



State of New Jersey

CHRIS CHRISTIE
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Mail Code – 401-02B
Division of Water Quality
Bureau of Surface Water Permitting
P.O. Box 420 – 401 E State St
Trenton, NJ 08625-0420
Phone: (609) 292-4860 / Fax: (609) 984-7938

BOB MARTIN
Commissioner

KIM GUADAGNO
Lt. Governor

Via Email Only
August 23, 2017

To: Distribution List

Re: Final NJPDES Discharge to Surface Water Master General Permit (GP) Renewal - Statewide
Category: B6 - Swimming Pool Discharge GP
NJPDES Permit No. NJ0128589

Enclosed is a **final** New Jersey Pollutant Discharge Elimination System (NJPDES) permit action identified above which has been issued in accordance with N.J.A.C. 7:14A. Comments were received on the draft permit issued on March 1, 2017. The thirty (30) day public comment period began on March 1, 2017 when the public notice was published in the *DEP Bulletin*, *The Press of Atlantic City*, *Star Ledger* and *The Trenton Times*. It ended on March 30, 2017. This permit renewal authorizes the discharge to a surface waterbody resulting from the draining of pool water and/or filter backwash from any municipal, commercial, non-residential or community (e.g., townhouses and condominiums) swimming pools.

A summary of the significant and relevant comments received on the draft action during the public comment period, the Department's responses, and an explanation of any changes from the draft action have been included in the Response to Comments document attached hereto as per N.J.A.C. 7:14A-15.16.

Any requests for an adjudicatory hearing shall be submitted in writing by certified mail, or by other means which provide verification of the date of delivery to the Department, within 30 days of receipt of this Surface Water Master General Permit Renewal in accordance with N.J.A.C. 7:14A-17.2. You may also request a stay of any contested permit condition, which must be justified as per N.J.A.C. 7:14A-17.6 et seq. The adjudicatory hearing request must be accompanied by a completed Adjudicatory Hearing Request Form; the stay request must be accompanied by a completed Stay Request Form. Copies of these forms can be downloaded from the Department's website at <http://www.nj.gov/dep/dwq>.

As per N.J.A.C. 7:14A-4.2(e)3, any person planning to continue discharging after the expiration date of an existing NJPDES permit shall file an application for renewal at least 180 calendar days prior to the expiration of the existing permit.

Questions or comments regarding the final action should be addressed to Tara Klimowicz or Dwayne Kobesky via email at swimmingpoolgp@dep.nj.gov or by phone at (609) 292-4860.

Sincerely,

Melisse Carasia Auriti, Section Chief
Bureau of Surface Water Permitting

Enclosures

cc: Permit Distribution List, Masterfile #: 39609; PI #: 50577

Fncv_dsw.rtf -04/2011

New Jersey is an Equal Opportunity Employer
Recycled Paper

Table of Contents for the Final Permit

This permit package contains the items below:

- 1. Cover Letter**
- 2. Table of Contents**
- 3. Response to Comments**
- 4. NJPDES Permit Authorization Page – Master Permit Page**
- 5. Part I – General Requirements: NJPDES**

New Jersey Department of Environmental Protection
Division of Water Quality
Bureau of Surface Water Permitting

RESPONSE TO COMMENTS

Comments were received on the NJPDES draft Surface Water Master General Permit Renewal No. NJ0128589 issued on March 1, 2017. The thirty (30) day public comment period began on March 1, 2017 when the Public Notice was published in the *DEP Bulletin*, *The Press of Atlantic City*, *Star Ledger* and *The Trenton Times*. It ended on March 30, 2017. The following person commented during the public comment period:

A. Charles R. Dutill, II, P.E, Heritage Technical Services, Inc., in a letter dated March 30, 2017.

A summary of the timely and significant comments received, the New Jersey Department of Environmental Protection's (Department) responses to these comments, and an explanation of any changes from the draft action have been included below:

1. COMMENT:

Per Section B.1.h. of (the 2005) draft permit, now Part I – Section 2.d.ii, the discharges eligible for authorization under this permit may not be discharged to certain Shellfish waters consistent with the *Shellfish Growing Water Classification Charts*, which are updated annually in accordance with N.J.A.C 7:12-1 et seq. Per Section B.1.l., shellfish waters are defined in N.J.A.C. 7:9B-1.4 as; “those waters classified as Approved, Seasonally Approved, Special Restricted, Seasonally Special Restricted or Condemned that support or possess the potential to support shellfish which are within the Coastal Area Facility Review Act (C.A.F.R.A.) zone as delineated in 1973.” Shellfish waters exclusion locations are consistent with the Shellfish Growing Water Classification Charts, which are updated annually in accordance with N.J.A.C. 7:12-1 et seq.

RESPONSE:

The information provided by the commenter is correct. As stated on the Department's website, at <http://www.nj.gov/dep/bmw/waterclass.htm>, each year the Bureau of Marine Water Monitoring (BMWM) collects approximately 12,000-15,000 water samples and analyzes these samples at its laboratory facilities in Leeds Point, NJ. In addition, BMWM staff regularly perform field surveys of the coastal shoreline to monitor any actual or potential pollution sources. This information is reviewed each year in order to update the classification of the state's coastal waters for shellfish harvest.

No change has been made to the final permit as a result of this comment.

2. COMMENT:

It is understood that waters are classified for shellfishing based significantly on bacteriological water quality (i.e., coliform levels being sufficiently low), and that chlorine is not an issue of concern per se. Classification is determined based upon the factors that directly affect the safety of shellfish that may be harvested from waters of the State and subsequently consumed. The following factors are considered: ambient bacteriological water quality (e.g. total coliform levels); hydrological characteristics; and a shoreline survey and assessment, including location of pollution sources such as permitted point sources, non-point sources, marinas and other recreational areas, agriculture areas, and areas of wildlife usage, as well as characteristics of various pollution sources and land use patterns. These classifications result from sanitary surveys conducted by the Department's BMWM, in accordance with the Food and Drug Administration as well as the National Shellfish Sanitation Program (NSSP) guidelines and regulations. (The purpose of the NSSP is to promote and

improve the sanitation of shellfish moving in interstate commerce through federal/state cooperation and uniformity of State shellfish programs.) Waters are characterized and depicted in one of four ways, based on the probable presence or absence of pathogenic microorganisms, marine biotoxin, or other poisonous or deleterious substances in the growing area waters, comprising: Approved (approved for year-round harvest of shellfish, i.e. oysters, clams, and mussels); Seasonal (approved for harvest of shellfish only during a specified “season” of the year, e.g. November-April); Special Restricted (waters are moderately polluted and harvesting is only permitted with further purification prior to consumption); and Prohibited (waters are condemned for the year-round harvest of shellfish).

RESPONSE:

The commenter has accurately summarized the process of classifying shellfish waters. The Department’s BMWM routinely samples and analyzes stations in shellfish growing areas throughout NJ for fecal coliform levels. As mentioned in the comment, shellfish growing water classification is based on the presence of the bacterial indicator fecal coliforms.

No change has been made to the final permit as a result of this comment.

3. COMMENT:

Based on the above, Seasonally Approved areas (N.J.A.C. 7:12-4) should be acceptable for pool water discharges occurring when seasonal (special) restrictions are in place (i.e., when the waters are classified as Special Restricted). In other words, pool water discharges should be acceptable during periods when shellfishing is not permitted.

RESPONSE:

An applicant may be allowed to discharge to a seasonally approved area based on a case by case determination by the BMWM. The impact that any discharge may have can be evaluated by knowing the volume, duration and frequency of the discharge in relation to the volume and flushing capacity (dilution) of the receiving waters and the type of water being discharged (e.g. pool water, filter backwash). A determination is also made as to whether a buffer is necessary.

No change has been made to the final permit as a result of this comment.

4. COMMENT:

Special Restricted areas (N.J.A.C. 7:12-3) are those for which shellfishing is conditionally approved in conjunction with depuration of shellfish, due to minor or limited increased coliform levels in these areas. Based on the above, these areas should be acceptable for pool water discharges, since sanitary purification of the shellfish is already required prior to consumption.

RESPONSE:

No notification or approval from the BMWM is required to discharge to Restricted areas. This determination is not dependent upon whether sanitary purification is occurring or not.

No change has been made to the final permit as a result of this comment.

5. COMMENT:

Based on the above (including that one key to shellfish classifications is the level of coliform bacteria and that the Department is not concerned with chlorine per se in discharges to shellfish waters), there is not a significant reason to restrict pool water discharges to Approved shellfish waters (growing areas suitable for the year-round harvest of shellstock for direct human consumption). In fact, if a chlorine residual were allowed in pool water discharged to these waters (or waters with other classifications), it would help with any minor levels of fecal contamination. It should be remembered in this regard that not long before such pool water is being discharged, it was completely safe for people to be fully immersed in this water, with the associated recognition that some ingestion of such pool water occurs by those swimming in it.

RESPONSE:

The Department agrees that swimming pool chlorination, will reduce the likelihood of causing a bacterial issue through discharge to shellfish growing waters. However, chlorination, is not as effective at the removal of viral contamination that may be introduced to pool water by bathers. In addition, the permit also addresses the discharge of filter backwash which can introduce the concentrated particles from the filter, which can contain many different contaminants (deleterious substances), dependent on the filter type, this includes pathogens. As stated in the response to comment 3 above, the impact that any discharge may have, can be evaluated by knowing the volume, duration and frequency of the discharge in relation to the volume and flushing capacity (dilution) of the receiving waters. As a result, the Bureau of Surface Water Permitting (BSWP) in conjunction with the BMWM have determined the most appropriate way to handle a swimming pool discharge to Shellfish waters is to have the applicant receive approval from the BMWM prior to applying for approval from the BSWP. This is stated on page 9 of 11 in Fact Sheet of the Draft Permit, issued on March 1, 2017.

No change has been made to the final permit as a result of this comment.

6. COMMENT:

Based on the above, there should be no “buffer” for pool water discharges to Prohibited areas (N.J.A.C. 7:12-2); that is, a pool water discharge to a Prohibited area, even if immediately adjacent to an Approved area, should still be acceptable.

RESPONSE:

An applicant is allowed to discharge to Prohibited areas without approval from BMWM and no buffer is necessary.

No change has been made to the final permit as a result of this comment.

B. This final permit serves to incorporate minor Department initiated administrative changes:

1) To clarify specifically when swimming pool discharge to Shellfish waters of the State must obtain approval from the BMWM, the Department has revised and added language to Part I- Section B.2.d.ii of the Final Master General Permit. It is noted that since this language was also included in the Fact Sheet and the Fact Sheet is not part of the Final Permit, this document serves to amend the administrative record. The existing draft language is in strikethrough while the new final language is in underline.

The Draft Permit Part I – Section B.2.d.ii. (Page 5 of 11) included the following language:

ii. ~~This general permit does not authorize discharges into certain Shellfish waters to be determined by the Department on a case-by-case basis. Shellfish waters exclusion locations are consistent with the current Shellfish Growing Water Classification Charts, which are updated annually in accordance with N.J.A.C. 7:12-1 et seq. These charts may be obtained online at www.nj.gov/dep/bmw/waterclass.htm or from the Bureau of Marine Water Monitoring at (609) 748-2000 located at P.O. Box 405, Stoney Hill Road, Leeds Point, New Jersey 08220 or from any shellfish agency, shellfisheries office or the marine police. Furthermore, any discharge to a Shellfish water must receive approval from the Bureau of Marine Water Monitoring prior to submitting the NJPDES Form 1 and B6 Supplemental Form to be authorized under this permit.~~

The Final Permit Part I – Section B.2.d.ii. (Page 5 of 11) will now include the following language:

ii. The Department’s Bureau of Marine Water Monitoring (BMWM) will determine on a case-by-case basis, the applicant’s ability to discharge to approved or seasonally approved shellfish waters by considering the volume, duration and frequency of the discharge compared to the dilution capacity of the receiving waters. Therefore, any discharge to approved or seasonally approved shellfish waters must receive approval from the BMWM prior to submitting the NJPDES Form-1 and B6 Supplemental Form to the Bureau of Surface Water Permitting (BSWP) to be authorized under this permit. However, any discharge to restricted or prohibited shellfish waters does not need to notify or obtain approval from the BMWM prior to submitting a request to the BSWP to be authorized under this permit. Shellfish water classifications are found in the current Shellfish Growing Water Classification Charts, which are updated annually in accordance with N.J.A.C. 7:12-1 et seq. These charts may be obtained from the Bureau of Marine Water Monitoring, PO Box 405, Stoney Hill Road, Leeds Point, NJ 08220 or from any shellfish agency, shellfisheries office, or the marine police. This information is also available online at the Department’s website at <http://www.nj.gov/dep/bmw/waterclass.htm>. For further clarification and/or information, please contact the BMWM at (609) 748-2000.

2) Part I – Section B.2.b.iii. (Page 3 of 11): Sanitary “sewer” flushing will be corrected to Sanitary “sewer” flushing.

3) Part I – Section C. 2.a. (Page 6 of 11): A typographical error has been corrected in the following condition: “The discharge shall not contain toxic pollutants in toxic amounts...For discharges to SC waters, the natural pH conditions ~~should~~ shall prevail...”

4) Part I – Section C.2.d. (page 6 of 11): A typographical error has been corrected in the following condition: “The water used to backwash the filter ~~should~~ shall also be retained or discharged over a grassy area so any solids can settle out and can be removed (or filtered) prior to discharging the water. The solids, residue or sediment shall not be discharged to a waterway and shall be removed (i.e., discharged to a POTW, disposed of as solid waste, etc.) prior to discharging the filter backwash water to the receiving water classified as C2 waters.”

5) Part I – Section C. 3.f. and g. (Page 7 of 11): The requirements for “f” and “g” inadvertently contained the same language. As a result, Part I – Section C.3.g. has been deleted to avoid confusion.

6) Part I – Section D.2.a.i. (Page 9 of 11): The zip code for the Northern Bureau of Water Compliance and Enforcement will be changed from “07928-1112” to “07927”.

7) The Draft Permit Fact Sheet – Section 10 - Contents of the Administrative Record: Guidance Documents / Reports: #8 (Page 11 of 11): The following website has been updated:

#8. General Permit for Discharges from Swimming Pools & Spas from the Maryland Department of the Environment website at:

http://www.mde.maryland.gov/programs/Permits/WaterManagementPermits/WaterDischargePermitApplications/Pages/Permits/watermanagementpermits/water_applications/swimmingpools.aspx

will be changed to

<http://mde.maryland.gov/programs/Permits/WaterManagementPermits/Pages/swimmingpools.aspx>

Since the Fact Sheet is not part of the Final permit, this response serves to amend the administrative record.



NEW JERSEY POLLUTANT DISCHARGE ELIMINATION SYSTEM

The New Jersey Department of Environmental Protection hereby grants you a NJPDES permit for the facility/activity named in this document. This permit is the regulatory mechanism used by the Department to help ensure your discharge will not harm the environment. By complying with the terms and conditions specified, you are assuming an important role in protecting New Jersey's valuable water resources. Your acceptance of this permit is an agreement to conform with all of its provisions when constructing, installing, modifying, or operating any facility for the collection, treatment, or discharge of pollutants to waters of the state. If you have any questions about this document, please feel free to contact the Department representative listed in the permit cover letter. Your cooperation in helping us protect and safeguard our state's environment is appreciated.

Permit Number: NJ0128589
Final: Surface Water Master General Permit Renewal

Permittee:

NJPDES Master General Permit Program Interest
 Category B6
 Per Individual Notice of Authorization
 Division of Water Quality
 Mail Code: 401-02B
 PO Box 420
 401 East State Street
 Trenton, NJ 08625-0420

Property Owner:

NJPDES Master General Permit Program Interest
 Category B6
 Per Individual Notice of Authorization
 Division of Water Quality
 Mail Code: 401-02B
 PO Box 420
 401 East State Street
 Trenton, NJ 08625-0420

Location Of Activity:

NJPDES Master General Permit Program Interest
 Category B6
 Per Individual Notice of Authorization
 Division of Water Quality
 Mail Code: 401-02B
 PO Box 420
 401 East State Street
 Trenton, NJ 08625-0420

Authorization(s) Covered Under This Approval	Issuance Date	Effective Date	Expiration Date
B6 - Swimming Pool Discharge (GP)	8/23/2017	10/1/2017	9/30/2022

By Authority of:
Commissioner's Office

DEP AUTHORIZATION
Melisse Carasia Auriti, Section Chief
Bureau of Surface Water Permitting
Division of Water Quality

(Terms, conditions and provisions attached hereto)

PART I

NARRATIVE REQUIREMENTS

Swimming Pool Discharges (GP)

A. GENERAL REQUIREMENTS FOR AUTHORIZATION UNDER THE NJPDES DISCHARGE TO SURFACE WATER GENERAL MASTER SWIMMING POOL DISCHARGE GENERAL PERMIT (GP) (NJ0128589)

1. Requirements Incorporated by Reference

- a. The permittee shall comply with all conditions set forth in this permit and with all the applicable requirements incorporated into this permit by reference.
- b. General Conditions
 - i. Penalties for Violations - N.J.A.C. 7:14-8.1 et seq
 - ii. Incorporation by Reference - N.J.A.C. 7:14A-2.3
 - iii. Toxic Pollutants - N.J.A.C. 7:14A-6.2(a)4i
 - iv. Duty to Comply N.J.A.C. 7:14A-6.2(a)1 & 4
 - v. Duty to Mitigate - N.J.A.C. 7:14A-6.2(a)5, 6.2(a)11
 - vi. Inspection and Entry - N.J.A.C. 7:14A-2.11(e)
 - vii. Enforcement Action - N.J.A.C. 7:14A-2.9
 - viii. Signatory Requirements for Applications and Reports N.J.A.C. 7:14A-4.9
 - ix. Effect of Permit/Other Laws - N.J.A.C. 7:14A-2.9(c), 6.2(a)6&7
 - x. Severability - N.J.A.C. 7:14A-2.2(b)
 - xi. Administrative Continuation of Permits N.J.A.C. 7:14A-2.8
 - xii. Permit Actions - N.J.A.C. 7:14A-2.7(c)
 - xiii. Permit Duration - N.J.A.C. 7:14A-2.7(a)
 - xiv. Confidentiality N.J.A.C. 7:14A-18.2 & 2.11(g)
 - xv. Treatment Works Approval - N.J.A.C. 7:14A-22 & 23
 - xvi. General Permits - N.J.A.C. 7:14A-6.13
- c. Operation and Maintenance
 - i. Need to Halt or Reduce not a Defense - N.J.A.C. 7:14A-2.9(b)

Swimming Pool Discharges (GP)

- ii. Proper Operation and Maintenance - N.J.A.C. 7:14A-6.12(a)
- d. Monitoring And Records
 - i. Monitoring N.J.A.C. 7:14A-6.5
 - ii. Record Keeping - N.J.A.C. 7:14A-6.6
 - iii. Signatory Requirements for Monitoring Reports - N.J.A.C. 7:14A-6.9
- e. Reporting Requirements
 - i. Planned Changes - N.J.A.C. 7:14A-6.7
 - ii. Noncompliance Reporting - N.J.A.C. 7:14A-6.10
 - iii. Hotline/Two Hour & Twenty-four Hour Reporting N.J.A.C. 7:14A-6.10(c) & (d)
 - iv. Written Reporting N.J.A.C. 7:14A-6.10(e) &(f) & 6.8(h)
 - v. Duty to Provide Information - N.J.A.C. 7:14A-2.11, 6.2(a)14 & 18.1
 - vi. Transfer - N.J.A.C. 7:14A-6.2(a)8, 6.13(n), 16.1, 16.2

B. GENERAL REQUIREMENTS FOR SWIMMING POOL DISCHARGE

1. PURPOSE AND SCOPE

- a. The New Jersey Pollutant Discharge Elimination System (NJPDES) Discharge to Surface Water (DSW) General Permit for Swimming Pool Discharge authorizes the following discharges:
 - i. Draining of municipal, commercial, non-residential or community (e.g., townhouses and condominiums) swimming pool water into receiving waters classified as Category 1 and Category 2.
 - ii. Filter backwash water from municipal, commercial, non-residential or community (e.g., townhouses and condominiums) swimming pools into receiving waters classified as Category 2 only. Whenever possible, discharges of filter backwash shall be directed to the sanitary sewer with permission from the Publically Owned Treatment Works (POTW). If permission is denied by the POTW, the applicant must provide proof of denial to discharge filter backwash to the POTW along with the NJPDES Form-1 and the B6 Supplemental Form. Note, filter backwash discharge to Category 1 designated receiving waters is not permitted.
- b. This permit is intended for discharges containing de minimis amounts of pollutants. A de minimis discharge of pollutants for purposes of this permit is defined as a discharge containing a relatively insignificant amount of pollutants that complies with all of the conditions specified in this permit. De minimis amounts of pollutants that may be present in these discharges include filterable or dissolved solids, suspended solids, bromine levels, chlorine levels and chlorine related compounds.
 - i. Levels of Chlorine Produced Oxidants (CPO) and/or Total Residual Bromine (TRC) are considered to be de minimis (for purposes of this permit) when they are measured at values of 0.1 mg/L or below.

- c. This permit operates under the premise that if appropriate Best Management Practices (BMPs) are implemented prior to discharge and temporary treatment is provided (if necessary) then no negative environmental impact should result from the discharge. If the discharge causes adverse environmental impacts to the receiving water, the discharge is in violation of this permit. The operating entity authorizing the activity and certifying compliance with the requirements of this permit would then be subjected to enforcement action as deemed appropriate by the Department. If it is suspected at any time during or directly after a discharge even that a discharge is not being conducted or was not conducted in accordance with all applicable requirements of this permit, the discharger shall call the Department's Environmental Action Hotline at 1-877-WARN-DEP (1-877-927-6337).
- d. The applicant/operating entity responsible for the activity that results in a discharge authorized by this permit, is required to submit an original copy of the NJPDES Form-1 and B6 Supplemental Form certifying that the proposed discharge will comply with the conditions of this permit. The Department must receive the NJPDES Form-1 and B6 Supplemental Form including associated Safety Data Sheets (SDS) at least seven (7) days prior to discharge. The applicant becomes authorized to discharge under this general permit seven (7) days after the Department receives the completed NJPDES Form-1 and B6 Supplemental Form, UNLESS the Department notifies the applicant that they are NOT eligible.
 - i. Authorizations under the Master Swimming Pool Discharge General Permit will be given two NJPDES numbers. Applicants will be given a specific individual NJPDES general permit authorization number in addition to the Master Swimming Pool Discharge General Permit NJPDES number NJ0128589.
 - ii. All applicants will have the same expiration date and will follow the same permit cycle. In accordance with N.J.A.C. 7:14A-2.7, all NJPDES permits shall be issued for fixed terms not to exceed five (5) years.

2. Eligibility

- a. The following discharges are ELIGIBLE for authorization under this permit:
 - i. Draining of municipal, commercial, non-residential or community (e.g., townhouses and condominiums) swimming pool water into receiving waters classified as Category 1 and Category 2.
 - ii. Filter backwash water from municipal, commercial, non-residential or community (e.g., townhouses and condominiums) swimming pools into receiving waters classified as Category 2 only.
- b. The following discharges are NOT ELIGIBLE for authorization under this permit:
 - i. Discharges of filter backwash to Category 1 waterbodies;
 - ii. All discharges of industrial process wastewater including contact and non-contact cooling water;
 - iii. Sanitary sewer flushing;
 - iv. Discharges from domestic, publicly or privately owned, and industrial treatment works;
 - v. Combined sewer overflow;
 - vi. Sanitary sewer overflow;

- vii. All stormwater discharges;
 - viii. Discharges in any way associated with site remediation activities, including water from well construction and development;
 - ix. Water from monitoring well construction and development or capping;
 - x. Discharges from water and wastewater treatment system bench scale and pilot testing;
 - xi. Discharges resulting from water main breaks and water distribution system infrastructure failures;
 - xii. Water used to clean and rinse storage tanks, natural gas pipelines, or other vessels;
 - xiii. Emergency discharges of polluted waters;
 - xiv. Dewatering from construction activities, including contaminated waters resulting from construction dewatering activities;
 - xv. Discharges from the disinfection of newly constructed or repaired potable water mains;
 - xvi. Discharges resulting from fire hydrant flushing;
 - xvii. Discharges resulting from Hydrostatic testing of tanks, vessels or pipelines;
 - xviii. Discharges from mining operations;
 - xix. Discharges that are solely to the groundwater; and
 - xx. Discharges that are regulated under the Municipal Stormwater Permit (Tier A-NJ0141852 and Tier B-NJ0141861) and the Public Complex Permit (NJ0141879);
- c. Discharges to the following waterbodies are ELIGIBLE for authorization under this permit:
- i. Swimming pool water discharges eligible for authorization under this permit may be discharged to FW2(C1 and C2), SE1(C1 and C2), SE2(C2), SE3(C2) and SC (C1 and C2) waters of the State.
 - ii. Filter backwash discharges eligible for authorization under this permit may be discharged to FW2(C2), SE1(C2), SE2(C2), SE3(C2) and SC(C2) waters of the State. Note that filter backwash discharges to C1 designated receiving waters are not eligible.
 - iii. Water body classifications are defined in N.J.A.C. 7:9B-1.4 and can be found online at: http://www.nj.gov/dep/rules/rules/njac7_9b.pdf. All individual stream classifications are designated in tables located at N.J.A.C. 7:9B-1.15 (c) through (j). For those receiving waters not listed, the applicable classification is that of the waterbody into which the immediate receiving water empties.
 - iv. For additional information pertaining to FW1, Pinelands or Shellfish waters, the permittee should contact the Department's Bureau of Environmental Analysis, Restoration and Standards at (609) 633-1441
- d. Discharges to the following waterbodies are NOT ELIGIBLE for authorization under this permit:

- i. This general permit does not authorize discharges into Outstanding National Resource Waters (ONRW), the highest level of protection afforded to the surface waters under the New Jersey Surface Water Quality Standards (SWQS), which includes Freshwater 1 (FW1) waters and Pinelands (PL) waters. FW1 waters, also known as nondegradation waters, are set aside for posterity because of their unique ecological significance, exceptional recreational significance or exceptional water supply significance. Nondegradation waters are not to be subjected to any manmade wastewater discharges.
- ii. The Department's Bureau of Marine Water Monitoring (BMWM) will determine on a case-by-case basis, the applicant's ability to discharge to approved or seasonally approved shellfish waters by considering the volume, duration and frequency of the discharge compared to the dilution capacity of the receiving waters. Therefore, any discharge to approved or seasonally approved shellfish waters must receive approval from the BMWM prior to submitting the NJPDES Form-1 and B6 Supplemental Form to the Bureau of Surface Water Permitting (BSWP) to be authorized under this permit. However, any discharge to restricted or prohibited shellfish waters does not need to notify or obtain approval from the BMWM prior to submitting a request to the BSWP to be authorized under this permit. Shellfish water classifications are found in the current Shellfish Growing Water Classification Charts, which are updated annually in accordance with N.J.A.C. 7:12-1 et seq. These charts may be obtained from the Bureau of Marine Water Monitoring, PO Box 405, Stoney Hill Road, Leeds Point, NJ 08220 or from any shellfish agency, shellfisheries office, or the marine police. This information is also available online at the Department's website at <http://www.nj.gov/dep/bmw/waterclass.htm>. For further clarification and/or information, please contact the BMWM at (609) 748-2000.

C. CONDITIONS FOR AUTHORIZATION UNDER THE NJPDES MASTER SWIMMING POOL DISCHARGE GENERAL PERMIT

1. Narrative Discharge Requirements

- a. The discharge shall not contain any scum, foam or other residual matter. The following pollutant-specific guidelines and requirements shall be employed, when necessary, to comply with the terms of this general permit. Best Management Practices (BMPs) appropriate to this type of discharge shall be employed at all times.
- b. The permittee shall not discharge foam or cause foaming of the receiving water that:
 - i. forms objectionable deposits on the receiving water;
 - ii. forms floating masses producing a nuisance; or
 - iii. interferes with a designated use of the waterbody.
- c. The permittee's discharge shall not contain any color or odor that would render the water unsuitable for the designated uses. Color shall not be noticeable in the receiving water. Odors shall not be offensive to humans and shall not have a negative impact on water supplies.
- d. The discharge shall not exhibit a visible sheen.
- e. Incidental discharges to ground waters (DGW) of the State which may result from a discharge authorized by this permit, such as from overland flow on the way to the storm sewer or surface water conveyance, are also authorized under this general permit.

2. Discharge Requirements

- a. The discharge shall not contain toxic pollutants in toxic amounts, as defined under 33 U.S.C. 1251 et seq., the Federal Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and the New Jersey Water Pollution Control Act, or other pollutants, including temperature and pH, in mass, concentration, or other measures, which could cause adverse impacts or be detrimental to the natural aquatic biota, or which could cause instream exceedances of the Federal Water Quality Criteria in 40 CFR, Part 131 or New Jersey Surface Water Quality Criteria (N.J.A.C. 7:9B-1.14 et seq.) in the receiving water. Temperature control (i.e., heating) equipment shall be turned off for a minimum of 24 hours and water shall be allowed to stabilize to ambient conditions prior to discharge. In addition, it is the responsibility of the operating entity to ensure that the pH of the discharge to FW2, SE1, SE2 and SE3 waters is between 6.5 and 8.5 standard units using a pool test kit or other method approved by the Department. For discharges to SC waters, the natural pH conditions shall prevail. Chemical additives, such as soda ash, can be used to adjust the pH. A pool supply professional may be contacted for assistance on how to properly adjust the pool pH.
- b. The swimming pool water discharge shall be retained, aerated and/or treated in such a way that the chlorine/bromine levels are 0.1 mg/L or below prior to discharging to the receiving waters. A pool test kit or other method approved by the Department may be used to confirm the results, and shall achieve a level at least as sensitive as 0.1 mg/L. Testing shall be conducted using the Total Residual Chlorine (TRC) Method.
- c. The swimming pool filter backwash water shall be retained, until such time that the chlorine/bromine levels are 0.1 mg/L or below prior to discharging to the receiving waters. A pool test kit or other method approved by the Department may be used to confirm the results, and shall achieve a level at least as sensitive as 0.1 mg/L. Testing shall be conducted using the TRC Method.
- d. The water used to backwash the filter shall also be retained or discharged over a grassy area so any solids can settle out and can be removed (or filtered) prior to discharging the water. The solids, residue or sediment shall not be discharged to a waterway and shall be removed (i.e., discharged to a POTW, disposed of as solid waste, etc.) prior to discharging the filter backwash water to the receiving water classified as C2 waters.
- e. Algaecides containing copper and/or silver are toxic to fish and other aquatic life, and shall not be discharged.
- f. The discharge shall not cause or result in erosion to the area of the discharge or the surrounding stream banks. Adequate dewatering structures and velocity dissipation devices should be used when necessary to prevent and minimize erosion, stream scouring, and increases in turbidity. Dischargers may refer to "Standards for Soil Erosion and Sediment Control in New Jersey", as promulgated by the State Soil Conservation Committee and N.J.A.C. 2:90-1.3 et seq. In addition, the Regional Soil Conservation District office (organized by county) may be contacted for guidance on soil erosion control.
- g. The discharger shall take into account the conveyance capacity of the discharge outlet structure and/or conveyance structure prior to discharge and shall manage or control the flow of the discharge accordingly. The discharge shall not cause or create downstream flooding conditions.
- h. The discharger shall minimize the amount of suspended solids or turbidity in the discharge so as to not cause adverse impacts or be detrimental to the natural aquatic biota, or cause instream exceedances of the New Jersey Surface Water Quality Criteria (N.J.A.C. 7:9B-1.14 et seq.) of the receiving water. If the discharge contains suspended solids, BMPs shall be utilized to reduce or eliminate the levels of the solids prior to discharge to the receiving water. For example, BMPs can include increased retention time and/or filtration devices (such as hay bales and/or filter bags)

- i. There shall be no discharge of floating solids in other than trace amounts. The discharger shall use appropriate BMPs to eliminate floating debris, floatable or settleable solids, including construction or maintenance-related dirt, rust, or scale present in the waters prior to discharge.

3. Other Regulatory Requirements

- a. This permit is subject to modification, revocation, or change at any time, pursuant to the applicable regulations, when in the judgment of the Department such revocation, modification or change is deemed necessary.
- b. The Department may, on a case by case basis, authorize other similar uncontaminated discharges. Although this Master General Permit is specifically designed for swimming pool discharges, the Department reserves the right to include, as deemed appropriate, other similar, uncontaminated, clean water discharges.
- c. The Department may deny authorization under this permit and require submittal of an application for an individual DSW or another general permit or a DGW permit.
- d. This permit does not waive the requirement to obtain any other necessary Federal, State or Local government consents or approvals. No work shall be undertaken until such time as all other required approvals and permits have been obtained.
- e. This permit does not grant permission to use publicly or privately owned storm sewers or conveyances. The discharger is responsible for obtaining permission from the appropriate entity for such use.
- f. The discharger and/or operating entity shall allow an authorized representative of the Department, upon the presentation of credentials, to enter the premises where the regulated swimming pool is located, for purposes of inspection, and to access/copy any records that must be kept under the conditions of the permit.

D. ADMINISTRATIVE REQUIREMENTS UNDER THIS NJPDES GENERAL PERMIT

1. Request for NJPDES Form-1 and B6 Supplemental Form Requirements

- a. A completed and signed NJPDES Form-1 and B6 Supplemental Form must be submitted to the Department electronically to swimmingpoolgp@dep.nj.gov.
- b. The operating entity authorizing the activity which will result in the discharge to be authorized by this permit is required to submit an original copy of the NJPDES Form-1 and B6 Supplemental Form certifying that the proposed discharge(s) will comply with all of the conditions of this permit. The NJPDES Form-1, B6 Supplemental Form and checklist are available on the Department's website at: www.nj.gov/dep/dwq/forms_surfacewater.htm.
- c. An original RFA including associated SDS shall be submitted to the Department's Bureau of Surface Water Permitting via email at swimmingpoolgp@dep.nj.gov. This must be completed and submitted at least seven (7) days prior to the proposed discharge. A copy of the NJPDES Form-1 and B6 Supplemental Form shall also be kept on site. The NJPDES Form-1 and B6 Supplemental Form shall contain all of the following information:
 - i. Name of the applicant/operating entity authorizing the activity (company, organization or municipality) resulting in the discharge to surface water and affiliation, address, telephone number and email address;

- ii. Name of the property/land owner, address, telephone number and email address;
 - iii. Name and title of the facility contact/authorized agent for the operating entity, affiliation, address, telephone number and email address;
 - iv. Indicate when the pool operates (Year Round, Summer Only – Memorial Day to Labor Day or Other);
 - v. Source of the water being discharged (i.e., swimming pool draining, filter backwash water);
 - vi. Approximate average flow rate of the discharge;
 - vii. Approximate frequency of the discharge;
 - viii. Total Capacity of the pool;
 - ix. Description of the designated discharge point;
 - x. Location(s) (street name(s) or street address (as appropriate), municipality, and county) of the discharge;
 - xi. Identify the receiving waters and classification to which the discharge is directed, including the method of transport (i.e., via storm sewer, ditch, channel, etc.);
 - xii. Best Management Practices to be used;
 - xiii. A list of any chemical additives used (i.e., dechlorination/debromination agents, stabilizers/balancers, algaecides, etc.) and the associated SDS;
 - xiv. Proof of denial to discharge filter backwash to a POTW, if applicable.
- d. If the NJPDES Form-1 and B6 Supplemental Form are not submitted as specified above, or cannot be produced upon request of a Department or other government or jurisdictional representative, the discharger may be subject to enforcement action(s).
- e. If the conditions of this permit are not met, the Department reserves the right to require the discharger to cease discharging and obtain an individual or other general NJPDES permit or to utilize other alternate disposal methods. The Department also reserves the right to enforce all applicable NJPDES regulations should there be a suspected or confirmed violation of the conditions of the General Permit for Swimming Pool Discharges or of the Federal or New Jersey Water Pollution Control Act. Discharges, which are not conducted in accordance with all applicable conditions of this permit and, which therefore may result in adverse environmental impacts, including, but not limited to a fish kill, may subject the operating entity to enforcement action(s).
- f. The following statement, on the NJPDES Form-1 and B6 Supplemental Form, shall be signed by the authorized agent and submitted to the Department: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designated to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for purposely, knowingly, recklessly, or negligently submitting false information."

- g. Questions regarding discharges, which are similar to the discharges listed above but which are not specified, or questions regarding the eligibility of any discharge by this general permit, should be directed to the Bureau of Surface Water Permitting at (609) 292-4860 or via email at swimmingpoolgp@dep.nj.gov so that a permit determination can be made.

2. Record Keeping

- a. A copy of the NJPDES Form-1 and B6 Supplemental Form must also be maintained on site. The authorized agent and operating entity conducting the activity must maintain a copy of the NJPDES Form-1 and B6 Supplemental Form for a period of five (5) years, as per N.J.A.C. 7:14A-6.6.
- b. The permittee shall retain copies of all reports and/or data used to complete the NJPDES Form-1 and B6 Supplemental Form for authorization for a period of at least five (5) years, or longer as required by N.J.A.C. 7: 14A-6.6, from the date of the application.

E. SIGNATORY REQUIREMENTS OF THE NJPDES Form-1 and B6 Supplemental Form

1. According to N.J.A.C. 7:14A-4.9, Requests for Authorization and Other Information Requested by The Department, Shall Be Signed by A Person Described in (a) Through (d) Below.

- a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 - i. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - ii. The manager of one or more manufacturing, production or operating facilities provided:
 - iii. The manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of recommending major capital investment, initiating and directing comprehensive measures to assure long term compliance with environmental laws and regulations and ensuring that the necessary systems are established or actions taken to gather complete and accurate information for the NJPDES Form-1 and B6 Supplemental Form requirements; or
 - iv. The authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
- c. For a municipality, State, Federal or other public agency, by either a principal executive officer or ranking elected official. For purpose of this section, a principal executive officer of a Federal agency includes:
 - i. The chief executive officer of the agency; or
 - ii. A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator); or
- d. By a duly authorized representative where a person is a duly authorized representative only if:
 - i. The authorization is made in writing by a person described in 1(a) through (c), above;

- ii. The authorization specifies either an individual or a position whose occupant has responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position whose occupant has overall responsibility for environmental matters of the company. (A duly authorized representative may thus be either a named individual or any other individual occupying a named position); and
- iii. The written authorization is submitted to the Department.

2. If an Authorization Under (d) Above Is No Longer Accurate Because a Different Individual or Position Has Responsibility for The Overall Operation of the Facility or Overall Responsibility for Environmental Matters for The Company, A New Authorization Satisfying the Requirements of (d) Above, Must Be Submitted to The Department with The NJPDES Form-1 and B6 Supplemental Form Signed by an Authorized Representative.

NJPDES MASTER GENERAL PERMIT PROGRAM INTEREST, Trenton

Permit No. NJ0128589
DSW000007 Surface Water Master General Permit Renewal