

# Highway Agency Stormwater General Permit (NJ0141887)

Draft – NJPDES General Permit Renewal – New Highway Agencies  
December 3, 2008

## PART I NARRATIVE REQUIREMENTS:

### A. Authorization Under this Permit

#### 1. Permit Area

- a. This permit applies to all areas of the State of New Jersey.

#### 2. Eligibility

- a. This permit may authorize all new and existing stormwater discharges to surface water and groundwater from small municipal separate storm sewer systems (MS4s) at highways or other thoroughfares owned or operated by a Highway Agency (Highway Agency) under N.J.A.C. 7:14A-25.2(a)3 except as provided in A.5 below.
- b. A "Highway Agency" is a county, State, interstate, or Federal agency that operates a small MS4 at a highway or other thoroughfare (including a maintenance or service facility or rest area for such a thoroughfare). For purposes of N.J.A.C. 7:14A-25 and this permit, a "highway or other thoroughfare" does not include:
  - i. Any thoroughfare confined to the grounds of a single building, or of two or more buildings that are not a "public complex" pursuant to N.J.A.C. 7:14A-25.2(a)2 (unless that building(s) is a maintenance or service facility for a highway or other thoroughfare not confined to such grounds);
  - ii. Any thoroughfare confined to the grounds of a "public complex" (each such thoroughfare is instead part of the "public complex"); or
  - iii. Any thoroughfare (other than the Palisades Interstate Parkway) confined to an officially designated park, forest, recreational area, natural area, wildlife management area, or set aside for water supply protection.
- c. On a case-by-case basis, the Department may use this permit to authorize new and existing stormwater discharges to surface water and groundwater from municipal separate storm sewers owned or operated by a county, State, interstate, or Federal agency at a thoroughfare identified under b.iii above, or by an agency (other than a county, State, interstate, or Federal agency) at a thoroughfare not identified under b.i or b.ii above. As used in this permit, the term "Highway Agency" includes such agencies, and the term "small MS4" includes such municipal separate storm sewers, pursuant to this provision of this permit. This provision does not apply to:
  - i. Any municipal separate storm sewer that is owned or operated by a municipality that is assigned to Tier A under N.J.A.C. 7:14A-25.3(a)1;  
or

- ii. Any municipal separate storm sewer that is owned or operated by a municipality that is assigned to Tier B under N.J.A.C. 7:14A-25.3(a)2, unless the stormwater discharge from that sewer is identified under N.J.A.C. 7:14A-25.2(a)4 (special designations) but the Department does not determine that such identification warrants assignment of the municipality to Tier A under N.J.A.C. 7:14A-25.3(a)1v.
- d. After the Effective Date of Permit Authorization (EDPA), the permit authorizes the following new and existing non-stormwater discharges from small MS4s owned or operated by Highway Agencies:
- i. Water line flushing and discharges from potable water sources
  - 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)
  - iv. Irrigation water (including landscape and lawn watering runoff)
  - v. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows
  - vi. Residential car washing water, and residential swimming pool discharges
  - vii. Sidewalk, driveway and street wash water
  - viii. Flows from fire fighting activities including the washing of fire fighting vehicles
  - ix. Vehicle and equipment washwater from maintenance yard operations pursuant to Part I, Section F.8.e of the permit
  - x. Flows from rinsing of the following equipment with clean water:
    - Beach maintenance equipment immediately following their use for their intended purposes; and
    - Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded.
- Rinsing of equipment in the above situations is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.
- e. If any of the discharges listed in 2.d above are identified by the Highway Agency as a significant contributor of pollutants to or from the MS4, the Highway Agency must address the discharge as an illicit connection or as an improper disposal of waste as specified in Part I, Section F of this permit.

### 3. Authorization

- a. In order to obtain authorization under this permit (except for automatic renewal of authorization under A.4 below) a complete Request for Authorization (RFA) shall be submitted in accordance with the requirements of this permit. Upon review of the RFA, the Department may, in accordance with N.J.A.C. 7:14A-6.13, either:
  - i. Issue notification of authorization under this permit, in which case, authorization is deemed effective the first day of the following month of the date of the notification of authorization;
  - 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.
- b. For discharges from a small MS4 authorized by this permit, the Highway Agency 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 the NJPDES permit or listed and quantified in the NJPDES application or RFA shall not constitute a violation of the permit.
- c. Authorization under this permit shall cease to be effective under N.J.A.C. 7:14A-6.13(f), (h), (j) and (o), where applicable.

#### **4. Automatic Renewal of Authorization**

- a. Authorization under this permit will be automatically renewed when this general permit is reissued as provided by N.J.A.C. 7:14A-6.13(d)9 and 25.4(a)3 so long as the discharge authorized under the general permit continues to be eligible. The Department shall issue a notice of renewed authorization to the Highway Agency.
- b. If the Highway Agency is aware of any information in the most recently submitted RFA that is no longer true, accurate, and/or complete, the Highway Agency shall provide the correct information to the Department within 90 days of the effective renewal authorization notice.

#### **5. Stormwater Discharges Not Authorized**

- a. This permit does not authorize “stormwater discharge associated with industrial activity” as defined in N.J.A.C. 7:14A-1.2. Types of facilities that a Highway Agency may operate and that are considered to be engaging in “industrial activity” include but are not limited to certain landfills and recycling facilities, certain transportation facilities (including certain local passenger transit and air transportation facilities), certain facilities handling domestic sewage or sewage sludge, steam electric power generating facilities, and construction activity that disturbs five acres or more (see N.J.A.C. 7:14A-1.2 for the full definition of “stormwater discharge associated with industrial activity”). Any Highway Agency that operates an industrial facility with such a discharge must submit a separate request for authorization (RFA) or individual permit application for that discharge. An RFA submitted for the Highway Agency Stormwater General Permit does not qualify as an RFA for such a discharge.
  - i. Deadlines to apply for a NJPDES permit for “stormwater discharge associated with industrial activity” are set forth in N.J.A.C. 7:14A-24.4(a)1. If such a discharge is from a facility (other than an airport, powerplant, or uncontrolled sanitary landfill) that is owned or operated by a Highway Agency

with a population of less than 100,000, the Highway Agency shall submit the RFA or individual permit application by March 3, 2004. If such a discharge is from any other industrial facility, N.J.A.C. 7:14A-24.4(a)1 specifies earlier deadlines to apply.

- b. This permit does not authorize “stormwater discharge associated with small construction activity” as defined in N.J.A.C. 7:14A-1.2. In general, this is the discharge to surface water of stormwater from construction activity that disturbs at least one but less than five acres (see N.J.A.C. 7:14A-1.2 for the full definition). Any Highway Agency that operates a construction site with such a discharge must submit a separate RFA or individual permit application for that discharge. An RFA submitted for the Highway Agency Stormwater General Permit does not qualify as an RFA for such a discharge.
- c. This permit does not authorize any stormwater discharge that is authorized under another NJPDES permit. A Highway Agency does not have to implement measures contained in this NJPDES permit for stormwater discharges at facilities owned or operated by that Highway Agency that are regulated under a separate NJPDES stormwater permit authorizing those discharges.
- d. This permit does not authorize stormwater discharges from projects or activities that conflict with an adopted areawide or Statewide WQM plan.

## **B. Requests for Authorization Requirements**

### **1. Deadline for Requesting Authorization for an Existing Discharge**

- a. An RFA for the existing discharges from the small MS4 owned or operated by a Highway Agency must be submitted to the Department on or before March 3, 2004, except as provided below.
  - i. The Department may, in its discretion, accept an RFA submitted after the foregoing deadline; however, the Highway Agency may still be held liable for violating the deadline to apply in accordance with N.J.A.C. 7:14A-25.4 and for discharging pollutants without a valid NJPDES permit in accordance with N.J.A.C. 7:14A-2.1(d).

### **2. Deadline for Requesting Authorization for a New Discharge**

- a. An RFA for discharges from a new small MS4 owned or operated by a Highway Agency must be submitted to the Department at least ninety (90) days prior to the operation of the new MS4 system.
  - i. A Highway Agency that already has authorization to discharge from a small MS4 under the Highway Agency Stormwater General Permit does not need to submit an additional RFA for the expansion of an existing small MS4.
  - ii. A new small MS4 is a small MS4 that did not exist on March 1, 2009 and results in a new discharge to surface or ground waters of the State.

### **3. Requesting Authorization**

- a. A separate RFA shall be submitted by each Highway Agency applying for authorization under this permit.

- i. A single RFA may be submitted for the stormwater discharge from an entire small MS4 owned and operated by a Highway Agency, or the Highway Agency may divide the small MS4 into smaller regions and submit a separate RFA for each of these smaller regions.
- ii. The Department may choose to issue single or multiple authorizations under this permit to a Highway Agency regardless of whether the Highway Agency submitted a single or multiple RFAs.

#### **4. Contents of the Request for Authorization**

- a. A completed RFA shall include all of the following information regarding the Highway Agency and shall be completed using the Department's RFA form:
  - i. The name of the Highway Agency that operates the small MS4, and the address of the main Highway Agency office (or other appropriate office if the RFA is for a smaller region).
  - ii. The name and mailing address of the Stormwater Program Coordinator of the Highway Agency who will submit any reports or certifications required by the permit and to whom the Department shall send all correspondence concerning the permit.
  - iii. A certification acknowledging the best management practices and measurable goals specified in the permit.
  - iv. A list of the locations of any maintenance facilities, service areas, or rest stops on property owned or operated by the Highway Agency.
  - v. If the RFA is for a smaller region, a map identifying the region.
  - vi. A list of other NJPDES Stormwater Permits held by the Highway Agency.
  - vii. Additional information may be required by the Department to be included as part of the RFA if the Department determines that such additional information (including other data, reports, specifications, plans, permits, or other information) is reasonably necessary to determine whether to authorize the discharge under this permit.

#### **5. Where to Submit**

- a. A completed and signed RFA shall be submitted to the Department at the address specified on the Department's RFA form.

### **C. Definitions**

#### **1. The following definitions apply to this permit.**

- a. "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 pollutants.
- b. "EDP" or Effective Date of Permit means the effective date of the general permit renewal (March 1, 2009).
- c. "EDPA" means Effective Date of Permit Authorization.

- d. “Illicit connection” means any physical or non-physical connection that discharges the following to a municipal separate storm sewer system, unless that discharge is authorized under a NJPDES permit other than the NJPDES permit for discharges from that system (non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system):
- 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 Highway Agency for the MS4 identifies as a source or significant contributor of pollutants pursuant to 40 C.F.R. 122.34(b)(3)(iii).
- e. “MS4” means a municipal separate storm sewer system.
- f. “Municipal separate storm sewer” means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):
- i. Owned or operated by the United States, an interstate agency, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe organization, or a designated and approved management agency under section 208 of the CWA that discharges to surface water or groundwater;
  - ii. Designed and used for collecting or conveying stormwater;
  - iii. Which is not a combined sewer;
  - iv. Which is not part of a POTW; and
  - v. Which is not either of the following:
    - A separate storm sewer(s) that is at an industrial facility, and that collects or conveys stormwater discharges associated with industrial activity that occurs at that facility; or
    - A separate storm sewer(s) that is at a construction site, and that collects or conveys stormwater discharges associated with small construction activity that occurs at that site.
- g. “New Highway Agency” means a highway or other thoroughfare as defined in N.J.A.C. 7:14A-25.2(a)3 which owns or operates a small MS4, did not exist on March 1, 2009 and results in a new discharge to surface or ground waters of the State
- h. “Small municipal separate storm sewer system” or “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.
- i. “Solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids.
- j. “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.
- k. “Stormwater facility” includes, but is 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.
- l. “Yard waste” means loose leaves and grass clippings.
- f. “Small municipal separate storm sewer system” or “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.
- g. “Solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids.
- h. “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.

## **D. Special Conditions**

### **1. Sharing of Responsibilities**

- a. A Highway Agency may rely on another governmental, private, or nonprofit entity (for example, a watershed association) to satisfy the Highway Agency’s NJPDES permit obligations to implement one or more control measures (or components(s) thereof) pursuant to N.J.A.C. 7:14A-25.7(a) if:

- i. The other entity, in fact, implements the measure(s), or component(s) thereof;
- ii. The particular measure(s), or component(s) thereof, is at least as stringent 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, on the Highway Agency's behalf. The Highway Agency is responsible for compliance with this permit if the other entity fails to implement the measure(s), or component(s) thereof. In the annual reports the Highway Agency must submit under Part I, Section H.3, the Highway Agency shall specify that it is relying on another entity to satisfy some of the Highway Agency's NJPDES permit obligations.
- iv. If the Highway Agency is relying on another entity regulated under the NJPDES permit program to satisfy all of that Highway Agency's NJPDES permit obligations, including that Highway Agency's obligation to file these annual reports, the Highway Agency shall notify the Department of this reliance in writing, and shall also note this reliance in the Highway Agency's SPPP.

## **E. Stormwater Program and Stormwater Pollution Prevention Plan**

### **1. Stormwater Program**

a. Highway Agencies are required to develop, implement, and enforce a stormwater program. This program shall be designed to reduce the discharge of pollutants from the Highway Agency's small MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Federal Act and the State Act by including the Statewide Basic Requirements (SBRs) set forth in Part I, Section F and any Additional Measures (AMs) required under Part I, Section G below. At the Highway Agency's discretion, the stormwater program may also include Optional Measures (OMs) also in accordance with Part I, Section G below.

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

a. A Highway Agency shall prepare and implement a written Stormwater Pollution Prevention Plan (SPPP) that describes the Highway Agency's stormwater program and serves as the mechanism for the implementation of the Statewide Basic Requirements. The SPPP must address stormwater quality issues related to new development, redevelopment and existing development at the Highway Agency's small MS4. The SPPP shall be prepared and implemented in accordance with the deadlines specified in Part I, Section H. The SPPP shall include, at a minimum, all of the information and items identified in Attachment A.

- i. The SPPP shall be signed, dated and retained by the Stormwater Program Coordinator of the Highway Agency.

## **F. Statewide Basic Requirements (SBRs)**

**1. Stormwater quality issues related to new development, redevelopment and existing development at the Highway Agency's small MS4 are to be addressed through the implementation of the following Statewide Basic Requirements (SBRs). The permit specifies the BMPs that will be implemented for those SBRs. These SBRs and related BMPs are to be detailed in the Highway Agency's SPPP.**

- a. Additional information is provided and each of the SBRs and related BMPs are described in more detail in the Department’s Highway Agency Stormwater Permit Guidance Document.

## **2. Public Notice**

- a. Minimum Standard - Highway Agencies shall comply with applicable State and local public notice requirements when providing for public participation in the development and implementation of the Highway Agency’s stormwater program.
- b. Measurable Goal - Highway Agencies shall certify annually that all applicable State and local public notice requirements were followed.
- c. Implementation – On March 1, 2009 and thereafter.

## **3. Post-Construction Stormwater Management in New Development and Redevelopment**

- a. Minimum Standard - To prevent or minimize water quality impacts, the Highway Agency shall develop, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects on property owned or operated by the Highway Agency that disturb one acre or more, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the Highway Agency’s small MS4. The Highway Agency shall in its post-construction program:
  - i. Comply with the applicable design and performance standards established under N.J.A.C. 7:8 for major development, unless:
    - Those standards do not apply because of a variance or exemption granted under N.J.A.C. 7:8; or
    - Alternative standards are applicable under an areawide or Statewide Water Quality Management Plan adopted in accordance with N.J.A.C. 7:15.
  - ii. Ensure adequate long-term operation and maintenance of BMPs.
  - iii. Comply with standards set forth in Attachment C of the permit to control passage of solid and floatable materials through storm drain inlets.
  - iv. Projects that do not require any Department permits (the term “permit”, in this case, shall include transition area waivers under the Freshwater Wetlands Protection Act) under the Flood Hazard Area Control Act (N.J.S.A. 58:16A-50 et seq.), Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.), Coastal Area Facility Review Act (N.J.S.A.:19-1 et seq.), or Waterfront and Harbor Facilities Act (N.J.S.A. 12:5-3) are not considered “new development or redevelopment projects” if construction began prior to the implementation deadline for this SBR, or if the projects went to bid or had right-of-way authorization prior to the date on which the permittee received authorization under this permit.
- b. Measurable Goal – Highway Agencies shall certify annually that they have developed, implemented, and are actively enforcing a program to address stormwater runoff from new development and redevelopment projects in accordance with the

minimum standard.

c. Implementation

- i. Upon the effective date of permit authorization, Highway Agencies shall ensure adequate long-term operation and maintenance of BMPs on property owned or operated by the Highway Agency.
- ii. Within 12 months from the effective date of permit authorization, Highway Agencies shall:
  - Comply with the standards set forth in Attachment C of the permit to control passage of solid and floatable materials through storm drainage inlets for storm drain inlets the Highway Agency installs within the Highway Agency's small MS4.
  - Adopt and implement applicable design and performance standards established under N.J.A.C. 7:8 for major development at the Highway Agency pursuant to 3.a.i. above.

**4. Local Public Education**

a. Local Public Education Program

i. Minimum Standard –The Local Public Education Program shall describe how the Highway Agency will distribute educational information to appropriate users and employees of the Highway Agency to satisfy this minimum standard. The following SBR topics shall be included in the Local Public Education Program: Storm Drain Labeling, Pet Waste Control, Improper Waste Disposal Control and Wildlife Feeding Control.

To satisfy the requirement to distribute educational material, Highway Agencies shall provide information material in any form (e.g., calendars, brochures, signs, sheets, booklets) by locating this material at rest areas and service areas located along the Highway Agency's small MS4.

ii. Measurable Goal - Highway Agencies shall certify annually that they have met the Local Public Education Program minimum standard.

iii. Implementation – Within 12 months from the effective date of permit authorization, Highway Agencies shall comply with the Local Public Education Program minimum standard.

b. Storm Drain Inlet Labeling

i. Minimum Standard - Highway Agencies shall establish a storm drain inlet labeling program and label all storm drain inlets located at rest areas, service areas, maintenance facilities, and storm drain inlets along streets with sidewalks within the Highway Agency's small MS4. The program shall establish a schedule for labeling, develop a long term maintenance plan, and when possible, coordinate efforts with watershed groups and volunteer organizations.

ii. Measurable Goal - Highway Agencies shall certify annually that a storm drain inlet labeling program has been developed or is being implemented, and shall identify the number of storm drain inlets labeled within the year.

iii. Implementation - Within 12 months from the effective date of permit authorization, Highway Agencies shall develop a labeling program for the storm drain inlets identified in the minimum standard. Highway Agencies must either:

- Label a minimum of 50% of the storm drain inlets within 36 months from the EDPA; and label all remaining storm drain inlets on or before 60 months from EDPA; or

- Divide the Highway Agency's small MS4 into two sectors for the purposes of storm drain inlet labeling and include a map of the two sectors in the SPPP. Label the storm drain inlets in one sector within 36 months from the EDPA; and label all remaining storm drain inlets on or before 60 months from EDPA.

## 5. Improper Disposal of Waste

### a. Pet Waste Control

i. Minimum Standard - Highway Agencies shall, to the extent allowable under law, adopt and enforce an appropriate regulatory mechanism that requires pet owners or their keepers to immediately and properly dispose of their pet's solid waste deposited at rest areas and service areas within the Highway Agency's small MS4.

ii. Measurable Goal - Highway Agencies shall certify annually that they have met the Pet Waste Control minimum standard.

iii. Implementation - Within 18 months from the effective date of permit authorization, Highway Agencies shall have fully implemented the Pet Waste Control minimum standard.

### b. Litter Pick Up Program

i. Minimum Standard - Highway Agencies shall develop and implement a litter pick up program that includes roadside clean up of trash and debris and regular collection of refuse from litter receptacles owned and operated by the Highway Agency including those located at rest areas and service areas. Highway Agencies shall maintain records of roadside clean ups and estimates of the total amount of trash and debris collected.

ii. Measurable Goal - Highway Agencies shall certify annually that they have met the Litter Pick Up Program Control minimum standard and shall report dates of roadside clean ups and estimates of trash and debris collected.

iii. Implementation - Within 12 months from the effective date of permit authorization, Highway Agencies shall have developed and begin implementing the Litter Pick Up Program minimum standard.

### c. Improper Waste Disposal Control

i. Minimum Standard - Highway Agencies shall, to the extent allowable

under law, adopt and enforce an appropriate regulatory mechanism prohibiting the Highway Agency and its employees from the improper spilling, dumping, or disposal of materials other than stormwater into the Highway Agency's small MS4 (excluding those authorized in Part I, Section A.2.d). If the Highway Agency observes anyone else engaging in the improper spilling, dumping, or disposal of materials other than stormwater, the Highway Agency shall report the incident to the Department's Action Hotline (877-927-6337).

ii. Measurable Goal - Highway Agencies shall certify annually that they have met the Improper Waste Disposal Control minimum standard.

iii. Implementation - Within 18 months from the effective date of permit authorization, Highway Agencies shall have fully implemented the Improper Waste Disposal Control minimum standard.

d. Wildlife Feeding Control

i. Minimum Standard - Highway Agencies shall, to the extent allowable under law, adopt and enforce an appropriate regulatory mechanism that prohibits the feeding on any property owned or operated by the Highway Agency of any wildlife (excluding confined animals, for example, wildlife confined in zoos, parks, or rehabilitation centers or unconfined wildlife at environmental education centers or feral cats as part of an approved Trap-Neuter-Release (TNR) program.)

ii. Measurable Goal - Highway Agencies shall certify annually that they have met the Wildlife Feeding Control minimum standard.

iii. Implementation - Within 18 months from the effective date of permit authorization, Highway Agencies shall have fully implemented the Wildlife Feeding Control minimum standard.

e. Refuse Containers and Dumpsters

i. Minimum Standard - Highway Agencies shall ensure that refuse containers and dumpsters that they own and operate are covered at all times and shall prevent the spilling, dumping, leaking, or otherwise discharge of solid waste or liquids from the containers, including those located at rest stops and service areas (excluding temporary demolition containers).

ii. Measurable Goal - Highway Agencies shall certify annually that they have met the Refuse Containers and Dumpsters minimum standard.

iii. Implementation - Within 18 months from the effective date of this permit, Highway Agencies shall have fully implemented the Refuse Containers and Dumpsters minimum standard.

## **6. Illicit Connection Elimination and MS4 Outfall Pipe Mapping**

a. Minimum Standard

i. Storm Sewer Outfall Pipe Mapping – Highway Agencies must develop a map showing the location of the end of all MS4 outfall pipes that are operated by the Highway Agency, and that discharge from the Highway Agency's small

MS4 into a surface water body (e.g., a lake, ocean, or stream including an intermittent stream). This map shall also show the location (and name, where known to the Highway Agency) of all surface water bodies receiving discharges from those outfall pipes. Each outfall pipe mapped shall be given an individual alphanumeric identifier, which shall be noted on the map. The outfall pipes shall be mapped on either a tax map prepared in accordance with Title 18, Chapter 23A of the New Jersey Administrative Code or on another map drawn to equal or larger (more detailed) scale. The Highway Agency shall submit a copy of its outfall pipe map to the Department upon request.

ii. Prohibiting Illicit Connections - Each Highway Agency shall, to the extent allowable under law, effectively prohibit through an appropriate regulatory mechanism, illicit connections to the Highway Agency's small MS4, and implement appropriate enforcement procedures and actions.

iii. Illicit Connection Elimination Program - Each Highway Agency must develop and implement a program to detect and eliminate their illicit connections into the Highway Agency's small MS4. The program, at minimum, must include an initial physical inspection of all its outfall pipes. All outfall pipes that are found to have dry weather flow are to be further investigated.

The inspections of outfall pipes and investigations of dry weather flows are to be conducted in accordance with the procedures for detecting, investigating, and eliminating illicit connections contained in Attachment B of the permit. Results of the inspections of outfall pipes and dry weather flows are to be recorded on the Department's Illicit Connection Inspection Report form contained in the Department's "Highway Agency General Permit Guidance Document". Inspection reports for dry weather flows discovered as a result of initial physical inspections or as part of the ongoing program must be submitted to the Department with the annual certification. If the dry weather flow is intermittent, the Highway Agency must perform, at minimum, three (3) additional investigations in an attempt to locate the illicit connection. If an illicit connection cannot be located or is found to emanate from an entity other than the Highway Agency then the Highway Agency must submit to the Department a written explanation detailing the results of the investigation. If the illicit connection is found to be from another public entity, the Highway Agency shall also notify that entity. All illicit connections found that result from the Highway Agency's own illicit connections must be eliminated within six (6) months of the discovery.

After the completion of the initial physical inspection of all outfall pipes, Highway Agencies must maintain an ongoing program to detect and eliminate illicit connections. The ongoing program will respond to complaints and reports of illicit connections, including complaints and reports from operating entities of interconnected small MS4s, and continue to investigate dry weather flows discovered during routine inspections and maintenance of the small MS4.

b. Measurable Goal

i. Highway Agencies shall certify annually that an outfall pipe map has

been completed or is being prepared in accordance with permit conditions and shall report the number of outfall pipes mapped within the year being reported and the total number of outfall pipes mapped to date.

ii. Highway Agencies shall submit an annual certification to the Department certifying that an appropriate regulatory mechanism is in place prohibiting illicit connections and is being actively enforced.

iii. Highway Agencies shall certify annually that an illicit connection elimination program has been developed in accordance with permit conditions to detect and eliminate illicit connections into the Highway Agencies' small MS4. Annual certifications shall also include 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. Copies of inspection reports shall be submitted with the annual certification for those outfalls found to have dry weather flow.

c. Implementation

i. Storm Sewer Outfall Pipe Mapping – Highway Agencies shall divide the Highway Agency's small MS4 into two (2) sectors for the purposes of outfall mapping. A diagram of the Highway Agency showing the two (2) sectors shall be part of the Highway Agency's SPPP. Highway Agencies shall map the location of the end of small MS4 outfall pipes in one sector 36 months from the EDPA; and map the location of the end of all small MS4 outfall pipes on or before 60 months from the EDPA.

ii. Prohibiting Illicit Connections - Within 18 months from the effective date of permit authorization, Highway Agencies shall effectively prohibit through an appropriate regulatory mechanism, illicit connections in accordance with the minimum standard.

iii. Illicit Connection Elimination Program - Within 18 months from the effective date of permit authorization, Highway Agencies shall have developed and begun implementing a program to detect and eliminate illicit connections in accordance with the minimum standard. Highway Agencies shall perform an initial physical inspection of all outfall pipes using the Department's Illicit Connection Inspection Report form within 60 months from the EDPA.

## 7. Solids and Floatable Controls

a. Street Sweeping

i. Minimum Standard –

(For County Agencies Only) County Highway Agencies shall sweep, at a minimum of once per month (weather and street conditions permitting) all streets (including roads or highways) that meet all of the following criteria:

- the street is owned or operated by the County Agency;
- the street is curbed and has storm drains;
- the street has a posted speed limit of 35 mph or less;
- the street is not an entrance or exit ramp; and
- the street is in a predominantly commercial area.

Highway Agencies other than County Highway Agencies shall sweep at a minimum of once per quarter (weather and street conditions permitting) all streets (including roads or highways) that meet all of the following criteria:

- the street is owned or operated by the Highway Agency;
- the street is curbed and has storm drains;
- the street has a posted speed limit of 35 mph or less;
- the street is not an entrance or exit ramp; and
- the street is in a predominantly commercial area.

All remaining streets (including roads or highways) that they own or operate shall be swept at a minimum of once every 2 years.

ii. Measurable Goal - Highway Agencies shall certify annually that they have met the Street Sweeping minimum standard. Highway Agencies must maintain records including the date and areas swept, number of miles of streets swept and the total amount of materials collected. Information shall be reported to the Department in the annual report and certification.

iii. Implementation - Within 12 months of effective date of permit authorization Highway Agencies shall have developed and begun implementing a street sweeping program that meets the minimum standard above.

b. Storm Drain Inlets

i. Minimum Standard - Retrofitting of existing storm drain inlets to meet the standard contained in Attachment C of the permit is required where such inlets are in direct contact with repaving, repairing (excluding repair of individual potholes), reconstruction, resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), or alterations of facilities owned or operated by the Highway Agency. For exemptions to this standard, refer to “Exemptions” in Attachment C.

ii. Measurable Goal – Highway Agencies shall certify annually that such storm drain inlets have been retrofitted to meet the minimum standard contained in Attachment C, unless otherwise exempted.

iii. Implementation - Within 12 months of effective date of permit authorization and thereafter, Highway Agencies shall retrofit all such storm drain inlets in accordance with the Storm Drain Inlets minimum standard.

c. Stormwater Facility Maintenance

i. Minimum Standard - Highway Agencies shall develop and implement a stormwater facility maintenance program for cleaning and maintenance of all stormwater facilities operated by the Highway Agency. Stormwater facilities include, but are not limited to: catch basins, detention basins, filter strips, riparian buffers, infiltration trenches, sand filters, constructed wetlands, wet ponds, bioretention systems, low flow bypasses, and stormwater conveyances. The stormwater facility maintenance must be performed as required to ensure the proper function and operation of the stormwater facility.

ii. Measurable Goal - Highway Agencies shall certify annually that all stormwater facilities are properly functioning in accordance with the minimum

standard. If stormwater facilities were found not to be functioning properly and repairs were not made, a schedule for such repairs shall be included in the annual report and certification. Highway Agencies shall also maintain records of inspections, maintenance and repairs that were performed which shall be reported in the annual report and certification.

iii. Implementation - Within 12 months from the effective date of permit authorization, Highway Agencies shall have developed and begun implementing a stormwater facility maintenance program in accordance with the minimum standard.

a. Catch Basin Inspection and Cleaning

i. Minimum Standard – Highway Agencies shall inspect and clean all catch basins operated by the Highway Agency annually to remove accumulated sediment, trash, and debris. If, during the inspection of a catch basin, no sediment, trash, or debris is observed, then that catch basin does not require cleaning. Highway Agencies with:

- less than 10,000 catch basins shall inspect and clean at least 2,000 catch basins per year, or as many catch basins as they own and operate.
- more than 10,000 catch basins shall inspect and clean all catch basins that they own and operate by February 28, 2014.

ii. Measurable Goal – Highway Agencies shall certify annually that all municipally owned and operated catch basins have been inspected and cleaned, in accordance with the minimum standard. Highway Agencies shall maintain records including the number of catch basins owned and operated, the number of catch basins inspected, the number of catch basins cleaned, and the amount of materials collected during catch basin cleaning activities. This information shall be reported in the annual report and certification.

iii. Implementation - On March 1, 2009 and thereafter, Highway Agencies shall inspect and clean all catch basins in accordance with the Catch Basin Inspection and Cleaning minimum standard.

d. Outfall Pipe Stream Scouring Remediation

i. Minimum Standard - Highway Agencies shall develop and implement a stormwater outfall pipe scouring detection, remediation and maintenance program to detect and control localized stream and stream bank scouring in the vicinity of outfall pipes operated by the Highway Agency. This program shall identify all areas where localized stream and bank scouring occurs as a result of stormwater discharges from the Highway Agency's MS4. These areas shall then be prioritized and repairs shall be scheduled and completed. Repairs 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), or N.J.A.C. 16:25A where NJDOT is the Highway Agency.

ii. Measurable Goal - Highway Agencies shall certify annually that they have met the Outfall Pipe Stream Scouring Remediation minimum standard. In addition, the Highway Agency shall list the location of outfall scouring identified, the dates control measures are to begin, and the dates any control

measures were completed.

iii. Implementation - Within 18 months of the effective date of permit authorization, Highway Agencies shall have developed and begun implementing an outfall pipe stream scouring detection, remediation and maintenance program. This program shall identify and prioritize all stormwater outfall pipes needing repairs, and then schedule and complete the repairs.

e. Roadside Vegetation Management

i. Minimum Standard - Highway agencies must develop a Roadside Vegetation Management Program that limits the application of herbicides and restricts the methods by which mulch is applied. Highway Agencies shall only apply herbicides in a 2 foot radius around structures where it is not practical to mow (such as around guardrails, signposts, telephone poles, etc.). If mulch is applied, it shall be stabilized in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey N.J.A.C. 2:90-1 (or N.J.A.C. 16:25A where NJDOT is the Highway Agency) to prevent it from being washed away with stormwater into the waters of the State.

ii. Measurable Goal – Highway Agencies shall certify annually that they have met the Roadside Vegetation Management minimum standard.

iii. Implementation - Within 12 months of the effective date of permit authorization, Highway Agencies shall have developed and begun implementing the Roadside Vegetation Management minimum standard.

**8. Maintenance Yard Operations (including Maintenance Activities at Service Areas, and Ancillary Operations)**

a. De-icing Material Storage

i. Minimum Standard - Highway Agencies must construct a permanent structure (a permanent building or permanent structure that is anchored to a permanent foundation with a impermeable floor, and that is completely roofed and walled) for the storage of salt, and other de-icing materials, if applicable. Once completed, Highway Agencies shall perform regular maintenance and inspections of the permanent structure. Seasonal tarping shall be used as an interim BMP until the permanent structure is completed. Sand may be stored outside and uncovered if a 50-foot setback is maintained from storm sewer inlets, ditches or other stormwater conveyance channels, and surface water bodies.

ii. Measurable Goal - Highway Agencies shall certify annually that they have met the De-icing Material Storage minimum standard.

iii. Implementation - Within 12 months from the effective date of permit authorization, Highway Agencies shall implement the interim seasonal tarping BMP. Within 12 months of the effective date of permit authorization, Highway Agencies will comply with the 50-foot buffer requirement for the outside storage of sand. Within 36 months from the effective date of permit authorization Highway Agencies shall store all salt and de-icing materials in a permanent structure.

b. Equipment and Vehicle Washing

i. Minimum Standard – Highway Agencies 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.

Highway Agencies shall maintain a record of where and when equipment and vehicle washing occurs to document proper management of wash water discharge.

ii. Measurable Goal - Highway Agencies shall certify annually that there is no unpermitted discharge from vehicle and equipment washing activities and describe the BMP implemented at each of the locations where vehicle and equipment washing activities occur.

iii. Implementation – On March 1, 2009 and thereafter, Highway Agencies 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.

c. Standard Operating Procedures

i. Minimum Standard - Highway Agencies must develop and implement standard operating procedures, which include the required practices listed in Attachment D, for each of the following activities:

- Vehicle fueling and receiving of bulk fuel deliveries;
- Vehicle Maintenance; and
- Good housekeeping practices for all materials or machinery listed in the Inventory Requirements for Maintenance Yard Operations prepared in accordance with Attachment D.

ii. Measurable Goal - Highway Agencies must certify annually that there are standard operating procedures in place for vehicle fueling, vehicle maintenance, and good housekeeping practices.

iii. Implementation - Within 12 months of the effective date of permit authorization, Highway Agencies shall have developed and begun implementing the Standard Operating Procedures minimum standard.

**9. Employee Training**

a. Minimum Standard - Highway Agencies shall conduct an annual employee training for all employees on those stormwater topics which are applicable to their job and title.. At a minimum, annual employee training will include the following topics:

i. Waste Disposal Education –Training shall include how to respond to inquires regarding proper waste disposal.

ii. Control Measures – Training shall include an overview of the Pet Waste Control, Improper Waste Disposal Control, Wildlife Feeding Control, Illicit Connection Prohibition and Wildlife Feeding Control measures, their requirements, enforcement policy, and hazards associated with improper waste disposal.

- iii. Roadside Vegetation Management – Training shall include herbicide and mulch application requirements.
  - iv. Illicit Connection Elimination and Outfall Pipe Mapping – Training shall include information regarding the hazards associated with illicit connections and details of the program including investigation techniques, physical observations, field sampling, and mapping procedures.
  - v. Street Sweeping – Training shall include sweeping schedules and record keeping requirements.
  - vi. Stormwater Facility Maintenance - Training shall include catch basin cleaning schedules and record keeping requirements.
  - vii. Outfall Pipe Stream Scouring Remediation – Training shall include identifying road erosion and outfall pipe scouring and repairs.
  - viii. Maintenance Yard Operations (including Ancillary Operations) – Training shall include de-icing material storage, fueling, vehicle maintenance, equipment/vehicle washing and good housekeeping SOPs, if applicable.
  - ix. Equipment and Vehicle Washing - Training shall include proper management of wash water discharge and record keeping requirements.
  - x. Construction Activity / Post-Construction Stormwater Management in New Development and Redevelopment – Training shall include information regarding the requirement to obtain a NJPDES construction activity stormwater permit (see Part I, Section A.5.a and A.5.b of this permit) and requirements for Post-Construction Stormwater Management in New Development and Redevelopment (See Part I, Section F.3 of this permit).
- b. Measurable Goal - Highway Agencies must certify annually the date of the annual employee training.
  - c. Implementation – Training shall begin 12 months from the effective date of permit authorization.

## **10. Construction Site Stormwater Runoff Control**

- a. Pursuant to N.J.A.C. 7:14A-25.6(b)2 and 25.7(b), the Department is responsible for developing, implementing, and enforcing a NJPDES permit program to reduce pollutants in stormwater runoff to small MS4s from construction activities. The Highway Agency is not required to include this SBR in its stormwater program or discuss this SBR in its SPPP.

## **G. Additional Measures and Optional Measures**

### **1. Additional Measures**

- a. Additional Measures (AMs) are non-numeric or numeric effluent limitations that are expressly required to be included in the stormwater program by an adopted areawide or Statewide Water Quality Management Plan (WQM plan). AMs may modify or be in addition to SBRs. AMs may be required by a TMDL approved or established by USEPA, a regional stormwater management plan, or other elements of adopted areawide or Statewide WQM plans.

b. The Department will provide written notice of the adoption of an AM to each Highway Agency whose stormwater program will be affected, and will list each adopted AM in the permit by making a minor modification to the permit. The AMs, other than numeric effluent limitations, will specify the BMPs that must be implemented and the measurable goals for each BMP. The AMs will also specify time periods for implementation.

## **2. Optional Measures**

a. At the Highway Agency's discretion, the stormwater program may also include Optional Measures (OMs), which are BMPs that are not implemented for SBRs or AMs but that prevent or reduce the pollution of the waters of the State.

## **H. Deadlines and Certifications**

### **1. Stormwater Pollution Prevention Plan**

a. Within twelve (12) months from the effective date of permit authorization, the Highway Agency shall prepare an SPPP.

b. The SPPP shall include, at a minimum, all of the information and items identified in Attachment A. The SPPP shall be signed, dated, and retained by the Highway Agency.

### **2. Statewide Basic Requirements**

a. Each SBR contained in Part I, Section F of the permit has a specific implementation schedule based on the effective date of permit authorization. Each SBR shall be implemented in accordance with that schedule. Highway Agencies shall certify in the Annual Report and Certification the status of the implementation of each SBR and the date implementation was completed, as appropriate.

i. The Department may grant a six-month extension to the deadlines contained in an implementation schedule for any of the SBRs if the Highway Agency submits a written request for such extension, at least 30 days prior to the deadline, establishing to the Department's satisfaction that the Federal, State and local permits and approvals necessary for the construction of best management practices could not with due diligence be obtained within the time period set forth in Section F above. The written request shall be submitted to:

NJDEP  
Division of Water Quality  
Bureau of Nonpoint Pollution Control  
Municipal Stormwater Regulation Program  
P.O. Box 029  
Trenton, NJ 08625-0029

### **3. Annual Report and Certification**

a. Highway Agencies shall complete an Annual Report (on a form provided by the Department) summarizing the status of compliance with this permit including measurable goals and the status of the implementation of each SBR and BMP contained in Part I, Section F of the permit. This report shall include a certification that the Highway Agency is in compliance with its stormwater program, SPPP and this permit, except for any incidents of noncompliance. Any incidents of noncompliance with

permit conditions shall be identified in the Annual Report and Certification. 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.

- i. If there are incidents of noncompliance, the report shall identify the steps being taken to remedy the noncompliance and to prevent such incidents from recurring.
  - ii. The Annual Report and Certification shall be signed and dated by the Highway Agency, and shall be maintained for a period of at least five years. This period may be extended by written request of the Department at any time.
- b. The Annual Report and Certification shall be submitted to the Department pursuant to the following submittal schedule:
- i. Submit an Annual Report and Certification: on or before May 2, 2009 and every 12 months thereafter.
  - ii. The Annual Report and Certification shall include information for activities and projects conducted by the Highway Agency between January 1 and December 31 of each reporting year.

## I. Standard Conditions

**1. The following general conditions are incorporated by reference. The Highway Agency is required to comply with the regulations, which were in effect as of March 3, 2004.**

- a. General Permits N.J.A.C. 7:14A-6.13
- b. Penalties for Violations N.J.A.C. 7:14-8.1 et seq.
- c. Incorporation by Reference N.J.A.C. 7:14A-2.3
- d. Toxic Pollutants N.J.A.C. 7:14A-6.2(a)4i
- e. Duty to Comply N.J.A.C. 7:14A-6.2(a)1 & 4
- f. Duty to Mitigate N.J.A.C. 7:14A-6.2(a)5 & 11
- g. Inspection and Entry N.J.A.C. 7:14A-2.11(e)
- h. Enforcement Action N.J.A.C. 7:14A-2.9
- i. Duty to Reapply N.J.A.C. 7:14A-4.2(e)3
- j. Signatory Requirements for Applications and Reports N.J.A.C. 7:14A-4.9
- k. Effect of Permit/Other Laws N.J.A.C. 7:14A-6.2(a)6 & 7 & 2.9(c)
- l. Severability N.J.A.C. 7:14A-2.2
- m. Administrative Continuation of Permits N.J.A.C. 7:14A-2.8
- n. Permit Actions N.J.A.C. 7:14A-2.7(c)
- o. Reopener Clause N.J.A.C. 7:14A-6.2(a)10, 16.4(b) & 25.7(b)
- p. Permit Duration and Renewal N.J.A.C. 7:14A-2.7(a) & (b)
- q. Consolidation of Permit Process N.J.A.C. 7:14A-15.5
- r. Confidentiality N.J.A.C. 7:14A-18.2 & 2.11(g)
- s. Fee Schedule N.J.A.C. 7:14A-3.1
- t. UIC Corrective Action N.J.A.C. 7:14A-8.4
- u. Additional Conditions Applicable to UIC Permits N.J.A.C. 7:14A-8.9
- v. UIC Operating Criteria N.J.A.C. 7:14A-8.16

## 2. Operation And Maintenance

- a. Need to Halt or Reduce not a Defense N.J.A.C. 7:14A-2.9(b)
- b. Proper Operation and Maintenance N.J.A.C. 7:14A-6.12

### **3. Monitoring And Records**

- a. Monitoring N.J.A.C. 7:14A-6.5
- b. Recordkeeping N.J.A.C. 7:14A-6.6
- c. Signatory Requirements for Monitoring Reports N.J.A.C. 7:14A-6.9

### **4. Reporting Requirements**

- a. Planned Changes N.J.A.C. 7:14A-6.7
- b. Reporting of Monitoring Results N.J.A.C. 7:14A-6.8
- c. Noncompliance Reporting N.J.A.C. 7:14A-6.10 & 6.8(h)
- d. Hotline/Two Hour & Twenty-four Hour Reporting N.J.A.C. 7:14A-6.10(c) & (d)
- e. Written Reporting N.J.A.C. 7:14A-6.10(e) & (f) & 6.8(h)
- f. Duty to Provide Information N.J.A.C. 7:14A-2.11, 6.2(a)14 & 18.1
- g. Compliance Schedules N.J.A.C. 7:14A-6.4
- h. Transfer N.J.A.C. 7:14A-6.2(a)8 & 16.2

### **5. Copies of the NJPDES rules may be purchased by contacting West Group, St. Paul, Minnesota, 1-800-808-WEST.**

## **J. Additional Conditions**

### **1. Agency and Public Review**

- a. The Highway Agency shall make the SPPP available upon request to an authorized representative of the Department and to the owner of and operating entity for any municipal separate storm sewer system that receives discharges from the Highway Agency's small MS4.
- b. Upon review by an authorized representative, the Department may notify the Highway Agency at any time that the SPPP does not meet one or more of the minimum requirements. Within 30 days after receiving such notification (unless otherwise specified by the Department), the SPPP shall be amended to adequately address all deficiencies, and written certification of such amendments shall be submitted to the Department.
- c. Highway Agencies shall make records required by this permit, including its SPPP, available to the public at reasonable times during regular business hours (see N.J.A.C. 7:14A-18 for confidentiality provisions).

### **2. Other Laws**

- a. In accordance with N.J.A.C. 7:14A-6.2(a)7, this permit does not authorize any infringement of State or local law or regulations, including, but not limited to the Pinelands rules (N.J.A.C. 7:50), N.J.A.C. 7:1E (Department rules entitled "Discharges of Petroleum and other Hazardous Substances"), the New Jersey Register of Historic Places Rules (N.J.A.C. 7:4), and all 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.

### **3. Operations and Maintenance Manual**

- a. In accordance with N.J.A.C. 7:14A-6.12(c), for a discharge authorized by this permit, the Highway Agency is exempt from the requirement to prepare an operations and maintenance manual.

## **Attachment A**

### **CONTENTS OF THE STORMWATER POLLUTION PREVENTION PLAN**

#### **A. SPPP Team**

1. The Stormwater Pollution Prevention Plan (SPPP) shall identify the person or persons responsible for implementing or coordinating the SPPP activities (including, at the Highway Agency’s discretion, OMs).

#### **B. Description of Required Best Management Practices**

1. The SPPP shall identify and discuss each Statewide Basic Requirement (SBR) and best management practice (BMP) required by the Highway Agency Stormwater General Permit.
2. The SPPP shall identify and discuss each Additional Measure (AM), if any, required by the Highway Agency Stormwater General Permit.
3. The SPPP shall identify and discuss any Optional Measures (OMs) the Highway Agency chooses to include in its stormwater program.
4. For each SBR, AM, or OM included in the Highway Agency’s stormwater program, the SPPP shall:
  - a. Describe the method of implementation;
  - b. Include detailed record keeping, as appropriate or as required;
  - c. Include an implementation schedule consistent with permit requirements, including interim milestones;
  - d. Include any special diagrams required by the permit (i.e., Storm Drain Inlet Labeling and Illicit Connection Elimination and MS4 Outfall Pipe Mapping);
  - e. Sharing responsibilities (If the Highway Agency wants to share responsibilities for implementing one or more control measures (other than OMs) with one or more other entities pursuant to N.J.A.C. 7:14A-25.7(a), the SPPP must describe which measure(s) the Highway Agency will implement, and identify the entity(ies) that will implement the other measure(s));
  - f. Maintenance schedules, as appropriate; and
  - g. Inspection schedules, as appropriate.

#### **C. Identifying Areas Served by Combined Sewer**

1. Highway Agencies that want to exclude any “combined sewer area” from the stormwater program must include a map showing the boundaries of the combined sewer area. A “combined sewer area” is an area that is excluded because all stormwater from that area (and operated by the Highway Agency) is discharged to combined (or sanitary) sewer systems.

## **Attachment B**

### **PROCEDURES FOR DETECTING, INVESTIGATING, AND ELIMINATING ILLICIT CONNECTIONS**

#### Detection

An illicit connection for the purposes of this permit, is any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the Highway Agency's small MS4, unless that discharge is authorized under a NJPDES permit other than this Highway Agency Stormwater General Permit (non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system). An illicit connection is also any category of non-stormwater discharges that a Highway Agency identifies as a source or significant contributor of pollutants pursuant to 40 C.F.R. 122.34(b)(3)(iii).

MS4 outfall pipes, for the most part, should not be discharging during substantial dry periods (72 hours after a rain event). Such flow is frequently referred to as "dry weather flow", which may be the result of an illicit connection. All dry weather flows are generally non-stormwater discharges, however not all dry weather flows are illicit connections. Some non-stormwater flows result from the improper disposal of waste (e.g., radiator flushing, engine degreasing, improper disposal of oil) and some may be the result of allowable discharges such as residential car washing, irrigation runoff, permitted (NJPDES) discharges and natural waters (e.g., spring water and groundwater infiltration). By using the Department's Illicit Connection Inspection Report form and making physical observations, a Highway Agency will compile information that will help determine if the dry weather flow is an illicit connection and the most likely source of the illicit connection. After making these physical observations, additional chemical field testing will enable a Highway Agency to further narrow the potential sources of the illicit connection.

The first physical observation is to observe if there is a dry weather flow. Some dry weather discharges are continuously flowing and some are intermittent. Observations will allow the Highway Agency to establish with reasonable certainty if there is an intermittent flow. If there are indications of intermittent flows (staining, odors, deterioration of outfall structure) follow-up investigations are required (see Investigation section). An estimate of the flow rate of the discharge shall also be noted (flow rate can be estimated by various methods, including timing how long it takes to fill a container of a known size). Additional physical observations and measurements shall be made for odor, color, turbidity, floatable matter, temperature, deposits and stains, vegetation and algal growth, and condition of outfall structure (see Illicit Connection Inspection Report form). Information compiled from physical observations and field monitoring should be used to help identify potential sources. These observations are very important since they are the simplest method of identifying grossly contaminated dry weather flows. If physical observations alone are sufficient to warrant further investigation, then field testing is not required.

If a dry weather flow exists and after making all physical observations (unless physical observations are enough to warrant further investigation), the Highway Agency shall field test for surfactants (detergents). If these flows contain surfactants in excess of the detection limit, Highway Agencies shall field test for ammonia (as N) and potassium to help distinguish sanitary wastewater sources from other non-stormwater flows that contain detergents. Non-stormwater discharges that are absent of surfactants shall be tested for fluoride to help distinguish potable from

non-potable sources. Highway Agencies should refer to the “Highway Agency Stormwater General Permit Guidance Manual” for assistance and interpretation of field testing results.

All of the tests for the tracing of illicit connections may be performed in the field by employees of the Highway Agency or may be contracted out. Lab certification for those parameters is **not** required, however all person(s) responsible for calibrating, maintaining, and taking field samples shall be trained in the use of the equipment and appropriate field testing protocol.

### Investigation

Any storm sewer outfall pipe found during the initial inspection or on any subsequent inspection to have a non-stormwater discharge or indications of an intermittent non-stormwater discharge requires further investigation by the Highway Agency to identify and locate the specific source. Non-stormwater discharges suspected of being sanitary sewage and/or significantly contaminated shall be prioritized and investigated first. Investigations of non-stormwater discharges suspected of being cooling water, washwater, or natural flows may be delayed until after all suspected sanitary sewage and/or significantly contaminated discharges have been investigated, eliminated and/or resolved.

Dry weather flows believed to be an immediate threat to human health or the environment shall be reported immediately to the Department’s Action Hotline at 1-877-WARNDEP (1-877-927-6337).

Physical observations and field testing can help narrow the identification of potential sources of a non-stormwater discharge. However it is unlikely that either will pinpoint the exact source. Therefore, Highway Agencies will need to perform investigations “upstream” to identify illicit connections to systems with identified problem outfalls.

All non-stormwater discharges, whether continuous or intermittent must be investigated by the Highway Agency. All investigations must be resolved. If the source is found to be a non-stormwater discharge authorized under Part I, Section A.2.d of the permit, no further action is required. If a non-stormwater discharge is found but no source is able to be located within six (6) months of beginning the investigation, then the Highway Agency shall submit to the Department a Closeout Investigation form to close out the investigation. The Highway Agency must document that a good faith effort was made to find the source of the dry weather discharge and document each phase of the investigation. If the observed discharge is intermittent the Highway Agency must document, in the Illicit Connection Inspection Report form, that a minimum three (3) separate investigations were made to observe the discharge when it is flowing. If these attempts are unsuccessful, the Highway Agency shall submit to the Department the Closeout Investigation form noted above. However, since this is an ongoing program, the Highway Agency should periodically recheck these suspected intermittent discharges.

### Elimination

Non-stormwater discharges traced to their source and found to be the Highway Agency’s own illicit connections shall be eliminated within six (6) months of their discovery. The Highway Agency may apply for a NJPDES permit for the discharge, but the discharge shall be ceased until a valid NJPDES permit has been issued by the Department. Highway Agencies are required to verify that the illicit discharge was eliminated within the specified timeframe and ensure that

measures taken to eliminate the discharge are permanent and are not done in such a manner that would allow easy reconnection to the MS4.

If an illicit connection cannot be located or is found to emanate from an entity other than the Highway Agency then the Highway Agency must submit to the Department a written explanation detailing the results of the investigation. If the illicit connection is found to be from another public entity, the Highway Agency shall also notify that entity.

## **Attachment C**

### **DESIGN STANDARD - STORM DRAIN INLETS**

This standard applies to storm drainage inlets installed as part of new development and redevelopment projects that disturb one acre or more. In addition, retrofitting of existing storm drainage inlets to this standard is required where such inlets are in direct contact with repaving, repairing (excluding repair of individual potholes), reconstruction or alterations of facilities owned or operated by the Highway Agency. For exemptions to this standard see “Exemptions” below.

#### Grates in Pavement or Other Ground Surfaces

Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

1. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996).
2. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

(In regard to whether the different grate must also be bicycle safe, the Residential Site Improvement Standards 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.

#### Curb-Opening Inlets (Including Curb-Opening Inlets in Combination Inlets)

Whenever design engineers use a curb-opening inlet, the clear space in that 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**

##### *Retrofitting Exemptions*

1. Repaving, repairing, reconstruction or alterations projects that began construction prior to March 3, 2004, and projects that were awarded bid prior to March 3, 2004, are exempted from the storm drain inlet design standard.
2. Existing curb-opening inlets do not need to be retrofitted to meet the design standard if each individual clear space in the curb opening has an area of no more than nine (9.0) square inches.

### *Hydraulic Performance Exemptions*

1. New Development and Redevelopment Projects - Where the review agency determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drainage inlets that meet these standards.
2. Retrofitting of existing storm drain inlets - Where the review agency determines that this standard would cause inadequate hydraulic performance.

### *Alternative Device Exemptions*

1. 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. 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
  - b. A bar screen having a bar spacing of 0.5 inches.
2. 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.

Note - The preceding 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(a)).

### *Historic Places Exemption*

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 this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

## **Attachment D**

### **REQUIRED PRACTICES FOR FUELING OPERATIONS, VEHICLE MAINTENANCE, AND GOOD HOUSEKEEPING SBRs**

**A. The following BMPs must be implemented at maintenance yards, including maintenance activities at Service Areas and ancillary operations (for example, impound yards, solid waste transfer stations, mobile fueling), where applicable, that are operated by the Highway Agency:**

#### **1. Inventory Requirements for Maintenance Yard Operations (including Service Areas, and Ancillary Operations)**

- a. Highway Agencies shall include for maintenance yard operations an inventory that includes the following:
  - i. A list to be made part of the SPPP of general categories of all materials or machinery located at the maintenance yard, 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 maintenance yard operations or ancillary operations. Materials or machinery that are not exposed to stormwater or that are not located at the maintenance yard or related to its operations do not need to be included.

#### **2. Fueling**

- a. No topping off vehicles, mobile fuel tanks, and storage tanks. Drip pans must be used under all hose and pipe connections and other leak-prone areas during bulk transfer of fuels.
- b. During bulk transfer block storm sewer inlets, or contain tank with temporary berms or temporary absorbent booms during the transfer process. If temporary berms are being used instead of blocking the storm sewer inlets, all hose connection points associated with the transfer of fuel must be within the temporary berms during the loading/unloading of bulk fuels. A trained employee must always be present to supervise during bulk fuel transfer.
- c. Clearly post, in a prominent area of the facility, instructions for safe operation of fueling equipment, and appropriate contact information for the person(s) responsible for spill response.
- d. Any equipment, tanks, pumps, piping and fuel dispensing equipment found to be leaking or in disrepair must immediately be repaired or replaced.

#### **3. Vehicle Maintenance**

- a. Perform all vehicle and equipment maintenance at an indoor location with a paved floor whenever possible. For projects that must be performed outdoors that last more than one day, portable tents or covers must be placed over the equipment being serviced when not being worked on, and drip pans must be used.

#### **4. General Good Housekeeping**

- a. Properly mark or label all containers. Labels must be kept clean and visible. All containers must be kept in good condition and tightly closed when not in use. When practical, containers must be stored indoors. If indoor storage is not practical, containers may be stored outside as long as they are covered and placed on spill platforms. An area that is graded and/or bermed that prevents run-through of stormwater may be used in place of spill platforms. Outdoor storage locations must be regularly maintained.
- b. Conduct cleanups of any spills or liquids or dry materials immediately after discovery. Clean all maintenance areas with dry cleaning methods only. Spills shall be cleaned up with a dry, absorbent material (i.e., kitty litter, sawdust, etc.) and the rest of the area is to be swept. Collected waste is to be disposed of properly. Clean-up materials, spill kits and drip pans must be kept near any liquid transfer areas, protected from rainfall.

#### **5. Good Housekeeping Practices for Salt and De-icing Material Handling**

- b. The SPPP for De-icing Material Storage shall include the following required practices to ensure that Maintenance Yard Operations prevent or minimize the exposure of salt and de-icing materials to stormwater runoff from storage, loading and unloading areas and activities:
  - i. Prevent and/or minimize the spillage of salt and de-icing materials during loading and unloading activities.
  - ii. At the completion of loading and unloading activities, spilled salt and de-icing materials shall be removed using dry cleaning methods and either reused or properly discarded.
  - iii. Sweeping by hand or mechanical means of storage and loading/unloading areas shall be done on a regular basis. More frequent sweeping is required following loading/unloading activities. Sweeping shall also be conducted immediately following, as practicable, loading/unloading activities.
  - iv. Tracking of materials from storage and loading/unloading areas shall be minimized.
  - v. Minimize the distance salt and de-icing materials are transported during loading/unloading activities.
- c. Interim Seasonal Tarping - All Highway Agencies must tarp all de-icing materials until a permanent structure is built. Interim storage measures must include, but are not limited to the following:
  - i. Tarping materials that are not actively being used.
  - ii. The storage of de-icing materials (salt and de-icing products) outside is limited to October 15<sup>th</sup> through April 30<sup>th</sup>. All salt and de-icing materials must be removed from the site prior to May 1<sup>st</sup> and may not be stored outside again until October 15<sup>th</sup>.
  - iii. The implementing of a regular inspection, sweeping and housekeeping program to ensure that the material is maintained and stored in a proper manner.

## 6. Inspections

- a. Inspections of all Municipal Maintenance Yard Operations shall be conducted regularly.
- b. Discharge of Stormwater from Secondary Containment
  - i. The discharge pipe/outfall from a secondary containment area must have a valve and the valve must remain closed at all times except as described below. A Highway Agency may discharge stormwater that accumulated in the 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 Highway Agency must rely on previous tank inspections to determine with some degree of certainty that the tank has not leaked. If the Highway Agency 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 should be hauled for proper disposal.