



State of New Jersey

CHRIS CHRISTIE
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Mail Code – 401-02B
Division of Water Quality
P.O. Box 420
Trenton, NJ 08625-0420
Phone: (609) 633-7021 / Fax: (609) 984-7938

BOB MARTIN
Commissioner

KIM GUADAGNO
Lt. Governor

DRAFT RENEWAL – MASTER GENERAL PERMIT NJ0141852

Date: February 15, 2017

To: Tier A Municipalities

Re: Draft Renewal of Master General Permit No. NJ0141852 (Category Code R9)
For Tier A Municipal Separate Storm Sewer Systems (aka the Tier A MS4 NJPDES Permit)

The New Jersey Department of Environmental Protection (the Department) is proposing to renew the Tier A MS4 NJPDES general permit (NJ0141852). The conditions of this permit were last renewed in 2009, expired on February 28, 2014, and continue in force pending completion of the renewal process (see N.J.A.C. 7:14A-2.8). A copy of the draft Tier A MS4 NJPDES permit is attached to this cover letter.

The Tier A MS4 municipal stormwater regulation program has been in place since 2004. As a result, most municipalities have developed a stormwater program that complies with core requirements of this draft permit renewal. Where there are new requirements, most are phased in over time.

Enclosed is the public notice for the **draft renewal** of the Tier A MS4 NJPDES permit. The permit renewal will also be noticed in the *Press of Atlantic City*, *Courier-Post* and *Star-Ledger* and in the February 15, 2017 *DEP Bulletin*. Included in the public notice are instructions and requirements for the submittal of comments by a specified date, information about a public hearing, and other procedures for reaching a final permit decision in accordance with N.J.A.C. 7:14A-15, 16, and 17. The comment period will end April 3, 2017. A public hearing will be held on March 22, 2017. The public notice also serves to simultaneously advertise the draft renewal of the Tier B MS4 NJPDES permit.

The draft Tier A MS4 NJPDES permit and supporting documents are also posted at www.nj.gov/dep/dwq/tier_a_draft.htm. Here you can find a crosswalk which provides a detailed comparison of changes from 2009 to this proposed 2017 permit, and a Frequently Asked Questions document. 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 Louisa Lubiak of my staff at 609-633-7021.

Sincerely,

James J. Murphy, Chief
Bureau of Nonpoint Pollution Control

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

PUBLIC NOTICE

Notice is hereby given that the New Jersey Department of Environmental Protection (Department) proposes to renew the Tier A New Jersey Pollutant Discharge Elimination System (NJPDES) General Permit (NJ0141852) and the Tier B NJPDES General Permit (NJ0141861). Renewal of these permits 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.

These permit renewals serve to authorize discharges from Municipal Separate Storm Sewer Systems (MS4) from New Jersey Tier A Municipalities and Tier B Municipalities. Stormwater runoff is commonly transported through MS4s before discharging into local waterbodies. Tier A Municipalities are located within the more urbanized regions of the state or along or near the Atlantic coast, while Tier B Municipalities tend to be located in more rural and non-coastal areas. All municipalities are considered either Tier A or Tier B. A full copy of the proposed master general permit renewal for Tier A is available at www.nj.gov/dep/dwq/tier_a_draft.htm and a full copy of the proposed master general permit renewal for Tier B is available at www.nj.gov/dep/dwq/tier_b_draft.htm. Here you can also find crosswalks which provide a detailed comparison of changes from 2009 to the proposed 2017 permits, and Frequently Asked Questions documents.

The regulation of stormwater runoff through the Tier A MS4 NJPDES permit is intended to provide water quality benefits and prevent increased flooding and erosion. The permit is a regulatory mechanism which addresses stormwater quality and quantity issues related to public works operations, new development, redevelopment, and existing developed areas by requiring Tier A Municipalities to implement stormwater programs. New Jersey's MS4 permit program is prescriptive in nature in that it clearly defines the Statewide Basic Requirements (SBRs) and Other Control Measures as applicable to Tier A Municipalities. This includes requirements that pertain to public involvement and participation, local public education and outreach, post-construction stormwater management for new development and redevelopment, pollution prevention/good housekeeping for municipal operators, illicit discharge and scouring detection and control, and ensuring public and private stormwater facility operation and maintenance. The Tier B MS4 NJPDES permit contains a subset of the Tier A MS4 NJPDES permit provisions. This includes requirements that pertain to local public education and outreach, post-construction stormwater management for new development and redevelopment, and ensuring public and private stormwater facility operation and maintenance. Both Tier A and Tier B Municipalities are required to review new and redevelopment projects meeting the definition of major development to ensure such projects are designed, constructed, operated and maintained in accordance with the stormwater management rules. Both Tier A and Tier B Municipalities are required to continue to maintain stormwater management plans and enforce stormwater ordinances.

The Department is establishing a 45-day public comment period for these proposed permit renewals. Written comments may be submitted via e-mail to stormwatermanager@dep.nj.gov. Written comments may also be submitted to James Murphy, Chief, or Attention: Comments on Public Notice NJ0141852 and NJ0141861, at Mail Code 401-02B, Division of Water Quality, Bureau of Nonpoint Pollution Control, P.O. Box 420, Trenton, NJ 08625-0420. Written comments must be submitted to the Department by April 3, 2017. All persons who believe that any conditions of these draft documents are inappropriate or that the Department's decision to issue these draft documents is inappropriate, must raise all reasonable arguments and factual grounds supporting their position, including all supporting materials,

during the public comment period. All materials supporting a comment shall be included in full and may not be incorporated by reference.

The Department will hold a non-adversarial public hearing to solicit public comment on both the Tier A and Tier B draft permits on March 22, 2017 from 1 P.M. to 5 P.M. (or end of testimony, whichever comes first) at:

NJDEP Public Hearing Room
401 East State Street, First Floor
Trenton, NJ 08625

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

These draft NJPDES permit renewals have been prepared, 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, by appointment, Monday through Friday, between 8:30 A.M. and 4:00 P.M. Appointments for inspection may be requested through the Open Public Records Act office. Details are available online at www.nj.gov/dep/opra, or by calling (609) 341-3121.

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

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

FACT SHEET

Masterfile #: Varies

PI #: Varies

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

1. Introduction

During a rainstorm, precipitation that reaches the ground is either lost by evapotranspiration; infiltrates into the ground below the root zone (becoming groundwater); or becomes stormwater runoff. Stormwater runoff flows from rooftops, over paved areas and bare soil, and through sloped vegetated areas while picking up a variety of sediments and pollutants on its way. The quantity and quality of runoff is affected by many factors including the season, local meteorology, geography, topography, land cover, and the activities which lie in the path of the flow. Impervious surfaces, such as rooftops and pavement, can increase the 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 combined concentrations of pollutants running off of many sites can negatively affect waterbodies.

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

The regulation of stormwater runoff through this Tier A MS4 NJPDES permit renewal is intended to continue to provide substantial water quality benefits. This includes benefits described in detail in the Fact Sheet including an emphasis on proper operation and maintenance of stormwater facilities to control nutrients, pathogens, solid and floatable materials, and other pollutants as well as to reduce stormwater runoff quantity. The Department maintains that the conditions of this renewed permit, if implemented correctly, provide a continued, iterative process towards improving stormwater quality.

This fact sheet contains information organized into the following sections:

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2. Federal Stormwater Regulations

Federal stormwater regulations were issued in two phases:

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

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any new substantive requirements for small MS4 permits.” [language added]. 81 Fed. Reg. 89320 (December 9, 2016). The Department renewing the Tier A MS4 NJPDES permit under the first option by issuing a Comprehensive General Permit under 40 CFR 122.28.

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

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

Currently in NJ there are no urban areas that qualify as large or medium MS4s but rather there are only small MS4s. Therefore, all MS4s covered under the Tier A MS4 NJPDES permit are "small MS4s."

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:

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

3. New Jersey Municipal Stormwater Program

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-25 (www.state.nj.us/dep/dwq/7_14a/sub25rule.pdf) administered as the Municipal Stormwater Regulation Program (www.nj.gov/dep/dwq/msrp_home.htm).
- The Stormwater Management rules, N.J.A.C. 7:8 (www.nj.gov/dep/rules/rules/njac7_8.pdf) administered as the Stormwater Management Program (www.nj.gov/dep/stormwater/).

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

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

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

To administer the master general permits, the Department issues each eligible entity a separate Notice of Authorization to discharge under one of the above listed general permits. Because New Jersey does not currently have any municipalities that operate medium or large MS4, all municipalities covered under the Tier A and Tier B permits operate "small MS4s." The Tier A Municipal Stormwater Master General NJPDES permit authorizes the discharge of stormwater from small MS4s for Tier A Municipalities in New Jersey and from municipal maintenance yards and other ancillary operations owned or operated by Tier A municipalities. Tier A Municipalities are generally located within the

more densely populated regions of the state or along or near the Atlantic coast (for a specific description see N.J.A.C. 7:14A-25.3).

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

B. Regulation of Stormwater from Existing Development

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

Under N.J.A.C. 7:14A-25 and as required under Notice of Authorizations issued under the general permit, Tier A Municipalities are required to implement various control measures to reduce pollutant loadings to watersheds from existing development. Specifically, and consistent with 40 CFR 122.28, each municipality must develop, implement, and enforce a stormwater program. Pursuant to N.J.A.C. 7:14A-25.6(a)3, the Tier A Municipality must document its stormwater program in a Stormwater Pollution Prevention Plan (SPPP). The SPPP must describe the measures necessary for compliance with the Tier A MS4 NJPDES Permit, including the Statewide Basic Requirements (as developed to implement the federal six minimum control measures at 40 CFR 122.34) and other Tier A MS4 NJPDES permit conditions. Examples of control measures described in the SPPP include documentation of permit required adoption and enforcement of a pet waste disposal ordinance; prohibition on the feeding of unconfined wildlife on public property; catch basin cleaning; performance of good housekeeping at municipal maintenance yards; and providing related public education and employee training.

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. 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 set forth the required components of a Municipal Stormwater Management Plan (MSWMP). As an integral part of a municipality's master plan, the MSWMP details the municipality's strategy, measures, and process to manage post construction stormwater runoff from new development and redevelopment to ensure compliance with N.J.A.C. 7:8. The MSWMP is a significant component of the Stormwater Pollution Prevention Plan (SPPP), which is a requirement under this Tier A MS4 NJPDES permit and consistent with the written stormwater management program document required by 40 CFR 122.34(b).

The Stormwater Management rules at N.J.A.C. 7:8 define what constitutes new development and redevelopment projects. The Stormwater Management rules at N.J.A.C. 7:8 also establish the stormwater management design and performance standards for water quality, water quantity and groundwater recharge. The design and performance standards of the Stormwater Management rules are implemented for major development by the municipalities under the

authority of Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) through the municipality's stormwater control ordinances adopted with the MSWMP. Furthermore, the design and performance standards of the Stormwater Management rules are incorporated by reference in the Residential Site Improvement Standards (RSIS, N.J.A.C. 5:21-7), which apply to residential developments. In addition to implementation through the municipality's land use approval, the design and performance standards of the Stormwater Management rules are implemented by the Department through the review of permits issued by the Division of Land 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, flooding, and groundwater recharge through nonstructural strategies and structural measures. Nonstructural strategies include, but are not limited to, minimizing impacts through low impact development, maintenance of existing vegetation, minimizing the increase of impervious surface, and disconnecting impervious surfaces. Structural measures utilize various stormwater management facilities to mitigate impacts. The water quality, water quantity, and groundwater recharge design and performance standards noted above are 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 small MS4s owned or operated by Tier A Municipalities. To the extent that the Tier A MS4 NJPDES Permit regulates underground injection, the Tier A MS4 NJPDES Permit implements EPA's regulations (found mainly at 40 C.F.R. 144-148) for the federal Underground Injection Control (UIC) Program. The UIC Program was created pursuant to Part C of the federal Safe Drinking Water Act (42 U.S.C. 300f et seq.). EPA recognizes that States issue general as well as individual permits to regulate Class V injection wells (see 64 Fed. Reg. 68554 (December 7, 1999), 67 Fed. Reg. 39590 (June 7, 2002), and the Class V Underground Injection Control Study, Volume 1 (see www.epa.gov/uic/class-v-underground-injection-control-study)). UIC is also covered in the NJPDES Regulations at N.J.A.C. 7:14A-8.

4. Tier A MS4 NJPDES Permit History

A. 2004 Tier A MS4 NJPDES Permit

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

- Public Notice for public participation in the development of Tier A Municipality stormwater programs;
- Post-Construction stormwater management in new development and redevelopment;
- Local public education;
- Ordinances addressing improper disposal of waste;
- Illicit connection elimination and MS4 outfall pipe mapping;
- Solids and floatable controls;
- Municipal maintenance yard operations;
- Employee training; and
- Construction site stormwater runoff control.

The 2004 Tier A MS4 NJPDES 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) report or a regional stormwater management plan adopted under N.J.A.C. 7:8. For additional measures other than numeric effluent limitations, the areawide or Statewide WQM plan shall specify the BMPs that the permittee or another entity will implement along with the measurable goals for each of those BMPs.

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

B. 2005 Tier A MS4 NJPDES Permit Modification

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

- Expanded the scope of non-stormwater discharges allowable to include washwater from certain activities;
- Established a definition of “catch basin”;
- Revised requirements within the Post-Construction Stormwater Management in New Development and Redevelopment SBR;
- Revised the Yard Waste Ordinance / Collection Program to provide Tier A Municipalities with additional flexibility on yard waste collection; and
- Established an Equipment and Vehicle Washing SBR.

C. 2009 Tier A MS4 NJPDES Permit

The Tier A MS4 NJPDES permit was renewed in 2009 and issued to 457 municipalities. A summary of the most significant changes included in the 2009 Tier A MS4 NJPDES permit are itemized below:

- Established a definition for “Permanent Structure” to clarify eligible structures for De-Icing Storage;
- Established a point system for the Local Public Education Program;
- Removed the 7-day requirement from the Yard Waste Collection Program and Ordinance;
- Required adoption and enforcement of a Fertilizer Management Ordinance for select municipalities;
- Required adoption and enforcement of an ordinance mandating the retrofitting of storm drain inlets by private entities when repaving parking lots or private roads;
- Required adoption and enforcement of an ordinance requiring certain private 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.

This subject draft Tier A MS4 NJPDES permit action serves to renew the 2009 Tier A MS4 NJPDES Permit with changes as described in this Fact Sheet.

D. Compliance Assistance and Stakeholder Outreach

In an effort to improve overall effectiveness of the Tier A MS4 NJPDES permit renewal process and to maximize stakeholder input, the Department published a preliminary draft Tier A MS4 NJPDES permit and conducted extensive outreach for stakeholders in the preparation of the draft Tier A and B MS4 NJPDES permits. A listing of stakeholder meetings is as follows:

Organization	Meeting Dates
League of Municipalities	2/8/16, 4/5/16 (webinar)
Clean Water Council	2/9/16, 4/12/16 (hearing)
US EPA Region 2	3/3/16, 7/27/16
Stonybrook Millstone Watershed Association	3/24/16
Environmental Groups	4/1/16
NJ Society of Municipal Engineers	4/6/16
Bergen County Mayor's Breakfast	4/12/16
NJ Association of Counties	5/19/16
Whippany River Watershed Action Committee	5/4/16

Additionally, the Department held small group workshops with municipal permittees in an effort to explain and gather feedback about proposed permit conditions. Workshops were open to questions where a productive and informative dialogue ensued. Notification of such workshops was provided via e-mail invitation to all Stormwater Coordinators and mayors in New Jersey's permitted municipalities. A listing of each county and number of municipalities in attendance is below.

County Outreach	Number of Municipalities in Attendance
Atlantic /Cape May	11
Bergen County – 2 Sessions	27
Burlington	14
Camden	13
Essex-Hudson	13
Hunterdon/Sussex/Warren	6
Mercer	4
Middlesex	11
Monmouth- 2 Sessions	14
Morris	12
North Tier B	24
Ocean	20
Passaic	7
Salem/Gloucester/Cumberland	20
Somerset	8
South/Central Tier B	13
Union	13
TOTAL Municipality Attendance	230

Many permittees expressed concern about certain requirements proposed in the preliminary draft Tier A MS4 NJPDES permit and also described challenges to managing their existing Tier A MS4 NJPDES permit obligations. They claim that New Jersey municipalities may be faced with restrictions on municipal budgets, have limited staffing, and have other regulatory burdens. Conversely, other stakeholders suggested changes to the permit in an effort to improve stormwater quality as discharged from MS4s. Many acknowledged the importance of proper operation and maintenance

and the benefits of a stormwater facility inventory but expressed concern about costs and the need to balance competing priorities and obligations of municipal operations. Comments and concerns were considered in the preparation of this draft Tier A MS4 NJPDES permit.

The Department created a multitude of resources, including guidance documents, checklists and training modules to assist with compliance with the expired but administratively extended 2009 Tier A MS4 NJPDES permit as well as to augment compliance with this proposed renewal Tier A MS4 NJPDES permit (when it becomes effective). The Department maintains that these resources will assist municipalities to implement compliant MS4 stormwater programs which will positively impact water quality. Resources for Tier A Municipalities are available at www.nj.gov/dep/dwq/tier_a.htm and links are provided within this draft Tier A MS4 NJPDES permit in Part IV. Additionally, the Department has posted a stormwater index at www.state.nj.us/dep/dwq/fd.htm which guides stormwater management professionals, permittees and the general public to the Department's stormwater related technical information, guidance materials, educational resources, forms, and applications.

Independent of, but related to, this draft Tier A MS4 NJPDES permit renewal process, the Department is engaged in an assessment of and improvements to its municipal stormwater program which includes efforts to better gauge the effectiveness of the MS4 program. These efforts include development of a new Supplemental Questionnaire relative to the annual report form and a stormwater audit process intended to provide focused compliance assistance to municipalities. These efforts will provide a platform for discussion between municipalities and Department staff to foster an adaptive approach to municipal stormwater management planning. Stormwater materials are posted at www.nj.gov/dep/dwq/msrp_home.htm and www.nj.gov/dep/dwq/msrp-archive.htm.

5. Identification of Tier A Municipalities

A. Regulatory Background

Pursuant to N.J.A.C. 7:14A-25.3, Tier A Municipalities include those New Jersey municipalities that are:

- Located entirely or partially within an urbanized area and have a population of at least 1,000 within the urbanized area (as defined by the latest Decennial Census);
- Have a population density of at least 1,000 per square mile and a population of at least 10,000 as determined by that Census;
- Have a stormwater sewer system discharging directly into the salt waters of Monmouth, Ocean, Atlantic, or Cape May counties; or
- Request to be Tier A.

There is a separate MS4 NJPDES permit for Tier B Municipalities as available at www.state.nj.us/dep/dwq/tier_b.htm. The Tier B MS4 NJPDES permit is essentially a subset of the Tier A MS4 NJPDES permit where a lesser number of requirements apply. Permittees and interested parties should refer to the complete text of the Tier B permit for any requirements (see www.state.nj.us/dep/dwq/tier_b.htm). In general terms, the current Tier B MS4 NJPDES permit includes requirements pertaining to: Post Construction Stormwater Management in New Development and Redevelopment (including proper operation and maintenance of stormwater facilities), Local Public Education; and the labeling and design of storm drain inlets. The Tier B MS4 NJPDES permit is being proposed for renewal concurrent with the Tier A MS4 NJPDES permit (see www.state.nj.us/dep/dwq/tier_b_draft.htm). The Tier B permit is not in any respect a NPDES permit under section 402 of the Clean Water Act (see N.J.A.C. 7:14A-25.8(a))

B. Issuance of Authorizations to Tier A Municipalities

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

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C. Tier Assignment

Since the existing Tier A MS4 NJPDES permit was issued in 2009, the designation of Tier A or Tier B municipalities in that permit was based on the 2000 Decennial Census. A listing of Tier A Municipalities that were issued the 2009 Tier A MS4 NJPDES permit is located at www.nj.gov/dep/dwq/msrp_home.htm consistent with N.J.A.C. 7:14A-25.2. Since the Census was updated in 2010, the application of the criteria under N.J.A.C. 7:14A-25.3 (where Tier A assignments are based on federal rules) is under review by the DEP. No reassignments are being implemented at this time.

In the event that the Department reassigns a municipality from Tier B to Tier A, the Department will issue a separate notice to that municipality with information regarding the submission of a Request for Authorization (RFA) under the Tier A MS4 NJPDES permit. If a municipality receives notice from the Department (pursuant to N.J.A.C. 7:14A-25.3(a)(3)) that it has been reassigned from Tier B to Tier A, the deadline to submit a RFA is 180 days after the receipt of that notice unless otherwise specified in that notice. If a municipality receives notice from the Department (pursuant to N.J.A.C. 7:14A-25.8(b)(1)) that it has been reassigned from Tier A to Tier B, the deadline to submit a RFA is 90 days after the receipt of that notice. Upon receipt of the RFA, the Department will issue the appropriate authorization. Regarding those facilities that are reassigned from Tier B to Tier A, this draft Tier A MS4 NJPDES permit contains an implementation schedule as set forth in Attachment A-1 (Measurable Goals and Implementation Schedule for New Permittees). Timeframes for implementation as established in Attachment A-1 are generally modeled after the original 2004 Tier A permit conditions since the 2004 permit conditions were originally designed for permittees that were developing a new stormwater program. See Section 6.A for additional information regarding Attachment A-1.

6. Overview of Draft Tier A MS4 NJPDES Permit Requirements

A. Overview

The Tier A Municipality (i.e. the permittee) is required to develop, update, implement and enforce an MS4 stormwater program. A primary objective of the MS4 stormwater program is to implement best management practices and other control measures as set forth in Statewide Basic Requirements, Other Control Measures, Additional Measures and/or Optional Measures. These best management practices and control measures serve to reduce the discharge of pollutants from the Tier A Municipality's MS4, municipal 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.

The Stormwater Pollution Prevention Plan (SPPP) documents the Tier A Municipality's stormwater program and describes the measures necessary for compliance with the Statewide Basic Requirements as well as any Other Control Measures, Additional Measures and/or Optional Measures. The Tier A Municipality shall submit an Annual Report and Certification summarizing the status of compliance with this permit. See Part IV.G (Annual Report and Certification).

A significant component of the SPPP is the Municipal Stormwater Management Plan (MSWMP). The MSWMP describes the municipality's strategy, structure and process for addressing stormwater runoff from new development and redevelopment to ensure compliance with the Stormwater Management rules (N.J.A.C. 7:8 *et seq.*). This strategy, structure and process constitute much of the post construction stormwater management program in this permit. The MSWMP is also a component of the municipal master plan (N.J.S.A. 40:55D-94).

B. Organization

This draft Tier A MS4 NJPDES permit has been reorganized in an effort to improve readability, clarity and enforceability. The structure of the permit is revised from a single Part I in the 2009 Tier A MS4 NJPDES permit to multiple parts in order to separate the broadest requirements from the most specific. These parts are:

- **Part I General Requirements: NJPDES** which lists broad citations applicable to all NJPDES Permits.

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- **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).
- **Part IV Specific Requirements: Narrative - Tier A Municipal Stormwater General Permit** which includes a general overview and specific requirements which a permittee must meet in order to remain in compliance with the permit. References to Part IV “Tier A Municipal Stormwater General Permit” are, for the sake of brevity, not preceded by descriptive text (e.g. Part IV.A.1).

This draft Tier A MS4 NJPDES permit includes new requirements as well as clarifications/improvements to existing requirements. This draft Tier A MS4 NJPDES permit also includes two new sections at 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. Notes and Definitions Part IV.A.3 and 4 are **not** enforceable requirements of this permit but rather serve as references to available guidance.

In an effort to promote clarity, the Department has added a list of acronyms to this draft Tier A MS4 NJPDES permit and made changes to definitions. The Department added new definitions; modified definitions found in the 2009 Tier A MS4 NJPDES permit; and removed one definition found in the 2009 Tier A MS4 NJPDES permit. New definitions are 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”, “Tier A Municipality’s MS4”, “Wood waste”, and “Yard trimmings”. Modifications are 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 Tier A MS4 NJPDES permit renewal as it was intended for the first iteration of the Tier A MS4 NJPDES 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.

An organizational change presented in this draft Tier A MS4 NJPDES permit is the elimination of the repetitive and sometimes confusing formula of Minimum Standard, Measurable Goal, and Implementation schedule found throughout Part I of the 2009 Tier A MS4 NJPDES permit. Instead, this draft Tier A MS4 NJPDES permit states the Minimum Standard only in the body of the permit. The permit presents each Minimum Standard with a reference to, and obligation to comply with, a separate Attachment A (Measurable Goals and Implementation Schedule for Existing Permittees). Attachment A is in tabular format where each Minimum Standard is summarized together with a citation to the permit; the Measurable Goal; the Implementation Schedule; and an indication as to whether or not this is a new or modified requirement. Attachment A-1 (Measurable Goals and Implementation Schedule for New Permittees) contains similar information for any permittees that may be re-assigned from Tier B to Tier A (see Section 5.C) and establishes an alternate Implementation Schedule. This approach provides Tier A Municipalities, the public and regulators with a clear understanding of what municipalities must do to comply with the permit and a concise and organized presentation of the required Measurable Goals and Implementation Schedule along with references back to applicable permit conditions.

Consistent with the 2009 Tier A MS4 NJPDES permit, a series of attachments are part of the draft Tier A MS4 NJPDES permit. These attachments are intended as stand-alone documents and provide additional detail as to how to implement permit requirements and track information relevant to the permit requirements. These attachments are as follows: Attachment B – Points System for Public Education and Outreach Activities; Attachment C – Design Standards for Storm Drain Inlets; Attachment D – Major Development Stormwater Summary; and Attachment E – Best Management Practices for Municipal Maintenance Yards and Other Ancillary Operations. Additional detail on each of these attachments is included in Section 7.B below.

C. 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 Tier A MS4 NJPDES permit conditions. This is partly due to the fact that state and federal regulations (N.J.A.C. 7:14A-25.6(a)1 and 40 CFR 122.34(a)) stipulate that compliance with the standard of reducing pollutants to the maximum extent practicable is accomplished through the implementation of BMPs or control measures. This draft Tier A MS4 NJPDES permit is a Comprehensive General Permit (under 40 CFR 122.28) which requires Tier A Municipalities to develop, update, implement and enforce a stormwater program (as documented in an SPPP) to ensure compliance with Statewide Basic Requirements (SBRs), Other Control Measures, Additional Measures, and Optional Measures. The Department provides an appropriate level of specificity in establishing Tier A NJPDES MS4 permit conditions by specifying BMPs, measurable goals, and implementation schedules for these SBRs and other measures. This provides Tier A Municipalities, the public and regulators with clarity regarding what municipalities must do to comply with the permit.

Without specific conditions, the Tier A MS4 NJPDES permit would be difficult to enforce and would give permittees little direction as to how to meet the requirements of State and Federal Rules. The Department has taken care to issue specific MS4 permit conditions with clear stormwater program requirements since 2004 in order to establish a standard of compliance rather than requiring New Jersey's more than 450 Tier A municipalities to independently create compliance conditions for public and Department individual review and approval.

The Department is not requiring numeric effluent limitations in this draft Tier A MS4 NJPDES 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 best management practices 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."

The Department maintains that the implementation of BMPs consistent with the stormwater program required pursuant to the draft Tier A MS4 NJPDES permit constitutes compliance with the standard of reducing pollutants to the maximum extent practicable. As required by N.J.A.C. 7:14A-25.6(c), the draft Tier A MS4 NJPDES permit also specifies the "measurable goals" for BMPs that will be implemented for SBRs, including an implementation schedule. For the purposes of N.J.A.C. 7:14A-25.6, the Department considers a "measurable goal" to be a specific action taken to implement a BMP, rather than a specific condition of stormwater or receiving water quality that is supposed to result from implementing a BMP. Tier A Municipalities are required to meet all specified measurable goals pursuant to N.J.A.C. 7:14A-25.6(g). Please refer to Attachment A (Measurable Goals and Implementation Schedule for Existing Permittees) and to Attachment A-1 (Measurable Goals and Implementation Schedule for New Permittees) for measurable goals and implementation schedules, as they pertain to each SBR, for inclusion in an SPPP.

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 Department’s Municipal Stormwater Regulation Program, including review of Compliance Evaluations, Annual Reports and Certifications, and Supplemental Questionnaires; outreach efforts; and implementation of a municipal stormwater program audit process, constitute evaluation of the permit requirements and the progress of municipal stormwater programs. Based on the Department’s evaluations of current municipal stormwater programs, the requirements contained in this draft Tier A MS4 NJPDES permit have been developed to account for the information gathered since the issuance of the 2009 Tier A MS4 NPDES permit. The requirements included in this draft Tier A MS4 NJPDES permit constitute the Department’s determination of reasonable progress toward reducing pollutant discharges to the maximum extent practicable.

Any municipality authorized under the 2004 Tier A MS4 NJPDES permit was required and continue to be required to develop a stormwater program. The stormwater program must be documented in an SPPP. The SPPP is retained on site and is available for review by the Department. To certify compliance with the Tier A MS4 NJPDES permit, Tier A Municipalities complete an Annual Report and Certification which queries specific details regarding the Tier A Municipality’s stormwater program.

D. Eligible and Ineligible Discharges (Part II.A)

This draft Tier A MS4 NJPDES 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 municipalities assigned to Tier A and from municipal maintenance yards and other ancillary operations owned or operated by Tier A Municipalities. 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.A.2.a. Part II.A.2.a includes a specific reference to municipal maintenance yards and other ancillary operations which is further explained in Section 7.A.5.c, below.

The draft Tier A MS4 NJPDES permit continues to authorize certain non-stormwater discharges (e.g., certain potable water sources, uncontaminated groundwater, and irrigation water) from small MS4s owned or operated by Tier A Municipalities. Three of the eligible non-stormwater discharges are modified in the draft Tier A MS4 NJPDES permit for clarification purposes as compared to the 2009 Tier A MS4 NJPDES permit. First, potable water line flushing and discharges from potable water sources are eligible discharges, 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. Secondly, eligible discharges of air conditioning condensate now exclude industrial refrigerant condensate to clarify that this eligible discharge only applies to air conditioning designed to cool building air for occupancy purposes. This clarification excludes sources of condensate which the Department has determined are of higher quantity and run more continuously than those generated during the cooling of air for building occupancy purposes. Third, single family home residential swimming pool water discharges are considered eligible discharges although this condition has been modified to clarify the Department’s intent to be consistent with the federal rule at 40 CFR 122. Residents should allow chlorine to dissipate in pools prior to discharge. To minimize chlorine content in a pool, chlorine addition should be discontinued to allow sunlight to naturally dissipate the chlorine. Chlorine should naturally dissipate after a period of seven to ten days although a swimming pool test kit could be used to verify chlorine content.

A complete list of the eligible non-stormwater discharges is included in Part II.A.2.b of this draft Tier A MS4 NJPDES permit. If any of these discharges are identified by the municipality as a significant contributor of pollutants, the Tier A Municipality must address the discharge as an illicit connection or as an improper disposal of waste (see Part II.A.3.e of this draft Tier A MS4 NJPDES permit).

The draft Tier A MS4 NJPDES permit does not authorize “stormwater discharges associated with industrial activity” or “stormwater discharges associated with construction activity” as described in Part II.A.3. Any Tier A Municipality that operates an industrial facility or construction site with such a discharge must obtain a separate NJPDES permit for that discharge. In addition, the draft Tier A MS4 NJPDES permit does not authorize any stormwater discharge that is authorized under another NJPDES permit so long as that other permit is in effect for that discharge. Also, to implement statutory and regulatory provisions governing consistency of NJPDES permits with Water Quality Management (WQM) Plans (e.g., N.J.S.A. 58:10A-6 and 58:11A-10), the draft Tier A MS4 NJPDES permit does not authorize stormwater discharges from projects or activities that conflict with an adopted WQM Plan.

7. Basis and Background to Draft Tier A MS4 NJPDES Permit Requirements

A. Statewide Basic Requirements and Associated Conditions (Part IV.B)

This draft Tier A MS4 NJPDES permit includes Statewide Basic Requirements (SBRs), consistent with the 2004 and 2009 Tier A MS4 NJPDES permits, as well as associated BMPs and “measurable goals”. For the purposes of this draft permit renewal and N.J.A.C. 7:14A-25.6, the Department considers a measurable goal to be a specific action taken to implement a BMP. Many requirements are retained from the 2009 Tier A MS4 NJPDES permit and, for any new requirements in this draft permit renewal, the permit specifies implementation schedules pursuant to N.J.A.C. 7:14A-25.6(a) and (c). Please refer to Attachment A (Measurable Goals and Implementation Schedule) for existing permittees for a detailed listing of the minimum standards, measurable goals and implementation schedules, as they pertain to each SBR, for inclusion in the SPPP. Please refer to Attachment A-1 for new Tier A permittees.

The draft Tier A MS4 NJPDES permit retains the SBRs but has restructured them to be consistent with the federal Six Minimum Measures described in Section 2 Federal Stormwater Regulations, above. A detailed basis and background for each SBR requirement, as well as an explanation for any change from the 2009 Tier A MS4 NJPDES permit, is included below.

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

The 2009 Tier A MS4 NJPDES permit contains the following language under the heading of “Public Notice”:

“Tier A Municipalities shall comply with applicable State and local public notice requirements when providing for public participation in the development of the Tier A Municipality’s stormwater program.”

This draft Tier A MS4 NJPDES permit renames this SBR “Public Involvement and Participation Including Public Notice” consistent with N.J.A.C. 7:14A-25.6(b)1 and with the federal Six Minimum Measures at 40 CFR 122.34(2). Modification of the name of this SBR to be closer to the regulatory title clarifies to Tier A Municipalities that federal guidance can be utilized to implement this SBR (see www.epa.gov/npdes/npdes-stormwater-program).

The Department is proposing to consolidate several existing requirements within this SBR for clarity and to ensure that applicable public participation and involvement requirements are met after issuance of this Tier A MS4 NJPDES permit. This includes:

- The obligation to provide public notice under the Open Public Meetings Act (“Sunshine Law,” N.J.S.A. 10:4-6 et seq.) for certain activities (N.J.A.C. 7:14A-25.6(b)1). See Part IV.B.1.a.i;
- The obligation to comply with statutory procedures for the enactment of ordinances (N.J.S.A. 40:49-2), including the municipal stormwater control ordinance, required by this permit. See Part IV.B.1.a.ii;
- The obligation to comply with Municipal Land Use Law concerning the adoption or amendment of the Municipal Stormwater Management Plan (MWSMP) (N.J.S.A. 40:55D-13, 28 and 94), the review of applications for

development (N.J.S.A. 40:55D-10), and to ensure that local applicants for development meet notice requirements (N.J.S.A. 40:55D-12). See Part IV.B.1.a.iii;

- The requirement to make certain elements of the SPPP available to the public (N.J.A.C. 7:14A-25.6(j)2) and post the SPPP online. See Part IV.B.1.b.i and ii;
- The requirement to post the Municipal Stormwater Management Plan (MSWMP) and community wide ordinances on line or otherwise comply with the notification requirements of N.J.A.C. 7:8-4.4(e). See Part IV.B.1.b.iii.
- Clarification that control measures can be implemented by a nonprofit, private, or governmental entity (N.J.A.C. 7:14A-25.7(a)). See Part IV.B.1.c.

By presenting these related requirements together, this draft Tier A MS4 NJPDES permit ensures notification and opportunity for public involvement in those elements of the Tier A Municipality's stormwater program that are within the aegis of local authority, and ensures transparent development, updating and implementation of a Tier A Municipality's stormwater program. Each element of the Tier A Municipality's stormwater program addressed in this section of the permit is complemented elsewhere in the permit with specific requirements describing the minimum standard for the applicable stormwater program element. For example, any ordinance required to be adopted in conformance with Part IV.B.1 of this permit must meet the requirements described for that ordinance as specified elsewhere in this permit. Therefore, this draft Tier A MS4 NJPDES permit remains prescriptive in the actual standard that must be met. The Department has also developed examples for all stormwater program elements (such as sample ordinances) for reference by the Tier A Municipality during program development. See Part IV.B.4.f (MSWMP); Part IV.B.4.g (Stormwater Control Ordinance); Part IV.B.5.a (Community Wide Ordinances); and Part IV.F (SPPP).

Note that the SPPP is the document where the Tier A Municipality describes how it will implement each permit requirement and provides a place for record keeping. The SPPP is consistent with documentation required by 40 CFR 122.34(b) and 122.34(d)2. The Tier A Municipality is not required to develop the SPPP in a public forum but is required to make the SPPP available for public review (See Part IV.F of the permit and Section 8 of this Fact Sheet for more on the SPPP).

Availability of municipal stormwater program information on-line will improve the public's ability to interact with municipalities in an informed manner regarding stormwater management issues. Hosting a municipal stormwater related website is already an approved method of obtaining Local Public Education points under the existing Tier A MS4 NJPDES permit and will continue to be so under this draft Tier A MS4 NJPDES permit (see Section 7.C.2, below). Since many municipalities already host a stormwater website, and post municipal ordinances and MSWMPs on-line, the requirement to post stormwater information on-line is not expected to pose difficulty in compliance. Alternatively, municipalities could comply with the non-website provisions of N.J.A.C. 7:8-4.4(e).

The Department is setting an implementation schedule of EDPA + 90 days as a compliance date for existing permittees to post their most recent SPPP on line as well as their MSWMP and related ordinances. New permittees are allowed EDPA +12 months for posting the SPPP since the requirement to develop the SPPP is EDPA + 12 months for new permittees. Records kept and maintained for the purposes of the SPPP and the names of the SPPP Team members need not be included in the posted version.

2. Minimum Standards for Local Public Education and Outreach (Part IV.B.2)

The 2009 Tier A MS4 NJPDES permit includes the SBR entitled "Local Public Education." As described in the 2009 Tier A MS4 NJPDES permit, the first component of Local Public Education concerns the implementation of a public education program to provide the public with information on the impact of stormwater discharges to surface and ground waters of the State as well as steps that the public can take to reduce pollutants in stormwater runoff. This is consistent with the requirements of N.J.A.C. 7:14A-25.6(b)4. Some of the listed examples that could be considered as part of educational activities include: local stormwater related municipal ordinances, local stream and/or shoreline restoration activities, watershed education, and general nonpoint source education. To implement these requirements, the 2009 Tier A MS4 NJPDES permit includes "Attachment E" which lists a variety of activities where each activity was assigned a

point value. The Tier A Municipality was then required to conduct educational activities that total a minimum of 10 points on an annual basis. However, N.J.A.C. 7:14A-25.6(b)4 also states that “the permittee shall inform public employees, businesses, and the general public of hazards associated with illicit connections and improper disposal of waste.” These regulations are further satisfied through other provisions of this permit such as Employee Training and the Illicit Connection Elimination provisions.

This draft Tier A MS4 NJPDES permit proposes to change the SBR name from “Local Public Education” to “Local Public Education and Outreach.” This retains the 2009 SBR name but expands it to include the title of one of the federal Six Minimum Measures namely “Public Education and Outreach” (see www.epa.gov/npdes/stormwater-discharges-municipal-sources). Further, the standard is revised to better involve the public in reducing pollutants in stormwater and mitigating flow. The first component of the Local Public Education and Outreach requirement in this draft Tier A MS4 NJPDES permit continues the public education program (N.J.A.C. 7:14A-25.6(b)4) as well as a points system as detailed in the proposed Attachment B (Points System for Public Education and Outreach Activities). However, the points system has been expanded to include activities or events under the following categories: General Public Outreach, Targeted Audiences Outreach, School/Youth Education and Activities, Watershed/Regional Collaboration and Community Involvement Activities. Some new activities under general public outreach include the following: websites and social media, stormwater facility signage, and green infrastructure signage. New activities under school/youth education include: water education workshops for teachers, events with AmeriCorps NJ Watershed Ambassadors, storm drain labeling, and youth litter clean-ups. New activities under community involvement include: voluntary stream monitoring, rain barrel workshops, rain garden workshops, and community events. Finally, watershed/regional collaboration activities have been included to encourage the establishment of a watershed-based group to discuss watershed issues, green infrastructure workshop and community activities. All these changes serve to update activities and events to make them more current and to allow more options including a wide variety of action oriented events. Many of these options are low or no cost and allow municipalities to take credit for community service activities that may be occurring in their municipalities. Additional ideas for education and outreach activities specifically related to reducing the amount of trash and litter that enters our waterways see www.epa.gov/trash-free-waters.

The second component of the SBR concerns the labeling, maintenance and replacement of storm drain inlets with a message such as “No dumping, drains to river.” This label serves to educate the public that storm drains shall not be treated as trash receptacles and to convey the message that the storm drain inlet drains to a waterbody. This labeling applies to all storm drain inlets along sidewalks that are adjacent to municipal streets as well as to storm drain inlets within plazas, parking areas or maintenance yards that are operated by the municipality. Storm drain inlet labeling and maintenance was a requirement of both the 2004 and 2009 Tier A MS4 NJPDES permits. Retention of this permit requirement ensures that existing Tier A Municipalities continue to maintain and replace labels as needed and that new Tier A Municipalities meet the requirement. Tier A Municipalities can partner with a scout troop, school group, or faith-based group to assist in completing this activity and to qualify for points under Attachment B (Points System for Public Education and Outreach Activities).

Finally, to ensure that these two components are effective in educating the public, Tier A Municipalities are required to advertise public involvement program(s) pertaining to public education and outreach program activities on the municipality’s website; through a mailing; through newspaper advertisement; or other similar means.

3. Minimum Standards for Construction Site Storm Water Runoff (Part IV.B.3)

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. Construction site stormwater runoff is one of the federal Six Minimum Measures. However, as required by N.J.A.C. 7:14A-25.7(b), this draft Tier A MS4 NJPDES permit recognizes that the Department is responsible for implementing a separate NJPDES permit program to reduce pollutants in stormwater runoff to MS4s from certain construction activities. Pursuant to N.J.A.C. 7:14A-25.6(b)2, the Department satisfies this minimum measure under a separate Construction Activity Stormwater General Permit (NJPDES Permit No. NJ0088323). The Construction Activity Stormwater General Permit

controls stormwater discharge to surface water from certain construction activities, including clearing, grading, and excavation. Generally, this includes construction activity that disturbs at least one acre, or disturb less than one acre but are 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 Nonpoint Pollution Control in coordination with the New Jersey Department of Agriculture and the State Soil Conservation Committee through its 15 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 Stormwater Pollution Prevention Plan (SPPP) required by that permit and is subject to routine inspections identifying the effectiveness of the SPPP. As a result, the Tier A Municipality is not required to address construction site stormwater runoff control in its MS4 SPPP since it is already regulated in a separate permit. The Construction Activity Stormwater General Permit (NJ0088323) and associated guidance is posted at www.nj.gov/dep/dwq/5g3.htm.

Part I.A.5.b of the 2009 Tier A MS4 NJPDES permit used the terminology "stormwater discharges associated with small construction activity" as defined in N.J.A.C. 7:14A-1.2". Part II.A.3.b.i of this draft Tier A MS4 NJPDES permit instead refers to "stormwater discharges associated with construction activity" as described in N.J.A.C. 7:14A-24.10(a)". This is appropriate because the Construction Activity Stormwater General Permit (NJ0088323) is not only for most "stormwater discharges associated with small construction activity" as defined in N.J.A.C. 7:14A-1.2, but also for most construction activity disturbing five acres or more, which is one of the 11 specific categories of facilities with "stormwater discharge associated with industrial activity" as defined in N.J.A.C. 7:14A-1.2. Therefore, "stormwater discharges associated with construction activity" is more than "stormwater discharges associated with small construction activity". The N.J.A.C. 7:14A-24.10(a) description of "stormwater discharges associated with construction activity" sets forth the full scope of that term.

4. Minimum Standards for Post Construction Stormwater Management in New Development and Redevelopment (Part IV.B.4)

a. General

Post Construction Stormwater Runoff Management in New Development and Redevelopment are components of the minimum control measures at 40 CFR 122.34. See www.epa.gov/npdes/stormwater-discharges-municipal-sources. The Tier A MS4 NJPDES permit requires Tier A Municipalities to implement a post construction stormwater management program. 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 (see N.J.A.C. 7:14A-25.6(b)3). The Stormwater Management rules include performance standards to address existing groundwater that contributes to base flow and aquifers; to prevent increases to flooding and erosion, and to provide water quality treatment through stormwater management measures for Total Suspended Solids (TSS) and nutrients. The Stormwater Management rules require applicants to evaluate methods to prevent pollutants from becoming available to stormwater runoff and to design projects to minimize runoff impacts from new development through better site design. Some of the issues that are required to be assessed for the site include low impact development; maintenance of existing vegetation; minimizing and disconnecting impervious surfaces; and pollution prevention techniques. The Tier A MS4 NJPDES permit requires municipalities to implement these rules at the local level.

Tier A Municipalities shall develop and continue to update, implement and enforce a post construction 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 et seq. In general, the Stormwater Management rules:

- Contain requirements for stormwater management plans and stormwater control ordinances;

- Provide information for the adoption and implementation of municipal stormwater management plans and regional stormwater management plans; and
- Establish design and performance standards for stormwater management measures and establish safety standards for stormwater management basins.

The post construction stormwater management program established by the Tier A Municipality shall address stormwater runoff from the following types of major development unless a more stringent standard is specified by the municipality's stormwater control ordinance:

- New development and redevelopment projects that disturb one acre or more and are not operated by the municipality (e.g. retail stores, residential complexes);
- New development and redevelopment projects that disturb one acre or more and are operated by the municipality itself (e.g. town complex);
- All new development and redevelopment projects that disturb less than one acre and are part of a larger common plan of development or sale (e.g. phased residential development) that ultimately disturbs more than one acre.

The post construction stormwater management program established by the Tier A Municipality shall require compliance with the applicable design and performance standards established under N.J.A.C. 7:8 for major development. Major development is defined in this permit in the Notes and Definitions section as follows:

“Major development” means any development that provides for ultimately disturbing one or more acres of land and any additional development defined as “major development” by a municipality’s stormwater control ordinance. 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.”

Tier A Municipalities are required to review and analyze development applications for compliance with Part IV.B.4 of this permit even if a separate permit is required by the Department for the same or similar activity (e.g. a Land Use Permit). Additionally, the post construction stormwater management program shall ensure that any residential development and redevelopment projects that are subject to the Residential Site Improvement Standards (RSIS) for stormwater management (N.J.A.C. 5:21-7) comply with those standards. This shall also include any exception, waiver, or special area standard that was approved under N.J.A.C. 5:21. The Stormwater Management rules (N.J.A.C. 7:8) and the RSIS for stormwater management (N.J.A.C. 5:21-7), independently and as implemented in this permit, apply to all areas of the Tier A Municipality.

As stated earlier, the Stormwater Management rules at N.J.A.C. 7:8 set forth the required components of a Municipal Stormwater Management Plan (MSWMP). The MSWMP is the written plan that describes how to document the municipality’s strategy, structure, and process for addressing post construction stormwater runoff from new development and redevelopment to ensure compliance with N.J.A.C. 7:8. Because the MSWMP is part of the stormwater program, it is a component of the SPPP. The MSWMP is also part of the Municipality’s Master Plan. The Stormwater Management rules at N.J.A.C. 7:8 define what constitutes new development and redevelopment projects. The Stormwater Management rules at N.J.A.C. 7:8 also establish the stormwater management design and performance standards for new development and redevelopment. The design and performance components of the Stormwater Management rules are 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 and Coastal Wetlands) and by local authorities through the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Residential Site Improvement Standards (RSIS, N.J.A.C. 5:21-7) and local ordinances. The RSIS are applicable to any residential application that goes before a local board. Through the RSIS, the Stormwater Management rules are activated whenever

a municipality requires the control of runoff from a site that is the subject of a site or subdivision application (see also www.nj.gov/dep/stormwater/sw_rule_faqs.htm).

Recently, changes to N.J.A.C. 7:8 removed duplicative requirements that are also found in the Flood Hazard Area Control Act rules (N.J.A.C. 7:13). These revisions removed from N.J.A.C. 7:8 requirements related to Special Water Resource Protection Areas (SWRPA). Note that all waters in New Jersey are regulated under the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13) with the exception of those listed at N.J.A.C. 7:13-2.2(a)1-4. Furthermore, a riparian zone exists along both sides of every regulated water and includes the water itself unless listed as an exception at N.J.A.C. 7:13-2.3(c)1.i-vi. As outlined in N.J.A.C. 7:13-4.1(c), the width of a riparian zone can vary from 50 feet to 300 feet, however, the riparian zone along any regulated water designated as a Category One water, and all upstream tributaries situated within the same HUC-14 watershed, is always 300 feet. Discharges from major developments, as defined at N.J.A.C. 7:8-1.2, into riparian zones along Category One waters are required to be avoided to the maximum extent practicable, and where unavoidable, are required to be treated to 95% TSS removal pursuant to N.J.A.C. 7:13-11.2(j)4. As explained in detail in the Flood Hazard Area Control Act Rules response to comment document, this requirement is consistent with the jurisdiction and scope of the prior SWRPA requirements and its removal from N.J.A.C. 7:8 and placement in the Flood Hazard Area Control Act Rules does not modify any effluent limitations, standards or conditions in a NJPDES permit, including this MS4 NJPDES permit. This explanation serves to clarify these recent rule revisions for the purposes of the draft Tier A MS4 NJPDES permit.

b. Municipal Stormwater Management Plans (MSWMP) and Stormwater Control Ordinances

The Tier A Municipality shall adopt, amend and implement a written Municipal Stormwater Management Plan (MSWMP), pursuant to N.J.A.C. 7:8 et seq., to describe the framework of the Tier A Municipality's strategy, structure and process for its post construction stormwater management program. The elements of an MSWMP are listed in N.J.A.C. 7:8. This draft Tier A MS4 NJPDES permit includes the following requirements:

- The Tier A Municipality shall submit the adopted plan for approval to the County review agency in accordance with N.J.A.C. 7:8-4;
- The Tier A Municipality shall notify the Department and post the approved plan and any amendments on its website (or otherwise comply with the notification requirements of N.J.A.C. 7:8-4.4(e)) within thirty days of the effective date of the plan. See Part IV.B.1.b.iii;
- The Tier A Municipality shall review and update its MSWMP as necessary, and as a part of the reexamination of its municipal master plan in accordance with N.J.A.C. 7:8-4.3(c) and (d).

In order to implement the post construction stormwater management program, Tier A Municipalities shall adopt, amend, implement and enforce a municipal stormwater control ordinance. The Tier A Municipality shall develop and adopt the contents of the ordinance in accordance with N.J.A.C. 7:8 et seq. A sample stormwater ordinance consistent with the requirements of the Stormwater Management rules is posted at www.state.nj.us/dep/dwq/tier_a_model_ord.htm and a sample stormwater ordinance applicable to Pinelands Area Municipalities is posted at www.nj.gov/dep/stormwater/pinelands.htm. The municipal stormwater control ordinance shall include, at a minimum, the following elements:

- Control aspects of residential development and redevelopment projects that are not pre-empted by the RSIS;
- Control stormwater from non-residential development and redevelopment projects, in accordance with the requirements at N.J.A.C. 7:8 et seq.; and
- Set forth special area standards approved by the Site Improvement Advisory Board for residential development or redevelopment projects under N.J.A.C. 5:21-3.5.

Sample ordinances are provided as a courtesy and are not required to be adopted verbatim by the municipality as long as applicable permit and regulatory requirements are met. For example, the Tier A Municipality could adopt more stringent stormwater management requirements in its ordinances pursuant to N.J.A.C. 7:8-1.5(a). Where N.J.A.C. 7:50-3 is applicable, the municipal stormwater control ordinance (and any amendments) shall be certified by the Pinelands Commission. See www.nj.gov/dep/stormwater/pinelands.htm or contact the Pinelands Commission for a sample ordinance.

The stormwater control ordinance was originally required in the 2004 Tier A MS4 NJPDES permit, so it is likely that existing Tier A Municipalities have completed this requirement. In order to clarify that a municipality keep its ordinances up-to-date (with this permit or with any legislative or regulatory changes that occur outside of this permit), and consistent with N.J.A.C. 7:8-4.3(c) and 4.5, this draft Tier A MS4 NJPDES permit 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. Any such notification from the Department would be under separate cover from this permit.

Tier A Municipalities can grant a variance or exemption from the design and performance standards for stormwater management measures. Any such variance or exemption can only be made if the municipality has a mitigation plan. The mitigation plan must be included in an approved MSWMP and stormwater control ordinance(s). In the event that a variance or exemption is granted, the municipality is required to submit a written report to the county review agency and the Department describing the variance or exemption and the required mitigation. See Part IV.B.4.h.

Additionally, the Tier A Municipality shall enforce, through the stormwater control ordinance(s) or a separate ordinance, compliance with the standards set forth in Attachment C (Design Standards for Storm Drain Inlets) of the permit to control passage of solid and floatable materials through storm drain inlets for storm drain inlets not installed by the Tier A Municipality (e.g., private developer). The Tier A Municipality shall likewise comply with the standards set forth in Attachment C (Design Standards for Storm Drain Inlets) to control passage of solid and floatable materials through storm drain inlets the municipality installs.

c. Review of Stormwater Management Designs for Major Development

Pursuant to N.J.A.C. 7:8 and the Tier A MS4 NJPDES permit (consistent with N.J.A.C. 7:14A-25.6(b)3.ii), municipalities are required to review stormwater management designs for major development. To ensure appropriate review by municipal engineers, this draft Tier A MS4 NJPDES permit requires that, beginning on EDPA, Tier A Municipalities shall complete new Attachment D (Major Development Stormwater Summary), or any version that is updated and posted on the Department's website at www.nj.gov/dep/stormwater/, for each structural and non-structural stormwater management measure (e.g. stormwater management basin, subsurface infiltration/detention system, manufactured treatment device, green infrastructure). Tier A Municipalities shall complete the form included as Attachment D for all major developments as follows:

- Complete a Major Development Stormwater Summary (as posted on the Department's website at www.nj.gov/dep/dwq/tier_a_forms.htm; courtesy copy provided as Attachment D of this permit) when an application is made to the Tier A Municipality after EDPA;
- Update the Major Development Stormwater Summary while stormwater measures are being installed;
- Finalize the Major Development Stormwater Summary once certificate of occupancy is issued; and
- Maintain a completed Major Development Stormwater Summary and make it available to the Department upon request.

Attachment D combines administrative information as well as technical information from site plans and stormwater management report, such as hydrology and hydraulics for pre and post development conditions that are necessary for the review of a site. The person completing Attachment D could include any individuals that review the stormwater

management design for development and redevelopment projects on behalf of the municipality; typically, a municipal engineer. Attachment D is a screening tool for the Department and is therefore not intended as a comprehensive checklist for engineering review of design. In addition, Attachment D incorporates the information necessary to determine if the proposed development complies with the design and performance requirements in the Stormwater Management rules, N.J.A.C. 7:8-5. This Attachment D only pertains to applications made after EDPA. Therefore, Tier A Municipalities are **not** required to complete Attachment D for applications or projects submitted to the planning board prior to EDPA.

Finally, Tier A Municipalities shall ensure adequate long-term cleaning, operation and maintenance of stormwater management measures owned or operated by the Tier A Municipality and not owned or operated by the Tier A Municipality. For additional detail see Part IV.C.1.a, and C.1.b of this draft Tier A MS4 NJPDES permit and Section 7.B.4, Other Control Measures, of this Fact Sheet.

5. Minimum Standards for Pollution Prevention / Good Housekeeping for Municipal Operators (Part IV.B.5)

The 2009 Tier A MS4 NJPDES permit contains the following four SBRs: Improper Disposal of Waste; Solids and Floatable Controls; Maintenance Yard Operations; and Employee Training. This draft Tier A MS4 NJPDES permit has merged these four SBRs into a newly named SBR entitled “Pollution Prevention/Good Housekeeping for Municipal Operators.” This name is derived from one of the federal Six Minimum Measures and clarifies that Tier A Municipalities can utilize federal guidance for this SBR. See the “National Menu of Best Management Practices (BMPs) for Stormwater” at www.epa.gov/npdes/stormwater-discharges-municipal-sources.

A tabular summary of the 2009 Tier A MS4 NJPDES permit SBRs as compared to this draft Tier A MS4 NJPDES permit SBRs is as follows:

2009 SBR	Draft Permit Renewal SBR
Improper Disposal of Waste - Pet waste ordinance - Litter ordinance - Improper disposal of waste ordinance - Wildlife feeding ordinance - Yard waste ordinance/collection program - Private storm drain inlet retrofitting ordinance - Refuse container/dumpster ordinance ¹ - Fertilizer management ordinance ²	Community wide ordinances - Pet waste ordinance - Litter ordinance - Improper disposal of waste ordinance - Wildlife feeding ordinance - Yard waste ordinance/collection program - Private storm drain inlet retrofitting ordinance
Solids and Floatable Controls - Street sweeping - Catch basin inspection and cleaning - Storm drain inlet retrofitting - Outfall pipe stream scouring remediation ³ - Stormwater facility maintenance ³	Community wide measures - Street sweeping - Catch basin and inlet inspection and cleaning - Storm drain inlet retrofitting
Maintenance Yard Operations (including maintenance activities at Ancillary Operations) – Detailed in Attachment D - De-icing material storage - Equipment vehicle washing - Standard operating procedures	Municipal maintenance yards and other ancillary operations – Detailed in Attachment E ⁴ - 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
Employee training	Employee Training Stormwater Management Design Review Training ⁵ Municipal Board and Governing Body Member Related Training ⁵
Footnotes ¹ Not carried forward in proposed renewal based on December 21, 2011 decision by the Council on Local Mandates in response to a complaint filed by Roxbury Township. ² Not carried forward in proposed renewal due to passage of Statewide Fertilizer Ordinance. ³ Stormwater facility maintenance and outfall pipe stream scouring remediation has been relocated and expanded to Part IV.B.6 and Part IV.C.1, respectively. ⁴ BMPs expanded. ⁵ New training requirements discussed at Part IV.B.5.e & f.	

A detailed basis and background for each draft Tier A MS4 NJPDES permit SBR is included below as well as changes from the 2009 Tier A MS4 NJPDES permit.

a. Community Wide Ordinances (Part IV.B.5.a)

This draft Tier A MS4 NJPDES permit proposes to retain six ordinances (pet waste, litter, improper disposal of waste, wildlife feeding, yard waste collection, and private storm drain inlet retrofitting) from the 2009 Tier A MS4 NJPDES permit. These ordinances were presented in the 2009 Permit under the heading “Improper Disposal of Wastes” and are presented in this draft Tier A MS4 NJPDES permit renewal under “Community Wide Ordinances”. The Tier A Municipality, via these six ordinances and consistent with N.J.A.C. 7:14A-25.6(b)5.iii, is required to effectively prohibit improper disposal of waste into the permittee’s small MS4, and implement appropriate enforcement procedures and actions. Consistent with the 2004 and 2009 Tier A MS4 NJPDES permits, the Department continues to provide sample ordinances either through its guidance document or as posted on its website. See www.nj.gov/dep/dwq/tier_a_guidance.htm and www.nj.gov/dep/dwq/tier_a.htm. The content of the permit requirements regarding ordinances, as well as the suggested sample ordinances for pet waste, litter, improper disposal of waste, wildlife feeding, yard waste collection, and private storm drain inlet retrofitting, are consistent with the 2009 Tier A MS4 NJPDES permit. Because this is a longstanding requirement, it is likely that existing Tier A Municipalities are already in compliance and will not have to readopt or amend an ordinance merely for the purposes of this draft Tier A MS4 NJPDES permit although a link has been added so that sample ordinances can be easily accessed. This does not relieve a municipality from the requirement to keep all ordinances up-to-date with any legislative or regulatory changes that occur outside of this permit. In addition, sample ordinances are provided as a courtesy and are not required to be adopted verbatim by the municipality as long as applicable permit and regulatory requirements are met.

As shown in the table under Section 5 Pollution Prevention / Good Housekeeping for Municipal Operators above, two ordinances, the fertilizer management ordinance and the refuse container/dumpster ordinance are removed from this draft Tier A MS4 NJPDES permit as required ordinances. The former was removed since the NJ Fertilizer Act, P.L.2010, c112 (C.58:10A-61) took effect on January 5, 2012 and preempts local regulation on the matter and the latter was removed due to a ruling by the Council on Local Mandates. While the former ordinance is preempted by state law, the latter may continue to be enforced by municipalities as an optional measure since requiring lids on dumpsters is an effective and reasonable means of reducing the negative health, safety and environmental impacts associated with poorly maintained or uncovered dumpsters. See Section 7.F Optional Measures, below.

Pursuant to P.L.2010, c112 (C.58:10A-67) of the NJ Fertilizer Act, the provisions of the act and the rules and regulations adopted pursuant thereto preempts any ordinance or resolution of a municipality, county or local health agency concerning the application of fertilizer to turf except that any municipality, county, local soil conservation district or

local health agency may enforce of the act. This includes the Fertilizer Management Ordinance that was required by the March 1, 2009 Tier A Municipal Stormwater Permit. The fertilizer management ordinance was applicable to certain municipalities in non-tidal portions of the Passaic River Basin, as identified in the adopted Non-Tidal Passaic River Basin Addressing Phosphorus Impairments TMDL, as having waterbodies that were impaired for phosphorus. As such, the 2009 Tier A MS4 NJPDES permit required these specific municipalities (as listed in Attachment F of that permit) to adopt a fertilizer management ordinance, consistent with the sample ordinance provided by the Department's Division of Watershed Management.

While nitrogen and phosphorus are nutrients required for plant growth and are often contained in fertilizers, an overabundance can be unhealthy for lawns and can be carried into lakes, rivers and streams. This can stimulate excessive algae and aquatic weed growth which reduces dissolved oxygen and sunlight needed for healthy aquatic life. The first phase of the NJ Fertilizer Act required the use of best management practices to reduce the impacts of fertilizers on waterways and development of public outreach. The second phase initiated the creation of a certification program for professional fertilizer applicators and lawn care providers. The third phase requires manufacturers to provide lawn fertilizers with reduced nitrogen and zero phosphorous content for use in most typical lawn care situations. Reformulated products that are designed to reduce environmental impacts are available through stores and suppliers across New Jersey. Since enforcement of the NJ Fertilizer Act is the responsibility of municipalities, counties, local soil conservation districts and the local health departments, the Department recommends that municipalities work with these agencies to ensure local enforcement of the act. For more information, see www.nj.gov/dep/healthylawnshealthywater/.

The Department has determined that compliance with the NJ Fertilizer Law satisfies the requirements of the adopted Non-Tidal Passaic River Basin Addressing Phosphorus Impairments TMDL. In addition to the elimination of the requirement in the body of the permit, the list of municipalities in the former Attachment F has been removed because it is no longer applicable. Most significantly, the NJ Fertilizer Law is applicable to all municipalities within the State of NJ, not just those municipalities identified in the adopted Non-Tidal Passaic River Basin Addressing Phosphorus Impairments TMDL. The statewide application of this act will result in phosphorus reductions in waterways on a statewide basis.

b. Community Wide Measures (Part IV.B.5.b)

As described in the table under Section 7 Pollution Prevention / Good Housekeeping for Municipal Operators above, the 2009 Tier A MS4 NJPDES permit contains five requirements under the heading of "Solids and Floatables Control." This draft Tier A MS4 NJPDES permit presents three of the 2009 Permit's five "Solids and Floatables Control" requirements under the title "Community wide measures." These three are Street Sweeping; Storm Drain Inlet Retrofitting; and Catch Basin Inspection and Cleaning. The requirements for street sweeping and storm drain inlet retrofit are reworded but essentially the same in this draft Tier A MS4 NJPDES permit compared to the 2009 Tier A MS4 NJPDES permit. Similarly, the requirements in Attachment C (Design Standards for Storm Drain Inlets) are also unchanged from the 2009 Tier A MS4 NJPDES permit, although reformatted and clarified. The last two requirements the 2009 Permit's "Solids and Floatable Controls" heading have been moved to other sections of this draft Tier A MS4 NJPDES permit. The "Stormwater Facility Maintenance" requirement has been moved to Part IV.C, Other Control Measures to accommodate requirements related to both municipally owned or operated stormwater facilities and stormwater facilities not owned or operated by the municipality in one location of the permit as Other Control Measures (see Section 7.B of this Fact Sheet). The "Outfall Pipe Stream Scouring Remediation" requirement has been moved to Part IV.B.6, MS4 Outfall Pipe Mapping, and Illicit Discharge and Scouring Detection and Control, given the relationship that these requirements share with outfalls and given the inspection-based nature of that section of the permit. These two sections are discussed at Section 7.A.6, below, Minimum Standards for MS4 Outfall Pipe Mapping and Illicit Discharge and Scouring Detection and Control.

As noted above, the catch basin cleaning requirement has been changed in this draft Tier A MS4 NJPDES permit. The 2009 Tier A MS4 NJPDES permit contains the following language for Catch Basin Inspection and Cleaning:

“Minimum Standard - Tier A Municipalities shall inspect all municipally owned and operated catch basins for accumulated sediment, trash, and debris; and clean those basins to remove sediment, trash, or debris (if any observed during inspection). Tier A Municipalities with:

- less than 5,000 municipally owned and operated catch basins shall annually inspect and (to the extent noted above) clean at least 1,000 catch basins, or as many catch basins as the municipality owns and operates.
- 5,000 or more municipally owned and operated catch basins shall inspect and (to the extent noted above) clean all catch basins by February 28, 2014.”

The draft Tier A MS4 NJPDES permit requirement at Part IV.B.5.b.ii is proposed as follows:

“Catch Basin and Storm Drain Inlet Inspection and Cleaning: The Tier A Municipality shall inspect storm drain inlets and any associated catch basins that it owns or operates and remove sediment, trash, or debris when present. Each catch basin and inlet shall be inspected at least once every five years. The Tier A Municipality shall clean any municipally owned or operated storm drain inlet or catch basin as frequently as necessary to eliminate recurring problems and restore proper function.

Note that the header and the content of the language have been changed to state that both inlets and any associated catch basin must be inspected and maintained. Additionally, “storm drain inlet” has been defined in this permit to mean the point of entry into the storm drain system and is, where a catch basin is present, the uppermost portion (or cover) of a catch basin. This is important since some inlets do not have catch basins but still require inspection and cleaning. A requirement has also been included to ensure that any given catch basin or storm drain inlet is cleaned as frequently as necessary to ensure proper function and operation. This permit language allows municipalities flexibility in implementing the requirement in an effort to acknowledge limited resources. This approach is pragmatic and preferable to the set schedule as included in the 2009 Tier A NJPDES permit. Because function must be assured, municipalities must focus resources on common problem areas rather than a one size fits all requirement as included in the 2009 Tier A NJPDES permit. This draft Tier A MS4 NJPDES permit also includes requirements to prioritize MS4 maintenance activities (which include catch basin and inlet cleaning) based not only on catch basin and inlet inspection records but also on other factors intended to promote municipal attention in areas of the MS4 that will yield the greatest environmental, health and safety benefit (see Part IV.C.1.a.iv). Finally, as indicated in Attachment A (Measurable Goals and Implementation Schedule) which applies to existing permittees, Tier A Municipalities are required to keep records of catch basin and inlet inspections and cleanings. Please refer to Attachment A-1 for new permittees. The Department maintains that these changes constitute reasonable progress towards reducing pollutant discharges associated with poorly maintained catch basins and storm drain inlets to the maximum extent practicable.

c. Municipal maintenance yards and other ancillary operations (Part IV.B.5.c)

The 2009 Tier A MS4 NJPDES permit presents requirements related to municipal maintenance yard activities in both the body of the permit and in an attachment. Part I.E.8 of the 2009 Permit contains requirements for de-icing material storage, equipment vehicle washing, and Standard Operating Procedures under the heading “Maintenance Yard Operations (including maintenance activities at Ancillary Operations).” This section of the 2009 Permit also references Attachment D entitled “Required Practices for Fueling Operations, Vehicle Maintenance, and Good Housekeeping SBRs”. A tabular summary of the relevant attachments for the 2009 Tier A MS4 NJPDES permit as compared to this draft Tier A NJPDES permit for this permit condition is as follows:

2009 SBR – Attachment D	Draft Permit Renewal SBR - Attachment E
Required Practices for Fueling Operations, Vehicle Maintenance, and Good Housekeeping	Best Management Practices for Municipal Maintenance Yards and Other Ancillary Operations

• Inventory Requirements for Municipal Maintenance Yard Operations (including ancillary operations); • Fueling; • Vehicle maintenance; • General good housekeeping; • Good housekeeping practices for salt and de-icing material storage and handling; and • Inspections including secondary containment.	• Inventory of Material and Machinery; • Fueling Operations; • Vehicle Maintenance; • Inspections and Good Housekeeping; • Salt and De-icing Material Storage and Handling; • Discharge of Stormwater from Secondary Containment; • On-Site Equipment and Vehicle Washing and Wash Wastewater Containment; • Aggregate Material and Construction Debris Storage; • Street Sweepings, Catch Basin Clean Out and Other Material Storage • Yard Trimmings and Wood Waste Management Sites. • Roadside Vegetation Management
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Consistent with 40 CFR 122.34(b)(6) and N.J.A.C. 7:14A-25.6, each iteration of New Jersey’s Tier A MS4 NJPDES permit since 2004 has included requirements related to municipal maintenance yard operations. N.J.A.C. 7:14A-25.6(b)7 states:

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

At Part IV.B.5.c of this draft Tier A MS4 NJPDES permit, these requirements are presented and renamed “Municipal Maintenance Yards and Other Ancillary Operations.” This permit condition presents a simple (but expanded) list of activities to better represent common activities at municipal yards; and unifies all applicable BMP’s and control measures in Attachment E (Best Management Practices for Municipal Maintenance Yards and Other Ancillary Operations). Based on information garnered from site inspections as well as input from field inspectors, the 2009 Tier A MS4 NJPDES permit does not accurately represent all the activities at municipal maintenance yard locations. This draft Tier A MS4 NJPDES permit proposes to remedy this gap by expanding this section as well as by including BMPs or control measures that must be implemented to minimize or eliminate pollutant exposure to stormwater for each activity in Attachment E. Attachment E (Best Management Practices for Municipal Maintenance Yards and Other Ancillary Operations) is written so that it can be distributed to and utilized by maintenance yard employees.

The Department has determined that expanding coverage under this draft Tier A MS4 NJPDES permit for additional activities commonly occurring at municipal yards is appropriate since such activities can be a significant contributor of pollutants to surface water if not managed properly (see N.J.A.C. 7:14A-24.2(a)). These activities could be otherwise regulated under individual permits but the Department has determined that this general permit is the most efficient and appropriate means by which the Department can regulate a large number of similar dischargers (see also N.J.A.C. 7:14A-6.13). Therefore, this draft Tier A MS4 NJPDES permit now includes an expanded version of BMPs related to equipment and vehicle washing and wash wastewater containment; as well as new requirements for aggregate material storage; street sweepings, catch basin clean out, and other material storage; yard trimmings and wood waste management sites; and roadside vegetation management. Inclusion of this more comprehensive set of activities for municipal yards is an important component of the draft Tier A MS4 NJPDES permit and are consistent with 40 CFR 122.34(b)(6)ii with states:

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

These BMPs are intended to improve stormwater quality through the implementation of techniques to minimize the exposure of pollutants to stormwater. A Tier A municipality is not exempt from the requirement to apply for another

stormwater permit for any activity addressed in Attachment E if required to do so, for due cause, by the Department (N.J.A.C. 7:14A-6.13).

The basis and background for inclusion of these requirements is as follows:

- Inventory of Material and Machinery; Inspections; and Good Housekeeping

Properly implemented good housekeeping procedures can eliminate or minimize contact between stormwater and source materials. Attachment E (Best Management Practices for Municipal Maintenance Yards and Other Ancillary Operations) continues requirements for Tier A Municipalities to implement good housekeeping procedures including the creation of an inventory for materials and machinery which could be a source of pollutants in a stormwater discharge (examples are listed in Attachment E). Other examples of required good housekeeping procedures include cleaning up spills (using dry cleaning methods) as soon as they are discovered; properly labeling containers; proper disposal of hazardous materials; reducing or eliminating outside storage of materials and machinery; and keeping oil and other fluids and greases indoors or covered on a spill platform or clean pallets. Regular inspections are required and shall be tracked on a maintenance log. The maintenance log must contain (at a minimum) a record of inspections of all operations listed in Part IV.B.5.c 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.

Inspections of the municipal yard and other ancillary operations as well as frequent queries regarding employees' work practices will serve to ensure that BMPs are implemented properly. Periodic unscheduled inspections of facilities and maintenance activities will allow managers to gauge what has been learned. Posting reminders, such as markers above drains prohibiting discharges of vehicle fluids and wastes, or signs above faucets reminding employees not to use water to clean up spills will remind employees of proper procedures. Stickers that list important information and contact numbers for reporting illicit discharges, dumping, or spills can be affixed to all municipal vehicles. Refer to the Tier A Guidance document (www.nj.gov/dep/dwq/tier_a_guidance.htm) for additional ideas.

- Fueling Operations; Discharge of Stormwater from Secondary Containment; and Vehicle Maintenance

Attachment E (Best Management Practices for Municipal Maintenance Yards and Other Ancillary Operations) continues requirements for Tier A Municipalities to implement BMPs for fueling operations, discharges of stormwater from secondary containment systems (e.g. waste oil storage), and vehicle 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). 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. Attachment E specifies practices that can help to prevent these errors. For example, Attachment E includes a signage requirement to increase awareness of proper fueling procedures. Another requirement states that Tier A Municipalities 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.

- On-Site Equipment and Vehicle Washing and Wash Wastewater Containment

The minimum standard for equipment and vehicle washing, as included in the 2009 Tier A MS4 NJPDES permit under the heading of "Equipment and Vehicle Washing", is stated as follows:

"Minimum Standard - Tier A Municipalities shall manage any equipment and vehicle washing activities so that there are no unpermitted discharges of wash wastewater to the surface or ground waters of the State. Tier A Municipalities shall maintain a record of where and when equipment and vehicle washing occurs to document proper management of wash water discharge."

This draft Tier A MS4 NJPDES permit proposes to continue this requirement but it has been rewritten as follows:

“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.”

Attachment E (Best Management Practices for Municipal Maintenance Yards and Other Ancillary Operations) expands this requirement by addressing the temporary containment of vehicle washwater on site. This requirement is implemented by including standards for vehicle washwater containment structures including a requirement for annual certification through completion of a form entitled “Engineers Certification of Annual Inspection of Equipment and Vehicle Wash Wastewater Containment Structure.”

The wash wastewater containment structure language in Attachment E is intended to provide Tier A Municipalities 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 public works facilities which are not connected to a sanitary sewer system. Specifically, and as stated in Attachment E, Tier A Municipalities may temporarily contain vehicle wash wastewater prior to disposal is conditional on the following:

- Containment structures shall not leak. Any underground tanks and associated piping should be tested for integrity every 3 years using appropriate methods determined by “*The List of Leak Detection Evaluations for Storage Tank Systems*” created by the National Work Group on Leak Detection Evaluations (NWGLDE) or as determined appropriate and certified by a professional engineer for the site specific containment structure(s).
- For any cathodically protected containment system, provide a passing cathodic protection survey every three years.
- Operate containment structures to prevent overfilling resulting from normal or abnormal operations, overfilling, malfunctions of equipment, and human error. Overfill prevention should include manual sticking/gauging of the tank before each use unless system design prevents such measurement. Tank should no longer accept wash wastewater when determined to be at 95% capacity. Record each measurement to the nearest ½ inch.
- Before each use, perform inspections of all visible portions of containment structures to ensure that they are structurally sound, and to detect deterioration of the wash pad, catch basin, sump, tank, piping, risers, walls, floors, joints, seams, pumps and pipe connections or other containment devices. The wash pad, catch basin, sump and associated drains should be kept free of debris before each use. Log dates of inspection; inspector's name, and conditions.
- Containment structures shall be emptied and taken out of service immediately upon detection of a leak. Complete all necessary repairs to ensure structural integrity prior to placing the containment structure back into service. Any spills or suspected release of hazardous substances shall be immediately reported to the NJDEP Hotline (1-877-927-6337) 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.
- All equipment and vehicle wash wastewater placed into storage must be disposed of in a legally permitted manner (e.g. pumped out and delivered to a duly permitted and/or approved wastewater treatment facility).
- Maintain a log of equipment and vehicle wash wastewater containment structures clean-outs including date and method of removal, mode of transportation (including name of hauler if applicable) and the location of disposal.
- Containment structures shall be inspected annually by a NJ licensed professional engineer. The engineer shall certify the condition of all structures including: wash pad, catch basin, sump, tank, piping, risers to detect deterioration in the, walls, floors, joints, seams, pumps and pipe connections or other containment devices using

the attached Engineer's Certification of Annual Inspection of Equipment and Vehicle Wash Wastewater Containment Structure. This certification may be waived for self-contained systems on a case-by-case basis. Any such waiver would be issued in writing by the Department.

All logs, inspection records and certifications shall be maintained on-site and available to the Department upon request. See Attachment A (Measureable Goals and Implementation Schedule) for recordkeeping requirements for existing permittees and Attachment A-1 for new permittees.

The Department maintains that these changes serve to improve the permit by allowing prescriptive, pragmatic conditions that will prevent the inappropriate discharge of equipment and vehicle washwater to the Tier A MS4 system.

- Salt and De-icing Material Storage and Handling

Attachment E (Best Management Practices for Municipal Maintenance Yards and Other Ancillary Operations) continues (and consolidates into one location) requirements for Tier A Municipalities to implement BMPs for salt and de-icing material storage and handling. While reorganized and clarified, the requirements are effectively the same; however, language related to temporary outdoor storage has been strengthened.

When salt and other de-icing materials are stored outside and uncovered, they can easily dissolve and be transported by stormwater. To prevent stormwater from coming into contact with salt and de-icing material, Tier A Municipalities are required to provide storage in a permanent structure. 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 the Notes and Definitions section. Requiring indoor storage of salt and de-icing materials is an effective pollution prevention technique which helps to eliminate pollutant loadings to surface and groundwater. 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.

- Aggregate Material and Construction Debris Storage

Storage for aggregate materials (e.g. gravel, sand) and construction debris was not addressed in the 2009 Tier A MS4 NJPDES permit. However, based on site inspections, many Tier A Municipalities often store this material at the municipal yard. As a result, Attachment E (Best Management Practices for Municipal Maintenance Yards and Other Ancillary Operations) now specifies BMPs for storage of these materials to minimize exposure to stormwater. This includes implementation of measures to minimize stormwater run-on and aggregate run-off via surface grading, dikes and/or berms (which may include sand bags, hay bales and curbing) 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. Certain setbacks from surface water bodies, storm sewer inlets and/or ditches or other stormwater conveyance channels apply. In addition, Attachment E requires road millings to be managed in conformance with the "Recycled Asphalt Pavement and Asphalt Millings (RAP) Reuse Guidance" (see www.nj.gov/dep/dshw/rtp/asphaltguidance.pdf) or properly disposed of as solid waste pursuant to N.J.A.C. 7:26-1 et seq.

Inclusion of these changes serves to improve the permit by specifying practical measures to minimize stormwater contact with aggregate material and construction debris storage material. The Department's goal is to ensure that these materials are properly handled and stored so that contact with stormwater that is discharged to surface waters can be minimized.

- Street Sweepings, Catch Basin Clean Out and Other Material Storage

While the conduct of street sweeping and catch basin clean outs is a requirement of the 2009 Tier A MS4 NJPDES permit, the permit did not contain any detail as to how Tier A Municipalities should manage these collected materials.

Attachment E (Best Management Practices for Municipal Maintenance Yards and Other Ancillary Operations) includes requirements to remedy this gap.

Part IV.B.5.c.vii and proposed Attachment E provide BMPs for street sweepings, storm sewer clean out materials, stormwater basin clean out materials and other similar materials that may be collected during road cleanup operations. These BMPs do not cover materials such as liquids, wastes which are removed from municipal sanitary sewer systems or material which constitutes hazardous waste in accordance with N.J.A.C. 7:26G-1.1 et seq. Road cleanup materials must be disposed in accordance with N.J.A.C. 7:26-1.1 et seq. (see “Guidance Document for the Management of Street Sweepings and Other Road Cleanup Materials” at www.nj.gov/dep/dshw/rrtp/sweeping.htm). Any materials collected in conformance with this BMP must be placed into storage that must, at a minimum, be stored in leak-proof containers or on an impervious surface that is contained (e.g. bermed) to control leachate and litter; and removed for disposal within six (6) months of placement into storage.

Inclusion of these changes serves to improve the permit by specifying practical measures to minimize stormwater contact with these materials. The Department's goal is to ensure that these materials are properly handled and stored so that contact with stormwater that is discharged to surface waters can be minimized.

- Yard Trimmings and Wood Waste Management Sites

While many Tier A Municipalities provide yard trimmings and wood waste pick-up as part of their municipal services, management of these materials was not addressed in the 2009 Tier A MS4 NJPDES permit. Newly proposed Attachment E (Best Management Practices for Municipal Maintenance Yards and Other Ancillary Operations) remedies this gap by providing BMPs for yard trimmings and wood waste management sites that are owned and operated by the Tier A Municipality.

Attachment E's BMPs require the Tier A Municipality to divert stormwater away from yard trimmings and wood waste management operations; and minimize or eliminate the exposure of yard trimmings, wood waste and related materials to stormwater. Yard trimmings and wood waste management site specific practices include the following:

- Construct windrows, staging and storage piles:
 - In such a manner that materials contained in the windrows, staging and storage piles (processed and unprocessed) do not enter waterways of the State;
 - On ground which is not susceptible to seasonal flooding;
 - In such a manner that prevents stormwater run-on and leachate run-off (e.g. use of covered areas, diversion swales, ditches or other designs to divert stormwater from contacting yard trimmings and wood waste).
- Maintain perimeter controls such as curbs, berms, hay bales, silt fences, jersey barriers or setbacks, to eliminate the discharge of stormwater runoff carrying leachate or litter from the site to storm sewer inlets or to surface waters of the State.
- Prevent on-site storm drain inlets from siltation using controls such as hay bales, silt fences, or filter fabric inlet protection.
- Dry weather run-off that reaches a municipal stormwater sewer system is an illicit discharge. Possible sources of dry weather run-off include wetting of piles by the site operator; uncontrolled pile leachate or uncontrolled leachate from other materials stored at the site.
- Remove trash from yard trimmings and wood waste upon receipt.
- Monitor site for trash on a routine basis.

- Store trash in leak-proof containers or on an impervious surface that is contained (e.g. bermed) to control leachate and litter;
- Dispose of collected trash at a permitted solid waste facility.
- Employ preventative tracking measures, such as gravel, quarry blend, or rumble strips at exits.

“Wood waste” is defined in the Notes and Definitions section as source separated whole trees, tree trunks, tree parts, tree stumps, brush and leaves provided that they are not composted, and lumber (non-chemically treated and unpainted). “Yard trimmings” is defined as grass clippings, leaves, wood chips from tree parts, and brush, whereas “Yard waste” means loose leaves and grass clippings.

Attachment E (Best Management Practices for Municipal Maintenance Yards and Other Ancillary Operations) is specific in that the defined conditions are only applicable to those sites that are owned and operated by the Tier A Municipality for staging, storing, composting or otherwise managing yard trimmings, OR for staging, storing or otherwise managing wood waste. Such sites must also be operated in compliance with the Recycling Rules at N.J.A.C. 7:26A. Attachment E does not apply to “for profit” companies operating in a contractual relationship with a Tier A Municipality.

- Roadside Vegetation Management

Some Tier A Municipalities apply herbicides as part of their municipal services. Management of this application was not addressed in the 2009 Tier A MS4 NJPDES permit. Newly proposed Attachment E (Best Management Practices for Municipal Maintenance Yards and Other Ancillary Operations) remedies this gap by providing BMPs for roadside vegetation management by the Tier A Municipality.

Tier A Municipalities shall restrict the application of herbicides along roadsides in order to prevent it from being washed by stormwater into the waters of the State and to prevent erosion caused by de-vegetation, as follows: Tier A Municipalities shall not apply herbicides on or adjacent to storm drain inlets, on steeply sloping ground, along curb lines, and along unobstructed shoulders. Tier A Municipalities shall only apply herbicides within a 2 foot radius around structures where overgrowth presents a safety hazard and where it is unsafe to mow.

d. Employee Training (Part IV.B.5.d)

The 2009 Tier A MS4 NJPDES permit includes a requirement for municipal employee training for the following topics: waste disposal education; municipal ordinances; yard waste collection program; illicit connection elimination and outfall pipe mapping; monthly sweeping of certain streets in predominantly commercial areas; stormwater facility maintenance; outfall pipe stream scouring remediation; maintenance yard operations; and construction activity/post construction stormwater management in new development and redevelopment.

The draft Tier A MS4 NJPDES permit requirement has modified this permit component where Tier A Municipalities shall develop, update and implement an employee training program to address Tier A MS4 NJPDES permit components and SPPP requirements. As specified in Attachment A (Measureable Goals and Implementation Schedule) for existing permittees, the Tier A Municipality is required to maintain records of employee training including sign in sheets; date of training; and training itinerary. These records shall be kept in the SPPP. Please refer to Attachment A-1 for new permittees. All municipal employees shall receive training on those stormwater topics applicable to their title and duties. This includes new employees as well as those employees whose work responsibilities change.

Training shall occur at least once every two years (unless specified otherwise) and shall include the following topics, at a minimum, depending on an employee’s title and duties. Training for new employees shall occur within three months of commencement of duties. In order to assist municipalities in meeting training requirements; the Department has posted a Stormwater Training link to training materials at www.nj.gov/dep/stormwater/training.htm. This link will

continue to be updated by the Department as training resources are developed or identified. In summary, municipal employee training must cover the following topics, at a minimum, and shall occur at least once every two years, except as specified below:

- Yard Waste Collection Program (if applicable) – Provide training on frequency of yard waste pickups and schedule; and policy for how and when yard waste can be placed curbside.
- Monthly Sweeping of Certain Streets in Predominantly Commercial Areas – Provide training on sweeping schedules and proper management of materials collected.
- Illicit Connection Elimination and Outfall Pipe Mapping – Provide training on the impacts associated with illicit connections and details of the program including investigation techniques, physical observations, field sampling, and mapping procedures. See the National Menu of Stormwater Best Management Practices at www.epa.gov/national-pollutant-discharge-elimination-system-npdes/national-menu-best-management-practices-bmps.
- Outfall Pipe Stream Scouring Detection and Control – Provide training on how to identify outfall pipe stream scouring and contributing factors.
- Maintenance Yard Operations (including Ancillary Operations) – Provide training annually on inventory of materials 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 sweeping, catch basin clean out and other material storage; yard trimmings and wood waste management sites. See Attachment E (Best Management Practices for Municipal Maintenance Yards and Other Ancillary Operations) for specific procedures.
- Waste Disposal Education – Provide training on the impacts associated with improper waste disposal, how to respond to inquiries regarding improper waste disposal and appropriate enforcement authority.
- Municipal Ordinances – Provide training on the following ordinances: Pet Waste Ordinance; Wildlife Feeding Ordinance; Litter Control Ordinance; Improper Disposal of Waste Ordinance; Containerized Yard Waste/Yard Waste Collection Ordinance; and the Private Storm Drain Inlet Ordinance. Training shall include an overview of these ordinance requirements, enforcement policies and the repercussions of non-compliance with these ordinances.
- Stormwater Facility Maintenance – Provide training annually on requirements for maintenance of stormwater facilities and catch basin and inlet cleaning methods.
- Construction Activity/Post Construction Stormwater Management in New Development and Redevelopment – Provide general training on the permitting requirements for construction activity and Post Construction Stormwater Management in New Development and Redevelopment.
- Provide general training on the Tier A Municipality's SPPP, applicable recordkeeping requirements, and detailed training on any component applicable to an employee's title and duties.
- Training may also be conducted on stormwater-related topics that serve an education purpose for employees.

Increased employee awareness through training will increase the effectiveness of the stormwater program and will ensure each employee is capable of contributing to compliance. Oftentimes municipal employees are residents as well so

improved employee awareness may reduce stormwater impacts through increased reporting of illicit discharges, dumping and spills.

e. Stormwater Management Design Review Training (Part IV.B.5.e)

The draft Tier A MS4 NJPDES permit contains a new training requirement for stormwater management design review. Specifically, Tier A Municipalities shall ensure that all design engineers, municipal engineers and other individuals that review the stormwater management design for development and redevelopment projects on behalf of the municipality (see Part IV.B.4), complete the Department approved Stormwater Management Design Review Course ([see www.nj.gov/dep/stormwater/training.htm](http://www.nj.gov/dep/stormwater/training.htm)) once every five years. This two-day course covers the Stormwater Management rule criteria and the NJ Stormwater BMP Manual. For both designers of land use proposals 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. Individuals that will review stormwater management design and have not completed this training within the past five years must attend the next scheduled course offering. The draft Tier A MS4 NJPDES permit establishes an implementation schedule of EDPA + 12 months for new and existing permittees to meet this requirement and training completed within five calendar years prior to EDPA qualifies towards this requirement. If unable to attend a scheduled course offering, the Tier A Municipality 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. This course is eligible for credits and continuing education units.

As specified in Attachment A (Measureable Goals and Implementation Schedule) for existing permittees, the Tier A Municipality is required to maintain a list of the dates and names of training program participants in its SPPP. Please refer to Attachment A-1 for new permittees.

f. Municipal Board and Governing Body Member Related Training (Part IV.B.5.f)

The Tier A Municipality shall ensure that municipal board and governing body members that review and approve applications for development and redevelopment projects, complete the “Asking the Right Questions in Stormwater Review Training Tool” posted at www.nj.gov/dep/stormwater/training.htm. This free on-line interactive training tool is designed for Municipal Board and Governing Body members to provide a general understanding of post construction requirements. This course must be completed by those individuals that review any projects for compliance with Part IV.B.4 of this permit. Training must be completed by current municipal board and governing body members on or before EDPA + 6 months and by new members within six months of commencing duties. Once per term of service thereafter, municipal board and governing body members must review at least one of the tools offered under Post-Construction Stormwater Management found at the website above.

As specified in Attachment A (Measureable Goals and Implementation Schedule) for existing permittees, the Tier A Municipality is required to maintain a list of the dates and names of training program participants in its SPPP. Please refer to Attachment A-1 for new permittees.

6. Minimum Standards for MS4 Outfall Pipe Mapping, and Illicit Discharge and Scouring Detection and Control (Part IV.B.6)

Illicit Discharge Detection and Elimination is one of the federal six minimum measures (see www.epa.gov/npdes/stormwater-discharges-municipal-sources) which the 2009 Tier A MS4 NJPDES permit addressed through requirements under the heading “Illicit Connection Elimination and MS4 Outfall Pipe Mapping.” Outfall pipe mapping is integral to a comprehensive illicit connection elimination program. A summary of these components as included in the 2009 Tier A MS4 NJPDES permit is as follows:

- Storm Sewer Outfall Pipe Mapping – Tier A Municipalities were required to complete and maintain an outfall pipe map showing the location of the end of all MS4 outfall pipes owned and operated by the Tier A Municipality which discharge to a surface water body (e.g., a lake, ocean, or stream including an intermittent stream).
- Ordinance Prohibiting Illicit Connections – Tier A Municipalities were required to adopt and enforce an ordinance to prohibit illicit connections to the Tier A Municipality's small MS4.
- Illicit Connection Elimination Program - Tier A Municipalities were required to complete an initial physical inspection of all outfall pipes and maintain an ongoing program to detect and eliminate illicit connections in accordance with the procedures included in Attachment B of the 2009 Tier A MS4 NJPDES permit. The ongoing program was intended to respond to complaints and reports of illicit connections, including those from operating entities of interconnected small MS4s, and continue to investigate dry weather flows discovered during routine inspections and maintenance of the small MS4. Information regarding the number of outfalls physically inspected, the number of outfalls found to have dry weather flow, the number of illicit connections found and the number of illicit connections eliminated was to be included in the Annual Report as required by the 2009 Tier A MS4 NJPDES permit. Copies of inspection reports for those outfalls found to have dry weather flow were to be submitted with the annual certification.

This draft Tier A MS4 NJPDES permit renames this section “MS4 Outfall Mapping, and Illicit Discharge and Scouring Detection and Control”. This section continues, with some changes, MS4 outfall pipe mapping and illicit connection control requirements and incorporates requirements related to Stream Scouring found in the “Solids and Floatable Controls” section of the 2009 Tier A MS4 NJPDES permit.

A summary of the proposed section components that are required pursuant to N.J.A.C. 7:14A-25.6(b)5 is as follows:

- Outfall Pipe Mapping - Tier A Municipalities shall maintain the outfall pipe map (required by prior Tier A MS4 NJPDES permits) showing the location of the end of all MS4 outfall pipes (tidal and non-tidal) owned or operated by the Tier A Municipality which discharge to a surface water body. The outfall pipe map shall:
 - Be current at the end of each calendar year;
 - Show the location (and name, where known to the municipality) of all surface water bodies receiving discharges from those outfall pipes;
 - Be included in the SPPP; and
 - Be provided to the Department by Existing Permittees on or before EDPA + 12 months and by New Permittees on or before EDPA + 36 months. New data points subsequently added to the map shall be provided to the Department annually thereafter.
 - Be submitted electronically by December 21, 2020 via the Department’s designated electronic submission service.
- Stream Scouring – Tier A Municipalities shall develop, update and implement a program to detect, investigate and control any localized stream scouring from stormwater outfall pipes owned or operated by the municipality. See the Tier A Municipal Guidance document (www.nj.gov/dep/dwq/tier_a_guidance.htm) for specific measures. The Tier A Municipality shall, at a minimum:
 - Inspect each outfall pipe which discharges to a stream for localized stream scouring in the vicinity of the outfall pipe. Each outfall pipe shall be inspected at least once every five years;

- Inspect any outfall pipes newly identified in compliance with Part IV.B.6.a (Minimum Standards for MS4 Outfall Pipe Mapping, and Illicit Discharge and Scouring Detection and Control) for localized stream scouring in the vicinity of the outfall pipe;
 - When localized stream scouring is detected, document sources of stormwater that contribute to the outfall pipes as identified above. Each identified source shall be investigated; and (1) where identified sources are located on property owned or operated by the Tier A Municipality, corrective action to reduce stormwater rate or volume shall be taken by the municipality when feasible, or (2) where identified sources are within the jurisdiction of but not located on property owned or operated by the Tier A Municipality, the municipality shall ensure proper operation and maintenance of stormwater facilities located thereon pursuant to Part IV.C.1.b (Stormwater Facilities Maintenance);
 - Prioritize, schedule and complete remediation of identified localized stream scouring and take corrective action to reduce the rate or volume of identified sources of stormwater contributing to scouring. If not completed, a schedule for completion shall be maintained as required in Part IV.C.1.a.iv (Stormwater Facilities Maintenance); and
 - All 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 et seq. All associated maintenance or repairs to stormwater facilities shall be made in accordance N.J.A.C 7:8.
- Illicit Connection Control Program - Tier A Municipalities shall develop, update, implement and enforce an ongoing Illicit Discharge Detection and Elimination Program in accordance with this permit. See the Tier A Municipal Guidance document (www.nj.gov/dep/dwq/tier_a_guidance.htm) for specific measures as well as EPA Guidance (www3.epa.gov/npdes/pubs/idde_manualwithappendices.pdf). The Tier A Municipality shall, at a minimum:
 - Conduct visual inspection of outfall pipes owned or operated by the municipality at least once every five years to determine if dry weather flow or other evidence of illicit discharge is present;
 - Investigate the source if evidence of illicit discharge is found;
 - Eliminate non-stormwater discharges that are traced to their source and found to be illicit connections;
 - Document actions taken using the Department's Illicit Connection Inspection Report Form. See www.nj.gov/dep/dwq/tier_a_forms.htm;
 - Inspect any outfall pipes newly identified in compliance with Part IV.B.6.a (Minimum Standards for MS4 Outfall Pipe Mapping, and Illicit Discharge and Scouring Detection and Control) for illicit discharges;
 - Investigate dry weather flows discovered during routine inspection and maintenance of other elements of the MS4; and
 - Investigate complaints and reports of illicit connections, including those from operating entities of interconnected MS4s.
 - Ordinance Prohibiting Illicit Connections - Tier A Municipalities shall adopt and enforce an ordinance that prohibits illicit connections to the Tier A MS4.

The above described Outfall Pipe Mapping requirements of this draft Tier A MS4 NJPDES permit restore the requirement from the 2004 Tier A MS4 NJPDES permit to include the location and name of all surface water bodies receiving discharges from MS4 outfall pipes. This detail was omitted in the 2009 Tier A MS4 NJPDES permit for existing permittees. The requirement to show the location (and name, where known to the municipality) of all surface water bodies receiving discharges from those outfall pipes is consistent with state and federal regulations (see N.J.A.C. 7:14A-25.6(b)(5)(i) and 40 CFR 122.34(b)(3)(i)(A), respectively), as well as the 2004 Tier A MS4 NJPDES permit. Consistent with the requirements of 40 CFR 122.33(b)(1) and 40 CFR 122.28(b)2, the Department is also requiring the submission of the outfall pipe map including the location and names of the receiving waterbodies. The deadline for submitting these maps is EDPA + 12 months for Existing Permittees and EDPA + 36 months for New Permittees. Existing permittees that collected this information as required by the 2004 Tier A MS4 NJPDES permit may submit that information to the Department to comply with this requirement. As noted in Part II.C.5.f, Tier A Municipalities are required to comply with the NPDES Electronic Reporting rule at 40 CFR Part 127. As noted at Part II.C.3, this federal rule requires electronic submission of general permit authorization requests (i.e. and NJDEP Request For Authorization); general permit termination/revocation requests; and MS4 program reports by December 21, 2020.

In addition, the Department is in the process of creating a free to use stormwater facility mapping “application” or “app”. This application was developed with the intention of providing a method for municipalities to easily create a detailed inventory and map of stormwater facilities. At this time, the outfall pipes are the only stormwater facility for which comprehensive mapping independent of maintenance inspections is required. Tier A Municipalities can satisfy the outfall pipe mapping requirements of this permit by using this application which will upload outfall pipe location information directly to the Department and will associate outfall pipe location information with existing GIS surface water body information. Tier A Municipalities can also provide outfall pipe locational coordinates to the Department (on a spreadsheet format to be provided by the Department) which the Department can then upload into the application’s data layer. The Department anticipates that the use of this application for submittal of outfall pipe mapping data will constitute compliance with the NPDES Electronic Reporting Rule. Use of this application for collection and submittal of data for newly mapped outfalls would be advantageous, as it will likely prevent duplication of efforts required to comply with both the permit requirement and the Electronic Reporting requirement. This application can also be used by permittees to collect stormwater location information to support stormwater facilities maintenance activities; outfall pipe stream scouring activities; and illicit discharge detection and control activities, at their convenience. More information on the application is provided in Part 7.B.2 Minimum Standards for Stormwater Facilities Maintenance of this Fact Sheet.

The above described Outfall Pipe Stream Scouring requirements of this draft Tier A MS4 NJPDES permit align the physical inspection of the outfall pipes with the Illicit Discharge Detection and Control Program so that the Tier A Municipality could do both outfall pipe stream scouring detection and illicit discharge inspection on the same schedule. As with the 2009 Tier A MS4 NJPDES permit, this draft Tier A MS4 NJPDES Permit retains references to “localized” stream scouring “in the vicinity of the outfall pipe”. A definition of “Stream scouring” has been added at Notes and Definitions where 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. The Outfall Pipe Stream Scouring permit conditions require identification, documentation, investigation and, when feasible, reduction of sources of stormwater that contribute to outfall pipe stream scouring.

The above described Illicit Discharge Detection and Control program of this draft Tier A MS4 NJPDES permit serves to clarify, itemize and improve the 2009 Tier A MS4 NJPDES permit language to ensure that a more systematic procedure is described and to make clear that the requirement is ongoing. This draft Tier A MS4 NJPDES permit eliminates "Attachment B" of the 2009 Tier A MS4 NJPDES permit which was entitled “Procedures for Detecting, Investigating, and Eliminating Illicit Connections” as the conditions included in the former Attachment B have now been included in the body of the permit language at Part IV.B.6. The Department has also included a link to EPA guidance as a useful resource for the illicit discharge program. Additionally, the Department has improved the definition of “Illicit Connection” from the 2009 Tier A MS4 NJPDES permit. As specified in the Notes and Definitions section, “Illicit Connection” is defined to mean any physical or non-physical (i.e. leak, flow, or overflow into the municipal separate storm sewer system) connection to an MS4 that discharges domestic sewage; non-contact cooling water, process

wastewater, or other industrial waste (other than stormwater); or 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. 122.34(b)(3)(iii), unless that discharge is authorized under a NJPDES permit. Finally, the requirement to maintain and enforce an ordinance prohibiting illicit connections is continued from the 2009 Tier A MS4 NJPDES permit.

B. Other Control Measures (Part IV.C)

1. General Overview of Stormwater Facilities

While the 2009 Tier A MS4 NJPDES permit did not contain a specific section for “Other Control Measures,” this section is proposed in this draft Tier A MS4 NJPDES permit. Pursuant to N.J.A.C. 7:14A-25.6(a), Statewide Basic Requirements “may be set forth in more detail in the NJPDES permit” and the stormwater program “shall also include . . . other control or evaluation measures specified in the NJDPES permit.” Part IV.C Other Control Measures sets forth requirements necessary to supplement certain Statewide Basic Requirements designed to achieve elements of the federal Six Minimum Measures discussed in Section 2, Federal Stormwater Regulations above, including those expressed at N.J.A.C. 7:14A-25.6(b)3 for post construction stormwater facility operation and maintenance; N.J.A.C. 7:14A-25.6(b)6 for control of solid and floatable materials through stormwater facility operation and maintenance; and N.J.A.C. 7:14A-25.6(b)8 for employee training about stormwater system maintenance. As discussed below, compliance with the requirements of Part IV.C, Other Control Measures, provides an iterative step and reasonable progress towards increased recharge, reduced flooding and the reduction of the amount of pollutants discharged during storm events to the maximum extent practicable.

The inclusion of Minimum Standards for Stormwater Facilities Maintenance (Part IV.C.1), including the requirement to document specific location information of stormwater facilities, is a primary focus of this draft Tier A MS4 NJPDES permit. Two definitions that are relevant to stormwater facilities are defined in this permit in the Notes and Definitions section as follows:

“Stormwater facility” includes, but is not limited to: catch basins, detention basins, retention basins, filter strips, riparian buffers, infiltration trenches, sand filters, constructed wetlands, wet basins, bioretention systems, low flow bypasses, and stormwater conveyances. Stormwater facilities include structural stormwater management measures.

"Stormwater management measure" means any structural or nonstructural strategy, 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. Stormwater management measures include stormwater facilities.

As noted above, stormwater facilities are used to control and treat stormwater and include a wide variety of mechanisms such as stormwater management basins and structural stormwater management measures. Stormwater facilities that are used to control water are sometimes referred to as “BMPs” or “structural BMPs.” Stormwater facilities serve several purposes in that they treat stormwater, reduce peak flow, and/or recharge groundwater prior to discharge. Water quantity control mechanisms can be utilized to temporarily hold the water and slowly discharge it to either surface water or groundwater. Pollutants in stormwater that enter a stormwater facility reflect the land use of the contributing drainage area. An example of a common stormwater facility is the stormwater detention basin which serves to intercept stormwater runoff and slow it down thereby resulting in pollutants (e.g. sediment) settling out and dissolved pollutants (e.g. nitrates and phosphorus) being absorbed by any plants in the basin. Specifically, stormwater detention basins can provide treatment through settling, vegetative uptake and filtration, soil filtration and denitrification.

All stormwater facilities need proper operations and maintenance in order to function as designed. Proper maintenance of stormwater facilities improves aesthetics, reduces long term costs, and is critical to avoiding stormwater facility failure. The requirement to ensure long-term operation and maintenance of BMPs is consistent with federal and state post construction requirements and is required under the Post Construction Stormwater Management SBR at Part

IV.B.4.j. Proper operation and maintenance of stormwater facilities is inexorably tied to post construction stormwater management, as failure to maintain stormwater facilities will reduce their long-term benefits, undermining the goals of the post construction requirements. For example, stormwater detention basins that are not properly maintained as designed could cause flooding, decreased water quality treatment, and damage that can be difficult and costly to repair and clean up. To help promote long-term maintenance of BMPs, this draft Tier A MS4 NJPDES permit specifies and clarifies maintenance requirements related to municipally owned and operated as well as stormwater facilities not owned or operated by the municipality. These changes require the Tier A Municipality to maintain a log sufficient to demonstrate compliance with the Minimum Standards for Stormwater Facility Maintenance which includes specific location information of stormwater facilities. The location information must be maintained in a format specific enough to locate and identify the stormwater facility in the field. For example, an inventory with geographic coordinates of each stormwater facility would be sufficient to meet this requirement.

Proper operation and maintenance of stormwater facilities or “BMPs” is addressed in the 2009 Tier A MS4 NJPDES permit. The 2009 Tier A MS4 NJPDES permit includes the following Minimum Standard under Post Construction Stormwater Runoff Control:

“Ensure adequate long-term operation and maintenance of stormwater BMPs.”

Similarly, under Implementation within this same section:

“Ensure adequate long-term operation and maintenance of stormwater BMPs owned or operated by the municipality.”

“Ensure adequate long-term operation and maintenance of stormwater BMPs not owned or operated by the municipality.”

Language emphasizing the need for an inventory of stormwater facilities or BMPs is included in the MS4 Annual Report (under Post Construction Stormwater Management in New Development and Redevelopment). The submission of the Annual Report is required by the 2009 Tier A MS4 NJPDES permit. Language is as follows:

“Are you ensuring that adequate long-term operation and maintenance of stormwater BMPs is being performed on property that you do not own or operate? *Please keep an inventory of stormwater BMPs indicating type, function and location in a format provided by the Department onsite and available for inspection or upon request.*”

Similarly, language emphasizing the need for an inventory is included in the MS4 Annual Report (under Stormwater Facility Maintenance) required by the 2009 Tier A MS4 NJPDES permit is as follows:

“Stormwater facilities include, but are not limited to, catch basins, detention basins, filter strips, riparian buffers, infiltration trenches, sand filters, constructed wetlands, wet basins, bioretention systems, low flow bypasses and stormwater conveyances. *Please keep an inventory of stormwater BMPs indicating type, function and location in a format provided by the Department onsite and available for inspection or upon request.*”

Creation of an inventory is also suggested in EPA’s MS4 Permit Improvement Guide available at www.epa.gov/npdes/pubs/ms4permit_improvement_guide.pdf and the need for an inventory as a means of ensuring adequate long term operation and maintenance of stormwater facilities has been identified by EPA in the findings of EPA inspections of small MS4 communities. EPA’s MS4 Permit Improvement Guide states:

“Creating an inventory of post-construction structural stormwater control measures, including tracking of specific information, will first enable permittees to know what control measures they are responsible for. Without this information the permittee will not be protecting water quality to their full potential since inspections, maintenance, and follow-up changes cannot be performed. Tracking information such as the

latitude/longitude, maintenance and inspection requirements and follow-up will allow the permittee to be able to better allocate their resources for those activities that are immediately necessary...”

While proper operation and maintenance of stormwater facilities is addressed in the 2009 Tier A MS4 NJPDES permit, the language is not specific, especially with regards to facilities not owned or operated by the municipality. There are many stormwater facilities throughout the state that are not properly functioning due to inadequate operation and maintenance. This draft Tier A MS4 NJPDES permit includes conditions to specifically address inspection and maintenance, including recordkeeping and collection of location information of stormwater facilities. This will allow municipalities to better track and evaluate maintenance measures, ensure proper long-term maintenance, and prioritize maintenance activities.

2. Minimum Standards for Stormwater Facilities Maintenance (Part IV.C.1)

a. Maintenance of Municipally Owned or Operated Stormwater Facilities

As required in the 2009 Tier A MS4 NJPDES permit, Tier A Municipalities are required to ensure adequate long-term operation and maintenance of stormwater facilities owned or operated by the municipality. Consistent with but more specific than that requirement, this draft Tier A MS4 NJPDES permit requires the Tier A Municipality to develop, update and implement a program to ensure adequate long-term cleaning, operation and maintenance of all **municipally owned or operated stormwater facilities**. This maintenance program shall consist of the following components:

- 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.
- The Tier A Municipality shall maintain a log sufficient to demonstrate compliance with this section; including but not limited to the stormwater facility inspected, location information of the facility inspected, name of inspector (location information must be specific enough to locate and identify the stormwater facility in the field; e.g. geographic coordinates), date of inspection, findings, and any preventative and corrective maintenance performed. Example Maintenance Logs and Inspection Records forms which are sufficient to demonstrate compliance with this section are available at www.nj.gov/dep/stormwater/maintenance_guidance.htm.
- The Tier A Municipality shall certify annually that municipally owned or operated stormwater facilities are properly functioning.
- If stormwater facilities were found not to be functioning properly and repairs were not made, then necessary preventative and correction maintenance shall be documented and prioritized, and a schedule for such repairs shall be maintained. The Tier A Municipality shall prioritize this schedule based upon but not limited to: (1) environmental, health and safety concerns; (2) the findings of catch basin and storm drain inlet inspections performed pursuant to Part IV.B.5.b.ii; (3) the findings of stream scouring inspections performed pursuant to Part IV.B.6.b; and (4) to incorporate the findings pursuant to Part IV.C.2 (TMDL Information), below.

The Department maintains that these prescriptive permit conditions will clarify maintenance requirements and obligations for municipally owned or operated stormwater facilities. Note that a wide variety of outreach and compliance assistance material is available at the Department’s Maintenance Guidance web page located at www.nj.gov/dep/stormwater/maintenance_guidance.htm. This includes a 15-minute video to provide an explanation of the maintenance guidance materials that consists of the Maintenance Plan, Field Manuals, and Maintenance Logs and Inspection Records. Each field manual includes templates for types of stormwater facilities (e.g. infiltration basins, detention basins, manufactured treatment devices) that include basic design information, checklists, visual aids, reference documents and maintenance records including locational coordinates. This provides a systematic method to assist maintenance crews in performing field work and retaining records. It is highly recommended that Tier A Municipalities utilize these user friendly visual tools to assist them in performing maintenance duties. To assist municipalities with the

collection of locational coordinates of inspected stormwater facilities, the Department is in the process of creating a free to use and voluntary “application” or “app”. More information on the application is provided below in this Fact Sheet.

b. Maintenance Program for Stormwater Facilities Not Owned or Operated by the Municipality

As required by the 2009 Tier A MS4 NJPDES permit, Tier A Municipalities are required to ensure adequate long-term operation and maintenance of **stormwater facilities not owned or operated by the municipality**. This draft Tier A MS4 NJPDES permit renewal continues to require the Tier A Municipality to develop, update, implement and enforce a program to ensure adequate long-term cleaning, operation and maintenance of all stormwater facilities not owned or operated by the Tier A Municipality and not subject to the conditions of another NJPDES stormwater permit. The maintenance program requirements of this draft Tier B MS4 NJPDES permit are consistent with but more specific than the 2009 permit requirements, and consist of the following components:

- The Tier A Municipality shall ensure that stormwater facility maintenance is performed pursuant to any maintenance plans, or as needed to ensure the proper function and operation of the stormwater facility. See www.nj.gov/dep/stormwater/maintenance_guidance.htm.
- The Tier A Municipality shall maintain a log sufficient to demonstrate compliance with this section; including but not limited to the actions taken by the municipality to enforce compliance with the long-term cleaning, operation and maintenance program; the stormwater facility that was the subject of the action; the location information of the facility that was the subject of the action (location information must be specific enough to locate and identify the stormwater facility in the field; e.g. geographic coordinates); the name of the person taking the action; the date of the action; and the findings. Example Maintenance Logs and Inspection Records forms which are sufficient of demonstrate compliance with this section are available at www.nj.gov/dep/stormwater/maintenance_guidance.htm.

Tier A Municipalities should direct operators of private stormwater facilities to the materials available at www.nj.gov/dep/stormwater/maintenance_guidance.htm.

This requirement is sometimes assumed to be applicable only to privately owned or operated facilities approved under the Tier A Municipality’s Post Construction Stormwater Management program (typically after March 1, 2004) and only to stormwater facilities that are connected to the Tier A Municipality’s MS4. This draft Tier A MS4 NJPDES permit clarifies that the municipality’s obligation to enforce cleaning, operation, and maintenance also encompasses the stormwater facilities approved by the municipality prior to 2004, regardless of location within the municipality, which is consistent with state and federal regulations. Specifically, Part IV.C.1.b states that

“The Tier A Municipality shall develop, update, implement and enforce a program to ensure adequate long-term cleaning, operation and maintenance of stormwater facilities not owned or operated by the Tier A Municipality, not subject to the conditions of another NJPDES stormwater permit and constructed after February 7, 1984.”

40 CFR 122.26(b)8 defines a municipal separate storm sewer as the "conveyance system owned or operated" by the public entity. When privately owned or operated stormwater facilities release runoff to the MS4 system, the runoff becomes a portion of the MS4 discharge that is subject to the Tier A MS4 NJPDES permit. Therefore, not only are the stormwater facilities owned or operated by a public entity subject to the scope of MS4 permits, those privately owned and operated stormwater facilities (i.e. development which was approved by the municipality) are also subject to the Tier A MS4 NJPDES permit since the discharge contributes to the MS4. Accordingly, responsible parties (typically, the owner of a stormwater facility) must ensure the proper maintenance of privately owned and operated stormwater facilities that contribute to a portion of the discharge of its MS4 system. Therefore, so long as privately owned and operated stormwater facilities discharge to a municipality’s MS4 system, the municipality has the authority and responsibility to ensure (through enforcement of local ordinances) those private sources will not upset the MS4 system.

Moreover, the MS4 NJPDES permit implements the Phase II stormwater rules for NPDES, 40 CFR 122.34(5). 40 CFR 122.34(b)(5)(i)(C) requires the MS4 NJPDES permits to “ensure adequate long-term operation and maintenance of BMPs.” The federal rule further provides guidance that the MS4 permittees adopt “operation and maintenance policies and procedures, and enforcement procedures, Post construction inspection and maintenance of BMPs; and penalty provisions for the noncompliance with design, construction or operation and maintenance.” 40 CFR 122.34(b)(5)(ii). Therefore, the municipal permittee’s obligation to enforce maintenance of privately owned and operated stormwater facilities is a federal mandate to meet the Clean Water Act and the Phase II stormwater rules.

The obligation of the municipality to enforce proper maintenance of privately owned stormwater facilities prior to 2004 and independent of the operation of an MS4 is also inherent from the first adopted Stormwater Management rules in 1983, authorized under the Stormwater Management Act enacted in 1981 (P.L. 1981, c.32, codified as N.J.S.A. 40:55D-93 *et seq.*). The 1983 Stormwater Management rules require that the “[r]esponsibility for operation and maintenance of storm water management facilities . . . shall remain with the property owner and shall pass to any successor or owner.” However, it also mandates that “the approving agency [of the development] shall be made to insure continued performance of these obligations.” N.J.A.C. 7-8:3.4(a)5 (1983). The 1983 Stormwater Management rules further imposes on the municipality a duty to incorporate a “schedule of maintenance inspections” into the municipality’s ordinance. When a private entity neglects the maintenance duty, the 1983 Stormwater Management rules authorized the municipality to perform the maintenance work for the private entity and charge the private entity for the cost of such work. Although the Stormwater Management rules were revised effective February 2, 2004, the Stormwater Management rules in effect on February 1, 2004 remain applicable to older major development as specified at N.J.A.C. 7:8-1.6(b).

Since the Department’s adoption of the 1983 Stormwater Management rules, many Tier A Municipalities have adopted ordinances to enforce the maintenance duty upon private developments, assess penalties on private entities negligent of maintenance, and perform maintenance work and back charge maintenance costs to negligent private owners. Therefore, this draft Tier A MS4 NJPDES permit readdresses this enforcement privilege and obligation that has been exercised by many Tier A Municipalities upon privately owned stormwater facilities prior to 2004. Moreover, the provisions of the Stormwater Management rule from 1983 onward and related to ensuring proper operation and maintenance of privately owned or operated stormwater facilities apply to stormwater facilities approved by municipalities regardless of their relationship to a MS4. Proposed Part IV.C.1.b establishes the date frame “constructed after February 7, 1984” to accommodate the time needed for municipalities to adopt stormwater ordinances following the February 7, 1983 adoption of first adopted Stormwater Management rules.

Consistent with the intent of the 2009 Tier A MS4 NJPDES permit as identified above, the Department is now specifying a requirement in this draft Tier A MS4 NJPDES permit to maintain detailed maintenance logs, including information such as the dates of maintenance actions, the actions taken, and the specific location information of the facility. The location information collected must be specific enough to locate and identify the stormwater facility in the field. This is especially important on sites with multiple BMPs, subsurface systems, and very large sites, where it may be difficult to find and specifically identify each BMP. For example, geographic coordinates of each BMP would be sufficient to meet this requirement. This will aid the municipality in ensuring that each BMP is accounted for and the BMP type, function, and maintenance requirements can be identified. Because individual sites may have multiple BMPs with similar appearances but different functions, it is important to be able to identify and understand each BMP to ensure that each is provided the proper maintenance to preserve its beneficial uses. Without an accurate inventory of stormwater facilities, the Tier A Municipality cannot ensure that adequate inspections, maintenance, and other needed follow-up are performed to ensure proper operation and maintenance. Example maintenance logs and inspection records are available for download at www.nj.gov/dep/stormwater/maintenance_guidance.htm.

The New Jersey Hydrologic Modeling Database (or H&H Database) is posted on line and encompasses several decades of data collection 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 municipalities to identify stormwater basins in the

Tier A Municipality that they were not aware of. This will help to identify basins that may require maintenance, and can help the municipality to develop a more robust inventory as a result.

Tier A Municipalities are encouraged to explore both commercial and public resources for data collection and management. This could include sharing equipment and resources with other Tier A Municipalities. Other public agencies, such as the New Jersey Highlands Council and the Department are developing standardized techniques for stormwater facility inventory locational data collection and management. Tier A Municipalities may also be able to obtain stormwater facility locational information already collected by these and other public organizations.

To assist municipalities with the required collection of location information of inspected stormwater facilities, the Department is in the process of creating a voluntary, free to use “application” or “app”. This application will allow for permittees to inventory and map stormwater facilities at their convenience. The Department anticipates that the app will be expanded in future versions 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 Tier A MS4 NJPDES permit. Permittees will need to possess an ArcGIS Online license to access this application. Permittees who currently possess an ArcGIS Desktop License have an ArcGIS Online license as part of that software package. The following is a preliminary description of the user interface which is being designed for this application.

The user can locate the required stormwater facilities (“features”) through any of the following methods where one must be selected: (1) desktop collection, (2) mapping grade global positioning system (GPS), (3) mobile device, (4) mobile device GPS paired, (5) recreational grade GPS, (6) survey grade GPS. A description of the main features and basic attributes to be collected during the inventory process is as follows:

- Outfall Pipes

To collect outfall pipe information, the user must choose “outfall pipe” as the feature class so that the necessary attributes can be selected. The user can then choose the outfall pipe type, owner type, and method of data collection. Attributes and domains for the outfall pipe feature class are as follows:

Feature Class	Attribute	Domains
Outfall Pipe	Outfall Pipe ID	DEP Generated
	County	DEP Generated
	Municipality	DEP Generated
	Road Name	DEP Generated
	Owner Type	County
		Federal Government
		Municipality
		Private
		School District
		State
		Other
		Unknown
	Discharge Code	R9
		R10
		R11
		R12
	NJPDES Number	DEP Generated

	Outfall Type	Channelized flow
		Concrete headwall
		Ditch
		Flared end section
		Grass swale
		Pipe
		Pipe in headwall
		Other
	Pipe Material	Brick
		Clay
		Concrete
		Metal
		Plastic
		PVC
		Other
	Pipe Shape	Circular
		Elliptical
		Pipe Arch
		Rectangular
		Square
		Other
	Pipe Height	Drop down list of measurements in inches
	Pipe Width	Drop down list of measurements in inches
	Headwall Structure	Abutment wall
		Brick culvert wall
		Bridge abutment
		Cinder block
		Steel bulkhead
		Stone
		Wood bulkhead
		Other
	BMP Structure	Concrete
		Gabion Basket
Rip-rap		
Other		
None		
Contributing Drainage Area	Commercial	
	Industrial	
	Park or Open Space	
	Residential	
Receiving Area	Bay/Estuary	
	Canal	

		Ditch
		Field
		Lake/Pond
		Ocean
		Stormwater Basin
		Stream/River
		Swale
		Wetland
		Woodland
		Other
		Unknown
	Data Collection Method	Desktop Collection
		Mapping Grade GPS
		Mobile Device
		Mobile Device GPS Paired
		Recreational Grade GPS
		Survey Grade GPS
	Comments	<i>Open Ended</i>

- Stormwater Management Basin

To collect stormwater management basin information, the user must choose “stormwater management basin” as the feature class so that the necessary attributes can be selected. The user can then choose the stormwater management basin type, owner type, and method of data collection. Attributes and domains for the stormwater management basin feature class are as follows:

Feature Class	Attribute	Domains
Stormwater Management Basin	Stormwater Management Basin ID	<i>DEP Generated</i>
	County	<i>DEP Generated</i>
	Municipality	<i>DEP Generated</i>
	Road Name	<i>DEP Generated</i>
	Owner Type	County
		Federal Government
		Municipality
		Private

		School District
		State
		Other
		Unknown
	Discharge Code	R9
		R10
		R11
		R12
	NJPDES Number	DEP Generated
	Stormwater Management Basin Type	Bioretention Basin
		Constructed Wetland
		Detention Basin
		Infiltration Basin
		Wet Pond (Retention Basin)
	Trash Rack Installed	Yes
		No
	Pretreatment	Forebay
		Manufactured Treatment Device (MTD)
		Structural BMP
		Other
		None
Fencing Present	Yes	
	No	
Contributing Drainage Area	Commercial	
	Industrial	
	Park or Open Space	

		Residential
	Data Collection Method	Desktop Collection
		Mapping Grade GPS
		Mobile Device
		Mobile Device GPS Paired
		Recreational Grade GPS
		Survey Grade GPS
	Comments	<i>Open Ended</i>

- Subsurface Infiltration / Detention System

To collect subsurface infiltration/detention system information, the user must choose “subsurface infiltration/detention system” as the feature class so that the necessary attributes can be selected. The user can then choose the subsurface infiltration/detention system type, owner type, and method of data collection. Attributes and domains for the subsurface infiltration/detention system feature class are as follows:

Feature Class	Attribute	Domains
Subsurface Infiltration / Detention System	Subsurface Infiltration / Detention System ID	<i>DEP Generated</i>
	County	<i>DEP Generated</i>
	Municipality	<i>DEP Generated</i>
	Road Name	<i>DEP Generated</i>
	Owner Type	County
		Federal Government
		Municipality
		Private

	School District
	State
	Other
	Unknown
Discharge Code	R9
	R10
	R11
	R12
NJPDES Number	<i>DEP Generated</i>
Subsurface Infiltration / Detention System Type	Extended Detention
	Infiltration
Pretreatment	Forebay
	Manufactured Treatment Device (MTD)
	Structural BMP
	Other
	None
Contributing Drainage Area	Commercial
	Industrial
	Park or Open Space
	Residential
Data Collection Method	Desktop Collection
	Mapping Grade GPS
	Mobile Device
	Mobile Device GPS Paired
	Recreational Grade GPS

		Survey Grade GPS
	Comments	Open Ended

- Manufactured Treatment Device

To collect manufactured treatment device information, the user must choose “manufactured treatment device” as the feature class so that the necessary attributes can be selected. The user can then choose the manufactured treatment device type, owner type, and method of data collection. Attributes and domains for the manufactured treatment device feature class are as follows:

Feature Class	Attribute	Domains
Manufactured Treatment Device	Manufactured Treatment Device ID	DEP Generated
	County	DEP Generated
	Municipality	DEP Generated
	Road Name	DEP Generated
	Owner Type	County
		Federal Government
		Municipality
		Private
		School District
		State
		Other
		Unknown
	Discharge Code	R9
		R10
		R11
		R12
	NJPDES Number	DEP Generated
	Manufactured Treatment Device Type	AquaFilter Filtration Chamber by Aqua-Shield

		Aqua-Swirl Concentrator by Aqua-Shield
		Continuous Deflective Separator Unit by CONTECH
		Downstream Defender by Hydro International
		Dual Vortex Separator by Oldcastle
		Filtterra Bioretention System by CONTECH
		First Defense HC by Hydro International
		Jellyfish Filter by Imbrium
		Kraken Stormwater Filtration by BioClean
		Media Filtration Systems by CONTECH
		SiteSaver by Fresh Creek
		StormPro by Environment 21

	StormVault by Jensen Precast
	Stormwater Management StormFilter by CONTECH
	Up-Flo Filter by Hydro International
	Vortechs by CONTECH
System Type	Offline
	Online
	Unknown
Estimated Drainage Area	<i>Open Ended</i>
Contributing Drainage Area	Commercial
	Industrial
	Park or Open Space
	Residential
Data Collection Method	Desktop Collection
	Mapping Grade GPS
	Mobile Device
	Mobile Device GPS Paired
	Recreational Grade GPS
	Survey Grade GPS

	Comments	Open Ended
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- Green Infrastructure

To collect green infrastructure information, the user must choose “green infrastructure” as the feature class so that the necessary attributes can be selected. The user can then choose the green infrastructure type, owner type, and method of data collection. Attributes and domains for the green infrastructure feature class are as follows:

Feature Class	Attribute	Domains
Green Infrastructure	Green Infrastructure ID	DEP Generated
	County	DEP Generated
	Municipality	DEP Generated
	Road Name	DEP Generated
	Owner Type	County
		Federal Government
		Municipality
		Private
		School District
		State
		Other
		Unknown
	Discharge Code	R9
		R10
		R11
		R12
	NJPDES Number	DEP Generated
	Green Infrastructure Type	Blue Roof
		Cistern
		Constructed Wetland
		Dry Well
		Grass Swale
		Gravel Wetland
		Green Roof

		Pervious Pavement
		Rain Garden
		Sand Filter
		Vegetative Filter Strip
	Pretreatment	Forebay
		Manufactured Treatment Device (MTD)
		Structural BMP
		Other
		None
	Contributing Drainage Area	Commercial
		Industrial
		Park or Open Space
		Residential
	Data Collection Method	Desktop Collection
		Mapping Grade GPS
		Mobile Device
		Mobile Device GPS Paired
		Recreational Grade GPS
		Survey Grade GPS
	Comments	<i>Open Ended</i>

- Storm Drain Inlet

To collect storm drain inlet information, the user must choose “storm drain inlet” as the feature class so that the necessary attributes can be selected. The user can then choose the inlet type, owner type, and method of data collection. Attributes and domains for the storm drain inlet feature class are as follows:

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Feature Class	Attribute	Domains
Storm Drain Inlet	Storm Drain Inlet ID	DEP Generated
	County	DEP Generated
	Municipality	DEP Generated
	Road Name	DEP Generated
	Owner Type	County
		Federal Government
		Municipality
		Private
		School District
		State
		Other
		Unknown
	Discharge Code	R9
		R10
		R11
		R12
	NJPDES Number	DEP Generated
	Inlet Type	Channelized Flow
		Combination Inlet
		Curb-Cut Opening
		Curb Opening Inlet
		Grate Inlet
		Manhole
		Pipe
		Rip-rap
		Swale
		Other
	Curb Opening Retrofitted	Yes

		No
		N/A
Bicycle Safe Grate		Yes
		No
		N/A
Inlet Labeled		Yes
		No
Inlet BMP Present		Yes
		No
Inlet BMP Type		Berm Around Grate
		Chamber Vortex
		Debris Bag
		Pipe Hood
		Trash Rack
		Other
Contributing Drainage Area		Commercial
		Industrial
		Park or Open Space
		Residential
Data Collection Method		Desktop Collection
		Mapping Grade GPS
		Mobile Device
		Mobile Device GPS Paired
		Recreational Grade GPS
		Survey Grade GPS
Comments		Open Ended

- Other Components

While creating an inventory using this application, Tier A Municipalities 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 municipal stormwater database. This would be useful to the municipality and its Stormwater Coordinator for overseeing and prioritizing operation and maintenance of its own infrastructure; for ensuring proper operation and maintenance of infrastructure not owned or operated by the municipality; and for collecting and reporting statistical information necessary to complete the Annual Report required by this draft Tier A MS4 NJPDES permit.

c. Maintenance Plans

In order to guide operations and maintenance of a designed system, a maintenance plan is developed for stormwater facilities. A maintenance plan is defined in this draft Tier A MS4 NJPDES permit in the Notes and Definitions section as follows:

“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.

Note that a maintenance plan is not an operation and maintenance manual as described in the NJPDES rules at N.J.A.C. 7:14A-6.12. While the Tier A Municipality is required to comply with applicable operation and maintenance requirements of N.J.A.C. 7:14A-6.12(a), the Tier A Municipality is exempt from the operations and maintenance manual requirements of N.J.A.C. 7:14A-6.12(c). See Part II.C.4.d of this draft Tier A MS4 NJPDES Permit.

This draft Tier A MS4 NJPDES permit requires the Tier A Municipality to maintain copies of all maintenance plans, as defined above, for stormwater facilities approved by the municipality. Maintenance plans that meet this definition did not exist prior to the February 2, 2004 effective date of amendments to the Stormwater Management rules, N.J.A.C. 7:8. The Tier A Municipality shall also make copies of these maintenance plans available to the Department upon request. This requirement applies to maintenance plans as follows:

- Maintenance plans for all municipally owned or operated stormwater facilities;
- Maintenance plans for all stormwater facilities not owned or operated by the Tier A Municipality that are not subject to the conditions of another NJPDES stormwater permit.

Please refer to www.nj.gov/dep/stormwater/maintenance_guidance.htm for maintenance guidance which may be useful in preparing maintenance plans.

3. Total Maximum Daily Load (TMDL) Information (Part IV.C.2)

a. Background

The Department conducts a wide array of ambient monitoring for freshwater (rivers, streams, lakes), marine waters (bays, oceans) and tidal rivers. Monitoring is conducted for chemical/physical parameters; biological health (e.g., bottom-dwelling communities, fish populations); phytoplankton (microscopic plants) and sanitary quality (indicator of human health risk). One purpose for ambient monitoring is to evaluate impaired waterways. Water quality monitoring networks include sampling stations in each of the 20 Watershed Management Areas statewide. See www.nj.gov/dep/wms/bfbm/ for additional information. Ambient monitoring is used to regularly assess waters of the state to determine if the New Jersey Surface Water Quality Standards (NJSWQS) at N.J.A.C. 7:9B-1 et seq. are met and

to assess if designated uses are supported. 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 (see www.nj.gov/dep/wms/bears/assessment.htm) otherwise known as the "Integrated List." The biennial Integrated List identifies waters that are not attaining designated uses because they do not meet NJSWQS. The biennial "Statewide Water Quality Inventory Report" or "305(b) Report" must include the status of principal waters in terms of overall water quality and support of designated uses, as well as strategies to maintain and improve water quality.

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. 7:15-6. The TMDL must be calculated so that standards can be attained in consideration of critical conditions and seasonal variation yet also includes a margin of safety to account for uncertainty. The TMDL is allocated among all of the sources of the pollutant, including 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.

b. Addressing TMDLs Through the Tier A MS4 NJPDES Permit

Stormwater point sources, like stormwater nonpoint sources, derive their pollutant loads from land surface runoff. The distinction is that stormwater point sources are regulated under the Clean Water Act through the MS4 program. Stormwater point sources are addressed through the SBRs, control measures and best management practices required within the Tier A MS4 NJPDES permit. In accordance with 40 CFR 122.34(a) and N.J.A.C. 7:14A-25.6, best management practices are generally the most appropriate form of effluent limitations when designed to satisfy technology-based requirements. Implementation of best management practices consistent with the provisions of the stormwater management program required pursuant to these regulations constitutes compliance with the standard of reducing pollutants to the maximum extent practicable. Where necessary, a TMDL or other WQMP amendment may specify additional measures deemed necessary to attain NJSWQS.

SBRs and other control measures that Tier A Municipalities are required to implement are designed to minimize pollutant loadings in all watersheds including impaired watersheds. Each SBR contains specific requirements, each of which is targeted at reducing the discharge of pollutants. For waterbodies with approved or adopted TMDLs, the reductions associated with compliant implementation of each SBR constitutes reasonable progress toward meeting the reductions specified in the TMDLs. Examples include: adoption and enforcement of the pet waste disposal ordinance; 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 ordinance and prohibition of the feeding of unconfined wildlife on public property will result in lesser quantities of fecal coliform and total coliform being discharged to the MS4 system. Likewise, compliance with street sweeping and catch basin cleaning requirements will result in lesser quantities of solids and any attached pollutants being discharged to the MS4 system. Also, compliance with good housekeeping at maintenance yards will result in lesser quantities of pollutants associated with common public works activities (i.e. road salt, and pollutants associated with vehicle maintenance and vehicle fueling) exposed to stormwater. Finally, public education initiatives improve awareness of the impact that day to day activities can have on stormwater quality (i.e. pet waste management, litter, landscaping activities and inappropriate use of storm drains for disposal). Employee training serves to reinforce effective municipal oversight of the Tier A Municipality's MS4 program.

To reduce the discharge of pollutants from new development and redevelopment, municipalities are required to implement post construction stormwater management requirements. The post construction stormwater management requirements in Part IV.B.4 of this draft Tier A MS4 NJPDES permit, require that the Tier A municipality must develop, update, implement, and enforce a 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. In addition to other requirements, the Stormwater Management rules establish design and performance standards for groundwater recharge, runoff quantity, and runoff quality, including the reduction of total suspended solids and nutrients in post construction stormwater runoff. See the BMP Manual at www.nj.gov/dep/stormwater/bmp_manual2.htm. To further improve implementation of the post construction stormwater management requirements, Part IV.B.5.e (Stormwater Management Design Review Training) requires municipalities to ensure that all individuals that review the stormwater management design for development and redevelopment projects on behalf of the municipality complete the Department approved Stormwater Management Design Review Course. This requirement will ensure that municipal reviewers have the expertise required to ensure compliance with the post construction stormwater management requirements, and the required design and performance criteria are properly implemented. This requirement constitutes reasonable progress toward reducing the discharge of pollutants, and will aid in meeting the reductions specified in approved and adopted TMDLs.

The post construction stormwater management requirements also include a requirement to comply with Part IV.C.1 Minimum Standards for Stormwater Facilities Maintenance. Tier A Municipalities are required to develop and implement programs to ensure adequate long-term cleaning, operation, and maintenance of stormwater facilities that are owned or operated by the municipality, as well as those not owned or operated by the municipality. The requirement to ensure operation and maintenance of stormwater facilities not owned or operated by the Tier A Municipality includes all stormwater facilities not subject to the conditions of another NJPDES stormwater permit and constructed after February 7, 1984. This requirement is intended to further increase the scope of stormwater facility maintenance and to reduce pollutant discharges from a wider range of stormwater facilities. Proper operation and maintenance of stormwater facilities is essential for maintaining the intended functionality of the systems, and for meeting required pollutant reductions; improperly maintained stormwater facilities will not achieve the pollutant reductions intended in their design. It is therefore expected that the requirement to ensure proper operation and maintenance of older stormwater facilities will lead to reductions in stormwater related pollutant discharges. This constitutes reasonable progress toward meeting the reductions specified in the TMDLs. For more information on maintenance program requirements, please see Part IV.C.1 (Stormwater Facilities Maintenance) of the draft Tier A MS4 NJPDES permit and Section 7.B.1 and 7.B.2 of this Fact Sheet.

In accordance with 40 CFR 122.34(a), the MS4 requirements should be based on the evaluation of, among other things, current water quality criteria conditions and permittee compliance. TMDLs are linked to water quality conditions and must be understood by permittees. Despite this, the Department has determined that there is a lack of awareness among municipal representatives regarding TMDLs in waterbodies within a Tier A Municipality despite their relation to the MS4 system. This is partially due to the fact that TMDLs are apportioned to a specific watershed which does not typically match Tier A Municipality borders. In fact, multiple TMDLs can apply within one municipality. The Department is proposing to remedy this gap in awareness in this draft Tier A NJPDES permit. As explained below, municipalities will be required to identify and review applicable TMDLs. In addition, the Department's permitting program has expanded guidance related to TMDLs to further educate municipal representatives, and has implemented a stormwater audit process to enhance the formal compliance evaluations performed by the Department's enforcement program. The stormwater audit process will allow the Department to better evaluate municipalities' compliance with the requirements of the Tier A permit and identify areas of concern where municipalities can improve the implementation of their municipal stormwater management program. By obtaining increased awareness of TMDLs, municipalities will be better prepared to address stormwater-related pollutant discharges to TMDL waterbodies. The aforementioned improvements to the Department's Municipal Stormwater Regulation Program are expected to improve implementation of stormwater BMPs and make reasonable progress toward achieving the pollutant reductions specified in the approved or adopted TMDLs.

c. Incorporation of TMDL Information Into the SPPP

To supplement the above described SBRs and other control measures, to raise awareness of impaired waterbodies and TMDLs and to promote municipal strategies to reduce pollutant discharge from MS4s, this draft Tier A MS4 NJPDES permit requires Tier A Municipalities to identify pollutants listed in any approved or adopted TMDLs for waterbodies bordering or within the Tier A Municipality for inclusion in the SPPP on an annual basis. Additionally, this draft Tier A MS4 NJPDES permit requires identification in the SPPP of strategies to address stormwater related pollutants.

Language emphasizing the importance of understanding the conditions and needs of a municipality's 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 is user friendly and in consideration of limited municipal resources, the Department has 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 municipal Stormwater Coordinators with the identification of this information so that it can be used to develop strategies to further reduce the impact of stormwater discharges from MS4s. The TMDL Look-Up Tool uses a dropdown feature to locate the municipality and county. 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 the Tier A Municipality. TMDLs frequently include short-term and long-term management strategies within the TMDL along with segment specific recommendations. Tier A Municipalities can review these strategies and use this information to assess any local water quality issues in relation to operation and maintenance of the MS4.

Specifically, Part IV.C.2.a of this draft Tier A MS4 NJPDES permit requires the following:

- i. The Tier A Municipality shall 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 Tier A Municipality. This information may be accessed at www.nj.gov/dep/dwq/msrp-tmdl-rh.htm;
- ii. The Tier A Municipality shall use TMDL information identified to: (1) assist in the prioritization of stormwater facility maintenance including schedules for repairs required at Part IV.B.6.b.iv (Stream Scouring) and Part IV.C.1.a.iv (Stormwater Facilities Maintenance); and (2) identify and develop strategies to address specific sources of stormwater related pollutants contributing to discharges authorized under the Tier A MS4 NJPDES permit. Strategies may include but are not be limited those found in the implementation section of approved or adopted TMDL reports (for examples see "Total Maximum Daily Load (TMDL) Guidance for Tier A MS4 Permittees" found at www.nj.gov/dep/dwq/msrp-tmdl-rh.htm);
- iii. The Tier A Municipality shall annually update its SPPP to list information identified in i and ii, above; and
- iv. The Tier A Municipality shall incorporate any strategies identified in ii(2), above as an Optional Measure. See Part IV.E (Optional Measures) and Part IV.F.1.c (SPPP), below.

In accordance with Part IV.C.1 (Stormwater Facilities Maintenance) and IV.C.2 (TMDL Information), municipalities are required to use TMDL information to prioritize stormwater facility maintenance. For example, municipalities should perform repairs and other corrective maintenance on stormwater facilities that discharge to TMDL waterbodies before

other stormwater facilities, or could target those facilities for more frequent preventative maintenance. Municipalities must also use TMDL information when prioritizing or scheduling repairs for stream scouring, as required at Part IV.B.6.b.iv (Stream Scouring).

In addition to the requirements explained above, municipalities are required to identify and develop strategies to address specific sources of stormwater related pollutants. Municipalities can use any identified short-term, long-term and segment specific implementation strategies as contained in TMDLs to proactively incorporate strategies into their SPPP. Municipalities can also include strategies as identified in approved restoration plans as well as any strategies developed as a result of the review of the local municipality needs and local input. The Tier A Municipality must then incorporate any selected implementation strategy as an Optional Measure in the SPPP as described in further detail below and at Part IV.C.2.a.iv (TMDL Information) of the draft permit. 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. 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 has complemented the information now posted with the TMDL Look-Up Tool new guidance entitled “Total Maximum Daily Load (TMDL) Guidance for Tier A MS4 Permittees” to assist municipalities in evaluating strategies (see www.state.nj.us/dep/dwq/msrp-tmdl-rh.htm).

The Department maintains that increased TMDL awareness and incorporation of implementation strategies can benefit water quality. However, other initiatives that are outside the Tier A MS4 NJPDES permit will also lead to water quality improvements for pollutant parameters identified in TMDLs. First, the implementation of TMDL phosphorus effluent limits in other NJDPES discharge to surface water permits will lead to upgrades to wastewater treatment plants that will result in lesser phosphorus levels in effluent. Second, the passage of the State Fertilizer Law on January 5, 2012 (NJ Fertilizer Act, P.L.2010, c112 (C.58:10A-61), see <http://www.nj.gov/dep/healthylawshealthywater>) served to decrease the amount of nitrogen in fertilizer, increase the amount of slow release nitrogen, restrict the use of fertilizer containing phosphorus and establish other standards and practices intended to reduce the impact of nutrients on surface water quality. Finally, fecal coliform and other bacterial indicators (E. Coli and Enterococci) continue to be limited in point sources from wastewater treatment plants and are also addressed through BMP approaches such as riparian buffer planning and certain agricultural strategies.

C. Additional Measures (Part IV.D)

Additional Measures are non-numeric (e.g. best management practices) or numeric effluent limitations that are expressly required to be included in a Tier A Municipality’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). The 2009 Tier A MS4 NJPDES permit included language to describe the intent of Additional Measures. As discussed in Section 5.a Community Wide Ordinances, above, one example of an Additional Measure is the Fertilizer Management Ordinance that was required by the 2009 Tier A Municipal Stormwater Permit but which has since been preempted by the NJ Fertilizer Act.

This draft Tier A MS4 NJPDES permit does not require Additional Measures for any Tier A Municipality 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 Tier A Municipality. The Department will list each adopted Additional Measure in a minor modification to the Tier A MS4 NJPDES 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 best management practices that shall be implemented, measurable goals and an implementation schedule.

D. Optional Measures (Part IV.E)

Tier A Municipalities may incorporate Optional Measures into the MS4 stormwater program that extend beyond the requirements of the Tier A MS4 NJPDES 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 Tier A Municipality at its own discretion. Optional measures could simply build off current permit requirements, such as additional street sweeping, or could be measures that are designed to minimize pollutants as identified in a TMDL report. The objective of Optional Measures is to encourage municipalities to be proactive and creative in employing implementation strategies. 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).

As an SBR, the 2009 Tier A MS4 NJPDES permit required adoption and enforcement of an ordinance for dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times. However, this requirement was not carried forward as an SBR in this draft Tier A MS4 NJPDES permit based on a December 21, 2011 decision by the Council on Local Mandates in response to a complaint filed by Roxbury Township. As a result, the Department has moved the Refuse Container / Dumpster Ordinance from the 2009 Tier A MS4 NJPDES permit from an SBR to an Optional Measure. Specifically, Tier A Municipalities have the option of adopting and enforcing an ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times. According to Annual Reports submitted by Tier A Municipalities for the 2015 reporting year, 434 of New Jersey's 457 year 2009 Tier A permittees adopted a Refuse Container / Dumpster Ordinance. Since this ordinance serves to prohibit the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers, those municipalities that are not maintaining this ordinance must instead, as required at Part IV.B.5.b.ii (Catch Basin and Storm Drain Inlet Inspection and Cleaning), clean any municipally owned or operated storm drain inlet or catch basin more frequently, as necessary, to eliminate recurring problems and restore proper function due, in this case, to uncovered refuse containers that are outdoors or exposed to stormwater. This ordinance 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. For a sample ordinance see www.nj.gov/dep/dwq/tier_a.htm.

8. Summary of Reports

A. Stormwater Pollution Prevention Plan (SPPP) (Part IV.F)

1. SPPP Requirements (Part IV.F.1)

The Stormwater Pollution Prevention Plan (SPPP) serves to document the municipality's MS4 stormwater program. The SPPP describes the measures necessary for compliance with the Six Minimum Measures, Other Control Measures, Additional Measures, and any Optional Measures incorporated by the Tier A municipality (see N.J.A.C. 7:14A-25.6). The Tier A Municipality shall develop, and continue to update, implement and maintain a written SPPP that:

- Identifies the person designated as the Municipal Stormwater Program Coordinator (Stormwater Coordinator) and the members of the SPPP Team;
- Documents the municipality's Tier A MS4 stormwater program including a description of shared or contracted services;
- Describes the measures necessary for compliance with all components of the Tier A MS4 NJPDES permit; and
- Reflects the measureable goals, implementation schedules and record keeping requirements required by Attachment A (Measureable Goals and Implementation Schedule) for existing permittees and Attachment A-1 for new permittees.

In simpler terms, the SPPP describes how the Tier A Municipality will implement each permit requirement and also provides a place for record keeping to document 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 municipality’s Tier A MS4 Stormwater Program. Any amendments to the SPPP:

- Shall continue to meet the requirements of this permit;
- Shall be signed and dated by the Stormwater Coordinator; and
- Shall be retained for a period of at least five years from the date of amendment unless the Department issues a written notice to extend the retention period.

The SPPP shall include any records required by this draft Tier A MS4 NJPDES permit. See Attachment A for Existing Permittees and Attachment A-1 for New Permittees (Measureable Goals and Implementation Schedule) for additional detail. The Department may notify the Tier A Municipality at any time that the SPPP does not meet one or more of the minimum requirements. Within thirty (30) days after receiving such notification unless otherwise specified by the Department, the Tier A Municipality shall amend the SPPP to adequately address all deficiencies, and written certification of such amendments shall be submitted to the Department.

The current SPPP shall be posted on the Tier A Municipality’s website no later than EDPA + 90 days with updates posted annually thereafter. The version posted on the website can exclude inspection logs and other required record keeping; and can exclude the names of SPPP Team members (but must include the name of the Municipal Stormwater Program Coordinator as described below). The SPPP shall be made available to the Department and public upon request pursuant to N.J.A.C. 7:14A-25.6(j)2.

It is advisable for each member of the Stormwater Pollution Prevention Team to have access to the SPPP where one person has responsibility for making updates or compiling record keeping data. In addition, the SPPP should be available for use by any affected municipal employees.

2. Designation and Responsibilities of the Municipal Stormwater Program Coordinator (Stormwater Coordinator) (Part IV.F.2 & 3)

Each Tier A Municipality shall designate a Municipal Stormwater Program Coordinator (Stormwater Coordinator). The Stormwater Coordinator is responsible for:

- Coordinating the permittee’s implementation of the SPPP and Tier A MS4 NJPDES permit conditions;
- Signing and dating the SPPP;
- Coordinating the completion and submittal of the Annual Report and Certification; and
- Certifying, signing and dating the Annual Report.

Signatory requirements for reports required by NJPDES permits are specified at N.J.A.C. 7:14A-4.9(a)3 and 4 which require the signatory for a municipality to be either a principal executive officer or a ranking elected official. A principal executive officer or ranking elected official of the Tier A Municipality may assign this responsibility, as allowed at N.J.A.C. 7:14A-4.9(b), to a duly authorized representative who has overall responsibility for the operation of municipal stormwater facilities or municipal environmental matters. This could include designation of a Stormwater Coordinator.

If a Stormwater Coordinator assignment has changed, then a new assignment of responsibility shall be submitted to the Department. This is accomplished through completion of the online MSRP Annual Report (see Part IV.G) or the

Stormwater Program Coordinator Information Update Sheet located at www.nj.gov/dep/dwq/pdf/msrp_update_form.pdf. This information shall be submitted to the Department within 30 days of such change taking place.

It is not advisable to have just one individual within the Tier A Municipality implement the stormwater program. Tier A Municipalities should form a Stormwater Pollution Prevention Team that is made up of individuals responsible for overseeing the implementation of the various permit requirements. Due to the wide range of tasks required, a variety of municipal personnel should be involved in planning and implementing the stormwater program. For example, this could include public works officials, municipal engineer(s), the municipal clerk, planning and zoning boards, code enforcement officers, and the environmental commission. Team members are not limited to only municipal personnel. They could also include local volunteers, members of the local watershed association, environmental groups and educational professionals.

3. Implementation of SPPP Conditions through Shared or Contracted Services (Part IV.F.4)

The Tier A Municipality may rely on another governmental, private, or nonprofit entity to satisfy one or more of the Tier A Municipality's MS4 NJPDES permit conditions (or component thereof) through the implementation of best management practices or control measures. This is only allowable provided the following conditions are met:

- The other entity implements the control measure(s);
- The particular control measure(s), or component(s) thereof, is at least as stringent or as frequent as the corresponding NJPDES permit requirement.
- The other entity agrees in writing (or is required by law) to implement the measure(s), or component(s) thereof, on the Tier A Municipality's behalf.
- The Tier A Municipality specifies in its SPPP (1) which NJPDES permit conditions will be implemented by another entity and (2) the name of the responsible entity.

For any projects or activities which the Tier A Municipality assigns to another entity which is a private contractor, the awarded contract shall require the contractor to conduct such projects or activities in such a manner that is in compliance with the Tier A MS4 NJPDES permit. The Tier A Municipality is responsible for compliance with this permit if the other entity fails to implement the measure(s).

B. Annual Report and Certification (Part IV.G) Including Electronic Reporting (Part II.C.3)

The draft Tier A MS4 NJPDES Permit requires Tier A Municipalities to complete an Annual Report (including any Supplemental Questions) using the electronic format provided by the Department through the MSRP Annual Report service accessed through the Regulatory Services Portal (www.njdeponline.com). The Annual Report shall summarize the status of compliance with the conditions of this permit. Specifically, this includes compliance for the subject year between January 1 and December 31 with the Statewide Basic Requirements (Part IV.B), Other Control Measures (Part IV.C), Additional Measures (Part IV.D), Optional Measures (Part IV.E), Stormwater Pollution Prevention Plan (Part IV.F), and any other Tier A MS4 NJPDES permit conditions listed on the Annual Report form, including Supplemental Questions.

The Stormwater Coordinator shall certify, sign and date the Annual Report. The Tier A Municipality shall submit the Annual Report and Certification to the Department through the Regulatory Services Portal (instructions at www.nj.gov/dep/dwq/tier_a.htm) on or before May 1st of each year. A copy of each Annual Report and Certification shall be kept at a central location and shall be made available to the Department for inspection. The Tier A Municipality shall retain the Annual Report and Certification as well as any records necessary to demonstrate compliance on-site for a period of at least five years. The Tier A Municipality shall also document in the Annual Report (1) if it relies on

another entity to satisfy one or more of the Tier A Municipality's MS4 NJPDES permit conditions as described in Part IV.F.4.a, above; (2) which NJPDES permit conditions will be satisfied by another entity; and (3) the name of the governmental, private, or nonprofit entity.

As noted in Part II.C.5.f, Tier A Municipalities are required to comply with the NPDES Electronic Reporting rule at 40 CFR Part 127. As noted at Part II.C.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, 2020. Since submission of the Annual Report occurs electronically as required in Part IV.G, the requirements of this rule are satisfied with respect to Annual Reports prior to the 2020 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 Division's website at www.nj.gov/dep/dwq/tier_a_draft.htm. 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 questions regarding this permit action, you may address them to ms4predraft@dep.nj.gov or by telephone inquiry to Louisa Lubiak at the Bureau of Nonpoint Pollution Control at (609) 633-7021.

11. Contents of the Administrative Record

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

Rules and Regulations (NPI):

1. 33 U.S.C. 1251 et seq., Federal Water Pollution Control Act.
2. 16 U.S.C. § 471I, Section 502 of the National Parks and Recreation Act of 1978.
3. 42 U.S.C. § 300f, Part C of the federal Safe Drinking Water Act (42 U.S.C. 300f et seq.).
4. 40 CFR Part 131, Federal Water Quality Standards.
5. 40 CFR Part 122, National Pollutant Discharge Elimination System.
6. 40 CFR Part 127, NPDES Electronic Reporting.
7. 40 CFR Part 130, Water Quality Planning and Management Regulations.
8. 40 CFR Part 144-148, Federal Underground Injection Control Program.
9. N.J.S.A. 58:10A-1 et seq., New Jersey Water Pollution Control Act.
10. N.J.S.A. 58:11-10, New Jersey Water Supply Management Act.
11. N.J.S.A. 40:55D-1, Municipal Land Use Law.
12. N.J.S.A. 13:18A-1 et seq., Pinelands Protection Act.
13. N.J.A.C. 2:90, Standards for Soil Erosion and Sediment Control in New Jersey.
14. N.J.A.C. 7:14A-1 et seq., New Jersey Pollutant Discharge Elimination System Regulations.
15. N.J.A.C. 7:9B-1 et seq., New Jersey Surface Water Quality Standards.

16. N.J.A.C. 7:9C, New Jersey Ground Water Quality Standards.
17. N.J.A.C. 7:9D, Well Construction Maintenance and Sealing Rules.
18. N.J.A.C. 7:8, Stormwater Management Rules.
19. N.J.A.C. 7:13, Flood Hazard Area Control Act Rules.
20. N.J.A.C. 7:14C, Sludge Quality Assurance Regulations.
21. N.J.A.C. 7:15, Statewide Water Quality Management Planning Rules.
22. N.J.A.C. 7:26C, Administrative Requirements for the Remediation of Contaminated Sites.
23. N.J.A.C. 7:26E, Technical Requirements for Site Remediation.
24. N.J.A.C. 7:26G, Hazardous Waste Regulations.
25. N.J.A.C. 5:21, Residential Site Improvement Standards.
26. N.J.A.C. 7:26A, Recycling Regulations.
27. N.J.A.C. 7:26, Solid Waste Regulations.
28. 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. 2010 Decennial Census.
4. New Jersey's 2010 Integrated Water Quality Monitoring and Assessment Report (includes 305(b) Report 303(d) List).
5. Tier A Municipal Stormwater Guidance Document, Bureau of Nonpoint Pollution Control, 2004.
4. New Jersey Stormwater Best Management Practices Manual, 2004, revised 2016.
5. "Recycled Asphalt Pavement and Asphalt Millings (RAP) Reuse Guidance".
6. "Guidance Document for the Management of Street Sweepings and Other Road Cleanup Materials".

Permits / Applications:

1. 2009 Tier A Permit issued March 1, 2009 and effective March 1, 2009.
2. 2005 Tier A Permit Modification, issued August 1, 2005 and effective September 1, 2005.
3. 2004 Tier A Permit issued February 2, 2004 and effective March 3, 2004.

Written Comments Received on the Tier A and Tier B Preliminary Draft Permits:

1. Scott Hatfield, Municipal Engineer, Burlington Township, dated March 16, 2016.
2. John. F. Laezza, Business Administrator, Clark Township, dated April 8, 2016.
3. James F. Cosgrove Jr., Chair, Clean Water Council of New Jersey, dated August 22, 2016.
4. Clean Water Council Annual Hearing of April 12, 2016 – transcript.
5. Hans de Bruijn, Sr. Environmental Manager, Fresh Creek Technologies, Inc., dated April 15, 2016.
6. Paul D. Fox, Township Engineer, Harding Township, dated April 29, 2016.
7. James F. Parvesse, Municipal Engineer, Lawrence Township, dated April 26, 2016.
8. William P. Minervini:
 - April 11, 2016 – Independent Assessment of the Preliminary Draft Renewal of the Tier A MS4
 - April 12, 2016 – Oral Presentation to New Jersey Clean Water Council
 - April 29, 2016 – Independent Assessment of the Preliminary Draft Renewal of the Tier B MS4
 - April 30, 2016 – Corrections and Changes to April 11, 2016 Tier A Assessment
9. Christine Marion, Planning Dir., Morris County Dept. of Planning & Public Works, dated April 15, 2016
10. Matthew S. Halpin, Executive Director, NJ Society of Municipal Engineers, dated March 30, 2016.
11. Andrea Hall Adebowale, Director, Newark City Dept. of Water and Sewer Utilities, dated April 14, 2016.
12. Craig Wenger, Chair, NJ Association for Floodplain Management, dated July 18, 2016.
13. Rebecca Hammer, Staff Attorney, Water Program, Natural Resources Defense Council:
 - April 15, 2016 – Petitioners – Preliminary Draft Renewal of Tier A & Tier B MS4
 - April 14, 2016 – Princeton Hydro – Comments on Attachment D Tier A MS4
 - August 6, 2014 – USEPA – NJDEP MS4 General Stormwater Permit Review

- March 21, 2016 – NRDC - Comments on Proposed Rule: NPDES MS4 General Permit Remand
 - April 21, 2016 – NRDC – Massachusetts small MS4 general permit
14. John M. Speer, Mayor, Ringwood Borough, dated April 29, 2016.
 15. Gerald R. Savo, dated April 14, 2016.
 16. William Simmons, dated April 12, 2016.
 17. Alyssa Arcaya, Acting Chief, NPDES Section, Clean Water Division, EPA Region 2, dated April 15, 2016.
 18. Richard Brevogel, Interim Township Manager, Willingboro Township, dated April 13, 2016.

Public Presentations and Outreach

1. NJ League of Municipalities Roundtable on February 8, 2016
2. Clean Water Council Meeting on February 9, 2016
3. Mercer County MS4 Predraft Outreach Session on February 25, 2016
4. Somerset County MS4 Predraft Outreach Session on March 9, 2016
5. Monmouth County MS4 Predraft Outreach Session March 10, 2016
6. Burlington County MS4 Predraft Outreach Session on March 15, 2016
7. Watershed Institute MS4 Overview on March 24, 2016
8. NJ League of Municipalities Webinar on April 5, 2016
9. NJ Society of Municipal Engineers Meeting on April 6, 2016
10. Ocean County MS4 Predraft Outreach Session on April 7, 2016
11. Bergen County Mayors' Breakfast on April 12, 2016
12. Clean Water Council Public Hearing on April 12, 2016
13. Passaic County MS4 Predraft Outreach Session on April 13, 2016
14. Bergen County MS4 Predraft Outreach Session #1 on April 19, 2016
15. Bergen County MS4 Predraft Outreach Session #2 on April 27, 2016
16. Atlantic & Cape May Counties MS4 Predraft Outreach Session on May 3, 2016
17. Whippany River Watershed Action Committee Meeting on May 4, 2016
18. Salem, Cumberland & Gloucester Counties MS4 Predraft Outreach Session on May 10, 2016
19. Sussex, Warren & Hunterdon Counties MS4 Predraft Outreach Session on May 18, 2016
20. NJ Association of Counties Workshop on May 19, 2016
21. Morris County MS4 Predraft Outreach Session on May 24, 2016
22. Essex & Hudson Counties MS4 Predraft Outreach Session on June 1, 2016
23. Union County MS4 Predraft Outreach Session on June 8, 2016
24. Camden County MS4 Predraft Outreach Session on June 15, 2016
25. Middlesex County MS4 Predraft Outreach Session on June 22, 2016
26. Tier B MS4 Preliminary Draft Northern Area Workshop on June 28, 2016
27. Tier B MS4 Preliminary Draft Central & Southern Area Workshop on June 29, 2016

Public Hearing

1. Transcript of April 12, 2016 NJ Clean Water Council Hearing on the Tier A and Tier B Preliminary Draft Permits

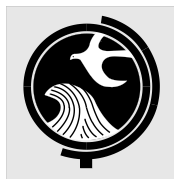
All websites, New Jersey Register notices, and other documents cited in this Fact Sheet (but not listed above) (NPI)

*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 Practices
CAFRA	Coastal Area Facility Review Act
CFR	Code of Federal Regulations
EDP	Effective Date of Permit
EDPA	Effective Date of Permit Authorization
EPA	United States Environmental Protection Agency
GI	Green Infrastructure
GPS	Global Positioning System
MS4	Municipal Separate Storm Sewer System
MRF	Monitoring Report Forms
MSWMP	Municipal Stormwater Management Plan
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
SBRs	Statewide Basic Requirements
SPPP	Stormwater Pollution Prevention Plan
SWRPA	Special Waters Resource Protection Areas
STP	Sewage Treatment Plant
TMDL	Total Maximum Daily Load
TSS	Total Suspended Solids
UIC	Underground Injection Control
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: NJ0141852

Tier A MS4 Municipal Stormwater General Permit

Permittee:

NJPDES Master General Permit Program Interest
Category R9
Per Individual Notice of Authorization
Division of Water Quality
401-02B; P.O. Box 420
401 East State Street
Trenton, NJ 08625

Co-Permittee:

Property Owner:

NJPDES Master General Permit Program Interest
Category R9
Per Individual Notice of Authorization
Division of Water Quality
401-02B; P.O. Box 420
401 East State Street
Trenton, NJ 08625

Location Of Activity:

NJPDES Master General Permit Program Interest
Category R9
Per Individual Notice of Authorization
Division of Water Quality
401-02B; P.O. Box 420
401 East State Street
Trenton, NJ 08625

Authorization(s) Covered Under This Approval	Issuance Date	Effective Date	Expiration Date
R9 – Tier A MS4	Pending	Pending	Pending

By Authority of:
Commissioner's Office

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

(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. Eligibility

1. Permit Scope

- a. The Tier A MS4 NJPDES Permit applies to all areas of New Jersey as follows:
 - i. This permit applies to all municipalities assigned to Tier A under N.J.A.C. 7:14A-25.3(a)1. Tier A Municipalities are generally located within the more densely populated regions of the state or along or near the Atlantic coast.
 - ii. On a case-by-case basis, the Department may use this permit to regulate municipalities assigned to Tier B under N.J.A.C. 7:14A-25.3(a). As used in this permit, the term “Tier A Municipality” includes Tier B Municipalities that seek or obtain authorization under this provision of this permit.
- b. This permit applies to the owner or operator of the Municipal Separate Storm Sewer System (MS4) meaning the Tier A Municipality. The owner or operator is responsible for ensuring compliance with this permit.
- c. The short title of this permit is the “Tier A MS4 NJPDES permit.”

2. Authorized Discharges Under the Tier A MS4 NJPDES Permit

- a. Eligible Stormwater Discharges – Except as provided in Part II.A.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) owned or operated by Tier A Municipalities; and
 - ii. Municipal maintenance yards and other ancillary operations (see Part IV.B.5.c) owned or operated by Tier A Municipalities.
- b. Eligible Non-Stormwater Discharges – Except as identified in Part II.A.3.e below, the following new and existing non-stormwater discharges from small MS4s owned or operated by Tier A Municipalities and from Municipal maintenance yards and other ancillary operations (see Part IV.B.5.c) owned or operated by Tier A Municipalities are eligible for authorization 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 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.A.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 Under the Tier A MS4 NJPDES Permit
- a. Stormwater Discharges Associated with Industrial Activity
 - i. The Tier A MS4 NJPDES 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.
 - ii. Types of facilities that a Tier A Municipality 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; and 4) steam electric power generating facilities.
 - iii. Any municipality that operates an industrial facility with such a discharge must submit a separate Request for Authorization (RFA) or individual permit application for that discharge (see www.nj.gov/dep/dwg/forms_storm.htm). An RFA submitted for the Tier A MS4 NJPDES Permit does not qualify as an RFA for such a discharge.
 - iv. Yard Trimmings and Wood Waste Management Sites that are not owned and operated by the Tier A Municipality.
 - b. Stormwater Discharges Associated with Construction Activity
 - i. The Tier A MS4 NJPDES Permit does not authorize “stormwater discharges associated with construction activity” as described in N.J.A.C. 7:14A-24.10(a). In general, this is the discharge to surface water of stormwater from construction activity that disturbs at least one acre.

- ii. Any municipality that operates a construction site with such a discharge shall submit a separate RFA under NJPDES Permit No. NJ0088323 (General Stormwater Permit Construction Activity, see www.nj.gov/dep/dwq/5g3.htm), or an application for an individual permit for that discharge. An RFA submitted for the Tier A MS4 NJPDES Permit does not qualify as an RFA for such a discharge. See Part IV.B.3 of the Tier A MS4 NJPDES Permit.
- c. Stormwater Discharges Authorized under Another NJPDES Permit
 - i. The Tier A MS4 NJPDES Permit does not authorize any stormwater discharge that is authorized under another NJPDES permit.
 - ii. A Tier A Municipality does not have to implement measures contained in this NJPDES permit for stormwater discharges at facilities owned or operated by that municipality that are regulated under a separate NJPDES stormwater permit authorizing those discharges.
- d. Stormwater Discharges that Conflict with a Water Quality Management Plan
 - i. The Tier A MS4 NJPDES Permit does not authorize stormwater discharges from projects or activities that conflict with an adopted Areawide or Statewide Water Quality Management Plan.
- e. Non-Stormwater Discharges that are Contributors of Pollutants
 - i. If any of the discharges listed in Part II A.2.b above are identified by the Tier A Municipality as a significant contributor of pollutants to or from the MS4, the Tier A Municipality must address the discharge as an illicit connection or as an improper disposal of waste as specified in Part IV.B.6 of this permit.

B. Administrative Process

- 1. Automatic Renewal of Authorizations
 - a. Upon reissuance of this general permit, 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 permittees' most recently submitted RFA.
- 2. Notification of Changes
 - a. A Tier A Municipality shall provide a corrected 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 Tier A Municipality shall notify the Department of any changes of its Municipal Stormwater Program Coordinator information using www.nj.gov/dep/dwq/pdf/msrp_update_form.pdf
 - c. A Tier A Municipality that already has authorization to discharge from a small MS4 under the Tier A permit does not need to submit a RFA for the expansion (e.g. new residential development) of an existing small MS4.
- 3. Requests for Authorization (RFA, see www.nj.gov/dep/dwq/forms_storm.htm)
 - a. New RFA's under the Tier A MS4 permit
 - i. A single RFA is required for the entire eligible discharge from the small MS4 owned or operated by and located within a single municipality. Multiple RFAs are not required for

multiple municipal operations (e.g., municipally owned and operated maintenance yards or other ancillary operations, facilities, garages, and/or offices).

- ii. An RFA shall include at a minimum: the name and address of the municipality; the name and address of the Municipal Stormwater Program Coordinator; a certification acknowledging the best management practices and measurable goals specified in the permit; and any other information as required by the Department.
- b. 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.
- c. Reassignment of Municipality to Tier A
 - i. If a municipality receives notice from the Department (pursuant to per N.J.A.C. 7:14A-25.3(a)(3)) that it has been reassigned from Tier B to Tier A (pursuant to N.J.A.C. 7:14A-25.3(a)(1) and (2)), the deadline to submit an RFA is 180 days after the receipt of that notice, unless the Department approves a later date.

C. General Conditions

- 1. Notification of Non-Compliance
 - a. The Tier A Municipality 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 Tier A Municipality 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. Unless already required by this permit to be submitted electronically by an earlier date, effective December 21, 2020, the below identified 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.G).
- 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 ordinances.
 - 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 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 Tier A Municipality is required to comply with applicable operation and maintenance requirements of N.J.A.C. 7:14A-6.12(a), the Tier A Municipality 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.
5. Additional Requirements Incorporated by Reference
- a. The Stormwater Management rules at N.J.A.C. 7:8.
 - b. Conditions for General Permits at N.J.A.C. 7:14A-6.13, including the Department’s authority to require, for due cause, a Tier A Municipality to apply for and obtain a different stormwater permit for specific activities otherwise authorized under this permit.
 - c. 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).
 - d. Conditions for reopening and modification of small MS4 permits at N.J.A.C.-7:14A-16.4(b) and N.J.A.C. 7:14A-25.7(b).
 - e. Requirements for Discharges to Ground Water at N.J.A.C. 7:14A-7.
 - f. National Pollutant Discharge Elimination System (NPDES) Electronic Reporting rule at 40 CFR Part 127

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.G of this permit.

PART IV

SPECIFIC REQUIREMENTS: NARRATIVE

NOTES AND DEFINITIONS

A. Notes

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. “MS4” – Municipal Separate Storm Sewer System
 - v. “MSWMP” – Municipal Stormwater Management Plan
 - vi. “MSRP” – Municipal Stormwater Regulation Program
 - vii. “MTD” – Manufactured Treatment Device
 - viii. “N.J.A.C.” - New Jersey Administrative Code
 - ix. “NJPDES” - New Jersey Pollutant Discharge Elimination System
 - x. “N.J.S.A.” - New Jersey Statutes Annotated
 - xi. “RSIS” – Residential Site Improvement Standards
 - xii. “SPPP” – Stormwater Pollution Prevention Plan
 - xiii. “TMDL” – Total Maximum Daily Load

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).
 - ii. References to Part IV Tier A MS4 NJPDES Permit are not preceded by descriptive text (e.g. Part IV.A.1 refers to Overview of the Tier A MS4 NJPDES Permit).

3. Department Resources for Guidance Relating to MS4 Issues

- a. MS4 main website and related links: www.nj.gov/dep/dwq/msrp_home.htm
- b. MS4 Tier A Guidance document: www.nj.gov/dep/dwq/tier_a_guidance.htm

- c. Construction Site Stormwater Runoff: www.nj.gov/dep/dwq/5g3.htm
- d. Snow Removal and Disposal Policy: www.nj.gov/dep/dwq/bnpc_home.htm
- e. Green Infrastructure and related links: www.nj.gov/dep/gi/
- f. Stormwater management information and training tools: www.nj.gov/dep/stormwater/
- g. Public education for stormwater pollution: www.cleanwater.nj.org
- h. Clean Communities, a statewide litter abatement program: www.njclean.org
- i. Total Maximum Daily Load (TMDL) information: www.nj.gov/dep/dwq/msrp-tmdl-rh.htm

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/national-pollutant-discharge-elimination-system-npdes/national-menu-best-management-practices-bmps
- c. EPA's guidance for Green Infrastructure: <http://water.epa.gov/infrastructure/greeninfrastructure/index.cfm>
- d. Guidance from EPA Region 3 for municipalities that wish to improve their municipal stormwater programs: www.epa.gov/npdes/pubs/region3_factsheet_swmp.pdf
- e. EPA's Trash Free Waters resource page: www.epa.gov/trash-free-waters
- f. Illicit Discharge Detection and Elimination Guidance www3.epa.gov/npdes/pubs/idde_manualwithappendices.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.
- b. "Catch basin" means a cistern, vault, chamber or well that is usually built along a street as part of the storm sewer system to capture sediment, debris, and other pollutants.
- c. "Effective Date of Permit Authorization" means the date the permittee's authorization to discharge under this Tier A MS4 NJPDES permit becomes effective. This date may be found on the permittee's Authorization to Discharge.
- d. "Existing permittee" means a municipality that held an authorization to discharge under the Tier A MS4 NJPDES permit on or before _____. [THE DAY BEFORE THE PROJECTED EFFECTIVE DATE OF THIS PERMIT]
- e. "Green infrastructure" means methods of stormwater management that reduce wet weather/stormwater volume, flow, or changes the characteristics of the flow into combined or

separate sanitary or storm sewers, or surface waters, by allowing the stormwater to infiltrate, to be treated by vegetation or by soils, or to be stored for reuse. Green infrastructure includes, but is not limited to, pervious paving, bioretention basins, vegetated swales, and cisterns.

- f. "Illicit connection" means any physical or non-physical (i.e. leak, flow, or overflow into the municipal separate storm sewer system) connection that discharges the following to a municipal separate storm sewer system (unless that discharge is authorized under a NJPDES permit other than this Tier A MS4 NJPDES permit);
 - i. Domestic sewage;
 - ii. Non-contact cooling water, process wastewater, or other industrial waste (other than stormwater); or
 - iii. 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. 122.34(b)(3)(iii).
- g. "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.
- h. "Major development" means any development that provides for ultimately disturbing one or more acres of land and any additional development defined as "major development" by a municipality's stormwater control ordinance. 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-1et seq., are also considered "major development."
- i. "Manufactured treatment device" means a pre-fabricated stormwater treatment structure utilizing settling, filtration, absorptive/adsorptive materials, vortex separation, vegetative components, and/or other appropriate technology to remove pollutants from stormwater runoff.
- j. "Municipal separate storm sewer" means a municipal separate storm sewer as defined in N.J.A.C. 7:14A-1.2.
- k. "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.
- l. "New permittee" means a municipality that obtains its first authorization to discharge under the Tier A MS4 NJPDES permit on or after _____. [THE PROJECTED EFFECTIVE DATE OF THIS PERMIT].
- m. "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 (a door is recommended, but not required). A fabric frame structure is a permanent structure if it meets the following specifications:
 - i. 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 materials;
 - ii. The design shall prevent stormwater run-on and run through and the fabric cannot leak;
 - iii. The structure shall be erected on an impermeable slab;
 - iv. The structure cannot be open sided; and

- v. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- n. "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:
 - i. Owned or operated by municipalities described under N.J.A.C. 7:14A-25.1(b);
 - ii. 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;
 - iii. 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
 - iv. 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.
 - v. Note that all MS4s covered under the Tier A MS4 NJPDES permit are "small MS4s".
- o. "Solids and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids as defined at N.J.A.C. 7:14A-25.6(b)3iii.
- p. "Storm drain inlet" means the point of entry into the storm drain system and is, where a catch basin is present, the uppermost portion (or cover) of a catch basin.
- q. "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.
- r. "Stormwater facility" includes, but is not limited to: catch basins, detention basins, retention basins, filter strips, riparian buffers, infiltration trenches, sand filters, constructed wetlands, wet basins, bioretention systems, low flow bypasses, and stormwater conveyances. Stormwater facilities include structural stormwater management measures.
- s. "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).
- t. "Stormwater management measure" means any structural or nonstructural strategy, 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. Stormwater management measures include stormwater facilities.
- u. "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.
- v. "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."
- w. "Tier A Municipality's MS4" means an MS4 owned and operated by a Tier A Municipality.

- x. "Wood waste" means source separated whole trees, tree trunks, tree parts, tree stumps, brush and leaves provided that they are not composted, and lumber (non-chemically treated and unpainted);
- y. "Yard trimmings" means grass clippings, leaves, wood chips from tree parts, and brush.
- z. "Yard waste" means loose leaves and grass clippings.

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Tier A Municipal Stormwater General Permit

A. Permit Overview

1. Overview of the Tier A MS4 NJPDES Permit

- a. The Tier A Municipality (i.e. the permittee) is required to develop, update, implement and enforce an MS4 stormwater program. A primary objective of the MS4 stormwater program is to implement best management practices and other measures which serve to reduce the discharge of pollutants from the Tier A Municipality's MS4, municipal 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.

2. Primary Plans Required by the Tier A MS4 NJPDES Permit

- a. The Stormwater Pollution Prevention Plan (SPPP) documents the Tier A Municipality's stormwater program and describes the measures necessary for compliance with the Statewide Basic Requirements as well as any Other Control Measures, Additional Measures and/or Optional Measures (if deemed appropriate). See Part IV.F (SPPP) and Attachment A (Measureable Goals and Implementation Schedule for Existing Permittees) and Attachment A-1 (Measureable Goals and Implementation Schedule for New Permittees).
- b. A significant component of the SPPP is the Municipal Stormwater Management Plan (MSWMP). The MSWMP is also a component of the municipal master plan (N.J.S.A. 40:55D-94). The MSWMP describes the municipality's strategy, structure and process for addressing stormwater runoff from new development and redevelopment to ensure compliance with the Stormwater Management rules (N.J.A.C. 7:8 et seq.). This strategy, structure and process also constitutes much of the post construction stormwater management program in this permit. See Part IV.B.4 (Post Construction). Any MSWMP that complies with N.J.A.C. 7:8 also complies with this condition and Part IV.B.4.f (MSWMP).

3. Summary of Tier A MS4 NJPDES Permit Requirements

- a. The Tier A Municipality shall develop, update, implement and enforce a stormwater program as documented in an SPPP to ensure compliance with:
 - i. The Statewide Basic Requirements. See Part IV.B;
 - ii. Other Control Measures. See Part IV.C;
 - iii. Additional Measures. See Part IV.D; and
 - iv. Optional Measures, if deemed appropriate See Part IV.E.
- b. The Tier A Municipality shall develop, update, implement and maintain a written SPPP in conformance with Attachment A (Measureable Goals and Implementation Schedule for Existing Permittees) and Attachment A-1 (Measureable Goals and Implementation Schedule for New Permittees). See Part IV.A.2.a and IV.F (SPPP).
- c. The Tier A Municipality shall submit an Annual Report and Certification summarizing the status of compliance with this permit. See Part IV.G (Annual Report and Certification).

- d. The Tier A Municipality shall adopt, amend and implement a written MSWMP. See Part IV.A.2.b and B.4.f (MSWMP).
- e. The Tier A Municipality shall modify and update its stormwater program (including applicable plans and ordinances) to conform with applicable new legislation; or new or amended regulations. Such modification shall be completed and effective within 12 months of written notification by the Department of the need for modification.

B. Statewide Basic Requirements and Associated Conditions

1. Minimum Standards for Public Involvement and Participation Including Public Notice

- a. Tier A Municipalities shall comply with applicable State and local public notice requirements when providing for public participation in the development and implementation of a 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 municipal stormwater control ordinance and other ordinances adopted to comply with Part IV of this permit; and
 - iii. The Municipal Land Use Law concerning the adoption or amendment of the MWSMP (N.J.S.A. 40:55D-13, 28 and 94), and the review of applications for development (N.J.S.A. 40:55D-12). The Tier A Municipality shall also ensure that applicants for development meet the notice requirements of N.J.S.A. 40:55D-12.
- b. Tier A Municipalities shall make elements of its MS4 stormwater program available to the public:
 - i. Provide the current SPPP upon request as required by Part IV.F.1.g (SPPP);
 - ii. Post the current SPPP on its website to the extent required by Part IV.F.1.f (SPPP); and
 - iii. Post the current MSWMP and all ordinances required by this permit on its website or otherwise comply with the notification requirements of N.J.A.C. 7:8-4.4(e). See Part IV.B.4.f (MSWMP), 4.g (Stormwater Control Ordinance), 5.a (Community Wide Ordinances).
- c. The Tier A Municipality may involve another entity (e.g. a watershed association) to satisfy one or more of the Tier A Municipality's NJPDES permit condition(s) (or component thereof) through the implementation of one or more best management practices or control measures. See Part IV.F.4 (Implementation of SPPP Conditions through Shared or Contracted Services).
- d. The Tier A Municipality shall maintain records necessary to demonstrate compliance with the public participation requirements of a, above.
- e. Existing Permittee: An existing permittee shall meet the minimum standards of this permit, and the measureable goals (including any recordkeeping) and implementation schedules for Public Involvement and Participation specified in Attachment A for Existing Permittees (Measureable Goals and Implementation Schedule).
- f. New Permittee: A new permittee shall meet the minimum standards of this permit, and the measureable goals (including any recordkeeping) and implementation schedules for Public

Involvement and Participation specified in Attachment A-1 for New Permittees (Measureable Goals and Implementation Schedule).

2. Minimum Standards for Local Public Education and Outreach

- a. The Tier A Municipality 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 and mitigating flow. The Tier A Municipality shall annually conduct activities that total at least 12 points and include activities from at least three of the five categories as set forth in Attachment B (Points System for Public Education and Outreach Activities). Records shall be kept necessary to demonstrate compliance with this requirement, including date of activities and any other relevant documentation.
- b. The Tier A Municipality shall label all storm drain inlets for those drains that do not have permanent wording cast into the structure of the inlet. The Tier A Municipality shall also maintain the legibility of those labels and replace any labels that are missing or not legible. See the Tier A Municipal Guidance document (www.nj.gov/dep/dwq/tier_a_guidance.htm) for specific measures. This requirement shall include the following:
 - i. All storm drain inlets along sidewalks that are adjacent to municipal streets;
 - ii. All storm drain inlets within plazas, parking areas or maintenance yards that are operated by the municipality.
- c. The Tier A Municipality shall advertise public involvement program(s) pertaining to education and outreach activities on the municipality's website, through a mailing, through newspaper advertisement, or other similar means.
- d. Existing Permittee: An existing permittee shall meet the minimum standards of this permit, and the measureable goals (including any recordkeeping) and implementation schedules for Local Public Education and Outreach specified in Attachment A for Existing Permittees (Measureable Goals and Implementation Schedule).
- e. New Permittee: A new permittee shall meet the minimum standards of this permit, and the measureable goals (including any recordkeeping) and implementation schedules for Local Public Education and Outreach specified in Attachment A-1 for New Permittees (Measureable Goals and Implementation Schedule).

3. Minimum Standards for Construction Site Stormwater Runoff

- a. Construction site stormwater runoff activities are authorized under a separate NJPDES permit, generally the Construction Activity Stormwater General Permit No. NJ0088323 pursuant to N.J.A.C. 7:14A-25.6(b)2 (or an individual permit pursuant to N.J.A.C. 7:14A-24.7(a)2). See Part II.A.3.b and www.nj.gov/dep/dwq/5g3.htm. Pursuant to N.J.A.C. 7:14A-25.7(b), the Tier A Municipality is not required to reference construction site stormwater runoff control in its SPPP.

4. Minimum Standards for Post Construction Stormwater Management in New Development and Redevelopment

- a. The Tier A Municipality 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 et seq. In general, the regulations at N.J.A.C. 7:8:

- i. Contain requirements for stormwater management plans and stormwater control ordinances;
 - ii. Provide information for the adoption and implementation of municipal stormwater management plans and regional stormwater management plans; and
 - iii. Establish design, performance and maintenance standards for stormwater management measures and establish safety standards for stormwater management basins.
- b. The post construction stormwater management program established by the Tier A Municipality shall address stormwater runoff from the following types of major development unless a more stringent standard is specified by the municipality's stormwater control ordinance:
- i. New development and redevelopment projects that disturb one acre or more and are not operated by the municipality (e.g. retail stores, residential complexes);
 - ii. New development and redevelopment projects that disturb one acre or more and are operated by the municipality itself (e.g. town complex); and
 - iii. All new development and redevelopment projects that disturb less than one acre and are part of a larger common plan of development or sale (e.g. phased residential development) that ultimately disturbs more than one acre.
- c. The post construction stormwater management program established by the Tier A Municipality shall require compliance with the applicable design, performance and maintenance standards established under N.J.A.C. 7:8 et seq. for major development as defined in this permit.
- d. The Tier A Municipality shall review and analyze development applications for compliance with Part IV.B.4 (Post Construction) of this permit even if a separate permit is required by the Department for the same or similar activity (e.g. a Land Use permit).
- e. The post construction stormwater management program established by the Tier A Municipality shall ensure that any residential development and redevelopment projects that are subject to the Residential Site Improvement Standards (RSIS) for stormwater management (N.J.A.C. 5:21-7) comply with those standards, including any exception, waiver, or special area standard that was approved under N.J.A.C. 5:21 et seq.
- f. The Tier A Municipality shall adopt, amend and implement a written Municipal Stormwater Management Plan (MSWMP), pursuant to N.J.A.C. 7:8 et seq., to describe the framework of the Tier A Municipality's strategy, structure and process for its post construction stormwater management program.
- i. The Tier A Municipality shall submit the adopted plan for approval to the County review agency in accordance with N.J.A.C. 7:8-4;
 - ii. The Tier A Municipality shall notify the Department and post the approved plan and any amendments on its website (or otherwise comply with the notification requirements of N.J.A.C. 7:8-4.4(e)) within thirty days of the effective date of the plan. See Part IV.B.1.b.iii (Public Involvement and Participation);
 - iii. The Tier A Municipality shall review and update its MSWMP as necessary, and as a part of the reexamination of its municipal master plan in accordance with N.J.A.C. 7:8-4.3(c) and (d).
- g. In order to implement the post construction stormwater management program, the Tier A Municipality shall adopt, amend, implement and enforce a municipal stormwater control ordinance. The Tier A Municipality shall develop and adopt the contents of the ordinance in accordance with N.J.A.C. 7:8 et seq. A sample stormwater ordinance consistent with the

requirements of the Stormwater Management Rules is posted at www.nj.gov/dep/stormwater/bmp_manual2.htm and a sample stormwater ordinance applicable to Pinelands Area Municipalities is posted at www.nj.gov/dep/stormwater/bmp_manual2.htm. The municipal stormwater control ordinance shall include, at a minimum, the following elements:

- i. Control aspects of residential development and redevelopment projects that are not pre-empted by the RSIS;
 - ii. Control stormwater from non-residential development and redevelopment projects, in accordance with the requirements at N.J.A.C. 7:8 et seq.; and
 - iii. Set forth special area standards approved by the Site Improvement Advisory Board for residential development or redevelopment projects under N.J.A.C. 5:21-3.5.
- h. The Tier A Municipality shall only grant a variance or exemption from the design and performance standards for stormwater management measures if the municipality has a mitigation plan which meets the following requirements:
- i. A mitigation plan must be included in an approved MSWMP and stormwater control ordinance(s). The mitigation plan shall identify measures that are necessary to offset the deficit created by granting the variance or exemption, and can be provided through a menu of design and performance standards with corresponding mitigation projects for different drainage areas within the municipality. See Chapter 3 of the NJ Stormwater BMP Manual at www.nj.gov/dep/stormwater/ for guidance; and
 - ii. The municipality submits, within 30 days after the grant of a variance or exemption, a written report to the county review agency and the Department describing the variance or exemption and the required mitigation. Submit the written report to the Department at:
NJDEP-DWQ-BNPC
Mail Code 401-02B
PO Box 420
Trenton, NJ 08625-0420
- i. The Tier A Municipality shall:
- i. Enforce, through the stormwater control ordinance(s) or a separate ordinance, compliance with the standards set forth in Attachment C (Design Standards for Storm Drain Inlets) of this permit to control passage of solid and floatable materials through storm drain inlets not installed by the Tier A Municipality; and
 - ii. Comply with the standards set forth in Attachment C (Design Standards for Storm Drain Inlets) of this permit to control passage of solid and floatable materials through storm drain inlets installed by the municipality.
- j. The Tier A Municipality shall ensure adequate long-term cleaning, operation and maintenance of stormwater management measures:
- i. Pursuant to Part IV.C.1.a (Stormwater Facilities Maintenance), owned or operated by the Tier A Municipality; and
 - ii. Pursuant to Part IV.C.1.b (Stormwater Facilities Maintenance), not owned or operated by the Tier A Municipality.
- k. For each structural and non-structural stormwater measure (e.g. stormwater management basin, subsurface infiltration/detention system, manufactured treatment device, green infrastructure), the Tier A Municipality shall:

- i. Complete a Major Development Stormwater Summary (as posted on the Department's website at www.nj.gov/dep/dwq/tier_a_forms.htm; courtesy copy provided as Attachment D of this permit) when an application is made to the Tier A Municipality after EDPA;
 - ii. Update the Major Development Stormwater Summary while stormwater measures are being installed;
 - iii. Finalize the Major Development Stormwater Summary once certificate of occupancy is issued; and
 - iv. Maintain a completed Major Development Stormwater Summary and make it available to the Department upon request.
- l. The Stormwater Management rules (N.J.A.C. 7:8) and the Residential Site Improvement Standards for stormwater management (N.J.A.C. 5:21-7), independently and as implemented in this permit, apply to all areas of the Tier A Municipality.
- m. Existing Permittee: An existing permittee shall meet the minimum standards of this permit, and the measureable goals (including any recordkeeping) and implementation schedules for Post Construction Stormwater Management in New Development and Redevelopment specified in Attachment A for Existing Permittees (Measureable Goals and Implementation Schedule).
- n. New Permittee: A new permittee shall meet the minimum standards of this permit, and the measureable goals (including any recordkeeping) and implementation schedules for Post Construction Stormwater Management in New Development and Redevelopment specified in Attachment A-1 for New Permittees (Measureable Goals and Implementation Schedule).

5. Minimum Standards for Pollution Prevention / Good Housekeeping for Municipal Operators

- a. **Community Wide Ordinances:** The Tier A Municipality shall adopt and enforce the following community wide ordinances to address improper disposal of waste:
- i. **Pet Waste Ordinance:** Adopt and enforce an ordinance that requires pet owners or their keepers to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person. Information on the Pet Waste Ordinance and the benefits of proper disposal of pet solid waste shall be distributed with pet licenses. See the Tier A Municipal Guidance document (www.nj.gov/dep/dwq/tier_a_guidance.htm) for a sample ordinance.
 - ii. **Wildlife Feeding Ordinance:** Adopt and enforce an ordinance that prohibits the feeding of any wildlife (e.g. Canada Geese) in any public park or on any other property owned or operated by the Tier A Municipality. 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 ordinance specifically lists and excludes for reasons set forth in the ordinance. See the Tier A Municipal Guidance document (www.nj.gov/dep/dwq/tier_a_guidance.htm) for a sample ordinance.
 - iii. **Litter Control Ordinance:** Adopt and enforce a litter ordinance or enforce the existing State litter statute at N.J.S.A 13:1E-99.3. See the Tier A Municipal Guidance document (www.nj.gov/dep/dwq/tier_a_guidance.htm) for a sample ordinance.
 - iv. **Improper Disposal of Waste Ordinance:** Adopt and enforce an ordinance prohibiting the improper spilling, dumping, or disposal of materials other than stormwater into the MS4

system excluding those discharges as allowable under Part II.A.2.b. See the Tier A Municipal Guidance document (www.nj.gov/dep/dwq/tier_a_guidance.htm) for a sample ordinance.

- v. Containerized Yard Waste/Yard Waste Collection Program Ordinances: (1) Adopt and enforce an ordinance that prohibits placing non-containerized yard wastes (defined as leaves and/or grass clippings) into the street; or (2) develop and implement a non-containerized yard waste collection and disposal program that includes adoption and enforcement of an ordinance that prohibits placing non-containerized yard waste at the curb or along the street within 10 feet of any storm drain inlet and at any time other than a set yard waste collection schedule. The frequency of yard waste pickups shall be determined at the discretion of the Tier A Municipality but shall be part of a set yard waste collection schedule which is noticed to all municipal residents and businesses. Any area, which the municipality determines to have no yard waste, will be exempt from the collections. See the Tier A Municipal Guidance document (www.nj.gov/dep/dwq/tier_a_guidance.htm) for sample ordinances.
 - vi. Private Storm Drain Inlet Retrofitting Ordinance: Adopt and enforce an ordinance requiring the retrofitting of existing storm drain inlets on private property to meet the standard in Attachment C (Design Standard for Storm Drain Inlets). Specifically, this ordinance: 1) shall apply to storm drain inlets, on property not owned or operated by the Tier A Municipality (e.g. condominium associations), that are in direct contact (i.e. contiguous) to repaving; repairing (excluding individual pothole repair); resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen); and reconstruction or alteration of facilities; and 2) shall not apply to a residential lot with one single family house. For a sample ordinance see www.nj.gov/dep/dwq/tier_a.htm.
 - vii. Additional ordinance requirements of this permit are found at Part IV.B.4.g (Stormwater Control Ordinance) above and Part IV.B.6.d (Illicit Connection Ordinance) below.
- b. **Community Wide Measures:** The Tier A Municipality shall develop and continue to implement the following community wide pollution prevention/good housekeeping measures to control solids and floatables:
- i. Street Sweeping: Tier A Municipalities shall sweep, at a minimum of once per month (weather and street surface conditions permitting), all streets (including roads or highways) that meet all of the following criteria: (1) the street is owned or operated by the municipality; (2) the street is curbed and has storm drains; (3) the street has a posted speed limit of 35 miles per hour or less; (4) the street is not an entrance or exit ramp; and (5) the street is in a predominantly commercial area.
 - ii. Catch Basin and Storm Drain Inlet Inspection and Cleaning: The Tier A Municipality shall inspect storm drain inlets and any associated catch basins that it owns or operates and remove sediment, trash, or debris when present. Each catch basin and inlet shall be inspected at least once every five years. The Tier A Municipality shall clean any municipally owned or operated storm drain inlet or catch basin as frequently as necessary to eliminate recurring problems and restore proper function.
 - iii. Tier A Municipality Storm Drain Inlet Retrofit: The Tier A Municipality shall retrofit existing Tier A Municipality owned or operated storm drain inlets that 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 facilities. Storm drain inlet retrofits shall meet the standard in Attachment C (Design Standards for Storm Drain Inlets).
- c. **Municipal Maintenance Yards and Other Ancillary Operations:** The Tier A Municipality shall implement the best management practices described in Attachment E (Best Management Practices for Municipal Maintenance Yards and Other Ancillary Operations) for municipal

maintenance yards and other ancillary operations owned or operated by the Tier A Municipality. Ancillary operations include but are not limited to impound yards, permanent and mobile fueling locations, and yard trimmings and wood waste management sites. The Inventory of Material and Machinery, and Inspections and Good Housekeeping practices specified in Attachment E shall be conducted at all municipal maintenance yards and other ancillary operations. Best Management Practices shall be implemented for the following activities, whenever such activities occur:

- i. Fueling Operations;
 - ii. Discharge of Stormwater from Secondary Containment;
 - iii. Vehicle Maintenance;
 - iv. On-Site Equipment and Vehicle Washing and Wash Wastewater Containment;
 - v. Salt and De-icing Material Storage and Handling;
 - vi. Aggregate Material and Construction Debris Storage;
 - vii. Street Sweepings, Catch Basin Clean Out, and Other Material Storage;
 - viii. Yard Trimmings and Wood Waste Management Sites that are owned and operated by the Tier A Municipality; and
 - ix. Roadside Vegetation Management.
- d. **Employee Training:** The Tier A Municipality shall develop, update and implement an employee training program to address Tier A MS4 NJPDES permit components and SPPP requirements. All municipal employees shall receive training on those stormwater topics applicable to their title and duties within 3 months of commencement of duties. Records including sign in sheet(s), date(s) of training, and training agenda(s) shall be kept in the SPPP. Training shall occur at least once every two years, unless otherwise specified below:
- i. Yard Waste Collection Program (if applicable) – Provide training on frequency of yard waste pickups and schedule; and policy for how and when yard waste can be placed curbside. See Part IV.B.5.a.v (Yard Waste Ordinance).
 - ii. Monthly Sweeping of Certain Streets in Predominantly Commercial Areas - Provide training on sweeping schedules and proper management of materials collected. See Part IV.B.5.b.i (Street Sweeping).
 - iii. Illicit Connection Elimination and Outfall Pipe Mapping - Provide training on the impacts associated with illicit connections and details of the program including investigation techniques, physical observations, field sampling, and mapping procedures. See Part IV.B.6 (MS4 Outfall Pipe Mapping, and Illicit Discharge) and the National Menu of Stormwater Best Management Practices at www.epa.gov/national-pollutant-discharge-elimination-system-npdes/national-menu-best-management-practices-bmps
 - iv. Outfall Pipe Stream Scouring Detection and Control - Provide training on how to identify outfall pipe stream scouring and contributing factors. See Part IV.B.6.b (Stream Scouring).
 - v. Maintenance Yard Operations (including Ancillary Operations) - Provide training annually on inventory of materials 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 sweeping, catch basin

clean out, and other material storage; yard trimmings and wood waste management sites. See Part IV.B.5.c (Municipal Maintenance Yards and Other Ancillary Operations).

- vi. Waste Disposal Education - Provide training on the impacts associated with improper waste disposal, how to respond to inquiries regarding improper waste disposal, and appropriate enforcement authority.
 - vii. Municipal Ordinances - Provide training on the following ordinances: Pet Waste Ordinance; Wildlife Feeding Ordinance; Litter Control Ordinance; Improper Disposal of Waste Ordinance; Containerized Yard Waste/Yard Waste Collection Ordinance; and the Private Storm Drain Inlet Ordinance. Training shall include an overview of these ordinance requirements, enforcement policies and the repercussions of non-compliance with these ordinances. See Part IV.B.5.a (Community Wide Ordinances).
 - viii. Stormwater Facility Maintenance – Provide training annually on maintenance of stormwater facilities, and catch basin and inlet cleaning methods. See Part IV.C.1 (Stormwater Facilities Maintenance), and Part IV.B.5.b.ii (Catch Basin and Storm Drain Inlets).
 - ix. Construction Activity/Post-Construction Stormwater Management in New Development and Redevelopment - Provide general training on the permitting requirements for construction activity and Post-Construction Stormwater Management in New Development and Redevelopment. See Part IV.B.3 (Construction Site Runoff) and B.4 (Post Construction).
 - x. Provide general training annually on the Tier A Municipality's SPPP, applicable recordkeeping requirements, and detailed training on any component applicable to an employee's title and duties. See Part IV.F (SPPP).
 - xi. Training may also be conducted on stormwater-related topics that serve an educational purpose for employees.
- e. **Stormwater Management Design Review Training:** The Tier A Municipality shall ensure that all design engineers, municipal engineers and other individuals that review the stormwater management design for development and redevelopment projects on behalf of the municipality, complete the Department approved Stormwater Management Design Review Course ([see www.nj.gov/dep/stormwater/training.htm](http://www.nj.gov/dep/stormwater/training.htm)) once every five years. This includes those individuals that review any projects that are subject to the Tier A Municipality's municipal stormwater management plan and control ordinance as described in Part IV.B.4 (Post Construction). Individuals that will review stormwater management design and have not completed this course within the past five years must attend the next scheduled course offering. If unable to attend, the Tier A Municipality 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. Training completed within five calendar years prior to EDPA qualifies towards this requirement. The Tier A Municipality is required to maintain a list of the dates and names of training program participants in its SPPP.
- f. **Municipal Board and Governing Body Member Related Training:** The Tier A Municipality shall ensure that municipal board and governing body members that review and approve applications for development and redevelopment projects, complete the "Asking the Right Questions in Stormwater Review Training Tool" posted at www.nj.gov/dep/stormwater/training.htm. This includes those individuals that review any projects for compliance with Part IV.B.4 (Post Construction) of this permit. Training must be completed by current municipal board and governing body members on or before EDPA + 6 months and by new members within six months of commencing duties. Once per term of service thereafter, municipal board and governing body members must review at least one of the tools offered under Post-Construction Stormwater Management found at the website above. The Tier A Municipality is required to maintain a list of the dates and names of training program participants in its SPPP.

- g. Existing Permittee: An existing permittee shall meet the minimum standards of this permit, and the measureable goals (including any recordkeeping) and implementation schedules for Pollution Prevention / Good Housekeeping for Municipal Operators specified in Attachment A for Existing Permittees (Measureable Goals and Implementation Schedule).
- h. New Permittee: A new permittee shall meet the minimum standards of this permit, and the measureable goals (including any recordkeeping) and implementation schedules for Pollution Prevention / Good Housekeeping for Municipal Operators specified in Attachment A-1 for New Permittees (Measureable Goals and Implementation Schedule).

6. Minimum Standards for MS4 Outfall Pipe Mapping, and Illicit Discharge and Scouring Detection and Control

- a. Outfall Pipe Mapping: Tier A Municipalities shall 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 Tier A Municipality which discharge to a surface water body. The outfall pipe map shall:
 - i. Be current at the end of each calendar year;
 - ii. Show the location (and name, where known to the municipality) of all surface water bodies receiving discharges from those outfall pipes;
 - iii. Be included in the SPPP;
 - iv. Be provided to the Department by Existing Permittees on or before EDPA + 12 months and by New Permittees on or before EDPA + 36 months. New data points subsequently added to the map shall be provided to the Department annually thereafter; and
 - v. Be submitted electronically by December 21, 2020 via the Department's designated electronic submission service.
- b. Stream Scouring: Tier A Municipalities shall develop, update and implement a program to detect, investigate and control any localized stream scouring from stormwater outfall pipes owned or operated by the municipality. See the Tier A Municipal Guidance document (www.nj.gov/dep/dwq/tier_a_guidance.htm) for specific measures. The Tier A Municipality shall, at a minimum:
 - i. Inspect each outfall pipe which discharges to a stream for localized stream scouring in the vicinity of the outfall pipe. Each outfall pipe shall be inspected at least once every five years;
 - ii. Inspect any outfall pipes newly identified in compliance with Part IV.B.6.a for localized stream scouring in the vicinity of the outfall pipe;
 - iii. When localized stream scouring is detected, document sources of stormwater that contribute to the outfall pipes identified in i and ii, above. Each identified source shall be investigated; and (1) where identified sources are located on property owned or operated by the Tier A Municipality, corrective action to reduce stormwater rate or volume shall be taken by the municipality when feasible, or (2) where identified sources are within the jurisdiction of but not located on property owned or operated by the Tier A Municipality, the municipality shall ensure proper operation and maintenance of stormwater facilities located thereon pursuant to Part IV.C.1.b (Stormwater Facilities Maintenance), below;

- iv. Prioritize, schedule and complete remediation of identified localized stream scouring and take corrective action to reduce the rate or volume of identified sources of stormwater contributing to scouring. If not completed, a schedule for completion shall be maintained as required in Part IV.C.1.a.iv (Stormwater Facilities Maintenance); and
 - v. All 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 et seq. All associated maintenance or repairs to stormwater facilities shall be made in accordance N.J.A.C 7:8.
- c. Illicit Discharge Detection and Elimination: The Tier A Municipality shall develop, update, implement and enforce an ongoing Illicit Discharge Detection and Elimination Program in accordance with this permit. See the Tier A Municipal Guidance document (www.nj.gov/dep/dwq/tier_a_guidance.htm) for specific measures. See also USEPA Guidance at www3.epa.gov/npdes/pubs/idde_manualwithappendices.pdf. The Tier A Municipality shall, at a minimum:
- i. Conduct visual inspection of outfall pipes owned or operated by the municipality at least once every five years to determine if dry weather flow or other evidence of illicit discharge is present;
 - ii. Investigate the source if evidence of illicit discharge is found;
 - iii. Eliminate non-stormwater discharges that are traced to their source and found to be illicit connections;
 - iv. Document actions taken using the Department's Illicit Connection Inspection Report Form. See www.nj.gov/dep/dwq/tier_a_forms.htm;
 - v. Inspect any outfall pipes newly identified in compliance with Part IV.B.6.a for illicit discharges;
 - vi. Investigate dry weather flows discovered during routine inspection and maintenance of other elements of the MS4; and
 - vii. Investigate complaints and reports of illicit connections, including those from operating entities of interconnected MS4s.
- d. The Tier A Municipality shall adopt and enforce an ordinance that prohibits illicit connections to the municipal separate storm sewer system operated by the Tier A Municipality. See the Tier A Municipal Guidance document (www.nj.gov/dep/dwq/tier_a_guidance.htm) for a sample ordinance.
- e. Existing Permittee: An existing permittee shall meet the minimum standards of this permit, and the measureable goals (including any recordkeeping) and implementation schedules for MS4 Outfall Pipe Mapping, and Illicit Discharge and Scouring Detection and Control specified in Attachment A for Existing Permittees (Measureable Goals and Implementation Schedule).
- f. New Permittee: A new permittee shall meet the minimum standards of this permit, and the measureable goals (including any recordkeeping) and implementation schedules for MS4 Outfall Pipe Mapping, and Illicit Discharge and Scouring Detection and Control specified in Attachment A-1 for New Permittees (Measureable Goals and Implementation Schedule).

C. Other Control Measures

1. Minimum Standards for Stormwater Facilities Maintenance

- a. The Tier A Municipality shall develop, update and implement a program to ensure adequate long-term cleaning, operation and maintenance of all municipally owned or operated stormwater facilities.
 - i. 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. See www.nj.gov/dep/stormwater/maintenance_guidance.htm.
 - ii. The Tier A Municipality shall maintain a log sufficient to demonstrate compliance with this section; including but not limited to the stormwater facility inspected, 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), name of inspector, date of inspection, findings, and any preventative and corrective maintenance performed. Example Maintenance Logs and Inspection Records forms which are sufficient to demonstrate compliance with this section are available at www.nj.gov/dep/stormwater/maintenance_guidance.htm.
 - iii. The Tier A Municipality shall certify annually that municipally owned or operated stormwater facilities are properly functioning.
 - iv. If stormwater facilities were found not to be functioning properly and repairs were not made, then necessary preventive and corrective maintenance shall be documented and prioritized, and a schedule for such repairs shall be maintained. The Tier A Municipality shall prioritize this schedule based upon but not limited to: (1) environmental, health and safety concerns; (2) the findings of catch basin and storm drain inlet inspections performed pursuant to Part IV.B.5.b.ii, above; (3) the findings of stream scouring inspections performed pursuant to Part IV.B.6.b, above; and (4) to incorporate the findings pursuant to Part IV.C.2 (TMDL Information), below.
- b. The Tier A Municipality shall develop, update, implement and enforce a program to ensure adequate long-term cleaning, operation and maintenance of stormwater facilities not owned or operated by the Tier A Municipality, not subject to the conditions of another NJPDES stormwater permit and constructed after February 7, 1984.
 - i. The Tier A Municipality shall ensure that stormwater facility maintenance is performed pursuant to any maintenance plans, or more frequently as needed to ensure the proper function and operation of the stormwater facility. See www.nj.gov/dep/stormwater/maintenance_guidance.htm.
 - ii. The Tier A Municipality shall maintain a log sufficient to demonstrate compliance with this section; including but not limited to the actions taken by the municipality to enforce compliance with the long-term cleaning, operation and maintenance program; the stormwater facility that was the subject of the action; location information of the facility that was the subject of the action (location information must be specific enough to locate and identify the stormwater facility in the field; e.g. geographic coordinates); the name of person taking the action; the date of the action; and the findings. Example Maintenance Logs and Inspection Records forms which are sufficient to demonstrate compliance with this section are available www.nj.gov/dep/stormwater/maintenance_guidance.htm.
- c. The Tier A Municipality shall maintain copies of all maintenance plans, as defined in Notes and Definitions Part IV.B.1.g of this permit, for stormwater facilities approved by the municipality. The Tier A municipality shall make copies of these maintenance plans available to the Department upon request.

- d. Existing Permittee: An existing permittee shall meet the minimum standards of this permit, and the measureable goals (including any recordkeeping) and implementation schedules for Stormwater Facilities Maintenance specified in Attachment A for Existing Permittees (Measureable Goals and Implementation Schedule).
- e. New Permittee: A new permittee shall meet the minimum standards of this permit, and the measureable goals (including any recordkeeping) and implementation schedules for Stormwater Facilities Maintenance specified in Attachment A-1 for New Permittees (Measureable Goals and Implementation Schedule).

2. Minimum Standards for Total Maximum Daily Load (TMDL) Information

- a. Incorporation of TMDL Information Into the SPPP
 - i. The Tier A Municipality shall 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 Tier A Municipality. This information may be accessed at www.nj.gov/dep/dwq/msrp-tmdl-rh.htm;
 - ii. The Tier A Municipality shall use TMDL information identified in i, above to, at a minimum, (1) assist in the prioritization of stormwater facility maintenance including schedules for repairs required at Part IV.B.6.b.iv (Stream Scouring) and IV.C.1.a.iv (Stormwater Facilities Maintenance), above; and (2) identify and develop strategies to address specific sources of stormwater related pollutants contributing to discharges authorized under this Tier A MS4 NJPDES permit. Strategies may include but are not be limited those found in the implementation section of approved or adopted TMDL reports (for examples see "Total Maximum Daily Load (TMDL) Guidance for Tier A MS4 Permittees" found at www.nj.gov/dep/dwq/msrp-tmdl-rh.htm); and
 - iii. The Tier A Municipality shall annually update its SPPP to list information identified in i and ii, above; and
 - iv. The Tier A Municipality shall incorporate any strategies identified in ii(2), above as an Optional Measure. See Part IV.E (Optional Measures) and Part IV.F.1.c (SPPP), below.
- b. Existing Permittee: An existing permittee shall meet the minimum standards of this permit, and the measureable goals (including any recordkeeping) and implementation schedules for Total Maximum Daily Load (TMDL) Information specified in Attachment A for Existing Permittees (Measureable Goals and Implementation Schedule).
- c. New Permittee: A new permittee shall meet the minimum standards of this permit, and the measureable goals (including any recordkeeping) and implementation schedules for Total Maximum Daily Load (TMDL) Information specified in Attachment A-1 for New Permittees (Measureable Goals and Implementation Schedule).

D. Additional 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 Tier A Municipality's 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.

- b. The Department will provide written notice of the adoption of any Additional Measure(s) to any affected Tier A Municipality. The Department will list each adopted Additional Measure in a minor modification to the Tier A MS4 NJPDES permit. For any required Additional Measure(s) other than numeric effluent limitations, the required Additional Measure(s) will specify the best management practices that shall be implemented and the measurable goals. The required Additional Measure(s) will also specify the implementation schedule.

E. Optional Measures

1. Incorporation of Optional Measures

- a. Optional Measures are BMPs, developed by the Tier A Municipality, that extend beyond the requirements of the Tier A MS4 NJPDES permit and that prevent or reduce pollution to waters of the State.
- b. The Tier A Municipality 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.

2. Refuse Container / Dumpster Ordinance

- a. Tier A Municipalities have the option of adopting and enforcing an ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times. This ordinance serves to prevent the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers. This ordinance 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. For a sample ordinance see www.nj.gov/dep/dwq/tier_a.htm.

F. Stormwater Pollution Prevention Plan (SPPP)

1. SPPP Requirements

- a. The Tier A Municipality shall develop, update, implement, and maintain a written SPPP (see the Tier A Municipal Guidance document www.nj.gov/dep/dwq/tier_a_guidance.htm) that:
 - i. Identifies the person designated as the Municipal Stormwater Program Coordinator per Part IV.F.2, below and the members of the SPPP Team.
 - ii. Documents the municipality's Tier A MS4 Stormwater Program including a description of shared or contracted services as allowed under Part IV.F.4, below.
 - iii. Describes the measures necessary for compliance with all components of the Tier A MS4 NJPDES permit including all measures described in Part IV.B, C, D and E above.
 - iv. Reflects the measureable goals, implementation schedules, record keeping and other requirements in Attachment A for Existing Permittees and Attachment A-1 for New Permittees (Measureable Goals and Implementation Schedule).
- b. The Tier A Municipality's Municipal Stormwater Program Coordinator shall sign and date the SPPP per Part IV.F.3 (Stormwater Coordinator), below.

- c. The Tier A Municipality shall review the SPPP at least annually and update it as often as necessary to reflect changes related to the municipality's Tier A MS4 Stormwater Program. Any amendments to the SPPP:
 - i. Shall continue to meet the requirements of this permit;
 - ii. Shall be signed and dated by the Stormwater Coordinator; and
 - iii. Shall be retained for a period of at least five years from the date of amendment unless the Department issues a written notice to extend the retention period.
- d. The SPPP shall include any records required by this Tier A MS4 NJPDES permit. See Attachment A for Existing Permittees and Attachment A-1 for New Permittees (Measureable Goals and Implementation Schedule) for additional detail.
- e. The Department may notify the Tier A Municipality at any time that the SPPP does not meet one or more of the minimum requirements. Within thirty (30) days after receiving such notification unless otherwise specified by the Department, the Tier A Municipality shall amend the SPPP to adequately address all deficiencies, and written certification of such amendments shall be submitted to the Department.
- f. The current SPPP shall be posted on the Tier A Municipality's website no later than EDPA + 90 days with updates posted annually thereafter. The version posted on the website can exclude:
 - i. Inspection logs and other required record keeping; and
 - ii. The names of SPPP Team members but must include the name of the Stormwater Coordinator.
- g. The SPPP shall be made available to the Department and public upon request pursuant to N.J.A.C. 7:14A-25.6(j)2.
- h. New Permittee: A new permittee shall create a written SPPP as required by this section by EDPA + 12 months.

2. Designation of the Municipal Stormwater Program Coordinator (Stormwater Coordinator)

- a. Each Tier A Municipality shall designate a Stormwater Coordinator.
- b. The Stormwater Coordinator shall be either a principal executive officer or a ranking elected official as required at N.J.A.C. 7:14A-4.9(a)3;
- c. A principal executive officer or ranking elected official of the Tier A Municipality may assign this responsibility, as allowed at N.J.A.C. 7:14A-4.9(b), to a duly authorized representative who has overall responsibility for the operation of municipal stormwater facilities or municipal environmental matters;
- d. If an assignment under b or c, above changes, then a new assignment of responsibility shall be submitted to the Department. This is accomplished through completion of the online MSRP Annual Report (see Part IV.G Annual Report and Certification below) or the Stormwater Program Coordinator Information Update Sheet posted at www.nj.gov/dep/dwq/pdf/msrp_update_form.pdf. This information shall be submitted to the Department within 30 days of such change taking place.

3. Responsibilities of the Municipal Stormwater Program Coordinator

- a. The Tier A Municipality shall designate a Municipal Stormwater Program Coordinator. The Stormwater Coordinator is responsible for:
 - i. Coordinating the permittee's implementation of the SPPP and Tier A MS4 NJPDES permit conditions;
 - ii. Signing and dating the SPPP;
 - iii. Coordinating the completion and submittal of the Annual Report and Certification; and
 - iv. Certifying, signing and dating the Annual Report.

4. Implementation of SPPP Conditions through Shared or Contracted Services

- a. The Tier A Municipality may rely on another governmental, private, or nonprofit entity to satisfy one or more of the Tier A Municipality's MS4 NJPDES permit conditions, or component thereof, through the implementation of best management practices or control measures. This is only allowable provided the following conditions are met:
 - i. The other entity implements the control measure(s);
 - ii. The particular control measure(s), or component(s) thereof, is at least as stringent or as frequent as the corresponding NJPDES permit requirement;
 - iii. The other entity agrees in writing or is required by law to implement the measure(s), or component(s) thereof, in such a manner that is in compliance with the Tier A MS4 NJPDES permit on the Tier A Municipality's behalf; and
 - iv. The Tier A Municipality specifies in its SPPP (1) which NJPDES permit conditions will be implemented by another entity and (2) the name of the responsible entity.
- b. For any projects or activities which the Tier A Municipality assigns to another entity which is a private contractor, the awarded contract shall require the contractor to conduct such projects or activities in such a manner that is in compliance with the Tier A MS4 NJPDES permit.
- c. The Tier A Municipality is responsible for compliance with this permit if the other entity fails to implement the measure(s) or component(s), thereof.

G. Annual Report and Certification

1. Reporting Requirements

- a. The Tier A Municipality shall complete an Annual Report, including any Supplemental Questions, using the electronic format provided by the Department via the MSRP Annual Report service accessed through the Regulatory Services Portal (www.njdeponline.com). The Annual Report shall summarize the status of compliance with the conditions of this permit. Specifically, this includes compliance for the subject year between January 1 and December 31 with the Statewide Basic Requirements (Part IV.B), Other Control Measures (Part IV.C), Additional Measures (Part IV.D), Optional Measures (Part IV.E), Stormwater Pollution Prevention Plan (Part IV.F), and any other Tier A MS4 NJPDES permit conditions listed on the Annual Report form, including Supplemental Questions.
- b. The Stormwater Coordinator shall certify, sign and date the Annual Report.
- c. The Tier A Municipality shall submit the Annual Report and Certification to the Department through the Regulatory Services Portal (instructions at www.nj.gov/dep/dwq/tier_a.htm) on or before May 1st of each year.

- d. A copy of each Annual Report and Certification shall be kept at a central location and shall be made available to the Department for inspection.
- e. The Tier A Municipality shall retain the Annual Report and Certification as well as any records required to be kept by this permit for a period of at least five years.
- f. The Tier A Municipality shall document in the Annual Report (1) if it relies on another entity to satisfy one or more of the Tier A Municipality's MS4 NJPDES permit conditions as described in Part IV.F.4.a (Implementation of SPPP Conditions through Shared or Contracted Services), above; (2) which NJPDES permit conditions will be satisfied by another entity; and (3) the name of the governmental, private, or nonprofit entity.

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Attachment A – Measurable Goals and Implementation Schedule for Existing Permittees

General

The following table specifies the Measurable Goals and Implementation Schedule of this Tier A MS4 NJPDES Permit for Existing Permittees. Each Measurable Goal and Implementation Schedule is associated with a permit citation and a summary of the associated Minimum Standard. The summary of Minimum Standard column represents a paraphrase of permit conditions. Actual Minimum Standards are found in Part IV of the permit.

An indication of whether the cited Minimum Standard is a new requirement is provided in the last column. Where a requirement is not new and not modified (and for some that are modified), the Existing Permittee is expected to be in compliance on the Effective Date of Permit Authorization (EDPA). For most new requirements (and for some modified requirements), additional time is provided for achieving compliance.

See below for specific Measurable Goals that shall be documented in the SPPP. **The SPPP shall be updated as required by Part IV.F.1.c, above.** The Implementation Schedule refers to the date that a Minimum Standard must be incorporated into the Tier A Municipality's stormwater program, along with any ongoing requirements. In addition to the requirements of Part IV.F.1 above, the SPPP shall identify and discuss the Minimum Standard of each Statewide Basic Requirement (Part IV.B, above) and Other Control Measures (Part IV.C, above) where the following information is required for each item:

- Describe the method of implementation;
- Include detailed recordkeeping as appropriate;
- Include an implementation schedule, consistent with permit requirements, including interim milestones;
- Include any special diagrams required by the permit (e.g., stormwater facilities map); and
- Include inspection and maintenance schedules, as appropriate.

This table does not include Measurable Goals and an Implementation Schedule for the Notes and Definitions Part IV, Part IV.A (Permit Overview), Part IV.D (Additional Measures), IV.E (Optional Measures), IV.F (SPPP), and IV.G (Annual Report and Certification) because these are not Statewide Basic Requirements or Other Control Measures (see N.J.A.C. 7:14A-25.6). While not included in this table, Notes and Definitions Part IV, Part IV.A, D, E, F, and G are permit requirements and compliance is required.

Measurable Goals for Statewide Basic Requirements and Other Conditions of this Permit for Existing Permittees				
Summary of Minimum Standard (See Part IV for specific permit requirements)	Permit Cite	Measurable Goal (See Part IV for specific permit requirements)	Implementation Schedule	New Requirement?
Public Involvement and Participation Including Public Notice				
Provide for public notice under the Open Public Meetings Act, statutory procedures for enactment of ordinances, and Municipal Land Use Law when providing for public participation in the development and implementation of a stormwater program, and maintain records necessary to demonstrate compliance.	IV.B.1.a & d	Certify in each annual report that all public notice requirements have been met and relevant records kept. Reference in the SPPP the location of associated municipal records.	EDPA	No
Provide the current SPPP to the public upon request.	IV.B.1.b.i	Certify in each annual report that the SPPP was made available to the public.	EDPA	No
Post the current SPPP on the municipality's website.	IV.B.1.b.ii	Certify in each annual report that the SPPP has been posted on the municipality's website (to the extent required by Part IV.F.1.f) and that the posted SPPP is current.	EDPA + 90 days	Yes
Post the current Municipal Stormwater Management Plan (MSWMP) and related ordinances on the municipality's website.	IV.B.1.b.iii	Certify in each annual report that the MSWMP and related ordinances have been posted on the municipality's website and that the posted documents are current.	EDPA + 90 days	Yes
Local Public Education and Outreach				
Implementation of a Public Education and Outreach Program by conducting activities that total a minimum of 12 points on an annual basis.	IV.B.2.a	Certify in each annual report that the minimum point value has been met and report point totals in the Annual Report. Maintain records of materials and activities from Attachment B, including dates of activities and any other relevant documentation (e.g. brochures, pictures, sign-in sheets, press clippings).	EDPA	Modified
Label storm drain inlets, maintain the legibility of those labels, and replace labels that are missing or not legible along sidewalks that are adjacent to municipal streets; and within plazas, parking areas or maintenance yards operated by the municipality.	IV.B.2.b	Certify in each annual report that storm drains have been properly labeled and/or maintained. Records tracking storm drain inlet label status shall be kept with the SPPP.	EDPA	No

Summary of Minimum Standard (See Part IV for specific permit requirements)	Permit Cite	Measurable Goal (See Part IV for specific permit requirements)	Implementation Schedule	New Requirement?
Advertise public involvement program(s) pertaining to education and outreach activities.	IV.B.2.c	Certify in each annual report that public involvement program(s) have been properly advertised on the website, through a mailing, through newspaper advertisement, or other similar means. Public advertisement records shall be kept with the SPPP.	EDPA + 12 months	Yes
Post Construction Stormwater Management in New Development and Redevelopment				
Develop, update, implement and enforce its post construction stormwater management program in new development and redevelopment to ensure compliance with the Stormwater Management rules (N.J.A.C. 7:8).	IV.B.4.a, b, c, d, e, f, g, h, i, j, l	Certify in each annual report that the Tier A Municipality has developed, and is implementing and enforcing a program to address stormwater runoff from new development and redevelopment projects. Records demonstrating compliance with Part IV.B.4 shall be kept, or their location shall be referenced, in the SPPP.	EDPA	No
For each structural and non-structural stormwater measure (e.g. basins), for which an application is made to the municipality after EDPA, the municipality shall complete, update, finalize and maintain a Major Development Stormwater Summary.	IV.B.4.k	Certify in each annual report that Major Development Stormwater Summaries (Attachment D) have been completed and records have been maintained by the Tier A municipality. Records demonstrating compliance with Part IV.B.4 shall be kept, or their location shall be referenced, in the SPPP.	EDPA	Yes
Pollution Prevention/Good Housekeeping - Community Wide Ordinances				
Adopt and enforce a pet waste ordinance. Distribute pet waste ordinance information with pet licenses.	IV.B.5.a.i	Certify in each annual report the date the ordinance was adopted, that it is being enforced and that pet waste ordinance information is distributed with pet licenses. A log of enforcement actions and information distribution dates shall be kept in the SPPP.	EDPA	No
Adopt and enforce a wildlife feeding ordinance.	IV.B.5.a.ii	Certify in each annual report the date the ordinance was adopted and that it is being enforced. A log of enforcement actions shall be kept in the SPPP.	EDPA	No

Summary of Minimum Standard (See Part IV for specific permit requirements)	Permit Cite	Measurable Goal (See Part IV for specific permit requirements)	Implementation Schedule	New Requirement?
Adopt and enforce a litter control ordinance.	IV.B.5.a.iii	Certify in each annual report the date the ordinance was adopted and that it is being enforced. A log of enforcement actions shall be kept in the SPPP.	EDPA	No
Adopt and enforce an improper disposal of waste ordinance.	IV.B.5.a.iv	Certify in each annual report the date the ordinance was adopted and that it is being enforced. A log of enforcement actions shall be kept in the SPPP.	EDPA	No
Adopt and enforce a containerized yard waste / yard waste collection program ordinance.	IV.B.5.a.v	Certify in each annual report the date the ordinance was adopted and that it is being enforced. A log of enforcement actions shall be kept in the SPPP.	EDPA	No
Adopt and enforce a private storm drain inlet retrofitting ordinance	IV.B.5.a.vi	Certify in each annual report the date the ordinance was adopted and that it is being enforced. A log of enforcement actions shall be kept in the SPPP.	EDPA	No
Pollution Prevention/Good Housekeeping - Community Wide Measures				
Develop and continue to implement street sweeping measures as specified at Part IV.B.5.b.i.	IV.B.5.b.i	Certify in each annual report that a street sweeping schedule is being maintained as well as records including the date and areas swept, number of miles of streets swept, and the total amount of materials collected in wet tons. Include totals in the Annual Report and keep records in the SPPP.	EDPA	No
Develop and continue to implement catch basin and storm drain inlet inspection and cleaning measures as specified at Part IV.B.5.b.ii.	IV.B.5.b.ii	Certify in each annual report that a catch basin and storm drain inlet inspection and cleaning schedule is being maintained, and a log indicating the number of municipally owned and operated catch basins and inlets within the municipality, the number of catch basins and inlets inspected, and the number cleaned is being maintained. Maintain records documenting the amount of materials collected in wet tons during cleaning activities in the SPPP. Include totals in the Annual Report.	EDPA	Modified

Summary of Minimum Standard (See Part IV for specific permit requirements)	Permit Cite	Measurable Goal (See Part IV for specific permit requirements)	Implementation Schedule	New Requirement?
Develop and continue to implement storm drain inlet retrofit measures as specified at Part IV.B.5.b.iii.	IV.B.5.b.iii	Certify in each annual report that a record of the number and location of storm drain inlets retrofitted as well as the number and location of storm drain inlets exempted is being maintained. Include totals in the Annual Report and keep records in the SPPP.	EDPA	No
Pollution Prevention/Good Housekeeping - Municipal Maintenance Yards and Other Ancillary Operations				
Implement the BMP's found in Attachment E, including the Inventory of Materials and Machinery, and Inspections and Good Housekeeping practices, at Municipal Maintenance Yards and Other Ancillary Operations.	IV.B.5.c	Certify in each annual report that the SPPP includes all applicable requirements and that the requirements (including maintenance of inspection logs and tracking forms) of Attachment E have been met. Keep records required by Attachment E in the SPPP.	EDPA	No
BMPs shall be implemented for fueling operations.	IV.B.5.c.i	Certify in each annual report that BMPs in Attachment E have been implemented for fueling operations.	EDPA	No
BMPs shall be implemented for discharge of stormwater from secondary containment.	IV.B.5.c.ii	Certify in each annual report that BMPs in Attachment E have been implemented for discharge of stormwater from secondary containment.	EDPA	No
BMPs shall be implemented for vehicle maintenance.	IV.B.5.c.iii	Certify in each annual report that BMPs in Attachment E have been implemented for vehicle maintenance.	EDPA	No
BMPs shall be implemented for on-site equipment and vehicle washing and wash wastewater containment.	IV.B.5.c.iv	Certify in each annual report that BMPs in Attachment E have been implemented for on-site equipment and vehicle washing and wash wastewater containment.	EDPA	Modified
BMPs shall be implemented for salt and de-icing material storage and handling.	IV.B.5.c.v	Certify in each annual report that BMPs in Attachment E have been implemented for salt and de-icing material storage and handling.	EDPA	No

Summary of Minimum Standard (See Part IV for specific permit requirements)	Permit Cite	Measurable Goal (See Part IV for specific permit requirements)	Implementation Schedule	New Requirement?
BMPs shall be implemented for aggregate material and construction debris storage.	IV.B.5.c.vi	Certify in each annual report that BMPs in Attachment E have been implemented for aggregate material and construction debris storage.	EDPA + 12 months	Yes
BMPs shall be implemented for street sweepings and catch basin clean-out material storage.	IV.B.5.c.vii	Certify in each annual report that BMPs in Attachment E have been implemented for street sweepings and catch basin clean-out material storage.	EDPA + 12 months	Yes
BMPs shall be implemented for yard trimmings and wood waste management sites.	IV.B.5.c.viii	Certify in each annual report that BMPs in Attachment E have been implemented for yard trimmings and wood waste management sites.	EDPA + 12 months	Yes
BMPs shall be implemented for roadside vegetation management.	IV.B.5.c.ix	Certify in each annual report that BMPs in Attachment E have been implemented for roadside vegetation management.	EDPA + 12 months	Yes
Pollution Prevention/Good Housekeeping - Training Program				
Provide training to municipal employees within 3 months of commencement of duties, and at least once every two years thereafter, to address all required components. The exceptions are Part IV.B.5.d.v, viii, and x which require annual training instead of once every two years.	IV.B.5.d	Certify in each annual report that employee training has been conducted, and maintain records including sign in sheet(s), date(s) of training, and training agenda(s). These records shall be kept in the SPPP.	EDPA + 12 months	Modified
Ensure that individuals that review development and redevelopment projects for compliance with N.J.A.C. 7:8 on behalf of the municipality complete Department approved training once every five years.	IV.B.5.e	Certify in each annual report that individuals reviewing projects have completed the required training, and maintain a list of the names and dates that individuals received training. This list shall be kept in the SPPP.	EDPA + 12 months	Yes

Summary of Minimum Standard (See Part IV for specific permit requirements)	Permit Cite	Measurable Goal (See Part IV for specific permit requirements)	Implementation Schedule	New Requirement?
Ensure that current Municipal Board and Governing Body Members that review and approve applications for development and redevelopment projects complete the “Training Tool” on or before EDPA + 6 months, and by new members within 6 months of commencement of duties. Once per term of service thereafter, Municipal Board and Governing Body Members must review at least one of the tools offered under the Post-Construction Stormwater Management website.	IV.B.5.f	Certify in each annual report that municipal board and governing body members have completed the necessary training, and maintain a list of the names and dates that individuals completed training. This list shall be kept in the SPPP.	EDPA + 6 months	Yes
MS4 Outfall Pipe Mapping and Illicit Discharge and Scouring Detection and Control				
Develop, update and maintain an MS4 Outfall Pipe Map showing the location of the end of all outfall pipe which discharge to a surface water body.	IV.B.6.a.i	Certify in each annual report that the outfall pipe map is current at the end of the calendar year.	EDPA	No
Show the (and name where known) of all surface water bodies receiving discharges from those outfall pipes.	IV.B.6.a.ii	Certify in each annual report that the surface water bodies associated with each outfall pipe end is located on the map	EDPA	No
Include Outfall Pipe map in the SPPP	IV.B.6.a.iii	Certify in each annual report following the implementation deadline that the Outfall Pipe Map is included the SPPP	EDPA +12 months	Yes
Provide Outfall Pipe Map to the Department	IV.B.6.a.iv	Certify in each annual report following the implementation deadline that the Outfall Pipe Map and any new data points subsequently added to the map have been provided to the Department.	EDPA +12 months	Yes
Submitted the Outfall Pipe Map information to the Department electronically by December 21, 2020	IV.B.a.v	Submit the Outfall Pipe Map information to the Department using Department’s designated electronic submission service by December 21, 2020	12/21/2020	Yes

Summary of Minimum Standard (See Part IV for specific permit requirements)	Permit Cite	Measurable Goal (See Part IV for specific permit requirements)	Implementation Schedule	New Requirement?
Develop, update and implement a program to detect, investigate and control localized stream scouring from stormwater outfall pipes.	IV.B.6.b	Certify in each annual report that municipally owned outfall pipes have received the required visual inspection and maintain a log indicating the number and location of outfall pipes inspected, repairs prioritized, and repairs scheduled or performed. Certify in the annual report that a repair schedule has been prepared for those that have not been completed. Keep records required by Part IV.6.b in the SPPP.	EDPA + 12 months	Modified
Develop, update, implement and enforce an ongoing Illicit Discharge Detection and Elimination Program.	IV.B.6.c	Certify in each annual report that the municipality has developed a program to detect and eliminate illicit discharges. Document all investigations and actions taken on the Department's Illicit Connection Inspection Report Form. Keep records required by Part IV.6.c in the SPPP.	EDPA	Modified
Adopt and enforce an ordinance that prohibits illicit connections to the MS4 operated by the Tier A Municipality.	IV.B.6.d	Certify in each annual report that the ordinance is being maintained and the date it was adopted. A log of enforcement actions shall be kept in the SPPP.	EDPA	No
Stormwater Facilities Maintenance				
Develop, update and implement a program to ensure adequate long-term cleaning, operation and maintenance of all stormwater facilities owned or operated by the Tier A Municipality.	IV.C.1.a	Certify in each annual report that the municipality has developed, updated and implemented a program to ensure adequate long-term cleaning, operation and maintenance of all municipally owned stormwater facilities. Records required by Part IV.C.1.a, a.i, a.ii, a.iii and a.iv shall be kept, or their location shall be referenced, in the SPPP.	EDPA	Modified
Inspect and maintain stormwater facilities pursuant to any maintenance plans, or more frequently as needed, to ensure proper function and operation of each stormwater facility.	IV.C.1.a.i	Certify in each annual report that inspections and maintenance was performed pursuant to any maintenance plans, or more frequently as needed, to ensure proper function and operation of stormwater facilities.	EDPA	Modified

Summary of Minimum Standard (See Part IV for specific permit requirements)	Permit Cite	Measurable Goal (See Part IV for specific permit requirements)	Implementation Schedule	New Requirement?
Maintain a log sufficient to demonstrate compliance with this section; including but not limited a list of inspections and preventative and corrective maintenance performed, and a schedule for repairs to be made.	IV.C.1.a.ii	Certify in each annual report that a maintenance log is kept that, at a minimum, records the stormwater facility inspected, 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), name of inspector, date of inspection, findings, and any preventative and corrective maintenance performed.	EDPA	Modified
Certify annually that municipally owned or operated stormwater facilities are properly functioning.	IV.C.1.a.iii	Certify in each annual report that all municipally owned or operated stormwater facilities are properly functioning.	EDPA	No
If stormwater facilities were found not to be functioning properly and repairs not made, then necessary preventative and corrective maintenance shall be documented and prioritized and a schedule for maintenance shall be maintained.	IV.C.1.a.iv	Certify in each annual report that a prioritized schedule of necessary preventive and corrective maintenance exists for stormwater facilities inspected and found not to be functioning properly. The municipality shall prioritize this schedule as specified in Part IV.C.1.iv.	EDPA	Modified
Develop, update, implement and enforce a program to ensure adequate long-term cleaning, operation and maintenance of stormwater facilities not owned or operated by the Tier A Municipality, not subject to the conditions of another NJPDES stormwater permit and constructed after February 7, 1984.	IV.C.1.b	Certify in each annual report that the municipality has developed, updated, implemented and enforced a program to ensure adequate long-term cleaning, operation and maintenance of stormwater facilities not owned and operated by the municipality, not subject to the conditions of another NJPDES stormwater permit and constructed after February 7, 1984. Records required by Part IV.C.1.b, b.i and b.ii shall be kept, or their location shall be referenced, in the SPPP.	EDPA + 12 months	Modified

Summary of Minimum Standard (See Part IV for specific permit requirements)	Permit Cite	Measurable Goal (See Part IV for specific permit requirements)	Implementation Schedule	New Requirement?
Ensure that stormwater facility inspection and maintenance is performed pursuant to any maintenance plans, or more frequently as needed to ensure proper function and operation of each stormwater facility.	IV.C.1.b.i	Certify in each annual report that maintenance was performed pursuant to any maintenance plans, or more frequently, to ensure proper function and operation of stormwater facilities not owned and operated by the municipality.	EDPA + 12 months	Modified
Maintain a log sufficient to demonstrate compliance with this section; including but not limited actions taken by the municipality to enforce compliance with the long-term cleaning, operation and maintenance program.	IV.C.1.b.ii	Certify in each annual report that a log is being kept that, at a minimum, records the actions taken by the municipality to enforce compliance with the long-term cleaning, operation and maintenance program; the stormwater facility that was the subject of the action; location information of the facility that was the subject of the action (location information must be specific enough to locate and identify the stormwater facility in the field; e.g. geographic coordinates); the name of person taking the action; the date of the action; and the findings.	EDPA + 12 months	Modified
Maintain copies of all maintenance plans for stormwater facilities approved by the municipality, and make them available to the Department upon request.	IV.C.1.c	Certify in each annual report that copies of all maintenance plans are kept on file. Records required by Part IV.C.1.c shall be kept, or their location shall be referenced, in the SPPP.	EDPA + 12 months	Yes
Total Maximum Daily Load (TMDL) Info.				
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 Tier A Municipality.	IV.C.2.a.i	Certify in each annual report that approved or adopted TMDLs have been identified and reviewed and stormwater related pollutants identified. Records required by Part IV.C.2.a.i, a.ii and a.iii shall be kept in the SPPP.	EDPA + 12 months	Yes

Summary of Minimum Standard (See Part IV for specific permit requirements)	Permit Cite	Measurable Goal (See Part IV for specific permit requirements)	Implementation Schedule	New Requirement?
Use TMDL information identified in compliance with Part IV.C.2.a.i to: (1) assist in the prioritization of stormwater facility maintenance including schedules for repairs related to Stream Scouring and Stormwater Facilities Maintenance; and (2) identify and develop strategies to address specific sources of stormwater related pollutants contributing to discharges authorized under this Tier A MS4 NJPDES permit.	IV.C.2.a.ii	Certify in each annual report that the municipality has used information identified in compliance with Part VI.C.2.a.i to (1) assist in the prioritization of repairs as required at Part IV.B.6.b.iv (Stream Scouring) and IV.C.31.a.iv (Stormwater Facilities Maintenance); and (2) identify and develop strategies to address specific sources of stormwater related pollutants contributing to discharges authorized under this Tier A MS4 NJPDES permit.	EDPA + 12 months	Yes
Update SPPP to list information identified in Part VI.C.2.a.i and ii.	IV.C.2.a.iii	Certify in each annual report that the municipality has updated its SPPP to list information identified in Part VI.C.2.a.i and ii.	EDPA + 12 months	Yes
Incorporate any strategies identified in Part VI.C.2.a.ii(2) as an Optional Measure	IV.C.2.a.iv	Certify in each annual report that the municipality has incorporated any strategies identified in Part VI.C.2.a.ii(2) as an Optional Measure.	EDPA + 12 months	Yes

Attachment A-1 – Measurable Goals and Implementation Schedule for New Permittees

General

The following table specifies the Measurable Goals and Implementation Schedule of this Tier A MS4 NJPDES Permit for New Permittees. Each Measurable Goal and Implementation Schedule is associated with a permit citation and a summary of the associated Minimum Standard. The summary of Minimum Standard column represents a paraphrase of permit conditions. Actual Minimum Standards are found in Part IV of the permit.

See below for specific Measurable Goals that shall be documented in the SPPP. **The SPPP shall be created by EDP + 12 months and updated on annual basis thereafter as required by Part IV.F.** The Implementation Schedule refers to the date that a Minimum Standard must be incorporated into the Tier A Municipality's stormwater program, along with any ongoing requirements. In addition to the requirements of Part IV.F above, the SPPP shall identify and discuss the Minimum Standard of each Statewide Basic Requirement (Part IV.B, above) and Other Control Measures (Part IV.C, above) where the following information is required for each item:

- Describe the method of implementation;
- Include detailed recordkeeping as appropriate;
- Include an implementation schedule, consistent with permit requirements, including interim milestones;
- Include any special diagrams required by the permit (e.g., stormwater facilities map); and
- Include inspection and maintenance schedules, as appropriate.

This table does not include Measurable Goals and an Implementation Schedule for the Notes and Definitions Part IV, Part IV.A (Permit Overview), Part IV.D (Additional Measures), IV.E (Optional Measures), IV.F (SPPP), and IV.G (Annual Report and Certification) because these are not Statewide Basic Requirements or Other Control Measures (see N.J.A.C. 7:14A-25.6). While not included in this table, Notes and Definitions Part IV, Part IV.A, D, E, F, and G are permit requirements and compliance is required.

Measurable Goals for Statewide Basic Requirements and Other Conditions of this Permit for New Permittees			
Summary of Minimum Standard (See Part IV for specific permit requirements)	Permit Cite	Measurable Goal (See Part IV for specific permit requirements)	Implementation Schedule
Public Involvement and Participation Including Public Notice			
Provide for public notice under the Open Public Meetings Act, statutory procedures for enactment of ordinances, and Municipal Land Use Law when providing for public participation in the development and implementation of a stormwater program, and maintain records necessary to demonstrate compliance.	IV.B.1.a & d	Certify in each annual report that all public notice requirements have been met and relevant records kept. Reference in the SPPP the location of associated municipal records.	EDPA
Provide the current SPPP to the public upon request.	IV.B.1.b.i	Certify in each annual report that the SPPP was made available to the public.	EDPA + 12 months
Post the current SPPP on the municipality's website.	IV.B.1.b.ii	Certify in each annual report that the SPPP has been posted on the municipality's website (to the extent required by Part IV.F.1.f) and that the posted SPPP is current.	EDPA + 12 months)
Post the current Municipal Stormwater Management Plan (MSWMP) and related ordinances on the municipality's website.	IV.B.1.b.iii	Certify in each annual report that the MSWMP and related ordinances have been posted on the municipality's website and that the posted documents are current.	EDPA + 90 days
Local Public Education and Outreach			
Implementation of a Public Education and Outreach Program by conducting activities that total a minimum of 12 points on an annual basis.	IV.B.2.a	Certify in each annual report that the minimum point value has been met and report point totals in the Annual Report. Maintain records of materials and activities from Attachment B, including dates of activities and any other relevant documentation (e.g. brochures, pictures, sign-in sheets, press clippings).	EDPA

Summary of Minimum Standard (See Part IV for specific permit requirements)	Permit Cite	Measurable Goal (See Part IV for specific permit requirements)	Implementation Schedule
Label storm drain inlets, maintain the legibility of those labels, and replace labels that are missing or not legible along sidewalks that are adjacent to municipal streets; and within plazas, parking areas or maintenance yards operated by the municipality.	IV.B.2.b	Certify in each annual report that storm drains have been properly labeled and/or maintained. Records tracking storm drain inlet label status shall be kept with the SPPP.	EDPA
Advertise public involvement program(s) pertaining to education and outreach activities.	IV.B.2.c	Certify in each annual report that public involvement program(s) have been properly advertised on the website, through a mailing, through newspaper advertisement, or other similar means. Public advertisement records shall be kept with the SPPP.	EDPA + 12 months
Post Construction Stormwater Management in New Development and Redevelopment			
Develop, update, implement and enforce its post construction stormwater management program in new development and redevelopment to ensure compliance with the Stormwater Management rules (N.J.A.C. 7:8).	IV.B.4.a, b, c, d, e, f, g, h, i, j, l	Certify in each annual report that the Tier A Municipality has developed, and is implementing and enforcing a program to address stormwater runoff from new development and redevelopment projects. Records demonstrating compliance with Part IV.B.4 shall be kept, or their location shall be referenced, in the SPPP.	EDPA
For each structural and non-structural stormwater measure (basins), for which an application is made to the municipality after EDPA, the municipality shall complete, update, finalize and maintain a Major Development Stormwater Summary.	IV.B.4.k	Certify in each annual report that Major Development Stormwater Summaries (Attachment D) have been completed and records have been maintained by the Tier A municipality. Records demonstrating compliance with Part IV.B.4 shall be kept, or their location shall be referenced, in the SPPP.	EDPA

Summary of Minimum Standard (See Part IV for specific permit requirements)	Permit Cite	Measurable Goal (See Part IV for specific permit requirements)	Implementation Schedule
Pollution Prevention/Good Housekeeping - Community Wide Ordinances			
Adopt and enforce a pet waste ordinance. Distribute pet waste ordinance information with pet licenses.	IV.B.5.a.i	Certify in each annual report the date the ordinance was adopted, that it is being enforced and that pet waste ordinance information is distributed with pet licenses. A log of enforcement actions and information distribution dates shall be kept in the SPPP.	EDPA + 12 months
Adopt and enforce a wildlife feeding ordinance.	IV.B.5.a.ii	Certify in each annual report the date the ordinance was adopted and that it is being enforced. A log of enforcement actions shall be kept in the SPPP.	EDPA + 12 months
Adopt and enforce a litter control ordinance.	IV.B.5.a.iii	Certify in each annual report the date the ordinance was adopted and that it is being enforced. A log of enforcement actions shall be kept in the SPPP.	EDPA + 12 months
Adopt and enforce an improper disposal of waste ordinance.	IV.B.5.a.iv	Certify in each annual report the date the ordinance was adopted and that it is being enforced. A log of enforcement actions shall be kept in the SPPP.	EDPA + 12 months
Adopt and enforce a containerized yard waste / yard waste collection program ordinance.	IV.B.5.a.v	Certify in each annual report the date the ordinance was adopted and that it is being enforced. A log of enforcement actions shall be kept in the SPPP.	EDPA + 12 months
Adopt and enforce a private storm drain inlet retrofitting ordinance	IV.B.5.a.vi	Certify in each annual report the date the ordinance was adopted and that it is being enforced. A log of enforcement actions shall be kept in the SPPP.	EDPA + 12 months

Summary of Minimum Standard (See Part IV for specific permit requirements)	Permit Cite	Measurable Goal (See Part IV for specific permit requirements)	Implementation Schedule
Pollution Prevention/Good Housekeeping - Community Wide Measures			
Develop and continue to implement street sweeping measures as specified at Part IV.B.5.b.i.	IV.B.5.b.i	Certify in each annual report that a street sweeping schedule is being maintained as well as records including the date and areas swept, number of miles of streets swept, and the total amount of materials collected in wet tons. Include totals in the Annual Report and keep records in the SPPP.	EDPA + 24 months
Develop and continue to implement catch basin and storm drain inlet inspection and cleaning measures as specified at Part IV.B.5.b.ii.	IV.B.5.b.ii	Certify in each annual report that a catch basin and storm drain inlet inspection and cleaning schedule is being maintained, and a log indicating the number of municipally owned and operated catch basins and inlets within the municipality, the number of catch basins and inlets inspected, and the number cleaned is being maintained. Maintain records documenting the amount of materials collected in wet tons during cleaning activities in the SPPP. Include totals in the Annual Report.	EDPA + 24 months

Summary of Minimum Standard (See Part IV for specific permit requirements)	Permit Cite	Measurable Goal (See Part IV for specific permit requirements)	Implementation Schedule
Develop and continue to implement storm drain inlet retrofit measures as specified at Part IV.B.5.b.iii.	IV.B.5.b.iii	Certify in each annual report that a record of the number and location of storm drain inlets retrofitted as well as the number and location of storm drain inlets exempted is being maintained. Include totals in the Annual Report and keep records in the SPPP.	EDPA + 12 months
Pollution Prevention/Good Housekeeping - Municipal Maintenance Yards and Other Ancillary Operations			
Implement the BMP's found in Attachment E, including the Inventory of Materials and Machinery, and Inspections and Good Housekeeping practices, at Municipal Maintenance Yards and Other Ancillary Operations.	IV.B.5.c	Certify in each annual report that the SPPP includes all applicable requirements and that the requirements (including maintenance of inspection logs and tracking forms) of Attachment E have been met. Keep records required by Attachment E in the SPPP.	EDPA + 12 months
BMPs shall be implemented for fueling operations.	IV.B.5.c.i	Certify in each annual report that BMPs in Attachment E have been implemented for fueling operations.	EDPA + 12 months
BMPs shall be implemented for discharge of stormwater from secondary containment.	IV.B.5.c.ii	Certify in each annual report that BMPs in Attachment E have been implemented for discharge of stormwater from secondary containment.	EDPA + 12 months
BMPs shall be implemented for vehicle maintenance.	IV.B.5.c.iii	Certify in each annual report that BMPs in Attachment E have been implemented for vehicle maintenance.	EDPA + 12 months

Summary of Minimum Standard (See Part IV for specific permit requirements)	Permit Cite	Measurable Goal (See Part IV for specific permit requirements)	Implementation Schedule
BMPs shall be implemented for on-site equipment and vehicle washing and wash wastewater containment.	IV.B.5.c.iv	Certify in each annual report that BMPs in Attachment E have been implemented for on-site equipment and vehicle washing and wash wastewater containment.	EDPA + 60 months
BMPs shall be implemented for salt and de-icing material storage and handling.	IV.B.5.c.v	Certify in each annual report that BMPs in Attachment E have been implemented for salt and de-icing material storage and handling.	EDPA + 60 months
BMPs shall be implemented for aggregate material and construction debris storage.	IV.B.5.c.vi	Certify in each annual report that BMPs in Attachment E have been implemented for aggregate material and construction debris storage.	EDPA + 18 months
BMPs shall be implemented for street sweepings and catch basin clean-out material storage.	IV.B.5.c.vii	Certify in each annual report that BMPs in Attachment E have been implemented for street sweepings and catch basin clean-out material storage.	EDPA + 18 months
BMPs shall be implemented for yard trimmings and wood waste management sites.	IV.B.5.c.viii	Certify in each annual report that BMPs in Attachment E have been implemented for yard trimmings and wood waste management sites.	EDPA + 18 months
BMPs shall be implemented for roadside vegetation management.	IV.B.5.c.ix	Certify in each annual report that BMPs in Attachment E have been implemented for roadside vegetation management.	EDPA + 18 months
Pollution Prevention/Good Housekeeping - Training Program			
Provide training to municipal employees within 3 months of commencement of duties, and at least once every two years thereafter, to address all required components. The exceptions are Part IV.B.5.d.v, viii, and x which require annual training instead of once every two years.	IV.B.5.d	Certify in each annual report that employee training has been conducted, and maintain records including sign in sheet(s), date(s) of training, and training agenda(s). These records shall be kept in the SPPP.	EDPA + 12 months
Ensure that individuals that review development and redevelopment projects for compliance with N.J.A.C. 7:8 on behalf of the municipality complete Department approved training once every five years.	IV.B.5.e	Certify in each annual report that individuals reviewing projects have completed the required training, and maintain a list of the names and dates that individuals received training. This list shall be kept in the SPPP.	EDPA + 12 months

Summary of Minimum Standard (See Part IV for specific permit requirements)	Permit Cite	Measurable Goal (See Part IV for specific permit requirements)	Implementation Schedule
Ensure that current Municipal Board and Governing Body Members that review and approve applications for development and redevelopment projects complete the “Training Tool” on or before EDPA + 6 months, and by new members within 6 months of commencement of duties. Once per term of service thereafter, Municipal Board and Governing Body Members must review at least one of the tools offered under the Post-Construction Stormwater Management website.	IV.B.5.f	Certify in each annual report that municipal board and governing body members have completed the necessary training, and maintain a list of the names and dates that individuals completed training. This list shall be kept in the SPPP.	EDPA + 6 months
MS4 Outfall Pipe Mapping and Illicit Discharge and Scouring Detection and Control			
Develop, update and maintain an MS4 Outfall Pipe Map showing the location of the end of all outfall pipe which discharge to a surface water body.	IV.B.6.a.i	Certify in each annual report following the implementation deadline that the outfall pipe map is current at the end of the calendar year.	EDPA + 36 months
Show the (and name where known) of all surface water bodies receiving discharges from those outfall pipes.	IV.B.6.a.ii	Certify in each annual report following the implementation deadline that the surface water bodies associated with each outfall pipe end is located on the map	EDPA + 36 months
Include Outfall Pipe map in the SPPP	IV.B.6.a.iii	Certify in each annual report following the implementation deadline that the Outfall Pipe Map is included the SPPP	EDPA + 36 months
Provide Outfall Pipe Map to the Department	IV.B.6.a.iv	Certify in each annual report following the implementation deadline that the Outfall Pipe Map and any new data points subsequently added to the map have been provided to the Department.	EDPA + 36 months

Summary of Minimum Standard (See Part IV for specific permit requirements)	Permit Cite	Measurable Goal (See Part IV for specific permit requirements)	Implementation Schedule
Submitted the Outfall Pipe Map information to the Department electronically by December 21, 2020	IV.B.a.v	Submit the Outfall Pipe Map information to the Department using Department's designated electronic submission service by December 21, 2020	12/21/2020
Develop, update and implement a program to detect, investigate and control localized stream scouring from stormwater outfall pipes.	IV.B.6.b	Certify in each annual report that municipally owned outfall pipes have received the required visual inspection and maintain a log indicating the number and location of outfall pipes inspected, repairs prioritized, and repairs scheduled or performed. Certify in the annual report that a repair schedule has been prepared for those that have not been completed. Keep records required by Part IV.6.b in the SPPP.	EDPA + 60 months
Develop, update, implement and enforce an ongoing Illicit Discharge Detection and Elimination Program.	IV.B.6.c	Certify in each annual report that the municipality has developed a program to detect and eliminate illicit discharges. Document all investigations and actions taken on the Department's Illicit Connection Inspection Report Form. Keep records required by Part IV.6.c in the SPPP.	EDPA + 60 months
Adopt and enforce an ordinance that prohibits illicit connections to the MS4 operated by the Tier A Municipality.	IV.B.6.d	Certify in each annual report that the ordinance is being maintained and the date it was adopted. A log of enforcement actions shall be kept in the SPPP.	EDPA + 12 months
Stormwater Facilities Maintenance			
Develop, update and implement a program to ensure adequate long-term cleaning, operation and maintenance of all stormwater facilities owned or operated by the Tier A Municipality.	IV.C.1.a	Certify in each annual report that the municipality has developed, updated and implemented a program to ensure adequate long-term cleaning, operation and maintenance of all municipally owned stormwater facilities. Records required by Part IV.C.1.a, a.i, a.ii, a.iii and a.iv shall be kept, or their location shall be referenced, in the SPPP.	EDPA + 18 months

Summary of Minimum Standard (See Part IV for specific permit requirements)	Permit Cite	Measurable Goal (See Part IV for specific permit requirements)	Implementation Schedule
Inspect and maintain stormwater facilities pursuant to any maintenance plans, or more frequently as needed, to ensure proper function and operation of each stormwater facility.	IV.C.1.a.i	Certify in each annual report that inspections and maintenance was performed pursuant to any maintenance plans, or more frequently as needed, to ensure proper function and operation of stormwater facilities.	EDPA + 18 months
Maintain a log sufficient to demonstrate compliance with this section; including but not limited a list of inspections and preventative and corrective maintenance performed, and a schedule for repairs to be made.	IV.C.1.a.ii	Certify in each annual report that a maintenance log is kept that, at a minimum, records the stormwater facility inspected, 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), name of inspector, date of inspection, findings, and any preventative and corrective maintenance performed.	EDPA + 18 months
Certify annually that municipally owned or operated stormwater facilities are properly functioning.	IV.C.1.a.iii	Certify in each annual report that all municipally owned or operated stormwater facilities are properly functioning.	EDPA + 18 months
If stormwater facilities were found not to be functioning properly and repairs not made, then necessary preventative and corrective maintenance shall be documented and prioritized and a schedule for maintenance shall be maintained.	IV.C.1.a.iv	Certify in each annual report that a prioritized schedule of necessary preventive and corrective maintenance exists for stormwater facilities inspected and found not to be functioning properly. The municipality shall prioritize this schedule as specified in Part IV.C.1.iv.	EDPA + 18 months
Develop, update, implement and enforce a program to ensure adequate long-term cleaning, operation and maintenance of stormwater facilities not owned or operated by the Tier A Municipality, not subject to the conditions of another NJPDES stormwater permit and constructed after February 7, 1984.	IV.C.1.b	Certify in each annual report that the municipality has developed, updated, implemented and enforced a program to ensure adequate long-term cleaning, operation and maintenance of stormwater facilities not owned and operated by the municipality, not subject to the conditions of another NJPDES stormwater permit and constructed after February 7, 1984.	EDPA + 18 months

Summary of Minimum Standard (See Part IV for specific permit requirements)	Permit Cite	Measurable Goal (See Part IV for specific permit requirements)	Implementation Schedule
		Records required by Part IV.C.1.b, b.i and b.ii shall be kept, or their location shall be referenced, in the SPPP.	
Ensure that stormwater facility inspection and maintenance is performed pursuant to any maintenance plans, or more frequently as needed to ensure proper function and operation of each stormwater facility.	IV.C.1.b.i	Certify in each annual report that maintenance was performed pursuant to any maintenance plans, or more frequently, to ensure proper function and operation of stormwater facilities not owned and operated by the municipality.	EDPA + 18 months
Maintain a log sufficient to demonstrate compliance with this section; including but not limited actions taken by the municipality to enforce compliance with the long-term cleaning, operation and maintenance program.	IV.C.1.b.ii	Certify in each annual report that a log is being kept that, at a minimum, records the actions taken by the municipality to enforce compliance with the long-term cleaning, operation and maintenance program; the stormwater facility that was the subject of the action; location information of the facility that was the subject of the action (location information must be specific enough to locate and identify the stormwater facility in the field; e.g. geographic coordinates); the name of person taking the action; the date of the action; and the findings.	EDPA + 18 months
Maintain copies of all maintenance plans for stormwater facilities approved by the municipality, and make them available to the Department upon request.	IV.C.1.c	Certify in each annual report that copies of all maintenance plans are kept on file. Records required by Part IV.C.1.c shall be kept, or their location shall be referenced, in the SPPP.	EDPA + 12 months
Total Maximum Daily Load (TMDL) Info.			
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 Tier A Municipality.	IV.C.2.a.i	Certify in each annual report that approved or adopted TMDLs have been identified and reviewed and stormwater related pollutants identified. Records required by Part IV.C.2.a.i, a.ii and a.iii shall be kept in the SPPP.	EDPA + 12 months

Summary of Minimum Standard (See Part IV for specific permit requirements)	Permit Cite	Measurable Goal (See Part IV for specific permit requirements)	Implementation Schedule
Use TMDL information identified in compliance with Part IV.C.2.a.i to: (1) assist in the prioritization of stormwater facility maintenance including schedules for repairs related to Stream Scouring and Stormwater Facilities Maintenance; and (2) identify and develop strategies to address specific sources of stormwater related pollutants contributing to discharges authorized under this Tier A MS4 NJPDES permit.	IV.C.2.a.ii	Certify in each annual report that the municipality has used information identified in compliance with Part VI.C.2.a.i to (1) assist in the prioritization of repairs as required at Part IV.B.6.b.iv (Stream Scouring) and IV.C.31.a.iv (Stormwater Facilities Maintenance); and (2) identify and develop strategies to address specific sources of stormwater related pollutants contributing to discharges authorized under this Tier A MS4 NJPDES permit.	EDPA + 12 months
Update SPPP to list information identified in Part VI.C.2.a.i and ii.	IV.C.2.a.iii	Certify in each annual report that the municipality has updated its SPPP to list information identified in Part VI.C.2.a.i and ii.	EDPA + 12 months
Incorporate any strategies identified in Part VI.C.2.a.ii(2) as an Optional Measure	IV.C.2.a.iv	Certify in each annual report that the municipality has incorporated any strategies identified in Part VI.C.2.a.ii(2) as an Optional Measure.	EDPA + 12 months

Attachment B – Points System for Public Education and Outreach Activities

The Tier A Municipality 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 Tier A Municipality shall **annually** conduct educational activities that total at least **12 points** and include activities from at least three of the five categories found below. Each approved activity is listed below with an assigned point value. Additional information on how to conduct these Public Education and Outreach activities can be found under Notes and Definitions Part IV.A.3 and 4 of this Tier A MS4 NJPDES permit. Records shall be kept necessary to demonstrate compliance with this requirement, including date of activities and any other relevant documentation.

Category 1: General Public Outreach		
Activity	Description	Points
Website and Social Media	Maintain a stormwater related page on the municipal website or on a municipal social media site. The web page may include links to other stormwater related resources, including the NJDEP stormwater website (www.njstormwater.org).	1
Newspaper Ad	Use Department created and approved stormwater education materials available on www.cleanwaternj.org to publish an ad in a newspaper or newsletter that serves the municipality.	1
Radio/Television	Broadcast a radio or television public service announcement from www.cleanwaternj.org on a local radio or municipal public service channel.	1
Green Infrastructure Signage	Post signs at municipally-owned green infrastructure sites that describe the function and importance of the infrastructure, contact phone number, municipal identification number, and/or website for more information. *New signs receive 0.5 credits per sign. Existing signs that are maintained or upgraded receive 0.25 credits per sign. A maximum of 5 credits are allowed.	5*
Billboard/Sign	Produce and maintain (for credit in subsequent years) a billboard or sign which can be displayed on a bus, bus stop shelter, recreation field (outfield sign), or other similar public venue.	2
Mural	Produce and maintain (for credit in subsequent years) the planning and painting of a stormwater pollution themed mural, storm drain art or other artwork at a local downtown/commercial area or other similar public venue.	2
Stormwater Facility Signage	Post signs at municipally-owned 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. *New signs receive 0.5 credits per sign. Existing signs that are maintained or upgraded receive 0.25 credits per sign. A maximum of 5 credits are allowed.	5*

Category 2: Targeted Audiences Outreach		
Activity	Description	Points
Stormwater Display	Present a stormwater related display or materials at any municipal event (e.g., Earth Day, town picnic), at the municipal building or other similar public venue.	1
Promotional Item	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). Municipality must initially have available a minimum number of the items equal to 10% of the municipal population.	2
Mailing or e-Mailing Campaign	Provide information to all known owners of stormwater facilities not owned or operated by the municipality (i.e., privately owned) highlighting the importance of proper maintenance of stormwater measures. For assistance, see information at www.nj.gov/dep/stormwater/maintenance_guidance.htm .	3
Mailing or e-Mailing Campaign	Distribute any of the Department's educational brochures, tip cards, or a municipally produced equivalent (e.g., community calendar, newsletter, or recycling schedule) via a mailing to every resident and business in the municipality.	2
Ordinance Education	Distribute a letter or e-mail from the mayor or municipal official to every resident and business in the municipality highlighting the requirements and environmental benefits of the Pet Waste, Wildlife Feeding, Litter Control, Improper Disposal of Waste, Containerized Waste/Yard Waste Collection, Private Storm Drain Inlet Retrofitting and Illicit Connection ordinances. Provide a link to the municipal website where subject ordinances are posted.	3

Category 3: School / Youth Education and Activities		
Activity	Description	Points
School Presentations	Provide water-related educational presentation(s) and/or activities to local preschool, elementary, middle, and/or high school classes using municipal staff 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 . *Presentations receive 1 credit per presentation, with a maximum of 5 credits allowed.	5*
Water Education Workshops	Provide water-related professional development workshops for local teachers from a registered NJ Department of Education Professional Development Provider.	2
Storm Drain Labeling	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.	3
Educational Contest for Schools	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 publically accessible locations within the municipality such as at the town hall, library, post office, or school. The winning design should be shown on the municipality's website or social media site, if practical.	3
AmeriCorps Event	Coordinate an event (e.g. volunteer stream monitoring, educational presentations, or stormwater awareness project) through AmeriCorps NJ Watershed Ambassador Program	4
Clean-up	Sponsor or organize a litter clean up for a scout troop, local school district, faith based group or other community 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.	3

Category 4: Watershed/Regional Collaboration		
Activity	Description	Points
Regional Stormwater Collaboration	Participate in a regional stormwater, community collaborative or other watershed-based group on a regular basis to discuss impaired waterbodies, TMDLs, regional stormwater related issues, or watershed restoration plans that address those waterbodies. Evaluate, develop and implement remedies that resolve stormwater-related issues within the affected waterbody or watershed.	3
Green Infrastructure Workshop	Organize or participate in a rain barrel, rain garden or other green infrastructure workshop for community residents. This could be a partnership exercise with a local watershed organization, utility, university, school, youth/faith based group, and/or other organization.	3
Community Activity	Organize or participate in the organization of a community event to carry out stormwater activities such as stormwater facility maintenance or litter clean-up. The municipality may identify and enter into a partnership agreement with a local group such as a watershed organization, utility, university, school, youth/faith based group, and/or other organization to carry out these activities	3

Category 5: Community Involvement Activities		
Activity	Description	Points
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 the municipality in order to gauge the health of the waterway through chemical, biological or visual monitoring protocols. Contact NJDEP's AmeriCorps NJ Watershed Ambassador Program or review USEPA National Directory of Volunteer Monitoring Programs .	3
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 other nonprofit.	3
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 other nonprofit.	3
Community Event	Organize or participate in the organization of a community event to carry out stormwater activities such as stormwater measure maintenance or a stream buffer restoration. The municipality may identify and enter into a partnership agreement with a local group such as a watershed organization, university, utility, school, youth/faith based group, and/or other nonprofit to carry out these activities.	3
Community Involvement	Organize a project with a local organization to create and post signs at green infrastructure, stormwater facility, or CSO related gray and green infrastructure sites that describe the function and importance of the facility, contact phone number, municipal identification number, and/or website for more information. *Signs receive 0.5 credits per sign. A maximum of 5 credits are allowed.	5*

Attachment C - 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 unless a more stringent standard is specified by the municipality's stormwater control ordinance:

- 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 more than one acre;
- Tier A Municipality owned or operated 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 facilities; and
- Privately owned or operated storm drain inlets (e.g. condominium association) 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 facilities. This does not include single family homes.

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.nj.gov/transportation/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., end of pipe netting facility, 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 (this option does not apply for outfall netting facilities); 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.

Attachment D – Major Development Stormwater Summary

General Information

1. Project Name:			
2. Municipality:	County:	Block(s):	Lot(s):
3. Site Location (State Plane Coordinates – NAD83):	E:	N:	
4. Date of Final Approval for Construction by Municipality:			
Date of Certificate of Occupancy:			
5. Project Type (circle all that apply):			
Residential	Commercial	Industrial	Other (please specify) _____
6. Soil Conservation District Project Number:			
7. Did project require NJDEP Land Use Permit?	Yes	No	Land Use Permit #:
8. Did project require the use of any mitigation measures?	Yes	No	
If yes, which standard was mitigated?			

Site Design Specifications

1. Area of Disturbance (acres):	Area of Proposed Impervious (acres):
2. List all Hydrologic Soil Groups:	
3. Please Identify the Amount of Each Best Management Practices (BMPs) Utilized in Design Below:	
Bioretention Systems ____	Constructed Wetlands ____
Dry Wells ____	Extended Detention Basins ____
Infiltration Basins ____	Combination Infiltration/Detention Basins ____
Manufactured Treatment Devices ____	
Pervious Paving Systems ____	Sand Filters ____
Vegetative Filter Strips ____	Wet Ponds ____
Grass Swales ____	Subsurface Gravel Wetlands ____
Other ____	

Storm Event Information

Storm Event: Rainfall (inches and duration)	2 yr.: _____	10 yr.: _____
	100 yr.: _____	WQ DS: _____
Runoff Computation Method (circle one):		
NRCS: Dimensionless Unit Hydrograph	NRCS: Delmarva Unit Hydrograph	Rational
Modified Rational	Other: _____	

Basin Specifications (answer all that apply)

If more than one basin, attach multiple sheets

1. Type of Basin:	Surface/Subsurface (circle one)
2. Owner (circle one):	
Public	Private: If so, Name: _____
Phone number:	
3. Basin Construction Completion Date:	
4. Drain Down Time (hr.):	
5. Design Soil Permeability (in./hr.):	
6. Seasonal High Water Table Depth from Bottom of Basin (ft.):	Date Obtained:
7. Groundwater Recharge Methodology (circle one):	2 Year Difference
NJGRS	Other
NA	
8. Groundwater Mounding Analysis (circle one):	Yes
No	If, Yes Methodology Used:
9. Maintenance Plan Submitted: Yes	No
Is the Basin Deed Restricted: Yes	No

Comments: _____

Name Of Person Filling Out This Form: _____

Signature: _____

Title: _____

Date: _____

Basin Specifications (answer all that apply)

If more than one basin, attach multiple sheets

10. Type of Basin:	Surface/Subsurface (circle one)			
11. Owner (circle one):	Phone number:			
Public	Private: If so, Name:			
12. Basin Construction Completion Date:				
13. Drain Down Time (hr.):				
14. Design Soil Permeability (in./hr.):				
15. Seasonal High Water Table Depth from Bottom of Basin (ft.):		Date Obtained:		
16. Groundwater Recharge Methodology (circle one):		2 Year Difference	NJGRS	Other NA
17. Groundwater Mounding Analysis (circle one):		Yes	No	If, Yes Methodology Used:
18. Maintenance Plan Submitted: Yes No		Is the Basin Deed Restricted: Yes No		

Basin Specifications (answer all that apply)

If more than one basin, attach multiple sheets

19. Type of Basin:	Surface/Subsurface (circle one)			
20. Owner (circle one):	Phone number:			
Public	Private: If so, Name:			
21. Basin Construction Completion Date:				
22. Drain Down Time (hr.):				
23. Design Soil Permeability (in./hr.):				
24. Seasonal High Water Table Depth from Bottom of Basin (ft.):		Date Obtained:		
25. Groundwater Recharge Methodology (circle one):		2 Year Difference	NJGRS	Other NA
26. Groundwater Mounding Analysis (circle one):		Yes	No	If, Yes Methodology Used:
27. Maintenance Plan Submitted: Yes No		Is the Basin Deed Restricted: Yes No		

Basin Specifications (answer all that apply)

If more than one basin, attach multiple sheets

28. Type of Basin:	Surface/Subsurface (circle one)			
29. Owner (circle one):	Phone number:			
Public	Private: If so, Name:			
30. Basin Construction Completion Date:				
31. Drain Down Time (hr.):				
32. Design Soil Permeability (in./hr.):				
33. Seasonal High Water Table Depth from Bottom of Basin (ft.):		Date Obtained:		
34. Groundwater Recharge Methodology (circle one):		2 Year Difference	NJGRS	Other NA
35. Groundwater Mounding Analysis (circle one):		Yes	No	If, Yes Methodology Used:
36. Maintenance Plan Submitted: Yes No		Is the Basin Deed Restricted: Yes No		

Name Of Person Filling Out This Form: _____

Signature: _____

Title: _____

Date: _____

Attachment E – Best Management Practices for Municipal Maintenance Yards and Other Ancillary Operations

The Tier A Municipality shall implement the following practices at municipal maintenance yards and other ancillary operations owned or operated by the municipality. Inventory of Materials and Machinery, and Inspections and Good Housekeeping shall be conducted at all municipal maintenance yards and other ancillary operations. All other Best Management Practices shall be conducted whenever activities described below occur. Ancillary operations include but are not limited to impound yards, permanent and mobile fueling locations, and yard trimmings and wood waste management sites.

Inventory of Materials and Machinery

The SPPP shall include a list of all materials and machinery located at municipal maintenance yards and ancillary operations which could be a source of pollutants in a stormwater discharge. The materials in question include, but are not limited to: raw materials; intermediate products; final products; waste materials; by-products; machinery and fuels; and lubricants, solvents, and detergents that are related to the municipal maintenance yard operations and ancillary operations. Materials or machinery that are not exposed to stormwater at the municipal maintenance yard or related to its operations do not need to be included.

Inspections and Good Housekeeping

1. Inspect the entire site, including the site periphery, monthly (under both dry and wet conditions, when possible). Identify conditions that would contribute to stormwater contamination, illicit discharges or negative impacts to the Tier A Municipality's MS4. Maintain an inspection log detailing conditions requiring attention and remedial actions taken for all activities occurring at Municipal Maintenance Yards and Other Ancillary Operations. This log must contain, at a minimum, a record of inspections of all operations listed in Part IV.B.5.c. of this permit including dates and times of the inspections, and the name of the person conducting the inspection and relevant findings. This log must be kept on-site with the SPPP and made available to the Department upon request. See the Tier A Municipal Guidance document (www.nj.gov/dep/dwq/tier_a_guidance.htm) for additional information.
2. Conduct cleanups of spills of liquids or dry materials immediately after discovery. All spills shall be cleaned using dry cleaning methods only. Clean up spills with a dry, absorbent material (i.e., kitty litter, sawdust, etc.) and sweep the rest of the area. Dispose of collected waste properly. Store clean-up materials, spill kits and drip pans near all liquid transfer areas, protected from rainfall.
3. Properly label all containers. Labels shall be legible, clean and visible. Keep containers in good condition, protected from damage and spillage, and tightly closed when not in use. When practical, store containers indoors. If indoor storage is not practical, containers may be stored outside if 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. Outdoor storage locations shall be regularly maintained.

Fueling Operations

1. Establish, maintain and implement standard operating procedures to address vehicle fueling; receipt of bulk fuel deliveries; and inspection and maintenance of storage tanks, including the associated piping and fuel pumps.
 - a. Place drip pans under all hose and pipe connections and other leak-prone areas during bulk transfer of fuels.
 - b. Block storm sewer inlets, or contain tank trucks used for bulk transfer, with temporary berms or temporary absorbent booms during the transfer process. 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 shall be within the temporarily bermed or boomed area during the loading/unloading of bulk fuels. A trained employee shall be present to supervise the bulk transfer of fuel.
 - c. Clearly post, in a prominent area of the facility, instructions for safe operation of fueling equipment. Include all of the following:
 - “Topping off of vehicles, mobile fuel tanks, and storage tanks is strictly prohibited”
 - “Stay in view of fueling nozzle during dispensing”
 - Contact information for the person(s) responsible for spill response.
 - d. Immediately repair or replace any equipment, tanks, pumps, piping and fuel dispensing equipment found to be leaking or in disrepair.

Discharge of Stormwater from Secondary Containment

The discharge pipe/outfall from a secondary containment area (e.g. fuel storage, de-icing solution storage, brine solution) shall have a valve and the valve shall remain closed at all times except as described below. A municipality may discharge stormwater accumulated in a secondary containment area if a visual inspection is performed to ensure that the contents of aboveground storage tank have not come in contact with the stormwater to be discharged. Visual inspections are only effective when dealing with materials that can be observed, like petroleum. If the contents of the tank are not visible in stormwater, the municipality shall rely on previous tank inspections to determine with some degree of certainty that the tank has not leaked. If the municipality cannot make a determination with reasonable certainty that the stormwater in the secondary containment area is uncontaminated by the contents of the tank, then the stormwater shall be hauled for proper disposal.

Vehicle Maintenance

1. Operate and maintain equipment to prevent the exposure of pollutants to stormwater.
2. Whenever possible, conduct vehicle and equipment maintenance activities indoors. For projects that must be conducted outdoors, and that last more than one day, portable tents or covers shall be placed over the equipment being serviced when not being worked on, and drip pans shall be used at all times. Use designated areas away from storm drains or block storm drain inlets when vehicle and equipment maintenance is being conducted outdoors.

On-Site Equipment and Vehicle Washing and Wash Wastewater Containment

1. 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.
2. Tier A Municipalities which cannot discharge wash wastewater to a sanitary sewer or which cannot otherwise comply with 1, above, may temporarily contain wash wastewater prior to proper disposal under the following conditions:
 - a. Containment structures shall not leak. Any underground tanks and associated piping should be tested for integrity every 3 years using appropriate methods determined by “*The List of Leak Detection Evaluations for Storage Tank Systems*” created by the National Work Group on Leak Detection Evaluations (NWGLDE) or as determined appropriate and certified by a professional engineer for the site specific containment structure(s).
 - b. For any cathodically protected containment system, provide a passing cathodic protection survey every three years.
 - c. Operate containment structures to prevent overfilling resulting from normal or abnormal operations, overfilling, malfunctions of equipment, and human error. Overfill prevention should include manual sticking/gauging of the tank before each use unless system design prevents such measurement. Tank should no longer accept wash wastewater when determined to be at 95% capacity. Record each measurement to the nearest ½ inch.
 - d. Before each use, perform inspections of all visible portions of containment structures to ensure that they are structurally sound, and to detect deterioration of the wash pad, catch basin, sump, tank, piping, risers, walls, floors, joints, seams, pumps and pipe connections or other containment devices. The wash pad, catch basin, sump and associated drains should be kept free of debris before each use. Log dates of inspection; inspector's name, and conditions. This inspection is not required if system design prevents such inspection.
 - e. Containment structures shall be emptied and taken out of service immediately upon detection of a leak. Complete all necessary repairs to ensure structural integrity prior to placing the containment structure back into service. Any spills or suspected release of hazardous substances shall be immediately reported to the NJDEP Hotline (1-877-927-6337) 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.
 - f. All equipment and vehicle wash wastewater placed into storage must be disposed of in a legally permitted manner (e.g. pumped out and delivered to a duly permitted and/or approved wastewater treatment facility).
 - g. Maintain a log of equipment and vehicle wash wastewater containment structure clean-outs including 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 Use Log at end of this attachment.
 - h. Containment structures shall be inspected annually by a NJ licensed professional engineer. The engineer shall certify the condition of all structures including: wash pad, catch basin, sump, tank, piping, risers to detect deterioration in the, walls, floors, joints, seams, pumps and pipe connections or other containment devices using the attached Engineer’s Certification of Annual Inspection of Equipment and Vehicle Wash Wastewater Containment Structure. This

certification may be waived for self-contained systems on a case-by-case basis. Any such waiver would be issued in writing by the Department.

3. Maintain all logs, inspection records, and certifications on-site. Such records shall be made available to the Department upon request.

Salt and De-icing Material Storage and Handling

1. Store material in a permanent structure.
2. Perform regular inspections and maintenance of storage structure and surrounding area.
3. Minimize tracking of material from loading and unloading operations.
4. During loading and unloading:
 - a. Conduct during dry weather, if possible;
 - b. Prevent and/or minimize spillage; and
 - c. Minimize loader travel distance between storage area and spreading vehicle.
5. Sweep (or clean using other dry cleaning methods):
 - a. Storage areas on a regular basis;
 - b. Material tracked away from storage areas;
 - c. Immediately after loading and unloading is complete.
6. Reuse or properly discard materials collected during cleanup.
7. Temporary outdoor storage is permitted only under the following conditions:
 - a. A permanent structure is under construction, repair or replacement;
 - b. Stormwater run-on and de-icing material run-off is minimized;
 - c. Materials in temporary storage are tarped when not in use;
 - d. The requirements of 2 through 6, above are met; and
 - e. Temporary outdoor storage shall not exceed 30 days unless otherwise approved in writing by the Department;
8. Sand must be stored in accordance with Aggregate Material and Construction Debris Storage below.

Aggregate Material and Construction Debris Storage

1. Store materials such as sand, gravel, stone, top soil, road millings, waste concrete, asphalt, brick, block and asphalt based roofing scrap and processed aggregate in such a manner as to minimize stormwater run-on and aggregate run-off via surface grading, dikes and/or berms (which may include sand bags, 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.
2. Sand, top soil, road millings and processed aggregate may only be stored outside and uncovered if in compliance with item 1 above and a 50-foot setback is maintained from surface water bodies, storm sewer inlets, and/or ditches or other stormwater conveyance channels.
3. Road millings must be managed in conformance with the “Recycled Asphalt Pavement and Asphalt Millings (RAP) Reuse Guidance” (see www.nj.gov/dep/dshw/rtp/asphaltguidance.pdf) or properly disposed of as solid waste pursuant to N.J.A.C. 7:26-1 et seq.
4. The stockpiling of materials and construction of storage bays on certain land (including but not limited to coastal areas, wetlands and floodplains) may be subject to regulation by the Division of Land Use Regulation (see www.nj.gov/dep/landuse/ for more information).

Street Sweepings, Catch Basin Clean Out, and Other Material Storage

1. For the purposes of this permit, this BMP is intended for road cleanup materials as well as other similar materials. Road cleanup materials may include but are not limited to street sweepings, storm sewer clean out materials, stormwater basin clean out materials and other similar materials that may be collected during road cleanup operations. These BMPs do not cover materials such as liquids, wastes which are removed from municipal sanitary sewer systems or material which constitutes hazardous waste in accordance with N.J.A.C. 7:26G-1.1 et seq.
2. Road cleanup materials must be ultimately disposed of in accordance with N.J.A.C. 7:26-1.1 et seq. See the “Guidance Document for the Management of Street Sweepings and Other Road Cleanup Materials” (www.nj.gov/dep/dshw/rtp/sweeping.htm).
3. Road cleanup materials placed into storage must be, at a minimum:
 - a. Stored in leak-proof containers or on an impervious surface that is contained (e.g. bermed) to control leachate and litter; and
 - b. Removed for disposal (in accordance with 2, above) within six (6) months of placement into storage.

Yard Trimmings and Wood Waste Management Sites

1. These practices are applicable to any yard trimmings or wood waste management site:
 - a. Owned and operated by the Tier A Municipality;
 - i. For staging, storing, composting or otherwise managing yard trimmings, or
 - ii. For staging, storing or otherwise managing wood waste, and
 - b. Operated in compliance with the Recycling Rules found at N.J.A.C. 7:26A.
2. Yard trimmings or wood waste management sites must be operated in a manner that:
 - a. Diverts stormwater away from yard trimmings and wood waste management operations; and
 - b. Minimizes or eliminates the exposure of yard trimmings, wood waste and related materials to stormwater.
3. Yard trimmings and wood waste management site specific practices:
 - a. Construct windrows, staging and storage piles:
 - i. In such a manner that materials contained in the windrows, staging and storage piles (processed and unprocessed) do not enter waterways of the State;
 - ii. On ground which is not susceptible to seasonal flooding;
 - iii. In such a manner that prevents stormwater run-on and leachate run-off (e.g. use of covered areas, diversion swales, ditches or other designs to divert stormwater from contacting yard trimmings and wood waste).
 - b. Maintain perimeter controls such as curbs, berms, hay bales, silt fences, jersey barriers or setbacks, to eliminate the discharge of stormwater runoff carrying leachate or litter from the site to storm sewer inlets or to surface waters of the State.
 - c. Prevent on-site storm drain inlets from siltation using controls such as hay bales, silt fences, or filter fabric inlet protection.
 - d. Dry weather run-off that reaches a municipal stormwater sewer system is an illicit discharge. Possible sources of dry weather run-off include wetting of piles by the site operator; uncontrolled pile leachate or uncontrolled leachate from other materials stored at the site.
 - e. Remove trash from yard trimmings and wood waste upon receipt.
 - f. Monitor site for trash on a routine basis.
 - g. Store trash in leak-proof containers or on an impervious surface that is contained (e.g. bermed) to control leachate and litter;
 - h. Dispose of collected trash at a permitted solid waste facility.
 - i. Employ preventative tracking measures, such as gravel, quarry blend, or rumble strips at exits.

Roadside Vegetation Management

1. Tier A Municipalities shall restrict the application of herbicides along roadsides in order to prevent it from being washed by stormwater into the waters of the State and to prevent erosion caused by de-vegetation, as follows: Tier A Municipalities shall not apply herbicides on or adjacent to storm drain inlets, on steeply sloping ground, along curb lines, and along unobstructed shoulders. Tier A Municipalities shall only apply herbicides within a 2 foot radius around structures where overgrowth presents a safety hazard and where it is unsafe to mow.

**ENGINEERS CERTIFICATION OF ANNUAL INSPECTION OF EQUIPMENT
AND VEHICLE WASH WASTEWATER CONTAINMENT STRUCTURE**

(Complete a separate form for each vehicle wash wastewater containment structure)

Permittee: _____ NJPDES Permit No: _____

Containment Structure Location: _____

The annual inspection of the above referenced vehicle wash wastewater containment structure was conducted on _____ (date). The containment structure and appurtenances have been inspected for:

1. The integrity of the structure including walls, floors, joints, seams, pumps and pipe connections
2. Leakage from the structure's piping, vacuum hose connections, etc.
2. Bursting potential of tank.
3. Transfer equipment
4. Venting
5. Overflow, spill control and maintenance.
6. Corrosion, splits, and perforations to tank, piping and vacuum hoses

The tank and appurtenances have been inspected for all of the above and have been determined to be:

Acceptable _____

Unacceptable _____

Conditionally Acceptable _____

List necessary repairs and other conditions: _____

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment (N.J.A.C. 7:14A-2.4(d)).

Name (print): _____ Seal: _____

Signature: _____

Date: _____

Underground Vehicle Wash Water Storage Tank Use Log

Name and Address of Facility _____

Facility Permit Number _____

Tank ID Number _____

Tank Location _____

Tank Volume _____ gallons

Tank Height _____ inches

95% Volume _____ gallons

95% Volume _____ inches

<u>Date and Time</u>	<u>Inspector</u>	<u>Height of Product Before Introducing Liquid (inches)</u>	<u>Is Tank Less Than 95% Full? (Y/N)</u>	<u>Visual Inspection Pass? (Y/N)</u>	<u>Comments</u>

Notes: The volume of liquid in the tank should be measured **before** each use.

Liquid **should not be introduced** if the tank contains liquid at 95% of the capacity or greater.

A visual inspection of all exposed portions of the collection system should be performed before each use. Use the comments column to document the inspection and any repairs.

Underground Vehicle Wash Water Storage Tank Pump Out Log

Name and Address of Facility _____

Facility Permit Number _____

Tank ID Number _____

Tank Location _____

Tank Volume _____ gallons

<u>Date and Time of Pump Out</u>	<u>Volume of Liquid Removed</u>	<u>Waste Hauler *</u>	<u>Destination of the Liquid Disposal *</u>

*** The Permittee must maintain copies of all hauling and disposal records and make them available for inspection.**