

ii. The type of sampling (for example, grab sample or flow-weighted composite sample), whether and how to measure (or estimate) and report flow, protocols for collecting samples that may differ from protocols for collecting samples under 40 C.F.R. 136 or N.J.A.C. 7:18, time duration between the collection of sample aliquots in flow-weighted or other composite samples, mode of reporting sampling results (for example, concentration or loading) or other sampling or storm event information, and additional time for submitting data on a case-by-case basis.

7:14A-24.9 Monitoring requirements for certain stormwater discharges

(a) For small municipal separate storm sewer systems, and for stormwater discharges associated with industrial activity or small construction activity that are not subject to an effluent limitation guideline that establishes monitoring requirements or numeric effluent limitations, monitoring requirements shall be established on a case-by-case basis depending upon the nature and effect of the discharge. The permittee shall be required to monitor such discharges in accordance with N.J.A.C. 7:14A-11.2(a)2, or, at a minimum:

1. For small municipal separate storm sewer systems subject to N.J.A.C. 7:14A-25.6 or 25.8, the permittee shall comply with the requirements for evaluation, recordkeeping, and reporting in N.J.A.C. 7:14A-25.6(j) or 25.8(i), respectively.

2. For stormwater discharges associated with industrial activity or small construction activity:

i. The permittee shall conduct an annual inspection of the facility to identify areas contributing to a stormwater discharge associated with industrial activity or small construction activity and evaluate whether measures to reduce pollutant loadings identified in a stormwater pollution prevention plan are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed;

ii. The permittee shall prepare a report summarizing the result of the annual inspection conducted under (a)2i above. This report shall be accompanied by an annual certification that the facility is in compliance with its stormwater pollution prevention plan and the permit, except that if there are any incidents of non-compliance, those incidents shall be identified in the certification. If there are incidents of non-compliance, the report shall identify the steps being taken to remedy the non-compliance and to prevent such incidents from recurring. The permittee shall maintain this report and certification for a period of at least five years from the date of the report. This period may be extended by written request from the Department at any time; and

iii. Such report and certification shall be signed by a person described in N.J.A.C. 7:14A-4.9.

iv. Permittees that are not required to submit monitoring reports at least annually pursuant to this subsection shall report to the Department at least annually all instances of non-compliance not reported under N.J.A.C. 7:14A-6.7, 6.8 and 6.10.

(b) The operating entity for a large or medium municipal separate storm sewer system shall include, in its annual report, a summary of data, including monitoring data, that is accumulated throughout the reporting year, in accordance with N.J.A.C. 7:14A-25.10(b) and 40 C.F.R. 122.42(c).

7:14A-24.10 Additional requirements for stormwater discharges associated with construction activity

(a) This section sets forth additional requirements applicable to "stormwater discharge associated with small construction activity" as defined at N.J.A.C. 7:14A-1.2, and to stormwater discharge associated with construction activity described under subparagraph 1x of the N.J.A.C. 7:14A-1.2 definition of "stormwater discharge associated with industrial activity." The Department may issue general and/or individual NJPDES permits for such discharges. The NJPDES permit program for such discharges shall be designed to reduce pollutants in such discharges. The program components include:

1. NJPDES permit conditions requiring that operating entities for construction sites implement appropriate erosion and sediment control BMPs. NJPDES permits shall require compliance with the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules;

2. NJPDES permit conditions requiring that operating entities for construction sites control waste such as discarded building materials, concrete truck washout, chemicals, litter, sanitary waste, and other solid or hazardous waste at the construction site that may cause adverse impacts to water quality;

3. For construction activities described under subparagraph 1x of the N.J.A.C. 7:14A-1.2 definition of "stormwater discharge associated with industrial activity," NJPDES permit conditions imposing any additional requirements necessary to achieve the applicable technology-based standards of "best available technology" and "best conventional technology" based on the Department's best professional judgment, effluent limitations and standards promulgated under Section 301 of the Federal Act (33 U.S.C. § 1311), or new source performance standards promulgated under Section 306 of the Federal Act (33 U.S.C. § 1316);

4. NJPDES permit conditions requiring that operating entities for construction sites develop, submit for review, and implement a stormwater pollution prevention plan for construction activity. (This stormwater pollution prevention plan shall include site descriptions, descriptions of appropriate control measures, copies of approved State or

local requirements, maintenance procedures, inspection procedures, and identification of non-stormwater discharges.);

5. The review of stormwater pollution prevention plans, including the consideration of potential water quality impacts of construction activity;

6. The implementation of applicable provisions of N.J.A.C. 7:50-4.81 through 4.85 (coordinated permitting in the Pinelands Area);

7. The receipt and consideration of information submitted by the public; and

8. Site inspection and enforcement of control measures.

SUBCHAPTER 25. MUNICIPAL STORMWATER REGULATION PROGRAM

Authority

N.J.S.A. 13:1D-1 et seq.; 40:55D-1 et seq.;
58:10A-1 et seq. and 58:11A-1 et seq.

Source and Effective Date

R.2004 d.47, effective February 2, 2004.
See: 35 N.J.R. 169(a), 35 N.J.R. 1331(a), 36 N.J.R. 813(a).

7:14A-25.1 Scope

(a) This subchapter sets forth requirements applicable to the Municipal Stormwater Regulation Program, which regulates discharges to surface water and groundwater of stormwater from large, medium, and small municipal separate storm sewer systems.

(b) For purposes of this subchapter, "municipality" means a "municipality" as defined in the Municipal Land Use Law at N.J.S.A. 40:55D-5, that is, any city, borough, town, township, or village.

7:14A-25.2 Identifying municipalities, public complexes, and highways or other thoroughfares regulated under the small MS4 program

(a) A NJPDES permit is required for the stormwater discharges to surface water or groundwater identified in (a)1 through 4 below. The operating entities for those discharges shall apply for a NJPDES permit in accordance with N.J.A.C. 7:14A-25.4(a) and 25.5(a).

1. Tier A municipalities: All stormwater discharges from small MS4s that are owned or operated by and located in a municipality that is assigned to Tier A under N.J.A.C. 7:14A-25.3(a)1;

2. Public complexes: All stormwater discharges from small MS4s that are owned or operated by a county, State, interstate, or Federal agency at a "public complex" located entirely or partially in a municipality that is assigned to Tier A under N.J.A.C. 7:14A-25.3(a)1, or in a municipality that receives a waiver under (d) below. For

purposes of this subsection, a "public complex" is a single lot (or two or more lots that are contiguous or on a college or university campus) which contains at least two buildings owned or operated by the same governmental entity, and:

i. Is at a campus of a college or university which Statewide has a combined total of at least 1,000 employees (usually present at least six hours per day on weekdays) or full-time students; or

ii. Is at any other public facility (for example, a military base, hospital, prison, or general administration facility), and has a combined total of at least 1,000 employees, military personnel, or residents (including patients or prisoners) usually present at least six hours per day on weekdays.

3. Highways or other thoroughfares: All stormwater discharges from small MS4s that are owned or operated by a county, State, interstate, or Federal agency at a highway or other thoroughfare (including a maintenance or service facility or rest area for such a thoroughfare). For purposes of this subsection, a "highway or other thoroughfare" does not include:

i. Any thoroughfare confined to the grounds of a single building, or of two or more buildings that are not a "public complex" as described under (a)2 above (unless that building(s) is a maintenance or service facility for a highway or other thoroughfare not confined to such grounds);

ii. Any thoroughfare confined to the grounds of a "public complex" (each such thoroughfare is instead considered part of the "public complex"); or

iii. Any thoroughfare (other than the Palisades Interstate Parkway) confined to an officially designated park, forest, recreational area, natural area, wildlife management area, or area set aside for water supply protection.

4. Special designations: All of the following stormwater discharges from municipal separate storm sewers (which for purposes of this paragraph does not include "large" or "medium" municipal separate storm sewer systems, or separate storm sewers in very discrete areas, such as individual buildings):

i. All stormwater discharges from municipal separate storm sewers that the Department designates as "small MS4s that contribute substantially to the pollutant loadings of a physically interconnected municipal separate storm sewer that requires a NJPDES permit" under this subsection, or under N.J.A.C. 7:14A-24.2(a)5, 7 or 9;

ii. All stormwater discharges that are from municipal separate storm sewers, and that are designated under N.J.A.C. 7:14A-24.2(a)7 or 9;

iii. All stormwater discharges that are from municipal separate storm sewers, and that are determined to require a NJPDES permit in response to a petition under N.J.A.C. 7:14A-24.3;

iv. All stormwater discharges whose operating entity is granted a waiver under (d) below, but that are subsequently determined to require a NJPDES permit under (e) below; and

v. All stormwater discharges from municipal separate storm sewers designated by USEPA under 40 C.F.R. 123.35(b).

(b) Each municipality that is assigned to Tier B under N.J.A.C. 7:14A-25.3(a)2, and that operates a small MS4 that discharges to surface water or groundwater, shall apply for the Tier B Municipal Stormwater Permit under N.J.A.C. 7:14A-25.8.

(c) All stormwater discharges to surface water or groundwater that are from small MS4s but not identified under (a) or (b) above are exempt from the requirement to obtain a NJPDES permit from the Department, except as provided in N.J.A.C. 7:14A-8.3, Prohibition of underground injection.

(d) The duty to obtain a permit under section 402 of the Federal Act (33 U.S.C. § 1342) is waived for all operating entities for each small MS4 that is:

1. Owned or operated by and located in a municipality that is assigned to Tier B under N.J.A.C. 7:14A-25.3(a)2; and

2. Located within an urbanized area as determined by the 2000 Decennial Census by the Bureau of the Census or a subsequent and superseding Decennial Census.

3. This waiver applies solely to stormwater discharges from the small MS4s meeting the criteria at (d)1 and 2 above to surface waters of the State, and is subject to (e) below. This waiver does not exempt any Tier B municipality from the duty to obtain the Tier B Municipal Stormwater Permit where required under (b) above.

4. The Department shall publish in the New Jersey Register a notice of administrative change revising (as appropriate under this subsection or (e) below) the list of municipalities in the table below, and shall mail notice of such revision to the affected municipality(ies) and county(ies). Each notice under this subsection shall identify the reason for the revision. The list in this table is for informational purposes only. Any person may obtain the most current list of municipalities to which the waiver applies and which are assigned to Tier B from the Department's Division of Water Quality, Bureau of Non-point Pollution Control at PO Box 029, Trenton, New Jersey 08625, or from the Division's website (<http://www.state.nj.us/dep/dwq>).

Municipalities to which Waiver Applies
and which Are Assigned to Tier B

Bergen County
Rockleigh Borough
Teterboro Borough
Burlington County
Fieldsboro Borough

Springfield Township
Camden County
Pine Valley Borough
Tavistock Borough
Cumberland County
Deerfield Township
Gloucester County
Elk Township
Woolwich Township
Hunterdon County
Bethlehem Township
Bloomsbury Borough
East Amwell Township
Franklin Township
Lebanon Township
Tewksbury Township
West Amwell Township
Monmouth County
Interlaken Borough
Upper Freehold Township
Morris County
Harding Township
Salem County
Oldmans Township
Upper Pittsgrove Township
Somerset County
Far Hills Borough
Millstone Borough
Rocky Hill Borough
Sussex County
Andover Borough
Fredon Township
Warren County
Allamuchy Township
Harmony Township

(e) The waiver under (d) above is based on the fact that the small MS4s identified do not have any of the characteristics set forth in (e)1 or 2 below, and based on the presumption that those small MS4s are of such minimal extent and serve such a small population that none of their stormwater discharges have any of the characteristics set forth in (e)3i through iii below. An operating entity to which the waiver applies may subsequently be required to apply for a NJPDES permit under (a) above if circumstances change. The Department shall require any operating entity to which the waiver applies to apply for a NJPDES permit under (a) above for a stormwater discharge from that entity's small MS4 if:

1. The municipality in which the small MS4 is located is reassigned from Tier B to Tier A in accordance with N.J.A.C. 7:14A-25.3(a)1 (for a reason other than the review under this subsection of the operating entity's waiver);

2. That stormwater discharge is identified under (a)4ii, iii or v above (special designations); or

3. Information specific to the small MS4 demonstrates to the Department's satisfaction that the stormwater discharge from the small MS4:

i. Contributes substantially to the pollutant loadings of a physically interconnected MS4 (see (a)4i above) that requires a NJPDES permit under (a) above;

ii. Contains a pollutant(s) for which stormwater controls have been established as part of a USEPA approved or established "total maximum daily load" (TMDL) that addresses the pollutant(s) of concern; or

iii. Requires an individual UIC permit under N.J.A.C. 7:14A-8.5(d).

(f) Whenever a NJPDES permit is required under (a)4 above (special designations), or a municipality is assigned to Tier A under N.J.A.C. 7:14A-25.3(a)1v, the Department shall notify the operating entity in writing of the reasons for such a determination, and shall include instructions on how to apply for a NJPDES permit.

1. If the operating entity applies for an individual NJPDES permit in response to such notice, comment regarding the appropriateness of the initial determination may be received during the public comment period under N.J.A.C. 7:14A-15.11 and in any subsequent hearing, unless the reason for that determination was a decision made by USEPA under 40 C.F.R. 122.26(a)(9)(i)(C) or (a)(9)(i)(D), or under 40 C.F.R. 123.35(b) or (c).

2. If the operating entity is a municipality that has applied for or received authorization under the Tier B Municipal Stormwater Permit (see N.J.A.C. 7:14A-25.8), the applicable requirements of N.J.A.C. 7:14A-6.13 shall also be followed.

7:14A-25.3 Assignment of municipalities to Tier A or Tier B

(a) All municipalities are assigned either to Tier A or to Tier B as follows:

1. An entire municipality is assigned to Tier A if that municipality:

i. Is located entirely or partially within an urbanized area as determined by the 2000 Decennial Census by the Bureau of the Census or a subsequent and superseding Decennial Census, and has a population of at least 1,000 within an urbanized area as determined by that Census;

ii. Has a population density of at least 1,000 per square mile, and a population of at least 10,000 as determined by that Census;

iii. Has a stormwater sewer system discharging directly into the salt waters of Monmouth, Ocean, Atlantic, or Cape May counties (using the N.J.A.C. 7:22A-1.4 definitions of "stormwater sewer system" and "salt waters"). A municipality is deemed to have such a system if that municipality is one of the "Affected Municipalities" listed in N.J.A.C. 7:22A Appendix A, unless it is determined in response to a petition under N.J.A.C. 7:22A-3.2(b) or 4.9(b) that N.J.A.C. 7:22A Appendix A erroneously includes or omits the municipality;

iv. Requests Tier A assignment from the Department; or

v. Operates a stormwater discharge(s) identified under N.J.A.C. 7:14A-25.2(a)4 (special designations), provided that the Department determines that such identification warrants assignment of the municipality to Tier A. In making this determination, the Department may consider the following with respect to the identified stormwater discharge(s) and to other stormwater discharge(s) from small MS4(s), if any, operated by the municipality: the location or size of the discharge from the small MS4(s), the quantity and nature of pollutants reaching the water of the State, the quality of the receiving waters, or other relevant factors.

2. Every municipality not assigned to Tier A is assigned to Tier B.

3. The Department shall publish in the New Jersey Register a notice of administrative change revising the list of Tier A and Tier B municipalities in the table below, and shall mail notice of such revision to the affected municipality(ies) and county(ies). Each notice under this paragraph shall identify the reason for the revision. The list in this table is for informational purposes only. Any person may obtain the most current list of such municipalities from the Department's Division of Water Quality, Bureau of Nonpoint Pollution Control at PO Box 029, Trenton, New Jersey 08625, or from the Division's website (<http://www.state.nj.us/dep/dwq>).

	<u>Tier A Municipalities</u>	<u>Tier B Municipalities</u>
Atlantic County	All municipalities not listed under Tier B	Hammonton Town
Bergen County	All municipalities not listed under Tier B	Mullica Township
Burlington County	All municipalities not listed under Tier B	Rockleigh Borough
		Teterboro Borough
		Bass River Township
		Fieldsboro Borough
		New Hanover Township
		North Hanover Township
		Springfield Township
		Washington Township
		Woodland Township
		Wrightstown Borough
Camden County	All municipalities not listed under Tier B	Pine Valley Borough
Cape May County	All municipalities not listed under Tier B	Tavistock Borough
Cumberland County	Bridgeton City	Woodbine Borough
	Millville City	
	Vineland City	
Essex County	All municipalities not listed under Tier B	All municipalities not listed under Tier A
Gloucester County	All municipalities not listed under Tier B	None
		Elk Township
		South Harrison Township
		Woolwich Township
Hudson County	All municipalities not listed under Tier B	None
Hunterdon County	Clinton Town	All municipalities not listed under Tier A
	Clinton Township	
	Flemington Borough	
	High Bridge Borough	
	Lebanon Borough	
	Raritan Township	

Mercer County	Readington Township	Hopewell Borough
	Union Township	
	All municipalities not listed under Tier B	
Middlesex County	All municipalities	None
Monmouth County	All municipalities not listed under Tier B	Interlaken Borough
		Roosevelt Borough
		Upper Freehold Township
Morris County	All municipalities not listed under Tier B	Harding Township
Ocean County	All municipalities not listed under Tier B	Plumsted Township
Passaic County	All municipalities	None
Salem County	Carneys Point Township	All municipalities not listed under Tier A
	Penns Grove Borough	
	Pennsville Township	
	Pittsgrove Township	
	All municipalities not listed under Tier B	
Somerset County		Far Hills Borough
		Millstone Borough
		Rocky Hill Borough
		All municipalities not listed under Tier A
Sussex County	Andover Township	None
	Byram Township	
	Hopatcong Borough	
Union County	Newton Town	All municipalities not listed under Tier A
	Sparta Township	
	Stanhope Borough	
	All municipalities	
	Alpha Borough	
	Greenwich Township	
	Hackettstown Town	
	Independence Township	
	Lopatcong Township	
	Mansfield Township	
	Phillipsburg Town	
Warren County	Pohatcong Township	

7:14A-25.4 Deadlines to apply for NJPDES permits for small MS4s

(a) The deadline to apply for a NJPDES permit for all stormwater discharges identified under N.J.A.C. 7:14A-25.2(a) is March 3, 2004, except as provided in (a)1 through 3 below.

1. If notice from the Department is received that a municipality has been reassigned from Tier B to Tier A, or that a special designation has been made under N.J.A.C. 7:14A-25.2(a)4, the deadline is 180 days after receipt of that notice, unless the Department approves a later date.

2. The following is applicable to entities proposing new facilities or activities (for example, new small MS4s, or increasing the number of employees or students) that would result in any stormwater discharges identified under N.J.A.C. 7:14A-25.2(a):

i. General permits for such discharges shall specify deadlines for submitting requests for authorization under such permits.

ii. Entities submitting an individual permit application for such discharges shall submit an application at least 180 days before the date on which the activity is

proposed to commence (unless the Department approves a later date), or March 3, 2004, whichever is later.

3. Any entity planning to continue discharging from a small MS4 after the expiration date of its NJPDES permit for that discharge shall comply with N.J.A.C. 7:14A-4.2(e)3. General permits for stormwater discharges from small MS4s shall provide for automatic renewal of authorization when those general permits are renewed (see N.J.A.C. 7:14A-4.2(e)3 and 6.13(d)9).

(b) The deadline for Tier B municipalities to apply for the Tier B Municipal Stormwater Permit is set forth in N.J.A.C. 7:14A-25.8(b).

7:14A-25.5 Applying for a NJPDES permit for a small MS4

(a) All operating entities that are required under N.J.A.C. 7:14A-25.2(a) to apply for a NJPDES permit for stormwater discharges from small MS4s shall submit a request for authorization (RFA) under a general NJPDES permit in accordance with (a)1 below, or an application for an individual NJPDES permit under N.J.A.C. 7:14A-25.9.

1. An operating entity seeking authorization under a general NJPDES permit shall submit to the Department a written RFA. The RFA shall include a certification acknowledging the best management practices and measurable goals specified in the general permit and required by N.J.A.C. 7:14A-25.6, and shall also include information specified in the general permit in accordance with N.J.A.C. 7:14A-6.13(d)2.

(b) All Tier B municipalities that are required under N.J.A.C. 7:14A-25.2(b) to apply for the Tier B Municipal Stormwater Permit shall submit a request for authorization in accordance with N.J.A.C. 7:14A-25.8(d).

7:14A-25.6 Content of NJPDES permits for small MS4s

(a) The NJPDES small MS4 permit shall require at a minimum that the permittee develop, implement, and enforce a stormwater program designed to reduce the discharge of pollutants from the permittee's small MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Federal Act and the State Act. The stormwater program required under a general permit shall include the Statewide Basic Requirements (SBRs) that are listed under (b)1 and (b)3 through 8 below (and that may be set forth in more detail in the NJPDES permit). The stormwater program shall also include any additional measures (AMs) required under (e) below, and any other control or evaluation measures specified in the NJPDES permit. At the permittee's discretion, the stormwater program may also include optional measures (OMs) in accordance with (i) below. Except as provided in N.J.A.C. 7:14A-25.8(e)1 and (g), this section and N.J.A.C. 7:14A-25.7 do not apply to the Tier B Municipal Stormwater Permit.

1. Best management practice (BMP) requirements are generally the most appropriate form of effluent limitations when designed to satisfy technology-based requirements (including reductions of pollutants to the maximum extent practicable) and to protect water quality. Implementation of BMPs (other than OMs) consistent with the provisions of the stormwater program required pursuant to this section and the provisions of the NJPDES permit required pursuant to N.J.A.C. 7:14A-25.2(a) constitutes compliance with the standard of reducing pollutants to the maximum extent practicable.

2. The NJPDES permit shall specify (for the permittee's first permit term) a time period of up to five years from the date of notification of general permit authorization (or the date of individual permit issuance) for the permittee to fully develop and implement its stormwater program for SBRs, and for any other measures specified in the NJPDES permit. For an AM required under (e) below, the areawide or Statewide water quality management plan will specify a time period for the permittee to fully develop and implement its stormwater program for that AM, and that time period will be listed in the permit when the permit is issued or in a minor modification to the permit.

3. The permittee shall prepare and implement a written stormwater pollution prevention plan (SPPP) that describes the permittee's stormwater program, and identifies the person or persons responsible for implementing or coordinating that program (including, at the permittee's discretion, OMs). If the permittee wants to share responsibilities for implementing one or more control measures (other than OMs) with one or more other entities pursuant to N.J.A.C. 7:14A-25.7(a), the SPPP must describe which measure(s) the permittee will implement, and identify the entity(ies) that will implement the other measure(s) within the area served by the permittee's small MS4.

4. The Department shall include the requirements in N.J.A.C. 7:14A-25.4 through 25.7 in any NJPDES permit issued for small MS4s, or develop limits in an individual NJPDES permit based on a permit application submitted for a small MS4 under N.J.A.C. 7:14A-25.5 and 25.9.

5. The Department shall issue under N.J.A.C. 7:14A-6.13 one or more general NJPDES permits for stormwater discharges from small MS4s. The Department shall make guidance available to assist permittees in the design and implementation of stormwater programs.

(b) The Statewide Basic Requirements (SBRs) are as follows:

1. Public involvement/participation: The permittee shall, at a minimum, comply with applicable State and **local public notice requirements** when providing for public participation in the development and implementation of the permittee's stormwater program.

2. Construction site stormwater runoff control: This SBR applies to discharges to surface water only. Under N.J.A.C. 7:14A-25.7(b), any NJPDES permit issued for small MS4s shall recognize that the Department is responsible for developing, implementing, and enforcing a NJPDES permit program to reduce pollutants in stormwater runoff to small MS4s from construction activities that result in a land disturbance of one acre or more. Reduction of pollutants in stormwater discharges from construction activity disturbing less than one acre shall be included in the program if the construction activity is part of a larger common plan of development or sale that would disturb one acre or more. This program is part of the NJPDES permit program for stormwater discharges associated with construction activity addressed under N.J.A.C. 7:14A-24.10.

3. Post-construction stormwater management in new development and redevelopment:

i. To prevent or minimize water quality impacts, the permittee shall develop, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb one acre or more, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the permittee's small MS4. The permittee shall, in its program:

(1) Develop and implement strategies which include a combination of structural and/or nonstructural BMPs appropriate for the permittee's small MS4;

(2) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State law (or Federal law, if the permittee is a Federal agency); and

(3) Ensure adequate long-term operation and maintenance of BMPs.

ii. The program under (b)3i above shall require compliance with the applicable design and performance standards established under N.J.A.C. 7:8 for major development as defined in N.J.A.C. 7:8-1, unless:

(1) Those standards do not apply because of a variance or exemption under N.J.A.C. 7:8; or

(2) Alternative standards are applicable under a water quality management plan adopted in accordance with N.J.A.C. 7:15.

iii. The program under (b)3i above shall also require compliance with standards set forth in the NJPDES permit to control passage of solid and floatable materials through storm drainage inlets. For purposes of this subsection, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids.