



James Murphy, Chief
Bureau of Non-Point Pollution Control
NJDEP
PO Box 420
Trenton, NJ 08625-0420

Re: Comments on the Draft Basic Industrial Stormwater General Permit - 5G2

Dear Mr. Murphy,

Below, please find the Delaware Riverkeeper Network's (DRN) comments on the Draft Basic Industrial Stormwater General Permit (Permit).

DRN applauds NJDEP's regulation of those industrial facilities that claim to eliminate exposure of their industrial activities and/or source material to stormwater under a permitting scheme such as the one proposed. Importantly, the Department's narrative permit conditions requiring a permittee to develop a Stormwater Pollution Prevent Plan (SPPP) that mandates disclosure of source materials, mapping of the facility, adoption of BMPs, inspections, and employee training are necessary to ensure that the facility continues to be a no-exposure facility. However, DRN believes that because of the frequency of precipitation events throughout the year in New Jersey and the Department's inability to undertake inspection of even a small percentage of the more than two thousand (2,000) facilities that will be enrolled in this permit, permittees must be required to conduct weekly or biweekly (twice a month) inspections to ensure that BMPs are being complied with.

Additionally, we believe that boatyard and transportation facilities require enhanced and more focused regulation than that provided under the Permit. Currently there are at least seven (7) boatyard facilities enrolled in the Basic Industrial Stormwater General Permit.¹ Many boatyard facilities engage in ship building and ship repair services and conduct pressure washing, painting, and welding operations. These activities result in the presence of heavy metals like copper, lead, and zinc at the facility and can easily contaminate stormwater flows.² As a result, we advise the NJDEP to undertake specific review of these facilities and we also believe that

¹(1) Chestnut Neck Boat Yard; (2) Graef Boat Yard Inc.; (3) Rosemans Boat Yard; (4) Brown's Boatyard; (5) The Boatyard; (6) Deebold Boatyard; (7) Flanigan Bros Boatyard.

² See Washington State Department of Ecology Fact Sheet to the Boatyard General Permit. Fact sheet is attached and also available here: <http://www.ecy.wa.gov/programs/wq/permits/boatyard/index.html>.

because of inherent “dirty” nature of these facilities, the boatyard industry should not be regulated under the Permit. Instead all boatyards, whether the facility claims no exposure to stormwater or not, should be subject to monitoring and reporting requirements tied to specific benchmarks for the copper, oil/grease, total suspended solids, zinc, and lead.

DRN also reviewed transportation facilities, trucking and warehousing facilities, and other transportation related facilities that are currently enrolled in the Basic Industrial General Stormwater Permit. The overwhelming majority of those facilities are exposed to stormwater. Problematically, those facilities are also more susceptible to oil and/or grease deposition. For this reason, we believe that these transportation facilities may be a significant source of oil and/or grease pollution warranting stricter regulation even if federal law does not so require. DRN would also like to remind the Department that stormwater discharge associated with industrial activity includes discharges from shipping and receiving areas, see 40 C.F.R. § 122.26(b)(14), and that even if these transportation facilities do not have shipping and receiving areas they may be engaging repairs, or some other form vehicle maintenance, thereby bringing the facility within the purview of a stormwater discharge associated with an industrial activity, see 40 C.F.R. § 122.26(b)(14)(viii).

Thank you for your consideration of these comments.

Respectfully submitted,

Maya van Rossum
the Delaware Riverkeeper