Stormwater Management Rules Applicability and Amendments

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How is post-construction stormwater managed in NJ?

- Stormwater Management rules at N.J.A.C. 7:8
  - Compliance required through permits issued by the Division of Land Use Regulation
    - Direct Implementation by NJDEP
  - Compliance required through MS4 Permits issued by the Bureau of Nonpoint Pollution Control in the Division of Water Quality
    - Implementation by municipality
      - RSIS for residential projects
      - Stormwater Control Ordinance for non-residential projects

What projects must comply?

- "Major Development"

- Under existing rules:
  - If reviewed by NJDEP – any development or developments that ultimately disturb one acre or more of land or create ¼ acre or more increase of impervious surface
  - If reviewed by the municipality
    - Through RSIS – ultimate disturbance of one acre or more
    - Through Stormwater Ordinance – as defined in ordinance (but must at least cover projects that where the ultimate disturbance is one acre or more)

Proposed Amendments to Stormwater Management rules

- Dec. 3, 2018: NJDEP proposed amendments to the Stormwater Management rules.
- Feb. 1, 2019: 60-day public comment period closed
- Dec. 3, 2019: NJDEP filed adoption package to OAL
- Adoption includes a 1 year delayed operative date
  - Current rules are in effect during this year
  - Same timeframe municipalities have to update ordinances in accordance with MS4 permits

Goals of the Amendments

1. Consistency
2. Predictability
3. Water Quality Improvements

Existing Rule Layout

SUBCHAPTER 5. DESIGN AND PERFORMANCE STANDARDS FOR STORMWATER MANAGEMENT MEASURES

7:8-5.1 Scope

7:8-5.2 Stormwater management measures for major development

7:8-5.3 Nonstructural stormwater management strategies

7:8-5.4 Erosion control, groundwater recharge and runoff quantity standards

7:8-5.5 Stormwater runoff quality standards

7:8-5.6 Calculation of stormwater runoff and groundwater recharge

7:8-5.7 Standards for structural stormwater management measures

7:8-5.8 Maintenance requirements

7:8-5.9 Sources for technical guidance

Rule Layout Re-arrangement

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7:8-5.3 ~~Nonstructural stormwater management strategies~~ GI

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Amended Rule Layout

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7:8-5.3 Green infrastructure

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Green Infrastructure Definition

A stormwater management measure that manages stormwater close to its source by:

1. Treating stormwater runoff through infiltration into subsoil;
2. Treating stormwater runoff through filtration by vegetation or soil, or
3. Storing stormwater runoff for reuse.

Green Infrastructure Standard

- GI BMPs must be used to satisfy recharge, quantity, and quality
- 3 Tables identifying the performance of each BMP in meeting the 3 standards
  - Water Quality & Recharge – BMPs in Table 1
  - Quantity – BMPs in Table 1 or Table 2
  - If received a variance – BMPs in Table 1, Table 2, or Table 3

- Maintain existing ability to propose an alternative stormwater design. Alternative design must meet GI definition and must meet drainage area limitation if similar to BMP with limit.

Table 1

Best Management Practice	Quality TSS removal rate (percent)	Quantity	Recharge	Minimum separation from seasonal high water table (feet)
Cisterns	0	Yes	No	-
Dry Wells	0	No	Yes	2
Grass Swales	50 or less	No	No	2
Green Roofs	0	Yes	No	-
Manufactured Treatment Device (MTDs)	50 or 80	No	No	Dependent upon the device
Pervious Paving Systems	80	Yes	Yes No	2 1
Small-scale Bioretention Systems	80 or 90	Yes	Yes No	2 1
Small-scale Infiltration Basins	80	Yes	Yes	2
Small-scale Sand Filters	80	Yes	Yes	2
Vegetative Filter Strips	60-80	No	No	-

Table 1 BMPs shall be used for recharge, quantity, and quality
Drainage area limitation applies to: dry wells, MTDs, pervious paving system, and small-scale bioretention, infiltration, and sand filters.
Table 1 only includes MTDs that meet the definition of GI

Table 2

Best Management Practice	Quality TSS removal rate (percent)	Quantity	Recharge	Minimum separation from seasonal high water table (feet)
Bioretention Systems	80 or 90	Yes	Yes No	2 1
Infiltration Basins	80	Yes	Yes	2
Sand Filter	80	Yes	Yes	2
Standard Constructed Wetlands	90	Yes	No	N/A
Wet Ponds	50-90	Yes	No	N/A

Wet ponds used under Table 2 must designed to have native vegetation and a reuse component

Table 2 BMPs may only be used for quantity

Table 3

Best Management Practice	Quality TSS removal rate (percent)	Quantity	Recharge	Minimum separation from seasonal high water table (feet)
Blue Roofs	0	Yes	No	N/A
Extended Detention Basins	40-60	Yes	No	1
Manufactured Treatment Device	50 or 80	No	No	Dependent upon the device
Sand Filters	80	Yes	No	1
Subsurface Gravel Wetlands	90	No	No	1
Wet ponds	50-90	Yes	No	N/A

Table 3 BMPs may only be used if a variance is granted

Water Quality – Motor Vehicle Surface

- The water quality standard will apply to motor vehicle surface instead of impervious surface
  - Rule text will not require roofs or sidewalks to be treated – consistent with current implementation
  - Will require pervious motor vehicle surfaces to be treated – consistent with scientific studies
- Include in definition of major development

Clarification to Applicability

- Add definition of “regulated motor vehicle surface”
- Add definition of “regulated impervious surface”
- Change definition of major development to be 1 acre of disturbance, or ¼ acre of regulated impervious surface, or ¼ acre of regulated motor vehicle surface
- Definitions of regulated motor vehicle surface and regulated impervious surface will include FAQ 10.2 (newly collected impervious surface and changes to existing drainage systems count as “new”)

Clarification to Applicability

- Require quantity, quality, and groundwater recharge to be met in each drainage area on-site (unless they converge before leaving the property)
- Move mounding analysis requirement from recharge standard to apply to all infiltration BMPs

CSO Related Changes

- Clarify that water quality treatment is required for discharges into combined sewer systems
- Clarify that water quantity control is required in tidal areas except discharges directly into lower reach of major tidal waterbodies
- Create the option for a community basin, which will allow several properties in a CSS community to use a single large basin for quantity control
  - Other standards must still be met on-site (including GI)

Questions?