



## ***FAQs – Individual Combined Sewer Overflow (CSO) Permits***

**DISCLAIMER:** The following questions and answers are provided for general information purposes only and are not intended to replace or alter the binding effect of any part or condition of the final CSO permit(s).

### **1. Who is being issued a CSO permit?**

A total of 25 individual CSO permits have been issued (9 to STPs and 16 to municipalities). There are a total of 217 CSO permitted outfalls located within 20 New Jersey communities as follows: Bayonne City MUA (30); Camden City (28); Camden County MUA (1); East Newark Borough (1); Elizabeth City (28); Fort Lee Borough (2); Gloucester City (7); Hackensack City (2); Harrison Town (7); Jersey City MUA (21); Kearny Town (5); North Bergen MUA (10); Newark City (18); North Hudson SA Adams Street (8); North Hudson SA West New York (2); Paterson City (23); Perth Amboy City (16); Ridgefield Park Village (6); Town of Guttenberg (1); and Trenton Sewer Utility (1). All final CSO permits can be found at [www.nj.gov/dep/dwq/cso-permits.htm](http://www.nj.gov/dep/dwq/cso-permits.htm).

### **2. Why am I being issued a CSO permit? Why am I being issued a CSO permit if I don't own/operate a CSO outfall?**

Individual CSO permits have been issued to all owners and operators of a CSO outfall, and to sewage treatment plants (STPs) that accept, convey or treat flows from communities that have CSOs. This individual permit replaces the CSO Master General Permit, under which these discharges were previously regulated.

While some STP permittees do not own/operate any CSO outfalls, the manner in which the STP permittees operate and maintain portions of the hydraulically connected system that they own directly influences the volume, frequency and duration of the discharges from the CSO outfalls that are owned/operated by the connected municipalities. Therefore, the permits are issued such that permittees are required to coordinate system-wide implementation of the NMCs and the development and implementation of the LTCP.

### **3. What is the purpose of the CSO permits?**

The goal of these permits is to reduce or eliminate CSOs. All permittees and surrounding communities that are hydraulically connected to a CSO (and can therefore influence the discharge) have a role to play in planning and implementing measures required to reduce CSOs, including implementation of Nine Minimum Controls (NMCs) and the development and implementation of a Long Term Control Plan (LTCP) in accordance with the National CSO Policy.

As part of the development of LTCPs to reduce and/or eliminate the CSO discharges, the permittee is also required to explore alternatives to reduce flooding, ensure proper operation, maintenance and management of existing infrastructure to maximize conveyance and treatment of wastewater to the STP. Such measures may

include, but are not limited to sewer separation, expansion of the STP to accept additional wet weather flows, satellite holding and/or treatment facilities, and green infrastructure, which can be found at [www.nj.gov/dep/gi/](http://www.nj.gov/dep/gi/).

#### **4. What will be the Effective Date of the CSO permits?**

All individual CSO permits have been issued simultaneously with an effective date of July 1, 2015.

#### **5. Why is it important for CSO permittees to work together? What role does each of the permittees serve?**

An effective LTCP must address the entire hydraulically connected system, including those entities that discharge into the system and were not issued a CSO permit. Due to the inter-connected nature of sewer systems among adjacent municipalities, how a downstream community address their CSO will have a direct impact on the amount of flows they will accept from their upstream communities. Further, the amount of increased wet weather flow the receiving STP can accept will also directly relate to the amount of reductions that needs to occur in the contributing municipalities.

The Department encourages collaboration between STPs and their member municipalities in the development of LTCPs. Single or joint LTCPs must rely on the same data, models engineering costs, etc., and reflect the same selected alternatives and schedules for implementation within the hydraulically connected systems. Specific responsibilities (based on ownership/operation) are to be identified in the LTCPs and in subsequent permits for construction-related implementation.

#### **6. How will the public be informed of the presence of a CSO?**

Public notification requirements were developed to ensure that the public receives adequate notification of CSO occurrences and impacts. These requirements can be summarized as follows: posting of CSO Identification Signs (containing symbols prohibiting swimming, fishing and kayaking) at every CSO outfall location; posting of leaflets/flyers/signs with general information at affected use areas (e.g. beaches, marinas, docks, fishing piers, boat ramps, parks and other public places) within 100 feet of the outfall; notification to all residents by US mail or e-mail in the permittee's sewer service area regarding CSOs and the related threat to public health; and creation and maintenance of a telephone hot line or website to provide immediate/up to date information regarding CSO discharges. The Department's intent is for the permittees to provide up-to-date information to the public as to whether or not CSO discharges are occurring.

#### **7. As a member of the public, how can I get involved or provide input in the development of an LTCP?**

The permittee is required to invite members of the affected/interested public to establish a "Supplemental CSO Team" to work with the permittee's assigned staff and to work as an informal workgroup. The Department is not mandating specific duties be performed by the "Supplemental CSO Team," but rather expects the "Supplemental CSO Team" to work as a liaison between the general public and the decision makers for the permittee. The "Supplemental CSO Team" could be comprised of interested members of the public that wish to work with members of the permittee's staff that are knowledgeable with respect to the permittee's CSS and the permittee's CSO Operation and Maintenance (O&M) Program and LTCP development.

The Department believes that the "Supplemental CSO Team" will be beneficial in soliciting input from the public throughout the planning process, and will enable the permittee to better develop an outreach program through public meetings and public hearings that reaches a broad base of citizens. Through this process the

Department believes that the permittee will gain a public perspective on local water quality issues and sewer system problems, the amount of public concern about CSOs in particular, and the public's willingness to participate in efforts to eliminate CSOs. The Department would expect the public to be provided with information to help them better understand the issues, costs, and operation of the treatment works. In addition, it is expected that the public will share its local concerns and goals of the community as it relates to the permittees' CSS and CSOs.

## **8. How do I get started?**

The new CSO permits present challenges for permittees, but some of the work has already begun. The 2004 Master General Permit not only required compliance with the NMCs that were established in 1994, but also required the initiation of the LTCP. One of the steps is to consider what work has already been performed and how past achievements may be incorporated into new efforts to satisfy the new individual CSO permits.

Permittees are encouraged to establish working relationships with the treatment facility and other community participants in the permittee's service area, in order to facilitate the development of a jointly-prepared LTCP. As indicated above, permittees are encouraged to collaborate with supplemental CSO team members to address the proper steps toward engaging the surrounding community to produce a better LTCP. Resources for community collaboration can be found at [www.nj.gov/dep/dwg/cso-commcoll.htm](http://www.nj.gov/dep/dwg/cso-commcoll.htm). The Department will also provide technical and community outreach support through their interdisciplinary teams and Team Leaders. A list of team leaders can be found at [www.nj.gov/dep/dwg/cso-contacts.htm](http://www.nj.gov/dep/dwg/cso-contacts.htm).

## **9. What are the "Nine Minimum Controls (NMCs)"?**

The NMCs are minimum technology-based controls that can reduce CSOs and their effects on receiving water quality, generally do not require extensive engineering studies or significant construction costs, and can be implemented in a relatively short period of time (e.g., less than approximately two years) prior to implementation of long-term CSO control measures. As described in the National CSO Policy, permittees were required to implement the NMCs as the first steps in controlling discharges from CSO outfalls. The Department has clarified and enhanced requirements consistent with the National CSO Policy and State regulations. Simply stated, the NMCs are relatively "low cost" measures that are intended to improve conveyance to and treatment of flows at the STP, improve public notification, update operation and maintenance procedures of the system and ensure the development of asset management and emergency response plans. The NMCs can be found at [www.nj.gov/dep/dwg/cso-nine.htm](http://www.nj.gov/dep/dwg/cso-nine.htm). Guidance for asset management and emergency response plans can be found at [www.nj.gov/dep/dwg/cso-guidance.htm](http://www.nj.gov/dep/dwg/cso-guidance.htm).

## **10. What is a Long Term Control Plan? What does an LTCP include?**

The LTCP is a comprehensive engineering analysis that recognizes the site specific nature of CSOs and their impacts on receiving water bodies, and evaluates the cost-effectiveness of a range of technology based and water quality based CSO control measures that will meet the requirements of the CWA. The selected CSO control measures for implementation needs to be designed to allow cost-effective expansion or cost-effective retrofitting of existing infrastructure, if additional controls are determined to be necessary to meet the CWA. The final LTCP should include CSO control measures that are technically feasible and consistent with the National CSO Policy. The elements of an LTCP can be found at [www.nj.gov/dep/dwg/cso-longtermplans.htm](http://www.nj.gov/dep/dwg/cso-longtermplans.htm).

## 11. When is it expected that all permittees will have their LTCPs implemented?

For those hydraulically connected permittees who have indicated that they will work together to develop and submit a single LTCP, the compliance schedule in their permit requires that the final LTCP be submitted by the effective date of the permit (EDP) plus 59 months or June 1, 2020. For those permittees who will coordinate the development, but submit a separate LTCP, submission of the final LTCP is due by EDP plus 3 years or July 1, 2018. LTCPs are required to begin implementation immediately after approval by the Department and are expected to continue over long periods of time.

The National CSO Policy anticipates phased implementation of CSO controls where controls selected during LTCP steps 4 (Alternatives Analysis) and 5 (Cost/performance) are prioritized for implementation based on the cost and water quality improvement. The projected costs of LTCP controls will be estimated in LTCP steps 4 and 5 with other permittees in the hydraulically connected system. Once these costs are determined, the length of time to implement the approved controls can then be calculated based on several factors, including financial capability, described in Section IV.G.8.c of the permits.

## 12. Discharge Monitoring Reports (DMRs) - what information needs to be reported, when do they have to be submitted, and how are they to be submitted?

The DMRs require that information be reported for three “parameters”: Solids/Floatables (S/F), rainfall, and duration of discharge from the CSO outfall.

- S/F - the total volume (reported in cubic yards) of S/F removed. The Department does not require that S/F be reported individually for each CSO outfall, but rather requests a summation of S/F removed from all outfalls authorized under each CSO permit.
- Rainfall – the actual amount of precipitation measured for the month based on one rainfall gauge, or multiple rainfall gauges depending on the specific characteristics of their location. Rain gauges located at the local/regional STP and/or nearby airport would be considered to be good locations. The Department considers rain gauges located within the CSS as being “representative of the area.”
- Duration of discharge - must be reported on the DMR as a “whole day” for any calendar day on which a discharge from an outfall occurs. The “duration of discharge” requirement is intended to represent the estimated number of days on which discharges from an outfall occurred, not the number of discharge events.

In accordance with all Final CSO individual permits, DMRs are required to be submitted to the Department monthly, 25 days after the last day of the monitoring period. Since the permits will be issued with an Effective Date of July 1, 2015, the first DMRs must be submitted to the Department on or before August 25, 2015.

While permittees can submit DMRs on paper using regular mail, the Department strongly encourages the use of the NJPDES Discharge Monitoring Report Online Service for electronic reporting. This system provides the necessary legal, security, and electronic signature functionalities to allow for a completely paperless reporting system. The Department’s web-based system streamlines reporting, which improves the quality of data flow, reduces reporting costs, offers on-line availability of reports and their processing status, and improves the Department’s efficiency in data analysis, compliance assessment, and decision-making.

In order to submit DMRs electronically, the permittee must enroll in the NJPDES Monitoring Reports Service available on the Department’s Regulatory Service Portal (RSP) data sharing program at [www.njdeponline.com](http://www.njdeponline.com). Questions regarding the online reporting system should be directed to Julio Collazo or Debbie Esposti at (609) 984-4428, or by email to [NJPDES\\_EDI\\_SIGNUP@dep.nj.gov](mailto:NJPDES_EDI_SIGNUP@dep.nj.gov). Until such time as a

permittee's NJPDES online reporting agreement is executed, paper monitoring report forms will continue to be provided by the Department and will need to be submitted to Mail Code 401-02B, Division of Water Quality, Permit Administration Section, P.O. Box 420, Trenton, New Jersey 08625-0420.

### **13. Other Submittal Requirements – what submittals are due and when are they due?**

Not all individual CSO permits are identical or have the same submittal requirements. Permittees have different circumstances that call for slightly different permit conditions. As a result, the information that is required to be submitted and when it is required to be submitted can vary between individual CSO permits.

For information on what CSO submittals are required and when they are to be made to the Department, please see the CSO submittal summary that is included as an attachment to the cover letter of each CSO final permit. An example of a submittal summary can be found at <http://highpoint/dep/dwg/cso-subschedule.htm>.

### **14. How do I submit the required information?**

The Department prefers to receive as much information and correspondence as possible in an electronic format; however, the Department can only receive electronic submissions via e-mail that are 20 MB in size or smaller. The Department is currently working to expand its ability to be able to receive electronic submissions greater than 20 MB in size. Once an enhanced electronic regulatory service program becomes available, we will notify all CSO permittees. Until then, files that are larger than 20 MB can be submitted to the Department in an electronic format using regular mail.

### **15. When will I have satisfied my LTCP obligations?**

Given that the NJPDES CSO permits cover a range of CSO communities with widely varying CSO control requirements and priorities, and that LTCPs are not yet developed or approved, the time to achieve full CSO control will vary between hydraulically connected systems. Therefore, it is premature to estimate how long compliance with the goals of the CWA may take. However, extended schedules covering multiple permit cycles are expected for large or complex systems.

### **16. If it can be demonstrated that CSO discharges are not causing an exceedance of the Water Quality Standards (WQS) in the receiving water at the location of the discharges, why is it necessary to develop a LTCP to control CSO discharges?**

CSOs are subject to both the technology-based and water quality-based requirements of the CWA's discharge permitting system, and permittees must satisfy the more stringent of the requirements. The goal of the Clean Water Act (CWA) is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. The CWA has a performance goal of "Zero Discharge of Pollutants" through the application of Technology-based Effluent Limitations and the Water Quality-based requirements of the CWA. WQS are intended as an "interim goal" on this path, serving as a backstop to guarantee a minimum level of pollution control is achieved to protect designated uses of waterways until discharges can be eliminated. The CWA's permitting scheme is designed to push dischargers to achieve ever-increasing efficiencies and improvements in pollution control.

The National CSO Policy requires CSO permittees to evaluate a range of control alternatives up to and including measures to eliminate CSOs entirely and to capture 100 percent of wet weather flows. Thus, the purpose of preparing an LTCP is not just to ensure that WQS are met, but also to evaluate a reasonable range of alternative control strategies to further reduce or eliminate all CSO discharges. Therefore, permittees are not

relieved from the requirement to develop an LTCP for CSOs that discharge to waterways that may already meet current WQS.

## **17. Does the Department (or EPA) anticipate offering funding specifically for CSO control improvements?**

The Department acknowledges that the capital improvement costs associated with reducing or eliminating CSOs will be high in many situations, but the selected alternatives of the LTCP can be implemented over a period of time, based on the permittees' financial capability. EPA's "Guidance for Financial Capability Assessment and Schedule Development" (issued in November 2014 and found at [www.epa.gov/npdes/pubs/csofc.pdf](http://www.epa.gov/npdes/pubs/csofc.pdf)) allows CSO permittees to consider a permittee's financial capability to fund the CSO controls and develop an extended implementation schedule based on the financial capability, if necessary. Bond ratings, unemployment rate, and median household income are some of the factors that a permittee may consider in the financial capability analysis.

The NJ Environmental Infrastructure Financing Program (NJEIFP) is also available to provide funding, in the form of low interest loans and principal forgiveness, for capital improvements related to CSOs, and other wastewater and stormwater infrastructure improvements. To date, the State has provided over \$1.3B for such projects.

While funding is generally associated with the construction of capital improvements, funding for planning and design and other permit requirements is available through the NJEIFP providing the planning and design work results in a capital improvement. The Department also set aside funds for CSO related projects and is expecting to have between \$3M to \$6M for principal forgiveness loans in the SFY16 Program. Please see [www.nj.gov/dep/dwg/pdf/cwf\\_2015P\\_IUP\\_AmmendNotice.pdf](http://www.nj.gov/dep/dwg/pdf/cwf_2015P_IUP_AmmendNotice.pdf) for more information about funding priorities and visit [www.njeit.org](http://www.njeit.org) to apply for low interest loans.

## **18. Can the Department clarify its position on blending and bypass?**

In a letter to the Department dated October 9, 2014, EPA's Region 2 confirmed that blending of primary and secondary treated flows to meet existing effluent limitations may be allowed through a CSO permit if the proposal satisfies the factors described in Part II.C.7 of the National CSO Policy. Permittees should evaluate alternative wet weather treatment protocols for reducing CSO events by maximizing the use of both primary and secondary treatment capacity at the STP to meet the National CSO Policy's goal of making the greatest use of using existing plant infrastructure. Specifically, permittees should evaluate the feasibility of using the plant's excess primary treatment capacity with disinfection (and dechlorination, as necessary) to increase the amount of primary treatment for flows that would otherwise be discharged through CSOs, while still meeting the STP's existing effluent limitations.

If the permittees' evaluation of these factors shows that blending would be appropriate, then after examination of any adverse effects, the Department will consider a major permit modification to allow a deviation from the prohibition against bypassing any portion of the treatment works. Such alternative wet weather treatment protocols may only be considered for STPs that receive combined sewer flows during defined high-flow wet weather events to meet the plant's existing effluent limitations, and may only be granted as a modification to the plant's CSO NJPDES permit. In such cases, the permit's narrative requirements will be modified to describe the specific conditions when blending may be allowed.