

**Tier B Municipal Stormwater General Permit**  
**(NJ0141861)**  
**DRAFT - NJPDES Master General Permit Renewal: December 3, 2008**

**PART I**  
**NARRATIVE REQUIREMENTS:**

**A. (COMMON) 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) owned or operated by municipalities assigned to Tier B under N.J.A.C. 7:14A-25.3(a)2 (Tier B Municipalities), except as provided in A.5 below.
- b. 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 Tier B Municipalities except if identified by the municipality as a significant contributor of pollutants to or from the MS4. If any of the following discharges are identified as a significant contributor, the Tier B Municipality shall contact the Department so appropriate actions may be taken:
  - 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. 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.

### **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 Tier B 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 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 Tier B Municipality.
- b. If the Tier B Municipality is aware of any information in the most recently submitted RFA that is no longer true, accurate, and/or complete, the Tier B Municipality 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 the discharge of equipment and vehicle wash water from any municipal operations or from any private entity contracted by the municipality to provide such functions on property owned and operated by the municipality. Tier B 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.
  - i. Tier B Municipalities shall maintain a record of where and when equipment and vehicle washing occurs to document proper management of wash water discharge.
- b. 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 Tier B Municipality 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 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. An RFA submitted for the Tier B Municipal 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 municipality with a population of less than 100,000, the municipality 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.

c. 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 municipality 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 Tier B Municipal Stormwater General Permit does not qualify as an RFA for such a discharge.

d. This permit does not authorize any stormwater discharge that is authorized under another NJPDES permit. 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.

e. This permit does not authorize stormwater discharges from projects or activities that conflict with an adopted areawide or Statewide WQM plan.

## **B. (COMMON) 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 Tier B Municipality must have been submitted to the Department on or before March 3, 2004, except as provided below.

i. If a municipality receives notice from the Department that it has been reassigned from Tier A to Tier B, the deadline to submit an RFA is 90 days after the receipt of that notice.

ii. The Department may, in its discretion, accept an RFA submitted after the foregoing deadline; however, the municipality 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 Tier B Municipality must be submitted to the Department at least ninety (90) days prior to the operation of the new MS4 system.

i. A Tier B Municipality that already has authorization to discharge from a small MS4 under the Tier B Municipal Stormwater 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 3, 2004 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 Tier B Municipality applying for authorization under this permit.
- b. A single RFA is required for the entire stormwater 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 facilities, garages, and/or offices).

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

- a. A completed RFA shall include all of the following information regarding the Tier B Municipality and shall be completed using the Department's RFA form:
  - i. The name of the municipality that operates the small MS4, county it is located in, and the address of the main municipal office (e.g., city hall, town hall, or municipal building).
  - ii. The name and mailing address of the Municipal Stormwater Program Coordinator 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. 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. (COMMON) 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" or "Effective Date of Permit Authorization" means the date the permittee's authorization to discharge under the Tier B Municipal Stormwater General Permit becomes effective. This date may be found on the permittee's Authorization to Discharge.
- d. "MS4" means a municipal separate storm sewer system.
- e. "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.
- 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 Tier B municipality” means a municipality as defined in N.J.A.C. 7:14A-25.1(b) which owns or operates a small MS4, meets the criteria for being assigned to Tier B pursuant to N.J.A.C. 7:14A-25.3(a)2, 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; or
  - 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.

## **D. (COMMON) Special Conditions**

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

- a. A Tier B Municipality may share with one or more other entities (for example, a watershed association or another municipality) the responsibility for implementing any of the Statewide Basic Requirements (SBRs), or Additional Measures (AMs) required by this permit pursuant to N.J.A.C. 7:14A-25.8(e).

b. The Tier B Municipality 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 municipality must submit under Part I, Section H.2, the municipality shall specify that it is relying on another entity to satisfy some of the Tier B Municipality's NJPDES permit obligations.

c. If the municipality is relying on another entity regulated under the NJPDES permit program to satisfy all of that Tier B Municipality's NJPDES permit obligations, including that municipality's obligation to file these annual reports, the municipality shall notify the Department of this reliance in writing.

## **E. (COMMON) Stormwater Program**

### **1. Stormwater Program**

a. Tier B municipalities are required to develop, implement, and enforce a stormwater program that must include the SBRs that are listed in Part I, Section F and the AMs, if any, required by Part I, Section G.1 of the permit.

b. For any projects or activities which the municipality contracts out to private contractors after the EDPA, the awarded contract must contain conditions that the contractor must conduct such projects or activities in such a manner that is in compliance with the municipality's stormwater program and this permit's conditions. The municipality is responsible for any violations of this permit resulting from a contractor's noncompliance.

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

### **1. Stormwater quality issues related to new development, redevelopment and existing development 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. The permit specifies the BMPs that will be implemented for those SBRs.**

a. Additional information is provided and each of the SBRs and related BMPs are described in more detail in the Department's Tier B Municipal Stormwater Permit Guidance Document.

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

a. Minimum Standard – To prevent or minimize water quality impacts, the Tier B Municipality shall implement, and enforce a program to address stormwater runoff from new development and redevelopment projects (including projects operated by the municipality itself) 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 municipality's small MS4. The municipality shall in its post-construction program:

- i. Adopt and reexamine a municipal stormwater management plan (or adopt amendments to an existing municipal stormwater management plan) in accordance with N.J.A.C. 7:8-4.
- ii. Adopt and implement a municipal stormwater control ordinance or ordinances in accordance with N.J.A.C. 7:8-4. The ordinance(s) will control stormwater from non-residential development and redevelopment projects.
- iii. Ensure that any residential development and redevelopment projects that are subject to the Residential Site Improvement Standards 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. 5:21-3).

- iv. Where necessary to implement the municipal stormwater management plan, the municipal stormwater control ordinance(s) will also:
    - Control aspects of residential development and redevelopment projects that are not pre-empted by the Residential Site Improvement Standards; 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.
  - v. Ensure adequate long-term operation and maintenance of BMPs.
  - vi. Enforce, through the stormwater control ordinance(s) or a separate ordinance, compliance with standards set forth in Attachment A of the permit to control passage of solid and floatable materials through storm drain inlets.
  - vii. This post-construction program shall also require compliance 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.
- b. Measurable Goal – Tier B Municipalities shall certify annually that that they have developed, implemented, and are actively enforcing a program to address stormwater runoff from new development and redevelopment projects that discharge into the Tier B Municipality's small MS4 in accordance with the minimum standard.
- c. (EXISTING PERMITTEE) Implementation - On March 1, 2009 and thereafter, Tier B Municipalities shall:
- i. Enforce stormwater control ordinance(s), prepared in accordance with N.J.A.C. 7:8-4, when approved by the county review agency (and, where N.J.A.C. 7:50-3 is applicable, certified by the Pinelands Commission) or shall enforce stormwater control ordinance(s) when conditionally approved by the county review agency upon adoption by the municipality of the amendments specified by the county review agency (and, where N.J.A.C. 7:50-3 is applicable, certified by the Pinelands Commission).
  - ii. Ensure that any residential new development and redevelopment projects that are subject to the Residential Site Improvement Standards 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. 5:21-3).
  - iii. Ensure adequate long-term operation and maintenance of BMPs on property owned or operated by the municipality.
  - iv. Ensure adequate long-term operation and maintenance of BMPs on property not owned or operated by the municipality
  - v. Enforce, through the stormwater control ordinance(s) or a separate ordinance compliance with the standards set forth in Attachment A of the permit to control passage of solid and floatable materials through storm drain inlets for storm drain inlets not installed by the Tier B Municipality.

vi. Comply with the standards set forth in Attachment A of the permit to control passage of solid and floatable materials through storm drain inlets for storm drain inlets the municipality installs within the Tier B Municipality's small MS4.

d. (NEW PERMITTEE) Implementation

i. Upon the effective date of permit authorization, Tier B Municipalities shall for new development and redevelopment projects:

- Ensure that any residential development and redevelopment projects that are subject to the Residential Site Improvement Standards 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. 5:21-3).
- Ensure adequate long-term operation and maintenance of BMPs on property owned or operated by the municipality.

ii. Within 12 months from the effective date of permit authorization, Tier B Municipalities shall:

- Adopt a municipal stormwater management plan (or adopt amendments to an existing municipal stormwater management plan) pursuant to the Stormwater Management Rules (N.J.A.C. 7:8-4) except as provided in iii below;
- Comply with the standards set forth in Attachment A of the permit to control passage of solid and floatable materials through storm drain inlets for storm drain inlets the municipality installs within the Tier B Municipality's small MS4.

iii. Tier B Municipalities within the Pinelands Area as defined by N.J.S.A. 13:18A-11 shall adopt a municipal stormwater management plan (or adopt amendments to an existing municipal stormwater management plan) pursuant to the Stormwater Management Rules (N.J.A.C. 7:8-4) for those areas of the municipality within the Pinelands Area.

iv. Tier B Municipalities partially within the Pinelands Area shall adopt a municipal stormwater management plan (or adopt amendments to an existing municipal stormwater management plan) pursuant to the Stormwater Management Rules (N.J.A.C. 7:8-4) within 12 months from the effective date of permit authorization for those areas of the municipality not within the Pinelands Area.

v. Within 12 months from the adoption of the municipal stormwater management plan, Tier B Municipalities shall adopt a stormwater control ordinance(s) to implement that plan, and shall submit the adopted municipal stormwater management plan and ordinance(s) to the appropriate county review agency for approval pursuant to N.J.A.C. 7:8-4.4 (and, where N.J.A.C. 7:50-3 is applicable, to the Pinelands Commission for certification).

- If a county review agency conditionally approves the adopted municipal stormwater management plan and ordinance(s) the Tier B Municipality shall, within 180 days of the conditional approval, adopt the amendments to the municipal stormwater management plan and ordinance(s) specified by the county review agency and resubmit the amended municipal stormwater management plan and ordinance(s).
- If a county review agency disapproves the adopted municipal stormwater management plan and ordinance(s) the Tier B Municipality shall, within 180 days

of the disapproval, resubmit an amended municipal stormwater management plan and ordinance(s) to the county review agency.

- If the Pinelands Commission disapproves or conditionally certifies the adopted municipal stormwater management plan and ordinance(s) the Tier B Municipality shall submit its modified plan and ordinance(s) to the Pinelands Commission in accordance with N.J.A.C. 7:50-3.

vi. Tier B Municipalities shall enforce stormwater control ordinance(s) when approved by the county review agency (and, where N.J.A.C. 7:50-3 is applicable, certified by the Pinelands Commission) or shall enforce stormwater control ordinance(s) when conditionally approved by the county review agency upon adoption by the municipality of the amendments specified by the county review agency (and, where N.J.A.C. 7:50-3 is applicable, certified by the Pinelands Commission) in accordance with N.J.A.C. 7:8-4.

vii. Within 24 months from the effective date of permit authorization Tier B Municipalities shall:

- Ensure adequate long-term operation and maintenance of BMPs on property not owned or operated by the municipality;
- Enforce, through the stormwater control ordinance(s) or a separate ordinance compliance with the standards set forth in Attachment A of the permit to control passage of solid and floatable materials through storm drain inlets for storm drain inlets not installed by the Tier B Municipality.

### **3. (COMMON) Local Public Education**

a. Local Public Education Program – Tier B Municipalities shall implement a Local Public Education Program that focuses on providing the public with information on the impact of stormwater discharges to surface and ground waters of the State and steps that the public can take to reduce pollutants in stormwater runoff. Appropriate information to be covered during these educational activities shall include, but is not limited to, local stormwater related municipal ordinances (Pet Waste Ordinance, Litter Ordinance, Improper Disposal of Waste Ordinance, Wildlife Feeding Ordinance, and Illicit Connection Ordinance); proper application, storage and disposal of fertilizer and pesticides; home composting and yard waste recycling; use of native or well-adapted vegetation; local stream and/or shoreline restoration activities; watershed education; and general non point source education.

i. Minimum Standard – Tier B Municipalities shall annually conduct educational activities that total a minimum of 10 points. Each approved activity is listed and has been assigned a point value in Attachment B of the permit.

ii. Measurable Goal - Tier B Municipalities shall certify annually that they have accumulated the number of points required to meet the Local Public Education Program minimum standard. Exact dates (e.g., month, day, year) and details of each educational activity (e.g., photos of the mural) shall be reported to the Department in the Annual Report.

iii. (EXISTING PERMITTEE) Implementation - On March 1, 2009 and thereafter, Tier B Municipalities shall develop and begin implementing the Local Public Education Program minimum standard.

iv. (NEW PERMITTEE) Implementation – Within 12 months from the effective date of permit authorization, Tier B Municipalities shall develop a local public education

program and thereafter begin implementing public education activities in accordance with the minimum standard.

b. (EXISTING PERMITTEE) Storm Drain Inlet Labeling Maintenance

- i. Minimum Standard - Tier B Municipalities shall maintain the legibility of all storm drain inlet labels along municipal streets with sidewalks, and all storm drain inlets within plazas, parking areas, or maintenance yards that are operated by the municipality.
- ii. Measurable Goal - Tier B Municipalities shall certify annually that a storm drain inlet labeling maintenance program has been developed and is being implemented.
- iii. Implementation - On March 1, 2009 and thereafter, Tier B Municipalities shall ensure, for the storm drains identified in the minimum standard, that all storm drain inlet labels are being maintained

c. (NEW PERMITTEE) Storm Drain Inlet Labeling

- i. Minimum Standard - Tier B Municipalities shall establish a storm drain inlet labeling program and label all storm drain inlets that are along municipal streets with sidewalks, and all storm drain inlets within plazas, parking areas, or maintenance yards that are operated by the municipality. 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 - Tier B Municipalities 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 each year.
- iii. Implementation - Within 12 months from the effective date of permit authorization, Tier B Municipalities shall develop an inlet labeling program for the storm drains identified in the minimum standard. Tier B Municipalities 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 municipality into two sectors for the purposes of storm drain inlet labeling. Prepare a map of the two sectors. 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.

**4. Fertilizer Management Ordinance**

a. Minimum Standard - Tier B Municipalities identified in the adopted Non-Tidal Passaic River Basin Addressing Phosphorus Impairments TMDL shall adopt and enforce a fertilizer management ordinance, consistent with the model ordinance provided by the Department. (The list of municipalities required to adopt the ordinance is found in the adopted Non-Tidal Passaic River Basin Addressing Phosphorus Impairments TMDL and below)

Morris County – Harding Township  
Somerset County – Far Hills Borough

b. Measurable Goal – Tier B Municipalities, identified in the adopted Non-Tidal Passaic River Basin Addressing Phosphorus Impairments TMDL and above, shall certify annually that they have met the Fertilizer Management Ordinance minimum standard.

- c. Implementation - Within 6 months from the effective date of this permit the Tier B Municipalities, identified in the adopted Non-Tidal Passaic River Basin Addressing Phosphorus Impairments TMDL and above, shall have fully implemented the Fertilizer Management Ordinance minimum standard.

## **G. (COMMON) 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 Tier B Municipality 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. Tier B Municipalities may also implement other stormwater control measures as allowed by statute. These activities are outside the scope of the Tier B stormwater program.

## **H. (COMMON) Deadlines and Certifications**

### **1. (COMMON) Statewide Basic Requirements**

- a. Each SBR contained in Part I, Section F of the permit has a specific implementation schedule. Each SBR shall be implemented in accordance with that schedule. Tier B Municipalities 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 Tier B Municipality 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

### **2. (COMMON) Annual Report and Certification**

- a. Tier B Municipalities 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 contained in Part I, Section F of the permit. This report shall include a certification that the municipality is in compliance with its stormwater

program, 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 Tier B Municipality, 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 municipality between January 1 and December 31 of each reporting year.

## **I. (COMMON) Standard Conditions**

### **1. General Conditions Incorporated by Reference.**

- a. The following general conditions are incorporated by reference. The Tier B Municipality is required to comply with the regulations, which were in effect as of March 1, 2009.
- i. General Permits N.J.A.C. 7:14A-6.13
  - ii. Penalties for Violations N.J.A.C. 7:14-8.1 et seq.
  - iii. Incorporation by Reference N.J.A.C. 7:14A-2.3
  - iv. Toxic Pollutants N.J.A.C. 7:14A-6.2(a)4i
  - v. Duty to Comply N.J.A.C. 7:14A-6.2(a)1 & 4
  - vi. Duty to Mitigate N.J.A.C. 7:14A-6.2(a)5 & 11
  - vii. Inspection and Entry N.J.A.C. 7:14A-2.11(e)
  - viii. Enforcement Action N.J.A.C. 7:14A-2.9
  - ix. Duty to Reapply N.J.A.C. 7:14A-4.2(e)3
  - x. Signatory Requirements for Apps and Reports N.J.A.C. 7:14A-4.9
  - xi. Effect of Permit/Other Laws N.J.A.C. 7:14A-6.2(a)6 & 7 & 2.9(c)
  - xii. Severability N.J.A.C. 7:14A-2.2
  - xiii. Administrative Continuation of Permits N.J.A.C. 7:14A-2.8
  - xiv. Permit Actions N.J.A.C. 7:14A-2.7(c)
  - xv. Reopener Clause N.J.A.C. 7:14A-6.2(a)10, 16.4(b) & 25.7(b)
  - xvi. Permit Duration and Renewal N.J.A.C. 7:14A-2.7(a) & (b)
  - xvii. Consolidation of Permit Process N.J.A.C. 7:14A-15.5
  - xviii. Confidentiality N.J.A.C. 7:14A-18.2 & 2.11(g)

- xix. Fee Schedule N.J.A.C. 7:14A-3.1
  - xx. UIC Corrective Action N.J.A.C. 7:14A-8.4
  - xxi. Additional Conditions Applicable to UIC Permits N.J.A.C. 7:14A-8.9
  - xxii. UIC Operating Criteria N.J.A.C. 7:14A-8.16
- b. Operation and Maintenance
- i. Need to Halt or Reduce not a Defense N.J.A.C. 7:14A-2.9(b)
  - ii. Proper Operation and Maintenance N.J.A.C. 7:14A-6.12
- c. Monitoring and Records
- i. Monitoring N.J.A.C. 7:14A-6.5
  - ii. Recordkeeping N.J.A.C. 7:14A-6.6
  - iii. Signatory Requirements for Monitoring Reports N.J.A.C. 7:14A-6.9
  - iv. Reporting Requirements
  - v. Planned Changes N.J.A.C. 7:14A-6.7
  - vi. Reporting of Monitoring Results N.J.A.C. 7:14A-6.8
  - vii. Noncompliance Reporting N.J.A.C. 7:14A-6.10 & 6.8(h)
  - viii. Hotline/Two Hour & Twenty-four Hour Reporting N.J.A.C. 7:14A-6.10(c) & (d)
  - ix. Written Reporting N.J.A.C. 7:14A-6.10(e) & (f) & 6.8(h)
  - x. Duty to Provide Information N.J.A.C. 7:14A-2.11, 6.2(a)14 & 18.1
  - xi. Compliance Schedules N.J.A.C. 7:14A-6.4
  - xii. Transfer N.J.A.C. 7:14A-6.2(a)8 & 16.2
- d. Copies of the NJPDES rules may be purchased by contacting West Group, St. Paul, Minnesota, 1-800-808-WEST.

## **J. (COMMON) Additional Conditions**

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

- a. The Tier B municipality shall keep records required by this general permit for at least five years from the date of the record. The municipality shall submit these records to the Department if requested.
- b. Upon review by an authorized representative, the Department may notify the Tier B Municipality at any time that the stormwater program does not meet one or more of the minimum requirements. Within 30 days after receiving such notification (unless otherwise specified by the Department), the stormwater program shall be amended to adequately address all deficiencies, and written certification of such amendments shall be submitted to the Department.
- c. Tier B Municipalities shall make records required by this permit 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 Tier B Municipality is exempt from the requirement to prepare an operations and maintenance manual.

## **Attachment A**

### **Design Standard - Storm Drain Inlets**

This standard applies to storm drain inlets installed as part of new development and redevelopment projects (public or private) that disturb one acre or more. In addition, retrofitting of existing storm drain 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 Tier B Municipality. 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 drain 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*

1. 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 B**

### **Local Public Education Approved Activities and Point Totals**

**A. Tier B Municipalities shall conduct educational activities that total a minimum of 10 points annually. Each approved activity is listed below with an assigned point value.**

1. **School Presentations** - Present educational classes/assemblies to local elementary, middle, and/or high school classes. (1 point per visit / maximum of 5 points per year)
2. **Website** – Maintain a stormwater related page on the municipal website and include a link to [www.cleanwaternj.org](http://www.cleanwaternj.org). (1 point)
3. **Stormwater Display** – Present a stormwater related display and materials at any municipal event (e.g., Earth Day, town picnic) or maintain a display at the municipal building (2 points)
4. **Giveaway** – Distribute an item with a stormwater related message (e.g., refrigerator magnets, temporary tattoos, bookmarks, coloring books, and pens or pencils). Municipality must purchase a minimum number of the item equal to 10% of the municipal population. (2 points)
5. **Citizen Stormwater Advisory Committee** – Establish a subcommittee to the Environmental Commission to identify, coordinate and implement stormwater related programs. (2 points)
6. **Utilize Department Materials** - Use Department created stormwater education materials, which can be found on [www.cleanwaternj.org](http://www.cleanwaternj.org) to publish an ad in a newspaper that serves the municipality; broadcast a radio or television commercial on a local radio or municipal public service channel; produce a billboard or sign which can be displayed on a bus, bus stop shelter, or at a recreation field (outfield sign). (2 points each / maximum of 4 points per year)
7. **Poster Contest** – Organize a poster contest with a local school district. Poster themes shall have an appropriate stormwater message. Posters are to be displayed at buildings within the municipality such as at the town hall, library, or school. (2 points)
8. **Stormwater Training for Elected Municipal Officials** – Conduct a program for all elected municipal officials which educates them on the stormwater management rules, Tier B Permit and what steps the municipality has already taken to minimize stormwater pollution. (3 points)
9. **Mural** – Facilitate the planning and painting of a stormwater pollution themed mural at a local downtown/commercial area. (3 points)
10. **Mailing** – Distribute any of the Department’s educational brochures, tip cards, or a municipally produced equivalent (e.g, calendar, recycling schedule), to every resident and business in the municipality. (3 points)
11. **Partnership Agreement / Local Event** - Identify and enter into a partnership agreement with a local group such as a watershed organization, Riverkeeper, school, youth/faith based group and/or other nonprofit to carry out a minimum of two (2) watershed stewardship/education activities (e.g., litter march, stream/beach cleanup). (3 points)
12. **Ordinance Education** – Distribute a letter from the mayor to every resident and business in the municipality highlighting the requirements and environmental benefits of the Pet Waste, Litter, Improper Disposal of Waste, Wildlife Feeding, Yard Waste and Illicit Connection Ordinances. This letter/article must also reference a page on the municipal website (if applicable) to which residents can go to read these ordinances. (5 points)

\* Posting these ordinances does not constitute the development of a website referenced above.