WHAT INDUSTRIAL STORMWATER DISCHARGES TO SURFACE OR GROUND WATER ARE REGULATED?

Unless all of your industrial facility's stormwater is discharged to a combined sewer (one that carries sanitary waste water and stormwater to a municipal treatment plant) or all the stormwater discharges to a wastewater treatment plant which has a New Jersey Pollutant Discharge Elimination System (NJPDES) Permit, you must apply for or have a NJPDES permit for stormwater discharge (either the basic industrial or industry specific general stormwater permit, or an industrial individual stormwater permit, as appropriate). Stormwater means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment. Wash waters and non-contact cooling waters are not stormwater.

Industrial stormwater discharge to surface or ground water means the discharge of stormwater from areas of the site related to manufacturing, processing or raw materials storage. For the categories of industries identified in (i) through (xi), the term includes, but is not limited to, stormwater discharges from industrial plant yards; material handling sites; refuse sites; sites used for the storage and maintenance of material handling equipment; sites used for treatment, storage, or disposal of by-product or waste product; shipping and receiving areas; manufacturing buildings; storage (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater.

For the purposes of this definition, material handling activities include: storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product.

The term industrial stormwater discharge excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as drainage from the excluded areas is not mixed with the stormwater drained from the above described areas. The term also excludes discharges that qualify for exclusion under the Department’s “Permanent No Exposure” procedure.

Industrial facilities include industrial facilities that are government agency owned or operated that meet the description in (i) through (xi) below.

In addition, this definition includes any discharge of stormwater to surface or ground water that the Department: 1. Classifies as industrial stormwater discharge to surface or ground water at the request of the permittee, applicant or the prospective applicant; or, 2. Declares to be a significant industrial contributor of pollutants to surface or ground water of the State.

WHAT FACILITIES ARE REGULATED?

The following categories of facilities are considered to be engaging in industrial activity for the purposes of the NJPDES permit regulations for stormwater discharges:

(i) Facilities subject to stormwater effluent limitation guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (xi) below).

(ii) Facilities engaged in the activity defined by the following Standard Industrial Classification (SIC) codes or equivalent North American Industry Classification System (NAICS) code:

24 Lumber and wood products (except 2434: wood kitchen cabinets)
26 Paper and allied products (except 265 and 267: paper board containers and boxes and miscellaneous converted paper products)
28 Chemicals and allied products (except 283: drugs, and 285: paints and allied products)
29 Petroleum and coal products
311 Leather tanning and finishing
32 Stone, clay and glass (except 323: products of purchased glass)
33 Primary metal industries
3441 Fabricated structural metal
373 Ship and boat building and re-pairing

(iii) Facilities engaged in the activity defined by the following SIC codes or equivalent NAICS code, including active or inactive mining operations, and oil and gas exploration, production, processing or treatment operations, or transmission facilities that discharge stormwater contaminated by contact with or that has come into contact with any overburden, raw material, intermediate...
products, finished products, by-products or waste products located on
the site of such operations (inactive mining operations are mining sites that
are not being actively mined, but which have an identifiable
owner/operating entity):

10 Metal mining, active or
inactive mining operations
12 Coal mining
13 Oil and gas extraction,
production, processing, or
treatment operations, or
transmission facility
14 Nonmetallic minerals, except
fuels

(iv) Hazardous waste treatment,
storage, or disposal facilities,
including those that are operating
under interim status or a permit under
Subtitle C of RCRA;

(v) Landfills, land application
sites, and open dumps that receive or
have received any industrial wastes
(waste that is received from any
facilities described under this
subsection) including those that are
subject to regulation under Subtitle D
of RCRA;

(vi) Facilities involved in the
recycling of materials, including metal
scrap yards, battery reclaimers,
salvage yards, and automobile
junkyards, limited to those facilities
engaged in the activity defined by the
following SIC codes or equivalent
NAICS code:

5015 Motor vehicle parts, used
5093 Scrap and waste materials

(vii) Steam electric power
generating facilities, including coal
handling sites;

(viii) Transportation facilities
engaged in the activity defined by the
following SIC codes or equivalent
NAICS code which have vehicle
maintenance shops, equipment
cleaning operations, or airport deicing
operations. Only those portions of the
facility that are either involved in vehicle
maintenance (including vehicle rehabilitation, mechanical
repairs, painting, fueling, and
lubrication), equipment cleaning
operations, airport deicing operations,
or which are otherwise identified
under (i) through (vii) or (ix) through
(xi) are associated with industrial
activity:

40 Railroad transportation
41 Local and interurban
passenger transit
42 Trucking and warehousing
(except 4221-25: farm
product warehousing and
storage, refrigerated
warehousing and storage, and
general warehousing and
storage)
43 U.S. Postal Service
44 Water Transportation
45 Air Transportation
5171 Petroleum bulk stations and
terminals

(ix) Treatment works treating do-
mestic sewage or any other sewage
sludge or wastewater treatment device
or system, used in the storage,
treatment, recycling, and reclamation
of municipal or domestic sewage,
including land dedicated to the
disposal of sewage sludge that are
located within the confines of the
facility, with a design flow of 1.0 mgd
more, or required to have an ap-
proved pretreatment program under 40
CFR Part 403. Not included are farm
lands, domestic gardens or lands used
for sludge management where sludge
is beneficially reused and which are
not physically located in the confines
of the facility, or areas that are in
compliance with Section 405 of the

(x) Construction activity
including clearing, grading and
excavation, except operations that
result in the disturbance of less than
five acres of total land area, or that do
not discharge stormwater to surface
water. Construction activity also
includes the disturbance of less than
five acres of total land area that is a
part of a larger common plan of
development or sale if the larger
common plan will ultimately disturb
five acres or more. For a facility
(other than an airport, powerplant, or
uncontrolled sanitary landfill) that is
owned or operated by a government
agency with a population of less than
100,000, this subparagraph does not
include construction activity that
commenced prior to March 3, 2004,
unless such activity required, but did
not have, certification or approval
issued under the Soil Erosion and
Sediment Control Act, N.J.S.A. 4:24-

Construction activity associated with
landfills is regulated if “significant
material” is exposed, or if the landfill
still receives industrial solid waste.
(This applies assuming that the landfill
is not exempt for other reasons.)

(xi) Facilities engaged in the
activity defined by the following SIC
codes or equivalent NAICS code:

20 Food and kindred products
21 Tobacco products
22 Textile mill products
23 Apparel and similar finished
products made from fabrics
and similar materials
2434 Wood kitchen cabinets
25 Furniture and fixtures
265 Paperboard containers and
boxes
267 Miscellaneous converted
paper products
27 Printing and publishing
283 Drugs
285 Paints and allied products
30 Rubber and miscellaneous
plastic products
31 Leather and leather products
(except 311: Leather tanning
and finishing)
323 Products of purchased glass
34 Fabricated metal products
(except 3441: fabricated
structural metal)
35 Industrial machinery and
equipment
36 Electronic and other electric
equipment
37 Transportation equipment
(except 373: ship/ boat
building and repair)
38 Instruments and related
products
39 Miscellaneous manufacturing
industries
4221 Farm product warehousing
and storage
4222 Refrigerated warehousing
and storage
4225 General warehousing and
storage