

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

4. Permittees that are not required to submit monitoring reports at least annually pursuant to (a)3 above shall be required to 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;

5. For facilities that may operate at certain times as a means of transportation over water, the permit shall contain a condition that the discharge shall comply with any applicable regulations established for safe transportation, handling, carriage, and storage of pollutants as promulgated by the Secretary of the Department within which the Coast Guard is operating; and/or

6. Any conditions that the Secretary of the Army considers necessary to ensure that navigation and anchorage shall not be substantially impaired, in accordance with N.J.A.C. 7:14A-11.4.

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

**7:14A-11.3 Additional requirements for all existing manufacturing, commercial, mining, silviculture, and research facilities**

(a) The following condition, in addition to those set forth in N.J.A.C. 7:14A-11.2 and the general conditions applicable to all permits in N.J.A.C. 7:14A-6.2, applies to all DSW permits for the facilities specified below:

1. In addition to the reporting requirements under N.J.A.C. 7:14A-6.5 and 6.10, all existing manufacturing, commercial, mining, and silvicultural dischargers and research facilities shall notify the Department, in writing, as soon as they know or have reason to believe:

i. That any activity has occurred or will occur which would result in the discharge of any toxic pollutant which is not limited in the permit if such discharge will exceed the highest of the following notification levels:

(1) One hundred micrograms per liter (100 µg/L);

(2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;

(3) Five times the maximum concentration value reported for the pollutant in the permit application in accordance with N.J.A.C. 7:14A-4.4(b); or

(4) The notification level established by the Department in accordance with N.J.A.C. 7:14A-6.2(b)2.

ii. With the exception of research facilities, that they have begun or expect to begin to use and manufacture as an intermediate or final product or by-product any toxic pollutant which was not reported in the permit

application pursuant to N.J.A.C. 7:14A-4.3(a)19 or in the request for authorization under N.J.A.C. 7:14A-6.13(d), unless the general permit expressly refers to a "request for authorization" and does not require the request for authorization to include a listing of toxic pollutants.

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

**7:14A-11.4 Permit denial or conditions requested by other governmental agencies**

(a) If during the comment period for a draft DSW permit, the District Engineer of the Army Corps of Engineers advises the Department in writing that anchorage and navigation of any of the waters of the United States would be substantially impaired by the granting of a point source DSW permit, the permit shall be denied and the applicant so notified.

(b) If the District Engineer advises the Department that imposing specified conditions upon the permit is necessary to avoid any substantial impairment of anchorage or navigation, then the Department shall include the specified conditions in the permit.

(c) Review or appeal of a denial of a permit or of conditions specified by the District Engineer shall be made through the applicable procedures of the Corps of Engineers, and may not be made through the procedures provided in this chapter. If the conditions are stayed by a court of competent jurisdiction or by applicable procedures of the Corps of Engineers, those conditions shall be considered stayed in the DSW permit for the duration of that stay.

(d) If, during the comment period, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, or any other State or Federal Agency with jurisdiction over fish, wildlife, or public health advises the Department in writing that the imposition of specified conditions upon the permit is necessary to avoid substantial impairment of fish, shellfish, or wildlife resources, the Department shall include the specified conditions in the permit to the extent they are determined necessary to carry out provisions of 40 CFR 122.49 and the State and Federal Acts.

(e) In appropriate cases the Department may consult with one or more of the agencies referred to in this section or other agencies it deems appropriate before issuing a draft permit and may reflect such agencies' views in the statement of basis, the fact sheet, or the draft permit.

**7:14A-11.5 Stormwater discharges**

(a) The following concerns permit requirements for stormwater discharges:

1. Prior to October 1, 1994, discharges composed entirely of stormwater did not require a permit under Section 402 of the CWA except:

i. A discharge with respect to which a permit has been issued prior to February 4, 1987;

ii. A discharge associated with industrial activity from a point source;

iii. A discharge from a large municipal separate storm sewer system;

iv. A discharge from a medium municipal separate storm sewer system; and

v. A discharge which either the Director or the USEPA Regional Administrator determined to contribute to a violation of a water quality standard or is a significant contributor of pollutants to waters of the United States. This designation may have included a discharge from any conveyance or system of conveyances used for collecting and conveying stormwater runoff or a system of discharges from municipal separate storm sewers, except for those discharges from conveyances which do not require a permit under Section 402 of the CWA and (a)2 below or agricultural stormwater runoff which is exempted from the definition of point source at 40 CFR 122.2. The Director may have designated discharges from municipal separate storm sewers on a system-wide or jurisdiction-wide basis. In making this determination the Director may have considered the following factors:

(1) The location of the discharge with respect to waters of the United States as defined at 40 CFR 122.2;

(2) The size of the discharge;

(3) The quantity and nature of the pollutants discharged to waters of the United States; and

(4) Other relevant factors.

2. The Director shall not require a permit under Section 402 of the CWA for discharges of stormwater runoff from mining operations or oil and gas exploration, production, processing or treatment operations or transmission facilities, composed entirely of flows which are from conveyances or systems of conveyances (including, but not limited to, pipes, conduits, ditches, and channels) used for collecting and conveying precipitation runoff and which are not contaminated by contact with or that has not come into contact with, any overburden, raw material, intermediate products, finished product, byproduct or waste products located on the site of such operations.

3. The permit requirements for large and medium municipal separate storm sewer systems, and for stormwater discharges associated with industrial activity that discharge through such systems, contained in 40 CFR 122.26(a)(3) and (a)(4) are incorporated into this chapter by reference.

4. The Director may issue permits for municipal separate storm sewers that are designated under (a)1v above on a system-wide basis, jurisdiction-wide basis, watershed basis or other appropriate basis, or may issue permits for individual discharges.

5. For stormwater discharges associated with industrial activity which discharge through a non-municipal or non-publicly owned separate storm sewer system, the Director shall issue either a single NJPDES permit (or a single authorization under a general NJPDES permit), with each discharger a co-permittee to a permit (or to an authorization under a general permit) issued to the operating entity for the portion of the system that discharges into waters of the United States, or individual permits (or authorizations under a general permit) to each discharger of stormwater associated with industrial activity through the non-municipal conveyance system.

i. All stormwater discharges associated with industrial activity that discharge through a stormwater discharge system that is not a municipal separate storm sewer shall be authorized by an individual permit (or by a single authorization under a general permit), or a permit (or authorization under a general permit) issued to the operating entity for the portion of the system that discharges to waters of the United States, with each discharger to the non-municipal conveyance a co-permittee to that permit (or to that authorization under a general permit).

ii. Where there is more than one operating entity for a single system of such conveyances, all operating entities for stormwater discharges associated with industrial activity shall submit applications (or requests for authorization under a general permit).

iii. Any permit authorizing more than one operating entity shall identify the effluent limitations, or other permit conditions, if any, that apply to each operating entity.

6. Conveyances that discharge stormwater runoff combined with municipal sewage are point sources that require NJPDES permits applied for in accordance with N.J.A.C. 7:14A-4 or N.J.A.C. 7:14A-6.13, and are not subject to the provisions of this section.

7. Whether a discharge from a municipal separate storm sewer is or is not subject to regulation under this section shall have no bearing on whether the owner or operating entity for the discharge is eligible for funding under title II, title III or title VI of the Federal Act. See 40 CFR part 35, subpart I, appendix A(b) H.2.j.

8. On and after October 1, 1994, discharges composed entirely of stormwater, that are not otherwise already required by (a)1 above or (a)9 below to obtain a permit, require a permit applied for under (g) below. The Director shall not require a permit under Section 402 of the CWA for discharges of stormwater as provided in (a)2 above or agricultural stormwater runoff which is exempted from the definition of point source at 40 CFR 122.2 and 122.3.

9. A stormwater discharge associated with industrial activity from a nonpoint source shall be required to obtain a NJPDES permit pursuant to (c)1 and (e)1iii below.

(b) The following concerns requests for information about stormwater discharges associated with industrial activity:

1. The Department may, by written notice, request any person whom the Department has reason to believe may own or operate a facility with a "stormwater discharge associated with industrial activity" as defined in N.J.A.C. 7:14A-1.2 to either:

i. Declare to the Department that person's intent to obtain a DSW permit for a "stormwater discharge associated with industrial activity"; or

ii. Provide information to the Department that explains why, in that person's judgment, that person is not required to obtain, for property or operations owned or operated by that person, a DSW permit for a "stormwater discharge associated with industrial activity" as defined in N.J.A.C. 7:14A-1.2. Such information may include:

(1) Information about the nature, source, and location of the stormwater discharge from such property or operations (for example, that all of the stormwater soaks into the ground or is discharged to a combined sewer system, or falls for some specified reason outside the definition of "stormwater discharge associated with industrial activity"); or

(2). Relevant information concerning that person (for example, information explaining why that person does not have a duty under N.J.A.C. 7:14A-4.2(c) to obtain a NJPDES permit).

2. A written notice under (b)1 above shall include a statement that such notice was sent pursuant to this subsection and the State Act, and that failure to respond to such notice in the manner required by this subsection is a violation of the State Act. Such notice shall also briefly explain why the Department has reason to believe that person may own or operate a facility with a "stormwater discharge associated with industrial activity" as defined in N.J.A.C. 7:14A-1.2. (For example, one sufficient reason is information indicating that the person may own or operate an establishment classified under a Standard Industrial Classification (SIC) code expressly listed in the definition of "stormwater discharge associated with industrial activity," or a landfill, steam electric power generating plant, treatment works treating domestic sewage, or construction operation that results in the disturbance of land.) Such notice may also require the person's response to be on a form provided by the Department, and to include a certification substantially equivalent to that required in a permit application under N.J.A.C. 7:14A-4.9(d).

3. Upon receipt of a written notice under (b)1 above, the person shall provide a written response in accordance with this subsection within 60 days, unless the notice specifies a longer time period. The Department, in its discretion, may also extend the time allowed for submitting a response for good cause shown.

4. Nothing in (b)1 through 3 above shall exempt any person from any permit application deadline under this section and N.J.A.C. 7:14A-4.2(e), or prevent the Department from making other requests for information under N.J.A.C. 7:14A-2.11 or the State Act.

(c) Permit application requirements for stormwater discharges associated with industrial activity are as follows:

1. Dischargers of stormwater associated with industrial activity from point or nonpoint sources are required to apply for an individual NJPDES permit or request authorization under a final stormwater general NJPDES permit. (This subsection does not apply to discharges of such stormwater from nonpoint sources until November 3, 1997.) Facilities that are required or seek to obtain an individual permit, or any discharge of stormwater which the Director is evaluating for designation under (a)1v above and is not a municipal separate storm sewer shall submit a NJPDES application in accordance with the requirements of N.J.A.C. 7:14A-4 as modified and supplemented by the provisions of the remainder of this subsection and (h) below. Except as provided in (c)1ii, vi and 2 below, applicants for an individual permit for discharges composed entirely of stormwater shall submit the NJPDES-1 Form and the NJPDES-2F Form. Applicants for an individual permit for discharges composed of stormwater and non-stormwater shall submit the NJPDES-1 Form, Form 2C, and the NJPDES-2F Form.

i. Except as provided in (c)1ii through iv, vi and 2 below, the operating entity applying for an individual permit for a stormwater discharge associated with industrial activity subject to this section shall provide the following in the permit application:

(1) A site map showing topography (or indicating the outline of drainage areas served by the outfall(s) covered in the application if a topographic map is unavailable) of the facility, including each of its drainage and discharge structures; the drainage area of each stormwater outfall; each drainage area are not served by a stormwater outfall; paved areas and buildings within each drainage area; each area used at present or in the three years prior to the submittal of this application for outdoor storage or disposal of significant materials; each existing structural control measure to reduce pollutants in stormwater runoff; materials loading and access areas; areas where pesticides, herbicides, soil conditioners and fertilizers are applied; each of its hazardous waste treatment, storage or disposal facilities (including each area not required to have a RCRA permit which is used for

accumulating hazardous waste under 40 CFR 262.34); each well where fluids from the facility are injected underground; springs, and other surface water bodies which receive stormwater discharges from the facility;

(2) An estimate of the area of impervious surfaces (including paved areas and building roofs) and the total drainage area of each outfall and of each area not served by an outfall (within a mile radius of the facility) and a narrative description of the following on-site features at the facility: Significant materials that in the three years prior to the submittal of this application (see (c)1i(4) below) have been treated, stored or disposed in a manner to allow exposure to stormwater; method of treatment, storage or disposal of such materials; materials management practices employed, in the three years prior to the submittal of this application (see (c)1i(4) below), to minimize contact by these materials with stormwater runoff; materials loading and access areas; the location, manner and frequency in which pesticides, herbicides, soil conditioners and fertilizers are applied; the location and a description of existing structural and non-structural control measures to reduce pollutants in stormwater runoff; and a description of the treatment the stormwater receives, including the ultimate disposal of any solid or fluid wastes other than by discharge;

(3) A certification that all outfalls (and all drainage areas not served by outfalls) that should contain stormwater discharges associated with industrial activity have been tested or evaluated for the presence of non-stormwater discharges which are not authorized by a NJPDES permit; tests for such non-stormwater discharges may include smoke tests, fluorometric dye tests, analysis of accurate schematics, as well as other appropriate tests. The certification shall include a description of the method used, the date of any testing, and the on-site drainage points that were directly observed during a test;

(4) Existing information regarding significant leaks or spills of toxic or hazardous pollutants at the facility that have taken place within the three years prior to the submittal of this application. For purposes of the preceding sentence, significant leaks or spills at a facility generally include releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (see 40 C.F.R. 110.10 and 40 C.F.R. 117.21) or Section 302 of CERCLA (see 40 C.F.R. 302.4). (The information which (c)1i(2) above and this subparagraph requires concerning events in the three years prior to the submittal of the application shall also be provided concerning events in previous years, if the applicant has information concerning such events.);

(5) Quantitative data based on samples collected during storm events and collected in accordance with (h) below from all outfalls (and all drainage areas not served by outfalls) containing a stormwater discharge associated with industrial activity for the following parameters:

(A) Any pollutant limited in an effluent guideline to which the facility is subject;

(B) Any pollutant listed in the facility's NJPDES permit for its process wastewater (if the facility is operating under an existing NJPDES permit);

(C) Oil and grease, pH, BOD<sub>5</sub>, COD, TSS, total phosphorus, total Kjeldahl nitrogen, and nitrate plus nitrite nitrogen;

(D) Any information on the discharge required under N.J.A.C. 7:14A-4.4(b)5i, ii and 6;

(E) Measurements or estimates of the maximum flow rate and of the total amount of discharge for the storm event(s) sampled, and the method of flow measurement or estimation; and

(F) The date and duration (in hours) of the storm event(s) sampled, rainfall measurements or estimates of the storm event (in inches) which generated the sampled runoff and the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event (in hours);

(6) In preparing a permit application under (c)1i, both outfalls and drainage areas not served by outfalls shall be regulated in the same manner as "outfalls" for purposes of (c)1i(5)(D) above, (h) below, and N.J.A.C. 7:14A-4.4(b);

(7) Any operating entity for a discharge composed entirely of stormwater is exempt from the requirements of N.J.A.C. 7:14A-4.3(a)17 and 21, and 4.4(a), (b)3i and ii and (b)7; and

(8) Any operating entity for a new source or new discharge (as defined in N.J.A.C. 7:14A-1.2) composed in part or entirely of stormwater shall include estimates for the pollutants or parameters listed in (c)1i(5) above instead of actual sampling data, along with the source of each estimate. Any operating entity for a new source or new discharge composed in part or entirely of stormwater must provide quantitative data for the parameters listed in (c)1i(5) above within two years after commencement of discharge, unless such data has already been reported under the monitoring requirements of the NJPDES permit for the discharge. Any operating entity for a new source or new discharge composed entirely of stormwater is exempt from the requirements of N.J.A.C. 7:14A-4.3(a)17 and 21iii and 4.4(b)3 through 7.

ii. The operating entity for an existing or new stormwater discharge that is associated with construction activity solely under subparagraph 1x of the definition of "stormwater discharge associated with industrial activity" in N.J.A.C. 7:14A-1.2 is exempt from the requirements of (c)1i above and N.J.A.C. 7:14A-4.3(a)11, (a)16 through 24, (c) and (d) and 4.4, and shall not submit the NJPDES-2F Form. Such operating entity shall, if applying for an individual permit, submit the NJPDES-1 Form and provide a narrative description of:

- (1) The location and the nature of the construction activity;
- (2) The total area of the site and the area of the site that is expected to undergo excavation during the life of the permit;
- (3) Proposed measures, including best management practices, to control pollutants in stormwater discharges during construction, including a brief description of applicable State and local erosion and sediment control requirements;
- (4) Proposed measures to control pollutants in stormwater discharges that will occur after construction operations have been completed, including a brief description of applicable State or local erosion and sediment control requirements;
- (5) An estimate of the runoff coefficient of the site and the increase in impervious area after the construction addressed in the permit application is completed, the nature of fill material and existing data describing the soil or the quality of the discharge; and
- (6) The name of the receiving water.

iii. The operating entity for an existing or new discharge composed entirely of stormwater from an oil or gas exploration, production, processing, or treatment operation, or transmission facility is not required to submit a permit application in accordance with (c)1i above, unless the facility:

- (1) Has had a discharge of stormwater resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 117.21 or 40 CFR 302.6 at anytime since November 16, 1987; or
- (2) Has had a discharge of stormwater resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 110.6 at any time since November 16, 1987; or
- (3) Contributes to a violation of a water quality standard.

iv. The operating entity for an existing or new discharge composed entirely of stormwater from a mining

operation is not required to submit a permit application in accordance with (c)1i above, unless the discharge has come into contact with, any overburden, raw material, intermediate products, finished product, byproduct or waste products located on the site of such operations.

v. Applicants shall provide such other information as the Director may reasonably require under N.J.A.C. 7:14A-4.3(e) to determine whether to issue a permit and may require any facility subject to (c)1ii above to comply with (c)1i above.

vi. Until December 31, 1992, applicants for renewal of a NJPDES permit or for a new or modified NJPDES permit for a stormwater discharge associated with industrial activity were allowed to submit Form 2C rather than Form 2F (and rather than the information required under (c)1i above) if the permit or application addressed all such stormwater discharges.

2. A group application submitted to USEPA under 40 CFR 122.26(c)(2) does not qualify under (c)1 above as an application for an individual NJPDES permit, or as a request for authorization under a NJPDES general permit. However, if a facility was approved by the USEPA as a member of a group application pursuant to 40 CFR 122.26(e)(2) and applies to the Department for an individual NJPDES permit for a stormwater discharge associated with industrial activity, the Department may accept the quantitative data in Part 2 of that group application in lieu of quantitative data collected at the applicant's facility for that stormwater discharge, provided that:

- i. The quantitative data in Part 2 of that group application is submitted to the Department by the entity that prepared the group application or by the applicant; and
- ii. The USEPA has not informed that entity that the quantitative data in Part 2 that was submitted to the Department is inaccurate or incomplete.

(d) Application requirements for large and medium municipal separate storm sewer discharges, and for a discharge from a municipal separate storm sewer that is designated under (a)1v above, are contained in 40 CFR 122.26(d), which is incorporated into this chapter by reference. Also incorporated into this chapter by reference, for purposes of this subsection only, are the definitions at 40 CFR 122.26(b)(2), (5), (6), and (9) of "illicit discharge," "major municipal separate storm sewer outfall," "major outfall" and "outfall." References to a "NJPDES permit" or "permit" in 40 CFR 122.26(b)(2) and (d) shall be understood to mean a NJPDES permit under this chapter, unless the context clearly indicates otherwise. Applicants for a discharge under this subsection are exempt from the requirements of N.J.A.C. 7:14A-4.3(a)11 and 16 through 24, (c) through (e) and 4.4(a) and (b)3 through 7.

(e) Any operating entity for a discharge required to obtain a permit under (a)1 or 9 above that does not have an

effective NJPDES permit authorizing its stormwater discharges shall submit an application for an individual permit or a request for authorization for a general permit in accordance with the following deadlines:

1. Except as provided in (e)1i through vii below, for any "stormwater discharge associated with industrial activity" as defined in N.J.A.C. 7:14A-1.2 which is not authorized by a stormwater general permit, a permit application made pursuant to (c) above, or a request for authorization for a stormwater general permit, shall have been submitted to the Director by April 1, 1993.

i. For any stormwater discharge associated with industrial activity from a facility that is owned or operated by a municipality with a population of less than 100,000 other than an airport, powerplant, or uncontrolled sanitary landfill, permit requirements are contained in (g) below.

ii. Facilities that are owned or operated by a municipality and that were rejected by the USEPA as members of part 1 group application under 40 CFR 122.26(e)(2) shall have submitted an individual application or a request for authorization for a general permit no later than 180 days after the date of receipt of the notice of rejection or April 1, 1993, whichever was later.

iii. If the discharge is from a nonpoint source and is not from a point source or identified under (e)1iv below, the permit application or request for authorization shall be submitted by November 3, 1997. No NJPDES permit shall require pollutants in such a discharge to be controlled before November 3, 1997.

iv. If the Department classifies the discharge as a "stormwater discharge associated with industrial activity" under paragraph 2 in the definition of that term in N.J.A.C. 7:14A-1.2, the permit application or request for authorization shall be submitted within 180 days of receipt of written notice of such classification, unless a later submission date is requested and approved by the Department.

v. A group application submitted to USEPA under 40 CFR 122.26(e)(2) does not qualify under this paragraph as an application for an individual NJPDES permit, or as a request for authorization under a NJPDES general permit. If a facility was approved by the USEPA as a member of a group application pursuant to 40 CFR 122.26(e)(2), or if a facility which was a participant of a group application was not approved or rejected by the USEPA pursuant to 40 CFR 122.26(e)(2) by April 1, 1993, the facility shall have either applied for an individual NJPDES permit, or have submitted a written request for authorization under an applicable NJPDES general permit, by October 1, 1993 (except as provided in (e)1i above).

vi. When an individual application for discharges of stormwater is submitted pursuant to (c) above for a facility that already has an individual DSW permit that does not authorize all of those discharges, then that application shall be submitted in the following manner:

(1) If that DSW permit has expired, or is due to expire within 180 days of the submission of that application, then that application shall be submitted as part of the application for renewal of that DSW permit (such submission may supplement a renewal application previously submitted to the Department).

(2) If that DSW permit has not expired and is not due to expire within 180 days of the submission of that application, then that application shall be submitted either as part of the application for renewal of that DSW permit, or in a request under N.J.A.C. 7:14A-16.4 to modify that DSW permit to authorize all of those discharges of stormwater.

vii. For facilities submitting an individual application for a new discharge of stormwater associated with industrial activity, application deadlines are contained in N.J.A.C. 7:14A-4.2(e)1.

2. Any entity whose group application to USEPA pursuant to 40 CFR 122.26(c)(2) and (e)(2) listed New Jersey facilities shall have provided the information in (e)2i and ii below to the Department by December 2, 1992. Any entity whose group application to USEPA included New Jersey facilities shall provide to the Department, within 30 days of the Department's request, a copy of the entire group application or any portion thereof specified by the Department.

i. An identification, by name and location, of all New Jersey facilities participating in the group application, including all facilities that the group or trade association approved as an addition to a group application pursuant to 40 CFR 122.26(e)(2)(v); and

ii. A narrative description summarizing the industrial activities of participants of the group application.

3. Any entity whose group application to USEPA pursuant to 40 CFR 122.26(c)(2) and (e)(2) listed New Jersey facilities shall have provided the information in (e)3i through iii below to the Department within 30 days of the USEPA decision to approve or deny the members of the group application (see 40 CFR 122.26(e)(2)(ii) or by December 2, 1992, whichever was later. The entity shall also have provided to the Department the information in (e)3i and ii below for any facility that the group or trade association approved as an addition to a group application pursuant to 40 CFR 122.26(e)(2)(v). The entity shall have provided this information within 30 days of the USEPA approval or denial of the addition or by December 2, 1992, whichever was later.

i. An identification, by name and location, of all facilities participating in the group application;

ii. A copy of the USEPA decision to approve or deny the participating facilities as members of the group application; and

iii. A narrative description summarizing the industrial activities of participants of the group application.

4. For any discharge from a large or medium municipal separate storm sewer system, application deadlines are contained in 40 CFR 122.26(e)(3) and (4), which is incorporated into this chapter by reference.

5. A permit application or request for authorization shall be submitted to the Director within 60 days of notice, unless a later submission date is requested and approved by the Director, for:

i. A stormwater discharge which the Director or the EPA Regional Administrator determines that the discharge contributes to a violation of a water quality standard or is a significant contributor of pollutants to waters of the United States (see (a)1v above); and

ii. A stormwater discharge subject to (c)1v above.

6. Facilities with existing NJPDES permits for stormwater discharges associated with industrial activity shall maintain existing permits. Facilities with permits for stormwater discharges associated with industrial activity which expire on or after May 18, 1992 shall submit a new application in accordance with the requirements of N.J.A.C. 7:14A-4 and (c) above 180 days before the expiration of such permits.

7. The Director shall issue or deny individual permits (or authorization under general permits) for discharges composed entirely of stormwater under this section in accordance with the following schedule:

i. The Director shall issue or deny individual permits (or authorization under general permits) for stormwater discharges associated with industrial activity no later than April 1, 1994, or for new sources or existing sources which did not submit a complete NJPDES permit application or request for authorization by April 1, 1993, one year after receipt of a complete NJPDES permit application or request for authorization (unless the general permit specifies a shorter time period);

ii. The Director shall issue or deny permits for large or medium municipal separate storm sewer systems by the deadlines contained in 40 CFR 122.26(e)(7)(ii) and (iii), which are incorporated into this chapter by reference.

(f) The following concerns petitions:

1. Any operating entity for a municipal separate storm sewer system may petition the Director to require a separate NJPDES permit for any discharge into the municipal separate storm sewer system.

2. Any person may petition the Director to require a NJPDES permit for a point source discharge which is

composed entirely of stormwater which contributes to a violation of a water quality standard or is a significant contributor of pollutants to waters of the United States.

3. The owner of or operating entity for a municipal separate storm sewer system may petition the Director to reduce the Census estimates of the population served by such separate system to account for stormwater discharged to combined sewers as defined by 40 CFR 35.2005(b)(11) that is treated in a publicly owned treatment works. In municipalities in which combined sewers are operated, the Census estimates of population may be reduced proportional to the fraction, based on estimated lengths, of the length of combined sewers over the sum of the length of combined sewers and municipal separate storm sewers where an applicant has submitted the NJPDES permit number associated with each discharge point and a map indicating areas served by combined sewers and the location of any combined sewer overflow discharge point.

4. Any person may petition the Director for the designation of a large or medium municipal separate storm sewer system as defined by paragraph 4 of the definitions of "large municipal separate storm sewer system" or "medium municipal separate storm sewer system" in N.J.A.C. 7:14A-1.2.

5. The Director shall make a final determination on any petition received under this section within 90 days after receiving the petition.

(g) The following concerns discharges composed entirely of stormwater under Section 402(p)(6) of the Federal Act. Any operating entity for a point source required to obtain a permit under (a)8 above shall submit an application for an individual permit, or a request for authorization under a general permit, in accordance with the following requirements.

1. The operating entity shall submit an application or request for authorization in accordance with the following deadlines:

i. A discharger which the Director determines to contribute to a violation of a water quality standard or is a significant contributor of pollutants to waters of the United States shall submit an application or request for authorization to the Director within 180 days of receipt of notice, unless a later submission date is requested and approved by the Director; or

ii. All other dischargers shall submit an application or request for authorization to the Director no later than August 7, 2001.

2. The operating entity shall submit an application or request for authorization in accordance with the following requirements, unless otherwise modified by the Director:

i. An individual application for non-municipal discharges shall meet the requirements contained in (c)1 above.

ii. Applications for municipal separate storm sewer discharges shall meet the requirements contained in (d) above.

iii. Requests for authorization under a general permit issued by the Director shall meet the requirements contained in N.J.A.C. 7:14A-6.13(d).

(h) When "quantitative data" for a pollutant are required in an individual NJPDES permit application for a stormwater discharge, the applicant shall collect samples in accordance with N.J.A.C. 7:14A-4.4(b) (also see (c)1i(6) above) and the following requirements:

1. All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inch and at least 72 hours from the previously measurable (greater than 0.1 inch) storm event. Where feasible, the variance in the duration of the event and the total rainfall of the event should not exceed 50 percent from the average or median rainfall event in that area;

2. A flow-weighted composite shall be taken for either the entire discharge or for the first three hours of the discharge as follows:

i. The flow-weighted composite sample for a stormwater discharge may consist of:

(1) Continuous sampling;

(2) A combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge; with each aliquot being separated by a minimum period of fifteen minutes; or

(3) A combination of a minimum of three sample aliquots taken for the first three hours of the discharge, with each aliquot being separated by a minimum period of 15 minutes;

ii. Applicants submitting permit applications for stormwater discharges under this section may collect flow-weighted composite samples using different protocols with respect to the time duration between the collection of sample aliquots, subject to the approval of the Department;

iii. A minimum of one grab sample may be taken for stormwater discharges from holding ponds or other impoundments with a retention period greater than 24 hours;

iv. For a flow-weighted composite sample, only one analysis of the composite of aliquots is required;

v. For stormwater discharge samples taken from discharges associated with industrial activities, quantitative data must be reported for the grab sample taken during the first thirty minutes (or as soon thereafter as practicable) of the discharge for all pollutants requiring analysis under (c) above; and

vi. For all stormwater permit applicants taking flow-weighted composites, quantitative data must be reported for all pollutants requiring analysis under (c) above except pH, temperature, cyanide, total phenols, chlorine produced oxidants, oil and grease, fecal coliform, and fecal streptococcus; and

3. The Department may allow or establish appropriate site-specific sampling procedures or requirements, including sampling locations, the season in which the sampling takes place, the minimum duration between the previous measurable storm event and the storm event sampled, the minimum or maximum level of precipitation required for an appropriate storm event, the form of precipitation sampled (snow melt or rain fall), protocols for collecting samples that may differ from protocols for collecting samples under 40 C.F.R. 136, and additional time for submitting data on a case-by-case basis.

(i) The operating entity for a large or medium municipal storm sewer system or a municipal separate storm sewer system or a municipal separate storm sewer that has been designated by the Department or the Regional Administrator under (a)1v above shall submit an annual report by the anniversary of the date of the issuance of the permit for such system. The report shall include the information required under 40 C.F.R. 122.42(c), which is incorporated into this chapter by reference.

(j) Appendix A and Appendix B to this subchapter, incorporated herein by reference, contain two final general permits that the Department has issued for stormwater discharges associated with industrial activity. The inclusion of these two general permits within this subchapter does not affect the status or requirements of other general permits that the Department issued prior to or after May 5, 1997.

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

#### 7:14A-11.6 Federal criteria and standards for DSW permits

(a) The following Federal criteria and standards apply to DSW permits:

1. The criteria and standards for the imposition of technology-based treatment requirements in DSW permits shall be as set forth in 40 C.F.R. 125, Subpart A;

2. The criteria for issuance of a permit to aquaculture projects shall be as set forth in 40 C.F.R. 125, Subpart B;

(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)

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

#### 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

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|--|--|
| 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

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|---|---|
| 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**

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 through separate storm sewers to surface waters (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.

*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



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

#### **7:14A-15.11 Public comments and requests for public hearing**

(a) During the public comment period established under N.J.A.C. 7:14A-15.10, any person may submit written comments on a draft permit based upon significant and relevant issues and data.

(b) If a public hearing has not already been scheduled, a person may request a public hearing on a draft permit for which public notice has been published pursuant to N.J.A.C. 7:14A-15.10. A request for a public hearing shall be in writing and shall state the nature of the significant and relevant issues proposed to be raised in the hearing and why these issues cannot be adequately expressed other than at a public hearing.

#### **7:14A-15.12 Public hearings**

(a) The Department shall hold a public hearing if there is or may be a significant degree of public interest in favor of holding a public hearing. The Department may hold a public hearing if it determines that a hearing is likely to clarify one or more legal and/or factual issues on a draft permit and that oral testimony is essential to adequately express all issues and concerns.

(b) Public hearings shall be conducted in a non-adversarial manner wherein a person shall be afforded an opportunity to submit oral or written statements and data concerning the draft permit.

(c) The Department may set reasonable limits upon the time allowed for oral comments at the public hearing and may also require the submission of written statements.

(d) The Department shall extend the public comment period established pursuant to N.J.A.C. 7:14A-15.10 to the close of any public hearing held pursuant to this section. The Department may also extend the comment period beyond the public hearing by so stating at the hearing.

(e) If a permittee has requested to arrange for a public hearing and the Department determines that a public hearing is warranted based on (a) above, it shall be the sole responsibility of the applicant to secure the use of an adequate facility to hold the public hearing and to obtain any ancillary services associated with the public hearing including, but not limited to, a stenographer and/or tape recording. The location, time and date of the public hearing shall be mutually acceptable to the Department and the applicant.

(f) When a permittee arranges the public hearing, it shall provide the Department with two copies of the public hearing transcript at no charge to the Department.

(g) The Department shall make available for public inspection a written transcript of the public hearing. A copy of the transcript will be sent, on request, for a reasonable fee for copying.

#### **7:14A-15.13 Obligation to raise issues and provide information during the public comment period**

Any applicant or permittee or person interested in being considered a party to an action pursuant to N.J.A.C. 7:14A-17.3 who believes that any action under N.J.A.C. 7:14A-15.10(a) is inappropriate shall raise all reasonably ascertainable issues and submit, in writing to the Department by certified mail (return receipt requested), or by other means which provides verification of the date of delivery to the Department all such reasonably ascertainable arguments and factual grounds supporting them, including all supporting materials, by the close of the public comment period. If an applicant or permittee or any person fails to raise any reasonably ascertainable issues within the public comment period, the right to raise or contest any such issues in any subsequent adjudicatory hearing or appeal shall be deemed to have been waived. All supporting materials shall be included in full and may not be incorporated by reference, unless they are already part of the administrative record in the same proceeding, or consist of State or Federal statutes and regulations, USEPA documents of general applicability, or other generally available reference materials. Commenters shall make any supporting material incorporated by reference available at the request of the Department.

#### **7:14A-15.14 Reopening of the public comment period**

(a) Upon its determination that any data, information or argument submitted during the comment period raises significant legal and/or factual issues that are likely to affect the final decision on the permit, the Department shall take one or more of the following actions:

1. Prepare a new draft permit, appropriately modified, pursuant to N.J.A.C. 7:14A-15.6;
2. Prepare a revised statement of basis under N.J.A.C. 7:14A-15.7, or a revised fact sheet pursuant to N.J.A.C. 7:14A-15.8, and reopen the comment period under (a)3 below; or
3. Reopen or extend the comment period to give a person the opportunity to comment on the data, information or arguments so submitted.

(b) Comments filed during the reopened or extended comment period shall be limited to the relevant legal and/or factual issues that prompted the reopening or extension of the comment period. The public notice under N.J.A.C. 7:14A-15.10 shall define the scope of the reopened or extended comment period.

(c) The Department shall publish public notice of any of the actions specified at (a) above in accordance with N.J.A.C. 7:14A-15.10, except when the comment period is reopened or extended for 15 days or less, in which case, the Department shall provide only the applicant and all persons who commented on the draft permit with oral or written notice of the reopened or extended public comment period.

#### 7:14A-15.15 Final permit decision and issuance and effective date of a permit

(a) The Department shall issue a final permit decision after the close of the public comment period. The Department also shall notify, in writing, the applicant or permittee and each person who submitted written comments or requested notice of the final permit decision. This notification shall include reference to the procedures provided to the applicant or permittee and persons other than the applicant or permittee for contesting the Department's decision on a permit.

(b) A final permit shall not become effective until 30 days from receipt by the permittee of the permit except when:

1. An effective date is not specified in the permit but the permit specifies that the permittee may request the establishment of the effective date at a subsequent time;
2. A later effective date is specified in the permit; or
3. The Department has received no comment from persons other than the permittee on the draft permit and an immediate effective date is requested by the permittee, in writing, and the Department concurs.

(c) After the issuance of a final permit decision:

1. A treatment works approval, if required by N.J.A.C. 7:14A-22.3, shall be obtained.
2. The permittee or any other person considered a party to the action under N.J.A.C. 7:14A-17.3 may request an adjudicatory hearing to contest the final permit decision in accordance with N.J.A.C. 7:14A-17.2.

#### 7:14A-15.16 Response to comments

(a) The Department shall specifically respond to comments concerning draft permits from persons, including comments from affected states, by issuing a response to comments document at the time that a final permit decision is issued. The document shall:

1. State what action the Department has taken on the final permit or permit decision;
2. Specify which provisions, if any, of the draft permit have been changed in the final permit, and the reasons for the change. The Department shall make only those changes which do not destroy the value of the original fact sheet or statement of basis; and

3. Briefly describe and respond to all significant and relevant comments on the draft permit raised during the public comment period, or during any public hearing.

(b) A person may arrange to review the response to comments document by telephoning the Department's Bureau of Central Services and Property Management at (609) 292-0400.

#### 7:14A-15.17 Administrative record for the final permit

(a) The Department shall base final permit decisions made pursuant to N.J.A.C. 7:14A-15.15 on the administrative record, which shall consist of the following:

1. The administrative record for the draft permit under N.J.A.C. 7:14A-15.9;
2. All comments received during the public comment period established under N.J.A.C. 7:14A-15.10 including any extension or reopening under N.J.A.C. 7:14A-15.14;
3. The tape or transcript of any public hearing(s) held under N.J.A.C. 7:14A-15.12;
4. Any written materials submitted at any public hearing held under N.J.A.C. 7:14A-15.12;
5. The response to comments document prepared under N.J.A.C. 7:14A-15.16 and any new material placed in the record under that section;
6. Other documents contained in the supporting file for the permit; and
7. The final permit.

(b) Any of the materials described at (a) above that are readily available in the offices of the Department or are published and generally available need not be physically included in the administrative record provided a specific reference to such materials is made in the fact sheet or statement of basis.

(c) A person may arrange to review the administrative record by telephoning the Department's Bureau of Central Services and Property Management at (609) 292-0400.

## APPENDIX A

### GUIDE TO THE NJPDES PERMIT PROCESSING REQUIREMENTS

Appendix A is designed to assist a new applicant, or permittee in following the permit procedural requirements set out in this chapter. An applicant should read the full text of the regulations before applying for a permit.

The flow chart outlines a sequence of events directed by arrows and is divided into two sections as follows:

#### Section 1—Application Procedures

Section 1 outlines the actions leading to a permit application and the Department's administrative review of the application. The key items in this section are that prior to a permit application an applicant shall have:

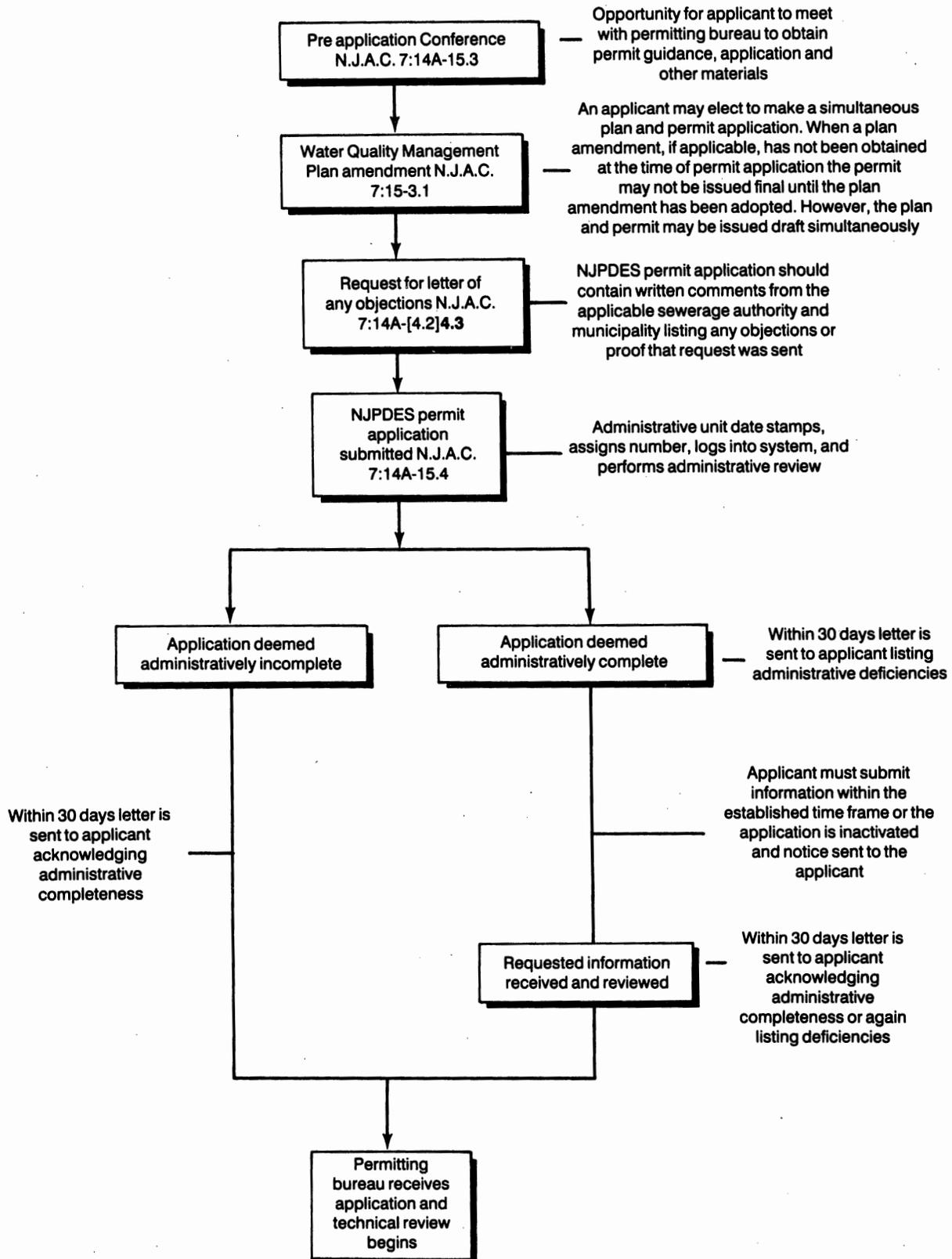
1. Received a determination of consistency (unless submitting a concurrent permit and plan amendment application) pursuant to N.J.A.C. 7:14A-15.4(b) in accordance with the Statewide Water Quality Management Planning Rules at N.J.A.C. 7:15; and

2. Requested a letter of comment or objections from the municipality or sewerage authority pursuant to N.J.A.C. 7:14A-4.3(a)13.

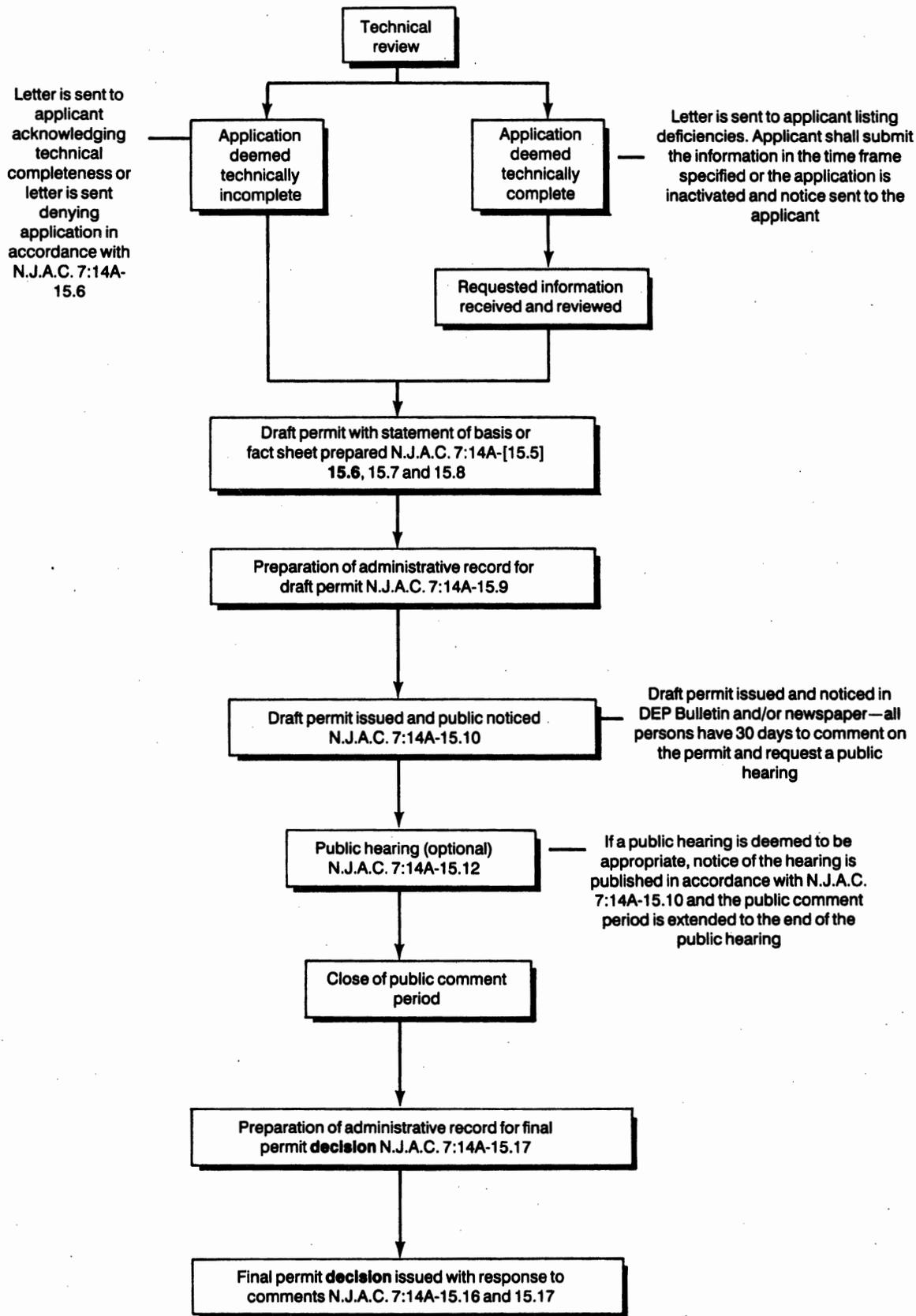
**Section 2—Permit Decision Process**

Section 2 outlines the steps in the technical review of the permit application, how a permit will be prepared and publicly noticed for comment, and how a final permit decision will be issued. The key item in this section is the public comment period (N.J.A.C. 7:14A-15.10). Unless issues are raised during this period they may not be adjudicated during the hearing process if the applicant appeals the Department's final decision on the permit.

# Application Procedures



# Permit Decision Process



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

## SUBCHAPTER 16. TRANSFER, MODIFICATION, REVOCATION AND REISSUANCE, RENEWAL, SUSPENSION, AND REVOCATION OF EXISTING PERMITS

### 7:14A-16.1 Purpose and scope

This subchapter sets forth the causes for and the procedures governing the transfer, modification, revocation and reissuance, renewal, suspension, and revocation of existing NJPDES permits. Specific procedures governing authorizations issued under general permits are set forth at N.J.A.C. 7:14A-6.13.

### 7:14A-16.2 Transfer of a permit

(a) A permittee shall not transfer a NJPDES permit to any person except after due notice to the Department in accordance with (b) or (d) below.

(b) To identify a new owner or operator, a permit may be transferred:

1. As a major modification or revocation and reissuance if one or more causes at N.J.A.C. 7:14A-16.4 are identified;
2. As a minor modification with changes identified at N.J.A.C. 7:14A-16.5; or
3. As an automatic transfer under (d) below.

(c) (Reserved)

(d) Any permit shall be automatically transferred to a new permittee if:

1. The current permittee provides written notice to the Department by certified mail or by other means which provides verification of the date of delivery to the Department of the proposed transfer at least 30 days prior to the proposed transfer date. This notice shall include the following:
  - i. The name of the current owner and the address of facility;
  - ii. The name and address of the new owner or owners and operator;
  - iii. The permit number;
  - iv. The names of the principal officer or officers responsible for the facility operation and maintenance under the new operator identified under (d)lii above;
  - v. The names and current telephone numbers of persons upon whom legal process can be served;

vi. A notarized statement signed by the new principal officer identified in (d)liv above stating that he or she has read the permit and certifies, pursuant to N.J.A.C. 7:14A-4.9, that he or she shall abide by all the conditions of the permit and that production levels, products generated, rates of discharge, and discharge characteristics shall remain unchanged; and

vii. A written agreement between the current permittee and new permittee which includes a specific date for transfer of permit responsibility between the current permittee and new permittee; and

2. The Department does not issue a response letter in accordance with N.J.A.C. 7:14A-16.3(c) to notify the current permittee and the new permittee, within 30 days of receipt of notice of the proposed transfer provided the permittee complies with the requirements in (d)1 above. The Department shall incorporate the name of the new permittee into the permit as a minor modification in accordance with N.J.A.C. 7:14A-16.5.

### 7:14A-16.3 Procedures for the modification, revocation and reissuance, renewal, suspension, or revocation of a permit

(a) An existing permit shall be modified, revoked and reissued, renewed, suspended, or revoked for cause as specified at N.J.A.C. 7:14A-16.4 through 16.6, as applicable, either at the request of the permittee, or a person, or upon the Department's initiative.

(b) Any request under (a) above shall be submitted in accordance with the following procedures:

1. The request shall be in writing;
2. The request shall contain facts and reasons supporting the request, including a specific reference to the applicable cause(s) under N.J.A.C. 7:14A-16.4 through 16.6;
3. A person submitting the request shall also identify the environmental, aesthetic, or recreational interest which is or may be affected by the permit action;
4. A permittee requesting a modification for a less stringent effluent limitation or standard shall comply with any outstanding fee, penalty or fine requirements contained in N.J.S.A. 58:10A-6(k); and
5. The Department shall request additional information that is necessary to process the request as follows:
  - i. For a permit modification, the submission of an updated permit application to support the request for modification in accordance with N.J.A.C. 7:14A-4.2.
  - ii. For a renewal or revocation and reissuance, submission of a new permit application in accordance with N.J.A.C. 7:14A-4.2 except for applicants for renewals issued a notice of eligibility for expedited renewal in accordance with (h) below.