

Environmental Alert



NJDEP's Municipal Stormwater Permit: Hot Topics from the Latest Update

By now, pretty much all of New Jersey has heard that NJDEP issued a new municipal stormwater permit (renewals) for Tier A and B municipalities which became effective January 1, 2018. In addition, many of our municipalities seem to have grappled with some of the new permit requirements, while also working to maintain the old requirements. Now, more than a year into the new permit cycle, is perhaps a good time to reflect and see where everyone stands in catching up to some of these new requirements. The following is a list of some of the most commonly asked about topics regarding the new permit. For a deeper dive into these requirements, we urge all EJIF members to review the full permit by visiting http://www.nj.gov/dep/dwq/msrp_home.htm.

Note that during your review of the permit conditions, "Attachment A" is a handy eleven-page guide to requirements for the Tier A permit, as opposed to a mere four pages for the Tier B permit. What is handy is the right column which will quickly notify you if a requirement is new, consistent with the existing permit, or modified slightly from the existing permit. For example, it has historically been a requirement that a municipality be able to provide a copy of the current Stormwater Pollution Prevention Plan (SPPP) or Stormwater Management Plan (SMP) to the public upon request. What is new as of January 2018 is the requirement that these plans must now be posted on the municipality's website.

As such, here are a few of the most asked about changes for the Tier A permit (Tier B has fewer changes, so feel free to ask us as they are not covered in this document):

Public Involvement and Participation, Including Public Notice

As mentioned, municipalities must now post their SPPP and SMP plans on the municipal website. The deadline stipulated by NJDEP was March 31, 2018 (90 days after the permit authorization date of January 1, 2018).

Local Education and Outreach

Municipalities' previous education and outreach efforts were measured on a point system, with different stormwater events being listed with different point values. Under the new permit, the total required points increased from 10 to 12 points for each year of the permit. What was probably less noticeable was an additional requirement that municipalities must publicly advertise these events – either on the municipal website, local newspaper, or a direct mailing – and that copies of these advertisements must be kept with the SPPP. The deadline for this was January 1, 2019 (12 months after

March 2019

the permit authorization date). Remember, the annual permit certification report will ask permittees to certify compliance with these items by May 1st of each year for activities from the year before.

Outfall Pipe Mapping, Illicit Discharge and Scouring Detection and Control

NJDEP is looking to establish a database of statewide stormwater utilities. Although outfall mapping is not new (it was part of the initial permit), what is new is that Tier A permit holders were required to submit an outfall map to NJDEP by January 1, 2019. In addition, NJDEP is further requiring that this map be resubmitted by to them “using the Department’s designated electronic submission service” by December 21, 2020. To assist in this, NJDEP has provided mapping assistance which can be found here: https://www.nj.gov/dep/dwq/msrp_map_aid.htm.

Employee Training

Training for municipal employees involved with stormwater related activities remains an annual requirement. The EJIF-developed stormwater training program is still accepted by NJDEP but is admittedly not fully up to date with these new requirements. What is new as of January 1, 2018 is additional training for the following:

- **Stormwater Management Design Review Training** – for municipal engineers and designers to understand and enforce compliance with stormwater management rules and best management practices (BMPs); required once every five years.
- **Municipal Board and Governing Body Member Related Training** – for municipal board and council members that review and approve development and redevelopment projects. Must complete training posted under NJDEP’s website within six months of permit issuance or six months of commencing duties and once per term of service, thereafter.

Review Total Maximum Daily Loads (TMDLs) to Identify Stormwater Related Pollutants

In short, a TMDL is a calculation of the maximum amount of a pollutant that can be allowed to enter a waterbody without significantly impairing that waterway. The new permit requires that a municipality annually review TMDL reports using the TMDL Look-Up Tool to prioritize areas with known water quality problems, with the hope that the permittee can identify sources of that contaminant which may be controlled and reduced by the municipality before it is exposed to stormwater and carried into the receiving body of water. You can find the NJDEP TMDL Look-Up Tool here:

<https://www.nj.gov/dep/dwq/msrp-tmdl-rh.htm>.

And Many Others!

Without noting all eleven pages of requirements, we would also like to briefly mention that this new permit makes changes to Stormwater Facilities Maintenance, Good Housekeeping for DPW facilities (specifically the storage of aggregate materials and construction debris), Roadside Vegetation Management, a Major Development Stormwater Summary, and a bunch of new definitions at the beginning of the permit. And none of this includes the potential new requirements headed toward our municipal communities regarding green infrastructure and possible stormwater utilities, about which we will have more to say in a future bulletin.

Please note that this is only a brief look at some of the hot button topics under this new permit, not a comprehensive account of everything that may impact your community under this permit. Please visit NJDEP’s website for more information or assistance. A good place to start would be at the following pages:

Tier A Permit Requirements: www.nj.gov/dep/dwq/tier_a.htm

Tier B Permit Requirements: www.nj.gov/dep/dwq/tier_b.htm

Stormwater Training Materials: www.njstormwater.org/training.htm

Stormwater Facility Maintenance Guidance: www.nj.gov/dep/stormwater/maintenance_guidance.htm

This newsletter is for information purposes only and does not represent legal or technical advice.

If you need a more detailed explanation of this topic or need assistance in interpreting how it may impact your site, the EJIF suggests that you contact the EJIF environmental consultants for further information.

All EJIF members please feel free to contact Richard Erickson or Sunita Dhar of First Environment at rerickson@firstenvironment.com and sdhar@firstenvironment.com, respectively, or 973.334.0003.