



Industrial Stormwater Permitting Overview

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Who is Regulated and Why ?

- Mandated by Congress in the 1987 amendments to the Clean Water Act
- Delegated by EPA, New Jersey's Stormwater Program began in 1993
- Regulates discharges of stormwater to surface and ground water.
- Federal regulations at 40 CFR 122.26(b)(14)(i)-(xi) and state regulation under N.J.A.C. 7:14a.1 require stormwater discharges associated with 11 categories of industrial activity to be covered under a NJPDES permit (<https://www.nj.gov/dep/dwq/pdf/regfacil.pdf>)
- Uses Standard Industrial Classification ("SIC") codes and corresponding North American Industrial Classification System (NAICS) codes to determine regulatory requirement.

Regulated Categories

- i. Facilities subject to stormwater effluent limitations under 40 CFR :N
- ii. Facilities under the following SIC codes: 24, 26, 28, 29, 311, 32, 33, 3441, and 373.
- iii. Facilities engaged in mining operations under the following SIC codes: 10, 12, 13, and 14.
- iv. Hazardous waste treatment, storage, and disposal facilities.
- v. Landfills, land app, and open dumps which receive or have received industrial waste.
- vi. Facilities engaged in recycling activities under the following SIC codes: 5015 and 5093

Regulated Categories cont.

- vii. Steam electric generating facilities
- viii. Transportation facilities engaged in activities under the following SIC codes: 40, 41, 42, 43, 44, 45 and 5171.
- ix. Treatment works treating domestic 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.
- x. Construction activity that disturbs 1 acre or more, or less than 1 acre but part of a larger common plan of development
- xi. Facilities engaged in the activities defined by the following SIC codes: 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 30, 31, 323, 34, 35, 36, 37, 38, 39, 4221, 4222 and 4225.

Types of Industrial Stormwater Permits

- Individual Industrial Stormwater Permits
- Industry Specific General Permits
- Basic Industrial General permits
- Construction General permit
- Non- Applicable Facilities

Individual Industrial Stormwater Permits

- Categories: Individual Industrial (RF) and Individual Construction (RFC)
- Based around discharge monitoring and BMP design and management under a comprehensive Stormwater Pollution Prevention Plan (SPPP) which includes Drainage Control.
- Allow flexibility and customization within each permit.
- Inspected annually by Water Compliance and Enforcement.
- Approximately 230 Individual permits throughout the state.

Best Management Practices

- BMPs are designed and written for individual facilities allowing for customization and prescriptive language if needed.
- Can pull from a variety of sources including guidance materials from other Department bureaus and state soil standards language.
- Primary concerns are impacts to surface and groundwaters and off-site transport.
- Can be applied to any permittable facility type.

Example Dust Control BMP

- a. The permittee shall include measures for site stabilization and dust control to prevent transport of particulate and sediment from areas devoid of vegetation. The permittee shall prevent downstream soil erosion caused by uncontrolled stormwater runoff.
- b. BMPs shall meet the most recent technical standards listed in Standards for Soil Erosion and Sediment Control in New Jersey, Engineering Standards Section titled Standards for Off-Site Stability.
- c. At a minimum, BMPs shall include:
 - i. Traffic control to prevent or minimize disturbance of un-stabilized areas and to prevent disturbance of vegetative covers and/or other dust control mechanisms,
 - ii. Entrance/exit stabilization to prevent or minimize transport of sediment and dust outside the property line, and
 - iii. Identification of areas that have high potential for soil erosion or a known soil erosion problem. Appropriate vegetative, structural, or stabilization measures shall be selected to limit erosion and dust production in these areas.

Industry Specific General Permits

- Categories: Hot Mix Asphalt (R4), Newark Airport (R5), Wood Chip Recycling (R7), CAFO (R8), Mining and Quarrying (R13), Sand and Gravel (RSG), Concrete Manufacturing (CPM), Scrap Metal Recycling (SM2), and Vehicle Recycling (RVR)
- Statewide permits designed with standard monitoring and BMP requirements for each industry group.
- Non-customizable
- Inspected every 1-3 years by Water Compliance and Enforcement.
- Approximately 520 permits throughout the state

Basic Industrial General Permit

- Category : 5G2
- Statewide permit based around BMPs to eliminate the discharge of stormwater which contacts source materials. No monitoring.
- Most stringent permit.
- Available to all regulated facilities.
- Inspected every 5 years by Water Compliance and Enforcement.
- Approximately 1900 permits throughout the state.

Stormwater Construction General Permit

- Category: 5G3
- Statewide short term permit issued to any construction activity land disturbance of 1 acre or more or less than 1 acre but part of a larger common plan of development.
- Based upon adherence to certified soil erosion and sediment control plan and development of construction site waste management plan.
- Inspected by soil district staff on regular basis
- Approximately 2500 - 3000 active permits throughout the state.

Best Management Practices (dust control)

- Industries of highest concern: Mining and Quarrying (R13 and RSG), Concrete Manufacturing (CPM), Woodchip Recycling (R7), Scrap Metal (SM2), and Construction (5G3)
- BMPs are generalized to cover a variety of facilities under each industry specific permit and are typically non-prescriptive.
 - Example: *Spraying, with non-process water is permitted under this permit for use on unpaved access roads, to maximize dust control and minimize the off-site tracking of sand, soil, sediment or similar materials. However at no time can this discharge from this activity cause a discharge to surface water or be permitted to run off-site. (RSG)*
- Where applicable by facility type, the department utilizes the state soil erosion and sediment control standards to set a minimum.
- Primary concern is preventing discharges to waters of the state and off-site transport of materials.

Non-applicable Facilities (NAF)

- Regulated facilities can request exemption from permit coverage requirements based upon one of seven reasons detailed on the Department's Non-Applicability Form checklist.
- All claims are followed up by permitting or enforcement staff confirmation.
- The most common claim of Permanent Non-Exposure requires certification every 5 years.
- All NAFs are tracked in NJEMS database.

Challenges

- Industry specific general permit BMP requirements must be generalized for all facilities.
- BMPs utilized must be linked to stormwater concerns.
- Consideration of potential downstream environmental impacts of BMPs.
- General permitting process

Industrial Stormwater Permitting Status

- Mining and Quarrying General Permit (R13) – 8/31/22
- Stormwater Construction General Permit (5G3) – 2/28/22
- Sand and Gravel General Permit (RSG) – 5/31/19
- Scrap Metal General Permit (SM2) – 9/30/18
- Woodchip Recycling (R7) – 11/30/14
- Concrete Manufacturing (CPM) – 10/31/13