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Date: September 7, 2023

To: Interested Parties

Re: Draft Stormwater Discharge Master General Permit Renewal NJ0141879 (Category Code R11)
For Public Complex Municipal Separate Storm Sewer Systems (aka the Public Complex MS4 NJPDES Permit)

The New Jersey Department of Environmental Protection (the Department) is proposing to renew the Public Complex MS4 NJPDES Master General Permit (NJ0141879). The conditions of this permit were last renewed in 2019 and continue in force pending completion of the renewal process (see N.J.A.C. 7:14A-2.8). A copy of the draft Public Complex MS4 NJPDES Master General Permit is attached to this cover letter.

Enclosed is the public notice for the draft renewal of the Public Complex MS4 NJPDES Master General Permit. The permit renewal will also be public noticed in the Atlantic City Press, Star-Ledger, The Times, and on September 6 in the DEP Bulletin. Included in the public notice are instructions and requirements for the submittal of comments by a specified date and other procedures for reaching a final permit decision in accordance with N.J.A.C. 7:14A-15, 16, and 17.

The draft Public Complex MS4 NJPDES Master General Permit and supporting documents will be posted at <https://dep.nj.gov/njpdess-stormwater/municipal-stormwater-regulation-program/public-complex-stormwater-permit/>. I trust that these documents will be useful in understanding the draft permit as well as for preparing comments on the draft permit. Specific questions about the renewal process may be addressed to stormwatermanager@dep.nj.gov.

Sincerely,

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

c: 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 Public Complex New Jersey Pollutant Discharge Elimination System (NJPDES) Master General Permit (NJ0141879). 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 Public Complexes. Stormwater runoff is commonly transported through MS4s before discharging into local waterbodies. A full copy of the proposed Master General Permit renewal for Public Complex is available at <https://dep.nj.gov/njpdes-stormwater>.

The regulation of stormwater runoff through the Public Complex MS4 NJPDES permit is intended to provide water quality benefits and improve flooding and erosion problems. 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 Public Complexes 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 Public Complexes. 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.

A draft NJPDES permit renewal has been prepared for all Public Complex General Stormwater permittees based on the administrative record which is on file at the offices of the Department, located at 401 East State Street, Trenton, New Jersey. It is available for inspection on the Department's webpage at <https://dep.nj.gov/njpdes-stormwater> or by appointment, Monday through Friday, between 8:30 A.M. and 4:00 P.M. Appointment for inspection may be requested through the Open Public Records Act office. Details are available online at www.nj.gov/dep/opra, or by calling (609) 341-3121.

Written comments or a request that the Department hold a non-adversarial public hearing on the draft document must be submitted in writing to Gabriel Mahon (Gabriel.Mahon@dep.nj.gov), Chief, or Attention: Comments on Public Notice NJ00141879, at Mail Code 501-02A, Bureau of NJPDES Stormwater Permitting and Water Quality Management, P.O. Box 420, Trenton, NJ 08625-0420 by the close of the public comment period, which closes thirty (30) calendar days after publication of this notice in the newspaper. All persons, including the applicant, who believe that any condition of this draft document is inappropriate or that the Department's decision to issue this draft document is inappropriate, must raise all reasonable arguments and factual grounds supporting their position, including all supporting materials, during the public comment period.

The Department will respond to all significant and timely comments upon issuance of the final document. The permittee and each person who has submitted written comments will receive notice of the Department's permit decision.

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

FACT SHEET

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: Public Complex Stormwater New Jersey Pollutant Discharge Elimination System Master General Permit Renewal for Municipal Separate Storm Sewer Systems (the Public Complex MS4 NJPDES Permit) – A Comprehensive General Permit under 40 CFR 122.28

1. Introduction

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. The quantity and quality of stormwater 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 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 unimportant, the cumulative effect of pollutants accumulating in stormwater runoff from multiple sites can negatively impact surface water quality.

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 into and/or transported from an MS4 into local waterbodies, Federal stormwater regulations require MS4 operators to obtain a National Pollutant Discharge Elimination System (NPDES) permit and implement a stormwater management program. NJPDES rules also require MS4 operators to obtain a NJPDES permit and develop a stormwater program. N.J.A.C. 7:14A-24 and 25 et seq. This permit renewal is a Comprehensive General Permit (under 40 CFR 122.28), which serves to authorize all new and existing stormwater discharges to surface water or ground water from MS4s owned or operated by the permittees at Public Complexes and requires those respective 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, as well as provide enhanced water quality and quantity benefits through changes the Department deems necessary. These changes are based on current information applicable to stormwater related concerns, which includes, but is not limited to, surface water quality impairments as per the final 2018/2020 Integrated Reports, 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.

Information gathered from across the country has shown that stormwater runoff has a high potential to contain various pollutants. Pollutants found in stormwater runoff may include, but are not limited to; benzene and other volatile organic compounds (VOCs) from gasoline, motor oils and other vehicle fluids (from spills, leaks and accidents); asbestos and various metals from brake pad and other vehicle component wear and tear, rubber and other material from the breakdown of tires, excess phosphorous and nitrogen from fertilizers, various oxygen demanding parameters from coffee, juice, soda, etc. being poured/spilled by pedestrians, excess nutrients and pathogens from various wildlife such as birds, raccoons, etc. and illicit connections, salt and related additives and/or impurities from deicing procedures,

fertilizers and pesticides from landscaping/lawn areas, and soaps and detergents from vehicle washing, or from power washing of decks, sidewalks, and buildings. All of these pollutants have an effect on the surface and ground water quality, including the numerous waters that are used for drinking water across the state. Some of these pollutants are toxic or carcinogenic in very small amounts, such as benzene and asbestos, while the pathogens from animal droppings and HABs can cause serious health effects for those that come in contact with them. (see also 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)

Water quality concerns were a main driving force behind the development of previous MS4 permit requirements. A number of permit conditions have been added or enhanced in this renewal based on a more recent, comprehensive statewide review of current water quality information and stormwater related concerns. After conducting compliance audits of 58 Tier A municipalities from 2015 through 2020 and online compliance evaluations with all MS4 permits during the COVID pandemic, the Department found many instances of non-compliance, including from Public Complexes, with permit conditions that can directly affect water quality. For example, for 37 of the Tier A audits that were conducted after the Tier A MS4 permit was renewed in 2018, many municipalities were not aware that the permit required them to prioritize maintenance and repairs in areas of their MS4 that discharged into waterbodies with assigned TMDLs. Many Public Complexes for instance had not submitted their stormwater facility maps and had not posted their SPPPs on their websites.

The proposed enhanced permit requirements that are related to inspection and proper operation and maintenance of all storm sewer infrastructure at the Public Complex are aimed to improve the control of pollutants such as nutrients, pathogens, solid and floatable materials, and other harmful pollutants that can harm the quality of our surface and ground waters of the state. In addition, proper operation and maintenance is necessary to ensure that stormwater infrastructure is able to convey stormwater to the designated discharge location and reduce localized flooding. The enhancements to the conditions in this MS4 permit renewal are generally based on the objective of furthering the improvement of water quality and quantity impacts from stormwater runoff throughout the state and are identified and discussed in Section 7 of this Fact Sheet, entitled, "Basis and Background of Public Complex Permit Requirements." The Department maintains proper implementation of the conditions of this renewal permit will provide a continued, iterative process towards improving stormwater quality.

The Department also maintains that no conditions contained in this renewal permit constitute an unfunded mandate under Article VIII, Section II, paragraph 5 of the New Jersey Constitution, or N.J.S.A. 52-13H. This determination is due to the fact that the requirements contained in this permit renewal are based on improving water quality impairments and TMDLs as required by the Federal Clean Water Act (Act), and because some MS4 permittees, including counties, now have the ability to form stormwater utilities like many other jurisdictions across the country since the "Clean Stormwater and Flood Reduction Act" was signed into law in March of 2019. Specifically, where the legislative branch has provided an adequate funding mechanism that can cover expenses associated to a mandate associated with a statute, rule, or regulation, the mandate cannot be considered an unfunded mandate. (In the Matter of a Complaint Filed by Ocean Township (Monmouth County) and Frankford Township. at 5-6 (Aug. 2 2002)).

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2. Federal Stormwater Regulations

Federal MS4 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; and
- The Phase II stormwater rule was revised by the United States Environmental Protection Agency (EPA or USEPA) in 2016 as a result of litigation (see 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 F.R. 89322). The rule revision primarily addresses procedural issues and “establishes two alternative approaches a permitting authority can use to issue 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 this permit under the first option by issuing a Comprehensive General Permit under 40 CFR. 122.28.

Small MS4 means all MS4s (other than “large” or “medium” MS4s 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-25.2(a)1;
- 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.

Currently in New Jersey, there are no public complexes that qualify as large or medium MS4s; however, there are public complexes that qualify as small MS4s. Therefore, all MS4s covered under this MS4 NJPDES permit are “small MS4s”.

Stormwater discharges that contribute to a water quality impairment or are a significant contributor of pollutants to the receiving waters are not exempt from obtaining a NPDES permit. Specifically, 40 CFR 122.26 states that “... discharges composed entirely of storm water shall not be required to obtain a NPDES permit except:

“...(v) A discharge which the Director, or in States with approved NPDES programs, either the Director or the EPA Regional Administrator, determines to contribute to a violation of a water quality standard or is a significant contributor of pollutants to waters of the United States. This designation may include a discharge from any conveyance or system of conveyances used for collecting and conveying storm water runoff or a system of discharges from municipal separate storm sewers, except for those discharges from conveyances which do not require a permit under paragraph (a)(2) of this section or agricultural storm water runoff which is exempted from the definition of point source at § 122.2.

The Director may designate discharges from municipal separate storm sewers on a system-wide or jurisdiction-wide basis. In making this determination the Director may consider the following factors:

- (A) The location of the discharge with respect to waters of the United States as defined at 40 CFR 122.2.
- (B) The size of the discharge;
- (C) The quantity and nature of the pollutants discharged to waters of the United States; and
- (D) Other relevant factors.”

The Federal Phase II Rule at 40 CFR 122.34 requires that 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:

1. 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;
2. Public Involvement/Participation: Providing opportunities for citizens to participate in program development and implementation;
3. Illicit Discharge Detection and Elimination: Development and implementation of a program to detect and eliminate illicit discharges to the MS4;
4. 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;
5. 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; and
6. 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

A. 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-24 & 25 (<https://www.state.nj.us/dep/dwq/714a.htm>) administered as the Additional Requirements For Certain Stormwater Discharges and the Municipal Stormwater Regulation Program (www.nj.gov/dep/dwq/msrp_home.htm), respectively.
- The Stormwater Management rules, N.J.A.C. 7:8 administered as the Stormwater Management Program

(<https://www.njstormwater.org/>).

Formally defined at N.J.A.C. 7:14A-1.2, an MS4, 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 entity;
- 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 permittees 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 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 NJPDES MS4 permit program was developed under N.J.A.C. 7:14A-25 et seq., which requires all New Jersey municipalities; state, county, and interstate transportation entities; and Public Complexes to apply for a NJPDES permit. N.J.A.C. 7:8 et seq. established the requirements for stormwater management plans and stormwater control ordinances, design and performance standards for stormwater management measures, and long-term operation and maintenance of stormwater management measures. The following Master General Permits currently address stormwater discharges from these MS4s in New Jersey:

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

To administer these Master General Permits, the Department issues each eligible entity a separate General Permit Authorization to discharge under one of the above listed general permits. The Public Complex Stormwater Master General NJPDES permit authorizes the discharge of stormwater from small MS4s for Public Complexes in New Jersey, which include eligible discharges from maintenance yards and other ancillary operations owned or operated by those Public Complexes.

This MS4 NJPDES Master General Permit is a Comprehensive General Permit (under 40 CFR 122.28) which identifies the requirements necessary to "reduce pollutants to the maximum extent practicable, protect water quality and satisfy the appropriate water quality requirements of the Clean Water Act" from stormwater discharges. Under the Department's MS4 general permit program and consistent with N.J.A.C. 7:14A-6.13, a general permit is the means by which the Department regulates a large number of similar dischargers. To request authorization under the general permit, Public Complexes submit a Request for Authorization (RFA) which represent a formal acceptance of the terms of the general permit. See N.J.A.C. 7:14A-6.13(d). 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.B.3 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.

Alternately, a permittee may request their stormwater discharges be authorized under an individual stormwater permit, as described in N.J.A.C. 7:14A-6.13(g). Any permittee pursuing authorization under an individual stormwater permit shall submit an application (see https://nj.gov/dep/dwq/forms_storm.htm) under N.J.A.C. 7:14A-4 et seq. with reasons supporting the request for the individual permit. Additionally, the application for the individual permit must contain the information required under 40 CFR §122.33(b)(2). The Department will grant the request if the reasons and information cited by the permittee are determined to be adequate to support the request.

B. Regulation of Stormwater from Existing Development

The pollutants discharged from small MS4s vary and may contain conventional and non-conventional pollutants such as pathogens/bacteria, nutrients, total suspended solids, dissolved solids, petroleum hydrocarbons, metals, volatiles, pesticides, PCBs, and solid and floatable material. The concentration of pollutants as well as the volume of the stormwater discharged from each MS4 outfall is directly linked to factors such as land use, development, percent of impervious surface, and human activities that occur in the drainage area.

Under N.J.A.C. 7:14A-25.6 and as required under General Permit 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 the general permit requirements included under 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 the permit, including the Six Minimum Standards (as developed to implement the Federal six minimum control measures at 40 CFR 122.34) and other permit conditions. Some examples of control measures that are required to be described in the SPPP include documentation of permit required adoption and enforcement of a pet waste disposal regulatory mechanism, prohibition on the feeding of unconfined wildlife on the Public Complex property and catch basin cleaning. The Department will update the free SPPP template on the MSRP webpage at <https://dep.nj.gov/njpdes-stormwater/municipal-stormwater-regulation-program/public-complex-stormwater-permit/> for permittees to use with this permit once it is finalized.

C. 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(b)(5). 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. 7:8-5 also establish the stormwater management design and performance standards for water quality, water quantity, groundwater recharge, and green infrastructure. The design and performance standards of the Stormwater Management rules are implemented for major development by the permittee at the Public Complex in accordance with their Authorization under this permit. The design and performance standards of the Stormwater Management rules are also implemented by the Department through the review of permits issued by the Division of Land Use Regulation (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 applicants for 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.

D. Regulation of Groundwater

This permit authorizes all new and existing stormwater discharges to surface water or ground water from the Public Complex. To the extent that the permit regulates underground injection, the permit also implements EPA's regulations (found mainly at 40 CFR144-148) 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). UIC is also covered in the NJPDES Regulations at N.J.A.C. 7:14A-8.

4. Public Complex MS4 NJPDES Permit History

A. 2004 Public Complex MS4 NJPDES Permit

New Jersey first issued the Public Complex 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 permit requirements 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 Public Complex NJPDES Permit included the following:

- Public Notice for public participation in the development of Public Complex facilities stormwater programs;
- Post-Construction stormwater management in new development and redevelopment;
- Local public education;
- 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 permit also included a provision for Additional Measures. Pursuant to N.J.A.C. 7:14A-25.6(e), Additional Measures are 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) approved or established by USEPA, or an equivalent analysis that determines such Additional Measures are needed to protect water quality, 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 (see N.J.A.C. 7:14A-25.6(a)3 or 25.8(e)) will implement along with the measurable goals for each of those BMPs.

The 2004 permit also included a provision for Optional Measures. Optional Measures are BMPs that are included at the permittees' discretion (in addition to any other permit requirements) 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.

B. 2005 Public Complex MS4 NJPDES Permit Modification

The Department issued a modification to the 2004 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 washwater from certain activities;
- Established a definition of “catch basin”;
- Revised requirements within the Post-Construction Stormwater Management in New Development and Redevelopment SBR;
- Clarified references to the Local Public Education Program component of the Local Public Education SBR;
- Expanded on the Vegetative Waste SBR; and
- Established an Equipment and Vehicle Washing SBR.

C. 2009 Public Complex MS4 NJPDES Permit

The Public Complex MS4 NJPDES permit was renewed in 2009. A summary of the most significant changes included in the 2009 Public Complex 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.

D. 2019 Public Complex MS4 NJPDES Permit

The permit was renewed again in 2019. A summary of the most significant changes included in the 2019 permit are itemized below:

- The structure of the permit was reorganized and revised from a single Part I – narrative style permit in the 2009 renewal, to a multiple part permit in order to separate the broadest requirements from the most specific in an effort to improve readability, clarity, and enforceability. These new parts were:
 - Part I General Requirements: NJPDES which lists broad citations applicable to all NJPDES Permits;
 - Part II General Requirements: Discharge Categories which provides general permit requirements that are applicable only to this permit category (e.g., Eligibility, Administrative Process and General Conditions);
 - Part III Recordkeeping and Reporting which states the general obligation to maintain records and report compliance status in the Annual Report and Certification;
 - Part IV Specific Requirements: Narrative - Notes and Definitions which provides notes and definitions including a list of acronyms used in Parts I through IV. References in this fact sheet and within this permit

- to Part IV “Notes and Definitions” are preceded with the words “Notes and Definitions” (e.g., Notes and Definitions Part IV.A.1); and
- Part IV Specific Requirements: Narrative – Public Complex Stormwater General Permit which includes a general overview and the specific requirements which a permittee was required to meet in order to remain in compliance with the permit. References to Part IV “Public Complex Stormwater General Permit” are, for the sake of brevity, not preceded by descriptive text (e.g., Part IV.A.1).
- Two new sections were added to Notes and Definitions, Part IV.A.3 and 4, which are intended to provide the permittee with a ready reference to state and Federal guidance documents. The Department added new definitions, modified definitions found in the 2009 permit, and removed one definition found in the 2009 permit:
 - New definitions were added for the following terms: “Green infrastructure”, “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”;
 - Modifications were made to the definitions for the following terms: “Existing Permittee”, “Illicit connection”, “Municipal separate storm sewer”, “New permittee”, “Permanent structure”, “Small MS4”, “Solids and floatable materials” and “Stormwater facility”;
 - The definition of “Original EDPA” is removed since it is not used in this draft permit renewal as it was intended for the first iteration of the permit as issued in 2004. Finally, the definition for “MS4”, which was only the description of an acronym, has been removed from the definition section and moved to the new list of acronyms.
- Eliminated the formula of Minimum Standard, Measurable Goal, and Implementation schedule found throughout Part I of the 2009 permit and only stated Minimum Standard in the body of the permit;
 - Renamed the first permit requirement from the 2009 permit “Public Notice” to “Public Involvement and Participation Including Public Notice” to align with the Federal minimum control measures more closely;
 - Renamed the second permit requirement from the 2009 permit “Local Public Education” to “Local Public Education and Outreach” to align with the Federal minimum control measures more closely;
 - Expanded local public education point system to include activities or events under five categories and increased the number of required points from 10 to 12;
 - Merged “Improper Disposal of Waste”; “Solids and Floatable Controls”; “Maintenance Yard Operations”; and “Employee Training” into SBR entitled “Minimum Standards for Pollution Prevention/Good Housekeeping.” This name is derived from one of the federal Six Minimum Measures;
 - Renamed Regulatory mechanisms from “Improper Disposal of Waste” and are renamed “Regulatory Mechanisms”;
 - Storm Drain Inlet and Catch Basin Inspection were updated to be conducted at least once per year;
 - Storm Drain Inlet and Catch Basin Cleaning was changed and was clarified to conduct cleaning as frequently as necessary to control litter and debris from entering the waters of the State and to eliminate recurring problems and restore proper function;
 - Required a digital stormwater facilities inventory and map to be created;
 - Includes new Part IV.A.3.e requiring the permittee to modify its stormwater program within one year of any notification by the Department that such a change is necessary;
 - Removed the requirement for the fertilizer management control measure;
 - Added additional BMPs to be implemented at the maintenance yard for various activities (inspections and good housekeeping, fueling operations, discharge of stormwater from secondary containment, vehicle maintenance, equipment and vehicle washing and wash wastewater containment, salt and de-icing material storage and handling, aggregate material storage, street sweepings, catch basin clean out and other material storage, yard trimmings and wood waste management sites); and
 - Added the Stormwater Management Design Review (SWMDR) training requirement and municipal board and governing body member related training requirement.

E. Proposed Public Complex 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:

- Requiring all (including new) Public Complexes to develop a Watershed Improvement Plan (WIP) in three stages to address water quality impairments, TMDLs, flooding, and protect high quality waters. The Public Complexes are encouraged to developed regionalized WIPs with local municipalities and other entities;
- Requiring mapping of all MS4 stormwater infrastructure (in addition to the mapping requirement from 2019 permit);
- Removing authorizations for wood chipping and leaf composting activities at maintenance yards under the Public Complex, and require authorizations under the new Wood Waste Recycling & Leaf Compost General Permit;
- Requiring replacement of specified trees if removed on Public Complex property;
- Requiring Public Complexes to retrofit all remaining storm drain inlets by the end of the 5-year permit cycle;
- Adding a minimum inspection frequency for BMPs to ensure proper maintenance;
- Adding a requirement for permittees to cover salt piles year-round when not in use (such as mall parking lots);
- Requiring enhanced BMPs at Maintenance Yards - will require covering of additional types of materials stored in the yards & include links to the Wood Waste Recycling & Leaf Compost General Permit;
- Requiring removal of piles of excess residual salt on roads/parking lots deposited during spreading operations;
- Requiring measurable time frames for stream scouring and illicit connection program remediation;
- Increasing frequency of some employee stormwater training to annual to be reflective of annual SPPP updates;
- Adding road erosion sediment control requirements back into the permit under the Good Housekeeping section; and
- Enhancing the SWMDR training requirement to require a short update course to cover Stormwater Management rule amendments.

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, as well as simplification of what activities can be used to get points; and
- Attachment B - Design Standards for Storm Drain Inlets has been revised slightly to remove the reference to the netting facility.

F. Compliance Assistance and Stakeholder Outreach for the Current 2024 Permit Renewal

In an effort to improve overall effectiveness of the permit renewal process and to maximize stakeholder input, the Department held one virtual pre-draft outreach session in July of 2023:

MS4 Permit Renewal Pre-draft Outreach	Meeting Dates
MS4 Outreach	July 24, 2023

The pre-draft outreach session was held to explain and gather feedback about potential new MS4 permit renewal conditions to address current water quality concerns, including TMDLs and water quality impairments. The invitation to this session was emailed on July 7, 2023, to the Stormwater Program Coordinators of all 67 existing and 13 potentially new public complex facilities and stakeholders. Invitations were also sent to 24 interested parties, including various environmental groups. There was a total of 14 attendees at the outreach session.

During the July 2023 outreach session, the Department received the following questions and comments:

- Can the major development designer and reviewer be from the same firm?
- Can you expand on the inspection requirements for basins and MTD's. Is 4x a year required?

The Department explained during the outreach session that the designer and reviewer of major development projects can be from the same firm as long as they have both attended the Department's Stormwater Management Design Review course within the last five (5) years, as well as the amendment training, if required.

The Department also clarified during the outreach session that if the stormwater infrastructure being inspected, such as retention/detention basins, has an approved maintenance plan, to follow that. If not, the permittee is advised to create a maintenance plan themselves following the Department's BMP Manual. Additionally, if there are no plans or guidance in the BMP Manual, the permittee is advised to inspect the infrastructure at least four (4) times annually and after each rainstorm exceeding one (1) inch of total rainfall.

5. Identification of Public Complexes

A. Regulatory Background

Pursuant to N.J.A.C. 7:14A-25.2(a)2, a Public Complex is a single lot (or two or more lots that are contiguous or on a college or university campus) which contains at least two buildings owned or operated by the same government entity, and:

- Is at a campus of a college or university which Statewide has a combined total of at least 1,000 employees (usually present at least six hours per day on weekdays) or full-time students; or
- Is at any other public facility (for example a military base, hospital, prison or general administration facility), and has a combined total of at least 1,000 employees, military personnel, or residents (including patients or prisoners) usually present at least six hours per day on weekdays.

B. Existing Permittees

The following is a list of the sixty-seven permittees currently authorized under this general permit:

	FACILITY NAME	NJPDES #	PI #	COUNTY	MUNICIPALITY
1	STOCKTON UNIVERSITY	NJG0150240	222297	Atlantic	Galloway Twp
2	FED AVIATION ADM WILLIAM J HUGHES TECH CNT	NJG0153401	222987	Atlantic	Galloway Twp
3	ATLANTIC CAPE COMM COLLEGE	NJG0151700	222643	Atlantic	Hamilton
4	BERGEN CNTY JAIL ANNEX	NJG0155527	228983	Bergen	Hackensack City
5	ONE BERGEN CNTY PLZA	NJG0155551	229004	Bergen	Hackensack City
6	RAMAPO COLLEGE OF NJ	NJG0154661	224335	Bergen	Mahwah Twp
7	BERGEN COMM COLLEGE	NJG0149802	222190	Bergen	Paramus Boro
8	BERGEN CNTY REGIONAL MEDICAL CENTER	NJG0155543	228995	Bergen	Paramus Boro
9	ALBERT C WAGNER YOUTH CORR FAC WTP	NJG0151751	222658	Burlington	Bordentown City
10	GARDEN STATE YOUTH CORR FAC	NJG0155039	225161	Burlington	Chesterfield Twp
11	BURLINGTON CNTY MT HOLLY	NJG0151921	222706	Burlington	Mount Holly Twp

	COMPLEX				
12	BURLINGTON CNTY COLLEGE MOUNT LAUREL CAMPUS	NJG0153192	222868	Burlington	Mount Laurel Twp
13	US FEDERAL BUREAU OF PRISONS	NJG0180947	530900	Burlington	New Hanover Twp
14	JOINT BASE MCGUIRE-DIX- LAKEHURST	NJG0153206	222870	Burlington	New Hanover Twp
15	CAMDEN CNTY COLLEGE- BLACKWOOD CAMPUS	NJG0148865	221842	Camden	Gloucester Twp
16	ROWAN UNIVERSITY	NJG0170534	462596	Camden	Stratford Boro
17	ANCORA PSYCH HOSPITAL	NJG0153826	223104	Camden	Winslow Twp
18	CAPE MAY CNTY CREST HAVEN COMPLEX	NJG0153851	223116	Cape May	Middle Twp
19	SOUTH WOODS STATE PRISON	NJG0151882	222698	Cumberland	Bridgeton City
20	CUMBERLAND CNTY COLLEGE	NJG0150355	222362	Cumberland	Vineland City
21	DEPT OF VA NJ HEALTH CARE SYSTEM- EAST ORANGE	NJG0155161	226841	Essex	East Orange Twp
22	MONTCLAIR STATE UNIVERSITY	NJG0153818	223101	Essex	Montclair Twp
23	NJDOC NORTHERN STATE PRISON	NJG0151840	167325	Essex	Newark City
24	ROWAN COLLEGE AT GLOUCESTER COUNTY	NJG0154326	223832	Gloucester	Deptford Twp
25	ROWAN UNIVERSITY	NJG0154229	133386	Gloucester	Glassboro Boro
26	HUDSON CNTY CORR	NJG0157651	247283	Hudson	Kearny Twp
27	HUDSON CNTY MEADOWVIEW HOSPITAL	NJG0157945	223633	Hudson	Secaucus Town
28	EDNA MAHAN CORR FAC	NJG0151777	222668	Hunterdon	Clinton Town
29	HUNTERDON DEVELOPMENTAL CENTER	NJG0154067	223328	Hunterdon	Clinton Town
30	MOUNTANVIEW YOUTH CORR FACILITY	NJG0151807	222677	Hunterdon	Clinton Town
31	NJDOT EWING COMPLEX	NJG0152358	222775	Mercer	Ewing Twp
32	THE COLLEGE OF NEW JERSEY	NJG0153435	223003	Mercer	Ewing Twp
33	MERCER CNTY CORR CNTR WTP	NJG0155764	46596	Mercer	Hopewell Twp
34	NJ DEPT OF TREASURY STATE HOUSE COMPLEX	NJG0152021	222742	Mercer	Trenton City
35	NJ DEPT OF TREASURY TRENTON OFFICE COMPLEX	NJG0152102	222747	Mercer	Trenton City
36	NJ DEPT OF TREASURY JOHN FITCH COMPLEX	NJG0152340	222769	Mercer	Trenton City
37	NJDHS TRENTON PSYCHIATRIC HOSPITAL	NJG0153931	223144	Mercer	Trenton City
38	MERCER COUNTY COMMUNITY COLLEGE	NJG0225819	97927	Mercer	West Windsor Twp
39	MIDDLESEX CNTY COLLEGE	NJG0152412	222788	Middlesex	Edison Twp
40	RUTGERS BUSCH LIVINGSTON CAMPUS	NJG0153974	223162	Middlesex	Edison Twp
41	RUTGERS COOK/DOUGLAS CAMPUS	NJG0154024	223179	Middlesex	New Brunswick City

42	RUTGERS COLLEGE AVE CAMPUS	NJG0154032	223228	Middlesex	New Brunswick City
43	NJ RUTGERS UNIV- CLINICAL ACADEMIC BUILDING	NJG0170526	462601	Middlesex	New Brunswick City
44	MIDDLESEX CNTY ADULT CORRECTIONAL CNTR	NJG0155489	228886	Middlesex	North Brunswick Twp
45	NJDOC ADULT DIAGNOSTIC & TREATMENT CTR	NJG0151742	222649	Middlesex	Woodbridge Twp
46	EAST JERSEY STATE PRISON	NJG0151769	222644	Middlesex	Woodbridge Twp
47	NAVAL WEAPONS STATION EARLE	NJG0148822	47036	Monmouth	Colts Neck Twp
48	MONMOUTH CNTY CORRECTIONAL INSTITUTION	NJG0152161	222749	Monmouth	Freehold Boro
49	BROOKDALE COMM COLLEGE	NJG0149764	222179	Monmouth	Middletown Twp
50	US ARMY RESEARCH DEVELOPMENT & ENGINEERING	NJG0151980	222724	Morris	Dover Twp
51	MORRIS VIEW NURSING HOME	NJG0157392	244643	Morris	Morris Two
52	GREYSTONE PSYCHIATRIC HOSPITAL	NJG0153893	223123	Morris	Parsippany- Troy Hills
53	THE CNTY COLLEGE OF MORRIS	NJG0149748	222167	Morris	Randolph Twp
54	USDOD JOINT BASE MCGUIRE DIX LAKEHURST	NJG0147966	46662	Ocean	Manchester Twp
55	OCEAN CNTY COLLEGE	NJG0151785	222671	Ocean	Toms River Twp
56	OCEAN CNTY GOVERNMENT COMPLEX	NJG0160083	255342	Ocean	Toms River Twp
57	PASSAIC CNTY COMM COLLEGE	NJG0151947	222722	Passaic	Paterson City
58	PASSAIC CNTY COMM COLL WANAQUE ACADEMIC CNTR	NJG0151891	222695	Passaic	Wanaque Boro
59	PASSAIC CNTY COMM COLL PUBLIC SFTY ACADY	NJG0151858	222687	Passaic	Wayne Twp
60	WILLIAM PATERSON UNIVERSITY	NJG0153800	223097	Passaic	Wayne Twp
61	VETERANS AFFAIRS NJ HEALTH CARE SYSTEM- LYONS	NJG0154873	46267	Somerset	Bernards Twp
62	RARITAN VALLEY COMM COLLEGE	NJG0150231	222294	Somerset	Branchburg Twp
63	SUSSEX CNTY COMMUNITY COLLEGE	NJG0155187	226885	Sussex	Newton Town
64	UNION CNTY COLLEGE	NJG0148563	221697	Union	Cranford Twp
65	UNION CNTY COURTHOUSE COMPLEX	NJG0154199	223577	Union	Elizabeth City
66	UNION CNTY COLLEGE PLAINFIELD CAMPUS	NJG0156191	234260	Union	Plainfield City
67	KEAN UNIVERSITY	NJG0147991	221487	Union	Union Twp

C. New Permittees

Due to the reassignment of all previous 101 Tier B municipalities to Tier A in July 2022, all facilities in those municipalities that meet the definition of a Public Complex are now required to obtain a MS4 permit and are being proposed to be authorized under this general permit renewal. The Department is continuing to evaluate 13 potential new Public Complex permittees and will proceed with issuing general permit authorizations to those new Public Complexes if appropriate.

D. Issuance of Authorizations to Public Complexes

Upon completion of the public comment and public notice process pursuant to N.J.A.C. 7:14A-15, the Department will determine whether to finalize this permit. If finalized, the Department will then issue this Master General Permit as well as the individual authorizations to each eligible Public Complex in accordance with N.J.A.C. 7:14A-6.13.

6. Overview of Public Complex MS4 NJPDES Permit Requirements

A. 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 implement the Minimum Standards and other permit requirements set forth in the permit. The permit requirements serve to reduce the discharge of pollutants from the Public Complexes' MS4s, 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 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).

B. 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 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 the Minimum Standards, the actions developed to implement the six Federal Minimum Measures, as well as any Optional Measures, Additional Measures, and other permit requirements. The Department provides an appropriate level of specificity in establishing Public Complex NJPDES MS4 permit conditions by specifying BMPs, measurable goals through the detailed permit requirements, and implementation schedules for these permit requirements 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, this 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 storm sewers require:

“...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 BMPs as effluent limitations is also consistent with the NJPDES Regulations at N.J.A.C. 7:14A-25.6(a)1 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 or permittee compliance, and program implementation progress, current water quality conditions, and other relevant information”, continued efforts by the MS4 Program including the review of compliance evaluations, Annual Reports and Certifications, and Supplemental Questionnaires. In addition, outreach efforts and implementation of audit processes of a permittee’s stormwater program constitute evaluation of the permit requirements and the progress of the permittee’s stormwater program. Based on the Department’s evaluations of current MS4 stormwater programs, the requirements contained in this permit renewal have been developed to account for the information gathered since the issuance of the 2019 Public Complex MS4 NPDES permit. The requirements included in this permit constitute the Department’s determination of reasonable progress toward reducing pollutant discharges to the maximum extent practicable.

Any permittee authorized under the 2004, 2009, and 2019 Public Complex permit was required to and continues to be required to develop a stormwater program. The permittees’ stormwater programs must be documented in their respective SPPPs. The SPPPs must be retained on site and made available for review by the Department. To certify compliance with the permit, permittees were required to complete an Annual Report and Certification which queries specific details regarding the Public Complex’s stormwater program.

C. Discharges Not Authorized (Part II.C.3)

This permit is intended to continue to authorize and control new and existing stormwater discharges to surface water and groundwater from small MS4s owned or operated by permittees at Public Complexes and from maintenance yards and other ancillary operations owned or operated by the permittee at Public Complexes. A NJPDES permit is required for these stormwater discharges under N.J.A.C. 7:14A-25.2(a) and 24.2(a). Permit conditions regarding eligible stormwater discharges are included in Part II.C.2.a. and includes a specific reference to maintenance yards and other ancillary operations which is further explained in Section 7.G.5.c, below.

This permit renewal 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 permittee. A complete list of the eligible non-stormwater discharges is included in Part II.C.3 of this permit. If any of these discharges are identified by the permittee as a significant contributor of pollutants, the permittee must address the discharge as an illicit connection or as an incident of improper disposal of waste (see Part II.C.3.e).

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.3.a. Specifically, in Part II.C.2.b. 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 obtain a separate NJPDES permit for that discharge as required in Part II.C.3.c. 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 to Public Complex MS4 NJPDES Permit Requirements

A. Minimum Standards and Other Program Requirements

The Public Complex 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/Good Housekeeping

This permit implements the Federal Minimum Control Measures and includes the Minimum Standards and associated BMPs, consistent with the 2004, 2009, and 2019 Public Complex permits. Many requirements are retained from the 2004, 2009, and 2019 Public Complex permits and, for any new requirements in this permit renewal, the permit provides delayed compliance due dates if deemed appropriate 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 Control Measures in the 2019 Public Complex 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 2019 Public Complex permit, is included below.

B. Stormwater Management Program (Part IV.A)

1. Stormwater Program Requirements

This permit renewal, similar to the 2019 Public Complex 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, municipal 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. 7:14A-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;
- Signing and dating the SPPP; and
- 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 your 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://www.nj.gov/dep/dwq/msrp_home.htm. You may contact your MS4 case manager with any questions in this regard at <https://dep.nj.gov/njpdes-stormwater/municipal-stormwater-regulation-program/ms4-case-manager-list/>.

2. Stormwater Pollution Prevention Plan (SPPP) Requirement

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 Public Complex 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 Public Complex's MS4 Stormwater Program.

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.

The current SPPP shall be posted on the permittee's dedicated stormwater webpage or other approved webpage with updates posted at least annually thereafter. The version posted on the 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 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/njpdes-stormwater/example-webpage-home/>.

Existing Public Complex permittees will need to update and submit their SPPP to reflect the 2024 permit renewal conditions by the Effective Date of Permit Authorize (EDPA) + 6 months. New Public Complex permittees will have until EDPA + 12 months to create and submit an SPPP.

3. Implementation of SPPP Conditions through Shared or Contracted Services

As allowed in the previous Public Complex 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).

C. Minimum Standards for Public Involvement and Participation Including Public Notice (Part IV.B)

1. Public Involvement and Participation Including Public Notice

The 2019 Public Complex 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 and Section 2, Federal Stormwater Regulations above). In the 2019 Public Complex 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 existing Public Complex's since the 2004 permit, no additional time is necessary. Additional for new Public Complexes, while some Public Complexes will be newly regulated under this permit, they are not new entities, and no additional time is being incorporated into this permit to extend this statutory obligation.

2. Stormwater Program Information

This permit renewal strengthens the stormwater program information that needs to be provided to the public. This information should be posted on the website for the Public Complex. However, if the permittee does not have a specific website for their Public Complex, they shall request approval via email to stormwatermanager@dep.nj.gov to post their stormwater documents on an alternate website hosted by their county (for county-owned Public Complexes), state agency (for state-owned Public Complexes), or federal agency (for federally-owned Public Complexes).

The documents listed below are required to be posted on the Public Complex's dedicated stormwater webpage or other approved website:

- 1) SPPP (excluding inspection logs and other recordkeeping documents);
- 2) Pet Waste Control Regulatory Mechanism;
- 3) Wildlife Feeding Regulatory Mechanism;
- 4) Litter Control Regulatory Mechanism;
- 5) Improper Disposal of Waste Regulatory Mechanism;
- 6) Yard Waste Collection Regulatory Mechanism (where residences are located within the Public Complex);
- 7) MS4 Outfall Pipe Map;
- 8) Stormwater Facilities Map (required as per 2019 permit and to be replaced/updated by the MS4 Infrastructure Map on or before EDPA + 24 months);
- 9) MS4 Infrastructure Map (due on or before EDPA + 24 months as per Part IV.G); and
- 10) 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.

New Public Complex permittees will have EDPA + 12 months and existing permittees will have EDPA + 3 months to develop this dedicated stormwater webpage with links to the above referenced documents, with the exception of the updated MS4 Infrastructure Map, which is not required to be posted until EDPA + 24 months. Please also see Section F.1 of this fact sheet below for information concerning the compliance dates for development of the Regulatory Mechanisms listed above.

Existing and New Public Complexes permittees note that the dates for posting materials related to the Watershed Improvement Plan are noted in Part IV.H of the permit, and Section 7.H of this Fact Sheet, and begin on EDPA + 24 months.

D. Minimum Standards for Local Public Education and Outreach (Part IV.C)

The 2019 permit changed the name of this section from "Local Public Education" to "Minimum Standards for Local Public Education and Outreach." This retained the 2009 name but expanded it to be more reflective of one of 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/stormwater-discharges). 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 retains the requirement in accordance with N.J.A.C. 7:14A-25.6(b)4 to achieve a total of 12 points. The renewal has updated the categories and the point values making it simpler for the permittees to follow. The categories have been condensed to three categories and each Public Complex is now required to do at least one

activity from each category annually. The renewal also removes the possibility of earning points for having a dedicated stormwater webpage, which is now a permit requirement under Part IV.B.2.

The three categories in Attachment A are “General Public Outreach”, “Targeted Audience Outreach” and “Community Events”. Each activity is now worth three points and the Public Complex is still required to achieve a total of 12 points. Each activity may only be done once each year for points.

Since these requirements were included in the 2019 Public Complex permit, no additional time is necessary for existing Public Complex permittees to comply and compliance with these requirements is due on EDPA. New permittees are also required to begin performing these activities on EDPA for the first year this permit is effective as there should be minimal cost and resources involved in implementation.

E. Minimum Standards for Construction Site Stormwater Runoff (Part IV.D)

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. 7:14A-25.6(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). 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 2019 Public Complex 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/njpdes-stormwater/industrial-stormwater-program/general-permits/5g3/>.

F. Minimum Standards for Post Construction Stormwater Management in New Development and Redevelopment (Part IV.E)

1. General

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 et seq. 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 et seq. In general, the Stormwater Management rules at N.J.A.C. 7:8 et. seq. establish 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 et seq. 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 disturb one acre or more and are owned or operated by the permittee at the Public Complex; and
- All new development and redevelopment projects that disturb less than one acre but are part of a larger common plan of development that ultimately disturbs one acre or more.

"Disturbance" is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. 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).

This permit condition, common to the 2019 Public Complex permit, is retained largely unchanged from the 2019 permit. However, one enhancement to this permit renewal is a clarification that compliance with N.J.A.C. 7:8 et seq. 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 2019 Public Complex 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. 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 2019 Public Complex 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 new permittees to come into compliance, and therefore compliance with these requirements is due on EDPA for all existing and new permittees.

2. Mitigation Plans

This permit renewal retains the permit condition from the 2019 Public Complex that states that a permittee can grant a variance from the design and performance standards for stormwater management measures, if the permittee has a mitigation plan which complies with the conditions at N.J.A.C. 7:8-4.2(c)11 and 4.6, as follows:

- A mitigation plan shall identify what measures are necessary, potential mitigation projects, and/or criteria to evaluate mitigation projects that can then be used to offset the deficit created by granting a variance in accordance with N.J.A.C. 7:8-4.6. A variance can be provided through a menu of design and performance standards with corresponding mitigation projects for different drainage areas within the Public Complex;
- Additional information regarding mitigation plans can be found in Chapter 3 of the NJ Stormwater BMP Manual at <https://www.njstormwater.org>; and
- The permittee must also submit to the Department via NJDEP Online Stormwater Document Submittal Service within (30) days after approving a variance, notice and description of the variance that was granted and the required mitigation in accordance with N.J.A.C. 7:8-4.6(a)3.

Since these requirements were included in the 2019 Public Complex permit and there is no requirement that a permit must grant variances, no additional time is allotted for new or existing permittees to come into compliance.

G. 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 2019 Public Complex 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.

2019 Permit Sections	Permit Renewal Sections
Regulatory Mechanisms <ul style="list-style-type: none"> • Pet Waste Control • Wildlife feeding Control • Litter Control • Improper disposal of Waste • Residential Yard Waste Collection 	Regulatory Mechanisms <ul style="list-style-type: none"> • Pet Waste Control • Wildlife Feeding Control • Litter Control • Improper Disposal of Waste • Yard Waste /Collection Program

<p>Pollution Prevention/Good Housekeeping</p> <ul style="list-style-type: none"> • Street Sweeping • Storm Drain Inlet Inspection and Catch Basin Inspection • Storm Drain Inlet Inspection and Catch Basin Cleaning • Storm Drain Inlet Labeling • Storm Drain Inlet Label Maintenance • Storm Drain Inlet Retrofit • Herbicide Application Management • Yard Trimmings • Refuse Containers and Dumpsters 	<p>Good Housekeeping</p> <ul style="list-style-type: none"> • Illicit Connections* • Street Sweeping • Storm Drain Inlet Labeling • Storm Drain Inlet Retrofit • Storm Drain Installation • Herbicide Application Management • Excess De-icing Material Management • Vegetative Waste Management • Tree Replacement Management • Roadside Erosion Control <p>*Note: The Illicit Connections good housekeeping measure is not a new requirement, but moved from section IV.B.6.d of the 2019 permit.</p>
<p>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.</p>	<p>Inspection and Maintenance of Stormwater Facilities Owned or Operated by the Permittee - NEW</p> <ul style="list-style-type: none"> • Stormwater Outfall Inspections and Maintenance for Condition, Stream Scouring, and Illicit Discharge and Detection Elimination • Storm Drain Inlet Inspection, Cleaning, and Maintenance • Catch Basin Inspection, Cleaning, and Maintenance • Catch Basin Cleaning • MS4 Conveyance Inspection, Cleaning, and Maintenance • Other Stormwater Infrastructure Inspection, Cleaning, and Maintenance • Maintain a log sufficient to demonstrate compliance with Part IV.F • Submit Outfall Inspection Forms with the Annual Report • Complete corrective maintenance and repairs within 90 days
<p>Maintenance Yards and Other Ancillary Operations & Attachment E</p> <ul style="list-style-type: none"> • Inventory of Material and Machinery • Inspections and Good Housekeeping • Fueling Operations • Discharge of Stormwater from Secondary Containment • Vehicle maintenance • On-Site Equipment and Vehicle Washing and Wash Wastewater Containment; • Salt and De-icing Material Storage and Handling • Aggregate Material and Construction Debris Storage • Street Sweepings, Catch Basin Clean Out, and Other Material Storage 	<p>Maintenance Yards and Other Ancillary Operations</p> <ul style="list-style-type: none"> • BMPs • Site Inspections • Inventory List • Container Labels and Storage • Spill Kits • Bulk Liquid Storage • Fueling and other Bulk Liquid Operations • Discharge of Stormwater from Secondary Containment • Vehicle and Equipment Maintenance • Wash Wastewater Containment • Salt and Other Granular De-icing/Anti-Icing Material Storage and Handling • Aggregate Material, Wood Chips, and Finished Leaf Compost Storage • Cold Patch Asphalt Storage • Street Sweepings and Storm Sewer Clean-out Material

<ul style="list-style-type: none"> Yard Trimmings and Wood Waste Management 	Storage <ul style="list-style-type: none"> Construction and Demolition Waste, Wood Waste, and Yard Trimmings Storage Scrap Tires Inoperable Vehicles or Equipment Outdoor Refuse Containers and Dumpsters:
	Stormwater Program Coordinator Training - NEW
Employee Training	Annual Employee Training
Stormwater Management Design Review Training	Stormwater Management Design Review (SWMDR) Training
	Stormwater Management Rule Amendment Training - NEW

1. General Overview

The 2009 Public Complex MS4 NJPDES permit contained the following four SBRs:

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

The 2019 Public Complex 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/stormwater-discharges-municipal-sources>.

The 2019 Public Complex permit included the four previous sections from the 2009 Public complex 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 2019 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”.

2. Regulatory Mechanism (Part IV.F.1)

This permit renewal proposes to retain the five Regulatory Mechanisms from the 2019 Public Complex permit, which state:

- i. **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 Public Complex property; or prohibit pets (other than service animals) from being allowed at the Public Complex;
- ii. **Wildlife Feeding Control:** Adopt and enforce an appropriate regulatory mechanism that prohibits the feeding of any wildlife (e.g., Canada Geese) on any property owned or operated by the permittee at the Public Complex. Exclusions include wildlife confined in zoos, parks, or rehabilitation centers as well the following unconfined animals: (1) wildlife at environmental education centers; (2) feral cats as part of an approved Trap-Neuter-Release program; and (3) other kinds of unconfined animals, if any, that the regulatory mechanism specifically lists and excludes for reasons set forth in the regulatory mechanism;
- iii. **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;
- iv. **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; and
- v. **Yard Waste** (where residences are located within the Public Complex): The permittee shall adopt and enforce an appropriate regulatory mechanism for either loose or containerized yard waste that requires:
 1. No person shall sweep, rake, blow, or otherwise place loose yard waste into the street, unless it is for a scheduled and announced collection;
 2. For loose yard waste collection: Placement of loose yard waste shall be at least 10 feet away from any storm drain inlet;
 3. For loose yard waste collection: Placement of loose yard waste for collection shall not be sooner than 7 days prior to scheduled collection;
 4. For containerized yard waste collection: Yard waste shall be placed in an appropriate container at the curb or along the street for collection; and
 5. The frequency of loose or containerized yard waste collection shall be determined at the discretion of the permittee but shall be part of a set yard waste collection schedule which is noticed to all Public Complex residents and businesses. Any area of the Public Complex that the permittee determines to have no yard waste will be exempt from the collections.

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 2019 Public Complex permits, the Department continues to provide model regulatory mechanisms posted at [NJDEP| Bureau of NJPDES Stormwater Permitting and Water Quality Management | 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, wildlife feeding, and yard waste are consistent with the 2019 Public Complex permit. Because this has been a longstanding Public Complex requirement, existing Public

Complex permittees will be required to comply with this requirement on EDPA. New Public Complex permittees will have 12 months from EDPA to adopt all Regulatory Mechanisms.

3. Good Housekeeping (Part IV.F.2)

This permit renewal contains eleven requirements under the heading of “Good Housekeeping.” Most of these good housekeeping measures 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.

The 2019 Public Complex permit contained nine sections under this heading:

- Street Sweeping;
- Storm Drain Inlet and Catch Basin Inspection;
- Storm Drain Inlet and Catch Basin Cleaning;
- Storm Drain Inlet Labeling;
- Storm Drain Inlet Label Maintenance;
- Storm Drain Inlet Retrofit;
- Herbicide Application Management;
- Yard Trimmings; and
- Refuse Containers and Dumpsters.

This renewal permit contains eleven sections under this heading:

- Illicit Connections;
- Street Sweeping;
- Storm Drain Inlet Labeling;
- Storm Drain Inlet Retrofitting;
- Storm Drain Installation;
- Herbicide Application Management;
- Excess De-icing/Anti-icing Material Management;
- Vegetative Waste Management;
- Tree Replacement Management; Roadside Erosion Control; and
- Outdoor Refuse Containers and Dumpsters.

i. Illicit Connections:

Permit requirements regarding Illicit Connection were located in the “Minimum Standards for MS4 Outfall Pipe Mapping, and Illicit Discharge and Scouring Detection and Control” section of the 2019 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 F.3.”

The Department has revised the requirements for ensuring that there are no illicit discharges emanating from within the Public Complex property. The Department determined that, since the Public Complex permittees maintain control over the site operations at the complex, it is more appropriate for the requirement to reflect that authority and be applied to the permittee as opposed to a mechanism passed down to residents. Therefore, we 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 the how illicit discharges are to be inspected and corrected from the previous

2019 permit. Illicit discharges are illegal and unpermitted discharges to waters of the state and, therefore, there is no allowance for a compliance schedule and all new and existing permittees shall implement this requirement upon EDPA.

ii. **Street Sweeping:**

Street Sweeping has been a permit requirement since the 2004 Public Complex Permit. The 2019 Public Complex permit contained the following requirement:

“Street Sweeping: The permittee shall sweep all paved parking lots and streets owned or operated by the permittee at the Public Complex, with storm drain inlets that direct stormwater runoff into an MS4 or discharge directly to surface water. Sweep at a minimum of once per month, or more frequently as necessary to eliminate recurring problems and restore proper function, weather and street surface conditions permitting.”

There have been no changes to the language in this permit renewal, therefore existing permittees shall implement this requirement upon EDPA. New permittees shall implement this requirement on or before EDPA + 12 months.

iii. **Storm Drain Inlet Labeling:**

Storm drain inlet labeling in the 2019 Public Complex was located under the “Pollution Prevention/Good Housekeeping” 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 do not have permanent wording cast into the structure of the inlet to indicate that it empties directly into a local waterway.

Since these requirements were included in the 2019 Public Complex permit, no additional time is necessary to come into compliance, therefore existing permittees shall implement this requirement upon EDPA. New permittees shall implement this requirement on or before EDPA + 12 months.

iv. **Storm Drain Inlet Retrofitting:**

The Storm Drain Inlet Retrofit condition from the 2019 Public Complex permit has been enhanced and renamed to “Storm Drain Inlet Retrofitting” in this renewal permit. In the 2019 Public Complex permit, retrofitting of permittee owned or operated storm drain inlets was only required when:

“(1) 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 (2) 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 installed by the permittee. The permittee shall retrofit all permittee owned or operated storm drain inlets with the standards set forth in Attachment B on or before EDPA + 59 months.”

As noted above, the due date for existing and new Public Complex 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. Existing Public Complexes 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, new Public Complex 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.

v. **Storm Drain Inlet Installation:**

The renewal permit includes a new section not included in the 2019 permits 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 installations that are due to new construction or as part of a repair project."

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, 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. Further, the catch basin 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.

Existing and new permittees shall implement this requirement upon EDPA.

vi. **Herbicide Application Management:**

Some permittees apply herbicides on their properties. Management of this application was addressed in the 2019 Public Complex permit and has been moved under "Pollution Prevention/Good Housekeeping". The section has been renamed to "Good Housekeeping"; however, the language remains unchanged from the 2019 Public Complex permit.

Application of herbicides is an optional practice so this requirement may not be applicable to every Public Complex. Since these requirements do not require purchase of equipment and the program is to essentially 'not' spray herbicide in certain areas, compliance with these requirements is due on EDPA for all existing and new permittees.

vii. **Excess De-Icing Material Management:**

The Department has added a new requirement in this renewal permit for Excess De-Icing Material Management. 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. This condition requires permittees cleanup excess de-icing material deposited during spreading operations (e.g., piles resulting from accidental spillage or when spreading equipment is started or stopped) on all driveways, streets, and parking areas owned or operated by the permittee, after a storm event. This requirement is intended to target unintentionally created salt piles that are formed from stopping and starting the salt spreaders, or any other means. The permittee will be required to remove any excess salt piles from these surfaces remaining after 72 hours of the end of the

storm, conditions permitting. This requirement has already been added and implemented in the 2020 Highway Agency MS4 permit and the recently renewed 2023 Tier A MS4 permit. The renewal permit requirement 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 all driveways, streets, and parking areas owned or operated by the permittee.”

Since these requirements do not require any additional equipment and should not require a significant increase in staff time as there should not be a large number of these piles, and the permittees have 72 hours to address these piles, no additional time should be necessary for new or existing permittees to come into compliance, and therefore compliance with these requirements is due on EDPA for all existing and new permittees.

viii. Vegetative Waste Management:

In the 2019 Public Complex, 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” in the 2019 permit and had been clarified and updated the title to “Vegetative Waste Management”. The renewal permit language reads:

“Vegetative Waste Management: The permittee shall ensure the proper pickup, handling, storage, and disposal of wood waste and yard trimmings generated at the Public Complex 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 driveways, streets, or parking areas, where the material can be transported by the MS4 system;
- ii. No person shall sweep, rake, blow, or otherwise place loose yard waste into driveways, 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 properties located within the Public Complex. This 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. This update has already been incorporated into the 2020 Highway Agency MS4 permit and 2023 Tier A MS4 permit.

Since these requirements do not require any additional equipment and should not require any significant increase in staff time to restrict the ability of these materials to be transported via stormwater, no additional time should be necessary for new or existing permittees to come into compliance, and therefore compliance with these requirements is due on EDPA for all existing and new permittees.

ix. 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:

- i. “Any street tree removed with DBH of 2.5” to 6” shall be replaced with one (1) tree with caliper of 1.5” or more;
- ii. Any tree removed with DBH of 6” to 12.99” shall be replaced with one (1) tree with caliper of 1.5” or more;
- iii. Any tree removed with a DBH of 13” to 22.99” shall be replaced with two (2) trees with caliper of 1.5” or more;
- iv. Any tree removed with a DBH of 23” to 32.99” shall be replaced with three (3) trees with caliper of 1.5” or more;
- v. Any tree removed with DBH of 33” or greater shall be replaced with four (4) trees with caliper 1.5” or more; and
- vi. Any tree removed shall be replaced within one (1) year of removal.

This requirement was added to the 2023 Tier A permit renewal through the municipalities having to adopt a Tree Removal/Replacement Ordinance.

x. **Roadside Erosion Control:**

This renewal permit reincorporates the requirement for Roadside Erosion Control from the original 2004 Public Complex permit. In the 2004 Public Complex permit there was a section called “Roadside Erosion Control Maintenance” at Part I.F.6.d. that was implemented to require Public Complexes to develop a roadside erosion control maintenance program. The 2004 permit stated that the minimum standard for Public Complex was to:

“Minimum Standard - Public Complexes shall develop a roadside erosion control maintenance program to identify and repair erosion along streets (including roads or highways) operated by the Public Complex. Public Complexes are also 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 sedimentation of receiving waters. Repairs shall 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 Public Complex).”

This section was removed in the 2009 Tier A 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 2018 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 road and roadside erosion control 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:

- a. **"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;
 - i. Inspections of driveways, streets, 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 is notified with an alternative schedule of completion;
 - iii. Made in accordance with Standards for Soil Erosion and Sediment Control in New Jersey, N.J.A.C. 2:90-1, as applicable; and
 - iv. Existing permittees and new permittees shall implement this requirement by EDPA + 12 months."

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. And 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.

New and existing permittees will have 12 months from EDPA to comply with this requirement.

xi. Outdoor Refuse Containers and Dumpsters:

The 2019 Public Complex permit requires that permittees ensure that dumpsters and other refuse containers that are outdoors or exposed to stormwater, are covered at all times. This 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 update language reads as follows:

- a) “Outdoor Refuse Containers and Dumpsters: The permittee shall ensure that dumpsters and refuse containers that are outdoors or exposed to stormwater are managed as follows:
- i. Containers must always be covered to prevent the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids, or solids;
 - ii. Roll-offs and open-top waste containers used to collect and temporarily store trash, garbage, and non-recyclables shall be kept tarped or otherwise covered unless actively being filled or emptied;
 - 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) shall be covered when not in use, at the end of each workday, and before any anticipated storm event;
 - iv. 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;”

Since this requirement was established in the 2019 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, existing and new permittees shall implement this requirement upon EDPA.

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

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

Consistent with, but more specific than the 2004 and 2009 permit requirements, the 2019 Public Complex 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.3 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 Public Complex.

- 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.
- 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 2019 renewal 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. though g. below.”

This 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 non-permitted and illegal discharges. As with the 2019 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.

The permit also includes an enhanced requirement from the 2019 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 2019 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 2019 Public Complex permit also included specific requirements in this section for “Storm Drain Inlet and Catch Basin Inspection:” which stated:

“The permittee shall inspect and document inspections of all storm drain inlets and associated catch basins that it owns or operates at the Public Complex at least once per year. Documentation shall include: inlet location, date visited, observations of the inlet and catch basin’s structural integrity, and if maintenance or repairs are required;”

This renewal permit retains separate definitions for storm drain inlets versus catch basins to differentiate that they are separate devices, but has separated the requirements for inspecting storm drain inlets from inspecting catch basins. This separation should aid 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/njpdes-stormwater/municipal-stormwater-regulation-program/highway-agency-stormwater-permit/#guidance-document>). Storm Drain Inlets are proposed to be required to be inspected once per year, at a minimum, and cleaned and maintained as needed. The permit states:

“Storm Drain Inlet Inspection, Cleaning, and Maintenance: At a minimum, the permittee’s program shall require the following:

- i. Inspections, at a minimum of once per year, of all storm drain inlets; and
- ii. Conditions under which a storm drain inlet must be cleaned and maintained.”

Catch basins are proposed to be required to be inspected once per year, at a minimum, and cleaned and maintained based on the results of those inspections. For guidance related to catch basin cleaning, refer to the EPA Catch Basin Technology Overview and Assessment found at: (<https://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=300002QL.TXT>). The permit states:

“Catch Basin Inspection, Cleaning, and Maintenance: At a minimum, the permittee’s program shall require the following:

- i. Inspections, at a minimum of once per year, of all catch basins;
- ii. Conditions under which a catch basin must be cleaned and maintained, including any specific procedures that must be followed;
- iii. Cleaning and maintenance schedule at a frequency to ensure, at a minimum, that sediment, trash, or other solid or floatable material or other obstructions are removed; and
- iv. For guidance related to catch basin cleaning, refer to the EPA Catch Basin Technology Overview and Assessment found at: (<https://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=300002QL.TXT>).”

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’s program shall require the following:

- i. 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, “Other Stormwater Infrastructure 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:

“Other Stormwater Infrastructure Inspection, Cleaning, and Maintenance (excluding b. – f. above): At a minimum, the permittee’s program shall require the following:

- i. Inspection of all stormwater infrastructure pursuant to approved maintenance plans;
- ii. If there are no approved maintenance plans for certain stormwater infrastructure, the permittee may create one by following the Department's Best Management Practice Manual <https://dep.nj.gov/stormwater/bmp-manual/> or other maintenance guidance <https://dep.nj.gov/stormwater/maintenance-guidance/>;
- iii. If no plan or guidance exists for a particular type of infrastructure, the permittee shall inspect the infrastructure at least four times annually and after each rainstorm exceeding 1 inch of total rainfall; and
- iv. Cleaning and maintenance to be conducted pursuant to approved maintenance plans, or more frequently as needed. (See the Department's maintenance guidance)."

This proposed renewal permit has consolidated several previous permit requirements within this section for clarity and to ensure that applicable documentation and involvement requirements were met. These requirements are retained mostly unchanged from the 2019 permit. One of the minor changes was adding a 90-day timeline for repairing any stormwater facilities found not to be functioning properly. The permit states:

- h. "The permittee shall maintain a log sufficient to demonstrate compliance with this section, 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;
 - xi. Any additional information or findings, if appropriate;
 - xii. Presence or evidence of stream scouring (for outfalls only); and
 - xiii. Presence or evidence of illicit discharges (for outfalls only).
- i. The permittee shall submit the Department's Outfall Inspection Forms <https://dep.nj.gov/njpdcs-stormwater/municipal-stormwater-regulation-program/public-complex-stormwater-permit/-templates-and-forms> with the Annual Reports each year.
- j. If stormwater facilities 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. Existing permittees shall develop and implement this program by EDPA. New permittees shall develop and implement this program by EDPA + 12 months.

5. Maintenance Yards and Other Ancillary Operations (Part IV.F.4)

The requirements pertaining to maintenance yards and other ancillary operations were included in Part IV.B.5.c of the 2019 Public Complex permit, with detailed best management practices in Attachment E of that permit. These activities could be otherwise regulated under individual industrial stormwater permits, but the Department has determined that this general permit is the most efficient and appropriate means to regulate a large number of similar dischargers (see also N.J.A.C. 7:14A-6.13).

Consistent with 40 CFR. 122.34(b)(6) and N.J.A.C. 7:14A-25.6(b)7, each iteration of New Jersey's Public Complex MS4 NJPDES permit since 2004 has included requirements related to maintenance yard (MY) 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."

In Part IV.F.4 of this permit renewal, these requirements, representing common activities at MYs, are presented under the heading "Best Management Practices at Maintenance Yards and Other Ancillary Operations." This section of the permit has been expanded to incorporate all applicable BMPs and control measures which were previously included in Attachment E of the 2019 Public Complex permit. Since these conditions have been moved from Attachment E into the body of the permit, Attachment E is no longer necessary and has been removed from this renewal permit.

Based on information from a number of MS4 stormwater compliance audits, it was determined that the MS4 permits did not accurately regulate all the activities that may be exposing pollutant sources to stormwater at MY locations. This permit renewal proposes to remedy this gap by expanding this section and including additional BMPs or control measures that must be implemented to minimize or eliminate pollutant source exposure to stormwater for each activity.

The Department has determined that expanding coverage under this permit renewal for additional activities commonly occurring at MYs is appropriate since such activities can be significant contributors of pollutants to surface water if not managed properly (see N.J.A.C. 7:14A-24.2(a)7). Therefore, this permit renewal incorporates enhanced requirements for documenting each MY and ancillary operation in the Stormwater Pollution Prevention Plan (SPPP); providing secondary containment for bulk liquid material storage tanks; ensuring proper storage of aggregate material and finished compost (with no processing activities); setting a time limit on and ensuring proper storage of construction and demolition waste, wood waste, and yard trimmings (with no processing activities); storing cold patch asphalt in a permanent structure or covered on an impervious surface; storing scrap tires in a covered container or under cover; setting a time limit on and ensuring proper storage of inoperable vehicles or equipment; and ensuring refuse containers and dumpsters are kept covered.

The permit renewal enhancements differentiate between aggregate material (e.g., sand, gravel, stone, and topsoil) and solid waste by setting a specific time limit on the storage of solid waste. The storage of aggregate material, wood chips, and finished compost does not have a time limit; however, the storage of construction and demolition waste, wood waste, and yard trimmings is only authorized for a limited time. The discharge of stormwater from the processing of any of these materials is not authorized under this renewal permit and sites

conducting processing activities will need to apply for an applicable industrial stormwater permit. Further, permittees are not exempt from the requirement to apply for an industrial stormwater permit for any activity addressed in this section if required to do so, for due cause, by the Department (See N.J.A.C. 7:14A-6.13).

Wood waste recycling and leaf composting are regulated industrial activities that requires a separate NJPDES stormwater permit. Wood waste recycling and leaf composting operations at MYs were only authorized under the 2019 Public Complex permit provided there were no discharges to surface water from those activities. However, this was not the case for any wood waste recycling or leaf composting operations inspected during MS4 stormwater compliance audits. Based on the lack of ability of many MYs to prevent discharges to surface water from these industrial activities, the Department determined that these activities were not being regulated adequately under the MS4 permits and that it was necessary to draft a new stormwater general permit with appropriate BMPs to regulate those discharges to surface water. Thus, the discharge of stormwater from MYs and ancillary operations that process wood waste, yard trimmings, and leaf compost will no longer be authorized under this permit upon the effective date of this permit renewal. Those MY's must obtain authorization for those activities via the new Wood Waste Recycling and Leaf Composting (WRC) Stormwater General Permit Authorizations regulating recycling/composting activities, which will be made available to each facility that performs these activities. This new WRC permit was issued final on January 1, 2023.

In addition, Roadside Vegetation Management has been renamed Herbicide Application Management and moved from this section to Part IV.F.2. of this renewal permit under Good Housekeeping and is discussed in more detail in that section above.

Inclusion of this more comprehensive set of activities for MYs is an important component of this permit renewal regarding the protection of water quality and is consistent with 40 CFR 122.34(b)(6)(ii) which states:

“...EPA recommends that the permit address the following: . . . 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) . . .”

As noted above, the Department is proposing to expand the requirements for permittees to cover additional source materials at their maintenance yards. These changes are based on MS4 stormwater compliance audits of MS4 permittees which confirmed that many permittees are storing materials such as cold patch asphalt and scrap tires uncovered in these yards. Permittees already are required to employ federally required “good housekeeping” measures for small MS4 compliance at their maintenance yards to eliminate run-on/runoff from materials they store. Permittees should not incur any additional significant costs as they are already managing these materials and this permit condition is clarifying those handling procedures. Additionally, these source material piles are relatively small and the cost of covers or tarps would be insignificant in comparison to the cost of compliance with a NJPDES industrial stormwater discharge permit, which would otherwise be required for piles that remain exposed. These piles would be considered sources of stormwater discharges associated with industrial activity requiring an industrial stormwater permit.

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:

- Best Management Practices

Properly implemented good housekeeping measures and BMPs can eliminate or minimize contact between stormwater and source materials. It was observed during MS4 stormwater compliance audits of permittees that some permittees had more than one MY or were performing ancillary operations at various locations. Often, Department staff were unaware of these locations unless staff mentioned them. To remedy this gap,

an enhancement added to Part IV.F.4.a of this section requires each individual MY and ancillary operation to be identified with its own form in the SPPP, including a description of the site-specific activities and associated BMPs.

Existing permittees shall implement this requirement upon EDPA + 6 months. New permittees shall include these updated MY forms in the SPPP by EDPA + 12 months.

- Site Inspections

There is no change from the 2019 Public Complex permit regarding monthly site inspection requirements. The requirement shall continue for permittees to track site inspections on a maintenance log. The maintenance 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 maintenance log must be kept on-site with the SPPP and made available to the Department upon request.

Existing permittees shall implement this requirement upon EDPA. New permittees shall implement this requirement upon EDPA + 6 months.

- Inventory List

There is no change from the 2019 Public Complex 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.

Existing permittees shall implement this requirement upon EDPA. New permittees shall implement this requirement upon EDPA + 6 months.

- Container Labels

There is no change from the 2019 Public Complex 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.

Existing permittees shall implement this requirement upon EDPA. New permittees shall implement this requirement upon EDPA + 6 months.

- Spill Kits

There is no substantial change from the 2019 Public Complex 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 requirements laid out in the 2019 Public Complex permit. The spill kit language in the renewal permit states:

- a. “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. The permittee shall store clean-up materials, spill kits, and drip pans near all liquid transfer areas;"

Existing and new permittees shall implement this requirement upon EDPA.

- Bulk Liquid Storage

This is a new requirement for all permittees. Secondary containment of the containers utilized in the normal course of storage, transfer, or use, is necessary for preventing leaks of bulk liquid materials from becoming discharges. 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 (e.g., spill containment dikes, etc.) for all aboveground storage tanks containing bulk liquid materials (including but not limited to gasoline, diesel fuel, heating oil, hydraulic oil, used oil and liquid de-icing materials). 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 otherwise stored in a manner with no exposure to stormwater. It is recommended that the secondary containment area be protected from the weather with a metal 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, as discussed below.

Existing and new permittees shall implement this requirement by EDPA + 12 months.

- Fueling and other Bulk Liquid Operations

There is no change from the 2019 Public Complex permit regarding fueling operations. 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.

Existing permittees shall implement this requirement upon EDPA. New permittees shall implement this requirement by EDPA + 12 months.

- Discharge of Stormwater from Secondary Containment

There is no change from the 2019 Public Complex 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.

Existing and new permittees shall implement this requirement upon EDPA.

- Vehicle and Equipment Maintenance

There is no change from the 2019 Public Complex permit regarding vehicle and equipment maintenance. This requirement continues for permittees to implement BMPs for vehicle and equipment maintenance. When stormwater is exposed to pollutants associated with these activities it can become polluted with toxic or other deleterious materials (e.g., petroleum hydrocarbons).

Existing and new permittees shall implement this requirement upon EDPA.

- Wash Wastewater Containment

There is no change from the 2019 Public Complex 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 yards 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.

Existing and new 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 2019 Public Complex 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" 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. 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.

Temporary storage of salt and other granular de-icing/anti-icing materials in a non-permanent structure is permitted for up to thirty days, unless otherwise approved in writing by the Department, if a permanent structure is under construction, repair, or replacement. Such materials must be covered so that runoff is minimized.

However, for new permittees, temporary storage of salt and other granular de-icing materials is required to be implemented by EDPA + 6 months until the permanent structure is constructed.

Existing permittees shall implement the use of permanent structures on or before EDPA. New permittees shall implement the use of permanent structures on or before EDPA + 36 months.

- Aggregate Material, Wood Chips, and Finished Leaf Compost Storage

In the 2019 Public Complex permit renewal, aggregate material storage was addressed in Attachment E under “Aggregate Material and Construction Debris Storage” and is now addressed under “Aggregate Material, Wood Chips, and Finished Leaf Compost Storage.” This condition has been modified and incorporated into the body of the permit renewal. This renewal permit authorizes permittees to store aggregate material (e.g., sand, gravel, stone, and topsoil), wood chips, and finished leaf compost 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 materials (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 for information regarding obtaining the applicable NJPDES individual or general industrial stormwater discharge permit.

For existing permittees, 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.

Existing permittees shall implement this requirement upon EDPA. New permittees shall implement this requirement by EDPA + 6 months.

- Cold Patch Asphalt Storage

This is a new requirement for 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 MYs, 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.

Existing and new permittees shall implement this requirement upon EDPA.

- Street Sweepings and Storm Sewer Clean-out Material Storage

This requirement for storage of street sweeping and storm sewer clean-out material is proposed to be enhanced in this permit renewal. Part IV.F.4.n 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. The draft permit states that these materials shall not include liquids, wastes which are removed from facility sanitary sewer systems, or material which constitutes hazardous waste in accordance with N.J.A.C. 7:26G. These materials 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.

Existing permittees shall implement this requirement upon EDPA. New permittees shall implement this requirement by EDPA + 6 months.

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

Since some Public Complex permittees provide yard trimmings and wood waste pick-up, the management and stormwater discharges from these activities at MYs were authorized under the 2019 Public Complex permit, provided that certain BMPs were followed. However, based on observations made during the MS4 stormwater compliance audits, the current BMPs were not protective enough and required further enhancement. In addition, because the Department determined that similar BMPs are required, construction and demolition waste has also been 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:

- 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. Where possible the open side of storage bays shall be situated on the upslope. The area in front of storage bays and adjacent to storage areas shall be swept clean after loading/unloading;

- Removed within six (6) months of placement into storage; 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 2019 Public Complex permit, the requirement that road millings were 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 reference has been removed because it was redundant. This reference was included in Attachment E of the 2019 Public Complex permit when the requirements for aggregate storage at municipal maintenance yards were first added. All Public Complex 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 Use Regulation reference was deemed unnecessary.

Existing permittees shall implement this requirement upon EDPA as they should already be following BMPs laid out in Attachment E for proper storage of the materials. New permittees shall implement this requirement by EDPA + 6 months.

- Scrap Tires

While many permittees store scrap tires at their MYs, management of this stormwater pollution source material was not addressed in the 2019 Public Complex 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.

Existing and new permittees shall implement this requirement upon EDPA since it is a low-cost BMP that can be executed easily.

- Inoperable Vehicles or Equipment

While many permittees store inoperable vehicles or equipment at their MYs, management of these stormwater pollution sources was not addressed in the 2019 Public Complex 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 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, existing and new permittees shall implement this requirement

upon EDPA.

6. Stormwater Program Coordinator Training (Part IV.F.5)

Since the 2004 Public Complex MS4 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.

7. Annual Employee Training (Part IV.F.6)

Since the issuance of the 2004 Public Complex MS4 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 2019 Public Complex permit requires 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 2019 Public Complex 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. Facilities 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.

2018 Permit Training Requirements	Permit Renewal Training Requirements
<p>Every Year</p> <ul style="list-style-type: none"> • Maintenance Yard Operations • Stormwater Facility Maintenance • SPPP Training & Recordkeeping <p>Every 2 Years</p> <ul style="list-style-type: none"> • Yard Waste Collection Program • Monthly Sweeping of Certain Streets in Predominantly Commercial Areas • Illicit Connection Elimination and Outfall Pipe Mapping • Outfall Pipe Stream Scouring Detection and Control • Waste Disposal Education • Regulatory Mechanisms • Construction Activity/Post Construction Stormwater Management in New Development and Redevelopment 	<p>Every Year</p> <ul style="list-style-type: none"> • SPPP Training & Recordkeeping • Construction Site Stormwater Runoff • Post-Construction Stormwater Management in New Development and Redevelopment • Regulatory Mechanisms • Good Housekeeping • Stormwater Facilities Management • Maintenance Yard Operations and Other Ancillary Operations • MS4 Mapping • Watershed Improvement Plan (new)

Permittees shall develop, update, and implement an employee training program that ensures duty-specific training of all individuals, including but not limited to employees, hired 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. In order 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 Activity** – 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;
- **MS4 Mapping** – Provide annual training on mapping MS4 infrastructure. See Part G.1 of the permit;
- **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.

This requirement applies at EDPA for all existing permittees. New permittees have 12 months to create their SPPP and shall begin to conduct the required annual training immediately upon completion. As such, the requirement for new permittees is EDPA+12 months.

8. Stormwater Management Design Review Training (Part IV.F.7)

The draft permit renewal retains the stormwater management design review training requirement that was first introduced in 2018. 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 facility (see Part IV.E.1), complete the Stormwater Management Design Review Course (see 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 municipal 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 et seq. have completed this mandatory Department provided training.

Existing permittees shall implement this requirement upon EDPA. New permittees shall implement this condition within 12 months of EDPA.

9. Stormwater Management Rule Amendment Training (Part IV.F.8)

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 et seq. 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.

Existing and new 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.

H. Minimum Standards for MS4 Mapping (Part IV.G)

The 2019 Permit had two main sections dealing with mapping requirements. One section was MS4 Outfall Pipe Mapping and the other was “Minimum Standards for Stormwater Facilities Inventory”. This renewal permit has combined these sections from the 2019 permit into one section in the renewal for clarity on mapping requirements. 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 2019 Public Complex permit is as follows:

- Outfall Pipe Mapping – Existing 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;
- 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 of these stormwater facilities, as well as the other information required in Part IV, Section C.2 of the 2019 permit were required to be mapped, and the map submitted to the Department by January 1, 2020.

This permit renewal expands upon 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” 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 2019 permit are included without change except for culverts which are no longer a required mapping elements under this permit renewal. This section has also been renamed to “MS4 Mapping” to better describe the section. The additional stormwater related infrastructure that needs to be mapped includes MS4 ground water discharge points, MS4 interconnections, MS4 manholes, MS4 conveyance (type, direction of flow), MS4 pump stations, stormwater BMP facilities, property boundaries of the Public Complex, and Property boundaries of maintenance yard(s) and other ancillary operations (type). 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 2019 permit. A summary of the proposed requirements is as follows and new requirements that are allotted additional time for compliance are bolded:

1. MS4 Mapping

- The permittee shall develop, update, and maintain a 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 (note that the new infrastructure to be mapped is included in **bold text**):
 - i. MS4 outfalls (receiving surface water name, type of outfall) (was due 1/1/2020 and electronically by 12/21/2020));
 - ii. **MS4 ground water discharge points (type);**
 - iii. **MS4 interconnections (type into/from, entity);**
 - iv. Storm drain inlets (type, catch basin present, label present, retrofitted) (was due 1/1/2020);
 - v. **MS4 manholes;**
 - vi. **MS4 conveyance (type, direction of flow);**
 - vii. **MS4 pump stations;**
 - viii. Stormwater facilities (type) (Manufactured treatment devices (MTDs), green infrastructure, stormwater management basins and infiltration/detention systems were due 1/1/2020);
 - ix. Property boundaries of the Public Complex (was due 1/1/2020); and
 - x. **Property boundaries of maintenance yard(s) and other ancillary operations (type).**
- The permittee shall ensure that the MS4 Infrastructure map be:
 - 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 webpage and included as a weblink within the SPPP;
 - Submitted to the Department by EDPA + 24 months;
 - Existing permittees: This time frame does not extend the deadline for the submission of the mapping required as per the 2019 permit as referenced above; and
 - Submitted electronically to the Department as a georeferenced shapefile, geodatabase, or an AutoCAD file (with all other non-applicable data stripped out). 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.

The Department has determined that these enhanced mapping requirements are necessary to improve the proper operation and maintenance of the storm sewage 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 in order 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.

This MS4 Infrastructure Map will be required to be posted on the permittee's dedicated stormwater webpage. Consistent with the requirements of the 2019 permit, the Department is requiring that the submission of the MS4 map be in an electronic format. The electronic format shall be a georeferenced shapefile, geodatabase, or an AutoCAD file (with all other non-applicable data stripped out). 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.

The deadline for submitting the map is EDPA + 24 months for existing and new permittees.

As noted in the 2019 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 municipalities 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 municipalities who are interested in using the ArcGIS Online based application. These licenses, which otherwise would cost money for municipalities to obtain, are being offered free of charge. Municipalities 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 the Public Complex permit. These templates can be found on the Department's website here https://dep.nj.gov/njpdes-stormwater/municipal-stormwater-regulation-program/msrp_map_aid/.

I. Watershed Improvement Plan (Part IV.H)

1. 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 et seq. 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), 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 I-1 and I-2 below. Figure I-1 displays the HUC 14s within each of the 21 Watershed Management Area, and Figure I-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 the 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.

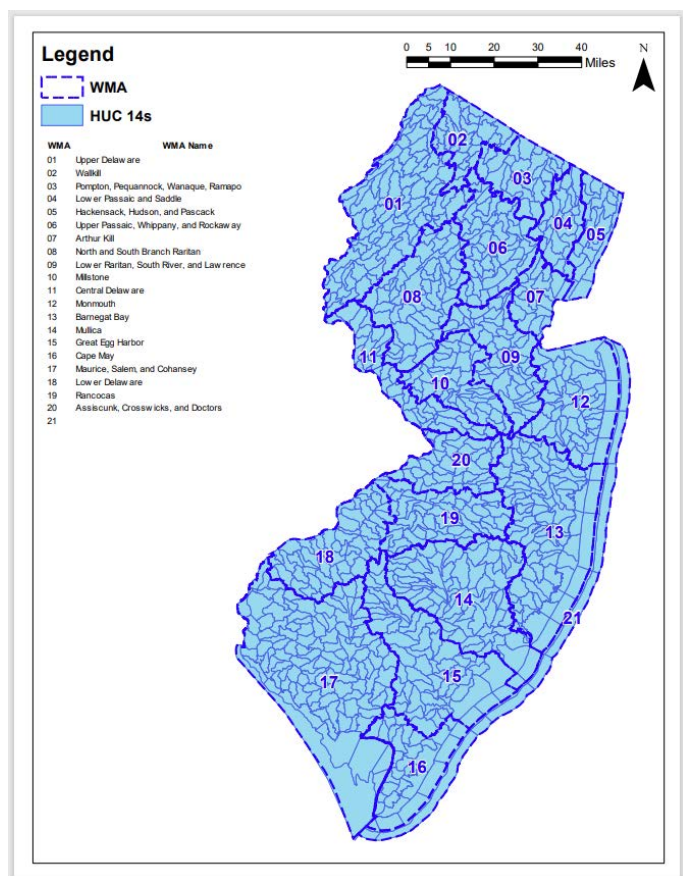


Figure I-1

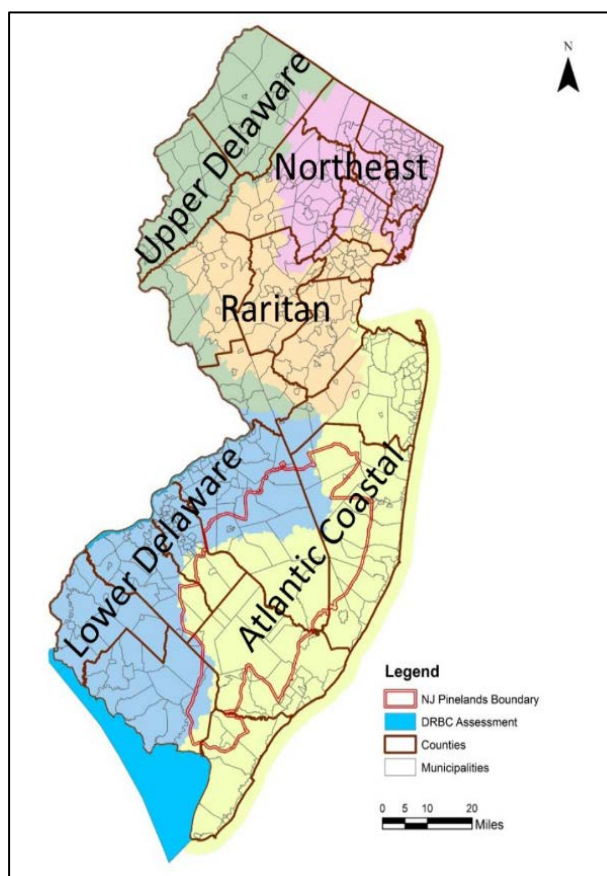


Figure I-2

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.

2. Addressing TMDLs through the MS4 NJPDES Permit

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 2019 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 public 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 2019 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). 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 or municipal borders. In fact, multiple TMDLS can apply within one town. The Department attempted to address this gap in awareness in the 2019 permit by including the following requirements:

- i. 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 the Public Complex Facility. This information could be accessed at <https://www.nj.gov/dep/dwq/msrp-tmdl-rh.htm>.
- ii. The permittee was also required to use this TMDL information identified to:
 - (2) Assist in the prioritization of stormwater facility maintenance including schedules for repairs required at Part IV.B.6.b (Stream Scouring) and Part IV.C.1.a (Stormwater Facilities Maintenance); and
 - (3) Identify and develop strategies to address specific sources of stormwater related pollutants contributing to discharges authorized under the permit. Strategies may have included but were not limited those found in the implementation section of approved or adopted TMDL reports (for examples see “Total Maximum Daily Load (TMDL) Guidance for MS4 Permittees” found at www.nj.gov/dep/dwq/msrp-tmdl-rh.htm);
- iii. The permittee was required to annually update its SPPP to list information identified in i and ii, above; and
- iv. The permittee was required to incorporate any strategies identified in ii(2), above as an Optional Measure.

In accordance with Part IV.C.1 (Stormwater Facilities Maintenance) and IV.C.2 (TMDL Information) of the 2019 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.iv (Stream Scouring) of the 2019 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).

3. Addressing TMDL and Impaired Waters through this MS4 NJPDES Permit Renewal

MS4 stormwater compliance reviews of permittees’ online SPPPs demonstrated that despite the requirements in the 2019 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 et seq.) 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 Figure I-3. 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.

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

The Watershed Inventory Report is the first phase that is due EDPA + 24 months and shall summarize and include an electronic map of the following items:

- All stormwater outfalls owned/operated by the permittee;
- The drainage area for each outfall(s);

- The receiving waterbodies of those outfalls;
- The water quality classification of all receiving waterbody segments;
- All stormwater interconnections from the permittee into another entities' storm or sanitary sewer system;
- The drainage area for each interconnection into another entities' storm or sanitary sewer system;
- All stormwater connection points into the permittees MS4 from another entities' storm sewer system;
- All storm drain inlets owned or operated by the permittee;
- Area associated with each TMDL for waters that lie within or bordering the Public Complex;
- Area associated with each water quality impairment for waters that lie within or bordering the Public Complex; and
- Impervious areas.

The second phase that is due EDPA + 36 months is the Watershed Assessment Report that must include but is not limited to:

- An assessment of potential water quality improvement projects by subwatershed and parameter;
- An estimate of the percent reduction in loading of the TMDL/impaired parameters due to project(s) above;
- A summary of feedback related to the Public Complex from public information sessions;
- An estimate of funding needs for each project, and identification of potential funding sources, including the New Jersey Water Bank (NJWB); the formation of an SWU, using, 319 grants, FEMA BRIC grants; Ag \$, etc.; and
- An estimate of an implementation schedule.

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 + 48 months, the final Watershed Improvement Plan Report, which shall include:

- A summary of proposed locations and load reductions of water quality improvement projects, both public and private, to be implemented;
- A summary of the public comments received, and the changes made to the Final Plan;
- A summary of how the projects will be coordinated with other regulatory requirements, such as:
 - flood protection;
 - endangered habitat/species;
 - endangered habitat/species;
 - surface & ground drinking water protection;
 - climate change/resiliency;
 - green infrastructure/SWM requirements;
 - wildlife corridors;
 - green acres;
 - environmental justice;
 - Combined Sewer Overflow Long Term Control Plans;
 - wetlands;
 - riparian buffers;
 - forest corridors;
 - related ongoing projects;
 - Pinelands Commission;
 - Highlands Council; and
 - Delaware River Basin Commission.

- The proposed implementation schedule for the water quality improvement projects;
- A schedule of the public information sessions to be held. If applicable, the Public Complex may hold joint public information sessions with the local municipality(ies);
- Problems identified that are outside the jurisdiction of the permittee, if any. These can be related to pollutant loading due to agricultural properties, interconnections from other entities, or opportunities to address them; and
- Costs, broken down by project and year, and the funding opportunities that will be sought.

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.

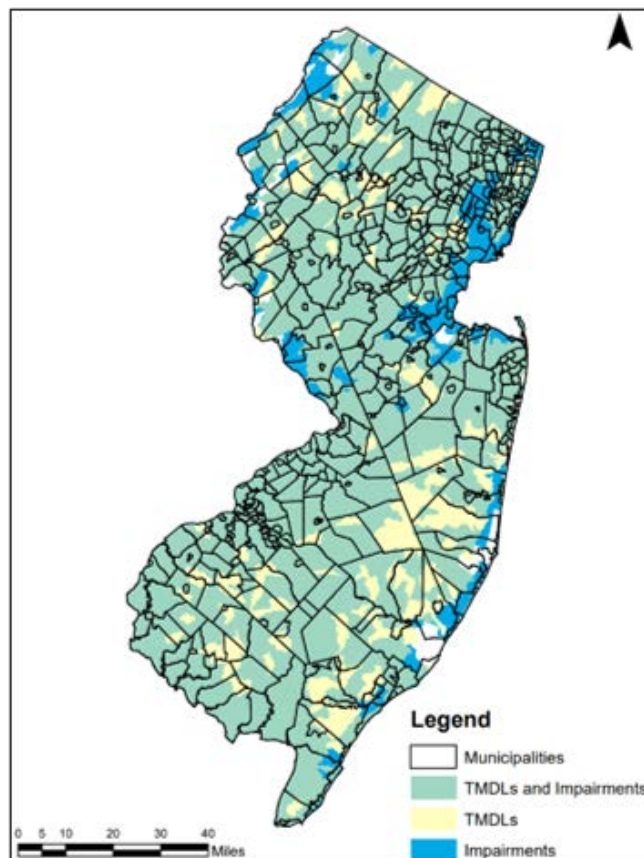


Figure I-3

This permit renewal allows each permittee 48 months to prepare their WIP, tailored to their water quality, MS4 circumstances, and resource opportunities. There are three due dates for the three stages of WIP development:

- Phase 1 is designated as the information gathering stage. Existing and new permittees must submit the Watershed Inventory Report by EDPA + 24 months.
- Phase 2 is the development of a list of potential actions the permittee can choose from for the final WIP. Existing and new permittees must submit the Watershed Assessment Report by EDPA + 36 months.

- Phase 3 is the proposed final WIP with the list of potential actions boiled down to the specific actions the permittee selected, along with a reasonable implementation schedule. Existing and new permittees must submit the Watershed Improvement Plan Report by EDPA + 48 months.

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.

It is understood that the Phase 2 and Phase 3 efforts will largely depend upon the individual circumstances that lay within each public complex. However, the Department will provide whatever assistance it has available to assist the permittees in this process. Once Stage 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 public complexes 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.

There is some data available to assist permittees with mapping privately owned stormwater facilities. The New Jersey Hydrologic Modeling Database (or H&H Database) is posted online and encompasses several decades of data collected by NJ Soil Conservation Districts and the New Jersey Department of Agriculture. This database contains a wealth of information regarding stormwater management basins and data can be downloaded based on location. See <https://hydro.rutgers.edu/> to view the database map or https://hydro.rutgers.edu/public_data/ to download data in an Excel format. The information in this database may help permittees to identify stormwater basins on the public complex property that they were not aware of. For most stormwater facilities, the database contains original design plans which may help to identify the maintenance requirements of a stormwater facility and can help the permittee to develop a more robust inspection and maintenance plan as a result.

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. Original permittees should only need to add the following to their stormwater facilities map that was required in 2019: MS4 groundwater discharge points (type), MS4 interconnections (type into/from entity), MS4 manholes, MSS4 conveyance (type, direction of flow), MS4 pump stations, and property boundaries of maintenance yard(s) and other ancillary operations (type).

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.

While creating an inventory using this application, permittees are strongly encouraged to capture additional information about components of the MS4 system in order to optimize operation and maintenance activities. This information is best managed using an electronic database; however, as previously stated, it is anticipated that future versions of this app will be expanded to provide for more detailed information collection. Also, inspection notes, such as facility condition, maintenance activity, date of inspection, evidence of flooding and photographs can be tracked in a stormwater database. This would be useful to the permittee and its Stormwater Coordinator for overseeing and prioritizing operation and maintenance of its own infrastructure and for collecting and reporting statistical information necessary to complete the Annual Report required by this draft permit.

J. Additional Measures and Optional Measures (Part IV.I)

1. Incorporation of Additional Measures

The requirements for Additional Measures are retained from the 2019 MS4 permit. Additional Measures are non-numeric (e.g., best management practices) or numeric effluent limitations that are expressly required to be included in a facility'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.

2. 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).

K. 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 2019 MS4 permit and existing permittees should already have a recordkeeping system in place, so compliance is required upon EDPA. New permittees as they start their stormwater program are expected to maintain records and implement recordkeeping upon EDPA.

L. Annual Report and Certification (Part IV.K)

Per the 2019 MS4 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 all permittees to continue to submit the Annual Report and Certification, and proposes to require permittees to also attach the Major Development Project List, and any completed Outfall Inspection Forms for that year (Outfall Inspection Form, Illicit Connection Inspection Report Form, Stream Scouring Investigation Recordkeeping Form). 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.

Both existing and new permittees must comply with this condition at EDPA.

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. As noted at Part II.B.3, 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 Department's website at <https://dep.nj.gov/njpdes-stormwater/municipal-stormwater-regulation-program/public-complex-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 with the subject line "2024 Public Complex MS4 Renewal - Public Comments" to stormwatermanager@dep.nj.gov at the Bureau of NJPDES Stormwater Permitting and Water Quality Management.

11. Contents of the Administrative Record

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

1. Rules and Regulations (NPI).
2. 33 U.S.C. 1251 et seq., Federal Water Pollution Control Act.
3. 16 U.S.C. § 471i, Section 502 of the National Parks and Recreation Act of 1978.
4. 42 U.S.C. § 300f, Part C of the Federal Safe Drinking Water Act (42 U.S.C. 300f et seq.).
5. 40 CFR Part 131, Federal Water Quality Standards.
6. 40 CFR Part 122, National Pollutant Discharge Elimination System.
7. 40 CFR Part 127, NPDES Electronic Reporting.

- 8.40 CFR Part 130, Water Quality Planning and Management Regulations.
- 9.40 CFR Part 144-148, Federal Underground Injection Control Program.
10. N.J.S.A. 58:10A-1 et seq., New Jersey Water Pollution Control Act.
11. N.J.S.A. 58:11-10, New Jersey Water Supply Management Act.
12. N.J.S.A. 40:55D-1, Municipal Land Use Law.
13. N.J.S.A. 13:18A-1 et seq., Pinelands Protection Act.
14. N.J.A.C. 2:90, Standards for Soil Erosion and Sediment Control in New Jersey.
15. N.J.A.C. 7:14A-1 et seq., New Jersey Pollutant Discharge Elimination System Regulations.
16. N.J.A.C. 7:9B-1 et seq., New Jersey Surface Water Quality Standards.
17. N.J.A.C. 7:9C, New Jersey Ground Water Quality Standards.
18. N.J.A.C. 7:9D, Well Construction Maintenance and Sealing Rules.
19. N.J.A.C. 7:8, Stormwater Management Rules.
20. N.J.A.C. 7:13, Flood Hazard Area Control Act Rules.
21. N.J.A.C. 7:14C, Sludge Quality Assurance Regulations.
22. N.J.A.C. 7:15, Statewide Water Quality Management Planning Rules.
23. N.J.A.C. 7:26C, Administrative Requirements for the Remediation of Contaminated Sites.
24. N.J.A.C. 7:26E, Technical Requirements for Site Remediation.
25. N.J.A.C. 7:26G, Hazardous Waste Regulations.
26. N.J.A.C. 5:21, Residential Site Improvement Standards.
27. N.J.A.C. 7:26A, Recycling Regulations.
28. N.J.A.C. 7:26, Solid Waste Regulations.
29. N.J.A.C. 7:50, Pinelands Comprehensive Management Plan.

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. 2000 and 2010 Decennial Census.
4. 2018/2020 New Jersey Integrated Water Quality Assessment Report (includes Clean Water Act 303(d) List and 305(b) Report). <https://www.state.nj.us/dep/wms/bears/assessment-report20182020.html>
5. New Jersey Stormwater Best Management Practices Manual, 2004, revised 2021. https://nj.gov/dep/stormwater/bmp_manual2.htm
6. NPDES Permit Quality Review New Jersey, 2017. [NPDES Permit Quality Review for New Jersey-2017 \(epa.gov\)](https://www.epa.gov/npdes/npdes-permit-quality-review-new-jersey-2017)
7. [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](https://onlinelibrary.wiley.com/doi/10.1111/j.1365-3113.2017.04881.x)

Permits / Applications:

1. 2019 Public Complex Permit, issued November 27, 2018 and effective January 1, 2019.
2. 2009 Public Complex Permit, issued March 1, 2009 and effective March 1, 2009.
3. 2005 Public Complex Permit Modification, issued August 1, 2005 and effective September 1, 2005.
4. 2004 Public Complex Permit issued February 2, 2004 and effective March 3, 2004.

Written Comments Received on the Public Complex Preliminary Draft Permit:

1. Joshua Koga, Chief NPDES Section, EPA- Region 2, dated August 9, 2023
2. Dave Weinstein, VP, State Government Affairs, Rutgers University, via email dated August 4, 2023
3. Lindsey Sigmund, PP, AICP, Program Manager, New Jersey Future, dated August 4, 2023

Public Presentations and Outreach

1. Public Complex MS4 Permit Renewal Discussion Session on July 24, 2023 (virtual)

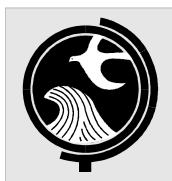
All websites, New Jersey Register notices, and other documents cited in this Fact Sheet (but not listed above) (NPI)

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

12. Listing of Acronyms

The following is a list of acronyms used throughout this Fact Sheet:

<u>Acronym</u>	<u>Meaning</u>
BMP	Best Management Practice
CAFRA	Coastal Area Facility Review Act
CFR	Code of Federal Regulations
EDP	Effective Date of Permit
EDPA	Effective Date of Permit Authorization
EPA or USEPA	United States Environmental Protection Agency
GI	Green Infrastructure
MY	Maintenance Yards
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
POTW	Publicly Owned Treatment Works
RFA	Request for Authorization
RSIS	Residential Site Improvement Standards
SPPP	Stormwater Pollution Prevention Plan
SWRPA	Special Waters Resource Protection Areas
TMDL	Total Maximum Daily Load
TSS	Total Suspended Solids
UIC	Underground Injection Control
WIP	Watershed Improvement Plan
WQM	Water Quality Management



NEW JERSEY POLLUTANT DISCHARGE ELIMINATION SYSTEM

The New Jersey Department of Environmental Protection hereby grants you a NJPDES permit for the facility/activity named in this document. This permit is the regulatory mechanism used by the Department to help ensure your discharge will not harm the environment. By complying with the terms and conditions specified, you are assuming an important role in protecting New Jersey's valuable water resources. Your acceptance of this permit is an agreement to conform with all of its provisions when constructing, installing, modifying, or operating any facility for the collection, treatment, or discharge of pollutants to waters of the state. If you have any questions about this document, please feel free to contact the Department representative listed in the permit cover letter. Your cooperation in helping us protect and safeguard our state's environment is appreciated.

Permit Number: NJ0141879

DRAFT: Stormwater Discharge Master General Permit Renewal

Permittee:

NJPDES Master General Permit
Program Interest Group R9
501 East State St
Trenton, NJ 08625

Co-Permittee:

Property Owner:

NJPDES Master General Permit
Program Interest Group R9
501 East State St
Trenton, NJ 08625

Location Of Activity:

NJPDES Master General Permit
Program Interest Group R9
501 East State St
Trenton, NJ 08625

Authorization(s) Covered Under This Approval	Issuance Date	Effective Date	Expiration Date
R11 -MS4 – Public Complex Municipal Stormwater	Pending		

By Authority of:
Commissioner's Office

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

(Terms, conditions and provisions attached hereto)

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 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 service:
 - i. General permit authorization requests, i.e., RFAs;
 - ii. General permit termination/revocation requests; and
 - iii. Municipal separate storm sewer system (MS4) program 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 that are owned or operated by a county, State, interstate, or Federal agency at a Public Complex located entirely or partially in a municipality that is assigned to Tier A under N.J.A.C. 7:14A-25.3(a)1, or in a municipality that receives a waiver under N.J.A.C. 7:14A-25.2(d).
- b. The conditions in this permit apply to all areas of the property(ies) that comprise the Public Complex, including ancillary sites that are owned or operated by the permittee in accordance with d below and are adjacent to the Public Complex. The property boundaries are required to be included on the Stormwater Facilities Map (see permit section G.1) and are noted on each permittee's General Permit Authorization Page.
- c. This permit applies to the owner or operator of the Municipal Separate Storm Sewer System (MS4), meaning the permittee. The owner or operator is responsible for ensuring compliance with this permit.
- d. For purposes of this permit and as described under N.J.A.C. 7:14A-25.2(a)2, a Public Complex is a single lot (or two or more lots that are contiguous or on a college or university campus) which contains at least two buildings owned or operated by the same governmental entity, and:
 - i. Is at a campus of a college or university which Statewide has a combined total of at least 1,000 employees (usually present at least six hours per day on weekdays) or full-time students; or
 - ii. Is at any other public facility (for example a military base, hospital, prison, or general administration facility), and has a combined total of at least 1,000 employees, military personnel, or residents (including patients or prisoners) usually present at least six hours per day on weekdays.
- e. The short title of this permit is the Public Complex 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 county, State, interstate, or Federal agency at a Public Complex 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 county, State, interstate, or Federal agency at a Public Complex 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 Public Complex 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 handling domestic sewage or sewage sludge, 4) steam electric power generating facilities, and 5) facilities processing and/or composting 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 operates an industrial business with such a discharge must submit a separate Request for Authorization (RFA) or individual permit application for that discharge. An RFA submitted for this permit does not qualify as an RFA for such a 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/njpdessstormwater/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 Public Complex 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.G.3 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. 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 Changes

- a. The permittee shall provide an updated RFA to the Department within 90 days of the effective date of a renewed authorization under this general permit if any information in its most recently submitted RFA is no longer true, accurate, and/or complete.
- b. The permittee shall notify the Department of any changes to its Stormwater Program Coordinator information as specified in Part IV.A.1.e.
- c. d.A permittee that already has authorization to discharge from a small MS4 under this Public Complex MS4 NJPDES permit does not need to submit an RFA for an expansion, e.g., new housing or new parking lot, provided the expansion does not change the information submitted on the original RFA. However, that permittee is required to comply with the permit requirements at Part IV.D., Minimum Standards for Construction Site Stormwater Runoff, and Part IV.E., Minimum Standards for Post Construction Stormwater Management in New Development and Redevelopment.

3. Requests for Authorization

- a. e.A single RFA is required for the entire eligible discharge from the small MS4 owned or operated by, and located within, a single Public Complex. 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 Public Complex), however these operations shall be included in the RFA as applicable.
- b. An RFA under this general permit shall include the following: 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 Tier A Municipality 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 and to submit an Annual Report and Certification is found at Part IV.J & 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. "GIS" – Geographic Information System
 - v. "MY" – Maintenance Yard
 - vi. "MS4" – Municipal Separate Storm Sewer System
 - vii. "MSRP" – Municipal Stormwater Regulation Program
 - viii. "MTD" – Manufactured Treatment Device
 - ix. "N.J.A.C." – New Jersey Administrative Code
 - x. "NJPDES" – New Jersey Pollutant Discharge Elimination System
 - xi. "N.J.S.A." – New Jersey Statutes Annotated
 - xii. "RFA" – Request for Authorization
 - xiii. "SPC" – Stormwater Program Coordinator
 - xiv. "SPPP" – Stormwater Pollution Prevention Plan
 - xv. "TMDL" – Total Maximum Daily Load
 - xvi. "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 Public Complex MS4 NJPDES Permit are not preceded by descriptive text, e.g., Part IV.A.1 refers to Stormwater Program Requirements.

3. MS4 Permit Resources

- a. The MSRP webpage, <https://dep.nj.gov/njpdcs-stormwater/municipal-stormwater-regulation-program/>, has links to guidance and related stormwater resources including, but not limited to, the following:
 - i. All MS4 Permits and Supporting Documents;
 - ii. MS4 Guidance Document;
 - iii. SPPP Template;
 - iv. Regulatory Mechanisms;
 - v. Outfall Inspection, Illicit Connection Inspection, and Stream Scouring Forms;
 - vi. Annual Report Online Submittal Links and Tutorials;
 - vii. MS4 Case Manager List;
 - viii. Stormwater Coordinator Contact Update Form;
 - ix. Total Maximum Daily Load (TMDL) Look-up Tool;
 - x. Snow Removal and Disposal Policy;
 - xi. Stormwater Training;
 - xii. Clean Water NJ <https://dep.nj.gov/cleanwater/nj/> ;
 - xiii. Outreach Materials;
 - xiv. MSRP Archive; and
 - xv. MS4 Mapping and Inventory Assistance.
- b. Stormwater Management website (<https://dep.nj.gov/stormwater/>) and related documents:
 - i. Stormwater Management Rules N.J.A.C. 7:8;
 - ii. Stormwater management information and training tools;
 - iii. New Jersey Stormwater Best Management Manual; and
 - iv. Green Infrastructure and related links.
- c. Construction Site Stormwater Runoff:
<https://dep.nj.gov/njpdcs-stormwater/industrial-stormwater-program/general-permits/5g3/>
- d. Clean Communities, a statewide litter abatement program: www.njclean.org

4. EPA Resources for Guidance Relating to MS4 Issues

- a. EPA's MS4 website and related links:
www.epa.gov/npdes/stormwater-discharges-municipal-sources

- b. EPA's National Menu of Stormwater Best Management Practices:
www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater
- c. EPA's guidance for Green Infrastructure: www.epa.gov/green-infrastructure
- d. EPA's Trash Free Waters resource page: www.epa.gov/trash-free-waters
- e. Illicit Discharge Detection and Elimination Guidance:
<https://www3.epa.gov/npdes/pubs/iddmanualwithappendices.pdf>

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. "Contiguous lots" means those lots which directly abut, or are separated by a general access roadway or other right of way (with at least one part of one lot directly across the right of way from at least part of the other lot);
 - iv. "Culvert" means a pipe or other man-made structure conveying a watercourse under a road, railroad, bridge, driveway, etc.;
 - v. "De-icing" means the reactive application of ice-control products to driving or walking surfaces to melt existing snow and ice;
 - vi. "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;
 - vii. "Existing permittee" means a permittee that held an authorization to discharge under an MS4 permit the day before the effective date of this permit;

- viii. "Green infrastructure" (N.J.A.C. 7:8) means a stormwater management measure that manages stormwater close to its source by:
- Treating stormwater runoff through infiltration into subsoil;
 - Treating stormwater runoff through filtration by vegetation or soil; or
 - Storing stormwater runoff for reuse.
- ix. "Ground water discharge point" means the lowest invert elevation of any stormwater facility where stormwater discharges into the surficial ground water aquifer;
- x. "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.
- Has an infectious disease or insect infestation;
 - Is dead or dying;
 - Obstructs the view of traffic signs or the free passage of pedestrians or vehicles where pruning attempts have not been effective;
 - Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or
 - Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or LTE.
- xi. "HUC14" means (N.J.A.C. 7:9B) 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.
- xii. "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):
- Domestic sewage;
 - Non-contact cooling water, process wastewater, or other industrial waste (other than stormwater); or
 - 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).
- xiii. "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;
- xiv. "Maintenance yard and ancillary operation" means a maintenance and storage yard owned or operated by the permittee on the property of the Public Complex, 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;

- xv. "Major Development" means a major development as defined in N.J.A.C. 7:8;
- xvi. "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."
- xvii. "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;
- xviii. "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;
- xix. "New permittee" means a permittee that obtains its first authorization to discharge under this permit on or after the effective date of this permit;
- xx. "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;
- xxi. "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 sealing the access way from wind driven rainfall). A fabric frame structure is a permanent structure if it meets the following specifications:
- 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;
 - The design shall prevent stormwater run-on and run-through, and the fabric cannot leak;
 - The structure shall be erected on an impermeable slab;
 - The structure cannot be open sided; and
 - The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- xxii. "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;
- xxiii. "Regulatory mechanism" means an ordinance, permit, standard, contract language, or any other procedure, that will be enforced by the permittee;

xxiv.

"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.

xxv.

"Solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids;

xxvi.

"Storm drain inlet" means the point of entry into the storm sewer system;

xxvii

"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;

xxviii

"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;

xxix.

"Stormwater management basin" means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin or wet pond), or be planted mainly with wetland vegetation (most constructed stormwater wetlands);

xxx.

"Stormwater management measure" (N.J.A.C. 7:8-1.2) means any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances;

xxxi.

"Stormwater runoff" means water flow on the surface of the ground or in storm sewers, resulting from precipitation;

xxxii

"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 public 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 roadway right-of-way, i.e., islands, medians, pedestrian refuges.

xxxiv

"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;

xxxv

"Subwatershed" see definition for "HUC 14" above. (N.J.A.C. 7:9B)

xxxv

"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

"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);

xxxv

"Wood waste" means source separated whole trees, tree trunks, tree parts, tree stumps, brush, and lumber (non-chemically treated, glued, dyed, or painted).

xxxix

"Yard trimmings" (N.J.A.C. 7:26A-1.3) means grass clippings, leaves, wood chips from tree parts, and brush; and

xd.

"Yard waste" means loose leaves and grass clippings.

MS4 - Public Complex Stormwater (GP)

A. 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. 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 days of the change through the completion of the Stormwater Program Coordinator Information Update Sheet which can be found on the MSRP webpage, or through the online MSRP Annual Report submission. See Part IV.K.

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 person(s) 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. The permittee shall tailor their SPPP to describe the specific measures applicable to the Public Complex;

MS4 - Public Complex Stormwater (GP)

- iii. Identifies each individual maintenance yard and ancillary operation, including the site-specific details of each yard or ancillary operation. At a minimum, the SPPP for permittees with multiple yards must include individual forms for each yard or ancillary operation, as well as any other site specific SPPP Forms for each yard or ancillary operation, where applicable;
 - 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 on or before EDPA + 6 months for existing permittees and by on or before EDPA + 12 months for new permittees.
 - c. The SPPP shall be posted on the permittee's dedicated stormwater webpage or other approved webpage (See Part IV.B.2).
 - 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 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 shall implement 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 shall agree 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 shall specify in its SPPP which permit conditions will be implemented by another entity; and
 - iv. The permittee shall specify in its SPPP the name of the responsible 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.).
 - 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.
- c. All permittees shall comply with this requirement on EDPA.

2. Stormwater Program Information

- a. The permittee shall make the following elements of its MS4 stormwater program available to the public:
 - 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. Yard Waste Collection Regulatory Mechanism;
 - vii. MS4 Outfall Pipe Map;
 - viii. MS4 Infrastructure Map (due on or before EDPA + 36 months as per Part IV.G); and
 - ix. 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 Public Complex, they shall request approval via email to stormwatermanager@dep.nj.gov to post their stormwater documents listed in a. above on an alternate website hosted by their county (for county-owned Public Complexes), state agency (for state-owned Public Complexes), or federal agency (for federally-owned Public Complexes).

- c. Existing permittees shall comply by EDPA + 3 months and new permittees shall comply by EDPA + 12 months.

C. Minimum Standards for Local Public Education and Outreach

1. Local Public Education and Outreach

- a. Colleges, universities, and military bases (with dependents living on base) 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 12 points;
 - ii. Include at least one activity from each of the three categories as set forth in Attachment A;
 - iii. Ensure at least one of the activities involve educating businesses and the general public of hazards associated with illicit connections and improper disposal of waste;
 - iv. All other permittees not identified in 1.a above may satisfy the educational component of the permit through the implementation of an employee training program pursuant to Part IV.F.6. of this permit; 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

- 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 New 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 unless the permittee defines any additional development as "major development."

- 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 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.
- e. The permittee shall ensure that “major development” projects are constructed in accordance with the approved development plans.
- f. 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.
- g. 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.
- h. 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.
- i. The permittee shall include each approved major development on the Major Development Project List.
- j. The permittee shall submit the Major Development Project List to the Department annually with the MRSP Annual Report.
- k. The Stormwater Management rules (N.J.A.C. 7:8), independently and as implemented in this permit, apply to all areas of the Public Complex.
- l. All permittees shall comply with this requirement on EDPA.

2. Mitigation Plan

- a. The permittee shall only grant a variance from the design and performance standards for stormwater management measures if the permittee has a mitigation plan which meets the following requirements:
 - i. The mitigation plan shall identify measures that are necessary to offset the deficit created by granting the variance and can be provided through a menu of design and performance standards with corresponding mitigation projects for different drainage areas within the same HUC14; and
 - ii. The mitigation plan shall satisfy the criteria in the Stormwater Management rules at N.J.A.C. 7:8-4.2(c)11 and 4.6. (See Chapter 3 of the NJ Stormwater BMP Manual for guidance).
- b. The permittee shall submit a written report to the Department via the NJDEP Online Stormwater Document Submittal Service describing the variance and the required mitigation in accordance with N.J.A.C. 7:8-4.6(a)3.
 - i. The permittee shall submit the written report within thirty (30) days after granting a variance.

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 requires pet owners or their keepers to immediately and properly dispose of their pet's solid waste deposited on any part of the Public Complex property; or prohibit pets from being allowed at the Public Complex.
 - i. 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 Public Complex 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. Yard Waste (where residences are located within the Public Complex): The permittee shall adopt and enforce an appropriate regulatory mechanism for either loose or containerized yard waste that requires:
 - i. No person shall sweep, rake, blow, or otherwise place loose yard waste into the street, unless it is for a scheduled and announced collection;
 - ii. For loose yard waste collection, placement of loose yard waste shall be at least ten feet away from any storm drain inlet;
 - iii. For loose yard waste collection, placement of loose yard waste shall not be sooner than seven days prior to collection;
 - iv. For containerized yard waste collection, yard waste shall be placed in an appropriate container at the curb or along the street for collection; and
 - v. The frequency of yard waste collection shall be determined at the discretion of the permittee, but shall be part of a set yard waste collection schedule which is noticed to all Public Complex residents and businesses. Any area of the Public Complex that the permittee determines to have no yard waste will be exempt from the collections.
- f. New permittees shall adopt and enforce the above regulatory mechanisms on or before EDPA + 12 months and EDPA for existing permittees.
- g. Model Regulatory Mechanisms can be found on the Department's main MS4 website at <https://dep.nj.gov/njpd-des-stormwater/municipal-stormwater-regulation-program/public-complex-sto>

2. Good Housekeeping

- a. The permittee shall develop and implement the following good housekeeping measures to control solid and floatable materials, which shall be described in the SPPP:

- b. **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 F.3.
 - i. Permittees shall implement this requirement by EDPA.
- c. **Street Sweeping:** The permittee shall sweep at a minimum once per month all paved parking lots and streets, owned or operated by the permittee, that have storm drain inlets that direct stormwater runoff into an MS4 or discharge directly to surface water.
 - i. The permittee shall sweep more frequently as necessary to eliminate recurring problems and restore proper function, weather and street surface conditions permitting.
 - ii. Existing permittees shall implement this requirement by EDPA and EDPA + 12 months for new permittees.
- d. **Storm Drain Inlet Labeling:** The permittee shall label all storm drain inlets that do not have permanent wording cast into the structure of the inlet to indicate that it empties directly into a local waterway. This applies to inlets that are located along the permittee's boundaries.
 - i. Existing permittees shall implement this requirement by EDPA and new permittees shall implement this requirement by EDPA + 12 months.
- e. **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.
- f. **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 installations that are due to new construction or as part of a repair project.
 - 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; and
 - iii. Existing permittees and new permittees shall implement this requirement by EDPA.
- g. **Herbicide Application Management:** At a minimum, 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. Do not apply on or adjacent to storm drain inlets;
 - iv. Do not apply on steeply sloping ground;
 - v. Apply only along curb lines and unobstructed shoulders that contain unwanted vegetation;

- vi. Apply only within a 2-foot radius around structures where overgrowth presents a safety hazard and where it is unsafe to mow; and
- vii. Existing permittees and new permittees shall implement this requirement by EDPA.
- h. 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 all driveways, streets, and parking areas owned or operated by the permittee.
 - i. Excess de-icing/anti-icing material removed from driveways, streets, and parking areas may be returned to storage or properly managed if unsuitable for reuse; and
 - ii. Existing permittees and new permittees shall implement this requirement by EDPA.
- i. Vegetative Waste Management: The permittee shall ensure the proper pickup, handling, storage, and disposal of wood waste and yard trimmings generated at the Public Complex 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 driveways, streets, or parking areas, where the material can be transported by the MS4 system;
 - ii. No person shall sweep, rake, blow, or otherwise place loose yard waste into driveways, the streets, or parking areas;
 - iii. Existing permittees and new permittees shall implement this requirement by EDPA.
- j. Tree Replacement Management: The permittee shall ensure that any tree removed from the property owned or operated by the permittee at the Public Complex be replaced in-kind with a tree of equal or greater size or according to the following:
 - i. Any street tree removed with DBH of 2.5" to 6" shall be replaced with one tree with caliper of 1.5" or more;
 - ii. Any tree removed with DBH of 6" to 12.99" shall be replaced with one tree with caliper of 1.5" or more;
 - iii. Any tree removed with a DBH of 13" to 22.99" shall be replaced with two trees with caliper of 1.5" or more;
 - iv. Any tree removed with a DBH of 23" to 32.99" shall be replaced with three trees with caliper of 1.5" or more;
 - v. Any tree removed with DBH of 33" or greater shall be replaced with four trees with caliper of 1.5" or more;
 - vi. Any tree removed shall be replaced within one year of removal;
 - vii. 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;

- viii. 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 clean-up, or NJDEP approved habitat enhancement plan;
 - ix. 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;
 - x. The permittee may remove hazard trees with no replacement requirement;
 - xi. The permittee may plant replacement trees in a separate area(s) approved by the Department; and
 - xii. All permittees shall implement this requirement by EDPA.
- k. 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;
- i. Inspections of driveways, streets, 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 is notified with an alternative schedule of completion;
 - iii. Made in accordance with Standards for Soil Erosion and Sediment Control in New Jersey, N.J.A.C. 2:90-1, as applicable; and
 - iv. Existing permittees and new permittees shall implement this requirement by EDPA + 12 months.
- l. Outdoor Refuse Containers and Dumpsters: The permittee shall ensure that dumpsters and refuse containers that are outdoors or exposed to stormwater are managed as follows:
- i. Containers must always be covered to prevent the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids, or solids;
 - ii. Roll-offs and open-top waste containers used to collect and temporarily store trash, garbage, and non-recyclables shall be kept tarped or otherwise covered unless actively being filled or emptied;
 - 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) shall be covered when not in use, at the end of each workday, and before any anticipated storm event;
 - iv. 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; and
 - v. This measure is not intended for litter receptacles; individual homeowner trash and recycling containers; containers that hold large bulky items (e.g., furniture, bound carpet and padding); permitted temporary demolition containers; and refuse containers at industrial facilities authorized to discharge stormwater under a valid NJPDES permit.
 - vi. Existing and new permittees shall implement this requirement by EDPA.
- m. The permittee shall maintain a log sufficient to demonstrate compliance with this section. Example Maintenance Logs and Inspection Records forms are available on the Department's MS4 website.

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. through g. below.
- b. Stormwater Outfall Inspections and Maintenance for Condition, Stream Scouring, and Illicit Discharge and Detection Elimination: At a minimum, the permittee's program shall require the following:
 - i. Outfall inspections conducted at least once per year;
 - ii. Conditions under which an outfall must be cleaned and maintained;
 - iii. Removal of trash and debris upon discovery, unless the Department is notified of an alternative schedule of completion;
 - iv. Repairs be completed as soon as practicable, but no later than 30 days of discovery, unless the Department is notified ahead of time of an alternative schedule of completion;
 - v. Details for detecting, investigating, and controlling any localized stream scouring of the stream banks or bottom and the surrounding area in the vicinity of MS4 outfalls owned or operated by the permittee;
 - vi. Inspection, within 30 days of identification, any new and/or newly identified outfalls for localized stream scouring of the stream banks or bottom and the surrounding area in the vicinity of MS4 outfalls caused by the outfall(s);
 - vii. Investigation, within 30 days of receipt, all complaints and reports of stream scouring;
 - viii. Identification of sources of stormwater, within 3 months, that contribute to the scouring from the outfall when localized stream scouring is detected;
 - ix. Corrective action be taken to reduce stormwater rate or volume when feasible where identified sources of scouring are located on property owned or operated by the permittee;
 - x. Remediation of localized stream scouring to be prioritized, scheduled, and completed as soon as practicable, but no later than 12 months of discovery, unless the Department is notified ahead of time of an alternative schedule of completion;
 - xi. Progress on remediation of stream scouring shall be provided to the Department on a quarterly basis until completion;
 - xii. Stream scouring restoration shall be made 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;
 - xiii. 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 for MS4 outfalls owned or operated by the permittee;
 - xiv. Inspection, within 30 days of identification, of any new and/or newly identified outfalls to determine if dry weather flow or other evidence of illicit discharge is present;

- xv. Investigation, within 30 days of identification, of discovery of dry weather flows;
 - xvi. Investigation, within 30 days of receipt, of complaints and reports of illicit connections, including those from operating entities of interconnected MS4s;
 - xvii. Investigation, within 30 days, to determine the source if evidence of illicit discharge is found;
 - xviii. Elimination 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 is notified ahead of time of an alternative schedule of completion; and
 - xix. Progress on elimination of the illicit discharges shall be provided to the Department on a quarterly basis until completion.
- c. The permittee shall document all outfall inspections, investigations, and actions taken using the Department's Outfall Inspection, Stream Scouring and Illicit Connection Inspection Report Form(s) and attach this form(s) to the MSRP Annual Report.
 - d. Storm Drain Inlet Inspection, Cleaning, and Maintenance: At a minimum, the permittee's program shall require the following:
 - i. Inspections, at a minimum of once per year, of all storm drain inlets; and
 - ii. Conditions under which a storm drain inlet must be cleaned and maintained.
 - e. Catch Basin Inspection, Cleaning, and Maintenance: At a minimum, the permittee's program shall require the following:
 - i. Inspections, at a minimum of once per year, of all catch basins;
 - ii. Conditions under which a catch basin must be cleaned and maintained, including any specific procedures that must be followed;
 - iii. Cleaning and maintenance schedule at a frequency to ensure, at a minimum, that sediment, trash, or other solid or floatable material or other obstructions are removed; and
 - iv. For guidance related to catch basin cleaning, refer to the EPA Catch Basin Technology Overview and Assessment found at: (<https://nepis.epa.gov/Exe/ZyPURL.cgi?Dockkey=300002QL.TXT>).
 - f. MS4 Conveyance Inspection, Cleaning, and Maintenance: At a minimum, the permittee's program shall require the following:
 - i. 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.
 - g. Other Stormwater Infrastructure Inspection, Cleaning, and Maintenance (excluding b. – f. above): At a minimum, the permittee's program shall require the following:
 - i. Inspection of all stormwater infrastructure pursuant to approved maintenance plans;

- ii. If there are no approved maintenance plans for certain stormwater infrastructure, the permittee may create one by following the Department's Best Management Practice Manual <https://dep.nj.gov/stormwater/bmp-manual/> or other maintenance guidance <https://dep.nj.gov/stormwater/maintenance-guidance/>; and
 - iii. If no plan or guidance exists for a particular type of infrastructure, the permittee shall inspect the infrastructure at least four times annually and after each rainstorm exceeding 1 inch of total rainfall; and
 - iv. Cleaning and maintenance to be conducted pursuant to approved maintenance plans, or more frequently as needed. (See the Department's maintenance guidance).
- h. The permittee shall maintain a log sufficient to demonstrate compliance with this section, 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;
 - xi. Any additional information or findings, if appropriate;
 - xii. Presence or evidence of stream scouring (for outfalls only); and
 - xiii. Presence or evidence of illicit discharges (for outfalls only).
- i. The permittee shall submit the Department's Outfall Inspection Forms <https://dep.nj.gov/njpdess-stormwater/municipal-stormwater-regulation-program/public-complex-sto-templates-and-forms> with the Annual Reports each year.
- j. If stormwater facilities 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. Existing permittees shall implement this requirement by EDPA. New permittees shall develop and implement this program by EDPA + 12 months.

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

- a. 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.
- 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. The permittee shall 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. Existing permittees shall implement this requirement by EDPA. New permittees shall implement this requirement by EDPA + 6 months.
- c. Inventory List: The permittee shall maintain a list of all materials and machinery 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. Existing permittees shall implement this requirement by EDPA. New permittees shall implement this requirement by EDPA + 6 months.
- 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. Existing permittees shall implement this requirement by EDPA. New permittees shall implement this requirement by EDPA + 6 months.
- 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. The permittee shall store clean-up materials, spill kits, and drip pans near all liquid transfer areas;
 - v. The permittee shall ensure that clean-up materials are protected from rainfall; and
 - vi. Existing and new permittees shall implement this requirement by EDPA.
- f. Bulk Liquid Storage: The permittee shall surround above 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 all aboveground storage tanks containing bulk liquid (including but not limited to gasoline, diesel fuel, heating oil, hydraulic oil, used oil, and liquid de-icing/anti-icing materials), 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. It is recommended that the tank be protected to prevent stormwater from accumulating in the containment structure; and
 - v. Existing and new permittees shall implement this requirement by 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. The permittee shall place drip pans under all hose and pipe connections and other leak-prone areas during bulk transfer of fuels or other bulk liquids;
 - iii. The permittee shall 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. The permittee shall 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. The permittee shall 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. Existing permittees shall implement this requirement by EDPA. New permittees shall implement this requirement by EDPA + 12 months.
- 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. Existing and new permittees shall implement this requirement by 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. Existing and new permittees shall implement this requirement by 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 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, which can be found on the Department's website
<https://dep.nj.gov/njpdess-stormwater/municipal-stormwater-regulation-program/public-complex-s>
 - 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 (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
<https://dep.nj.gov/njpdess-stormwater/municipal-stormwater-regulation-program/public-complex-s>
 - xiv. A NJ licensed professional engineer shall annually inspect and certify that all containment structures are in proper condition using the Engineer's Certification of Annual Inspection of Equipment and Vehicle Wash Wastewater Containment Structure found at
<https://dep.nj.gov/njpdess-stormwater/municipal-stormwater-regulation-program/public-complex-s-templates-and-forms>;
 - xv. This Engineer's Certification may be waived in writing by the Department for self-contained systems on a case-by-case basis; and
 - xvi. Existing and new permittees shall implement this requirement by EDPA.
- k. Salt and Other Granular De-icing/Anti-icing Material Storage and Handling: The permittee shall store salt and other solid (granular) de-icing/anti-icing materials in a permanent structure. The permittee shall establish, maintain, and implement salt and de-icing/anti-icing material storage and handling BMPs as follows:
- i. The permittee shall 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;
 - ii. The permittee shall prevent spillage;
 - iii. The permittee shall minimize tracking of materials from loading and unloading operations;
 - iv. Loading and unloading materials shall be conducted during dry weather, when possible;
 - v. The permittee shall minimize loader travel distance between the storage area and the spreading vehicle;
 - vi. The permittee shall 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;
 - vii. The permittee may reuse or properly discard materials collected during cleanup;
 - viii. 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;
 - ix. Stormwater run-on and de-icing/anti-icing material runoff shall be minimized when de-icing/anti-icing material is temporarily stored;
 - x. Materials in temporary storage shall be covered, e.g., in a temporary structure or under a tarp, when not in use;
 - xi. Temporary storage shall not exceed 30 days unless otherwise approved in writing by the Department;

- xii. All permittees shall implement these requirements by EDPA, with the exception of construction of a permanent structure for new permittees;
 - xiii. New permittees shall ensure that these materials are covered to prevent runoff through the use of temporary storage measures on or before EDPA + 6 months until the permanent structure is constructed; and
 - xiv. New permittees shall construct a permanent structure by EDPA + 36 months.
- 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 as 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. The permittee shall 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 or the MS4 Unit at stormwatermanager@dep.nj.gov to determine which stormwater permit application would be appropriate; and
 - vii. Existing permittees shall implement this requirement by EDPA. New permittees shall implement this requirement by EDPA + 6 months.
- m. 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, e.g., contained by berms, to control leachate and stormwater run-on or run-through; and
 - iii. Existing and new permittees shall implement this requirement by EDPA.
- n. 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. Materials shall only be stored temporarily and shall be removed for disposal within six months of placement into storage;
 - ii. These materials 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;

- iii. Materials 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;
 - iv. Contained, e.g., contained by berms, to control leachate and stormwater run-on or run-through; and
 - v. Existing permittees shall implement this requirement by EDPA. New permittees shall implement this requirement by EDPA + 6 months.
- o. 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 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 as 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. The permittee shall 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 or the MS4 Unit at stormwatermanager@dep.nj.gov to determine which stormwater permit application would be appropriate; and
 - viii. Existing permittees shall implement this requirement by EDPA. New permittees shall implement this requirement by EDPA + 6 months.
- p. Scrap Tires: The permittee shall store scrap tires as follows:
- i. In a covered container or enclosure to prevent exposure to stormwater. 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
 - ii. Existing and new permittees shall implement this requirement by 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. Existing and new permittees shall implement this requirement by EDPA.
- r. Each maintenance yard 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.

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 Public Complex.
- b. The Department will conduct this free training via an interactive webinar which shall be offered 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 an employee training program that ensures duty-specific training of all individuals, including but not limited to employees, hired contractors, shared service providers, and volunteers, responsible for implementation of the stormwater program as follows:
 - i. SPPP: The permittee shall provide annual training on the content of the forms in the current SPPP that correspond to each employee's job duties and will include the applicable recordkeeping requirements. See Part IV.A.2;
 - ii. Construction Site Stormwater Runoff: The permittee shall provide annual training regarding the need for applicable construction sites to obtain a Construction Site Stormwater Runoff general or individual permit authorization prior to commencement of construction activities and in compliance with approved soil erosion and sediment control plans. See Part IV.D;

- iii. Post-Construction Stormwater Management in New Development and Redevelopment: The permittee shall provide annual training on the requirements for Post-Construction Stormwater Management in New Development and Redevelopment. See Part IV.E;
 - iv. Regulatory Mechanisms: The permittee shall provide annual training on the regulatory mechanisms including a review of the requirements, enforcement, and the repercussions of non-compliance. See Part IV.F.1;
 - v. Good Housekeeping: The permittee shall provide annual training on pollution prevention measures. See Part IV.F.2;
 - vi. Stormwater Facility Maintenance: The permittee shall provide annual training on the maintenance of inventoried stormwater facilities owned or operated by the permittee. See Part IV.F.3;
 - vii. Maintenance Yard Operations and Other Ancillary Operations: The permittee shall provide annual training on implementing BMPs, good housekeeping measures, and conducting and documenting site inspections at Maintenance Yard Operations and Other Ancillary Operations owned or operated by the permittee. See Part IV.F.4;
 - viii. MS4 Mapping: The permittee shall provide annual training on mapping MS4 infrastructure. See Part IV.G.1; and
 - ix. Watershed Improvement Plan: The permittee shall provide annual training on the requirements of the Watershed Improvement Plan. See Part IV.H.
- 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 employees 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, 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 provide the location of the following training records in the SPPP:
 - i. Residential Yard Waste Collection Program (if applicable) – The permittee shall provide annual training on the frequency of yard waste pickups and schedule, and policy for how and when yard waste can be placed curbside. See Part IV.F.1.a.v;
 - ii. Street Sweeping – The permittee shall provide annual training on sweeping schedules and proper management of materials collected. See Part IV.F.2.a.i; and
 - iii. Waste Disposal Education – The permittee shall provide annual training on the impacts associated with improper waste disposal, how to respond to inquiries regarding improper waste disposal, and appropriate enforcement authority.
 - g. Existing permittees shall implement these requirements by EDPA. New permittees shall implement these requirements by EDPA + 12 months.

7. 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
<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. Existing permittees shall implement this requirement by EDPA. New permittees shall implement this condition by EDPA + 12 months.

8. 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 Mapping**

- 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 into/from, 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 facilities (type);

- ix. Property boundaries of the Public Complex; and
- x. Property boundaries of 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, and updated 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 by EDPA + 24 months;
 - iv. Existing permittees: 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 2019 permit; and
 - v. Submitted electronically to the Department as a georeferenced shapefile, geodatabase, or an AutoCAD file (with all other non-applicable data stripped out). 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 application.

H. Watershed Improvement Plan

1. Requirements for the Watershed Improvement Plan

- a. The permittee shall develop a Watershed Improvement Plan in the three 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 waters within and bordering the Public Complex property that have percent reductions listed for stormwater in the Total Maximum Daily Loads (see the TMDL Look-up Tool on the Department's MS4 website);
 - ii. Improve water quality by reducing the contribution of pollutant parameters for all receiving waters within and bordering the public complex 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://www.epa.gov/sites/default/files/2020-01/documents/2016_final_integrated_report_appendix_b.pdf); and
 - iii. Reduce and/or eliminate stormwater flooding within the Public Complex 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 use the Department's WIP template and guidance material throughout the development of their Watershed Improvement Plan.
- c. The permittee shall collaborate with municipality(ies) during the Plan development process.
- d. The permittee shall participate in semi-annual public information sessions hosted by the municipality(ies) and/or other Public Complexes that discharge to the subwatershed(s) (in-person or virtual) by EDPA + 24 months, and throughout the development of the Plan.

- e. The permittee shall provide notice to employees, students, and residents (as appropriate) of the Public Complex regarding the public information and outreach sessions via newsletters, social media, and/or broadcasts.
- f. The permittee shall prepare the Watershed Inventory Report which summarizes and includes an electronic map of 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 Report, except for items ii. through vi. below. For i. below, existing permittees may use their current map as the base map:
 - i. All stormwater outfalls owned/operated by the permittee;
 - ii. The drainage area for each outfall;
 - iii. The receiving waterbodies of each outfall;
 - iv. The water quality classification of all receiving waterbody segments;
 - v. All stormwater interconnections from the permittee's storm or sanitary sewer system into another entities' storm or sanitary sewer system;
 - vi. The drainage area for each interconnection into another entities' storm or sanitary sewer system;
 - vii. All storm drain inlets owned/operated by the permittee;
 - viii. Area associated with each TMDL for waters that lie within or bordering the public complex;
 - ix. Area associated with each water quality impairment for waters that lie within or bordering the public complex; and
 - x. Impervious areas.
- g. The permittee shall submit the Watershed Inventory Report to the Department by EDPA + 24 months.
- h. The permittee shall prepare for the Department the second phase Watershed Assessment Report, to include the following, at a minimum:
 - i. An assessment of potential water quality improvement projects by sub-watershed and parameter;
 - ii. An estimate of the percent reduction in loading of the TMDL/impaired parameters due to project(s) in i. above;
 - iii. A summary of feedback related to the Public Complex from public information sessions;
 - iv. An estimate of funding needs for each project, and identification of potential funding sources, including funding available through the New Jersey Water Bank (NJWB), the formation of a Stormwater Utility, FEMA BRIC grants, etc.; and
 - v. An estimate of an implementation schedule.
- i. The permittee shall submit the second phase Watershed Assessment Report to the Department by EDPA + 36 months.

- j. 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.
- k. The permittee shall prepare the final Watershed Improvement Plan Report to include the following, at a minimum:
 - i. A summary of proposed locations and load reductions of water quality improvement projects on site to be implemented;
 - ii. A summary of the public comments received, and the changes made to the Final Plan;
 - iii. A summary of how the projects will be coordinated with other regulatory requirements, such as:
 - flood protection;
 - endangered habitat/species;
 - surface and ground drinking water protection;
 - climate change/resiliency;
 - green infrastructure/stormwater management requirements;
 - wildlife corridors;
 - green acres;
 - environmental justice;
 - Combined Sewer Overflow Long Term Control Plans;
 - wetlands;
 - riparian buffers;
 - forest corridors;
 - related ongoing projects;
 - Pinelands Commission;
 - Highlands Council; and
 - Delaware River Basin Commission.
 - iv. The proposed implementation schedule for the water quality improvement projects;
 - v. A schedule of public information sessions to be held. If applicable, the Public Complex may hold joint public information sessions with the municipality(ies);
 - vi. 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.; and
 - vii. Costs, broken down by project and year, and the funding opportunities that will be sought.
- l. The permittee shall submit the final Watershed Improvement Plan Report to the Department by EDPA + 48 months.
- m. The permittee shall begin implementation of the Watershed Improvement Plan in accordance with the schedule set forth in the Plan.
- n. The permittee shall update this Plan, 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.

I. Additional Measures 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. Existing permittees and new permittees shall implement this requirement by 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 (<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 the completed Outfall Inspection Forms (Outfall Inspection Form, Illicit Connection Inspection Report Form, Stream Scouring Investigation Recordkeeping Form) for the calendar year and upload them as attachments to the Annual Report. (See <https://dep.nj.gov/njpdess-stormwater/municipal-stormwater-regulation-program/public-complex-sto-templates-and-forms>)
- d. The Annual Report and Certification will be considered incomplete if the above referenced form(s) are not included as attachments when the Annual Report is submitted.
- e. The Stormwater Program Coordinator shall certify, sign, and date the Annual Report.

- f. Submit an Annual Report and Certification: on or before May 1st annually.

Attachment A – Points System for Public Education and Outreach Activities

The following points system applies to military bases with dependents living on site, colleges, and universities. These 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 groundwater and to involve the public in reducing pollutants in stormwater runoff and mitigating flow.

The permittee shall **annually** conduct educational activities that total at least **12 points** and include **at least one from each of the three categories** below. Three points will be awarded for each activity, a minimum of four activities is required. 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.

Category 1: General Public Outreach	
Activity	Description
Social Media Post	Post stormwater materials from your Public Complex on a social media site quarterly, such as a Facebook, Instagram, or Twitter page. This may include links to other stormwater resources on your stormwater webpage or the NJDEP stormwater website (www.njstormwater.org).
Newsletter and Newspaper Ads	Use Department-approved stormwater education materials to publish an ad in a newsletter or newspaper quarterly that serves the people who live or work at the Public Complex.
Radio and Television Ads	Quarterly broadcast a stormwater-related radio or television public service announcement from www.cleanwater.nj.org on a local radio or public service channel.
Billboards	Post and maintain (for point credit in subsequent years) a stormwater-related billboard or large sign for display on a bus, bus stop vestibule, recreation field, or other common public gathering area.
Murals	Produce and maintain (for point credit in subsequent years) a stormwater pollution themed mural, storm drain art or other artwork at a common public gathering area.
Stormwater Facility Signs	Post and maintain a minimum of six (6) signs on property owned or operated by the permittee at green infrastructure sites, stormwater management basins or other structural stormwater related facilities that describe the function and importance of the facility, contact phone number, municipal identification number, and/or website for more information.

Category 2: Targeted Audience Outreach	
Activity	Description
General Stormwater Education	Quarterly distribution of the Department's education materials or a municipally produced equivalent, e.g., community calendar, newsletter, or recycling schedule via direct mail or email to every resident, student, and/or employee of the Public Complex.
Regulatory Mechanism Education	Distribute a letter or e-mail from the permittee to every resident, student, and/or employee of the Public Complex highlighting the requirements and environmental benefits of the regulatory mechanisms in place to address Pet Waste, Wildlife Feeding, Litter Control, Improper Disposal of Waste, Yard Waste Collection, and Tree Replacement. Provide a link to the appropriate public facing webpage where these regulatory mechanisms are posted.
School Presentation	Provide three (3) stormwater-related educational presentation(s) and/or activities to local preschool, elementary, middle, and/or high school classes using staff from the Public Complex or local partner organizations. Topics could include stormwater, nonpoint source pollution, watersheds, water conservation, and water quality. For ideas, see information at www.nj.gov/dep/seeds .
Stormwater Education Workshop	Provide stormwater-related professional development workshops for local college/university faculty, or preschool, elementary, middle/high school teachers from a registered NJ Department of Education Professional Development Provider.
School Contest	Organize an educational contest with a local school district or a local community organization serving youth to design a poster, magnet, rain stick, rain barrel, or other craft/art object. Contest themes shall have an appropriate stormwater message. Winning entries are to be displayed at publicly accessible locations on site at the Public Complex. The winning design should be shown on the appropriate public facing website or social media site, if practical.

Category 3: Community Events

Activity	Description
Green Infrastructure Workshop	Organize or participate in a rain barrel, rain garden or other green infrastructure workshop on a regional or watershed basis. This could be in partnership with a local watershed organization, utility, university, school, youth/faith-based group, and/or other organization.
Volunteer Stormwater Assessment or Stream Monitoring	Establish a volunteer stormwater facility assessment (inspection, inventory and/or mapping) or stream monitoring program for a waterbody within or bordering your Public Complex to gauge the health of the waterway through chemical, biological or visual monitoring protocols. Contact NJDEP's AmeriCorps NJ Watershed Ambassador Program, NJ Volunteer Community Water Monitoring Programs, or review USEPA National Directory of Volunteer Monitoring Programs.
Rain Barrel Workshop	Organize or participate in a rain barrel workshop. This could be a partnership exercise with a local watershed organization, university, school, youth/faith-based group, and/or another nonprofit.
Rain Garden Workshop	Organize or participate in a rain garden training or installation workshop. This could be a partnership exercise with a local watershed organization, university, school, youth/faith-based group, and/or another nonprofit.
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.
Litter Clean-up Campaign	Sponsor or organize a litter clean up for a youth group along a local waterway, public park, stormwater facility, or in an area with storm drains that discharge to a local lake or waterway.
Stormwater Display	Quarterly present a stormwater-related display or materials at any community event, e.g., Earth Day, town picnic, car show, parade, or other similar public venue.
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). The permittee must initially have available a minimum number of the items equal to 10% of the public complex population.

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;
- 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; and

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); 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.