020 Highway Agency permit. This change in frequency will also promote further compliance under the Pollution Prevention and Good Housekeeping minimum control measures to the maximum extent practical under federal requirements. Permittees should not see any significant increase in cost, as they already conduct annual training for some topics, and the annual training would cover some topics that were inadvertently listed as biennial but covered annually during the SPPP training. Annual training also supports the annual reviews/updates that facilities make to the SPPP every year and will ensure that staff is trained using the most current information. The order and naming of training categories differ slightly as noted in the chart below, e.g., Yard Waste Collection Program training is now included with the Regulatory Mechanisms.

<b>2020 Permit Training Requirements</b>	<b>2025 Permit Renewal Training Requirements</b>
<p>Every Year</p> <ul style="list-style-type: none"> <li>• Maintenance Yard Operations</li> <li>• Stormwater Facility Maintenance</li> <li>• SPPP Training &amp; Recordkeeping</li> </ul> <p>Every 2 Years</p> <ul style="list-style-type: none"> <li>• Street Sweeping</li> <li>• Illicit Connection Elimination and Outfall Pipe Mapping</li> <li>• Outfall Pipe Stream Scouring Detection and Control</li> <li>• Waste Disposal Education</li> <li>• Regulatory Mechanisms</li> <li>• Construction Activity/Post Construction Stormwater Management in New Development and</li> </ul>	<p>Every Year</p> <ul style="list-style-type: none"> <li>• SPPP</li> <li>• Construction Site Stormwater Runoff</li> <li>• Post-Construction Stormwater Management in New Development and Redevelopment</li> <li>• Regulatory Mechanisms</li> <li>• Good Housekeeping</li> <li>• Stormwater Facilities Maintenance</li> <li>• Maintenance Yard Operations and Other Ancillary Operations</li> <li>• De-icing/Anti-icing Material Application (new)</li> <li>• MS4 Mapping</li> <li>• Watershed Improvement Plan (new)</li> </ul>

Redevelopment	
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Permittees shall develop, update, and implement an employee training program that ensures duty-specific training of all individuals, including but not limited to employees, external contractors, shared service providers, and volunteers, responsible for implementation of the stormwater program. Training shall occur annually and shall include the following topics, at a minimum, commensurate with an employee's title and duties. Training for new employees shall occur within three months of commencement of duties. To assist permittees in meeting training requirements, the Department has posted a Stormwater Training link to training materials at <https://dep.nj.gov/stormwater/stormwater-training/>. This link will continue to be updated by the Department as training resources are developed or identified. In summary, employee training must cover the following topics, at a minimum, and shall occur at least once every year:

- SPPP – Provide training on the content of the current SPPP, applicable recordkeeping requirements, and provide detailed training to individuals on any specific component applicable to their title and duties. See Part IV.A.;
- Construction Site Stormwater Runoff – Provide training regarding the need for applicable construction sites to obtain a Construction Site Stormwater Runoff General Permit Authorization. See Part IV.D of the permit;
- Post-Construction Stormwater Management in New Development and Redevelopment – Provide training on the requirements for Post Construction Stormwater Management in New Development and Redevelopment. See Part IV.E of the permit;
- Regulatory Mechanisms – Provide training on the regulatory mechanisms including a review of the requirements, enforcement, and the repercussions of non-compliance. See Part IV.F.1 of the permit;
- Good Housekeeping – Provide training on all good housekeeping measures. See Part IV.F.2 of the permit;
- Stormwater Facility Maintenance – Provide training on requirements for maintenance of all stormwater facilities owned or operated by the permittee, including Outfall Pipe Stream Scouring Detection and Control and Illicit Discharge and Elimination. See Part F.3 of the permit;
- Maintenance Yard Operations and Other Ancillary Operations – Provide training on implementing BMPs, good housekeeping measures, and conducting and documenting site inspections at permittee owned or operated Maintenance Yard Operations and Other Ancillary Operations. See Part F.4 of the permit;
- De-icing/Anti-icing Material Application – Provide annual training to all individuals (including employees, contractors, or volunteers) who apply de-icing/anti-icing material on permittee owned or operated roadways, ramps, and parking areas.
- MS4 Mapping – Provide annual training on mapping MS4 infrastructure. See Part G.1 of the permit; and
- Watershed Improvement Plan – Provide annual training on the requirements for developing a Watershed Improvement Plan, explaining the overall purpose and components of the plan. See Part H of the permit. Increased individual awareness through training will increase the effectiveness of the stormwater program and will ensure each employee is consistently implementing the permit conditions necessary to comply with the stormwater permit.

An addition was made to the 2025 renewal permit to address the training of external contractors, consultants, and vendors. Permittees must ensure the adequate training of external contractors, consultants, and vendors by requiring them to comply with the training outlined in the permittee's SPPP by including it as a condition of the contract. Since many permittees hire contractors, consultants, or vendors to perform some of the activities required by the permit or to conduct activities for which the permit requires BMPs be implemented, it was seen as necessary by the Department that those entities be trained on the implementation of the permittee's stormwater program. This will ensure that the contractors are implementing BMPs consistent with the requirements of the permit in order to minimize the impact of their activities on surface and ground

waters of the State.

Increased employee and contractor awareness through training will increase the effectiveness of the stormwater program and will ensure each employee and contractor is consistently implementing the permit conditions necessary to comply with the stormwater permit.

This requirement applies at EDPA for permittees.

#### **De-icing/Anti-icing Material Application Training (Part IV.F.7.)**

This is a new requirement to the 2025 permit renewal which requires permittees to develop a de-icing/anti-icing material application training program. This requirement is in response to citizen complaints and the Department's observations in the field regarding piles of excess road salt that have remained on or adjacent to the roadways, parking lots, etc. long after storms had passed, and goes hand in hand with the "Excess De-Icing/Anti-Icing Material Management" requirements at Part IV.F.2.k of the permit renewal.

The use of de-icing/anti-icing agents is critical to the safety of the public and economy of the state during winter precipitation events. Their use is widespread, both publicly and privately, despite the negative environmental impacts that de-icing/anti-icing agents can cause. When uncovered or left in bulk after de-icing/anti-icing operations, pollutants from these piles are transported by wind, stormwater, human activities, etc. into the nearest storm drain inlet. De-icing/anti-icing material being deposited into receiving surface waters has become a nationwide problem, as the increase in chloride levels can be toxic to aquatic life and can contaminate surface and ground water drinking water supplies. While these discharges of salt laden runoff could have been prevented by the permittee through the improper disposal of waste regulatory mechanism that was required by the 2020 Highway Agency permit and is required by the 2025 renewal permit, discharges from uncovered piles or leftover de-icing/anti-icing materials were witnessed in many locations across the state during MS4 stormwater compliance audits, enforcement inspections, and by the general public which were reported to the Department. In addition to water quality concerns, improper road salt application can also be a cost burden on permittees if excess de-icing/anti-icing material is being over-applied and wasted. The requirement to develop a de-icing/anti-icing material application training program is therefore being added to this permit renewal so that the permittee ensures proper application and cleanup of de-icing/anti-icing material to protect water quality and reduce costs.

The permittee shall ensure that all individual employees and volunteers who apply de-icing/anti-icing material on permittee owned or operated roadways, ramps, and parking areas complete de-icing/anti-icing material application training. Trainings are to be held a minimum of once per year and the permittee shall maintain records of the training of each individual employee indicating participant(s) name, title, signature, date(s) of training, and instructor(s) name. As in the Annual Employee Training section above, permittees must ensure the adequate training of external contractors, consultants, and vendors by requiring them to comply with the training outlined in the permittee's SPPP by including it as a condition of the contract. Permittees shall implement these requirements on EDPA.

#### **Stormwater Management Design Review (SWMDR) Training (Part IV.F.8.)**

This permit renewal retains the training requirement for stormwater management design review training that was first introduced in 2020. Specifically, permittees shall ensure that all design engineers, municipal engineers and other individuals who review the stormwater management designs for development and redevelopment projects on behalf of the permittee (see Part IV.E.1), complete the Stormwater Management Design Review Course (see [www.nj.gov/dep/stormwater/training.htm](http://www.nj.gov/dep/stormwater/training.htm)) once every five years.

This course covers the Stormwater Management Rule criteria and the NJ Stormwater BMP Manual. For both designers of stormwater management facilities and the public officials who review them, implementing the Stormwater Management rules requires an understanding of both the planning requirements and the technical standards. The class is intended for those involved in the technical planning, design, and review process for compliance with the Stormwater Management Rules.

The course is taught by Department staff and is held either virtually through an interactive webinar, or in person in a

classroom setting over two or more days, totaling approximately 12 hours. Attendees can earn Continuing Professional Competency credits (CPCs) upon completion. Individuals who review stormwater management designs and have not completed this training within the past five years must attend the next scheduled course offering. If unable to attend a scheduled course offering, the permittee must notify the Department in writing no later than thirty days after the missed course offering explaining why attendance was not possible and what alternate arrangements are being made. The Department will offer this course free of charge, twice per year.

Permittees shall ensure that all individuals that review and approve stormwater management designs for major development projects on behalf of the permittee for compliance with the Stormwater Management rules at N.J.A.C. 7:8 have completed this mandatory Department provided training upon EDPA.

#### **Stormwater Management Rule Amendment Training (Part IV.F.9.)**

This new permit condition requires the same individuals that review and approve stormwater management designs for major development projects on behalf of the permittee for compliance with the Stormwater Management Rules at N.J.A.C. 7:8. also complete Stormwater Management Rule Amendment Training.

These individuals shall complete this mandatory Department provided training within one year of the adoption of the rule amendments if they are not due to take the full course again in that same timeframe, if the Department determines that the amendments warrant training. This ensures that these individuals are educated on the various ongoing rule amendments within a reasonable amount of time and that their interpretation and implementation is correct as soon as possible, rather than waiting for years after they were effective, which could lead to stormwater management designs being reviewed and approved incorrectly during that time. The course will be taught by Department staff and held either virtually through an interactive webinar, or in person in a classroom setting. Attendees can earn CPCs upon completion. The Department will offer this course free of charge.

Permittees shall implement this condition upon notification by the Department that this amendment training is needed. If the Department issues notice of Stormwater Management Rule Amendment training, the reviewer shall complete the training no later than one (1) year after the adoption of the amendment(s) to the Stormwater Management Rules at N.J.A.C. 7:8.

#### **Minimum Standards for MS4 Mapping (Part IV.G)**

The 2020 Highway Agency permit had two main sections dealing with mapping requirements. One section was “Outfall Pipe Mapping”, and the other was “Minimum Standards for Stormwater Facilities Inventory.” This renewal permit has combined these two sections from the 2020 permit into one section for clarity. This section also no longer contains stream scouring and illicit discharge inspection requirements as they have been relocated under “Inspection and Maintenance of Stormwater Facilities Owned or Operated by the Permittee.” A summary of these components as included in the 2020 Highway Agency permit are as follows:

- Outfall Pipe Mapping – Permittees were required to develop, update and maintain an outfall pipe map showing the location of the end of all MS4 outfall pipes (tidal and non-tidal) owned or operated by the permittee which discharge to a surface water body. The outfall pipe map was to be submitted to the Department in an electronic format by December 21, 2020; and
- Minimum Standards for Stormwater Facilities Inventory and Mapping - Permittees were required to develop, update and maintain an inventory of storm drain inlets, stormwater management basins, subsurface infiltration/detention systems; culverts, manufactured treatment devices (MTDs), and green infrastructure. All these stormwater facilities, as well as the other information required in Part IV, Section C.2 of the 2020 permit were required to be mapped, and the map submitted to the Department by January 1, 2023.

This permit renewal retains and enhances the types of stormwater related infrastructure that need to be included on an updated map. Some of the retained components have been grouped together under the term “Stormwater Facilities” for

clarity. They are as follows; stormwater management basins, subsurface infiltration/detention systems, green infrastructure, and manufactured treatment devices (MTDs). The remainder of the mapping elements from the 2020 permit are included without change except for culverts which is no longer a required mapping element under this permit renewal. This section has also been renamed to “MS4 Mapping” to better describe the section. The additional stormwater related infrastructure elements that need to be mapped includes MS4 ground water discharge points, MS4 interconnections, MS4 manholes, MS4 conveyance, MS4 pump stations, stormwater management measures, streets, ramps parking areas, and thoroughfares, and property boundaries of rest areas, maintenance yards and other ancillary operations.

While additional time has been allotted to comply with these new mapping requirements, the timeline has not been extended for the mapping requirements from the 2020 permit. A summary of the proposed mapping requirements is as follows (note that the required attributes are in parentheses and the new stormwater infrastructure elements to be mapped are included in **bold text**):

- MS4 outfalls (receiving surface water name, type of outfall) (receiving surface water name, type of outfall) (was due 1/1/2021 and electronically by 12/21/2020);
- **MS4 ground water discharge points (type);**
- **MS4 interconnections (type, upstream entity, downstream entity);**
- Storm drain inlets (type, catch basin present, label present, retrofitted) (inlets constructed after 1/1/2020 were due to be mapped 1/1/2023);
- **MS4 manholes;**
- **MS4 conveyance (type, direction of flow);**
- **MS4 pump stations;**
- Stormwater management measures (type) (manufactured treatment devices (MTDs), green infrastructure, stormwater management basins and infiltration/detention systems were due 1/1/2023);
- Streets, ramps, parking areas, and thoroughfares (was due 1/1/2023); and
- Property boundaries of rest area(s), maintenance yard(s) and other ancillary operations (type) (was due 1/1/2023).

The permittee shall ensure that the MS4 Infrastructure Map is:

- Reviewed and updated annually, or more frequently as necessary, to include the location or attributes of any new or newly identified MS4 infrastructure;
- Posted on the permittee’s dedicated stormwater webpage and included as a weblink within the SPPP;
- Submitted to the Department as a georeferenced shapefile, geodatabase, or an AutoCAD file (with all other non-applicable data stripped out) via the NJDEP Online Stormwater Document Submittal Service on or before EDPA + 36 months. If the DEP Mapping Tool is used, then no separate submittal is required as the data is automatically submitted to the Department via the mapping tool; and
- This time frame does not extend the deadline for the submission of the MS4 outfall pipe map, or the submission the stormwater facilities map as per the 2020 permit.

The Department has determined that these enhanced mapping requirements are necessary to improve the proper operation

and maintenance of the storm sewer systems throughout the state. Mapping of infrastructure is crucial for proper asset management as permittees must be aware of the location of their storm sewer system components to conduct inspections to ensure proper operation and maintenance. Knowing the location of storm sewer system components is also necessary when implementing a stream scouring and illicit discharge detection and elimination program.

As noted in the 2020 permit, the Department is continuing to provide a free to use, ArcGIS Online based, stormwater infrastructure mapping “application” or “app”. This application was developed with the intention of providing a method for permittees to easily create a detailed map of stormwater infrastructure. As part of the application development process, the Department acquired a pool of licenses that are to be distributed to permittees who are interested in using the ArcGIS Online based application. These licenses, which otherwise would cost money for permittees to obtain, are being offered free of charge. Permittees who already have access to an ArcGIS Online license can be invited to the application using their existing user information and may continue to use their license to collect stormwater infrastructure data. Permittees can satisfy the MS4 mapping requirements of this permit by using this application to upload stormwater infrastructure location information directly to the Department.

Permittees can also provide stormwater infrastructure locational coordinates to the Department in the form of an ESRI Shapefile, ESRI Geodatabase, AutoCAD DWG, or MS Excel spreadsheet which the Department can then upload into the application’s data layer. The use of this application for submittal of stormwater infrastructure mapping data will constitute compliance with the NPDES Electronic Reporting Rule. Use of this application for collection and submittal of data for newly mapped stormwater infrastructure would be advantageous, as it will likely prevent duplication of efforts required to comply with both the permit requirement and the Federal Electronic Reporting requirement. This application can also be used by permittees in conjunction with facilities maintenance activities; stream scouring detection and elimination activities; and illicit discharge detection and control activities, at their convenience.

The Department will continue to update all provided templates and the mapping tool to meet the requirements of this permit. These templates can be found on the Department’s website here [https://dep.nj.gov/njpdess-stormwater/municipal-stormwater-regulation-program/msrp\\_map\\_aid/](https://dep.nj.gov/njpdess-stormwater/municipal-stormwater-regulation-program/msrp_map_aid/).

Due to the potential complexity and amount of permittee owned or operated MS4 conveyance and interconnections, the Department has included an option in the 2025 permit renewal for the permittee to submit an alternative timeline for the submission of those two elements at Part IV.G.1.c. The proposal must be submitted to the Department on or before EDPA + 36 months and include a proposed alternative deadline for submission, proposed interim milestone submissions, the amount of conveyance mapped at the time of the proposal, and an estimate of unmapped conveyance remaining. This proposal must be approved by the Department before an alternative deadline may be adhered to.

Permittees shall complete and submit the stormwater infrastructure map on EDPA + 36 months. Conveyance and interconnection mapping are due on EDPA + 36 months unless the Department has approved an alternative deadline.

## **Minimum Standards for the Watershed Improvement Plan (Part IV.H)**

### **Background**

The Department conducts and oversees a wide array of ambient monitoring for freshwater (rivers, streams, lakes), marine waters (bays, oceans) and tidal rivers. This ambient stream monitoring is conducted and used to regularly assess the “health” of the waters of the state to determine if the New Jersey Surface Water Quality Standards (NJSWQS) at N.J.A.C. 7:9B are met and to assess if designated uses (fishable, swimmable, safe for drinking, etc.) are supported. Monitoring is conducted for chemical/physical parameters (total suspended solids, phosphorus, nitrate, total dissolved solids, dissolved oxygen, copper, lead, nickel, zinc, etc.); biological health (e.g., bottom-dwelling communities, fish populations); phytoplankton (microscopic plants) and sanitary quality (pathogenic indicators of bacteria and viruses that present a human health risk). One purpose for ambient monitoring is to evaluate impaired waterways, and that data is required to be compiled and presented in the biennial “Integrated Water Quality Assessment Report” (Integrated Report). Water quality monitoring networks include sampling stations in each of the 20 Watershed Management Areas statewide. Waters that do not meet the applicable standard(s) or support the applicable designated use(s) are considered “impaired” and are placed on the 303(d) List of Water Quality Limited Waters (also available at [www.nj.gov/dep/wms/bears/assessment.htm](http://www.nj.gov/dep/wms/bears/assessment.htm)), which is a subpart of

the “Integrated Water Quality Assessment Report.” These impairments are listed in the report based on the subwatershed of the surface water that the monitoring represents. These subwatersheds are also known as HUC 14s and are identified by their 14-digit Hydrologic Unit Codes. There are 970 HUC 14s in New Jersey and they are shown in Figures 1 and 2 below. Figure 1 displays the HUC 14s within each of the 21 Watershed Management Area, and Figure 2 displays the HUC 14s by the larger Water Regions in the state.

Since 2014, the state has been conducting a rotating regional approach to integrated water quality assessment as required under Sections 303(d) and 305(b) of the Federal Clean Water Act. Under this rotating regional approach, the Department conducts streamlined assessments of statewide water quality with more comprehensive, detailed assessments conducted in one of the five Water Regions across the state on a rotating basis every other year. This results in a comprehensive assessment of the entire state every ten years.

The biennial “Integrated Water Quality Assessment Report” must include the status of these subwatersheds, or HUC 14s, in terms of overall water quality and support of designated uses, as well as strategies to maintain and improve water quality. See <https://www.state.nj.us/dep/wms/bears/assessment.htm> for additional information.

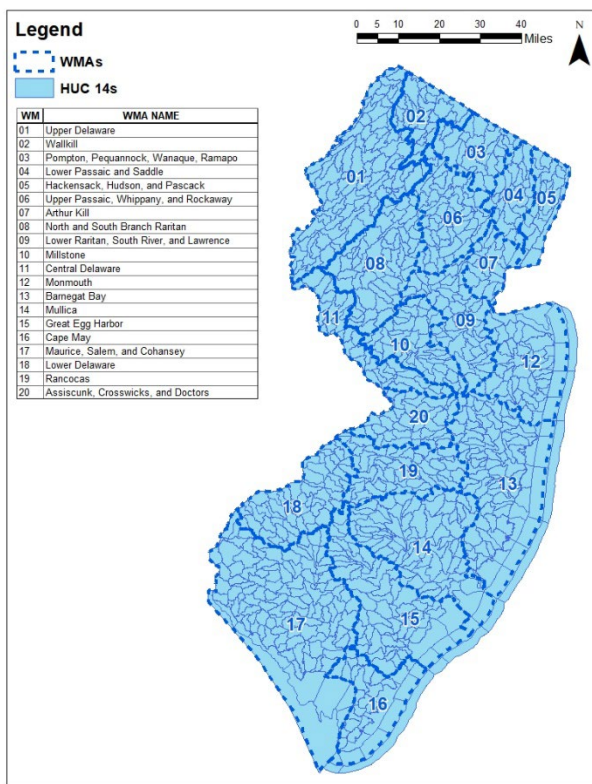


Figure 1



Figure 2

Once a HUC 14 is deemed impaired for one or more parameters, Section 303(d) of the Federal Clean Water Act requires development of a TMDL for the pollutant(s) responsible for each impairment. A TMDL may be viewed as a pollutant budget for an impaired waterbody, meaning it is the maximum amount of a pollutant that a waterbody can receive and still meet the NJSWQS. The regulatory authority for the imposition of TMDLs is found in EPA’s Water Quality Planning and Management Regulations (40 CFR 130.7(c) and (e)), and in New Jersey’s Water Quality Management Planning rules at N.J.A.C. 7:15-5 et seq. The TMDL must be calculated so that the NJSWQS can be attained in consideration of critical conditions and seasonal variation, yet also include a margin of safety to account for uncertainty. The TMDL is allocated among all the sources of the pollutant, including MS4 point sources as well as other point sources, nonpoint sources, and natural contributions. TMDLs include implementation plans which identify a suite of measures that may assist in reducing loads from each source. Ambient monitoring programs can be used as a tool to evaluate progress in achieving the objectives of the TMDLs.



### Addressing TMDLs through the MS4 NJPDES Permits

Stormwater point sources derive their pollutant loads from land surface runoff. The distinction is that all point sources from MS4s are regulated under the Federal Clean Water Act through the MS4 program. (See 40 CFR. 123.35(b)). These stormwater point sources are addressed through the Minimum Standards, control measures and best management practice requirements contained in the permit. In accordance with 40 CFR 122.34(a) and N.J.A.C. 7:14A-25.6(a)1, BMPs are generally the most appropriate form of effluent limitations for stormwater runoff when designed to satisfy technology-based requirements.

The Minimum Standards and other permit conditions that permittees are required to implement are designed to reduce pollutant loadings in all watersheds, especially impaired watersheds. In the 2020 permit renewal, the Department stated that for waterbodies with approved or adopted TMDLs, the reductions associated with compliant implementation of each Minimum Standard constituted reasonable progress toward meeting the reductions specified in the TMDLs. Examples included: adoption and enforcement of the pet waste disposal regulatory mechanism; prohibition of the feeding of unconfined wildlife on public property; cleaning catch basins; street sweeping; performing good housekeeping at maintenance yards; and providing related public education and employee training. These basic requirements provide for a measure of load reduction from existing development. For example, compliance with the pet disposal regulatory mechanism and prohibition of the feeding of unconfined wildlife on permittee property will result in lesser quantities of pathogens and nutrients, such as e. coli, enterococcus, fecal coliform, phosphorus, and nitrates being discharged to the waters of the state from the MS4 systems. Compliance with street sweeping and catch basin cleaning requirements results in lesser quantities of solids and any attached pollutants being discharged to the waters of the state from the MS4 systems. Compliance with good housekeeping at maintenance yards results in lesser quantities of pollutants associated with common maintenance yard activities (e.g., road salt, and pollutants associated with vehicle maintenance and vehicle fueling) from being discharged in stormwater runoff. Finally, public education initiatives improve awareness of the impact that day to day activities can have on stormwater quality (e.g., pet waste management, litter, landscaping activities and inappropriate use of storm drains for disposal). Employee training serves to reinforce effective implementation of the permittees' MS4 programs.

To supplement the above-described Minimum Standards and other permit requirements, to raise awareness of impaired waterbodies and TMDLs, and to promote strategies to reduce pollutant discharge from MS4s, the 2020 permit required permittees to identify pollutants listed in any approved or adopted TMDLs for waterbodies bordering or within their property for inclusion in the SPPP on an annual basis. Additionally, the permit required identification in the SPPP of strategies to address stormwater related pollutants associated with TMDLs.

Language emphasizing the importance of understanding the conditions and needs of receiving waters is included in EPA's Measurable Goals Guidance for Phase II Small MS4s as follows:

"If you haven't done so already, collect information on your city's receiving waters and what pollutants and sources are impacting those waters. You should also know the various uses of your receiving waters so you can design a program to protect those uses. Begin by asking yourself the following questions: Do you know the names and locations of the waters that receive a discharge from your MS4? Do you know the character and quality of these waters? Are any of these waters listed as impaired on your State's 303(d) list? What are the pollutants impacting these waters? Do you know the designated uses of these waters?"

To ensure that this requirement was user friendly and in consideration of limited resources, the Department developed the TMDL Look-Up Tool ([www.state.nj.us/dep/dwq/msrp-tmdl-rh.htm](http://www.state.nj.us/dep/dwq/msrp-tmdl-rh.htm)). The TMDL Look-Up Tool is an on-line tool to streamline access to TMDL information and was developed specifically to assist New Jersey's Stormwater Coordinators with the identification of this information to use for developing strategies to further reduce the impact of stormwater discharges from MS4s. The TMDL Look-Up Tool uses a dropdown feature to locate the TMDLs in each town. The tool then displays a list of watersheds along with a link to any established, approved, or adopted TMDLs associated with any segment of surface water wholly or partially within or bordering a town. TMDLs frequently include short-term and long-term management strategies within the TMDL along with segment specific recommendations. Permittees have been able to review these strategies and use this information to assess any local water quality issues in relation to operation and maintenance of the MS4.

In accordance with 40 CFR 122.34(a)(2), the MS4 requirements should be based on the evaluation of current water quality criteria conditions and permittee compliance, among other things. TMDLs are linked to water quality conditions and must be understood by permittees. Despite this, during the MS4 stormwater compliance reviews and in preparation of the permit renewal, the Department determined that there was a lack of awareness among representatives regarding TMDLs in waterbodies despite their relation to the MS4 system. This may have been partially due to the fact that TMDLs are apportioned by one or more specific subwatersheds, which do not typically match property borders. In fact, multiple TMDLs can apply within one permittee owned or operated property. The Department attempted to address this gap in awareness in the 2020 permit by including the following requirements:

- The permittee was required to annually review approved or adopted TMDL reports to identify stormwater related pollutants listed therein and associated with any segment of surface water wholly or partially within or bordering all: maintenance yards; rest areas; service area properties; and new "major development" projects as defined by the permittee's stormwater program. This information could be accessed at <https://www.nj.gov/dep/dwq/msrp-tmdl-rh.htm>. The permittee was also required to use this TMDL information identified to:
  - Assist in the selection and design of stormwater BMPs for "major development" projects, and the prioritization of stormwater facility maintenance, including schedules for repairs required at Part IV.B.6.b.vi. (Stream Scouring) and IV.C.3. (Stormwater Facilities Maintenance); and
  - Identify and develop strategies to address specific sources of stormwater related pollutants contributing to discharges authorized under this permit. Strategies may include but are not limited to those found in the implementation section of approved or adopted TMDL reports (for examples see "Total Maximum Daily Load (TMDL) Guidance" found at <https://www.nj.gov/dep/dwq/msrp-tmdl-rh.htm>).
- The permittee was required to annually update its SPPP to list information identified above; and
- The permittee was required to incorporate any strategies identified above as an Optional Measure.

In accordance with Part IV.C.2 (Stormwater Facilities Maintenance) and IV.C.3 (TMDL Information) of the 2020 permit, permittees were required to use TMDL information to prioritize stormwater facility maintenance. For example, permittees should have updated their SPPPs to note that they performed repairs and other corrective maintenance on stormwater facilities that discharge to TMDL waterbodies before other stormwater facilities, or they could have targeted those facilities for more frequent preventative maintenance. Permittees were also required to use TMDL information when prioritizing or scheduling repairs for stream scouring, as required at Part IV.B.6.b. of the 2020 permit.

In addition to the requirements explained above, permittees were required to identify and develop strategies to address specific sources of stormwater related pollutants. Permittees could have used any identified short-term, long-term or segment specific implementation strategies as contained in the TMDLs to proactively incorporate strategies into their SPPP. Permittees could have also included strategies as identified in approved restoration plans as well as any strategies developed as a result of the review of the local needs and local input. The permittee should have incorporated any selected implementation strategy as an Optional Measure in the SPPP. These Optional Measures were required to be identified in the SPPP, but failure to implement an Optional Measure identified in the SPPP was not to be considered a violation of the NJPDES permit. These Optional Measures could then be used in conjunction with the requirements to use TMDL information to prioritize maintenance and repairs to attain reasonable progress toward achieving the reductions specified in the approved or adopted TMDL. The Department complemented the information posted with the TMDL Look-Up Tool new guidance entitled "Total Maximum Daily Load (TMDL) Guidance for MS4 Permittees" to assist permittees in evaluating strategies (see [www.nj.gov/dep/dwq/msrp-tmdl-rh.htm](https://www.nj.gov/dep/dwq/msrp-tmdl-rh.htm)).

#### Addressing TMDL and Impaired Waters through this Permit Renewal

MS4 stormwater compliance reviews of permittees' SPPPs demonstrated that despite the requirements in the 2020 permit, most permittees did not include their TMDLs in their SPPP. Furthermore, they did not explain in their SPPP plans to

prioritize maintenance and repairs in those areas, nor provide any strategies developed to improve water quality in TMDL affected waters.

Changes in this permit renewal are based on current information and stormwater related concerns, which includes, but is not limited to: surface water quality impairments as per the final 2018/2020 Integrated Report, adopted/approved Total Maximum Daily Loads (TMDLs), the presence of Harmful Algal Blooms (HABs), the Surface Water Quality Standard water quality classification upgrades to N.J.A.C. 7:9B that occurred in May 19, 2003, November 3, 2003, August 2, 2004, June 20, 2005, June 16, 2008, and April 6, 2020, as well as the serious stormwater flooding that has resulted from recent storm events, including Hurricane Ida. Further, as many of the surface waters subject to TMDLs and impairments do not have point source discharges besides the contribution from the MS4 systems, the Department has determined that the stormwater discharges from MS4s are having a significant impact on water quality throughout the State.

The Watershed Improvement Plan (WIP) is a new requirement in this permit renewal, included as Part IV.H of the proposed permit. The goal in instituting a WIP is to make reasonable progress towards restoring water quality in the impaired waters of the state, including those waters with adopted/approved TMDLs. The Department believes the requirement is necessary based on available water quality data, a more thorough and comprehensive review of other water quality and quantity concerns as noted in the Introduction section of this Fact Sheet, and in consideration of the State's policy (see N.J.A.C. 7:9B) to restore, maintain and enhance the chemical, physical and biological integrity of its waters.

The ultimate implementation of this WIP is intended to ensure compliance with the water quality requirements of the Federal Clean Water Act. A depiction of these waterbodies with TMDLs or impairments is included in Figure 3 below. The Department has, therefore, determined that each permittee must develop or participate in the development of a WIP. Each WIP would be tailored to the unique circumstances of the permittees and their respective subwatersheds, rather than dictating detailed measures each permittee must undertake to address the specific TMDLs/impairments within and bordering the waterbodies their MS4s discharge into. The permittee shall follow the Department's WIP template (or similar format) and guidance material throughout the development of their Watershed Improvement Plan.

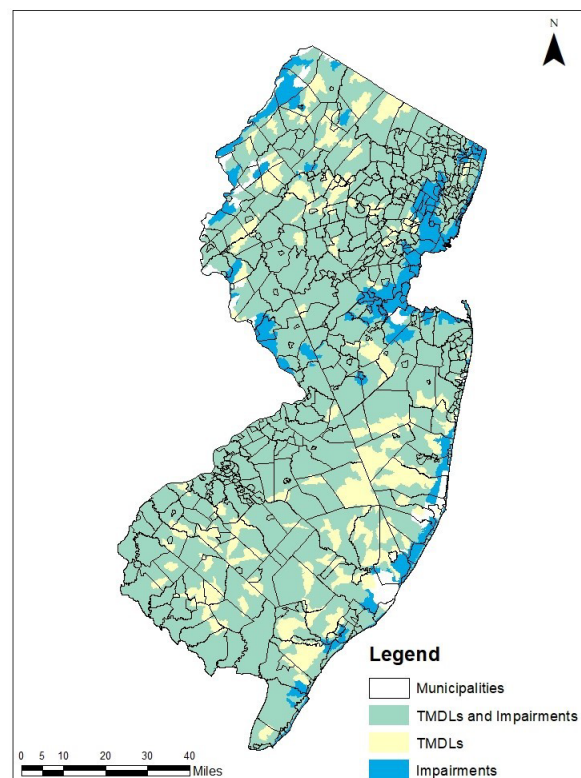


Figure 3

The WIP is composed of three phases; the Watershed Inventory Report, Watershed Assessment Report, and Watershed Improvement Plan Final Report. Each of these phases has deliverables to the Department and the requirements are listed out below.

The Watershed Inventory is the first phase of the WIP and is due EDPA + 36 months. The Watershed Inventory shall summarize and include an electronic map of the following items:

- All stormwater outfalls owned or operated by the permittee;
- The drainage area for each outfall (drainage areas may be delineated by computer analysis and any available topography including LIDAR data);
- The receiving waterbodies of each outfall;
- The water quality classification of all receiving waterbody segments;
- All known stormwater interconnections from the permittee's storm or sanitary sewer system into another entities' storm or sanitary sewer system shown on the MS4 infrastructure map;
- All known stormwater interconnections into the permittee's storm or sanitary sewer system from another entities' storm sewer system shown on the MS4 infrastructure map;
- The drainage area from the permittee's system for each interconnection (drainage areas may be delineated by computer analysis and any available topography including LIDAR data);
- All storm drain inlets owned or operated by the permittee;
- Area associated with each TMDL for waters that lie within or bordering the Highway Agency owned or operated property, including roadways, access roads, ramps, rest areas, maintenance yards, and all other ancillary operations;
- Area associated with each water quality impairment for waters that lie within or bordering the Highway Agency owned or operated property, including roadways, access roads, ramps, rest areas, maintenance yards, and all other ancillary operations;
- Area associated with MS4 related stormwater flooding; and
- Impervious areas owned or operated by the permittee.

The second phase that is due EDPA + 48 months is the Watershed Assessment Report. The Watershed Assessment Report must include but is not limited to:

- An assessment of potential water quality and quantity improvement BMPs to be implemented at all permittee owned or operated maintenance yards, ancillary operations, and rest areas by subwatershed and parameter;
- An estimate of the percent reduction in loading of the TMDL/impaired parameters and stormwater runoff quantity due to BMPs above;
- An estimate of funding needs for each BMP identified in above, and identification of potential funding sources, including funding available through the New Jersey Water Bank (NJWB), the formation of a Stormwater Utility (SWU), FEMA BRIC grants, etc. as applicable;
- An estimate of an implementation schedule for the BMPs above;
- An assessment of potential water quality and quantity improvement BMPs to be implemented as part of all future capital improvement projects associated with any roadway, access road, or ramp owned or operated by the permittee by subwatershed and parameter; and
- A summary of input received from the public information session(s).

The permittee also shall post the Watershed Assessment Report, along with an announcement of a 60-day comment period for formal public input on the permittee's website or approved alternate website.

The third phase that the permittee shall prepare and submit to the Department on or before EDPA + 59 months is the Watershed Improvement Plan Final Report, which shall include:

- A summary of proposed locations and load reductions of water quality and quantity improvement BMPs to be implemented at permittee owned or operated maintenance yards, ancillary operations, and rest areas;
- The proposed implementation schedule for the water quality and quantity improvement BMPs at permittee owned or operated maintenance yards, ancillary operations, and rest areas;
- Costs, broken down by project and year for water quality and quantity improvement BMPs at permittee owned or operated maintenance yards, ancillary operations, and rest areas and the funding opportunities that will be sought;
- A summary of potential water quality and quantity improvement BMPs to be implemented as part of all future capital improvement projects associated with any roadway, access road, or ramp owned or operated by the permittee;
- A summary of the public comments received during the 60-day comment period and corresponding public information session, and the changes made to the final report resulting from those public comments;
- A summary of how the projects will be coordinated with other regulatory requirements;
- A summary of any collaboration with other MS4 permittees; and
- A summary of problems identified that are outside the jurisdiction of the permittee, if any, and opportunities to address them. These can be related to pollutant loading due to agricultural properties, interconnections from other entities, etc.

This permit renewal allows each permittee 59 months to prepare their WIP, tailored to their water quality, MS4 circumstances, and resource opportunities, and the permittee shall begin to implement the WIP in accordance with the schedule set forth within the Plan. The WIP is required to be updated, when necessary, based upon the biennial (every 2 years) review of the revisions to the impairments of the permittee's waterbodies as per the Department's Integrated Report and newly adopted TMDLs.

It's important to note that permittees are only required to complete an assessment of percent reduction in loading, funding needs, and implementation schedules for potential BMPs to be implemented at permittee owned or operated maintenance yards, ancillary operations, and rest areas due to the large number of roadway, access road, and ramp miles typically owned or operated by Highway Agency permittees. The impacts from stormwater generated from roadways, access roads, and ramps owned or operated by the permittee is to be addressed during all future capital improvement projects. In order to ensure that the BMPs being chosen for future capital improvement projects properly address the TMDLs/impairments in the permittee's corresponding HUC14s, a summary, or library, of those BMPs are to be included in the WIP.

The Department will be available to assist the permittees in this process. Much of the information required in Phase 1 is already available on the Department's GIS system and can be provided free of charge. The list of potential projects should be comprehensive, and the chosen projects must consider the MS4 percent reductions listed in all pertinent TMDLs. The full percent reductions noted in the TMDLs do not have to be accounted for in the potential or chosen projects, as some percent reductions should have already taken place through the implementation of the other permit conditions. However, permittees are expected to develop or participate in the development of a WIP that will reasonably reduce the contribution of applicable pollutants. The WIP's implementation, in concert with other any other referenced actions, will improve the quality of the stormwater runoff from within their jurisdiction to, in turn, improve and restore the water quality of the waters of the state to achieve compliance with the surface water quality standards.

To assist permittees with the required collection of location information of stormwater facilities, the Department developed a voluntary, free ArcGIS Online Mapping Tool. This application (app) allows for permittees to inventory and map stormwater facilities at their convenience. The Department anticipates that the app will be expanded in the future to allow the user to document additional information, including records of maintenance actions. When the expanded app is available, permittees may be able to use the app to demonstrate compliance with the maintenance requirement in this permit.

A portion of the required mapping data is already available through the Department's Open Data site. To assist permittees in obtaining that data more easily, the Department has also created the New Jersey Watershed Evaluation Tool (NJ-WET), available at <https://experience.arcgis.com/experience/f40f65d807bb4372bd92b48bb98f1972>. NJ-WET is a web-based application displaying all NJDEP stormwater related data required to be included in the WIP in one place. This interactive

tool allows users to view and download data that intersects with each municipality, including but not limited to: TMDLs, HUC14s, Water Quality Impairments Related to Stormwater, Surface Water Quality Classifications, MS4 Infrastructure, Overburdened Communities, and Impervious Surfaces. The public data used in this tool is updated regularly as it becomes available.

Permittees are encouraged to explore both commercial and public resources for data collection and management. This could include sharing equipment and resources with other entities, including other permittees. Other public agencies, such as the New Jersey Highlands Council and County agencies, may already have a database containing information that would be useful. Permittees may also be able to obtain stormwater facility locational information already collected by these and other public organizations.

It is understood that the Phase 2 and Phase 3 efforts will largely depend upon the individual circumstances of each permittee. However, the Department will provide whatever assistance it has available to assist the permittees in this process. Once Phase 3 of the WIP is submitted, the Department will review and provide comments as appropriate. It should also be noted that while each permittee is individually responsible for complying with the requirement to develop a WIP, the Department encourages highway agencies to work with the municipality(ies) in which they are located in in developing more regionalized WIPs where a regional approach would be more effective at meeting the surface water quality standards or would result in accelerated water quality improvements. Regionalized WIPs will be accepted as compliant with this requirement, as long as each permittee's responsibilities under the regional WIP are clearly outlined and agreed upon by the group of permittees covered by the regional WIP.

#### **Additional and Optional Measures (Part IV.I)**

##### **Incorporation of Additional Measures**

The requirements for Additional Measures are retained from the 2020 Highway Agency permit. Additional Measures are non-numeric (e.g., best management practices) or numeric effluent limitations that are expressly required to be included in a permittee's MS4 stormwater program by a TMDL, a regional stormwater management plan, other elements of an adopted areawide Water Quality Management Plan, or the adopted Statewide Water Quality Management Plan. Additional Measures are allowable pursuant to N.J.A.C. 7:14A-25.6(a) and (e).

Additional Measures are not required for any permittee at this time. In the event that the Department determines that Additional Measures are appropriate, the Department will provide written notice of the adoption of any Additional Measures to any affected permittee. The Department will list each adopted Additional Measure in a minor modification to the permit since the adoption process of the underlying plan (i.e., TMDL; regional stormwater management plan; other elements of an adopted areawide Water Quality Management Plan; or adopted Statewide Water Quality Management Plan) will have already provided opportunity for public comment. For any required Additional Measures other than numeric effluent limitations, the required Additional Measures will specify, according to the underlying plan, the BMPs that shall be implemented, measurable goals, and an implementation schedule.

##### **Incorporation of Optional Measures**

Permittees may incorporate Optional Measures into their MS4 stormwater program that extend beyond the requirements of the permit to further prevent or reduce pollution to waters of the State. Optional Measures are typically BMPs or control measures that are developed by the permittee at its own discretion. The objective of Optional Measures is to encourage permittees to be proactive and creative in implementing strategies to bolster their MS4 stormwater program. Optional Measures are required to be identified in the SPPP but failure to implement an Optional Measure identified in the SPPP shall not be considered a violation of this NJPDES permit. See also N.J.A.C. 7:14A-25.6(a) and (i).

#### **Recordkeeping (Part IV.J)**

The permittee shall retain copies of all records required to be kept by this permit and records must be available to the Department upon request. This permit requirement remains unchanged from the 2020 Highway Agency permit, and

permittees should already have a recordkeeping system in place, so compliance is required upon EDPA.

### **Annual Report and Certification (Part IV.K)**

Per the 2020 Highway Agency permit, permittees were required to submit an Annual Report and Certification summarizing the status of compliance with the conditions of this permit using the electronic format provided by the Department via the MSRP Annual Report service accessed through the Regulatory Services Portal (<https://nj.gov/dep/online/>). This permit renewal retains this requirement for permittees to continue to submit the Annual Report and Certification and attach the Major Development Project List and proposes to require permittees to attach any completed Outfall Inspection Forms for that year (Outfall Inspection Forms, Illicit Connection Inspection Report Forms, Stream Scouring Investigation Recordkeeping Forms). These reports are due to be submitted by May 1 annually and shall summarize the status of compliance with the permit conditions for the subject year between January 1 and December 31. The permittee's Stormwater Program Coordinator is responsible for electronically certifying, signing, and dating the Annual Report.

The permittee shall retain any records necessary to demonstrate compliance on-site for a period of at least five years.

## **8. Electronic Reporting Requirements**

As noted in Part II.B.3, permittees are required to comply with the NPDES Electronic Reporting rule at 40 CFR Part 127. This Federal rule requires electronic submission of General Permit Authorization requests (i.e., RFAs); general permit termination/revocation requests; and MS4 program reports by December 21, 2025. Since submission of the Annual Report occurs electronically as required in Part IV.K, the requirements of this rule are satisfied with respect to Annual Reports prior to the 2025 deadline.

## **9. Description of Procedures for Reaching a Final Decision on the Draft Action**

A complete copy of this subject permit renewal has been posted on the Departments website at <https://dep.nj.gov/njpdessstormwater/municipal-stormwater-regulation-program/highway-agency-stormwater-permit/>. Public notice procedures are described in the DEP Bulletin as well as in the following newspapers:

*Atlantic City Press*

*The Star Ledger*

*The Times*

## **10. Contact Information**

If you have any comments regarding this permit action, you may address them in an email to the Bureau of NJPDES Stormwater Permitting and Water Quality Management at [stormwatermanager@dep.nj.gov](mailto:stormwatermanager@dep.nj.gov) with the subject line "2025 Highway Agency MS4 Permit Renewal - Public Comments."

## **11. Contents of the Administrative Record**

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

### **Rules and Regulations (NPI):**

1. 33 U.S.C. 1251 et seq., Federal Water Pollution Control Act.
2. 16 U.S.C. § 4711, Section 502 of the National Parks and Recreation Act of 1978.
3. 42 U.S.C. § 300f, Part C of the federal Safe Drinking Water Act (42 U.S.C. 300f et seq.).
4. 40 CFR Part 131, Federal Water Quality Standards.
5. 40 CFR Part 122, National Pollutant Discharge Elimination System.
6. 40 CFR Part 127, NPDES Electronic Reporting.
7. 40 CFR Part 130, Water Quality Planning and Management Regulations.
8. 40 CFR Part 144-148, Federal Underground Injection Control Program.

9. N.J.S.A. 58:10A-1 et seq., New Jersey Water Pollution Control Act.
10. N.J.S.A. 58:11-10, New Jersey Water Supply Management Act.
11. N.J.S.A. 13:18A-1 et seq., Pinelands Protection Act.
12. N.J.A.C. 2:90, Standards for Soil Erosion and Sediment Control in New Jersey.
13. N.J.A.C. 7:14A-1 et seq., New Jersey Pollutant Discharge Elimination System Regulations.
14. N.J.A.C. 7:9B-1 et seq., New Jersey Surface Water Quality Standards.
15. N.J.A.C. 7:9C, New Jersey Ground Water Quality Standards.
16. N.J.A.C. 7:9D, Well Construction Maintenance and Sealing Rules.
17. N.J.A.C. 7:8, Stormwater Management Rules.
18. N.J.A.C. 7:13, Flood Hazard Area Control Act Rules.
19. N.J.A.C. 7:14C, Sludge Quality Assurance Regulations.
20. N.J.A.C. 7:15, Statewide Water Quality Management Planning Rules.
21. N.J.A.C. 7:26C, Administrative Requirements for the Remediation of Contaminated Sites.
22. N.J.A.C. 7:26E, Technical Requirements for Site Remediation.
23. N.J.A.C. 7:26G, Hazardous Waste Regulations.
24. N.J.A.C. 7:26A, Recycling Regulations.
25. N.J.A.C. 7:26, Solid Waste Regulations.
26. N.J.A.C. 7:50, Pinelands Comprehensive Management Plan.
27. N.J.A.C. 7:38, Highlands Water Protection and Planning Act Rules.
28. N.J.A.C. 7:7, Coastal Zone Management Rules.
29. N.J.A.C. 7:7A, Freshwater Wetlands Protection Act Rules.

Guidance Documents / Reports (NPI):

1. Guidance documents as listed in the Notes and Definitions Section of Part IV.
2. MS4 Permit Improvement Guide, EPA 833-R-10-001.
3. New Jersey's Integrated Water Quality Monitoring and Assessment Report (includes 305(b) Report 303(d) List). <https://www.state.nj.us/dep/wms/bears/assessmentreport20182020.html>
4. Highway Agency Stormwater Guidance Document, Bureau of Nonpoint Pollution Control, 2004.
5. New Jersey Stormwater Best Management Practices Manual, 2004, revised 2024. [https://nj.gov/dep/stormwater/bmp\\_manual2.htm](https://nj.gov/dep/stormwater/bmp_manual2.htm)
6. "Recycled Asphalt Pavement and Asphalt Millings (RAP) Reuse Guidance".
7. "Guidance Document for the Management of Street Sweepings and Other Road Cleanup Materials".
8. NPDES Permit Quality Review New Jersey, 2017. NPDES Permit Quality Review for New Jersey-2017 (epa.gov)
9. How common road salts and organic additives alter freshwater food webs: in search of safer alternatives Schuler - 2017 - Journal of Applied Ecology - Wiley Online Library

Permits / Applications:

1. 2020 Highway Agency Permit issued January 1, 2020 and effective January 1, 2020
2. 2009 Highway Agency Permit issued March 1, 2009 and effective March 1, 2009.
3. 2005 Highway Agency Permit Modification, issued August 1, 2005 and effective September 1, 2005.
4. 2004 Highway Agency Permit issued February 2, 2004 and effective March 3, 2004.

Written Comments Received on the Highway Agency Preliminary Draft Permit:

1. Bill Fleming, Assistant County Engineer & County Planner, County of Gloucester, via email dated July 17, 2024
2. Tammy Trabucco, Senior Environmental Supervisor, New Jersey Turnpike Authority, via email dated July 19, 2024
3. Steven Burke, Assistance Chief Engineer, Delaware River Joint Toll Bridge Commission, via email dated July 19, 2024
4. Pamela Garrett, Director, New Jersey Department of Transportation, via email dated July 30, 2024



### Public Presentations and Outreach

1. Highway Agency MS4 Predraft Permit Outreach Session on July 9, 2024 (virtual)

All websites, New Jersey Register notices, and other documents cited in this Fact Sheet (but not listed above) (NPI)

## **12. Listing of Acronyms**

\*NPI indicates that the document is not physically included in the administrative recordThe following is a list of acronyms used throughout this Fact Sheet:

<b><u>Acronym</u></b>	<b><u>Meaning</u></b>
BMP	Best Management Practices
CAFRA	Coastal Area Facility Review Act
CFR	Code of Federal Regulations
EDP	Effective Date of Permit
EDPA	Effective Date of Permit Authorization
EPA	United States Environmental Protection Agency
GPS	Global Positioning System
MS4	Municipal Separate Storm Sewer System
N.J.A.C	New Jersey Administrative Code
NJPDES	New Jersey Pollutant Discharge Elimination System
N.J.R.	New Jersey Register
N.J.S.A.	New Jersey Statutes Annotated
NJSWQS	New Jersey Surface Water Quality Standards
NPDES	National Pollutant Discharge Elimination System
RFA	Request for Authorization
SBRs	Statewide Basic Requirements
SPPP	Stormwater Pollution Prevention Plan
SWRPA	Special Waters Resource Protection Areas
TMDL	Total Maximum Daily Load
TSS	Total Suspended Solids
UIC	Underground Injection Control
WQM	Water Quality Management

## 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
    - Hotline/Two Hour & Twenty-four Hour Reporting N.J.A.C. 7:14A-6.10 & 6.8(h)
    - 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. Additional Requirements**

- a. In addition to the requirements in Part I of this permit, the permittee is required to comply with the following requirements which are in effect as of the effective date of the final permit.
  - i. The Stormwater Management rules at N.J.A.C. 7:8.
  - ii. Conditions for General Permits at N.J.A.C. 7:14A-6.13.
  - iii. Additional Conditions applicable to UIC permits at N.J.A.C. 7:14A-8.9, UIC Corrective Action (N.J.A.C. 7:14A-8.11) and UIC Operating Criteria (N.J.A.C. 7:14A-8.16).
  - iv. Conditions for reopening and modification of MS4 permits at N.J.A.C. 7:14A-16.4(b)21 and N.J.A.C. 7:14A-25.7(b).
  - v. Requirements for Discharges to Ground Water at N.J.A.C. 7:14A-7.
  - vi. National Pollutant Discharge Elimination System (NPDES) Electronic Reporting rule at 40 CFR Part 127.

#### **B. General Conditions**

##### **1. Notification of Non-Compliance**

- a. The permittee shall notify the Department of any non-compliance when required by N.J.A.C. 7:14A-6.10 by contacting the DEP Hotline at 1-877-WARN-DEP.

##### **2. Discharge of Pollutants**

- a. For discharges authorized by this permit, the permittee is exempt from N.J.A.C. 7:14A-6.2(a)2. This exemption means that the discharge of any pollutant not specifically regulated in this NJPDES permit or listed and quantified in the Request for Authorization (RFA) shall not constitute a violation of the permit.

##### **3. Standard Reporting Requirements – Electronic Reporting of NJPDES Information**

- a. The following documents and reports shall be electronically submitted via the Department's designated electronic submission services:

- i. General permit authorization requests, i.e., RFAs  
([https://dep.nj.gov/dwq/permitting\\_information/permits\\_application\\_forms\\_and\\_checklists/#additional\\_forms](https://dep.nj.gov/dwq/permitting_information/permits_application_forms_and_checklists/#additional_forms));
- ii. General permit termination/revocation requests  
([https://dep.nj.gov/dwq/permitting\\_information/permits\\_application\\_forms\\_and\\_checklists/#additional\\_forms](https://dep.nj.gov/dwq/permitting_information/permits_application_forms_and_checklists/#additional_forms)); and
- iii. Municipal separate storm sewer system (MS4) annual reports (see Part IV.K).

#### **4. Other Regulatory Requirements**

- a. Permit conditions remain in effect and enforceable until and unless the permit is modified, renewed, or revoked by the Department.
- b. The issuance of this permit shall not be considered as a waiver of any applicable federal, State, or local rules, regulations, and regulatory mechanisms.
- c. 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, N.J.A.C. 7:50 (the Pinelands rules), N.J.A.C. 7:1-E (Discharges of Petroleum and other Hazardous Substances), regulations concerning threatened and endangered species and their designated critical habitat, 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.
- d. While the permittee is required to comply with applicable operation and maintenance requirements of N.J.A.C. 7:14A-6.12(a), the permittee is exempt from the operations and maintenance manual requirements of N.J.A.C. 7:14A-6.12(c). This exemption applies only to discharges authorized under this permit and does not alter the operation and maintenance requirements for municipally or privately-owned stormwater facilities specified in this permit or N.J.A.C. 7:8.

### **C. Eligibility**

#### **1. Permit Scope**

- a. This general permit applies to all stormwater discharges from small MS4s at highways or other thoroughfares that are owned or operated by a “Highway Agency” under N.J.A.C. 7:14A-25.2(a)3.
- b. For purposes of this permit and as described under N.J.A.C. 7:14A-25.2(a)3, a “Highway Agency” is a county, state, interstate, or federal agency that operates a small MS4 at a “highway or other thoroughfare” (including a maintenance or service facility or rest area for such a thoroughfare). A “highway or other thoroughfare” does not include:

- i. Any thoroughfare confined to the grounds of a single building, or of two or more buildings that are not a “public complex” as described in N.J.A.C. 7:14-A-25.2(a)2 (unless that building(s) is a maintenance or service facility for a highway or other thoroughfare not confined to such grounds);
  - ii. Any thoroughfare confined to the grounds of a “public complex” (each such thoroughfare is instead considered part of the “public complex”); or
  - iii. Any thoroughfare (other than the Palisades Interstate Parkway) confined to an officially designated park, forest, recreational area, natural area, wildlife management area, or area set aside for water supply protection.
- c. The short title of this permit is the Highway Agency Permit.

## **2. Authorized Discharges**

- a. Authorized Stormwater Discharges – Except as provided in Part II.C.3 below, this permit authorizes all new and existing stormwater discharges to surface water and groundwater from:
  - i. Small MS4s (as defined at N.J.A.C. 7:14A-1.2) that are owned or operated by “Highway Agency” under 1.a above.
  - ii. Maintenance yards and other ancillary operations, excluding wood waste recycling and wood composting operations, that are owned or operated by a “Highway Agency” under 1.a above.
- b. Authorized Non-Stormwater Discharges – Except as identified in Part II.C.3.e below, the following new and existing non-stormwater discharges from small MS4s owned or operated by the permittee and from Highway Agency maintenance yards and other ancillary operations are authorized under this permit:
  - i. Potable water line flushing and discharges from potable water sources, excluding the discharge of filter backwash and first flush water from potable well development/redevelopment activities utilizing chemicals in accordance with N.J.A.C. 7:9D. The volume of first flush water, which is a minimum of three times the volume of the well water column, shall be handled and disposed of properly;
  - ii. Uncontaminated ground water, e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters;
  - iii. Air conditioning condensate (excluding contact and non-contact cooling water and industrial refrigerant condensate);
  - iv. Irrigation water (including landscape and lawn watering runoff);
  - v. Flows from springs, riparian habitats, wetlands, water reservoir discharges, and diverted stream flows;

- vi. Residential car washing water and dechlorinated swimming pool discharges from single family residential homes;
- vii. Sidewalk, driveway, and street wash water;
- viii. Flows from firefighting activities including the washing of fire fighting vehicles;
- ix. Flows from clean water rinsing of beach maintenance equipment immediately following use and only if the equipment is used for its intended purpose;
- x. Flows from clean water rinsing of equipment and vehicles used in the application of salt and de-icing/anti-icing materials. Prior to rinsing, all equipment shall be cleaned using dry methods such as shoveling and sweeping. Recovered materials are to be returned to storage or properly discarded; and
- xi. Rinsing of equipment in Part II.C.2.b.ix and x, above, is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

### **3. Discharges Not Authorized**

- a. This permit does not authorize “stormwater discharge associated with industrial activity” as defined in N.J.A.C. 7:14A-1.2 except as otherwise specifically provided in this permit:
  - i. Types of facilities that the permittee might operate and that are considered to be engaging in “industrial activity” include but are not limited to certain:
    - 1) landfills,
    - 2) transportation facilities (including certain local passenger transit and air transportation facilities),
    - 3) facilities that manage domestic sewage or sewage sludge,
    - 4) steam electric power generating facilities, and
    - 5) facilities that process and/or compost recyclable materials as defined in N.J.A.C. 7:26A (Recycling Rules) including wood waste recycling and leaf composting facilities; and
  - ii. Any permittee that has stormwater discharges associated with industrial activities shall submit a separate Request for Authorization (RFA) or individual permit application for that discharge.
- b. This permit does not authorize “stormwater discharges associated with construction activity” as described in N.J.A.C. 7:14A-24.10(a) which is defined as the discharge to surface water of stormwater from construction activity that disturbs at least one acre:

- i. Any permittee that operates a construction site with such a discharge shall submit a separate RFA under NJPDES Permit No. NJ0088323 (General Stormwater Permit Construction Activity), or an application for an individual permit for that discharge. An RFA submitted for this permit does not qualify as an RFA for such a discharge. See <https://dep.nj.gov/njpdes-stormwater/industrial-stormwater-program/> for information regarding these two types of permits.
- c. This permit does not authorize any stormwater discharge that is authorized under another NJPDES permit. The permittee does not have to implement measures contained in this NJPDES permit for stormwater discharges at Highway Agency properties owned or operated by that permittee that are regulated under a separate NJPDES stormwater permit authorizing those discharges.
- d. This permit does not authorize stormwater discharges from projects or activities that conflict with an adopted Areawide Water Quality Management Plan.
- e. This permit does not authorize stormwater discharges listed in Part II.C.2.b, above, that are determined to be a significant contributor of pollutants to or from the MS4, which must be addressed as an illicit connection as specified in Part IV.F.2.b and Part IV.F.3.d of this permit, or as an improper disposal of waste.

#### **4. Exclusions**

- a. Any owner, operator, and/or discharger authorized by this general permit may request to be excluded from the coverage of the general NJPDES permit by applying for an individual permit. The owner, operator, and/or discharger shall submit an application in accordance with N.J.A.C. 7:14A-4, with reasons supporting the request, to the NJDEP. The request shall be processed under N.J.A.C. 7:14A-15, 16 and 17. The request shall be granted by the issuance of an individual permit if the reasons cited by the owner, operator, and/or discharger are adequate to support the request.
- b. An owner, operator, and/or discharger excluded from this general NJPDES permit solely because of an existing individual permit may request that that individual permit be revoked or modified, as appropriate, and that the discharge be authorized by this general NJPDES permit. An authorization under this General Permit can only be issued on or after the revocation or modification of the individual permit.

### **D. Administrative Process**

#### **1. Automatic Renewal**

- a. Existing authorizations shall be automatically renewed as provided by N.J.A.C. 7:14A-6.13(d)9 and 25.4(a)3 using the information provided in the permittee's most recently submitted RFA.

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

- a. As set forth at N.J.A.C. 7:14A-16.2, prior to any change in ownership and/or the permittee/operating entity, the current permittee shall provide written notice to the Department at least thirty (30) days prior to the proposed transfer date.
  - i. Written notice to the Department shall be in the form of a completed Application for Transfer of a NJPDES Permit form, which is available on the Department's website (See B.3 above).

**3. Notification of Changes to the Facility/Permit Contacts**

- a. The permittee shall notify the Department within 30 days of a change in contact information for any of the following persons associated with the facility/permit:
  - i. Permittee/Operating Entity Contact;
  - ii. Property Owner Contact;
  - iii. Facility Contact; or
  - iv. Fees/Billing Contact.
- b. Notification to the Department shall be in the form of a completed Contact Information Update form (i.e. NJPDES-2 form), which is available on the Department's website (See B.3 above).

**4. Request for Authorization**

- a. A single RFA is required for the entire eligible discharge from the small MS4 owned or operated by a Highway Agency. Multiple RFAs are not required for multiple operations (e.g., maintenance yards or other ancillary operations, garages, and/or offices owned or operated by the permittee on the property of the Highway Agency), however these operations shall be included in the RFA as applicable.
- b. An RFA under this general permit shall include: A completed Checklist and Request for MS4 Stormwater Permits and any other information as required by the Department.
- c. Upon receipt of an RFA the Department may, in accordance with N.J.A.C. 7:14A-6.13, do one of the following:
  - 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.



- d. The Department may notify a person that the discharge is authorized by a general permit, even if the person has not submitted an RFA. A person so notified may nonetheless request an individual permit under C.4 above.

## **PART III**

### **Recordkeeping and Reporting**

The permittee shall keep records necessary to document, in the Annual Report and Certification, the status of compliance with the conditions of this permit. The requirement to keep records is found at Part IV.J of this permit, and the requirement to submit an Annual Report and Certification is found at Part IV.K of this permit.

## **PART IV**

### **SPECIFIC REQUIREMENTS: NARRATIVE**

#### **Notes and Definitions**

#### **A. Footnotes**

##### **1. Acronyms**

- a. Stormwater acronyms included in this permit are as follows:
  - i. “BMP” – Best Management Practice
  - ii. “CFR” – Code of Federal Regulations
  - iii. “EDPA” – Effective Date of Permit Authorization
  - iv. “EPA” - U.S. Environmental Protection Agency
  - v. “GIS” – Geographic Information System
  - vi. “MS4” – Municipal Separate Storm Sewer System
  - vii. “MSRP” – Municipal Stormwater Regulation Program
  - viii. “MTD” – Manufactured Treatment Device
  - ix. “MY” – Maintenance Yard
  - x. “N.J.A.C.” – New Jersey Administrative Code
  - xi. “NJPDES” – New Jersey Pollutant Discharge Elimination System
  - xii. “N.J.S.A.” – New Jersey Statutes Annotated
  - xiii. “RFA” – Request for Authorization
  - xiv. “SPC” – Stormwater Program Coordinator
  - xv. “SPPP” – Stormwater Pollution Prevention Plan
  - xvi. “TMDL” – Total Maximum Daily Load
  - xvii. “WIP” – Watershed Improvement Plan

##### **2. Internal Cross References**

- a. For the purposes of this permit:
  - i. References to Part IV Notes and Definitions are preceded with the words “Notes and Definitions”, e.g., Notes and Definitions Part IV.A.1 refers to Acronyms; and

- ii. References to Part IV of the Highway Agency Permit are not preceded by descriptive text, e.g., Part IV.A.1 refers to Stormwater Program Requirements.

## **B. Definitions**

### **1. Definitions**

- a. All words and terms used in this permit shall have meanings as defined in the "Regulations Concerning the New Jersey Pollutant Discharge Elimination System" (N.J.A.C. 7:14A), unless otherwise stated or unless the context clearly requires a different meaning.
  - i. "Anti-icing" means the proactive application of melting products to driving or walking surface before a storm. Anti-icing helps prevent snow and ice from bonding to the pavement, allowing workers to clear the surfaces more easily and creating safe winter conditions.
  - ii. "Catch Basin" means a cistern, vault, chamber, or well that is typically built along a street and below an inlet grate as part of the storm sewer system that is designed to capture and retain sediment, debris, and pollutants so those particles do not pass on to the stormwater sewer system.
  - iii. "Culvert" means a pipe or other man-made structure conveying a watercourse under a road, railroad, bridge, driveway, etc.
  - iv. "De-icing" means the reactive application of ice-control products to driving or walking surfaces to melt existing snow and ice.
  - v. "Effective Date of Permit Authorization" means the date the permittee's authorization to discharge under this permit becomes effective. This date may be found on the permittee's Authorization to Discharge page.
  - vi. "Green infrastructure" means green infrastructure as defined in N.J.A.C. 7:8.
  - vii. "Ground water discharge point" means the lowest invert elevation of any stormwater facility where stormwater discharges into the surficial ground water aquifer.
  - viii. "Hazard Tree" means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees.
    - 1) Has an infectious disease or insect infestation;
    - 2) Is dead or dying;
    - 3) Obstructs the view of traffic signs or the free passage of pedestrians or vehicles where pruning attempts have not been effective;

- 4) Is or has the potential to cause damage to structures (such as building foundations, sidewalks, bridges, retaining walls, noise barriers, etc.); or
  - 5) Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or Licensed Tree Expert.
- ix. "HUC 14" or "hydrologic unit code 14" means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey. (N.J.A.C. 7:9B)
- x. "Illicit connection" means any physical or non-physical connection that discharges the following to a municipal separate storm sewer system (unless that discharge is authorized under a NJPDES permit other than the NJPDES permit for discharges from that system):
- 1) Domestic sewage;
  - 2) Non-contact cooling water, process wastewater, or other industrial waste (other than stormwater); or
  - 3) Any category of non-stormwater discharges that a permittee for the MS4 identifies as a source or significant contributor of pollutants pursuant to 40 C.F.R. 122.26(d)(2)(iv)(B)(1) or 122.34(b)(3)(iii).
- xi. "Limited-access highway" means every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway, and includes any highway designated as a "freeway" or "parkway" by authority of law.
- xii. "Maintenance plan" means a maintenance plan pursuant to N.J.A.C. 7:8-5.2(b) and 5.8 prepared by the design engineer for the stormwater management measures incorporated into the design of a major development. Alternately, a maintenance plan may be developed and/or modified after the stormwater facility has been constructed based on operational experience.
- xiii. "Maintenance yard and ancillary operation" means a maintenance and storage yard owned or operated by the permittee on the property of the Highway Agency, including but not limited to, fleet or maintenance shop with outdoor storage areas, impound yard, permanent and mobile fueling location, salt/sand storage location, and snow disposal area.
- xiv. "Major Development" means a major development as defined in N.J.A.C. 7:8.

- xv. "MS4 interconnection" means any point at which one MS4 system is connected to a second MS4 system in such a way that it allows for direct discharges into the second system."
- xvi. "Municipal separate storm sewer" (or MS4 conveyance) means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) as defined in more detail at N.J.A.C. 7:14A-1.2.
- xvii. "Municipality" means a municipality as defined in the Municipal Land Use Law at N.J.S.A. 40:55D-5, that is, any city, borough, town, township, or village.
- xviii. "Outfall" means any point source which discharges directly to waters of the United States and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States.
- xix. "Permanent structure" means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of preventing wind driven rainfall from coming in contact with stored de-icing/anti-icing material). A fabric frame structure is a permanent structure if it meets the following specifications:
  - 1) Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing/anti-icing materials;
  - 2) The design shall prevent stormwater run-on and run-through, and the fabric cannot leak;
  - 3) The structure shall be erected on an impermeable slab;
  - 4) The structure cannot be open sided; and
  - 5) The structure shall have a roll up door or other means of preventing wind driven rainfall from coming in contact with stored de-icing/anti-icing material.
- xx. "Point source" means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

- xxi. "Regulatory mechanism" means an ordinance, permit, standard, contract language, or any other procedure, that will be enforced by the permittee.
- xxii. "Rest Area" means a roadside facility that provides parking at a minimum, including service areas, scenic overlooks, weigh stations, truck park/sleep areas, and emergency pull-off areas.
- xxiii. "Small MS4" means all municipal separate storm sewers (other than "large" or "medium" municipal separate storm sewer systems as defined in N.J.A.C. 7:14A-1.2) that are:
  - 1) Owned or operated by municipalities described under N.J.A.C. 7:14A-25.1(b);
  - 2) Owned or operated by county, State, interstate, or Federal agencies, and located at Public Complexes as described under N.J.A.C. 7:14A-25.2(a)2;
  - 3) Owned or operated by county, State, interstate, or Federal agencies, and located at highways and other thoroughfares as described under N.J.A.C. 7:14A-25.2(a)3; or
  - 4) Owned or operated by county, State, interstate, Federal, or other agencies, and receive special designation under N.J.A.C. 7:14A-25.2(a)4.
- xxiv. "Solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids.
- xxv. "Storm drain inlet" means the point of entry into the storm sewer system.
- xxvi. "Stormwater" means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities or is conveyed by snow removal equipment.
- xxvii. "Stormwater facility" means stormwater infrastructure including, but not limited to, catch basins, infiltration basins, detention basins, green infrastructure (GI), filter strips, riparian buffers, infiltration trenches, sand filters, constructed wetlands, wet basins, bioretention systems, low flow bypasses, Manufactured Treatment Devices (MTDs), and stormwater conveyances.
- xxviii. "Stormwater management basin" means a stormwater management basin as defined in N.J.A.C. 7:8.
- xxix. "Stormwater management measure" means a stormwater management measure as defined in N.J.A.C. 7:8.
- xxx. "Stormwater runoff" means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

- xxxi. "Stream scouring" means the erosion or removal of streambed or bank material by the physical action of flowing water and the sediment that it carries.
- xxxii. "Street tree" means a tree planted in the sidewalk, planting strip, and/or in the permittee's right-of-way adjacent to (or specified distance from) the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the permittee's right-of-way, i.e., islands, medians, pedestrian refuges. Trees within the permittee's right-of-way of limited access highways are not considered street trees.
- xxxiii. "Subsurface infiltration/detention system" means a vault, perforated pipe, and/or stone bed that is located entirely below the ground surface and that temporarily stores and attenuates stormwater runoff.
- xxxiv. "Total maximum daily load" or "TMDL" means a total maximum daily load formally established pursuant to Section 7 of the Water Quality Planning Act (N.J.S.A. 58:11A-7) and Section 303(d) of the Clean Water Act, 33 U.S.C. §§12512 et seq. A TMDL is the sum of individual wasteload allocations for point sources, load allocations for nonpoint sources of pollution, other sources such as tributaries or adjacent segments, and allocations to a reserve or margin of safety for an individual pollutant.
- xxxv. "Tree" means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.
- xxxvi. "Waters of the State" means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction" (see N.J.A.C. 7:9B-1.4).
- xxxvii. "Wood waste" means source separated whole trees, tree trunks, tree parts, tree stumps, brush, and lumber (non-chemically treated, glued, dyed, or painted).
- xxxviii. "Yard trimmings" (N.J.A.C. 7:26A-1.3) means grass clippings, leaves, wood chips from tree parts, and brush.



## **MS4 - Highway Agency Stormwater (GP)**

### **A. Minimum Standards for Stormwater Management Program**

#### **1. Stormwater Program Requirements**

- a. The permittee shall develop, update, implement, and enforce an MS4 stormwater program. A primary objective of the MS4 stormwater program shall be to implement best management practices and other measures that are designed to reduce the discharge of pollutants from the permittee's MS4, maintenance yards and other ancillary operations, to the maximum extent practicable pursuant to N.J.A.C. 7:14A-25.6(a)1 and 40 CFR 122.34(a), to protect water quality, and to satisfy the applicable water quality requirements of the Clean Water Act.
- b. The permittee shall modify and update its MS4 stormwater program (including applicable plans and appropriate regulatory mechanisms) to conform with applicable new legislation or new or amended regulations.
  - i. Such modification and update shall be completed and effective within 12 months of written notification by the Department of the need for modification and update.
- c. The permittee shall develop, update, implement, and maintain a written Stormwater Pollution Prevention Plan (SPPP) that documents the permittee's MS4 stormwater program and describes the measures necessary for compliance with all permit conditions.
- d. A principal executive officer or a ranking elected official shall designate a duly authorized Stormwater Program Coordinator (SPC) who has the knowledge to manage the implementation and compliance of the permittee's MS4 stormwater program and shall be responsible for the following:
  - i. Coordinating the permittee's implementation of its MS4 stormwater program, permit conditions, and SPPP;
  - ii. Signing and dating the SPPP; and
  - iii. The completion and submittal of the Municipal Stormwater Regulation Program (MSRP) Annual Report, consistent with Part IV.K.
- e. The permittee shall notify the Department of any SPC assignment changes and designate a new SPC within thirty (30) days of the change through the completion of the Stormwater Program Coordinator Information Update Sheet, which can be found on the Department's website (See Part II.B.3 above).

#### **2. Stormwater Pollution Prevention Plan (SPPP) Requirements**

- a. The permittee shall include in the SPPP, at a minimum, information that:
  - i. Identifies the person designated as the SPC per Part IV.A.1.d above, and the

members of the stormwater team, which is comprised of the people responsible for implementing or coordinating the stormwater program activities;

- ii. Describes the measures the permittee has established to ensure compliance with all components of this permit with details regarding how each element of the stormwater program is implemented and tailored specifically to their Highway Agency;
  - iii. Identifies each individual maintenance yard and ancillary operation on a separate form within the SPPP that includes the site-specific details of each yard or ancillary operation;
  - iv. Documents all shared or contracted services as allowed under Part IV.A.3., below;
  - v. Notes the location of all records/documentation required by this permit; and
  - vi. Reflects the measurable goals, implementation schedules, recordkeeping, and other requirements of this permit.
- b. The permittee's SPPP shall be submitted electronically to the Department via the NJDEP Online Stormwater Document Submittal Service on or before EDPA + 6 months.
- c. The SPPP shall be posted on the permittee's dedicated stormwater webpage or other approved webpage (See Part IV.B.2.) on or before EDPA + 6 months.
- d. The permittee shall review the SPPP at least annually and update it as often as necessary to reflect changes related to the permittee's MS4 stormwater program. Any amendments to the SPPP:
- i. Shall continue to meet the requirements of this permit;
  - ii. Shall be incorporated into the SPPP;
  - iii. Shall be recorded on the SPPP revisions page;
  - iv. Shall be signed and dated by the SPC;
  - v. Shall be submitted electronically as in b above to the Department within thirty (30) days of the amendments; and
  - vi. Shall be posted on the permittee's dedicated stormwater webpage or other approved webpage within thirty (30) days of the amendments.
- e. The permittee shall amend the SPPP to adequately address any deficiencies identified by the Department within thirty (30) days of notice, unless otherwise specified by the Department.

### **3. Implementation of SPPP Conditions Through Shared or Contracted Services**

- a. The permittee may rely on another entity, e.g., governmental, stormwater utility, private, or nonprofit organization such as a watershed association, to satisfy one or

more of the permit conditions, or component thereof, through the implementation of best management practices or control measures, provided that:

- i. The other entity implements best management practice(s), control measure(s), or component(s) thereof, which are at least as stringent and as frequent as the corresponding permit requirement;
  - ii. The other entity agrees in writing or is required by law to implement the measure(s) or component(s) thereof, in such a manner that complies with the permit on the permittee's behalf;
  - iii. The permittee specifies in its SPPP which permit conditions will be implemented by each other entity; and
  - iv. The permittee specifies in its SPPP the name of each other entity.
- b. If permit requirements are contracted to an outside entity to be completed in whole or in part, work shall be completed in a manner that is in compliance with this permit.
  - c. The permittee is responsible for compliance with this permit if the other entity fails to implement the measure(s) or component(s), thereof.

## **B. Minimum Standards for Public Involvement and Participation Including Public Notice**

### **1. Public Involvement and Participation Including Public Notice**

- a. The permittee shall comply with applicable State and local public notice requirements when providing for public participation in the development and implementation of the MS4 stormwater program. Requirements include, but are not limited to:
  - i. The Open Public Meetings Act ("Sunshine Law," N.J.S.A. 10:4-6 et seq.); and
  - ii. Statutory procedures for the enactment of ordinances (N.J.S.A. 40:49-2), including the stormwater control ordinance and other ordinances adopted to comply with Part IV of this permit.
- b. The permittee shall maintain records necessary to demonstrate compliance with the public participation requirements of Part IV.B.1.a, above.
- c. All permittees shall comply with this requirement on EDPA.

### **2. Dedicated Stormwater Webpage**

- a. The permittee shall develop a dedicated stormwater webpage and make the following elements of its MS4 stormwater program available to the public by providing links to the latest version of the following:
  - i. Stormwater Pollution Prevention Plan (excluding inspection logs and other recordkeeping documents);

- ii. Pet Waste Control Regulatory Mechanism;
  - iii. Wildlife Feeding Control Regulatory Mechanism;
  - iv. Litter Control Regulatory Mechanism;
  - v. Improper Disposal of Waste Regulatory Mechanism;
  - vi. MS4 Outfall Pipe Map;
  - vii. MS4 Infrastructure Map (due on or before EDPA + 36 months as per Part IV.G);  
and
  - viii. Watershed Improvement Plan (due in accordance with the phases identified in Part IV.H).
- b. If the permittee does not have a specific website for their Highway Agency, they shall request approval via email to [stormwatermanager@dep.nj.gov](mailto:stormwatermanager@dep.nj.gov) to post their stormwater documents listed in a. above on an alternate website hosted by their county (for county-owned Highway Agencies), state agency (for state-owned Highway Agencies), or federal agency (for federally-owned Highway Agencies).
- c. All permittees shall comply with this requirement on or before EDPA + 6 months.

## **C. Minimum Standards for Local Public Education and Outreach**

### **1. Local Public Education and Outreach**

- a. Permittees shall implement a Public Education and Outreach Program that focuses on educational and pollution prevention activities about the impacts of stormwater discharges on surface water and ground water and involves the public in reducing pollutants in stormwater and mitigating flow. The permittee shall:
- i. Annually conduct activities that total at least 7 points;
  - ii. Include at least three different activities;
  - iii. Ensure that at least one of the activities involves educating businesses, which discharge to the permittee's MS4, and the general public of hazards associated with illicit connections and improper disposal of waste;
  - iv. The permittee may conduct public education and outreach activities not included in Attachment A of the permit provided that those activities are submitted to the Department for review and approval prior to being conducted; and
  - v. Keep records necessary to demonstrate compliance, including date of activities and any other relevant documentation.
- b. All permittees shall comply with this requirement on EDPA.

## **D. Minimum Standards for Construction Site Stormwater Runoff**

### **1. Construction Site Stormwater Runoff Requirements**

- a. Construction site stormwater runoff activities are authorized under a separate NJPDES permit, which is typically the Construction Activity NJPDES Stormwater General Permit No. NJ0088323 pursuant to N.J.A.C. 7:14A-25.6(b)2, or an individual stormwater permit pursuant to N.J.A.C. 7:14A-24.7(a)2. See Part II.C.3.b.
- b. Pursuant to N.J.A.C. 7:14A-25.7(b), the permittee is not required to reference construction site stormwater runoff control in its SPPP.
- c. All permittees shall comply with this requirement on EDPA.

## **E. Minimum Standards for Post Construction Stormwater Management in Development and Redevelopment**

### **1. Stormwater Management Program to Address Post Construction Stormwater Management in New Development and Redevelopment**

- a. The permittee shall develop, update, implement, and enforce its stormwater management program to address post construction stormwater runoff in new development and redevelopment and to ensure compliance with the Stormwater Management rules at N.J.A.C. 7:8.
- b. The permittee shall ensure that its stormwater management program addresses stormwater runoff from “major development” as defined in the Stormwater Management rules at N.J.A.C. 7:8.
- c. The permittee shall ensure that the post construction stormwater management program complies with the applicable design, performance, and maintenance standards established under N.J.A.C. 7:8 for “major development.”
- d. The permittee shall meet the stormwater management requirements for a “major development” for any public roadway project that has determined a preferred alternative or reached an equivalent milestone as follows:
  - i. A “major development” that reached a preferred alternative or equivalent milestone prior to March 2, 2021, is subject to the requirements of N.J.A.C. 7:8 in effect on March 2, 2021; and
  - ii. A “major development” that reached a preferred alternative or equivalent milestone on or after March 2, 2021, is subject to the requirements of N.J.A.C. 7:8 in effect on the date the preferred alternative or equivalent milestone is reached.
  - iii. Should the permittee initiate a substantial change to a “major development” that had previously reached a preferred alternative or equivalent milestone, the “major development” shall instead be subject to the requirements of N.J.A.C. 7:8 in effect when the amended milestone is reached.

- iv. Notwithstanding the requirements above, any public roadway project that has determined a preferred alternative or equivalent milestone by March 2, 2021, shall not be subject to N.J.A.C. 7:8-5.3(b), (c), or (d) provided that major development project appears on the list of projects provided to the Department pursuant to N.J.A.C. 7:8-5.3(k).
- e. The permittee shall review and analyze development plans for compliance with N.J.A.C. 7:8 even if a permit is required by the Department for the same or similar activity, e.g., a Land Use permit.
- f. The permittee shall ensure that “major development” projects are constructed in accordance with the approved development plans.
- g. The permittee shall ensure that the engineer that reviews stormwater management designs for development and redevelopment projects for compliance with N.J.A.C. 7:8 shall be independent from the design engineer.
- h. The permittee shall ensure that all review engineers are up to date with the Department’s Stormwater Management Design Review Course, as per Part IV.F.7.
- i. The permittee shall ensure that all review engineers are up to date with the Department’s Stormwater Management Rule Amendment Training if required, as per Part IV.F.8.
- j. The permittee shall include each approved major development on the Major Development Project List.
- k. The permittee shall submit the Major Development Project List to the Department annually with the MSRP Annual Report.
- l. The Stormwater Management rules (N.J.A.C. 7:8), independently and as implemented in this permit, apply to all areas of the Highway Agency.
- m. All permittees shall comply with this requirement on EDPA.

**2. Variance From the Design and Performance Standards for Stormwater Management Measures**

- a. The permittee may be granted a variance from the design and performance standards at N.J.A.C. 7:8-5.3 through 5.6 by the Department for aspects of a particular major development project provided requirements b through f below are completed.
- b. The permittee shall create a written report which demonstrates how the requirements of N.J.A.C. 7:8-4.6(a)1, 2, and 3 and the requirements of Part IV.E are met. At a minimum, this demonstration shall include the following information in the written report:
  - i. An explanation as to why it is impracticable to accomplish the onsite stormwater management requirements of N.J.A.C. 7:8; and

- ii. A demonstration of how the proposed offsite mitigation will ensure that the requirements of N.J.A.C. 7:8-5.3 through 5.6 are met.
- iii. If the variance that resulted in the mitigation project being required is from the green infrastructure standards at N.J.A.C. 7:8-5.3, then, notwithstanding the requirement at N.J.A.C. 7:8-4.6(a)3vi regarding the use of green infrastructure BMPS in Table 5-1, the mitigation project may use green infrastructure BMPs listed in either Table 5-1 or Table 5-2 provided that the project is a public roadway project and all other requirements of Part IV.E.2 are met.
- c. The permittee shall create no adverse impacts to surrounding properties as a result of granting the variance pursuant to the requirements set forth above.
- d. The permittee shall submit the written report to the Department electronically via the NJDEP Online Stormwater Document Submittal Service.
- e. The permittee shall not begin construction of a project until written approval of the requested variance from the design and performance standards is received from the Department.
- f. The permittee shall provide documentation to the Department that the approved mitigation was accomplished within 30 days of completion of the mitigation project(s).
- g. The use of the waiver provisions at NJAC 7:8-5.2 are not subject to the requirements above.

## **F. Minimum Standards for Pollution Prevention/Good Housekeeping**

### **1. Regulatory Mechanisms**

- a. Pet Waste Control: The permittee shall adopt and enforce an appropriate regulatory mechanism that:
  - i. Requires pet owners or their keepers to immediately and properly dispose of their pet's solid waste deposited on any part of the Highway Agency property or prohibit pets from being allowed on Highway Agency property.
  - ii. Any owner or keeper who requires the use of a service animal shall be exempt from these provisions while such animal is being used for that purpose.
- b. Wildlife Feeding Control: The permittee shall adopt and enforce an appropriate regulatory mechanism that prohibits the feeding of any wildlife, e.g., Canada Geese, on Highway Agency property owned or operated by the permittee.
  - i. Exclusions include unconfined wildlife at environmental education centers and feral cats as part of an approved Trap-Neuter-Release program.

- c. Litter Control: The permittee shall enforce the existing State litter statute at N.J.S.A 13:1E-99.3 or adopt and enforce an appropriate regulatory mechanism that is at least as stringent as the State litter statute.
- d. Improper Disposal of Waste: The permittee shall adopt and enforce an appropriate regulatory mechanism prohibiting the improper spilling, dumping, or disposal of materials other than stormwater into the MS4 excluding those discharges as allowable under Part II.C.2.b.
- e. Permittees shall comply with this requirement on EDPA.

## **2. Good Housekeeping**

- a. The permittee shall develop and implement the following good housekeeping measures described in b through o below.
- b. Illicit Connections: The permittee shall prevent illicit connections into the MS4. In addition, the permittee shall inspect outfalls and eliminate any observed illicit discharges in accordance with Part IV.F.3.
  - i. Permittees shall implement this requirement on EDPA.
- c. Litter Pick-Up Program: The permittee shall develop and implement a litter pick up program that includes roadside cleanup of trash and debris and regular collection of refuse from litter and recycling receptacles owned and operated by the permittee, including those located at rest areas.
  - i. The permittee shall maintain records of roadside clean-ups and estimates of the total amount of trash and debris collected.
  - ii. Permittees shall implement this requirement on EDPA.
- d. Quarterly Street Sweeping: The permittee shall sweep, at a minimum of once every three months, or more frequently as necessary to eliminate recurring problems, all segments of limited-access highways (including ramps and parking areas) that are owned or operated by the permittee and have storm drain inlets or discharge directly to surface water.
  - i. Permittees shall implement this requirement on EDPA.
- e. Triannual Street Sweeping: The permittee shall sweep, at a minimum of once every four months, or more frequently as necessary to eliminate recurring problems, all segments of streets, ramps, and parking areas that are owned or operated by the permittee and have storm drain inlets or discharge directly to surface water but are not limited-access highways.
  - i. Permittees shall implement this requirement on EDPA.
- f. Annual Street Sweeping: The permittee shall sweep, at a minimum of once per year, or more frequently as necessary to eliminate recurring problems, all segments of



streets, ramps and parking areas that are owned or operated by the permittee but do not have storm drain inlets or discharge directly to surface water.

- i. Permittees shall implement this requirement on EDPA.
- g. Storm Drain Inlet Labeling: The permittee shall label all storm drain inlets that eventually discharge to surface water and do not have permanent wording cast into the structure of the inlet to indicate that it drains into a local waterway. This applies to inlets that are located at rest areas, maintenance facilities, and along streets with sidewalks.
  - i. The permittee shall maintain the legibility of storm drain inlet labels and replace any labels that are missing or not legible.
  - ii. The permittee shall maintain records of which inlets have been labeled.
  - iii. Permittees shall implement this requirement on EDPA.
- h. Storm Drain Inlet Retrofitting: The permittee shall comply with the standards set forth in Attachment B (Design Standards for Storm Drain Inlets) of this permit to control passage of solid and floatable materials through storm drain inlets owned or operated by the permittee.
  - i. The permittee shall retrofit all storm drain inlets owned or operated by the permittee with the standards set forth in Attachment B on or before EDPA + 59 months.
- i. Storm Drain Inlet Installation: The permittee shall install storm drains that include a catch basin or other BMP designed to collect solids directly below the inlet grate in areas that drain to surface waters. This applies to new storm drain inlet installations that are due to construction that is not considered a major development as defined by N.J.A.C. 7:8.
  - i. As an alternative, the permittee shall install a BMP downstream of the storm drain inlet to capture solids before the stormwater reaches the surface water discharge point;
  - ii. Storm drains installed on bridges or culverts are exempt from this requirement;
  - iii. Storm drains are exempt from this standard when additional hydraulic losses will result in unavoidable adverse hydraulic impacts; and
  - iv. Permittees shall implement this requirement on EDPA.
- j. Herbicide Application Management: The permittee shall restrict the application of herbicides as follows:
  - i. In a manner that prevents the herbicides from being washed into the waters of the State;

- ii. In a manner that prevents erosion caused by de-vegetation;
  - iii. Not on or adjacent to storm drain inlets;
  - iv. Not on steeply sloping ground unless it is unsafe or infeasible to access with equipment;
  - v. Only along curb lines, highway median barriers, and unobstructed shoulders that contain unwanted vegetation;
  - vi. Only within a 2-foot radius around structures where overgrowth presents a safety hazard and where it is unsafe to mow; and
  - vii. Permittees shall implement this requirement on EDPA.
- k. Excess De-Icing/Anti-Icing Material Management: The permittee shall remove, within 72 hours after the end of the storm event, conditions permitting, piles of excess salt and de-icing/anti-icing materials that have been deposited during spreading operations, e.g., piles resulting from accidental spillage or when spreading equipment is started or stopped, on streets, ramps, and parking areas owned or operated by the permittee. Excess de-icing material removed may be returned to storage or properly managed if unsuitable for reuse.
- i. Permittees shall implement this requirement on EDPA.
- l. Vegetative Waste Management: The permittee shall ensure the proper pickup, handling, storage, and disposal of wood waste and yard trimmings generated by the permittee to minimize the impact of vegetative maintenance activities on stormwater discharge quality. At a minimum, the permittee shall:
- i. Ensure that wood waste and yard trimmings are not swept, raked, blown, or otherwise deposited onto other areas, such as streets or parking areas, where the material can be transported by the MS4 system;
  - ii. Ensure that no person sweeps, rakes, blows, or otherwise places loose wood waste and yard trimmings into streets or parking areas; and
  - iii. Permittees shall implement this requirement on EDPA.
- m. Tree Replacement Management: The permittee shall ensure that any tree removed from the property owned or operated by the permittee be replaced with a tree of equal or greater size or according to the following:
- i. Any street tree removed with DBH of 2.5" to 5.99" shall be replaced with one tree with caliper of 2-2.5" or more;
  - ii. Any tree removed with DBH of 6" to 12.99" shall be replaced with one tree with caliper of 2-2.5" or more;
  - iii. Any tree removed with a DBH of 13" to 22.99" shall be replaced with two trees

with caliper of 2-2.5" or more;

- iv. Any tree removed with a DBH of 23" to 32.99" shall be replaced with three trees with caliper of 2-2.5" or more;
- v. Any tree removed with DBH of 33" or greater shall be replaced with four trees with caliper of 2-2.5" or more;
- vi. Any tree removed shall be replaced within one year of removal, within the timeframe of project completion, or in accordance with other mitigation requirements, as applicable;
- vii. If the permittee determines that some or all required replacement trees cannot be replanted as part of the project during which the removal occurred, then the permittee shall do one of the following:
  - Plant replacement trees in a separate area; or
  - Pay a fee of \$300 per tree removed unless it can be demonstrated that the actual cost of the tree(s) purchase and installation is less. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of trees.
- viii. The permittee may remove any trees within a tree farm if the farm is in active operation, this includes nurseries, fruit orchards, and garden centers;
- ix. The permittee may remove any trees pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental remediation, NJDEP approved habitat enhancement plan, or NJDEP Division of Parks and Forestry approved deforestation plan without any additional compensation required;
- x. The permittee may remove any trees involving approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife without any additional compensation required;
- xi. The permittee may remove hazard trees with no replacement requirement;
- xii. The permittee may remove trees from in or around stormwater management basins that are not designed to have trees, including those that are interfering or have the potential to interfere with the function of the basin and those that are causing or have the potential to cause structural damage to the basin with no replacement requirement;
- xiii. The permittee may remove trees on dams in accordance with the Dam Safety Standards at N.J.A.C. 7:20 with no replacement requirement;
- xiv. The permittee may remove trees along existing roadways to meet sight distance

and clear zone requirements with no replacement requirement;

- xv. The permittee may plant replacement trees in alternative area(s);
  - xvi. Mitigation for tree removal other than preservation (i.e. replanting trees, monetary compensation, or purchasing credits from mitigation banks) that is conducted in accordance with other regulatory requirements (e.g., Flood Hazard Area Riparian Zone Mitigation or No Net Loss Reforestation Act) can also be credited toward compliance with this requirement;
  - xvii. The permittee shall maintain a log of the alternative area(s) designated for tree replacement planting(s); and
  - xviii. All permittees shall implement this requirement on EDPA.
- n. Roadside Erosion Control: The permittee shall develop a program to detect and repair erosion along curbed and uncurbed roadways, ramps, and parking areas owned or operated by the permittee and to inspect and maintain the stability of shoulders, embankments, ditches, and soils along these areas to ensure that they are not eroding and contributing to the sedimentation of receiving waters or stormwater infrastructure:
- i. Inspections of roadways, ramps, and parking areas shall occur at least once per year;
  - ii. Any repairs shall be completed as soon as practicable, but no later than 90 days from discovery, unless the Department has approved an alternative schedule of completion or Department permits are required;
  - iii. Made in accordance with Standards for Soil Erosion and Sediment Control in New Jersey, N.J.A.C. 2:90-1 or the New Jersey Department of Transportation Soil Erosion and Sediment Control Standards, as applicable; and
  - iv. Permittees shall implement this requirement on or before EDPA + 12 months.
- o. Outdoor Refuse Containers and Dumpsters: The permittee shall ensure that refuse containers and dumpsters that are outdoors or exposed to stormwater are managed as follows:
- i. Must always be covered with a tarp, lid, or under a permanent structure to prevent the contact of waste materials with stormwater unless actively being filled or emptied; Temporary demolition containers, e.g., rubble, construction waste, and wood waste, or containers that hold large bulky items, e.g., furniture, do not need to be covered as long as they do not contain putrescible waste;
  - ii. Must be leak proof to prevent the discharge of leachate from the contents of the container. Temporary demolition containers, e.g., rubble, construction waste, and wood waste, or containers that hold large bulky items, e.g., furniture, do not need to be leak proof as long as they do not contain putrescible waste;
  - iii. Clean roll-offs or other open top containers used to collect clean household

recyclables (such as cans, bottles, or paper, but not including materials such as electronics) must be covered when not in use, at the end of each workday, and before any anticipated storm event.

- iv. This measure is not intended for litter receptacles; recycling receptacles; and refuse containers at industrial facilities where the discharge of stormwater from the area is regulated by a valid NJPDES permit; and
- v. Permittees shall implement this requirement on EDPA.
- p. The permittee shall maintain a log sufficient to demonstrate compliance with this section.

**3. Inspection and Maintenance of Stormwater Facilities Owned or Operated by the Permittee**

- a. The permittee shall develop, update, and implement a program to ensure adequate long-term cleaning, operation, and maintenance of all stormwater facilities owned or operated by the permittee to restrict pollutants from entering the waters of the State, to eliminate recurring problems, and maintain proper function. This program shall include all stormwater infrastructure, including but not limited to b.– h. below.
- b. Stormwater Outfall Inspections and Maintenance for Condition: At a minimum, the permittee shall:
  - i. Conduct outfall inspections at least once every five years, with a minimum of 20% of the total number of outfalls inspected per year;
  - ii. Document conditions under which an outfall must be cleaned, repaired, and maintained;
  - iii. Remove trash and debris within 30 days of discovery;
  - iv. Investigate, within 30 days of receipt, of all complaints and reports of loss of structural integrity;
  - v. Complete repairs as soon as practicable, but no later than 30 days of investigation, unless the Department approves an alternative schedule of completion; and
  - vi. Document all outfall inspections, investigations, and actions taken using the Department's Outfall Inspection Form at <https://dep.nj.gov/njpdes-stormwater/municipal-stormwater-regulation-program/>.
- c. Stormwater Outfall Inspections and Maintenance for Stream Scouring: At a minimum, the permittee shall:
  - i. Conduct outfall inspections for localized stream scouring of the stream banks or bottom and the surrounding area in the vicinity of the outfall(s) caused by the

outfall(s) at least once every five years, with a minimum of 20% of the total number of outfalls inspected per year;

- ii. Document details for detecting, investigating, and controlling any localized stream scouring of the stream banks or bottom and the surrounding area in the vicinity of the outfall(s);
  - iii. Investigate, within 30 days of receipt, all complaints, and reports of stream scouring;
  - iv. Identify sources of stormwater, within 3 months, that contribute to the scouring from the outfall(s) when localized stream scouring is detected;
  - v. Take corrective action to reduce stormwater rate or volume within the contributing drainage area, when feasible, for sources of scouring that are located on property owned or operated by the permittee;
  - vi. Complete remediation of localized stream scouring as soon as practicable, but no later than 12 months of discovery, unless the Department approves an alternative schedule of completion;
  - vii. Provide progress reports on remediation of stream scouring to the Department on a quarterly basis until completion;
  - viii. Conduct stream scouring restoration in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey at N.J.A.C. 2:90-1, e.g., Conduit Outlet Protection 12-1, and the requirements for bank stabilization and channel restoration found at N.J.A.C. 7:13; and
  - ix. Document all outfall inspections, investigations, and actions taken to remediate stream scouring using the Department's Stream Scouring Investigation Recordkeeping Form at <https://dep.nj.gov/njpdes-stormwater/municipal-stormwater-regulation-program/>.
- d. Stormwater Outfall Inspections and Maintenance for Illicit Discharge Detection and Elimination: At a minimum, the permittee shall:
- i. Conduct outfall inspections to determine if dry weather flow or other evidence of illicit discharge is present at least once every five years, with a minimum of 20% of the total number of outfalls per year;
  - ii. Document details for conducting visual dry weather inspections to determine if dry weather flow (flow occurring 72 hours after a rain event) or other evidence of illicit discharge is present;
  - iii. Investigate, within 30 days of receipt of complaints and reports of illicit discharge;

- iv. Investigate, within 30 days of identification of dry weather flows to determine if illicit discharge is present;
  - v. Investigate, within 30 days, to determine the source of illicit discharge;
  - vi. Eliminate as soon as practicable, but no later than within 12 months of discovery, non-stormwater discharges that are traced to their source and found to be illicit connections, unless the Department approves an alternative schedule of completion;
  - vii. Provide progress reports on elimination of illicit discharges to the Department on a quarterly basis until completion; and
  - viii. Document of all outfall inspections, investigations, and actions taken to remediate illicit discharge(s) using the Department's Illicit Connection Inspection Report Form.
- e. Storm Drain Inlet Inspection, Cleaning, and Maintenance: At a minimum, the permittee shall:
- i. Perform inspections of all storm drain inlets at a minimum of once per year; and
  - ii. Describe conditions under which a storm drain inlet must be cleaned and maintained to ensure, at a minimum, that sediment, trash, or other debris is removed to eliminate recurring problems and maintain proper function.
- f. Catch Basin Inspection, Cleaning, and Maintenance: At a minimum, the permittee shall:
- i. Include inspections of all catch basins at a minimum of once per year for permittees who own or operate less than 2,500 catch basins. Permittees who own or operate 2,500 catch basins or more shall inspect a minimum of 20% of the total or 2,500 per year, whichever is greater, rotating the schedule in such a way that all catch basins are inspected at least once every five years on approximately the same frequency; and
  - ii. Describe the conditions under which a catch basin must be cleaned and maintained, including any specific procedures that must be followed at a frequency to ensure, at a minimum, that sediment, trash, or other solid or floatable material or other obstructions are removed.
  - iii. For guidance related to catch basin cleaning, refer to the EPA Catch Basin Technology Overview and Assessment at <https://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=300002QL.TXT>.
- g. MS4 Conveyance Inspection, Cleaning, and Maintenance: At a minimum, the permittee shall:

- i. Include inspections at a frequency to determine if cleaning and/or maintenance are necessary. The frequency for inspections shall be based on known areas of storm sewer back-ups/complaints, and other relevant factors;
  - ii. Ensure that sediment, trash, or other solids or floatable material is removed; and
  - iii. Describe the conditions under which areas of the MS4 conveyance system must be cleaned and maintained.
- h. Stormwater Facility Inspection, Cleaning, and Maintenance (excluding b.–g. above): At a minimum, the permittee shall:
  - i. Inspect all stormwater facilities pursuant to approved maintenance plans; and
  - ii. Conduct cleaning and maintenance pursuant to approved maintenance plans, or more frequently as needed. See the Department's maintenance guidance at <https://dep.nj.gov/stormwater/maintenance-guidance/>.
  - iii. If no plan or guidance exists for a particular type of stormwater facility, the permittee shall inspect the infrastructure at least four times annually ; and
  - iv. If there are no approved maintenance plans for certain stormwater facilities, the permittee may create one by following the Department's Best Management Practice Manual at <https://dep.nj.gov/stormwater/bmp-manual/> or other maintenance guidance at <https://dep.nj.gov/stormwater/maintenance-guidance/>;
- i. The permittee shall maintain a log sufficient to demonstrate compliance with e.—h. above, including but not limited to the following (example Maintenance Logs and Inspection Records forms are available on the Department's MS4 website under the maintenance guidance link):
  - i. Type of stormwater facility;
  - ii. Location information of the facility with geographic coordinates;
  - iii. Name of inspector;
  - iv. Date of inspection;
  - v. Date of most recent precipitation or snowmelt event;
  - vi. Presence of standing water or discharge;
  - vii. Observations of the structural integrity;
  - viii. History of problems and complaints;
  - ix. Evidence of current or previous flooding;
  - x. Any preventative and corrective maintenance performed; and
  - xi. Any additional information or findings, if appropriate.



- j. If stormwater facilities (excluding b.—d. above) are found not to be functioning properly, cleaning, corrective maintenance and repairs shall be completed as soon as practicable, but no later than 90 days from discovery, unless the Department is notified ahead of time of an alternative schedule of completion.
- k. The permittee shall prioritize cleaning, corrective maintenance and repairs based upon environmental, health, and safety concerns.
- l. Maintenance or repairs to stormwater facilities shall be made in accordance with N.J.A.C 7:8.
- m. Any changes to stormwater facilities that were originally approved as part of a major development project must be reviewed for compliance with N.J.A.C. 7:8 and the permittee's Stormwater Program as applicable, by a design review engineer who has completed the Department's Stormwater Management Design Review course, as well as any amendment training that was required.
- n. Permittees shall develop and implement this program on EDPA.

**4. Best Management Practices at Maintenance Yards and Other Ancillary Operations**

- a. Documenting Best Management Practices: The permittee shall implement Best Management Practices (BMPs) at all maintenance yards and ancillary operations (MYs) to restrict pollutants from entering the waters of the State.
  - i. Each MY and ancillary operation shall be identified by its own form in the SPPP which shall include a description of the site-specific activities and associated BMPs.
  - ii. Permittees shall implement this requirement upon EDPA + 6 months.
- b. Site Inspections: The permittee shall inspect the entire site, including the site periphery, to identify conditions that would contribute to stormwater contamination, illicit discharges, or negative impacts to the permittee's MS4.
  - i. Inspections shall be conducted monthly under dry conditions;
  - ii. Inspections shall also be conducted monthly during precipitation or a snowmelt event when possible;
  - iii. Between monthly inspections, if instances of non-compliance are observed, corrective actions shall be initiated immediately;
  - iv. Maintain a log on-site sufficient to demonstrate compliance with this section, including but not limited to:
    - Name of inspector;
    - Date of inspection;

- Date of most recent precipitation or snowmelt event;
  - Relevant findings;
  - Conditions requiring attention; and
  - Remedial actions taken.
- v. The location of the log shall be noted in the SPPP; and
- vi. Permittees shall implement this requirement on EDPA.
- c. Inventory List: The permittee shall maintain a list of all materials and machinery that are potentially present at each maintenance yard or ancillary operation which could be a source of pollutants in a stormwater discharge. These materials include, but are not limited to, raw materials, intermediate products, final products, waste materials, by-products, machinery and fuels, lubricants, solvents, and detergents. Materials or machinery that are stored in a permanent structure and therefore not exposed to stormwater do not need to be included in the list.
- i. Permittees shall implement this requirement on EDPA.
- d. Container Labels and Storage: The permittee shall properly label and store all containers as follows:
- i. Labels shall be legible, clean, and visible;
  - ii. Containers shall be kept in good condition;
  - iii. Containers shall be protected from damage and spillage;
  - iv. Containers shall be tightly closed when not in use;
  - v. Containers stored outside shall be covered and placed on spill platforms or clean pallets. An area that is graded and/or bermed to prevent run-through of stormwater may be used in place of spill platforms or clean pallets;
  - vi. Outdoor storage locations shall be regularly maintained to allow for proper inspection and accessibility; and
  - vii. Permittees shall implement this requirement on EDPA.
- e. Spill Kits: The permittee shall conduct cleanups of spills of liquids or dry materials immediately after discovery, as follows:
- i. Spills that are suspected to be a threat to human health or the environment shall be immediately reported to the NJDEP Hotline at 1-877-WARNDEP (1-877-927-6337);
  - ii. All spills shall be cleaned using dry absorbent material and cleaning methods only, e.g., kitty litter, sawdust, etc.;

- iii. All dry absorbent materials shall be swept up once spill is absorbed and disposed of properly;
  - iv. Store clean-up materials, spill kits, and drip pans near all liquid transfer areas;
  - v. Ensure that clean-up materials are protected from rainfall; and
  - vi. Permittees shall implement this requirement on EDPA.
- f. Bulk Liquid Storage: The permittee shall surround above ground tanks with a secondary containment barrier, such as a spill containment dike, to contain the drips and spillage that might happen during operations. This applies for new and existing aboveground storage tanks containing bulk liquid (including but not limited to gasoline, diesel fuel, heating oil, hydraulic oil, and used oil) and new liquid de-icing/anti-icing tanks, as follows:
- i. The containment area shall be impervious;
  - ii. The containment area shall be able to contain the volumetric capacity of at least 110% of the largest tank's capacity within the containment area;
  - iii. The containment area shall be constructed so that no volume of bulk liquid can escape through drains, storm sewer systems, or to the surface waters or ground waters of the state;
  - iv. All accessory pipes, hoses, valves, and pumps shall also be located within the containment area or under cover and not exposed to stormwater. It is recommended that the tank be protected to prevent stormwater from accumulating in the containment structure; and
  - v. Permittees shall implement this requirement on or before EDPA + 12 months.
- g. Fueling and other Bulk Liquid Operations: The permittee shall establish, maintain, and implement standard BMPs to address vehicle fueling, receipt of bulk fuel and other bulk liquid deliveries, and inspection and maintenance of storage tanks, including the associated piping and pumps, as follows:
- i. A trained employee shall be present to supervise the bulk transfer of fuel or other bulk liquids to ensure BMPs are followed;
  - ii. Place drip pans under all hose and pipe connections and other leak-prone areas during bulk transfer of fuels or other bulk liquids;
  - iii. Block storm sewer inlets or contain tank trucks used for bulk transfer with temporary berms or temporary absorbent booms during the transfer process;
  - iv. If temporary berms or booms are being used instead of blocking the storm sewer inlets, all hose connection points associated with the transfer of fuel or other bulk liquids shall be within the temporarily bermed or boomed area during the loading/unloading of bulk fuels or other bulk liquids;

- v. Clearly post, in a prominent area of the fueling area, the contact information for the person(s) responsible for spill response and instructions for safe operation of fueling equipment that include all the following: “Topping off of vehicles, mobile fuel tanks, and storage tanks is strictly prohibited.”; “Stay in view of fueling nozzle during dispensing.”;
  - vi. Immediately repair or replace any equipment, tanks, pumps, piping, and fuel or other bulk liquid dispensing equipment found to be leaking or in disrepair; and
  - vii. Permittees shall implement this requirement on EDPA.
- h. Discharge of Stormwater from Secondary Containment: The permittee shall only discharge stormwater accumulated in a secondary containment area, e.g., fuel storage, de-icing/anti-icing solution storage, brine solution, as follows:
- i. Conduct visual inspections to ensure that bulk liquids have not contaminated the stormwater collected in the secondary containment area when dealing with materials that can be observed, e.g., petroleum;
  - ii. If the contents of the tank are not visible in stormwater, e.g., brine solution, the permittee shall determine based on recent tank inspections and bulk liquid transfers that the bulk liquids have not contaminated the stormwater collected in the secondary containment area;
  - iii. If the permittee cannot determine that the stormwater in the secondary containment area is uncontaminated, then the stormwater shall be hauled offsite for proper disposal;
  - iv. If the secondary containment area contains a valve, this valve shall remain closed at all times except as described above; and
  - v. Permittees shall implement this requirement on EDPA.
- i. Vehicle and Equipment Maintenance: The permittee shall conduct vehicle and equipment maintenance and/or repair activities indoors. However, if these activities cannot be performed indoors, the permittee shall perform vehicle and equipment maintenance in a manner that prevents the exposure of pollutants to stormwater as follows:
- i. For projects that last more than one day, portable tents or covers shall be placed over the equipment being serviced when not being worked on;
  - ii. Drip pans shall be used at all times;
  - iii. These activities shall only occur in designated areas away from storm drains, or storm drain inlets shall be blocked, to prevent stormwater runoff from entering the storm drain inlets; and
  - iv. Permittees shall implement this requirement on EDPA.

- j. Wash Wastewater Containment: The permittee shall discharge wash wastewater to a sanitary sewer. However, if this wash wastewater cannot be discharged to a sanitary sewer, the permittee shall manage any equipment and vehicle washing activities so that there are no unpermitted discharges of wash wastewater to storm sewer inlets or to surface or ground waters of the State, as follows:
- i. Wash wastewater shall be temporarily stored in a containment structure prior to proper disposal;
  - ii. The containment structure(s) containing the wash wastewater shall not leak;
  - iii. Any underground tanks and associated piping shall be tested for integrity every three (3) years using appropriate methods determined by “The List of Leak Detection Evaluations for Storage Tank Systems” created by the National Work Group on Leak Detection Evaluations, or as determined appropriate and certified by a professional engineer for the site-specific containment structure(s);
  - iv. Any cathodically-protected containment system shall have a passing cathodic protection survey every three years;
  - v. Before each use of the wash wastewater containment, inspections shall be performed of all visible portions of containment structures to ensure that they are structurally sound;
  - vi. Containment structures shall be prevented from overfilling as a result of operations, malfunctions of equipment, or human error;
  - vii. Wash wastewater shall not be introduced to the containment structure when it is determined to be at 95% capacity;
  - viii. Each volumetric measurement shall be measured and recorded to the nearest ½ inch using the “Underground Vehicle Wash Water Storage Tank Use Log” form on the Department’s website at <https://dep.nj.gov/njpdes-stormwater/municipal-stormwater-regulation-program/highway-agency-stormwater-permit/>;
  - ix. Leak containment structures shall be emptied and taken out of service immediately upon detection of deterioration that could result in a leak;
  - x. All necessary repairs shall be conducted to ensure structural integrity before placing a containment structure back into service;
  - xi. Any spills or suspected release of hazardous substances shall be immediately reported to the NJDEP Hotline at 1-877-WARN DEP (1-877-927-6337) which will be followed by a site investigation in accordance with N.J.A.C. 7:26C and N.J.A.C 7:26E if the discharge is confirmed;
  - xii. All wash wastewater from pump-outs and clean-outs shall be disposed of properly;

- xiii. A log of equipment and vehicle wash wastewater containment structure pump-outs (removes only water) and clean-outs (removes all water and sludge) shall be maintained that includes the date and method of removal, mode of transportation (including name of hauler if applicable) and the location of disposal. See “Underground Vehicle Wash Water Storage Tank Pump Out Log” form on the Department’s MS4 website at <https://dep.nj.gov/njpdes-stormwater/municipal-stormwater-regulation-program/highway-agency-stormwater-permit/>; and
- xiv. Permittees shall implement this requirement on EDPA.
- k. Salt and Other Granular De-icing/Anti-icing Material Storage and Handling: The permittee shall establish, maintain, and implement salt and de-icing/anti-icing material storage and handling BMPs as follows:
  - i. Store material in a permanent structure;
  - ii. Prevent the exposure of stored salt and other granular de-icing/anti-icing material to rain, snow, or stormwater run-on. Stormwater runoff containing de-icing/anti-icing material from a material storage and handling area is not authorized for discharge under this permit;
  - iii. Prevent spillage;
  - iv. Minimize tracking of materials from loading and unloading operations;
  - v. Loading and unloading materials shall be conducted during dry weather, when possible;
  - vi. Minimize loader travel distance between the storage area and the spreading vehicle;
  - vii. Sweep (or clean using other dry-cleaning methods), after loading and unloading, the areas surrounding the storage structure to eliminate the contact of de-icing/anti-icing materials with stormwater that were tracked away from storage areas;
  - viii. Spilled material may be returned to storage or properly discarded if unsuitable for reuse;
  - ix. Excess material not used during spreading activities shall be returned to the storage area.
  - x. Temporary storage of salt and other granular de-icing/anti-icing materials in a non-permanent structure is permitted only when a permanent structure is under construction, repair, or replacement;
  - xi. Stormwater run-on and de-icing/anti-icing material runoff shall be minimized when de-icing/anti-icing material is temporarily stored;

- xii. Materials in temporary storage shall be covered, e.g., in a temporary structure or under a tarp, when not in use;
  - xiii. Temporary storage shall not exceed 30 days unless otherwise approved in writing by the Department; and
  - xiv. Permittees shall implement this requirement on EDPA.
- l. Aggregate Material, Wood Chips, and Finished Leaf Compost Storage: The permittee shall store materials such as sand, gravel, stone, topsoil, wood chips, and finished leaf compost as follows:
- i. Materials shall be stored a minimum of 50 feet from surface water bodies, storm sewer inlets, and/or ditches or other stormwater conveyance channels;
  - ii. Materials shall be stored in a manner to minimize stormwater run-on and pollutant runoff via surface grading, dikes and/or berms, (which may include sandbags, hay bales and curbing, among others), or three-sided storage bays;
  - iii. Situate the open side of the storage bays on the upslope where possible;
  - iv. Sweep all areas in front of storage bays and adjacent to storage areas after loading/unloading;
  - v. Materials shall not be processed, e.g., composting, chipping, grinding, screening, and/or size-reducing, under this permit authorization;
  - vi. Permittees conducting processing activities of these materials, e.g., composting, chipping, grinding, screening, and/or size-reducing, shall obtain an appropriate NJPDES Industrial Stormwater Discharge permit for those activity(ies). Contact the Industrial Stormwater Permitting Unit at [industrialstormwaterpermitting@dep.nj.gov](mailto:industrialstormwaterpermitting@dep.nj.gov) or the MS4 Unit at [stormwatermanager@dep.nj.gov](mailto:stormwatermanager@dep.nj.gov) to determine which stormwater permit application would be appropriate; and
  - vii. Permittees shall implement this requirement on EDPA.
- m. Construction and Demolition Waste, Wood Waste, and Yard Trimmings Storage: The permittee may store construction and demolition waste, wood waste, and yard trimmings as follows:
- i. Materials shall be removed within six (6) months of placement into storage;
  - ii. Materials shall be stored a minimum of 50 feet from surface water bodies, storm sewer inlets and/or ditches, or other stormwater conveyance channels;
  - iii. Materials shall be stored in a manner to control stormwater run-on and pollutant runoff via surface grading, dikes and/or berms (which may include sandbags, hay bales and curbing, among others), or three-sided storage bays;

- iv. Situate the open side of the storage bays on the upslope where possible;
  - v. The area in front of storage bays and adjacent to storage areas shall be swept clean after loading/unloading;
  - vi. Materials shall not be processed, e.g., composting, chipping, grinding, screening, and/or size-reducing, under this permit authorization;
  - vii. Permittees conducting processing activities of these materials, e.g., composting, chipping, grinding, screening, and/or size-reducing, shall obtain an appropriate NJPDES Industrial Stormwater Discharge permit for those activity(ies). Contact the Industrial Stormwater Permitting Unit at [industrialstormwaterpermitting@dep.nj.gov](mailto:industrialstormwaterpermitting@dep.nj.gov) or the MS4 Unit at [stormwatermanager@dep.nj.gov](mailto:stormwatermanager@dep.nj.gov) to determine which stormwater permit application would be appropriate; and
  - viii. Permittees shall implement this requirement on EDPA.
- n. Cold Patch Asphalt Storage: The permittee shall store cold patch asphalt as follows:
- i. In a permanent structure or on an impervious surface and covered with a waterproof material, e.g., tarp or 10-mil plastic sheeting;
  - ii. Contained by an impervious barrier to control leachate and stormwater run-on or run-through; and
  - iii. Permittees shall implement this requirement on EDPA.
- o. Street Sweepings and Storm Sewer Clean-out Material Storage: The permittee shall store street sweepings, storm sewer and catch basin clean-out materials, stormwater basin clean-out materials, and other similar materials as follows:
- i. Shall only be stored temporarily and shall be removed for disposal within six (6) months of placement into storage;
  - ii. Shall be dewatered in a manner that prevents discharge to surface or ground water.
  - iii. Shall not include liquids, wastes which are removed from sanitary sewer systems, or material which constitutes hazardous waste in accordance with N.J.A.C. 7:26G;
  - iv. Shall be stored in leak-proof containers or on an impervious surface and covered with a waterproof material, e.g., tarp or 10-mil plastic sheeting;
  - v. Shall be contained by an impervious barrier to control leachate and stormwater run-on or run-through; and
  - vi. Permittees shall implement this requirement on EDPA.



- p. Scrap Tires: The permittee shall store scrap tires as follows:
- i. In a covered container or enclosure to prevent exposure to stormwater.
  - ii. If a covered container or enclosure is not available, tires shall be stored on an impervious surface and covered with a waterproof material, e.g., tarp or 10-mil plastic sheeting; and
  - iii. Permittees shall implement this requirement on EDPA.
- q. Inoperable Vehicles or Equipment: The permittee shall store any inoperable vehicles and equipment as follows:
- i. In a manner that prevents stormwater runoff of pollutants;
  - ii. No internal components may be exposed;
  - iii. For inoperable vehicles and equipment that have exposure of internal components, such as body damage, rust damage, missing body panels, or broken windows, such that the exterior is no longer impervious to precipitation, portable tents or covers must be placed over vehicles;
  - iv. Inoperable vehicles and equipment shall be managed so there are no leaking fluids;
  - v. Designated storage areas must be located at least fifty (50) feet away from storm drain inlets;
  - vi. Monthly inspections must be conducted to ensure that BMPs are implemented properly, including inspections for leaks, and filled drip pans;
  - vii. If any inoperable vehicle or equipment is found to be leaking, drip pans shall be utilized immediately;
  - viii. Leaks must be repaired, or the fluid must be drained from the vehicle within 30 days; and
  - ix. Permittees shall implement this requirement on EDPA.

## **5. Stormwater Program Coordinator (SPC) Training**

- a. The permittee shall ensure that all individuals who serve as Stormwater Program Coordinators (SPC) complete mandatory Department training regarding their responsibilities to implement the stormwater program at their Highway Agency.
- b. The Department will conduct free interactive SPC trainings approximately twice each year.
- c. SPCs are required to attend this training within EDPA + 12 months and once per permit cycle thereafter.

- d. In the event of SPC turnover, the permittee shall comply with the conditions set forth in Part IV.A.1.e. and ensure that the new SPC attends the next available Department training session.
- e. Previous recordings of SPC training sessions will be posted on the MSRP webpage, but viewing a pre-recorded session can only be used for informational purposes and will not satisfy this requirement.

## **6. Annual Employee Training**

- a. The permittee shall develop, update, and implement a program that ensures duty-specific annual training of all individuals responsible for the implementation of the stormwater program on the following topics:
  - i. SPPP;
  - ii. Construction Site Stormwater Runoff;
  - iii. Post-Construction Stormwater Management in New Development and Redevelopment;
  - iv. Regulatory Mechanisms;
  - v. Good Housekeeping;
  - vi. Stormwater Facility Maintenance;
  - vii. Maintenance Yard Operations and Other Ancillary Operations;
  - viii. De-icing/Anti-icing Material Application;
  - ix. MS4 Mapping; and
  - x. Watershed Improvement Plan.
- b. The permittee shall ensure that the training describes the procedures necessary to ensure compliance with all permit conditions and includes site-specific details described in the SPPP, at a minimum.
- c. The permittee shall ensure that all individuals receive initial training on those stormwater topics applicable to their title and duties within 3 months of commencement of duties.
- d. Methods of training may include in-person group training sessions, e-Learning sessions, on-the-job/field training, and instructional videos.
- e. The permittee shall document and maintain records of the training of each individual employee of the permittee, indicating participant(s) name, title, signature, date(s) of training, agenda or topic(s) discussed, and instructor(s) name and title or video title and website link address(es).

- f. The permittee shall ensure the adequate training of external contractors, consultants, and vendors by requiring compliance with training outlined in the permittee's SPPP by including it as a condition of the contract.
- g. Permittees shall implement these requirements on EDPA.

#### **7. De-icing/Anti-icing Material Application Training**

- a. The permittee shall develop a de-icing/anti-icing material application training program.
- b. The permittee shall ensure that all individuals (including employees, contractors, consultants, vendors, or volunteers) who apply de-icing/anti-icing material on permittee owned or operated roadways, ramps, and parking areas complete de-icing/anti-icing material application training at a minimum of once per year.
- c. The permittee shall document and maintain records of the training of each individual employee of the permittee, indicating participant(s) name, title, signature, date(s) of training, and instructor(s) name.
- d. The permittee shall ensure the adequate training of external contractors, consultants, and vendors by requiring compliance with training outlined in the permittee's SPPP by including it as a condition of the contract.
- e. Permittees shall implement these requirements on EDPA.

#### **8. Stormwater Management Design Review (SWMDR) Training**

- a. The permittee shall ensure that all individuals that review and approve stormwater management designs for major development projects on behalf of the permittee for compliance with the Stormwater Management rules at N.J.A.C. 7:8 have completed this mandatory Department-provided training. Information regarding this training can be found on the Department's website at <https://dep.nj.gov/stormwater/stormwater-management-design-review-course/>.
- b. This SWMDR training course covers the rule's requirements, calculation methodologies, and how to review a major development project. This training shall be completed, at a minimum, once every five years.
- c. A list of the individuals that completed this training course is posted on the Department's MS4 website, including their five-year expiration date.
- d. Permittees shall implement this requirement on EDPA.

#### **9. Stormwater Management Rule Amendment Training**

- a. Whenever the Stormwater Management rules at N.J.A.C. 7:8 are amended and the Department determines that training is warranted, the permittee shall ensure that all individuals that have completed the SWMDR course in Part IV.F.7 above also complete this mandatory Department-provided training. If training is required, the

Department will issue email notification to Stormwater Program Coordinators and individuals listed on the Department's SWMDR certified list.

- b. If the Department issues notice of Stormwater Management Rule Amendment training, the reviewer shall complete the training no later than one (1) year after the adoption of the amendment(s) to the Stormwater Management rules at N.J.A.C. 7:8.

## **G. Minimum Standards for MS4 Mapping**

### **1. MS4 Infrastructure Map**

- a. The permittee shall develop, update, and maintain an electronic MS4 Infrastructure Map that delineates the location of the following stormwater features that are owned or operated by the permittee, including their associated attributes noted in parentheses:
  - i. MS4 outfalls (receiving surface water name, type of outfall);
  - ii. MS4 ground water discharge points (type);
  - iii. MS4 interconnections (type, upstream entity, downstream entity);
  - iv. Storm drain inlets (type, catch basin present, label present, retrofitted);
  - v. MS4 manholes;
  - vi. MS4 conveyance (type, direction of flow);
  - vii. MS4 pump stations;
  - viii. Stormwater management measures (type);
  - ix. Streets, ramps, parking areas, and thoroughfares; and
  - x. Property boundaries of rest area(s), maintenance yard(s) and other ancillary operations (type).
- b. The permittee shall ensure that the MS4 Infrastructure Map is:
  - i. Reviewed and updated annually, or more frequently as necessary, to include the location or attributes of any new or newly identified MS4 infrastructure;
  - ii. Posted on the permittee's webpage and included as a weblink within the SPPP;
  - iii. Submitted to the Department as a georeferenced shapefile, geodatabase, or an AutoCAD file (with all other non-applicable data stripped out) via the NJDEP Online Stormwater Document Submittal Service on or before EDPA + 36 months. If the DEP Mapping Tool is used, then no separate submittal is required as the data is automatically submitted to the Department via the mapping tool; and

- iv. This time frame does not extend the deadline for the submission of the MS4 outfall pipe map, or the submission of the stormwater facilities map as per the 2020 permit.
- c. The permittee may submit a proposed alternative timeline for the submission of MS4 conveyance and interconnection data to the Department on or before EDPA + 36 months. Proposals must include the following at a minimum;
  - i. Proposed alternative deadline for submission;
  - ii. Proposed interim milestone submissions;
  - iii. Amount of conveyance mapped at the time of the proposal; and
  - iv. Estimate of unmapped conveyance remaining.

## **H. Minimum Standards for the Watershed Improvement Plan**

### **1. General Watershed Improvement Plan Requirements**

- a. The permittee shall develop a Watershed Improvement Plan in three (3) phases specified below that describe what actions the permittee will take to:
  - i. Improve water quality by reducing the contribution of pollutant parameters for all receiving subwatersheds within and bordering the Highway Agency owned or operated property that have percent reductions listed for stormwater in the Total Maximum Daily Loads (See the New Jersey Watershed Evaluation Tool at <https://experience.arcgis.com/experience/f40f65d807bb4372bd92b48bb98f1972>);
  - ii. Improve water quality by reducing the contribution of pollutant parameters for all receiving subwatersheds within and bordering the Highway Agency owned or operated property that have water quality impairments as per the Department's Integrated Report. (See the 303(d) list portion of the Department's Integrated Report at <https://dep.nj.gov/wms/bears/water-quality-assessment/integrated-report/>; and
  - iii. Reduce and/or eliminate stormwater flooding within the Highway Agency owned or operated property, prioritizing the areas of flooding for corrective actions based on threat to human health and safety, environmental impacts, and frequency of occurrence.
- b. The permittee shall provide other MS4 permittees that discharge to shared subwatershed(s) the following data if requested by other MS4 permittee(s):
  - i. MS4 interconnection locations; and
  - ii. Information regarding the ownership of specific stormwater infrastructure.

### **2. Phase 1 – Watershed Inventory**

- a. The permittee shall prepare an electronic map which includes the items listed below. The permittee may use any information available from the Department's GIS database at <https://gisdata-njdep.opendata.arcgis.com/> to assist with the preparation of this inventory. Permittees may use their current MS4 Infrastructure Map as the base map:
  - i. All stormwater outfalls owned or operated by the permittee;
  - ii. The drainage area for each outfall (drainage areas may be delineated by computer analysis and any available topography including LIDAR data);
  - iii. The receiving waterbodies of each outfall;
  - iv. The water quality classification of all receiving waterbody segments;
  - v. All known stormwater interconnections from the permittee's storm or sanitary sewer system into another entities' storm or sanitary sewer system included on the permittee's MS4 infrastructure map;
  - vi. All known stormwater interconnections into the permittee's storm or sanitary sewer system from another entities' storm sewer system included on the permittee's MS4 infrastructure map;
  - vii. The drainage area from the permittee's system for each interconnection (drainage areas may be delineated by computer analysis and any available topography including LIDAR data);
  - viii. All storm drain inlets owned or operated by the permittee;
  - ix. Areas associated with each TMDL for waters that lie within or bordering the Highway Agency owned or operated property, including roadways, access roads, ramps, rest areas, maintenance yards, and all other ancillary operations. Excess parcels not associated with roadways, rest areas, maintenance yards, and other ancillary operations, to be added to the map as the data becomes available;
  - x. Areas associated with each water quality impairment for waters that lie within or bordering the Highway Agency owned or operated property, including roadways, access roads, ramps, rest areas, maintenance yards, and all other ancillary operations. Excess parcels not associated with roadways, rest areas, maintenance yards, and other ancillary operations, to be added to the map as the data becomes available;
  - xi. Areas associated with MS4 related stormwater flooding; and
  - xii. Impervious areas owned or operated by the permittee.
- b. The permittee shall submit the Watershed Inventory to the Department via the NJDEP Online Stormwater Document Submittal Service by EDPA + 36 months.

### **3. Phase 2 - Watershed Assessment Report**

- a. The permittee shall conduct an initial Phase 2 public information session at the start of the Watershed Assessment Report phase as follows:
  - i. Must conduct a public information session in each of the permittee's permitted regions;
  - ii. Must notify the MS4 Case Manager of the date of the public information session 60 days prior;
  - iii. Must post the date of the public information session on the permittee's website;
  - iv. Must, at a minimum, present the information gathered from Phase 1 – Watershed Inventory and the preliminary goals of the permittee's Watershed Improvement Plan;
  - v. Must record all input received from public information session attendees; and
  - vi. Must hold additional public information sessions if all attendees could not be accommodated or all of the necessary information could not be adequately presented in a single session.
- b. The permittee shall prepare a report to include the following, at a minimum:
  - i. An assessment of potential water quality and quantity improvement BMPs to be implemented at all permittee owned or operated maintenance yards, ancillary operations, and rest areas by subwatershed and parameter;
  - ii. An estimate of the percent reduction in loading of the TMDL/impaired parameters and stormwater runoff quantity due to BMPs in i. above;
  - iii. An estimate of funding needs for each BMP identified in i above, and identification of potential funding sources, including funding available through the New Jersey Water Bank (NJWB), the formation of a Stormwater Utility (SWU), FEMA BRIC grants, etc. as applicable;
  - iv. An estimate of an implementation schedule for the BMPs associated with i above;
  - v. An assessment of potential water quality and quantity improvement BMPs to be implemented as part of all future capital improvement projects associated with any roadway, access road, or ramp owned or operated by the permittee by subwatershed and parameter; and
  - vi. A summary of input received from the public information session(s) as per a. above.
- c. The permittee shall submit the Watershed Assessment Report to the Department via the NJDEP Online Stormwater Document Submittal Service by EDPA + 48 months.

- d. The permittee shall ensure that the Watershed Assessment Report is posted, along with an announcement of a 60-day comment period for formal public input on the permittee's website or Department-approved alternate website.
- e. The permittee shall conduct a final Phase 2 public information session no more than 45 days after the start of the 60-day comment period as follows:
  - i. Must conduct a public information session in each of the permittee's permitted regions;
  - ii. Must notify the MS4 Case Manager of the date of the public information session 60 days prior;
  - iii. Must post the date of the public information session on the permittee's website;
  - iv. Must present, at a minimum, the findings of the Watershed Assessment Report;
  - v. Must record all input received from public information session attendees; and
  - vi. Must hold additional public information sessions if all attendees could not be accommodated or all the necessary information could not be adequately presented in a single session.

#### **4. Phase 3 – Watershed Improvement Plan Final Report**

- a. The permittee shall prepare the final report to include the following, at a minimum:
  - i. A summary of proposed locations and load reductions of water quality and quantity improvement BMPs to be implemented at permittee owned or operated maintenance yards, ancillary operations, and rest areas;
  - ii. The proposed implementation schedule for the water quality and quantity improvement BMPs at permittee owned or operated maintenance yards, ancillary operations, and rest areas;
  - iii. Costs, broken down by project and year for water quality and quantity improvement BMPs at permittee owned or operated maintenance yards, ancillary operations, and rest areas and the funding opportunities that will be sought;
  - iv. A summary of potential water quality and quantity improvement BMPs to be implemented as part of all future capital improvement projects associated with any roadway, access road, or ramp owned or operated by the permittee;
  - v. A summary of the public comments received during the 60-day comment period and corresponding public information session, and the changes made to the final report resulting from those public comments;
  - vi. A summary of how the projects will be coordinated with other regulatory requirements;



- vii. A summary of any collaboration with other MS4 permittees; and
- viii. A summary of problems identified that are outside the jurisdiction of the permittee, if any, and opportunities to address them. These can be related to pollutant loading due to agricultural properties, interconnections from other entities, etc.
- b. The permittee shall submit the final Watershed Improvement Plan Report to the Department via the NJDEP Online Stormwater Document Submittal Service by EDPA + 59 months.
- c. The permittee shall ensure that the final Watershed Improvement Plan Report is posted on the permittee's website or Department-approved alternate website.
- d. The permittee shall conduct a Phase 3 public information session within 60 days after the final Watershed Improvement Plan Report is submitted to the Department as follows:
  - i. Must conduct a public information session in each of the permittee's permitted regions;
  - ii. Must notify the MS4 Case Manager of the date of the public information session 60 days prior;
  - iii. Must post the date of the public information session on the permittee's website;
  - iv. Must present, at a minimum, the findings of the final Watershed Improvement Plan Report;
  - v. Must record all input received from public information session attendees; and
  - vi. Must hold additional public information sessions if all attendees could not be accommodated or all the necessary information could not be adequately presented in a single session.
- e. The permittee shall begin implementation of the Watershed Improvement Plan in accordance with the schedule set forth in the Plan.
- f. The permittee shall update this Plan, when necessary, based upon the biennial review of the revisions to the impairments of the permittee's waterbodies as per the Department's Integrated Report and newly adopted TMDLs.

## **I. Additional and Optional Measures**

### **1. Incorporation of Additional Measures**

- a. Additional Measures are non-numeric, e.g., best management practices, or numeric effluent limitations that are expressly required to be included in a permittee's stormwater program by a TMDL, a regional stormwater management plan, or other elements of an adopted areawide Water Quality Management Plan.

- b. The Department will provide written notice of the adoption of any Additional Measure(s) to any affected permittee. The Department will list each adopted Additional Measure in a minor modification to the permit. The required Additional Measure(s) will also specify the implementation schedule.

## **2. Incorporation of Optional Measures**

- a. Optional Measures are BMPs, developed by the permittee, that extend beyond the requirements of the MS4 NJPDES permit and that prevent or reduce pollution and flooding to waters of the State.
- b. The permittee may, at its own discretion, incorporate Optional Measures into its MS4 stormwater program. Such BMPs shall be identified in the SPPP as Optional Measures.
- c. Failure to implement an Optional Measure identified in the SPPP shall not be considered a violation of the NJPDES permit.

## **J. Recordkeeping**

### **1. Standard Recordkeeping Requirements**

- a. The permittee shall retain copies of all records required to demonstrate compliance with this permit on site for a period of at least five years.
- b. The permittee shall provide a copy of all records to the Department upon request.
- c. Permittees shall implement this requirement on EDPA.

## **K. Annual Report and Certification**

### **1. Annual Reporting Requirements**

- a. The permittee shall complete an Annual Report and Certification using the Department's electronic MSRP Annual Report service tool in the Regulatory Services Portal at <https://www.njdeponline.com>. The Annual Report shall summarize the status of compliance with the permit conditions for the subject year between January 1 and December 31.
- b. The permittee shall include the Major Development Project List for any major development projects approved during the calendar year and upload it as an attachment to the Annual Report.
- c. The permittee shall include all certifications required at N.J.A.C. 7:8-5.3(j).
- d. The permittee shall complete the following forms each calendar year (available at <https://dep.nj.gov/njpdes-stormwater/municipal-stormwater-regulation-program/highway-agency-stormwater-permit/#templates-and-forms>) and upload them as attachments to the Annual Report:
  - i. Outfall Inspection Forms;

- ii. Illicit Connection Inspection Report Forms; and
  - iii. Stream Scouring Investigation Recordkeeping Forms.
- e. The Stormwater Program Coordinator shall certify, sign, and date the Annual Report.
- f. The permittee shall submit the Annual Report and Certification, along with the required form(s), by May 1 annually.

### **Attachment A – Points System for Public Education and Outreach Activities**

The permittee shall annually conduct educational activities that total at least **7 points** from three different activities listed below. Each activity may only be done once each year for points. At least one of the activities shall involve education about the hazards associated with illicit connections and improper disposal of waste. The permittee shall maintain records of activity dates and educational materials related to the activity.

*\*Activity meets the requirement for education about the hazards associated with illicit connections and improper disposal of waste.*

<b>Activity</b>	<b>Description</b>	<b>Points</b>
Social Media	Post stormwater materials from your Highway Agency on a social media site quarterly, such as a Facebook, Instagram, or Twitter page. This may include links to other stormwater resources, your dedicated stormwater webpage, or the NJDEP stormwater website ( <a href="http://www.njstormwater.org">www.njstormwater.org</a> ).	1
Newsletter and Newspaper Ads	Use Department-approved stormwater education materials to publish an ad in a newsletter or newspaper quarterly that serves the permittee.	1
Radio and Television Ads	Quarterly broadcast a stormwater-related radio or television public service announcement from <a href="http://www.cleanwaternj.org">www.cleanwaternj.org</a> on a local radio or public service channel.	1
Stormwater Facility Signage	Post and/or maintain a minimum of six (6) signs on property owned or operated by the permittee at green infrastructure sites, stormwater management basins or other stormwater management measures that describe the function and importance of the facility, contact phone number, permittee identification number, and/or website for more information.	3
Billboard/Sign	Produce and/or maintain a stormwater-related billboard or large sign/digital sign for display on a roadway, bus, bus stop vestibule, recreation field, rest area, or other common public gathering area.	1
Mural	Produce and/or maintain a stormwater pollution themed mural, storm drain art or other artwork at a common public gathering area.	2
Stormwater Display	Present a stormwater-related display or materials at any rest area or at any community event, e.g., county or state fair, parade, community gathering, or other similar public venue.	1

Activity	Description	Points
Promotional Item Giveaway	Distribute an item or items with a stormwater related message (e.g., refrigerator magnets, temporary tattoos, key chains, bookmarks, pet waste bag dispensers, coloring books, and pens or pencils) at any rest area or at any community event, e.g., county or state fair, parade, community gathering, or other similar public venue.	2
Designated Pet Relief Area(s)	Designate and/or maintain a pet waste relief area at any rest area and provide pet waste bags and pet waste receptacles.	3
Regulatory Mechanism Signage*	Post and/or maintain a minimum of six (6) signs on property owned or operated by the permittee that describes the purposes of Regulatory Mechanisms and the benefits to water quality and the community, e.g. including water quality benefits to pet waste receptacles, no feeding wildlife signage, litter pickup signage, etc.	3
Regulatory Mechanism Education*	Provide and maintain a flyer or handout specific to any regulatory mechanisms in place to address Pet Waste, Wildlife Feeding, Litter Control, and Improper Disposal of Waste, at any rest area or at any community event, e.g., county or state fair, parade, community gathering, or other similar public venue. Provide a link to the appropriate public facing webpage where these regulatory mechanisms are posted.	1
Storm Drain Labeling Campaign*	Organize a project to label and/or maintain storm drain labels (that are not already precast with a message) with a scout troop, local school district, or faith-based group, or other community youth group for a minimum of 40 labels. This project could also include stenciling over precast labels to improve legibility.	1
Litter Cleanup Campaign*	Sponsor or organize a litter cleanup for a community group along a local waterway, public park, stormwater facility, or in an area with storm drains that discharge to a local lake or waterway.	3
Report Excess Road Salt Pile Program	Maintain a website or phone number for the public to report piles of excess de-icing/anti-icing materials that have been deposited during spreading operations on streets, ramps, and parking areas owned or operated by the permittee after 72 hours after the end of a storm event.	3
Road Salt Education Campaign	Provide and maintain a flyer or handout for homeowners specific to proper de-icing/road salt	1

Activity	Description	Points
	application at any rest area or at any community event, e.g., county or state fair, parade, community gathering, or other similar public venue.	

## Attachment B – Design Standards for Storm Drain Inlets

### Application of Design Standard

The below design standard applies to the following types of storm drain inlet installation or retrofit projects:

- Storm drain inlets installed as part of new development and redevelopment (public or private) that disturb one acre or more;
- Storm drain inlets installed as part of new development and redevelopment (public or private) that disturb less than one acre that are part of a larger common plan of development or sale, e.g., phased residential development that ultimately disturbs one acre or more; and
- Storm drain inlets must be retrofitted where the storm drains are (1) in direct contact with any repaving, repairing (excluding individual pothole repair), or resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen); or (2) in direct contact with any reconstruction or alteration of stormwater facilities.

### Design Standard

Grates in pavement or other ground surfaces shall meet either of the following standards:

- The New Jersey Department of Transportation (NJDOT) bicycle safe grate standards described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (see [www.state.nj.us/transportation/about/publicat/pdf/BikeComp/introtofac.pdf](http://www.state.nj.us/transportation/about/publicat/pdf/BikeComp/introtofac.pdf)); or
- A grate where each individual clear space in that grate has an area of no more than seven (7.0) square inches or is not greater than 0.5 inches across the smallest dimension. Note that the Residential Site Improvement Standards at N.J.A.C. 5:21 include requirements for bicycle safe grates.

Examples of grates subject to this standard include grates in grate inlets; the grate portion (non-curb opening portion) of combination inlets; grates on storm sewer manholes; ditch grates; trench grates; and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads, (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors used to collect stormwater from the surface into a storm drain or surface water body.

For curb-openings inlets, including curb-opening inlets in combination inlets, the clear space in the curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches or be no greater than two (2.0) inches across the smallest dimension.

## Exemptions from the Design Standard

- Where each individual clear space in the curb opening in existing curb-opening inlets does not have an area of more than nine (9.0) square inches;
- Where the review agency determines that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device, e.g., manufactured treatment device, or a catch basin hood, that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

A rectangular space four and five-eighths inches long and one and one-half inches wide;  
or

A bar screen having a bar spacing of 0.5 inches;

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

- Where flows are conveyed through a trash rack that has parallel bars with one inch (1") spacing between the bars, to the elevation of the water quality design storm as specified in N.J.A.C. 7:8; or
- Where the Department determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet the standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.