

(b) The Department may grant a stay of an effluent limitation(s) until a decision on a variance is made in accordance with the following:

1. For a request under Section 301(g), effluent limitations shall not be stayed unless:

i. In the judgment of the Department, the stay or variance sought will not result in the discharge of pollutants in quantities which may be reasonably anticipated to pose an unacceptable risk to human health or the environment because of bioaccumulation, persistence in the environment, acute toxicity, chronic toxicity, or synergistic propensities;

ii. In the judgment of the Department, there is a substantial likelihood that the discharger will succeed on the merits of its appeal; and

iii. The discharger files a bond or appropriate security as deemed necessary by the Department to assure timely compliance with the requirements from which a variance is sought in the event that the appeal is unsuccessful.

2. For a request other than under Section 301(g), the requirements for requesting a stay in accordance with N.J.A.C. 7:14A-17.6 shall apply.

Administrative correction.

See: 29 N.J.R. 3822(a).

Substituted "final permit decision" for "final permit" throughout.

#### **7:14A-11.10 Public notice of Section 316(A) request**

(a) In addition to the information required under N.J.A.C. 7:14A-15.10(f), public notice of a DSW draft permit for a discharge where a request under section 316(a) of the Federal Act and Section 6 of the State Act has been filed under N.J.A.C. 7:14A-11.7(a)2 shall include:

1. A statement that the thermal component of the discharge is subject to effluent limitations under Sections 301 and 306 of the Federal Act and Section 6 of the State Act and a brief description, including a quantitative statement, of the thermal effluent limitations proposed under Sections 301 or 306 of the Federal Act and Section 6 of the State Act;

2. A statement that a Section 316(a) request has been filed and that alternative less stringent effluent limitations may be imposed on the thermal component of the discharge under Section 316(a) and a brief description, including a quantitative statement, of the alternative effluent limitations, if any, included in the request; and

3. If the applicant has filed an early screening request pursuant to 40 C.F.R. 125.72 for a Section 316(a) variance, a statement that the applicant has submitted such a request.

#### **7:14A-11.11 Special procedures for decisions on thermal variances under Section 316(A)**

(a) Except as provided in 40 C.F.R. 124.65, the only issues connected with issuance of a particular permit on which the Department will make a final decision before the final permit decision is issued under N.J.A.C. 7:14A-15.15 are whether alternative effluent limitations would be justified under Section 316(a) of the Federal Act and Section 6 of the State Act and whether cooling water intake structures will use the best available technology under Section 316(b) of the Federal Act. A permit applicant who seeks an early decision on these issues should request it and furnish supporting reasons with the permit application filed under N.J.A.C. 7:14A-4.2. The Department shall decide whether or not to make an early decision. If the Department makes an early decision, such a decision on issues under Section 6 of the State Act and Section 316(a) or (b) of the Federal Act and the grant of the balance of the permit shall be considered issuance of a final permit decision under this chapter, subject to the requirements of public notice and comment and adjudicatory hearing requests of N.J.A.C. 7:14A-15 and 17.

(b) If the Department, on review of the administrative record, determines that the information necessary to decide issues under Section 6 of the State Act and Section 316(a) of the Federal Act is not likely to be available before the final permit decision, the Department may issue a permit under N.J.A.C. 7:14A-15.15 for a term up to five years. This permit shall require achievement of the effluent limitations initially proposed for the thermal component of the discharge no later than the date otherwise required by State or Federal law. However, the permit shall also afford the permittee an opportunity to file a demonstration under Section 316(a) of the Federal Act after conducting such studies as are required under 40 C.F.R. 125, Subpart H. A new discharger may not exceed the thermal effluent limitation which is initially proposed unless and until its State Act Section 6 and Federal Act Section 316(a) variance request is finally approved.

(c) Any proceeding held under (a) above shall be subject to public notice as required by N.J.A.C. 7:14A-15.10 and shall be conducted at a time allowing the permittee to take necessary measures to meet the final compliance date in the event its request for modification of thermal limits is denied.

(d) Whenever the Department defers the decision under Section 316(a) of the Federal Act and Section 6 of the State Act, any decision under Section 316(b) may be deferred.

Administrative correction.

See: 29 N.J.R. 3822(a).

Substituted "final permit decision" for "final permit" throughout.

#### **7:14A-11.12 Discharges from combined sewer overflows**

Permits issued for discharges from combined sewer overflows shall include applicable provisions of the Federal Combined Sewer Overflow (CSO) Policy (59 Federal Regis-

ter 18688, published April 19, 1994) incorporated herein at Appendix C.

**APPENDIX A**

**PERMIT NUMBER NJ0088315  
NJPDES-DSW GENERAL INDUSTRIAL  
STORMWATER PERMIT (ROUND 2)**

GENERAL PERMIT— CATEGORY 5G2 PER INDIVIDUAL NOTICE OF AUTHORIZATION  GENERAL PERMIT— CATEGORY 5G2 PER INDIVIDUAL NOTICE OF AUTHORIZATION Current Authorization Covered By This Approval And Previous Authorization 5G2: GEN INDUST STRMWTR ROUND 2 By Authority of: COMMISSIONER, DEPARTMENT OF ENVIRONMENTAL PROTECTION	Permittee   Property Owner	Co-Permittee   Location of Activity	
	Issuance Date May 5, 1997	Effective Date May 5, 1997	Expiration Date January 31, 2002

**PART I. AUTHORIZATION UNDER THIS PERMIT**

**A. Permit Area**

This permit applies to all areas of the State of New Jersey.

**B. Eligibility**

1. This permit may authorize all new and existing stormwater dischargers associated with industrial activity as defined in N.J.A.C. 7:14A-1.2, except for the following:

a. Stormwater discharges subject to any of the following effluent guideline limitations for stormwater: cement manufacturing, materials storage piles (40 CFR 411, Subpart C); feedlots (40 CFR 412); fertilizer manufacturing (40 CFR 418); petroleum refining (40 CFR 419); phosphate manufacturing (40 CFR 422); steam electric, coal pile runoff (40 CFR 423); mineral mining and processing (40 CFR 436); ore mining and dressing (40 CFR 440); and asphalt emulsion (40 CFR 443 Subpart A).

b. Stormwater discharges authorized under another NJPDES Discharge to Surface Water (DSW) permit (including an expired permit), or combined with domestic wastewater or process waste water prior to treatment.

c. Stormwater discharges that may be fully authorized under NJPDES Permit No. NJ0088323 (a separate general permit for stormwater discharges from certain construction and mining activities).

d. Stormwater discharges from facilities with "sanitary landfills" as defined in N.J.A.C. 7:26-1.4 or hazardous waste landfills subject to N.J.A.C. 7:26G, unless those landfills have been closed in compliance with N.J.A.C. 7:26-2A.9 (the Solid Waste rules) or N.J.A.C. 7:26G (the Hazardous Waste rules), the appropriate certifications have been submitted in accordance with N.J.A.C. 7:26 or N.J.A.C. 7:26G, and the landfills are not disrupted. Such closed landfills are eligible for authorization under this permit.

e. (Reserved)

f. Stormwater discharges from projects or activities that conflict with an adopted WQM plan.

2. Other discharges are not authorized by this permit, even if such discharges are combined with stormwater discharges that are authorized by this permit.

**C. Requiring an Individual Permit or Another General Permit**

1. The Department may require any permittee authorized under this permit to apply for and obtain an individual DSW permit, or seek and obtain authorization under another general permit. Conversely, any permittee authorized under this permit may request to be excluded from authorization under this permit by applying for an individual DSW permit or for another general DSW permit. Revocation of existing permits under such circumstances is governed by N.J.A.C. 7:14A-6.13.

2. If, after receiving authorization under this permit, a facility is required by the Department to obtain another NJPDES DSW permit that would also cover the authorized stormwater discharge, then authorization under this permit shall remain in effect only until either:

- a. The date such other permit becomes effective; or
- b. The date the application for such other permit (or request for authorization under another general permit) is denied.

If such a facility fails to submit an application or request for authorization by the date specified by the Department, then the general permit authorization remains in effect only until that date.

**D. Authorization**

1. In order to obtain authorization under this permit (except for automatic renewal of authorization under 4.a below), a complete Request for Authorization (RFA) and the \$500.00 fee required under N.J.A.C. 7:14A-3.1(i) shall be submitted in accordance with the requirements of part II of this permit (or shall have been submitted in accordance with the previous version of this permit). Upon review of the RFA, the Department may, in accordance with N.J.A.C. 7:14A-6.13, either:

- a. Issue notification of authorization under this permit, in which case, authorization is deemed effective as of the date the complete RFA is received by the Department;
- b. Deny authorization under this permit and require submittal of an application for an individual DSW permit; or
- c. Deny authorization under this permit and require submittal of an RFA for another general permit.

2. The Department shall issue or deny authorization within a period of 90 days after submission of a complete RFA (except for automatic renewal of authorization under 4.a below). In the event that the Department fails to issue or deny authorization within such period, the authorization shall be deemed to have been issued.

3. For a stormwater discharge authorized by this permit, the permittee is exempt from N.J.A.C. 7:14A-6.2(a)2, which declares that the discharge of any pollutant not specifically regulated in the NJPDES permit or listed and quantified in the NJPDES application shall constitute a violation of the permit.

#### 4. Automatic Renewal of Authorization

a. Authorization under this permit was automatically renewed when this permit was reissued, and will be automatically renewed if this permit is reissued in the future (so long as the discharge remains eligible). In either case, for any permittee who had or has authorization under this permit immediately prior to the effective date of the reissued permit, the most recently submitted RFA is also a timely and complete RFA under the reissued permit. (However, if the permittee is aware that any information in that most recently submitted RFA is no longer true, accurate, and complete, the permittee shall provide the correct information to the Department within 90 days after that effective date, if the permittee has not done so already.) The Department shall issue a notice of renewed authorization to each such permittee.

b. A permittee whose authorization was renewed under a. above may request to be excluded from the reissued general permit in accordance with N.J.A.C. 7:14A-6.13(g), and may also request a stay of the application to that permittee of any conditions of the reissued permit in accordance with N.J.A.C. 7:14A-17.6.

## PART II. REQUEST FOR AUTHORIZATION REQUIREMENTS

### A. Deadline for Requesting Authorization for a New Discharge

An RFA for a new stormwater discharge associated with industrial activity must be submitted at least 30 days prior to the date upon which there may be such a discharge. The Department may, in its discretion, accept an RFA submitted after the foregoing deadline; however, the discharger may still be held liable for any violations that occurred prior to the submission of the RFA.

### B. Persons Requesting Authorization

An RFA shall be submitted by each person who is an operating entity for any part of the facility requiring a NJPDES permit for the stormwater discharge associated with industrial activity at that facility. When a facility is owned by one person but is currently operated by another

person, the operating entity shall submit the RFA. Separate RFAs shall be submitted for separate facilities. Except at an airport or seaport, no two buildings shall be considered to be within a single facility unless those buildings have the same operating entity(ies) for their stormwater discharges. In addition, no two buildings shall be considered to be within a single facility unless those buildings are on the same or adjacent properties.

1. If two or more persons request authorization under this permit for activities within a single building, then those activities should be considered to be within a single facility.

2. If a facility has more than one operating entity for its stormwater discharges, all such entities should jointly submit a single RFA for the facility. Any RFA not submitted by all known operating entities shall include an explanation under C.3. below.

### C. Contents of the Request for Authorization

A completed RFA shall include all of the following information regarding the regulated facility, using the Department's RFA form:

1. The name, mailing address, location, and EPA identification number (if assigned) of the facility.

2. The 4-digit Standard Industrial Classification (SIC) code and corresponding short title assigned to the facility by the New Jersey Department of Labor. If the facility is exempt from Department of Labor SIC code assignment procedures, the RFA shall provide the 4-digit SIC code and short title that best represents the principal products or activities provided by the facility.

3. The legal name, address, and business telephone number of all known current owners and operating entities, and, if applicable, their agents and engineers. The RFA shall also identify whether each person named is an owner, an operating entity, or both; which of these persons is submitting the RFA; and whether the owner or operating entity is a Federal, State, or other public agency, or is a private entity. Any RFA not submitted by all known operating entities shall also state that the facility has other operating entities who refused to join in submitting that RFA.

4. The Federal tax identification number of the owner.

5. An 8.5" x 11" copy of a portion of the U.S. Geological Survey Topographic Map, 7.5 minute quadrangle series, showing the boundaries of the facility and the name of the quadrangle(s).

6. A brief description of the facility and its current and proposed uses.

7. Proposed date upon which there may be a new stormwater discharge associated with industrial activity, where applicable.

8. A list of any individual NJPDES permits for discharges to surface water issued for the facility.
9. The RFA certification contained in Attachment A.
10. Other certifications submitted in accordance with Part III.A.2 and the following:
  - a. For existing stormwater discharges, the certifications contained in Attachments C and D may also be submitted concurrently with the RFA, where appropriate.
  - b. For new stormwater discharges, the RFA must also include the certifications contained in Attachments C and D.
11. Additional information may be required by the Department to be included as part of the RFA if the Department determines that such additional information (including other data, reports, specifications, plans, permits, or other information) is reasonably necessary to determine whether to authorize the discharge under this permit.

The RFA shall be submitted along with payment of \$500.00 (except for authorization renewal under Part I.D.4), in accordance with N.J.A.C. 7:14A-3.1(i), unless this amount has already been submitted, for the same billing year, for the same facility under this permit.

#### D. Where to Submit

A completed and signed RFA shall be submitted to the Department at the address specified on the Department's RFA form.

#### E. Additional Notification

1. Facilities that discharge stormwater associated with industrial activity through a large or medium municipal separate storm sewer system (systems serving a population of 100,000 or more) must also submit a copy of the RFA to the owner of and operating entity for that system.
2. Persons requesting authorization shall also submit a copy of the RFA to each owner (if any) of the facility who did not submit the RFA.

### PART III. EFFLUENT LIMITATIONS; INSPECTION AND REPORTING REQUIREMENTS

#### A. Preparation and Implementation of the Stormwater Pollution Prevention Plan

##### 1. General Requirements

a. A stormwater pollution prevention plan (SPPP) shall be prepared and implemented, in accordance with the deadlines specified in 2. below, for each of the permittee's facilities that generates stormwater discharges authorized by this permit. The SPPP shall include, at a minimum, all of the information and items identified in Attachment B. The SPPP shall be signed and dated by the permittee and retained at the facility.

b. The SPPP shall demonstrate that once it has been implemented, there will be no exposure, during and after storm events, of industrial materials, machinery, waste products or other source materials located at the facility, to stormwater that is discharged to surface waters and regulated under this permit. (The term "source materials" is defined in Part VI and Attachment B.)

c. If a facility has or will have two or more permittees under this permit, then the SPPP may allocate responsibility for implementing specific parts of the SPPP to specific permittees, so long as those permittees are able to implement those parts of the SPPP. All permittees for the facility shall be jointly and severally liable for all violations of this permit arising from failure to implement fully the SPPP, except that subject to d. below, a permittee shall not be liable for such a violation if that permittee can prove by clear and convincing evidence that:

- i. Prior to the violation, the SPPP clearly and expressly stated that the permittee was not responsible for implementing the applicable part of the SPPP; and
- ii. The permittee was not directly responsible for the violation.

d. A permittee who is an owner of all or part of the facility shall not be exempted under c. above for violations which occur on facility property which is or was leased from that owner by a tenant permittee, if:

- i. The tenant permittee vacated the leased property, no longer exists, or is otherwise unable to implement the applicable part of the SPPP; and
- ii. No other tenant permittee (other than a tenant described under i. above) has been allocated responsibility in the SPPP for implementing the applicable part of the SPPP.

Liability of owners under this Part III.A.1.d exists only to the extent that permit violations began or continued after the conditions described under i. and ii. above occurred.

#### 2. Deadlines and Certifications

##### a. Existing discharges:

- i. Within six months after the date of notification of general permit authorization, the permittee shall prepare an SPPP for the authorized facility; and shall submit to the Department the "Stormwater Pollution Prevention Plan Preparation Certification" contained in Attachment C (except if this certification was already included in the RFA submitted to the Department under Part II).

ii. Except as provided in iii. below, within 18 months after the date of notification of general permit authorization, the permittee shall implement the SPPP prepared for the facility; and shall submit to the Department the "Stormwater Pollution Prevention Implementation and Inspection Certification" contained in Attachment D (except if this certification was already included in the RFA submitted to the Department under Part II).

iii. The Department may grant a six-month extension to the deadline in ii. above, if the permittee submits a written request for such extension, at least 30 days prior to the deadline, establishing to the Department's satisfaction that the Federal, State and local permits and approvals necessary for the construction of best management practices identified in the SPPP could not with due diligence be obtained within the time period set forth in ii. above.

iv. For purposes of the deadlines in i. and ii. above, "notification of general permit authorization" includes notification of authorization under Part I.D.1.a of this permit or the previous version of this permit, but does not include notice of automatically renewed authorization under Part I.D.4.a.

b. New discharges:

The SPPP shall be prepared and implemented prior to submission of the RFA under Part II; and the RFA shall contain the "Stormwater Pollution Prevention Plan Preparation Certification" contained in Attachment C, and the "Stormwater Pollution Prevention Plan Implementation and Inspection Certification" contained in Attachment D.

3. Additional Requirements

a. Agency Review

i. The permittee shall make the SPPP available upon request to an authorized representative of the Department and to the owner of and operating entity for any municipal separate storm sewer system through which the stormwater discharge associated with industrial activity is discharged.

ii. Upon review by an authorized representative, the Department may notify the permittee at any time that the SPPP does not meet one or more of the minimum requirements of this part, or that two or more SPPPs prepared for a single facility by different permittees who submitted separate RFAs must be consolidated into a single SPPP for that facility. Within 30 days after receiving such notification (unless otherwise specified by the Department), the SPPP shall be amended to adequately address all deficiencies, or the SPPPs shall be consolidated, and written certification of such amendments or consolidation shall be submitted to the Department.

b. (Reserved)

c. Amendments to the Stormwater Pollution Prevention Plan

SPPPs may be amended so long as they continue to meet the requirements of part III.A of this permit. Any amended SPPPs shall be signed, dated, implemented, retained, and otherwise treated in the same manner as the original SPPP, except that amended SPPPs do not require the "Stormwater Pollution Prevention Plan Preparation Certification" contained in Attachment C. The permittee shall retain each previous SPPP for a period of at least five years from the date of that previous SPPP. This period may be extended by written request of the Department at any time (see N.J.A.C. 7:14A-6.6).

d. Copies to Owner

The permittee shall provide a copy of the SPPP and the certifications contained in Attachments C and D to the owner(s) of the facility.

B. Annual Inspections

Once the SPPP has been implemented in accordance with III.A.1 and 2 above, the permittee shall conduct an annual inspection of the facility to identify areas contributing to the stormwater discharge authorized by this permit and to evaluate whether the SPPP complies with part III.A. and is being properly implemented, or whether additional measures are needed to meet the conditions of this permit. A report summarizing each inspection shall be included in the SPPP as required under Attachment B, Part H.

C. Annual Reports and Recertification

1. The permittee shall prepare an annual report summarizing each inspection performed under III.B. above. This report shall be accompanied by an annual certification that the facility is in compliance with its SPPP and this permit, except that if there are any incidents of noncompliance, those incidents shall be identified in the certification (see Attachment D to this permit for the form of these certifications). If there are incidents of noncompliance, the report shall identify the steps being taken to remedy the noncompliance and to prevent such incidents from recurring. The report and certification shall be signed and dated by the permittee in accordance with Attachment D to this permit, and shall be maintained for a period of at least five years. This period may be extended by written request of the Department at any time (see N.J.A.C. 7:14A-6.6). The certification should be submitted concurrently with the annual recertifications required under C.2 below.

2. After the certification contained in Attachment D has been received by the Department, the permittee must annually resubmit this certification (with new signatures each year). These annual recertifications shall be submitted in the same calendar month as the initial submission of these certifications. These recertifications shall be submitted to

the Department at the address specified on the certification form provided by the Department.

D. All instances of noncompliance not reported under N.J.A.C. 7:14A-6.10 shall be reported to the Department annually.

#### E. Other Discharges

If, during or after the preparation of the SPPP, it is discovered that the facility generates and discharges, through storm sewers to surface waters, any unpermitted domestic sewage, non-contact cooling water, or process waste water (including leachate and cooling water) other than stormwater, the permittee shall discontinue such discharges or apply for the appropriate NJPDES-DSW permit in accordance with the NJPDES rules at N.J.A.C. 7:14A.

### PART IV. STANDARD CONDITIONS APPLICABLE TO THIS GENERAL PERMIT AUTHORIZING STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY

The permittee shall comply with all the conditions set forth in this permit and all the applicable requirements relevant to the permittee's discharge(s) that can be found in the Federal Clean Water Act and the New Jersey Water Pollution Control Act (the State Act as amended), N.J.S.A. 58:10A-1 et seq. The permittee may be subject to penalties for any violations thereof.

The following conditions are incorporated by reference. The permittee is required to comply with the rules which were in effect as of the effective date of the final permit.

#### A. General Conditions

1. Penalties for Violations	N.J.A.C. 7:14-8.1 et seq.
2. Consolidation of Permit Processing	N.J.A.C. 7:14A-15.5
3. Incorporation by Reference	N.J.A.C. 7:14A-2.3
4. Enforcement Action	N.J.A.C. 7:14A-2.9
5. General Conditions Applicable to All Permittees	N.J.A.C. 7:14A-6.2 (also see Part I.D.3 above)
6. Duty to Reapply	N.J.A.C. 7:14A-4.2(e) (also see Part I.D.4 above)
7. Administrative Continuation of Permits	N.J.A.C. 7:14A-2.8
8. Duty to Mitigate	N.J.A.C. 7:14A-6.2(a)5, 6.2(a)11
9. Permit Actions	N.J.A.C. 7:14A-2.7(c)
10. Permit Duration and Renewal	N.J.A.C. 7:14A-2.7(a), (b)
11. Effect of Permit	N.J.A.C. 7:14A-2.9(c), 6.2(a)6&7 (also see Part V.A below)
12. Inspection and Entry	N.J.A.C. 7:14A-2.11(e)
13. Severability	N.J.A.C. 7:14A-2.2(b)
14. Toxic Pollutants	N.J.A.C. 7:14A-6.2(a)4 (also see Part V.A below)
15. Standard Reopener Clause	N.J.A.C. 7:14A-6.2(a)10
16. General Permits	N.J.A.C. 7:14A-6.13
17. Fee Schedule	N.J.A.C. 7:14A-3.1

#### B. Operation and Maintenance

1. Proper Operation and Maintenance	N.J.A.C. 7:14A-6.12(a)
2. Need to Halt or Reduce not a Defense	N.J.A.C. 7:14A-2.9(b)

3. Bypass	N.J.A.C. 7:14A-6.11
4. Upset	N.J.A.C. 7:14A-6.11

#### C. Records and Reporting Requirements

1. Record Keeping	N.J.A.C. 7:14A-6.6
2. Planned Changes	N.J.A.C. 7:14A-6.7
3. Changes in Discharge	N.J.A.C. 7:14A-6.7
4. Anticipated Noncompliance	N.J.A.C. 7:14A-6.7
5. Transfer	N.J.A.C. 7:14A-6.2(a)8, 6.13(n), 16.1, 16.2
6. Compliance Schedules	N.J.A.C. 7:14A-6.4
7. Noncompliance Reporting	N.J.A.C. 7:14A-6.10
8. Duty to Provide Information	N.J.A.C. 7:14A-2.11, 6.2(a)14
9. Signatory Requirements	N.J.A.C. 7:14A-4.9
10. Public Access to Information	N.J.A.C. 7:14A-18.1
11. Additional Requirements for all Existing Manufacturing, Commercial, Mining, Silviculture, and Research Facilities	N.J.A.C. 7:14A-11.3
12. Missing or Incorrect Information	N.J.A.C. 7:14A-2.11(f), 6.10(e)2 & (f)3
13. Confidentiality	N.J.A.C. 7:14A-18.2

Copies of the NJPDES rules may be purchased by contacting:

West Group  
St. Paul, Minnesota  
1-800-808-WEST

### PART V. SPECIAL CONDITIONS

#### A. Other Laws

In accordance with N.J.A.C. 7:14A-6.2(a)7, this permit does not authorize any infringement of State or local law or regulations, including, but not limited to the Pinelands rules (N.J.A.C. 7:50), N.J.A.C. 7:1E (Department rules entitled "Discharges of Petroleum and other Hazardous Substances"), and all other Department rules. No discharge of hazardous substances (as defined in N.J.A.C. 7:1E-1.6) resulting from an onsite spill shall be deemed to be "pursuant to and in compliance with [this] permit" within the meaning of the Spill Compensation and Control Act at N.J.S.A. 58:10-23.11c.

#### B. Exemptions

1. (Reserved)
2. Operations and Maintenance Manual

In accordance with N.J.A.C. 7:14A-6.12(c), for a stormwater discharge authorized by this permit, the permittee is exempt from the requirement to prepare an operations and maintenance manual.

### PART VI. DEFINITIONS

Unless otherwise stated herein the definitions set forth at N.J.A.C. 7:14A-1.2 are incorporated into this permit in addition to the definition of "source material" which is contained in Attachment B.

“Process waste water” means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by product, or waste product. Process waste water includes, but is not limited to, “leachate” and cooling water other than “non-contact cooling water”. (Please note that for the purposes of this NJPDES permit, the stormwater discharges regulated by this permit are not process waste waters.)

“Separate storm sewer” means a conveyance or system of conveyances (including roads with drainage systems, streets, catch basins, gutters, ditches, man-made channels, or storm drains):

1. Designed or used for collecting or conveying stormwater;
2. Which is not part of a “combined sewer system”; and
3. Which is not part of a “Publicly Owned Treatment Works” (POTW).

“Source materials” means any materials or machinery, located at the facility and directly or indirectly related to process or other industrial activities, which could be a source of pollutants in a stormwater discharge associated with industrial activity that is subject to N.J.A.C. 7:14A-11.5. Source materials include, but are not limited to: raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels; and lubricants, solvents, and detergents that are related to process or other industrial activities. Material or machinery that are not exposed to stormwater or that are not located at the facility are not “source materials”.

“Stormwater” means stormwater runoff, snow melt runoff, and surface runoff and drainage.

**ATTACHMENT A: RFA Certification**

Every Request for Authorization (RFA) shall include the following RFA certification.

“I certify under penalty of law that this Request for Authorization and all attached documents 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. As far as I know, none of the stormwater discharges for which this Request for Authorization is submitted are excluded from authorization by part I.B of NJPDES Permit No. NJ0088315.

“I am aware that pursuant to the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., there are significant civil and

criminal penalties for making a false statement, representation or certification in any application, record, or other document filed or required to be maintained under that Act, including fines and/or imprisonment.”

The RFA certification shall be signed as follows:

- (1) For a corporation, by a responsible corporate officer as described in N.J.A.C. 7:14A-4.9(a)1;
- (2) For a partnership or sole proprietorship, by a general partner or the proprietor, respectively;
- (3) For a municipality, State, Federal or other public agency, by either a principal executive officer or ranking elected official; or
- (4) For a corporation or other entity under (1), (2), or (3) above, by a duly authorized representative, provided that:
  - (a) The representative is authorized by a person described in (1), (2), or (3) above;
  - (b) This authorization specifies either an individual or a position responsible for the overall operation of the regulated facility such as plant manager, operator of a well or well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company or public agency. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and
  - (c) The written authorization is submitted to the Department.

A separate RFA certification shall be signed, dated and submitted for each person submitting the RFA.

**ATTACHMENT B: Contents of the Stormwater Pollution Prevention Plan**

**A. Inventory Requirements**

The SPPP shall contain an inventory that includes the following:

1. A list of general categories of all “source materials” used, stored, or otherwise located at the facility. As used in this permit, the term “source materials” means any materials or machinery, located at the facility and directly or indirectly related to process or other industrial activities, which could be a source of pollutants in a stormwater discharge associated with industrial activity that is subject to N.J.A.C. 7:14A-11.5. Source materials include, but are not limited to: raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels; and lubricants, solvents, and detergents that are related to the process or other industrial activities. Materials or machinery that are not exposed to stormwater or that are not located at the facility are not “source materials”.

2. A list of any domestic sewage, non-contact cooling water, or process waste water (including leachate and contact cooling water) other than stormwater, that is generated at the facility and discharged through separate storm sewers to surface waters.

3. For discharges identified in A.2. above, a list of any final or draft NJPDES permits, pending NJPDES permit applications, or pending requests for authorization under another general NJPDES permit (including the NJPDES permit number where available).

#### B. Mapping Requirements

The SPPP shall include a map of the entire facility that depicts the approximate location of all the items listed below. All of the information specified below should be shown on one map unless, for the sake of clarity, additional maps are needed.

1. Existing buildings and other permanent structures;
2. All paved areas, including roads;
3. Generalized stormwater flow and drainage patterns;
4. Location of each of the facility's stormwater discharges associated with industrial activity that is subject to N.J.A.C. 7:14A-11.5.
5. All surface drainage, inlet and discharge structures, including swales and ditches, but excluding rooftop drainage.
6. Location of each point or sewer segment, if any, where domestic sewage, non-contact cooling water, or process waste water (other than stormwater) generated by the facility enters storm sewers that discharge to surface waters.
7. All locations where source materials are reasonably likely to be present. In doing so, the map shall at a minimum depict the location(s) of any of the following activities that occur at the facility and address all materials and machinery listed under the definition of "source materials" in A.1. above.
  - a. Outdoor handling, treatment, storage, or disposal activities;
  - b. Loading and unloading areas;
  - c. Outdoor manufacturing, processing, or cleaning activities; and other activities that disturb the land surface, except for construction or mining authorized under NJPDES Permit No. NJ0088323;
  - d. Significant dust or particulate generating processes, except those where dust or particulates are transmitted entirely off-site through the air or are regulated under an effective permit to construct, install or alter control apparatus or equipment pursuant to N.J.A.C. 7:27-8.1.;
  - e. Hazardous waste storage or disposal facilities;

f. On-site waste management, storage and disposal practices, including wastes not associated with or derived from on-site industrial activities;

g. Access routes. As used in this permit, the term "Access routes" means any immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility.

#### C. Narrative Description of Existing Conditions

The SPPP shall include a narrative description concerning the management of all source materials at the facility which are handled, treated, stored, disposed, or which otherwise exist in a manner allowing contact with stormwater. The narrative description shall address the following:

1. Location and method of materials transport, loading and unloading;
2. Existing management practices employed to minimize contact of source materials with stormwater;
3. Existing structural and non-structural measures employed to reduce pollutants in stormwater;
4. Existing practices employed to divert stormwater to specific areas on or off-site, including diversion to containment areas, holding tanks, treatment facilities, or sanitary or combined sewers; and
5. A description of any treatment the stormwater already receives;
6. Any discharges of domestic sewage, non-contact cooling water, or process waste water (other than stormwater) that the SPPP lists in accordance with B.6. above (unless such discharges have been authorized by other NJPDES permits or identified in applications or requests for authorization submitted for other NJPDES permits). The narrative description shall also discuss any existing practices to prevent or permit such discharges.

#### D. Description of Required Best Management Practices

The SPPP shall identify and discuss the best management practices (BMPs) that will be implemented at the facility to:

1. Ensure that there will be no exposure of source material located at the facility to stormwater that is discharged to surface waters and regulated under this permit; and
2. Ensure that the facility does not generate and discharge, through storm sewers to surface waters, any domestic sewage, non-contact cooling water, or process waste water (other than stormwater), unless that discharge is authorized by another NJPDES permit or identified in an application or request for authorization submitted for another NJPDES permit.

#### E. Implementation Schedule

The SPPP shall include a schedule for full implementation of the BMPs identified in accordance with D, above. This schedule must provide for full implementation by the applicable deadlines specified in Part III of this permit.

F. Maintenance Schedule

The SPPP shall include a schedule for providing regular and appropriate maintenance and repairs of all structural BMPs identified in accordance with D, above.

G. Inspection Schedule

The SPPP shall include a schedule for regular inspection by facility personnel of designated areas, operations, and equipment. An annual inspection of the entire facility shall also be conducted in accordance with part III.B. to identify areas contributing to the stormwater discharge authorized by this permit and to evaluate whether the SPPP complies with part III.A. and is being properly implemented, or whether additional measures are needed in order to meet the conditions of this permit.

H. Internal Reporting

The SPPP shall include a report summarizing, in accordance with III.C., each annual inspection performed under G. above. The report shall indicate whether the facility was found to be in compliance with the SPPP and the conditions of this permit. In the case of non-compliance, the report shall identify measures taken to remedy any noncompliance discovered during the inspection. All instances of non-compliance with the permit or the SPPP not reported under N.J.A.C. 7:14A-6.10 shall be reported to the Department annually.

The SPPP shall record any incidents such as leaks or accidental discharges, and any failures or breakdowns of structural BMPs. The SPPP shall also ensure that, in such instances, corrective measures are implemented and inspected, and verify that full remediation is achieved.

I. Special Requirements

The following are special requirements for certain types of facilities with stormwater discharges associated with industrial activity. For such facilities, the SPPP must satisfy these special requirements as well as all the requirements provided above.

1. Facilities Discharging Through Municipal Separate Storm Sewer Systems

For any discharges of stormwater associated with industrial activity through a municipal separate storm sewer system that has a final NJPDES discharge permit, the SPPP shall also require compliance with all applicable requirements of

the municipal stormwater management program developed under that permit.

2. Facilities Subject to SARA Title III, Section 313 Requirements

The SPPP shall include, or cite the location of, any spill reports prepared under section 313 in Title III of the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. 9601 et seq.

3. Facilities With SPCC Plans, DPCC Plans, and DCR Plans

The SPPP shall include, or cite the location(s) of, any Spill Prevention Control and Countermeasure Plan (SPCC Plan) prepared under 40 CFR 112 and section 311 of the Clean Water Act, 33 U.S.C. 1321; and any discharge prevention, containment and countermeasure plan (DPCC plan) and discharge cleanup and removal plan (DCR plan) prepared under N.J.A.C. 7:1E.

4. Facilities Undergoing Construction

Whenever construction activities are undertaken at the facility, the SPPP shall be amended, if necessary, so that the SPPP continues to be accurate and to meet the requirements of part III.A of this permit.

Additionally, for construction activities disturbing less than five acres of total land area which are not part of a larger common plan of development or sale, the SPPP shall include proof that any certification or municipal approval required under the Soil Erosion and Sediment Control Act (N.J.S.A. 4:24-39 et seq.) has been obtained.

For construction activities disturbing five acres or more of total land area, authorization must be obtained under NJPDES Permit No. NJ0088323, or under an individual NJPDES permit, for stormwater from such construction activities that would be discharged to surface waters.

J. Allocation of Responsibility

If the facility has or will have two or more permittees under this permit, then the SPPP may allocate responsibility for implementing specific parts of the SPPP to specific permittees, in accordance with parts III.A.1.c and III.A.1.d.

ATTACHMENT C: Stormwater Pollution Prevention Plan Preparation Certification

The following certification shall be signed, dated and submitted to the Department using the appropriate Department forms.

"I certify under penalty of law that I have signed a stormwater pollution prevention plan (SPPP), and that if this plan is fully implemented, there will be no exposure, during and after storm events, of industrial materials, machinery, waste products or other source materials located at the facility, to stormwater that is discharged to surface waters and regulated under NJPDES Permit No. NJ0088315 (except for unintentional and temporary exposure because of an event beyond the reasonable control of the permittee). I further certify that if any part of this stormwater pollution prevention plan requires the consent of the owner(s) of or another operating entity for the facility, that consent has been obtained.

"I further certify that this Stormwater Pollution Prevention Plan Preparation Certification, all attached documents, and stormwater pollution prevention plan were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate this information. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering this information, the information in this Stormwater Pollution Prevention Plan Preparation Certification, all attached documents, and stormwater pollution prevention plan is, to the best of my knowledge and belief, true, accurate and complete.

"I certify that the stormwater pollution prevention plan referred to in this Stormwater Pollution Prevention Plan Preparation Certification has been signed and is being retained at the facility in accordance with part III.A of NJPDES Permit No. NJ0088315, and that the permittee intends that this stormwater pollution prevention plan will be fully implemented at the facility in accordance with the terms and conditions of that permit. I am aware that pursuant to the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., there are significant civil and criminal penalties for making a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under that Act, including fines and/or imprisonment."

This certification shall be signed as follows:

- (1) For a corporation, by a responsible corporate officer as described in N.J.A.C. 7:14A-4.9(a)1;
- (2) For a partnership or sole proprietorship, by a general partner or the proprietor, respectively;
- (3) For a municipality, State, Federal or other public agency, by either a principal executive officer or ranking elected official; or
- (4) For a corporation or other entity under (1), (2), or (3) above, by a duly authorized representative, provided that:
  - (a) The representative is authorized by a person described in (1), (2), or (3) above;

(b) This authorization specifies either an individual or a position responsible for the overall operation of the regulated facility such as plant manager, operator of a well or well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company or public agency. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and

(c) The written authorization is submitted to the Department.

Whenever there are two or more permittees for the facility, all of those permittees shall jointly submit this Stormwater Pollution Prevention Plan Preparation Certification, unless permittees received authorization on different dates and this certification is therefore due from them at different dates.

A copy of the RFA form that was originally submitted to the Department (in accordance with Part II of this permit) must be submitted along with this certification (with updated names, addresses and telephone numbers attached), unless the certification is submitted concurrently with the RFA.

ATTACHMENT D: *Stormwater Pollution Prevention Plan Implementation and Inspection Certification*

Text of Attachment D effective November 3, 1997.

The following certification shall be signed, dated and submitted to the Department using the appropriate Department forms.

"I certify under penalty of law that this Stormwater Pollution Prevention Plan Implementation and Inspection Certification and all attached documents were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate this information. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering this information, the information in this Stormwater Pollution Prevention Plan Implementation and Inspection Certification and all attached documents is, to the best of my knowledge and belief, true, accurate and complete.

"I certify that the facility has been inspected to identify areas contributing to the stormwater discharge authorized under NJPDES permit No. NJ0088315 and to evaluate whether the stormwater pollution prevention plan (SPPP) prepared under that permit complies with part III.A. of that permit and is being properly implemented.

“I certify that the stormwater pollution prevention plan referred to in this Stormwater Pollution Prevention Plan Implementation and Inspection Certification has been and will continue to be fully implemented at this facility in accordance with the terms and conditions of part III of NJPDES Permit No. NJ0088315. I specifically certify that there is no exposure, during and after storm events, of industrial materials, machinery, waste products or other source materials located at the facility, to stormwater that is discharged to surface waters and regulated under that NJPDES permit (except for any incidents of non-compliance identified in the attached report). I also specifically certify that this facility does not generate and discharge, through storm sewers to surface waters, any domestic sewage, non-contact cooling water, or process waste water (including leachate and contact cooling water) other than stormwater, unless that discharge is authorized by another NJPDES permit or identified in an application (or request for authorization) submitted for another NJPDES permit.

“I also certify that this facility is not in violation of any conditions of NJPDES Permit No. NJ0088315, including requirements in part III of that permit for preparation and implementation of a stormwater pollution prevention plan, except for any incidents of noncompliance (which are noted in the attached report). For any incidents of noncompliance identified in the annual inspection (or made known to me during the course of the past year), I have attached a report identifying these incidents, and identifying steps taken or being taken to remedy the noncompliance and to prevent such incidents from recurring. If the attached report identifies any incidents of noncompliance, I certify that any remedial or preventative steps identified therein were or will be taken in compliance with the schedule set forth in the attachment to this certification. I am aware that pursuant to the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., there are significant civil and criminal penalties for making a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under that Act, including fines and/or imprisonment.”

This certification shall be signed as follows:

- (1) For a corporation, by a responsible corporate officer as described in N.J.A.C. 7:14A-4.9(a)1;
- (2) For a partnership or sole proprietorship, by a general partner or the proprietor, respectively;
- (3) For a municipality, State, Federal or other public agency, by either a principal executive officer or ranking elected official; or
- (4) For a corporation or other entity under (1), (2), or (3) above, by a duly authorized representative, provided that:
  - (a) The representative is authorized by a person described in (1), (2), or (3) above;

(b) This authorization specifies either an individual or a position responsible for the overall operation of the regulated facility such as plant manager, operator of a well or well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company or public agency. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and

(c) The written authorization is submitted to the Department.

A copy of the RFA form that was originally submitted to the Department (in accordance with Part II of this permit) must be submitted along with this certification (with updated names, addresses, and telephone numbers attached), unless the certification is submitted concurrently with the RFA.

The permittee shall also identify the number of the NJPDES permit of any discharges through storm sewers to surface waters of domestic sewage, non-contact cooling water, or process waste water other than stormwater generated by the facility. If no NJPDES permit number has been assigned yet, the permittee shall provide a copy of the cover page of the application or request for authorization in an attachment to this certification.

If the facility has or will have two or more permittees under this permit, and if the person submitting this certification is responsible for implementing only some portions of the SPPP in accordance with parts III.A.1.c and III.A.1.d, then this certification shall apply only to those portions of the SPPP.

Administrative correction.  
See: 29 N.J.R. 3822(a).  
Amended N.J.A.C. and internal references.  
Administrative correction.  
See: 30 N.J.R. 340(a).

**APPENDIX B**

**PERMIT NUMBER NJ0088323  
NJPDES-DSW GENERAL PERMIT  
CONSTRUCTION ACTIVITY STORMWATER**

Permittee GENERAL PERMIT— CATEGORY 5G3 PER INDIVIDUAL NOTICE OF AUTHORIZATION Property Owner GENERAL PERMIT— CATEGORY 5G3 PER INDIVIDUAL NOTICE OF AUTHORIZATION Current Authorization Covered By This Approval And Previous Authorization 5G3:GEN PERMIT CONSTRUCT ACTIVITY By Authority of:	Co-Permittee Location of Activity GENERAL PERMIT— CATEGORY 5G3 PER INDIVIDUAL NOTICE OF AUTHORIZATION Issuance Date Effective Date Expiration Date May 5, 1997 May 5, 1997 January 31, 2002 COMMISSIONER, DEPARTMENT OF ENVIRONMENTAL PROTECTION
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PART I. *AUTHORIZATION UNDER THIS PERMIT*

B. Eligibility

A. Permit Area

This permit applies to all areas of the State of New Jersey.

1. Except as provided in B.2 below, this permit may authorize all new and existing stormwater discharges associated with industrial activity as defined in N.J.A.C. 7:14A-1.2, and that are from the following facilities: