

## NJ STORMWATER REGULATIONS: PHASE II AND THE STORMWATER MANAGEMENT RULES

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New Jersey is required by federal law to develop a stormwater management program under the Phase II requirements of Section 402 of the federal Clean Water Act. The new stormwater program is the product of two new regulations that were recently adopted on February 2, 2004.

The two new rules manage stormwater from new and existing development. N.J.A.C. 7:8 focuses on stormwater from new development. In general, the rule governs development that disturbs more than one acre, or increases impervious cover by  $\frac{1}{4}$  acre – a “Major Development” – with some exemptions for developments with existing approvals. Rule 7:8 includes requirements for non-structural management of stormwater, including careful site plan design in concert with ecological conditions. The rule also has design standards, including new specifications for stormwater retention ponds and associated structures. The rule includes standards to increase groundwater infiltration and to decrease peak storm flows and suspended solids leaving the site. The rule also includes special protections for “Special Water Resource Areas” – including a 300 foot buffer for streams with the highest water quality (C-1). Rule 7:8 is implemented both through the application of the Residential Site Improvement Standards (RSIS), and through the adoption of a municipal stormwater plan, or regional stormwater plan, that outlines the necessary ecological information and required stormwater control ordinances.

N.J.A.C. 7:14 focuses on stormwater from existing uses. This rule, through requirements in General Permits, requires municipalities and other public agencies and transportation complexes to adopt a broad range of practices to reduce the pollutants that are picked up in stormwater. These requirements include: management of wildlife, litter and pet waste, maintenance of municipal yards, deicing and stormwater facilities, identification stormwater outfalls and elimination of illicit connections, and regular education and outreach to the community about stormwater and prevention efforts. A municipality implements Rule 7:14 and the requirements of the General Permit by adopting a Stormwater Pollution Prevention Plan (SPPP), which will outline the necessary ordinances, practices, deliverables and measurable outcomes.

**Stormwater Plans and New Development (Rule 7:8).** The program establishes standards to govern stormwater from new and re-development in five categories:

- Nonstructural strategies: minimize disturbances and impervious cover, reduce lawn cover and implement pollution prevention steps.
- Groundwater recharge: retain 100% of pre-development groundwater recharge on-site or infiltrate the increase in the 2-year storm.

- Water quantity: reduce post development peak flows for the 2, 10 and 100-year storms by 50%, 75, and 80% respectively, or demonstrate no impact with full development in stream area.
- Water quality: reduce the total suspended solids by 80% and remove nutrients to the maximum extent possible in the post construction runoff.
- Special Resource Area: prohibit, with some narrow exceptions, development within a 300-foot buffer in the HUC (hydrologic unit code) 14 around C-1 waters.

**General Permits and Existing Development, 7:14.** The stormwater program creates General Permits for Municipal Separate Storm Sewer Systems (MS4s), which include municipalities and other public and transportation facilities. A municipality must request to discharge stormwater in compliance with the standardized terms of a Tier A or Tier B GP by submitting a one-page Request for Authorization (RFA) to NJDEP by March 3, 2004. By submitting the RFA, a municipality acknowledges it understands the GP requirements, and more importantly, has identified a contact person to be responsible for implementing the program.

**Permit Schedule and Requirements (Rule 7:14).** Although NJDEP does not include a deadline for reviewing the RFA, they intend to respond to RFAs submitted on March 3 in the Spring of 2004. NJDEP will review each RFA and ensure that each municipality is in the proper Tier, has filled out the form correctly, and has identified an appropriate officer in charge. The response date from NJDEP is important because it triggers the Effective Date of Permit Authorization (EDPA), which starts the clock on the State Basic Requirements (SBRs) mandated in the rule. The GPs list SBRs in six categories:

- Stormwater Pollution Prevention Plan (SPPP). Create and adopt a plan that outlines the program, an implementation schedule and deliverables, and measurable outcomes.
- Post-Construction Standards. Comply with RSIS standards and Stormwater plan and ordinances as required by Rule 7:8 for new and re-development projects, including operation and maintenance of best management practices and new storm drain inlets.
- Education. Sponsor an annual event and distribute stormwater runoff flyers that inform the public on topics such as, over-fertilizing and pesticide use, and pet and waste disposal. Implement a program to stencil municipal stormwater inlets.
- Waste Disposal. Adopt ordinances to properly manage pet waste, litter, wildlife feeding, yard waste and to reduce other improper waste disposal, and implement programs to eliminate illicit connections to the municipal storm system.
- Floatables. Implement program to reduce solids and floatables in stormwater, including street sweeping in commercial areas, storm drain retrofitting, road erosion control maintenance, and remediation of stream scouring due to outfall discharges.
- Maintenance Yard. Implement programs to reduce runoff from de-icing materials, fueling operations, vehicle maintenance, and equipment and vehicle washing.
- Employee Training. Implement appropriate employee training programs.

The GP also allows for the inclusion of Additional Measures (AM). This can include implementation strategies to reduce a particular pollutant in an impaired waterway or a Total Maximum Daily Load (TMDL strategy), or amending an Areawide Water Quality Management Plan, that addresses the extension of sewer service and other wastewater alternatives on a regional basis. Additional Measures would be outlined in the Stormwater Pollution Prevention Plan, and also be subject to an implementation schedule, deliverables and measurable outcomes. The GP also requires an Annual Report that outlines implementation steps, deliverables and outcomes.

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