

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

**FACT SHEET**

**Masterfile #:** Varies

**PI #:** Varies

This fact sheet sets forth the principal facts and the significant factual, legal, and policy considerations examined during preparation of the draft permit. This action has been prepared in accordance with the New Jersey Water Pollution Control Act and its implementing regulations at N.J.A.C. 7:14A-1 et seq. - The New Jersey Pollutant Discharge Elimination System (NJPDES).

**PERMIT ACTION: Basic Industrial Stormwater General Permit, NJ0088315**

**1 Name and Address of the Applicant:**

Varies - Statewide

**2 Name and Address of the Facility/Site:**

Varies – Statewide

**3 Objective of Permit Action:**

The objective of this regulatory action is to renew an expired New Jersey Pollutant Discharge Elimination System (NJPDES) general permit, namely the Basic Industrial Stormwater General Permit, under NJ0088315.

**4 Regulatory Authority and Permitting History:**

Under the Federal Water Pollution Control Act (1972), amended by the Clean Water Act (1977) and the Water Quality Act (1987), a facility with a stormwater discharge associated with industrial activity shall obtain a National Pollutant Discharge Elimination System (NPDES) permit. In order to comply with the Federal Water Pollution Control Act, the United States Environmental Protection Agency (USEPA) published the regulatory definition for “stormwater discharges associated with industrial activity, ” on November 16, 1990.

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 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 October 1, 1992, as part of those rule amendments, the Department issued the Basic Industrial Stormwater General Permit No. NJ0088315 (general permit), authorizing stormwater discharges associated with a broad range of industrial activities. In 1996 and 1997, the Department proposed and adopted further changes to the NJPDES rules. As part of those rule changes, the Department revoked and reissued the general permit, as N.J.A.C. 7:14A-11, Appendix A.

The general permit, which authorized discharges of industrial stormwater to surface water, first became effective on November 2, 1992, and was revoked and reissued effective May 5, 1997. Background discussions, explaining the origin and basis for the general permit and other NJPDES rule amendments, are provided in the Department's fact sheets for the draft general permit (dated June 5, 1992 and February 5,

1996), and in the New Jersey Register notices for the proposal and adoption of NJPDES rule changes (see 24 N.J.R. 2352(a), 4088(a), 4364(a), 4522(a); 25 N.J.R. 687(a) 28 N.J.R. 320(a), 29 N.J.R. 1704 (a), 3822(a), and 30 N.J.R. 340(a)).

Effective January 22, 2002, the text of the general permit was removed from the NJPDES rules (through the deletion of N.J.A.C. 7:14A-11.5(j) and the repeal of N.J.A.C. 7:14A-11 Appendix A; see 33 N.J.R. 3636(a), 34 N.J.R. 595(a)). The general permit remained in full force and effect.

The general permit expired on January 31, 2002. In accordance with N.J.A.C 7:14A-2.8, the conditions of an expired permit continue in force until the effective date of the final renewal permit. The Department renewed the general permit with an effective date of June 1, 2002. The renewal incorporated a number of changes. The most significant change included the regulation of industrial stormwater discharges to groundwater. Authority for regulating industrial stormwater discharges to groundwater comes from the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. and N.J.A.C. 7:14A-7. This modification to the general permit also required changes to the term “stormwater discharges associated with industrial activity” since that term refers to surface water discharges only and required changes to the definition of “source material”. A less significant change was to the format of the general permit to facilitate the Department’s new database management system.

The general permit again expired on May 31, 2007. The Department renewed the permit with an effective date of June 1, 2007. The renewal permit incorporated a number of changes. The most significant change included the temporary authorization to discharge equipment and vehicle wash wastewater until May 31, 2009. Other changes included the addition of several definitions, the requirement that a separate RFA be submitted for each operating entity, the inclusion of a Table of Contents, and additional Stormwater Pollution Prevention Plan (SPPP) requirements including the requirement that facilities perform mandatory annual employee training.

The general permit again expired on May 31, 2012. The Department renewed the permit with an effective date of June 1, 2012. The renewal permit incorporated a number of changes. The most significant change included the distinction between new facilities and existing facilities being removed and thus both have been defined as “newly authorized facilities”. Other changes included the deletion of Equipment and Vehicle Washing section as this discharge was eliminated on May 31, 2009 and the deletion of references to the Incident of Noncompliance Report Form as well as the expansion of the definition of “process wastewaters”. The contents of a completed Request for Authorization now include a NJPDES-1 Form and a Supplemental Form. Several additional Stormwater Pollution Prevention Plan (SPPP) requirements were added including the preparation and implication of a SPPP within six (6) months for “newly authorized facilities” and monthly maintenance inspections.

## **5 Summary of Proposed Permit:**

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Consistent with previous drafts, the proposed general permit requires that every facility authorized shall eliminate the exposure of source materials and/or industrial activity to stormwater discharges. No major changes have been proposed in the renewal general permit. However, several modifications have been incorporated and include:

1. In accordance with the USEPA Electronic Reporting Rule, the documents below will be required to be electronically submitted to the NJDEP effective December 21, 2020:
  - a. General permit authorization requests (i.e. RFAs)

- b. General permit termination/revocation requests
  - c. Certification Forms
  2. Reference to the definition of “Stormwater Discharges Associated with Industrial Activity” is included to provide clarification to facilities in determining if they require a NJPDES permit for industrial stormwater discharges;
  3. Definition for SIC Code has been included;
  4. The contents of a completed Request for Authorization have been changed and include the following:
    - a. Site Map.
  5. A new email address has been established to receive electronic submission of annual certifications.
- In addition, the draft general permit intends to simplify and reorganize the permit language.

Changes outside of the general permit requirements include the following:

1. The 5G2 Certification Form has been updated to include a list of permit requirements to be reviewed and checked by the permittee. These requirements will assist facilities in understanding their permit and attaining permit compliance.

## **7 Volume and Quality of Stormwater Discharges:**

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The volume and quality of stormwater discharges associated with industrial activity will depend on a variety of factors, including the industrial activities occurring at the facility, the nature of precipitation, and the degree of surface imperviousness. Stormwater may pick up pollutants from structures and other surfaces. In addition, sources of pollutants other than stormwater, such as illicit connections, spills, and other improperly disposed materials may increase the pollutant loads discharged from separate storm sewers. The sources that contribute pollutants to stormwater discharges vary with the type of industrial operation and facility-specific features.

Six activities were identified in the fact sheet for the USEPA draft (1993) Multi-Sector Storm Water General Permit as major sources of pollutants in stormwater discharges associated with industrial activity: (1) loading or unloading of dry bulk materials or liquids; (2) outdoor storage of raw materials or products; (3) outdoor process activities; (4) dust or particulate generating processes; (5) illicit connections or management practices; and (6) waste disposal practices. The USEPA fact sheet contains further general discussion of these six industrial activities, and the fact sheets for the USEPA draft (1993) and final (1995) Multi-Sector Storm Water General Permit also contain specific discussions of pollutant sources in the 29 identified industrial sectors.

As in the existing General Permit NJ0088315, the draft renewal permit addresses these major sources through best management practices (BMPs) required in the stormwater pollution prevention plan. Under the draft renewal permit, BMPs must be designed to eliminate the exposure of source materials and/or industrial activity to stormwater discharges. Implementation of such BMPs will generally ensure that source materials and illicit discharges from industrial activities do not contribute pollutants to stormwater discharges.

## **8 Permit Eligibility:**

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The Basic Industrial Stormwater General Permit applies to all areas of the State of New Jersey and authorizes industrial stormwater discharges to the surface and/or ground waters of the State from facilities that can eliminate the exposure of source materials and/or industrial activity to stormwater discharges, except for the following:

- i. Stormwater discharges subject to federal effluent guideline limitations for stormwater (see 40 CFR Subchapter N);
- ii. Stormwater discharges authorized under another NJPDES Discharge to Surface Water or Discharge to Ground Water permit (including an expired permit), or combined with domestic wastewater or process wastewater prior to treatment;
- iii. Stormwater discharges that require authorization under NJPDES Permit No. NJ0088323 (a separate general permit for stormwater discharges from certain construction activities);
- iv. Stormwater discharges from facilities with active "sanitary landfills" as defined in N.J.A.C. 7:26-1.4 or hazardous waste landfills subject to N.J.A.C. 7:26G, unless those landfills have been closed in compliance with N.J.A.C. 7:26-2A.9 (the Solid Waste rules) or N.J.A.C. 7:26G (the Hazardous Waste rules), the appropriate certifications have been submitted in accordance with N.J.A.C. 7:26 or N.J.A.C. 7:26G, and the landfills are not disrupted in a manner that exposes solid waste to the stormwater discharge and/or the landfill is not disrupted. Such closed landfills are eligible for authorization under this permit; and
- v. Stormwater discharges from projects or activities that conflict with an adopted Water Quality Management plan.

## **9 Description and Procedures for Reaching a Final Decision on the Draft Action:**

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Please refer to the procedures described in the public notice published in the DEP Bulletin. In addition to the DEP Bulletin, the public notice for this permit action is published in the following newspapers:

*The Trenton Times*      *The Star Ledger*      *The Atlantic City Press*

All comments submitted to the Department within the public comment period will be considered and addressed in the final permit.

## **10 Contact Information:**

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If you have any questions regarding the permit action, please contact Daniel Kuti of the Bureau of Nonpoint Pollution Control at (609) 633-7021 or via e-mail at [Daniel.Kuti@dep.nj.gov](mailto:Daniel.Kuti@dep.nj.gov).

## **11 Requested Variances of Alternatives to Required Standards:**

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

## **12 Contents of the Administrative Record:**

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

### **Rules and Regulations:**

1. 33 U.S.C. 1251 et seq., Federal Water Pollution Control Act. <sup>[C]</sup>
2. 40 CFR Part 131, Federal Water Quality Standards. <sup>[A][C]</sup>
3. 40 CFR Part 122, National Pollutant Discharge Elimination System. <sup>[C]</sup>
4. N.J.S.A. 58:10A-1 et seq., New Jersey Water Pollution Control Act. <sup>[A][B]</sup>
5. N.J.A.C. 7:14A-1 et seq., New Jersey Pollutant Discharge Elimination System Regulations. <sup>[A][B]</sup>
6. N.J.A.C. 7:9B-1 et seq., New Jersey Surface Water Quality Standards. <sup>[A][B]</sup>

**Guidance Documents / Reports:**

1. EPA's Multi Sector General Permit Development Document available on the web at [www.cfpub.epa.gov/npdes/stormwater/msgp.cfm](http://www.cfpub.epa.gov/npdes/stormwater/msgp.cfm).<sup>[C]</sup>
2. Fact Sheet for the Revocation and Reissuance of NJPDES General Permit No. NJ0088315, February 5, 1996.<sup>[A]</sup>
3. Fact Sheet for the Draft Renewal of NJ0088315, March 13, 2002.<sup>[A]</sup>
4. Fact Sheet for the Draft Renewal of NJ0088315, March 7, 2007.<sup>[A]</sup>
5. Fact Sheet for the Draft Renewal of NJ0088315 September 5, 2012.<sup>[A]</sup>

**Permits / Applications:**

1. NJPDES NJ0088315 Basic Industrial Stormwater General Permit issued for stormwater discharges to surface water effective November 2, 1992.<sup>[A]</sup>
2. NJPDES NJ0088315 Basic Industrial Stormwater General Permit renewed for stormwater discharges to surface water effective May 5, 1997.<sup>[A]</sup>
3. NJPDES NJ0088315 Basic Industrial Stormwater General Permit renewed and expanded to cover surface water and groundwater discharges dated June 1, 2002.<sup>[A]</sup>
4. NJPDES NJ0088315 Basic Industrial Stormwater General Permit renewed for surface water and groundwater discharges dated June 1, 2007.<sup>[A]</sup>
5. NJPDES NJ0088315 Basic Industrial Stormwater General Permit renewed for surface water and groundwater discharges dated June 1, 2012.<sup>[A]</sup>

**Footnotes:**

- [A] Denotes items that may be found in the NJPDES/DSW Administrative Record Library located in the NJDEP Central File Room, 401 East State Street, Trenton, New Jersey.
- [B] Denotes items that may be found on the New Jersey Department of Environmental Protection website located at [www.state.nj.us/dep](http://www.state.nj.us/dep).
- [C] Denotes items that may be found on the United States Environmental Protection Agency (USEPA) website at [www.epa.gov](http://www.epa.gov).