

Environmental A L E R T

Municipal Stormwater General Permit Renewed with NJDEP Changes

The New Jersey Department of Environmental Protection (NJDEP) has issued their renewal of the Municipal Stormwater General Permits (Tier A, Tier B, Highway Agency and Public Complex) with changes, effective March 1, 2009.

These changes will require permittees to update their Stormwater Pollution Prevention Plans, adopt new ordinances or regulatory mechanisms, increase their record keeping, and modify their compliance deadlines. Below is a summary of the changes applicable to the General Permits:

- All existing permittees, with the exception of those having a Tier B General Permit, are required to complete updates to their Stormwater Pollution Prevention Plan (SPPP) in accordance with the changes to their applicable general permit by June 1, 2009. As a reminder, we would also like to add that the SPPP is required to be reviewed and recertified annually thereafter.
- Annual Certification Reports are required to be submitted on, or before, May 2 of each calendar year for all permittees. Prior to this change, Highway Agency and Public Complex Permits

required Annual Certification Report submissions by July 1 of each year.

- NJDEP has changed the permit reporting period from a "permit year", which was typically April through March, to a "calendar year", January through December. This is an important change when completing the Annual Certification Report and gathering associated back up materials which will now include information recorded from January through December of the preceding year.
- Tier A, Highway Agency, and Public Complex Stormwater General Permit renewals require permittees to adopt and enforce ordinances, or institutional controls, pertaining to refuse container/dumpster storage by September 1, 2010. Refuse containers and dumpsters that are exposed to precipitation must be covered and contained to prevent a dis-

charge of liquids or solids to the environment. This requirement excludes individual homeowners' containers, temporary demolition containers, and bulk containers with materials such as furniture. We anticipated that permittees would have difficulty complying with this requirement for large containers such as those containing commingled recyclables located at recycling depots. Consequently, our discussions with NJDEP have resulted in the modification to the sample ordinance which now exempts containers stored at a facility with a valid NJPDES permit that authorizes the discharge of stormwater (i.e. Tier A, Public Complex, and Highway Agency).

- Tier A municipalities are required to adopt an ordinance requiring the retrofitting of privately owned storm drain inlets that are in direct contact with repaving, repairing, reconstruction,

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resurfacing or alternations to private facilities. This ordinance is required to be adopted by September 1, 2010.

- NJDEP provided clarification to the Storm Drain Retrofitting BMP, for publicly and privately owned inlets, expanding the definition of resurfacing to include, top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen. Municipalities may be required to develop a process to ensure private projects, such as those involving seal coating, are including the upgrade of storm drain inlets to meet the new design standards, as required.
- Some Tier A and Tier B municipalities located in Bergen, Essex, Passaic, Somerset and Union counties are required to adopt a Fertilizer Management Ordinance by September 1, 2009 due to the TMDL adopted for the Non-Tidal Passaic River Basin addressing phosphorus impairments. This ordinance provides restrictions on the types of fertilizers, as well as when and where the materials can be applied.
- NJDEP modified the Yard Waste Collection Ordinance by removing the restriction of the placement of material to the curb more than 7 days prior to a scheduled pickup. Permittees should consider revising and readopting this ordinance.
- The NJDEP has significantly modified the Local Public Education SBR for Tier A and B municipalities. Information pertaining to new ordinances must be provided to the public. In addition, new Local Public Education Programs must include the selection of various NJDEP approved activities, including, but not limited to, distributing educational brochures,

presenting educational classes to local schools, maintain a stormwater education website, and presenting stormwater related materials at a municipal event. The NJDEP has assigned point values to the activities provided in an attachment to the Permit renewals. In order to be in compliance with the new Local Public Education requirements, municipalities are required to complete activities totaling a minimum of 10 points annually. This will require significant additional effort for municipalities. For example, completion of the requirements under the previous Local Public Education Program (annual mailing and public event) would only provide the municipality with 5 of the 10 required points.

- NJDEP has made the Road Erosion Control Program an optional measure. Permittees should ensure their SPPP either identifies this as an optional measure or remove this requirement in its entirety from the plan.
- NJDEP has modified the catch basin inspection and cleaning requirements in the Tier A, Highway Agency and Public Complex Permits to include a schedule, rather than requiring all catch basins to be inspected annually. The modification allows municipalities and public complexes owning less than 5,000 catch basins to inspect and clean at least 1,000 annually, and those with 5,000 or more catch basins to inspect and clean all by February 28, 2014. Highway Agencies owning less than 10,000 catch basins must inspect and clean at least 2,000 annually, and those with 10,000 or more catch basins must inspect and clean all by February 28, 2014.
- NJDEP has maintained the prohibition of the discharge

of vehicle and equipment wash waters to surface water and groundwater, which was effective March 1, 2009. In addition, permittees are required to record where and when vehicle and equipment washing occurs.

The above provides a summary of many of the changes to the Municipal Stormwater General Permit adopted by NJDEP. Please go to the NJDEP's website http://www.nj.gov/dep/dwq/msrp_home.htm to review the adopted permits and model ordinances.

For further information regarding the new requirements of your General Stormwater Permit, please contact Chris Gulics at cgulics@birdsall.com or Kristi Sorrentino at ksorrentino@birdsall.com or phone at 800-879-6681.

