

## **FACT SHEET FOR THE RENEWAL OF NJPDES HOT-MIX ASPHALT PRODUCERS STORMWATER GENERAL PERMIT - NJ00132721**

### **I. BACKGROUND**

The New Jersey Department of Environmental Protection (Department) is the issuing authority for NPDES permits in the State of New Jersey, and issues those permits as part of the New Jersey Pollutant Discharge Elimination System (NJPDES) Program. In 1992, as part of the initial response to the USEPA stormwater discharge rules, the Department proposed and adopted amendments to the NJPDES rules, N.J.A.C. 7:14A.

On March 30, 2004 Department issued the Hot-Mix Asphalt Producers Stormwater General Permit No. NJ0132721 (“general permit”), authorizing the discharge of “stormwater associated with industrial activity”, as defined in N.J.A.C. 7:14A-1.2, from facilities primarily engaged manufacturing asphalt concrete paving mixtures and asphalt concrete products. The general permit became effective on May 1, 2004.

The Department issued a major modification of the general permit on March 29, 2007 to add requirements for discharges to ground water, revise submittal and compliance schedules and to make administrative corrections and clarifications. The major modification of the general permit became effective on April 1, 2007.

The currently effective general permit is scheduled to expire on May 31, 2009. The Department is proposing to renew the general permit in accordance with the procedures set forth in the New Jersey Administrative Code at N.J.A.C. 7:14A.

### **II. AUTHORIZED DISCHARGES**

The general permit authorizes point and nonpoint source discharges of industrial stormwater to the surface and/or ground waters of the State from facilities primarily engaged manufacturing asphalt concrete paving mixtures and asphalt concrete products.

Industrial stormwater discharges that are ineligible for authorization under the general permit are listed in Part IIA.2.a of the general permit.

### **III. TYPE AND QUANTITY OF POLLUTANTS**

The volume and quality of stormwater discharges associated with manufacturing asphalt concrete paving mixtures and asphalt concrete products will depend on a variety of factors, including the specific industrial activities occurring at the facility, materials stored at the facility, the nature of precipitation, and the degree of surface imperviousness.

The currently effective general permit required monitoring for pollutant parameters expected to found in stormwater discharges associated with the asphalt concrete manufacturing process. These parameters include: TSS, TDS, Oil and Grease, COD, Zinc, Copper, Benzene, Chromium, and Lead. Review of analytical data submitted to the Department found that zinc and copper were rarely found in stormwater discharges above the detection limit. Based on this

data the department is eliminating monitoring for those pollutant parameters. The Department will continue to monitor for all other parameters.

#### IV. **DESCRIPTION OF THE DRAFT RENEWAL PERMIT**

The following changes are proposed as part of the general permit draft renewal:

1. Remove authorization to discharge process wastewater, including air compressor condensate and remove all associated conditions, monitoring, and effluent limitations;
2. Remove references and definition of “asphalt millings. Asphalt millings will be part of the broader definition of Recycled Asphalt Pavement “RAP”;
3. Eliminate monitoring of stormwater discharges for certain pollutant parameters (Zinc and copper for surface water discharges. Total suspended solids, total dissolved solids, zinc, and copper for ground water discharges) based on monitoring data from initial industry reporting;
4. Replace the parameter Oil and Grease with the parameter Total Petroleum Hydrocarbons. Require that both surface and ground water discharges meet the effluent limitation of 10 mg/l (monthly average) and 15 mg/l (daily maximum) and define the method of analyses (E.P.A. Method 1664A SGT-HEM; nonpolar material);
5. Identify a “benchmark” for Total Suspended Solids of 100 mg/L (monthly average) with a specific trigger that changes the benchmark to an effluent limitation. Conversely there is also a trigger to have the TSS effluent limitation revert back to a benchmark if the facility discharge quality improves;
6. Replace reporting on Wastewater Characterization Reports (WCRs) to Discharge Monitoring Reports (DMRs);
7. Eliminates storm event reporting;
8. Redefines when a stormwater sample is required to be taken;
9. Require that a separate “Request for Authorization” be submitted for each operating entity;
10. Require permittees to revise their Stormwater Pollution Prevention Plan (SPPP) and Drainage Control Plan within six (6) months to reflect general permit changes;
11. Specifically authorize the discharge of stormwater from ancillary concrete, concrete block and brick recycling when done in accordance with a Class B permit issued from the Division of Solid Waste.
12. Include Mandatory Best Management Practices with specific minimum performance standards and implementation schedules. These mandatory BMPs include Spill Prevention and Response; Concrete, Concrete Block, and Brick Recycling – Inbound

Quality Control; Onsite Stability and Erosion Control; Vehicle Tracking; Equipment and Vehicle Washing; and Preventative Maintenance;

13. Specify a deadline to apply for authorization for an existing regulated industrial stormwater discharges; and
14. Include language which clarifies that the permit does not authorize construction activities defined in N.J.A.C. 7:14A-1 (land disturbance of more than 1 acre).

In addition, the draft renewal intends to clarify, further develop, simplify and refine certain aspects of the general permit to better assist permittees in complying with the permit's conditions. These changes include significant reorganization of permit content, changes in permit language and the addition of a Permit Overview/ Performance Standards section.

V. **REQUESTED VARIANCES OR ALTERNATIVES TO REQUIRED STANDARDS**

No such requests exist in regard to this draft renewal permit, which was initiated by the Department.

VI. **PROCEDURES FOR REACHING A FINAL PERMIT DECISION ON THE DRAFT RENEWAL PERMIT**

A copy of the public notice for the draft renewal permit will be sent to all existing permittees, published in the DEP Bulletin on March 13, 2002 and available on the Department's website at [www.state.nj.us/dep/dwq/hot.htm](http://www.state.nj.us/dep/dwq/hot.htm). All comments submitted to the Department within the thirty-day public comment period will be considered and addressed in the final permit.

VII. **DEPARTMENT CONTACT**

Interested persons may obtain further information about this draft renewal permit, including copies of the draft renewal permit, fact sheet, and other information in the administrative record (including names and addresses of affected permittees and facilities), from Louisa Lubiak, Bureau of Nonpoint Pollution Control, at (609) 633-7021. Written requests for such information may be sent to Louisa Lubiak, NJ Department of Environmental Protection, Bureau of Nonpoint Pollution Control, P.O. Box 029, Trenton, NJ 08625-0029. Interested persons should provide their telephone number in their written request or telephone message.

VIII. **ADMINISTRATIVE RECORD**

- A. Existing NJPDES General Permit No. NJ0132721.(NPI).\*
- B. NJPDES Fee Schedule for NJPDES Permittees and Applicants; General Permits, Adopted Repeals: N.J.A.C. 7:14A-11 Appendices A and B, (cite 34 N.J.R. 595). (NPI).
- C. Federal Clean Water Act, 33 U.S.C. 1251. (NPI).
- D. N.J.A.C. 7:14A. (NPI).

E. New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. (NPI).

F. 40 CFR 122 (NPI).

G. All documents cited in this Fact Sheet (NPI).

\*NPI indicates the actual entire document is not physically attached to this Draft Renewal Permit, but the documents themselves are referenced as a source of information and may be viewed separately.