



Bureau of Nonpoint Pollution Control
Division of Water Quality
NJ Department of Environmental Protection



INDUSTRIAL STORMWATER PERMITTING PROGRAM REGULATED DISCHARGES AND REGULATED FACILITIES

WHAT INDUSTRIAL STORMWATER DISCHARGES TO SURFACE OR GROUND WATER ARE REGULATED?

Unless all of your industrial facility's stormwater is discharged to a combined sewer (one that carries sanitary waste water and stormwater to a municipal treatment plant) or all the stormwater discharges to a wastewater treatment plant which has a New Jersey Pollutant Discharge Elimination System (NJPDES) Permit, you must apply for or have a NJPDES permit for stormwater discharge (either the basic industrial or industry specific general stormwater permit, or an industrial individual stormwater permit, as appropriate). Stormwater means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment. Wash waters and non-contact cooling waters are not stormwater.

Industrial stormwater discharge to surface or ground water means the discharge of stormwater from areas of the site related to manufacturing, processing or raw materials storage. For the categories of industries identified in (i) through (xi), the term includes, but is not limited to, stormwater discharges from industrial plant yards; material handling sites; refuse sites; sites used for the storage and maintenance of material handling equipment; sites used for treatment, storage, or disposal of by-product or waste product; shipping and receiving areas; manufacturing buildings; storage (including tank farms) for raw materials, and intermediate and final products; and areas where industrial

activity has taken place in the past and significant materials remain and are exposed to stormwater.

For the purposes of this definition, material handling activities include: storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product.

The term industrial stormwater discharge excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as drainage from the excluded areas is not mixed with the stormwater drained from the above described areas. The term also excludes discharges that qualify for exclusion under the Department's "Permanent No Exposure" procedure.

Industrial facilities include industrial facilities that are government agency owned or operated that meet the description in (i) through (xi) below.

In addition, this definition includes any discharge of stormwater to surface or ground water that the Department:

1. Classifies as industrial stormwater discharge to surface or ground water at the request of the permittee, applicant or the prospective applicant;
- or, 2. Declares to be a significant industrial contributor of pollutants to surface or ground water of the State.

WHAT FACILITIES ARE REGULATED?

The following categories of facilities are considered to be engaging in industrial activity for the purposes of the NJPDES permit regulations for stormwater discharges:

(i) Facilities subject to stormwater effluent limitation guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (xi) below).

(ii) Facilities engaged in the activity defined by the following Standard Industrial Classification (SIC) codes or equivalent North American Industry Classification System (NAICS) code:

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| 24 | Lumber and wood products (except 2434: wood kitchen cabinets) |
| 26 | Paper and allied products (except 265 and 267: paper board containers and boxes and miscellaneous converted paper products) |
| 28 | Chemicals and allied products (except 283: drugs, and 285: paints and allied products) |
| 29 | Petroleum and coal products |
| 311 | Leather tanning and finishing |
| 32 | Stone, clay and glass (except 323: products of purchased glass) |
| 33 | Primary metal industries |
| 3441 | Fabricated structural metal |
| 373 | Ship and boat building and re-pairing |

(iii) Facilities engaged in the activity defined by the following SIC codes or equivalent NAICS code, including active or inactive mining operations, and oil and gas exploration, production, processing or treatment operations, or transmission facilities that discharge stormwater contaminated by contact with or that has come into contact with any overburden, raw material, intermediate

products, finished products, by-products or waste products located on the site of such operations (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operating entity):

- 10 Metal mining, active or inactive mining operations
- 12 Coal mining
- 13 Oil and gas extraction, production, processing, or treatment operations, or transmission facility
- 14 Nonmetallic minerals, except fuels

(iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA;

(v) Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any facilities described under this subsection) including those that are subject to regulation under Subtitle D of RCRA;

(vi) Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, limited to those facilities engaged in the activity defined by the following SIC codes or equivalent NAICS code:

- 5015 Motor vehicle parts, used
- 5093 Scrap and waste materials

(vii) Steam electric power generating facilities, including coal handling sites;

(viii) Transportation facilities engaged in the activity defined by the following SIC codes or equivalent NAICS code which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations,

or which are otherwise identified under (i) through (vii) or (ix) through (xi) are associated with industrial activity:

- 40 Railroad transportation
- 41 Local and interurban passenger transit
- 42 Trucking and warehousing (except 4221-25: farm product warehousing and storage, refrigerated warehousing and storage, and general warehousing and storage)
- 43 U.S. Postal Service
- 44 Water Transportation
- 45 Air Transportation
- 5171 Petroleum bulk stations and terminals

(ix) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR Part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with Section 405 of the Federal Clean Water Act.

(x) Construction activity including clearing, grading and excavation, except operations that result in the disturbance of less than five acres of total land area, or that do not discharge stormwater to surface water. Construction activity also includes the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more. For a facility (other than an airport, powerplant, or uncontrolled sanitary landfill) that is owned or operated by a government agency with a population of less than 100,000, this subparagraph does not include construction activity that commenced prior to March 3, 2004, unless such activity required, but did

not have, certification or approval issued under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., prior to March 3, 2004.

Construction activity associated with landfills is regulated if "significant material" is exposed, or if the landfill still receives industrial solid waste. (This applies assuming that the landfill is not exempt for other reasons.)

(xi) Facilities engaged in the activity defined by the following SIC codes or equivalent NAICS code:

- 20 Food and kindred products
- 21 Tobacco products
- 22 Textile mill products
- 23 Apparel and similar finished products made from fabrics and similar materials
- 2434 Wood kitchen cabinets
- 25 Furniture and fixtures
- 265 Paperboard containers and boxes
- 267 Miscellaneous converted paper products
- 27 Printing and publishing
- 283 Drugs
- 285 Paints and allied products
- 30 Rubber and miscellaneous plastic products
- 31 Leather and leather products (except 311: Leather tanning and finishing)
- 323 Products of purchased glass
- 34 Fabricated metal products (except 3441: fabricated structural metal)
- 35 Industrial machinery and equipment
- 36 Electronic and other electric equipment
- 37 Transportation equipment (except 373: ship/ boat building and repair)
- 38 Instruments and related products
- 39 Miscellaneous manufacturing industries
- 4221 Farm product warehousing and storage
- 4222 Refrigerated warehousing and storage
- 4225 General warehousing and storage

April 28, 2004