



State of New Jersey

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Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
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Bureau of Surface Water Permitting
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BOB MARTIN
Acting Commissioner

KIM GUADAGNO
Lt. Governor

October 15, 2014

To: Distribution List

Re: Draft NJPDES Surface Water Master General Permit Revoke and Reissue - Statewide
Category: B7 – “Construction Dewatering” reissued as “Short-term *De Minimis* Discharges” (GP)
NJPDES Permit No. NJ0134511

Dear Interested Party:

This letter is written to provide notification that the Department has prepared a **draft** New Jersey Discharge Elimination System (NJPDES) permit action identified above which has been issued in accordance with N.J.A.C. 7:14A-1 *et seq.*, the NJPDES Regulations. This master general permit serves to revoke the existing “Master General Construction Dewatering” permit and reissue this permit as the “Master General Permit for Short-term *De Minimis* Discharges”. If you wish to review the draft permit action, please contact Dave Thomas (dave.thomas@dep.state.nj.us) by email or by phone at (609) 292-4860.

Notice of this draft permit action will appear in the October 15, 2014 *DEP Bulletin*. The *DEP Bulletin* is available on the internet at <http://www.state.nj.us/dep/bulletin> or by contacting the DEP Document Distribution Center at (609) 777-4398. In addition, notice of this draft permit will appear in the major Northern, Central and Southern NJ newspapers (listed below). In accordance with N.J.A.C. 7:14A-15.10(c)1i, the public comment period will close thirty days after the latest newspaper’s (listed below) publication date.

<i>Newspaper</i>	<i>County</i>
Asbury Park Press	<i>Monmouth and Ocean</i>
The Press of Atlantic City	<i>Atlantic and Cape May</i>
Courier Post Newspaper	<i>Camden, Gloucester and Burlington</i>
Daily Journal	<i>Cumberland</i>
Star Ledger	<i>Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union and Warren</i>
Trenton Times	<i>Mercer</i>
Today’s Sunbeam	<i>Salem</i>

As detailed in the *DEP Bulletin* and the aforementioned newspapers, written comments must be submitted in writing to Pilar Patterson, New Jersey Department of Environmental Protection, Mail Code: 401-02B, Division of Water Quality, Bureau of Surface Water Permitting, P.O. Box 420, Trenton, NJ 08625-0420 by the close of the public comment period. All persons, including the applicant, who believe

that any condition of this draft document is inappropriate or that the Department's tentative decision to issue this draft document is inappropriate, must raise all reasonable arguments and factual grounds supporting their position, including all supporting materials, during the public comment period. Full copies of the draft and final master general permits will be made available at www.state.nj.us/dep/dwq.

The Department will respond to all significant and timely comments upon issuance of the final document. Each person who has submitted written comments will receive notice of the Department's final decision to issue, revoke, or redraft the document.

If you have questions or comments regarding the draft action, please contact Dave Thomas (dave.thomas@dep.state.nj.us) by email or by phone at (609) 292-4860.

Sincerely,



Muhammad N. Shaikh
Environmental Engineer 4
Bureau of Surface Water Permitting

Enclosures

c: Permit Distribution List

Masterfile #: 39609; PI #: 50577

Table of Contents

This permit package contains the items listed below:

- 1. Cover Letter**
- 2. Table of Contents**
- 3. Public Notice**
- 4. Fact Sheet / Statement of Basis**
- 5. NJPDES Permit Authorization Page – Master Permit Page**
- 6. Part I – Narrative Requirements: NJPDES**
- 7. Attachment 1**

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

PUBLIC NOTICE

Notice is hereby given that the New Jersey Department of Environmental Protection (NJDEP) proposes to revoke the "Construction Dewatering" Master General Permit and reissue it as the "Short-term *De Minimis* Discharge" Master General Permit (NJ0134511) for short-term *de minimis* discharges pursuant to N.J.A.C. 7:14A-6.13 of the New Jersey Pollutant Discharge Elimination System (NJPDES) Regulations. This general permit is issued in accordance with N.J.A.C. 7:14A-1 et seq., the NJPDES Regulations, and by authority of the Water Pollution Control Act at N.J.S.A. 58:10-1 et seq.

This Master General Permit is issued to authorize short term discharges which are *de minimis* in nature generated during construction activities for the purpose of lowering the groundwater table as well as other miscellaneous discharges that do not pose a significant threat to water quality, and which comply with all the conditions specified in this permit, including the applicable limitations listed in Attachment 1. Although this General Permit was specifically designed for construction dewatering related activities, the Department is proposing to include the ability to allow several other requested discharge activities, and is proposing to allow discharges that are "*de minimis*" in nature, as defined above, to discharge to Category One waterways for a short-term duration. The Department has determined that these point sources require the same operating conditions, require the same or similar monitoring conditions, and are more appropriately controlled under a general permit than under individual NJPDES permits.

Discharges will be allowed into surface waters of the State or separate storm sewers, except into receiving waters classified as FW1 and certain Shellfish waters. Discharges to Pinelands waters will require prior approval by the Pinelands Commission.

Discharges associated with industrial processes, site remediation activities, and sanitary sewerage systems are not covered under this general permit. The "Exclusions" section of the general permit provides further clarification.

Applicants must request authorization to be covered under this general permit by submitting a completed *Request For Authorization Certification Form* (including the associated representative analytical data) that must be received by the NJDEP at least 14 days prior to discharge.

This form can be accessed on the NJDEP's web page at: www.state.nj.us/dep/dwq/forms_surfacewater.htm.

To qualify for authorization under this general permit, the applicants are required to discharge in compliance with Federal and State Regulations and in a manner that will not cause a violation of State Surface Water Quality Standards, N.J.A.C. 7:9B-1.1 et seq. The applicant is also required to certify that the discharge will comply with the limitations listed in "Attachment 1" of this permit for the applicable classification of the receiving waterbody.

This master general permit serves to revoke the existing master general construction dewatering permit which was issued on November 21, 2011, and reissue this permit as the "Short-term *De Minimis* Discharge" Master General Permit.

A draft NJPDES permit action has been prepared based on the administrative record filed at the NJDEP, 401 East State Street, Trenton, New Jersey 08625. Full copies of the draft and final master general permits will be made available at www.state.nj.us/dep/dwq/b7-demin.htm as well as electronically by contacting Dave Thomas (dave.thomas@dep.state.nj.us) of the Bureau of Surface Water Permitting by email or at (609) 292-4860. Hard copies of the draft document are obtainable, for a nominal charge, and the administrative record is available for inspection by appointment only, Monday through Friday. If you are interested in scheduling an appointment or requesting specific information regarding the draft document, please contact the Office of the Records Custodian at (609) 341-3121 or www.nj.gov/dep/opra/.

Written comments must be submitted in writing to Pilar Patterson, Chief, or Attention: Comments on Public Notice NJ0134511, New Jersey Department of Environmental Protection, Division of Water Quality, Mail Code: 401-02B, Bureau of Surface Water Permitting, P.O. Box 420, Trenton, NJ 08625. These written comments must be received by the close of the public comment period, which closes thirty calendar days after publication of this notice in the newspapers. All persons, including the applicant, who believe that any condition of this draft document is inappropriate or that the Department's decision to issue this draft document is inappropriate, must raise all reasonable arguments and factual grounds supporting their position, including all supporting materials, during the public comment period.

The NJDEP will respond to all significant and timely comments upon issuance of the final document. The permittee and each person who has submitted written comments will receive notice of the Department's permit decision.

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

FACT SHEET

Masterfile #: 39609

PI #: 50577

This fact sheet sets forth the principle facts and the significant factual, legal, and policy considerations examined during preparation of the draft master general short-term *de minimis* discharge permit (B7). This permit 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: Surface Water REVOKE “Master General Permit for Construction Dewatering Discharges” and REISSUE as “Master General Permit for Short-Term *De Minimis* Discharges”

The Department is proposing to revoke the “Surface Water Master General Permit for Construction Dewatering Discharges” and include the conditions of this permit in the “Surface Water Master General Permit for Short-Term *De Minimis* Discharges”.

1 Description of the Master General Permit for Short-Term *De Minimis* Discharges:

There are many projects within the State of New Jersey that discharge to surface water for a short period of time but for which a traditional individual permit is not appropriate. In accordance with N.J.A.C. 7:14A-6.13(b)4, the New Jersey Department of Environmental Protection (hereafter “the Department”) can issue one master general permit to cover a category of discharges that meet the following criteria: involve the same or substantially similar types of operations; discharge the same type of wastes; require the same or similar effluent limitations and operating conditions; require the same or similar monitoring; and are more appropriately controlled under a general permit than under an individual permit.

By revoking the Master Construction Dewatering Permit and including it within the “Surface Water General Permit for Short-term *De Minimis* Discharges”, the Department intends to continue to effectively regulate *de minimis* discharges without setting unreasonable or unnecessarily burdensome conditions or requirements for dischargers and without creating an undue administrative burden for the Department and applicant. This general permit is intended for short-term discharges (6 months or less). For the purposes of this general permit, a *de minimis* discharge is defined as a discharge which contains relatively insignificant amounts of pollutants, and which complies with all of the conditions specified in this permit, including the applicable limitations listed in Attachment 1.

The Master Construction Dewatering permit has served as a useful tool for the Department and the regulated community. Allowing these discharges to continue along with including the ability to authorize several other commonly requested discharge types serves to simplify and streamline the NJPDES permitting process for these and other similar types of discharges. Examples of the discharges that may qualify in addition to construction dewatering activities include, but are not limited to: aquifer storage and recovery (ASR) discharges, geothermal discharges, well pump tests or similar types of short term infrequent discharges resulting from the potable water process, and exterior washing of cars, trucks and buildings where no detergents or chemicals are used. (As of December 2013, the Department has received 135 requests for authorization under this general permit.) The construction dewatering component of the permit is included to continue to authorize planned construction dewatering discharges into surface waters. These discharges typically are short-term in duration. This short duration of time is substantially less than the amount of time it would take to administratively process and issue an individual NJPDES permit which has a five year term of effectiveness. The types of discharges that are subject to this general permit only need authorization for a portion of the actual five-year duration of an individual NJPDES permit.

In accordance with N.J.S.A. 58:10A, the Department is proposing that this general permit utilize Best Management Practices (BMPs), effluent analysis, and discharge limitations as listed in Attachment 1 of this permit. In all cases, the

applicants shall propose adequate BMPs to protect against soil erosion and to control discharge of suspended solids. Some of the BMPs used by the dischargers may include carbon filters, filter fabric, hay bales, absorbent socks, silt fences, stone covered areas, frac tanks and holding tanks for settling suspended solids.

Additionally, this revoke and reissue permit action serves to add the ability for effluent of this type to discharge into waters classified as Category One waters. Pursuant to N.J.A.C. 7:9B-1.5(d), Category One waters shall be protected from any measurable changes to the existing water quality. Water quality characteristics that are generally worse than the water quality criteria except as due to natural conditions, shall be improved to maintain or provide for the designated uses where this can be accomplished without adverse impacts on organisms, communities, or ecosystems of concern.

In order to obtain authorization for a *de minimis* discharge into waters classified as Category One, the applicant must:

1. Prove that the discharge is indeed *de minimis* as defined herein.
2. Present the results of one Acute Whole Effluent Toxicity (WET) test that demonstrates that the water to be discharged is not toxic.

Although no toxicity is expected to be exhibited in these discharges, an Acute WET limitation is being incorporated into this permit due the high quality nature of Category One waters. These requirements are significantly more stringent than the requirements for discharges to Category Two waters.

3. Provide the 7Q10 value for the receiving stream, and the discharge flow will be restricted to a discharge no higher than the 7Q10 of the receiving stream. If the 7Q10 is less than or equal to 0.1 cubic feet per second (cfs) (64,627gpd), the maximum allowable flow will be 0.1 cfs.

In no case (Category One or Category Two receiving waters) shall the effluent discharge flow limit exceed 1 million gallon per day (MGD) under this permit authorization.

4. Monitor the effluent **prior to discharge** to ensure that no discharge to Category One waters shall have any parameter concentration exceeding the specific RQL listed in Attachment 1.

For discharges to Category One waters, the effective term of authorizations under this general permit is 30 consecutive days from the initiation of discharge. Should a discharge to Category One waters continue beyond the initial 30 days, a complete request for re-authorization (including a new collected sample analysis data and a new WET test result) must be submitted to the Department for review and approval prior to the expiration of the authorization.

If the discharge extends beyond 90 days (for Category One waters) or 180 days (for Category Two waters), the Department will re-evaluate the eligibility of the discharge under this permit and additional monitoring will be required.

The Department must be notified via e-mail the date both when the discharge begins and the date when it ends. This notification shall be sent to dave.thomas@dep.state.nj.us and melissa.hornsby@dep.state.nj.us simultaneously.

If the analytical data submitted show that the discharge of any pollutant is above the applicable levels noted in Attachment 1, the applicant must apply for coverage under another existing general remediation permit (i.e., B4B, BGR...) or an individual permit to discharge to surface waters of the state. Also, the 5G3 is available for certain construction related discharges in which regulated entities are required to develop a soil erosion and sediment control plan aimed at controlling the flow of contaminated rainwater into streams and rivers.

As mentioned above, discharges permitted to Category One waters will be limited by flow, duration, and quality (RQL's and WET limit). The Department asserts that the combination of these additional restrictions, beyond what is required for Category Two waters, will adequately protect water quality of Category One waters from any measurable changes.

Applicants wishing to be covered under this general permit must meet certain eligibility criteria. Applicants are required to submit a "**Request for Authorization Certification Form**" (Certification), with an accompanying representative untreated discharge analysis so that the Department receives it at least **14 days prior to discharge**. The entity should simultaneously submit a copy of the Certification form to the appropriate regional enforcement office, depending on the county where the discharge activity will occur. The applicant, in addition to submitting the original Certification form to the Department, must maintain a copy on-site. If it is impractical to maintain it on-site, the applicant must provide a copy of the Certification form to the Clerk of the municipality where this discharge activity will occur.

The company or entity conducting the activity that will result in a surface water discharge shall provide detailed information about the discharge itself. The person signing the Certification form will also be responsible for ensuring that the discharge meets all applicable requirements of this general permit during the entire discharge event. The Certification form shall include specific information regarding the discharge including: scheduled dates, locations, rates of flow, estimated durations, conveyances, names of receiving waters with their classifications, analytical data, and all BMPs employed. In addition, discharges to Category One waters must also provide the 7Q10 data for the receiving stream. This data can be obtained by calling the United States Geological Survey at 1-888-ASK-USGS (1-888-275-8747). Certification forms are available from the Division of Water Quality or the Department's web site: www.state.nj.us/dep/dwq/forms_surfacewater.htm.

This general permit **does not authorize** discharges into receiving waters classified as FW1 and certain Shellfish waters. Discharges to waters classified as PL will require approval by the Pinelands Commission prior to making any submission to the state. The Pinelands Commission can be reached by calling (609) 894-7300. However, discharges into all other classified waters may be eligible for authorization under this general permit. Please refer to Section 6.c. of this Fact Sheet for excluded activities.

2 Name and Address of the Applicant:

Indicated on Individual Request for Authorization Certification Form

3 Name and Address of the Facility/Site:

Indicated on Individual Request for Authorization Certification Form

4 Receiving Waterbody Classification:

The classification of the receiving water must be included on each individual request for authorization under this general permit. Receiving water classifications may be obtained from N.J.A.C. 7:9B-1.1 et seq., the New Jersey SWQS. In accordance with the SWQS, saline waters are considered to be those waters classified as SE1, SE2, SE3, or SC and fresh waters are considered to be those waters classified as FW2 waters. For waters with two classifications (e.g. FW2-NT/SE1), the waterbody is defined as saline if the result of a salinity measurement exceeds 3.5 parts per thousand at mean high tide or as fresh if the salinity is less than or equal to 3.5 parts per thousand, in accordance with N.J.A.C. 7:9B-1.4. With respect to the Delaware River, where the classifications are specified as zones, the Delaware Memorial Bridge is the approximate location of the interface between saline and fresh water; therefore, discharges north of the Delaware Memorial Bridge will be considered to be discharging to fresh waters and discharges south of the Delaware Memorial Bridge will be considered to be discharging to saline waters.

As per the SWQS at N.J.A.C. 7:9B, the designated uses for the, Freshwater 2 (FW2), Saline Estuary 1 (SE1), Saline Estuary 2 (SE2), Saline Estuary 3 (SE3), and Saline Coastal (SC) receiving waters are:

FW2:

1. Maintenance, migration and propagation of the natural and established biota;
2. Primary and secondary contact recreation;
3. Industrial and agricultural water supply;

4. Public potable water supply after conventional filtration treatment (a series of processes including filtration, flocculation, coagulation, and sedimentation, resulting in substantial particulate removal but no consistent removal of chemical constituents) and disinfection; and
5. Any other reasonable uses.

SE1:

1. Shellfish harvesting in accordance with N.J.A.C. 7:12;
2. Maintenance, migration and propagation of the natural and established biota;
3. Primary and secondary contact recreation; and
4. Any other reasonable uses.

SE2:

1. Maintenance, migration and propagation of the natural and established biota;
2. Migration of diadromous fish;
3. Maintenance of wildlife;
4. Secondary contact recreation; and
5. Any other reasonable uses.

SE3:

1. Secondary contact recreation;
2. Maintenance and migration of fish populations;
3. Migration of diadromous fish;
4. Maintenance of wildlife; and
5. Any other reasonable uses.

SC:

1. Shellfish harvesting in accordance with N.J.A.C. 7:12;
2. Primary and secondary contact recreation;
3. Maintenance, migration and propagation of the natural and established biota; and
4. Any other reasonable uses.

The designated uses for the mainstem Delaware River and Delaware Bay are those contained in "Delaware River Basin Commission, Water Quality Regulations, Administrative Manual - Part III," Article 3, dated October 23, 1996, including all amendments and future supplements thereto and are described below:

Zone 1C:

Zone 1C is that part of the Delaware River extending from the U.S. Routes 6 and 209 bridge at Port Jervis, New York, R.M. 254.75, to Tocks Island Dam, 217.0 (proposed axis of dam).

The quality of Zone 1C waters shall be maintained in a safe and satisfactory condition for the following uses:

1. a. public water supplies after reasonable treatment,
b. industrial water supplies after reasonable treatment,
c. agricultural water supplies;
2. a. maintenance and propagation of resident game fish and other aquatic life,
b. spawning and nursery habitat for anadromous fish,
c. passage of anadromous fish,
d. wildlife;
3. recreation.

Zone 1D:

Zone 1D is that part of the Delaware River extending from Tocks Island Dam, R.M. 217.0 (proposed axis of dam), to the mouth of the Lehigh River at Easton, Pennsylvania, R.M. 183.66.

The quality of Zone 1D waters shall be maintained in a safe and satisfactory condition for the following uses:

1. a. public water supplies after reasonable treatment,

- b. industrial water supplies after reasonable treatment,
- c. agricultural water supplies;
2. a. maintenance and propagation of resident game fish and other aquatic life,
b. spawning and nursery habitat for anadromous fish,
c. passage of anadromous fish,
d. wildlife;
3. recreation.

Zone 1E:

Zone 1E is that part of the Delaware River extending from the mouth of the Lehigh River at Easton, Pennsylvania, R.M. 183.66, to the head of tidewater at Trenton, New Jersey, R.M. 133.4 (Trenton-Morrisville Toll Bridge).

The quality of Zone 1E waters shall be maintained in a safe and satisfactory condition for the following uses:

1. a. public water supplies after reasonable treatment,
b. industrial water supplies after reasonable treatment,
c. agricultural water supplies;
2. a. maintenance and propagation of resident game fish and other aquatic life,
b. spawning and nursery habitat for anadromous fish,
c. passage of anadromous fish,
d. wildlife;
3. recreation.

Zone N2:

Zone N2 is: 1. Clove Brook extending from its source in Steeny Kill Lake in New Jersey to its mouth in New York at R.M. 0.5 on the Neversink River; an unnamed tributary of Clove Brook extending from its source in New York to its mouth in New Jersey at R.M. 1.0 on Clove Brook; an unnamed tributary to the above unnamed tributary of Clove Brook extending from its source in New York to its mouth in New Jersey at R.M. 0.7 on the unnamed tributary of Clove Brook.

The quality of Zone N2 waters shall be maintained in a safe and satisfactory condition for the following uses:

1. a. public water supplies after reasonable treatment,
b. industrial water supplies after reasonable treatment,
c. agricultural water supplies;
2. a. maintenance and propagation of resident game fish and other aquatic life,
b. maintenance and propagation of trout,
c. wildlife;
3. recreation.

Zone 2:

Zone 2 is that part of the Delaware River extending from the head of tidewater at Trenton, New Jersey, R.M. (River Mile) 133.4 (Trenton-Morrisville Toll Bridge) to R.M. 108.4 below the mouth of Pennypack Creek, including the tidal portion of the tributaries thereof.

The quality of Zone 2 waters shall be maintained in a safe and satisfactory condition for the following uses:

1. a. public water supplies after reasonable treatment,
b. industrial water supplies after reasonable treatment,
c. agricultural water supplies;
2. a. maintenance and propagation of resident fish and other aquatic life,
b. passage of anadromous fish,
c. wildlife;
3. recreation;
4. navigation.

Zone 3:

Zone 3 is that part of the Delaware River extending from R.M. 108.4 to R.M. 95.0 below the mouth of Big Timber Creek, including the tidal portions of the tributaries thereof.

The quality of Zone 3 waters shall be maintained in a safe and satisfactory condition for the following uses:

1. a. public water supplies after reasonable treatment,
b. industrial water supplies after reasonable treatment,
c. agricultural water supplies;
2. a. maintenance of resident fish and other aquatic life,
b. passage of anadromous fish,
c. wildlife;
3. recreation - secondary contact;
4. navigation.

Zone 4:

Zone 4 is that part of the Delaware River extending from R.M. 95.0 to R.M. 78.8, the Pennsylvania-Delaware boundary line, including the tidal portions of the tributaries thereof.

The quality of Zone 4 waters shall be maintained in a safe and satisfactory condition for the following uses:

1. industrial water supplies after reasonable treatment;
2. a. maintenance of resident fish and other aquatic life, 64
b. passage of anadromous fish,
c. wildlife;
3. a. recreation - secondary contact above R.M. 81.8,
b. recreation below R.M. 81.8;
4. navigation.

Zone 5.

Zone 5 is that part of the Delaware River extending from R.M. 78.8 to R.M. 48.2, Liston Point, including the tidal portions of the tributaries thereof.

The quality of waters in Zone 5 shall be maintained in a safe and satisfactory condition for the following uses:

1. industrial water supplies after reasonable treatment;
2. a. maintenance of resident fish and other aquatic life,
b. propagation of resident fish from R.M. 70.0 to R.M. 48.2,
c. passage of anadromous fish,
d. wildlife;
3. recreation;
4. navigation.

Zone 6.

Zone 6 is Delaware Bay extending from R.M. 48.2 to R.M. 0.0, the Atlantic Ocean, including the tidal portions of the tributaries thereof.

The quality of Zone 6 waters shall be maintained in a safe and satisfactory condition for the following uses:

1. industrial water supplies after reasonable treatment,
2. a. maintenance and propagation of resident fish and other aquatic life,
b. maintenance and propagation of shellfish,
c. passage of anadromous fish,
d. wildlife;
3. recreation;
4. navigation.

5 Description of Facilities Covered by the Master Short-term *De Minimis* Discharges Permit:

To be considered eligible under this general permit, the discharge may result from miscellaneous activities. To be considered *de minimis*, the discharge must, at a minimum, comply with the appropriate limitations listed in Attachment 1 for the receiving water classification to minimize any environmental impact that may result from the discharge. This permit operates under the premise that if appropriate BMPs are implemented prior to the discharge, no negative environmental impact should result from the discharge. If appropriate BMPs are not employed, and the discharge causes adverse environmental impacts to the receiving water, the discharge is in violation of this permit, and the entity authorizing the activity and certifying compliance with the requirements of this general permit could be subject to enforcement action.

The discharges below may be **ELIGIBLE** for authorization under this permit:

- i. Discharges from the following construction activities: construction work related to residential or commercial building; repair, replacement or maintenance of pipelines, utility lines or cable lines; and excavation for foundation work.
- ii. Discharges resulting from the following activities that may qualify include, but are not limited to: aquifer storage and recovery (ASR) discharges, geothermal discharges, well pump tests or similar types of short term infrequent discharges resulting from the potable water process, and exterior washing of cars, trucks and buildings where no detergents or chemicals are used.
- iii. Discharges resulting from installation of NEW underground or subsurface storage tanks may qualify for coverage provided the groundwater has not been contaminated by leakage from any existing underground storage tanks or any other source of contamination. If the associated groundwater is contaminated or suspected to contain contamination from petroleum products clean up sites, remediations, or sediment laden waters please review the General Remediation Clean-up (BGR) Permit or the General Petroleum Product Clean-up (B4B) Permit to determine if either are applicable to your discharge.
- iv. Incidental discharges to groundwater 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.
- v. Discharges associated with other miscellaneous short term *de minimis* discharges, including discharges to Category 1 waterways. Although this General Permit was originally designed for construction dewatering related activities, the Department has included, as deemed appropriate, other short term, *de minimis* discharges into this revoke and reissue permit action.

For other discharge scenarios not already described in this general permit, the Department may authorize multiple discharges that are short-term in nature and *de minimis* but that will occur over a period of time under this general permit. The applicant should submit a request to the Department to be authorized under this permit and include an estimated discharge schedule. Other similar types of planned, non-continuous, short-term discharges may qualify for coverage under this permit on a case-by-case basis as determined by the Department.

For Category Two waters, if a discharge cited above exceeds a short-term nature due to unforeseen circumstances and it becomes necessary to extend the duration of the discharge, the person signing the Certification must submit a written request to the Department for a determination to continue to be authorized by this permit. The duration of discharge to Category One waters shall be limited to 30 consecutive days from the initiation of discharge. A complete new request for authorization (including a new collected sample analysis data and a new WET test result) will be required for any discharge to Category One waters that will exceed 30 days and for each subsequent 30 day period up to a maximum of 90 days.

If the discharge extends beyond 90 days (for Category One waters) or 180 days (for Category Two waters), the Department will re-evaluate the eligibility of the discharge under this permit and additional monitoring will be required.

An application for an individual permit will be required to be submitted for any discharge that is expected to exceed 6 months in total duration.

All facilities considered eligible under this master general permit are considered minor dischargers by the Department in accordance with the United States Environmental Protection Agency (EPA) rating criteria.

Questions regarding discharges, which are similar to the discharges listed above that are not specified, or questions regarding the eligibility of any discharge for this general permit, should be directed to Dave Thomas of the Bureau of Surface Water Permitting at (609) 292-4860.

6 Summary of Permit Conditions:

A. Newly Proposed in This Master General Permit Action:

(1) This action proposes to change the name of the permit from “Surface Water Master General Permit for Construction Dewatering Discharges” and reissue this permit as the “Surface Water Master General Permit for Short-term *De minimis* Discharges”.

(2) This proposed permit action includes the ability to authorize short term *de minimis* discharges to waters classified as Category One waters. Any discharges to waters classified as PL will require approval by the Pinelands Commission prior to any submission to the state. This general permit **does not authorize** discharges into receiving waters classified as FW1 and certain Shellfish waters.

(3) This proposed permit action will authorize discharges not previously specified in the existing construction dewatering permit such as those from: Aquifer Storage and Recovery (ASR) discharges, geothermal discharges, well pump test discharges or similar types of short term infrequent discharges resulting from the potable water process, and water from exterior washing of cars, trucks and buildings where no detergents or chemicals are used.

(4) This proposed permit action includes a restriction on total discharge flow. In no case (Category One or Category Two waters) shall the effluent discharge flow exceed 1 million gallons per day (MGD) under this permit authorization.

(5) The Department must be notified via e-mail about the dates when the discharge begins and the date when it ends. This notification shall be sent to both dave.thomas@dep.state.nj.us and melissa.hornsby@dep.state.nj.us simultaneously.

(6) A requirement for the discharger to minimize the amount of turbidity in the discharge, so as not to 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.) in the receiving water continues to be included in Part I of the master general permit. However, this permit action proposes to remove the option to use turbidity to provide a correlation between elevated concentrations of some pollutants listed in Attachment 1 (e.g. organic compounds) because the option was not utilized by any permittees in the past. Additionally, EPA is launching a rulemaking that will formally strip its landmark numeric limit for turbidity from its effluent limitation guideline (ELG) for controlling stormwater runoff. (See USEPA’s final 2012 NPDES Construction General Permit).

B. Basis for Permit Conditions - General

The effluent limitations and permit conditions in this permit have been developed to ensure compliance with the following:

1. NJPDES Regulations (N.J.A.C. 7:14A),
2. New Jersey Surface Water Quality Standards (N.J.A.C. 7:9B),

3. Water Quality Regulations of the Delaware River Basin Commission (N.J.A.C. 7:9B-1.5(b)1),
4. Interstate Environmental Commission Regulations (N.J.A.C. 7:9B-1.5(b)2),
5. Existing permit limitations in accordance with N.J.A.C. 7:14A-13.19 and 40 CFR 122.44 (antibacksliding requirements),
6. Permit limitations in accordance with N.J.A.C. 7:9B-1.5(d) (antidegradation requirements),
7. Federal anti-degradation regulations at 40 CFR 131.12, and
8. Statewide Water Quality Management Planning Rules (N.J.A.C. 7:15).

The Department has expanded the types of activities that could be covered under this general permit. All activities that are covered under this general permit are classified as either new sources or new direct dischargers. The New Jersey Pollutant Discharge Elimination System Regulations (NJPDES), N.J.A.C. 7:14A, subchapter 12, Appendix C, provides two tables regarding the effluent standards for new sources, new dischargers, or expanded direct discharges. Standards incorporated in these two tables vary based on the size of the discharge in relation to the size of the receiving waters entitled “<7Q10 & Large Tidal” and “>7Q10 & Small Tidal”. Said effluent standards identified in Appendix C were derived with the purpose of addressing compliance with the SWQSs in lieu of completing a comprehensive water quality study (refer to 28 N.J.R. 444).

The Department compared and analyzed the standards from the existing B7 general permit that were derived from NJPDES regulations, N.J.A.C. 7:14A-12, Appendix B, to the standards for new sources, new dischargers and expanded direct discharges noted in Appendix C and found that the standards found in the “>7Q10 & Small Tidal” table in Appendix C are more appropriate and protective for the discharges into Category Two waters and as such are employed in this permit and are shown in Attachment 1. Appendix C has limitations for four additional parameters - a base neutral compound - 1,2-Diphenyl hydrazine (as Azobenzene) and three metals - Antimony, Thallium and Chromium, hexavalent. As Chromium, hexavalent is a part of Chromium, total and as said Table already has the limitations for Chromium, total, which are more stringent than the limitations for only Chromium, hexavalent; Chromium, hexavalent limitations are not included in this permit. However, the limitations for the rest of the three additional parameters, i.e., 1,2-Diphenylhydrazine (as Azobenzene), Antimony and Thallium are retained and included in Attachment 1. Additionally, while the effluent standards shown in the Table regarding Beta-BHC, Gama-BHC (Lindane), Beta –Endosulfan, Endrin Aldehyde, 1,3- Dichloropropylene, and Iron are either somewhat lower or higher than those noted in Appendix B, a vast majority, i.e., 101 out of the 107 pollutant parameters’ limitations in said Table, have the same, additional or more stringent effluent limitations than those in Appendix B and would result in the cumulative effect of a decrease in the amount of the pollutants discharged. The Department has determined that the antidegradation policies at N.J.A.C. 7:9B-1.5(d), and 40 CFR 131.12, and antibacksliding provisions at N.J.A.C. 7:14A-13.19 and 40 CFR 402(O) have been satisfied and no further evaluation is warranted.

C. Basis for Exclusions or Denial

This general permit **EXCLUDES** discharges into Outstanding National Resource Waters (ONRW) which is the highest level of protection afforded to surface waters under the SWQS. ONRW includes Freshwater 1 (FW1) 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. Activities that might alter existing water quality in FW1 waters are prohibited.

Because **PL waters** are maintained in their natural state and changes are allowed only toward natural water quality, the applicant must contact the Pinelands Commission at (609) 894-7300 to get approval for any proposed discharge prior to applying for this discharge permit to discharge to PL waters.

Additionally, this general permit **EXCLUDES** discharges into **certain** Shellfish waters. **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 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>.

In addition, the Department may also make a case-by-case determination that any discharge authorization requests are ineligible for coverage under the conditions of this master general permit.

The following discharges are specifically **EXCLUDED** from Authorization under this permit because they are either regulated under other permits (see www.nj.gov/dep/dwq/gp_surfacewater.htm), or the discharge may cause adverse environmental impact to the receiving waters:

1. Sediment laden waters controlled under the Standards for Soil Erosion and Sediment Control in New Jersey and the Soil Erosion and Sediment Control Act (N.J.S.A. 4-24-39 et seq);
2. All discharges of industrial process wastewater including contact and non-contact cooling water;
3. Sanitary sewer flushing;
4. Discharges from domestic, publicly or privately owned, and industrial treatment works;
5. Combined sewer overflow;
6. Sanitary sewer overflow;
7. Discharges in any way associated with site remediation activities, including groundwater from any adjacent site needing either water and/or soil remediation or any contaminated site needing remediation;
8. Contaminated water from monitoring well construction and development or capping;
9. Discharges from water treatment system bench scale and pilot testing;
10. Discharges from wastewater treatment system bench scale and pilot testing;
11. Discharges resulting from filter backwash operations;
12. Draining of filter backwash from municipal, commercial, or other non-residential swimming pools;
13. Water used to clean and rinse storage tanks, natural gas pipelines, or other vessels;
14. Contaminated water resulting from construction dewatering activities;
15. Discharges resulting from water main breaks and water distribution system infrastructure failures;
16. Emergency discharges of contaminated water;
17. Tank or vessel bottom water accumulated at the bottom of the tank/vessel during its operations;
18. Discharges from the disinfection of newly constructed or repaired potable water mains, and fire hydrant flushing;
19. Discharges resulting from Hydrostatic testing;
20. ALL petroleum products cleanup activities; and
21. Discharges from mining operations.

D. Basis for Monitoring Requirements - Specific:

To ensure that the receiving water is protected and that all water quality criteria is met, the following is required to be performed by any discharger into a surface water of the state:

For a discharge to:

(a) Freshwater 2 (FW2), Saline Estuary 1 (SE1), Saline Estuary 2 (SE2), Saline Estuary 3 (SE3), and Saline Coastal (SC)

1. Flow: The permittee is required to estimate or monitor and record the discharge volume prior to commencement of discharge because any dewatering project that exceeds 100,000 gallons per day (GPD) discharge of groundwater for a period of 30 days or more may require a temporary water diversion permit from the Department's Bureau of Water Allocation and well permitting (see www.nj.gov/dep/watersupply/a_allocat.html or call (609) 984-6831).

In no case (Category One or Category Two waters) shall the effluent discharge flow exceed 1 million gallons per day (MGD) under this permit authorization.

Short-term *de minimis* discharges, such as those regulated under this permit, are not required to be addressed in the applicable Water Quality Management Plans and/or Wastewater Management Plans for each individual request for Authorization.

2. Attachment 1 Parameters: This general permit requires that the permittee comply with the applicable Attachment 1 standards for the receiving water classification. The Attachment 1 standards are based on the Department's "Effluent Standards For New Sources, New Discharges or Expanded Direct Discharges" pursuant to N.J.A.C. 7:14A-12, Appendix C. The Certification form and Attachment 1 standards provide the Department with assurances that these discharges will not cause exceedances of the applicable Federal or State SWQS. Therefore, at a minimum, the permittee is required to monitor the effluent **prior to application** to ensure that the discharge complies with the Attachment 1 standards. Although Appendix C contains a limitation for Chronic WET of $IC25 \geq 100\%$, this limitation is not being incorporated into this permit. Due to the short term nature of the discharges and the lack of detectable pollutants, the Department believes that a Chronic WET limitation is not necessary for these types of discharges.

(b) Category One

1. Flow: The permittee is required to estimate or monitor and record the discharge volume because any project that exceeds a 100,000 gallons per day (GPD) discharge of groundwater for a period of 30 days or more may require a temporary water diversion permit from the Department's Bureau of Water Allocation and well permitting (see www.nj.gov/dep/watersupply/a_allocat.html or call (609) 984-6831).

Short-term *de minimis* discharges, such as those regulated under this permit, are not required to be addressed in the applicable Water Quality Management Plans and/or Wastewater Management Plans for each individual request for Authorization

FLOW RESTRICTIONS:

The applicant must provide the 7Q10 value for the receiving stream, and the discharge flow will be restricted to a discharge no higher than the 7Q10 of the receiving stream. If the 7Q10 is less than or equal to 0.1 cubic feet per second (cfs), (64,627 gpd), the maximum allowable flow will be 0.1 cfs.

In no case (Category One or Category Two waters) shall the effluent discharge flow exceed 1 million gallons per day (MGD) under this permit authorization.

For any discharge into Category One waters, no parameter in the effluent shall exceed the RQL in Attachment 1 at any time.

2. **Attachment 1 Parameters:** This general permit requires that the permittee's discharge comply with the Surface Water Quality Standards (SWQS) for each Attachment 1 parameter. Therefore, at a minimum, the permittee is required to monitor the effluent **prior to discharge** to ensure that no discharge to Category One waters shall have any parameter concentration exceeding the specific RQL listed in Attachment 1. The Certification form and Attachment 1 RQL standards provide the Department with assurances that these discharges will not cause exceedances of the applicable Federal or State SWQS or exhibit any measurable changes in the receiving waterbody.
3. **Whole Effluent Toxicity (WET):** Although no toxicity is expected to be exhibited in the discharges, an Acute WET limitation is being incorporated into this permit due the high quality nature of Category One waters. All discharges to Category One waters shall be analyzed to meet an Acute WET limitation of No Observed Adverse Effect Concentration (NOAEC). A result of NOAEC means that the survival rate of the test species at 100% effluent is not significantly different from the laboratory control. The test species to be used for acute testing shall be the *Ceriodaphnia dubia* 48 hour definitive test for discharges to freshwater and *Mysidopsis bahia* 96 hour definitive test for discharges to saline waters. The method selection is based on the characteristics of the receiving stream, N.J.A.C. 7:9B-1.5 and N.J.A.C. 7:18, the Regulations Governing the Certification of Laboratories and Environmental Measurements (N.J.A.C. 7:18).
4. A complete request for authorization (including data from a newly collected sample and a new WET test result) will be required to be submitted for any discharge to Category One waters extending beyond the initial 30 days and for each subsequent 30 day period up to a maximum of 90 days.
5. The discharges to Category One waters will be limited by Attachment 1 RQL limits, NOAEC – Acute Whole Effluent Toxicity, flow volume, and time duration. The Department asserts that the combination of these additional limitations, beyond what is required of discharges to Category Two waters, will adequately protect water quality of Category One waters from any measureable change.

E. Recommended Quantitation Levels Policy (RQLs):

The Department developed the RQLs to insure that useful data is provided to the Department in order to characterize the discharger's effluent. The Department recommends that the permittee achieve detection levels that are at least as sensitive as the RQLs found in Attachment 1. The Department has determined that the quantitation levels listed therein can be reliably and consistently achieved by most state certified laboratories for most of the listed pollutants using the appropriate procedures specified in 40 CFR Part 136.

F. Reporting Requirements:

All required data shall be monitored and submitted to the Department with each request for Authorization.

G. General conditions:

In accordance with N.J.A.C. 7:14A-2.3 and 6.1(b), specific rules from the New Jersey Administrative Code have been incorporated either expressly or by reference in Part I.

7 Description of Procedures for Reaching a Final Decision on the Draft Action:

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 major Northern, Central and Southern New Jersey's newspapers:

Newspaper	County
<i>Asbury Park Press</i>	Monmouth and Ocean
<i>The Press of Atlantic City</i>	Atlantic and Cape May
<i>Courier Post Newspaper</i>	Camden, Gloucester and Burlington
<i>Daily Journal</i>	Cumberland
<i>Star Ledger</i>	Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union and Warren
<i>Trenton Times</i>	Mercer
<i>Today's Sunbeam</i>	Salem

8 Contact Information

If you have any questions regarding this permit action, please contact Dave Thomas (dave.thomas@dep.state.nj.us) of the Bureau of Surface Water Permitting by email or by phone at (609) 292-4860.

9

Contents of the Administrative Record

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. [C]
2. 40 CFR Part 131, Federal Water Quality Standards. [A] [C]
3. 40 CFR Part 122, National Pollutant Discharge Elimination System. [C]
4. N.J.S.A. 58:10A-1 *et seq.*, New Jersey Water Pollution Control Act. [A] [B]
5. N.J.A.C. 7:14A-1 *et seq.*, New Jersey Pollutant Discharge Elimination System Regulations. [A] [B]
6. N.J.A.C. 7:9B-1 *et seq.*, New Jersey Surface Water Quality Standards. [A] [B]
7. N.J.A.C. 7:15, Statewide Water Quality Management Planning Rules. [A] [B]
8. N.J.A.C. 7:14C, Sludge Quality Assurance Regulations. [B]
9. N.J.A.C. 7:19, Water Supply Allocation Permits Rules. [B]
10. N.J.A.C. 7:10, Safe Drinking Water Act Rules. [B]

Guidance Documents / Reports:

1. "Field Sampling Procedures Manual", published by the NJDEP. [A]
2. "EPA Technical Support Document for Water Quality-based Toxics Control", EPA/505/2-90-001, March 1991. [A]
3. New Jersey's 2010 Integrated Water Quality Monitoring and Assessment Report (includes 305 (b) Report 303(d) List). [A] [B]

Permits:

1. Existing NJPDES/DSW Permit NJ0134511, issued November 21, 2011 and effective January 1, 2012. [A]
2. USEPA Final NPDES Construction General permit, 2012 [C]

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 (NJDEP) website located at "http://www.state.nj.us/dep/".
- [C] Denotes items that may be found on the United States Environmental Protection Agency (USEPA) website at "http://www.epa.gov/".



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: NJ0134511

Draft: Surface Water Master General Permit Action

Permittee:

NJPDES Master General Permit Program Interest
 Category B7
 Per Individual Notice of Authorization
 Division Of Water Quality
 Mail Code 401-02B
 PO Box 420
 401 East State Street
 Trenton, NJ 08625

Property Owner:

NJPDES Master General Permit Program Interest
 Category B7
 Per Individual Notice of Authorization
 Division Of Water Quality
 Mail Code 401-02B
 PO Box 420
 401 East State Street
 Trenton, NJ 08625

Location Of Activity:

NJPDES Master General Permit Program Interest
 Category B7
 Per Individual Notice of Authorization
 Division Of Water Quality
 Mail Code 401-02B
 PO Box 420
 401 East State Street
 Trenton, NJ 08625

Authorization(s) Covered Under This Approval	Issuance Date	Effective Date	Expiration Date
B7- Short-term De Minimis Discharge (GP)			

By Authority of:
Commissioner's Office

DEP AUTHORIZATION
Pilar Patterson, Chief
Bureau of Surface Water Permitting
Division of Water Quality

(Terms, conditions and provisions attached hereto)

Division of Water Quality

PART I

NARRATIVE REQUIREMENTS

Short-term De Minimis Discharge General Permit (GP)

A. GENERAL REQUIREMENTS FOR AUTHORIZATION UNDER THE NJPDES DISCHARGE TO SURFACE WATER GENERAL PERMIT FOR SHORT-TERM DE MINIMIS DISCHARGES (NJ0134511)

1. Purpose and Scope

- a. This General Permit for Short-term De Minimis Discharges authorizes the short term discharge of water for the purpose of lowering the groundwater table during construction related activities, as well as authorizing several common discharge requests. This authorization is conditional on compliance with all of the conditions specified in this permit, including the applicable limitations in Attachment 1.
- b. This permit is intended for short-term discharges containing de minimis amounts of pollutants. A de minimis discharge for purposes of this general permit is defined as a discharge containing a relatively insignificant amount of pollutants that complies with all of the conditions specified in this permit, including the limitations specified in Attachment 1.
- c. This permit operates under the premise that appropriate Best Management Practices (BMPs) are implemented prior to discharge and temporary treatment units are provided, if necessary. If the discharge causes adverse environmental impacts to the receiving waters, the discharge is in violation of this permit. The entity authorizing the activity and certifying compliance with the requirements of this general permit would then be subject to enforcement action.
- d. The entity responsible for the work that results in a discharge authorized by this permit, is required to submit an original copy of the Request for Authorization Certification Form (Certification) certifying that the proposed discharge(s) will comply with all of the conditions of this permit. The Department must receive the Certification form at least fourteen (14) days prior to the proposed discharge. The Certification form is available on the Department's website at www.state.nj.us/dep/dwq/forms.htm. The applicant becomes authorized to discharge under this general permit fourteen (14) days after the Department receives the complete Certification form, UNLESS the Department notifies the applicant that the discharge is NOT eligible.

2. Eligibility

- a. The following discharges may be ELIGIBLE for authorization under this permit:
 - i. Discharges from the following construction activities: construction work related to residential or commercial building; repair, replacement or maintenance of pipelines, utility lines or cable lines; and excavation for foundation work.
 - ii. Discharges resulting from the following activities that may qualify include, but are not limited to: aquifer storage and recovery (ASR) discharges, geothermal discharges, well pump tests or similar types of short term infrequent discharges resulting from the potable water process, and exterior washing of cars, trucks and buildings where no detergents or chemicals are used.

- iii. Incidental discharges to groundwater 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.
 - iv. Discharges associated with other miscellaneous short term *de minimis* discharges, including discharges to Category 1 waterways. Although this General Permit was originally designed for construction dewatering related activities, the Department has included, as deemed appropriate, other short term, *de minimis* discharges into this revoke and reissue permit action.
 - (1) For discharges to Category One waters the applicant must provide the 7Q10 value for the receiving stream, and the discharge flow will be restricted to a discharge no higher than the 7Q10 of the receiving stream. If the 7Q10 is less than or equal to 0.1 cubic feet per second (cfs), or 64,627 gpd, the maximum allowable flow will be 0.1 cfs.
 - (2) In no case (Category One or Category Two receiving waters) shall the effluent discharge flow limit exceed 1 million gallon per day (MGD) under this permit authorization.
 - (3) For any discharge into Category One waters, no parameter in the effluent shall exceed the standard for Category One waters (the RQL), at any time, noted in the Attachment 1.
- b. The following discharges are INELIGIBLE for authorization under this permit:
- i. Contaminated water resulting from construction dewatering activities;
 - ii. Sediment laden waters controlled under the Standards for Soil Erosion and Sediment Control in New Jersey and the Soil Erosion and Sediment Control Act (N.J.S.A. 4-24-39 et seq);
 - iii. Discharges in any way associated with site remediation activities, including groundwater from any site adjacent to a site either needing water or soil remediation or any contaminated site needing remediation;
 - iv. Contaminated water from monitoring well construction and development or capping;
 - v. Discharges from water treatment system bench scale and pilot testing;
 - vi. Discharges from wastewater treatment system bench scale and pilot testing;
 - vii. All petroleum product clean-up activities;
 - viii. All discharges of industrial process wastewater including contact and non-contact cooling water;
 - ix. Discharges from domestic, publicly or privately owned, and industrial treatment works;
 - x. Sanitary sewer flushing;
 - xi. Sanitary sewer overflow;
 - xii. Combined sewer overflow;
 - xiii. Discharges resulting from filter backwash operations;
 - xiv. Discharges resulting from water main breaks and water distribution system infrastructure failures;
 - xv. Draining of and filter backwash from municipal, commercial, or other non-residential swimming pools;

- xvi. Water used to clean and rinse storage tanks, natural gas pipelines, or other vessels;
 - xvii. Tank or vessel bottom water accumulated at the bottom of the tank/vessel during its operations;
 - xviii. Discharges resulting from Hydrostatic testing of tanks, vessels or pipelines;
 - xix. Emergency discharges of contaminated waters;
 - xx. Discharges from the disinfection of newly constructed or repaired potable water mains or fire hydrant flushing;
 - xxi. Discharges from mining operations.
- c. Discharges to the following waterbodies are ELIGIBLE for authorization under this permit:
- i. Discharges eligible for authorization under this permit may be discharged to FW2 (C1 and C2), SE1, SE2, SE3 and SC waters of the State directly and /or via storm sewers.
 - ii. Waterbody classifications are defined in N.J.A.C. 7:9B-1.4. All individual stream classifications are designated in tables located at N.J.A.C. 7:9B-1.15 (c) through (j). Table (j) specifically lists all FW1 waters. For those receiving waters not listed, the applicable classification is that of the waterbody into which the immediate receiving water empties.
 - iii. For additional information pertaining to FW1, Category 1 (C1), FW2, or Shellfish waters, the permittee should contact the Department's Bureau of Water Quality Standards and Assessment at (609) 777-1753.
- d. Discharges to the following waterbodies are INELIGIBLE for authorization under this permit:
- i. This general permit EXCLUDES discharges into Freshwater 1 (FW1) 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. Additionally, this general permit also EXCLUDES discharges into certain Shellfish waters. 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 or from the Bureau of Marine Water Monitoring at (609) 748-2000 (voice-mail only), at P.O. Box 405, Stoney Hill Road, Leeds Point, New Jersey 08220 or from any shellfish agency, shellfisheries office or the marine police.
 - iii. Discharges to waters designated as Pinelands (PL) waters will require approval from the Pinelands Commission prior to the Department's consideration of the request to discharge under this general permit. PL waters include all waters within the Pinelands area.

B. CONDITIONS FOR AUTHORIZATION UNDER THIS NJPDES GENERAL PERMIT

1. Narrative Discharge Requirements

- a. 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.

- b. The permittee's discharge shall not produce objectionable color or odor in the receiving stream.
- c. The discharge shall not exhibit a visible sheen, nor contain any scum or other residual matter.

2. Discharge Requirements Relating to Erosion

- a. The discharger shall minimize the amount of suspended solids or turbidity in the discharge. If the discharge contains suspended solids, BMPs shall be utilized to minimize the levels prior to discharge to the receiving water. Some examples of BMPs include increased retention time and filtration devices (such as hay bales and absorbent socks).
- b. 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.
- c. 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.2:90-13 et seq. In addition, the Regional Soil Conservation District office (organized by county) may be contacted for guidance on soil erosion control.
- d. 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.

3. Other Regulatory Requirements

- a. Representatives of the Department shall have the right to enter and inspect any area associated with a discharge authorized under this permit.
- b. 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.
- c. The Department currently regulates stormwater runoff from certain construction activities under its Construction Activity Stormwater General Permit (NJPDES Permit No. NJ0088323). This general permit controls stormwater discharge to surface water (DSW) from certain construction activities, including clearing, grading, and excavation (generally, construction activities that disturb one acre or more of land, or disturb less than one acre but are part of a larger plan of development or sale). Information is available at www.state.nj.us/dep/dwq.
- d. Projects expected to exceed 100,000 gallons per day (GPD) of groundwater for a period of 30 days or more, may also require a water allocation permit from the Department's Bureau of Water Allocation and Well Permitting. The applicant may contact the Bureau of Water Allocation and Well Permitting at (609) 984-6831 for additional information.
- e. Projects authorized under this general permit that are expected to discharge for a period of 30 days or more and also utilize a temporary treatment unit, shall contact the Department's Bureau of Construction and Connection Permits at (609) 984-4429 to determine whether a Treatment Works Approval (TWA) must be obtained.
- f. 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.

4. Requirements Incorporated by Reference

a. The permittee shall comply with all conditions set forth in this permit and with all of 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)
- 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

C. ADMINISTRATIVE REQUIREMENTS UNDER THIS NJPDES GENERAL PERMIT

1. Certification Requirements

- a. A completed and signed Certification form (and analytical data) shall be submitted to the Department at the address specified on the Certification form.
- b. The company or entity authorizing the activity which will result in the discharge to be authorized by this permit, must designate an agent. The agent will be responsible for ensuring that the discharge complies with all applicable requirements of this permit and must certify this on the Certification form. The Certification form is available on the Department's website at: www.state.nj.us/dep/dwq/forms.htm.
- c. An original Certification form, legally executed by the designated agent, shall be submitted to the Department's Bureau of Surface Water Permitting, with a copy sent to the Regional Water and Compliance Enforcement office, as listed on the Certification form. This must be completed and submitted to both offices at least fourteen (14) days prior to the proposed discharge. A copy of the Certification shall also be kept on site, where this is impractical, a copy shall be kept at the business office of the designated agent. A copy of this certification form shall also be sent to the clerk in the town or municipality in which the discharge shall occur. This Certification form shall be made available to a Department representative or other person(s) upon request. The Certification form shall contain all of the following information:
 - i. the name of the operating entity authorizing the work (company, town or municipality) resulting in the discharge to surface water and the name, title, physical and email contact information of a principal officer in the company or of a specified official in the town or municipality.
 - ii. the name and title of the designated agent, affiliation, address, telephone number and email address;
 - iii. a project description and the scheduled date(s) of the proposed discharge event(s);
 - iv. the source of the water to be discharged (e.g., ground water);
 - v. the number of well point(s), if applicable, and the approximate total quantity of water to be discharged, as well as the anticipated flow rate of the discharge;
 - vi. the approximate duration and period of the discharge;
 - vii. a description of the designated discharge point and the location(s) (street name(s) or street address (as appropriate), municipality, and county) of the discharge;
 - viii. the receiving water(s) to which the discharge will be directed, including the method of transport (i.e., via storm sewer, ditch, tributary, etc.);
 - ix. a description of the BMPs to be used, and any temporary treatment units used;

- d. If this Certification form is not submitted as specified above, or cannot be produced upon request by 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 to obtain an individual or other general NJPDES permit and/or to utilize other alternate disposal methods.
- f. The following statement shall be signed by the authorized agent and submitted to the Department:

"I certify under penalty of law that this Certification form and all attachments were prepared under my direction or supervision in accordance with a system designed 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. If applying for scheduled multiple short-term discharges, the Certification form shall include a proposed schedule of the expected discharges. If unforeseen circumstances occur and it is necessary to extend the duration of the discharge, the person signing the Certification form must submit a written request to the Department (the Bureau of Surface Water Permitting) for a determination to continue authorization under this permit, that includes the new expected completion date.
- h. Questions regarding the discharge activities, which are similar to the discharges listed above but are not specifically addressed herein, or questions regarding the eligibility of any discharge through this general permit, should be directed to the Bureau of Surface Water Permitting at (609) 292-4860 or by email to Dave Thomas at dave.thomas@dep.state.nj.us so that a permit determination can be made.

2. Recordkeeping

- a. A copy of the Certification form (and analytical data) must also be submitted to the Department's appropriate regional Enforcement Bureau, depending on the county in which the discharge activity will occur. The addresses are specified below:
 - i. For Bergen, Essex, Hudson, Hunterdon, Morris, Passaic, Somerset, Sussex, and Warren Counties:

Northern Bureau of Water Compliance and Enforcement
7 Ridgedale Avenue
Cedar Knolls, New Jersey
07927-1112
 - ii. For Mercer, Middlesex, Monmouth, Ocean and Union Counties:

Central Bureau of Water Compliance and Enforcement
Mail Code 44-03
22 South Clinton Avenue
P.O. Box 420
Trenton, New Jersey 08625-0420
 - iii. For Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester and Salem Counties:

Southern Bureau of Water Compliance and Enforcement
2 Riverside Drive, Suite 201
Camden, New Jersey 08102

- b. A copy of this Certification form must also be maintained on site during the discharge event. Where it is not practical to keep a copy of the Certification form on site, a copy must be maintained in the business office of the certifying entity and a copy provided to the clerk in the town or municipality where the discharge activity will occur. The certifying entity authorizing the work must maintain a copy of the Certification form for a period of five (5) years, as per N.J.A.C. 7:14A-6.6.
- c. The permittee shall maintain records of monitoring information, including the following:
 - i. all calibration and maintenance records;
 - ii. records of all data used to complete the application/ Certification form and copies of all reports shall be retained for a period of five (5) years as required by N.J.A.C. 7:14A-6.6.
- d. The Department must be notified via e-mail the date when the discharge begins and the date when it ends. This notification shall be sent to dave.thomas@dep.state.nj.us and melissa.hornsby@dep.state.nj.us .

D. SIGNATORY REQUIREMENTS FOR THE CERTIFICATION 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:
 - (1) 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 Certification form requirements; or
 - (2) 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; or
 - c. For a municipality, State, Federal, or other public agency, by either a principal executive officer or ranking elected official. For purposes 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 as described in (i) below.
 - i. A person is a duly authorized representative only if:
 - (1) The authorization is made in writing by a person described in 1(a) through (c), above;

(2) The authorization specifies either an individual or a position who's 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 who's 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,

(3) 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 Certification form signed by an authorized representative.

Attachment 1

The parameters listed below are in accordance with the effluent standards for new sources, new discharges or expanded discharges at N.J.A.C. 7:14A-12, Appendix C¹. The applicant shall ensure that the discharge shall be sampled and analyzed at a detection level as sensitive as the Recommended Quantitation Levels (RQL) implementing Sufficiently Sensitive analytical methods approved by EPA for all of the parameters. All units are in micrograms per liter (µg/L). **Please note flow restrictions applicable to all discharges as listed below this chart.**

Acid Compounds	Standards				
	Category 2 Waters				Category 1 Waters ²
	FW2 Waters		SE, SC Waters		
	Monthly	Daily	Monthly	Daily	
Average	Maximum	Average	Maximum		
2-Chlorophenol	31	98	31	98	20
2,4 Dichlorophenol	39	112	39	112	10
2,4 Dimethylphenol	18	36	18	36	13.5
4,6 Dinitro-O-Cresol	NL	60	78	277	60
2,4 Dinitrophenol	71	123	71	123	10
2-Nitrophenol	41	69	41	69	18
4-Nitrophenol	72	124	72	124	12
Pentachlorophenol	NL	30	NL	30	30
Phenol	15	26	15	26	10
2,4,6 Trichlorophenol	NL	20	NL	20	20

Pesticides	Standards				
	Category 2 Waters				Category 1 Waters ²
	FW2 Waters		SE, SC Waters		
	Monthly	Daily	Monthly	Daily	
Average	Maximum	Average	Maximum		
Aldrin	NL	0.04	NL	0.04	0.04
Alpha-BHC	NL	0.02	NL	0.02	0.02
Beta-BHC	NL	0.28	0.46	0.92	0.04
Gamma-BHC (Lindane)	NL	0.037	NL	0.125	0.03
Chlordane	NL	0.2	NL	0.2	0.2
4,4'-DDT	NL	0.06	NL	0.06	0.06
4,4'-DDE	NL	0.04	NL	0.04	0.04
4,4'-DDD	NL	0.04	NL	0.04	0.04
Dieldrin	NL	0.03	NL	0.03	0.03
Alpha-Endosulfan	NL	0.02	NL	0.02	0.02
Beta-Endosulfan	NL	0.092	NL	0.02	0.04
Endosulfan Sulfate	0.93	1.86	2	4	0.08
Endrin	NL	0.04	NL	0.04	0.04
Endrin Aldehyde	0.76	1.52	0.81	1.62	0.1
Heptachlor	NL	0.02	NL	0.02	0.02
Heptachlor Epoxide	NL	0.4	NL	0.4	0.4
Toxaphene	NL	1	NL	1	1

Volatile Compounds	Standards				
	Category 2 Waters				Category 1 Waters ²
	FW2 Waters		SE, SC Waters		
	Monthly	Daily	Monthly	Daily	
Average	Maximum	Average	Maximum		
Acrolein	NL	100	NL	100	50
Acrylonitrile	NL	50	NL	50	50
Benzene	NL	7	37	136	7
Bromoform	NL	8.6	29	58	8
Carbon Tetrachloride	NL	6	NL	8.8	6
Chlorobenzene	15	28	15	28	6
Chlorodibromomethane	NL	8.2	NL	14	6
Chlorethane	104	268	104	268	1
Chloroform	NL	11.4	21	46	5
Dichlorobromomethane	NL	5	NL	12	5
1,1-Dichloroethane	22	59	22	59	23.5
1,2-Dichloroethane	NL	3	68	211	3
1, 1-Dichloroethylene	NL	6	16	25	6
1,2-Dichloropropane	153	230	153	230	5
1,3-Dichloropropylene	NL	20	29	44	7
Ethylbenzene	32	108	32	108	6
Methyl Bromide	20	40	20	40	9
Methyl Chloride	86	190	86	190	10
Methylene Chloride	NL	9.4	40	89	6
1,1,2,2 Tetrachloroethane	NL	10	NL	10	10
Tetrachloroethylene	NL	16	22	56	9
Toluene	26	80	26	80	6
1,2-Trans-Dichloroethylene	21	54	21	54	4
1,1,1-Trichloroethane	21	54	21	54	6
1,1,2-Trichloroethane	NL	12	21	54	6
Trichloroethylene	NL	5.4	21	54	5
Vinyl Chloride	NL	10	104	268	10

Metals, Cyanide and Dioxin	Standards				
	Category 2 Waters				Category 1 Waters ²
	FW2 Waters		SE, SC Waters		
	Monthly	Daily	Monthly	Daily	
Average	Maximum	Average	Maximum		
Antimony	NL	28	NL	NL	20
Arsenic	NL	8	NL	8	8
Cadmium	NL	4	NL	15.2	4
Chromium	NL	16	41	82	10
Copper	NL	10	NL	10	10
Iron	1500	3000	1500	3000	100
Lead	NL	10	NL	13.9	10
Mercury	NL	1	NL	1	1
Nickel	72	144	NL	13.6	10
Selenium	NL	10	NL	NL	10
Silver	NL	2	NL	2	2
Thallium	NL	10	NL	12.4	10
Zinc	NL	65	47.5	95	30
Cyanide	NL	40	NL	40	40
2,3,7,8Tetrachlorodibenzo-p-Dioxin	NL	0.01	NL	0.01	ND

Base/Neutral Compounds	Standards				
	Category 2 Waters				Category 1 Waters ² (RQL)
	FW2 Waters		SE, SC Waters		
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	
Anthracene	22	59	22	59	10
Benzidine	NL	50	NL	50	50
Benzo (a) Anthracene	NL	10	NL	10	10
Benzo (a) Pyrene	NL	20	NL	20	20
Benzo (b) fluoranthene	NL	10	NL	10	10
Benzo (k) fluoranthene	NL	20	NL	20	20
Bis (2-Chloroethyl) Ether	NL	10	NL	10	10
Bis (2-Chloroisopropyl) Ether	301	757	301	757	10
Bis (2-Ethylhexyl)Phthalate	NL	36	59	118	30
Butyl Benzyl Phthalate	NL	24	NL	24	20
Chrysene	NL	20	NL	20	20
Dibenzo (a,h) Anthracene	NL	20	NL	20	20
1,2 Dichlorobenzene	77	163	77	163	9
1,3 Dichlorobenzene	31	44	31	44	9
1,4 Dichlorobenzene	NL	28	NL	28	20
3,3 Dichlorobenzidine	NL	60	NL	60	60
Diethyl Phthalate	81	203	81	203	10
Dimethyl Phthalate	19	47	19	47	10
Di-N-Butyl Phthalate	27	57	27	57	20
2,4 Dinitrotoluene	NL	10	NL	18.2	10
2,6 Dinitrotoluene	255	641	255	641	9.5
1,2-Diphenylhydrazine (as Azobenzene)	0.04	0.08	0.54	1.08	ND
Fluoranthene	25	68	25	68	10
Fluorene	22	59	22	59	10
Hexachlorobenzene	NL	10	NL	10	10
Hexachlorobutadiene	NL	10	20	49	10
Hexchlorocyclopentadiene	240	480	NL	1800	10
Hexachloroethane	19	38	21	54	10
Indeno (1,2,3-cd) Pyrene	NL	20	NL	20	20
Isophorone	NL	20	NL	20	10
Naphthalene	22	59	22	59	8
Nitrobenzene	17	34	27	68	10
N-Nitrosodimethylamine	NL	20	NL	20	20
N-Nitrosodiphenylamine	NL	20	NL	20	20
Phenanthrene	22	59	22	59	10
Pyrene	25	67	25	67	20
1,2,4 Trichlorobenzene	68	140	68	140	10
Acute Whole Effluent Toxicity	--	--	--	--	NOAEC

NOAEC means No Observed Adverse Effect Concentration
ND means non-detect, NL means not limited

1. Footnotes 1-3 at N.J.A.C. 7:14A-12 Appendix C do not apply to these discharges because no manufacturers will be approved to discharge under this permit.

Please note, although Appendix C contains a limitation for Chronic WET of $IC_{25} \geq 100\%$, this limitation is not being incorporated into this permit. Due to the short term nature of the discharges and the lack of detectable pollutants, the Department believes that a chronic WET limitation is not necessary for these types of discharges.

2. For any discharge into Category One waters, no parameter in the effluent shall exceed the standard for Category One waters (the listed RQL), at any time.

FLOW RESTRICTIONS:

For discharges to Category One waters the applicant must provide the 7Q10 value for the receiving stream, and the discharge flow will be restricted to a discharge no higher than the 7Q10 value of the receiving stream. If the 7Q10 value is less than or equal to 0.1 cubic feet per second (cfs), or 64,627 gpd, the maximum allowable flow will be 0.1 cfs.

In no case (Category One or Category Two receiving waters) shall the effluent discharge flow exceed 1 million gallon per day (MGD) under this permit authorization.