

3.1 PUBLIC INVOLVEMENT AND PARTICIPATION INCLUDING PUBLIC NOTICE



The *Public Involvement and Participation Including Public Notice* Statewide Basic Requirement (SBR) requires compliance with all applicable State and local public notice requirements when providing for public participation in the development and implementation of a MS4 Stormwater Program. The purpose is to make the creation, operation and review of a municipal stormwater program more transparent. This chapter will focus on the importance of public involvement, how to engage the public, the minimum standards, measurable goals and implementation schedule of

this SBR, and what additional resources are available. Below is a summary table of the minimum standards, measurable goals and implementation schedule of this SBR.

Public Involvement and Participation Including Public Notice SBR			
Minimum Standard	Measurable Goal	Implementation Schedule	
		Existing Permittees	New Permittees
Provide for public notice under the Open Public Meetings Act, statutory procedures for enactment of ordinances, and Municipal Land Use Law when providing for public participation in the development and implementation of a stormwater program, and maintain records necessary to demonstrate compliance.	Certify annually	January 1, 2018	EDPA
Provide the current SPPP to the public upon request.	Certify annually	January 1, 2018	EDPA + 12 months
Post the current SPPP on the municipality's website.	Certify annually	April 1, 2018	EDPA + 12 months
Post the current Municipal Stormwater Management Plan (MSWMP) and related ordinances on the municipality's website.	Certify annually	April 1, 2018	EDPA + 90 days

Note: EDPA means effective date of permit authorization.

Historical Background

In 2004, this SBR was labeled “Public Notice,” and required compliance with State and local public notice requirements. This SBR also appeared in the 2009 Tier A MS4 NJPDES permit under the heading of “Public Notice.” The name has been changed to be consistent with the Federal Six Minimum Measures found in 40 CFR 122.34(2) and with N.J.A.C. 7:14A-25.6(b)1.

Why Public Participation and Involvement Matters

Public participation is a crucial step in the development, implementation and continuing upkeep of a successful MS4 Stormwater Program. The public can provide valuable input and assistance with the municipality’s stormwater program when given opportunities to take an active part in both the development and implementation of the program. An active and involved community is important for the success of a MS4 Stormwater Program because:

- Citizen participation can provide a broader base of expertise and economic benefits, since the community can be a valuable intellectual resource at no cost to the municipality;
- Citizens actively engaged in the stormwater program development, implementation or updating process would be less likely to raise public challenges to the program, since they have been a part of that process and had opportunities to provide their own input while working with the municipality on developing, implementing and updating the program;
- Citizen volunteers can serve as the liaisons who provide important cross-connections to other local and regional programs they are involved with; and
- Interested citizen groups, such as watershed associations or environmental/conservation organizations, can volunteer to take on specific tasks in dealing with best management practices (BMPs) and/or stormwater control measures to meet any number of permit conditions.

How to Involve the Public

Provide Easy Access to Public Information

Making elements of the MS4 Stormwater Program available to the public is vital for public involvement and participation. Doing so also serves as an aid in building public consent. As required by Part IV.B.1 of the permit, the simplest means of providing public access to the key elements is to post the information on the municipal website. The key elements to be posted on a municipal stormwater program webpage are:

- Stormwater Pollution Prevention Plan (SPPP);
- Municipal Stormwater Management Plan (MSWMP);
- Stormwater Control Ordinance(s);
- Illicit Connection Ordinance; and

- Community Wide Ordinances for the following:
 - Pet Waste;
 - Wildlife Feeding;
 - Litter Control;
 - Improper Disposal of Waste;
 - Containerized Yard Waste/Yard Waste Collection Program; and
 - Private Storm Drain Inlet Retrofitting.

An example of a basic Municipal Stormwater Program webpage is found below. When a reader clicks on a particular subject, the reader is redirected to another page, or portion of a page, featuring information on the selected topic.

Example: A Municipal Stormwater Program Webpage



Additionally, providing printed copies and posting on bulletin boards will make this information accessible year-round to those in the community without internet access. Measures should be taken to make this information available to all residents, regardless of any physical or economic challenge.

Acknowledge Citizen Stakeholders and Volunteers

To keep citizen stakeholders and volunteers involved in the MS4 Stormwater Program, take steps to acknowledge them for their time and effort and provide incentives to keep them feeling valued and inspired. Here are a few suggestions:

- Take pictures of participants engaged in a stormwater related to create a pictorial record of their activities and publish them in local newspapers and/or post on electronic media;
- Distribute logo items such as t-shirts, hats, badges, water bottles, or other items to participants; and

- Provide each participant with a certificate of appreciation and/or a letter of thanks signed by the mayor.

When participants are made to feel that their contributions are worthwhile, enthusiasm spreads and encourages others to take a more active role in their community. When increasing numbers of members of the community are aware of and supportive of the MS4 Stormwater Program, the program has a higher likelihood of success. See the recommendations beginning on Page 7 of this Chapter.

Statewide Basic Requirements

There are four minimum standards for Public Involvement and Participation Including Public Notice. The Tier A municipality must demonstrate compliance with the minimum standards, as listed below, by meeting the measurable goals found in the next section. The implementation schedule to be followed is found in the schedule portion of the Table on Page 1 of this Chapter.

Minimum Standards

1. The Tier A Municipality must comply with all applicable State and local public notice requirements when a public involvement and participation program is being implemented in regard to its MS4 Stormwater Program. Examples of public notice requirements include, but are not limited to the following items:
 - The public notice requirements in the Open Public Meetings Act, also known as the “Sunshine Law” (N.J.S.A. 10:4-6 et seq.);
 - The statutory procedures for the passage of ordinances (N.J.S.A. 40:49-2);
 - The public notice requirements in the Municipal Land Use Law concerning the adoption or amendment of the Municipal Stormwater Management Plan (N.J.S.A. 40:55D-13, 28 and 94); and
 - The public notice requirements in the Municipal Land Use Law concerning the review of applications for development (N.J.S.A. 40:55D-12), with the Tier A Municipality ensuring that applicants for development also meet the notice requirements.
2. The Tier A Municipality must make the following elements of its MS4 stormwater program available to the public.
 - The current Stormwater Pollution Prevention Plan (SPPP):
 - Must be made available, upon request pursuant to N.J.A.C. 7:14A-25.6(j)2, which requires a municipality make these records available to the public at reasonable times during regular business hours, subject to the confidentiality provisions of N.J.A.C. 7:14A-18;
 - Must be posted on a municipality’s website no later than the implementation date provided in the table on Page 1 of this Chapter, subject to the allowed exclusions established in Part IV.F.1.f of the Tier A MS4 NJPDES permit; and
 - Additional guidance for the SPPP is found in *Chapter 2: Stormwater Pollution Prevention Plan*.
 - The current Municipal Stormwater Management Plan (MSWMP):

- Must be prepared, adopted and updated in accordance with N.J.A.C.7:8-4 and describe the framework of the municipality's strategy, structure and process for its post construction stormwater management program;
 - Must be made available, upon request pursuant to N.J.A.C. 7:14A-25.6(j)2, which requires a municipality make these records available to the public at reasonable times during regular business hours, subject to the confidentiality provisions of N.J.A.C. 7:14A-18;
 - Must be posted on a municipality's website no later than the implementation date provided in the table on Page 1 of this Chapter, subject to the allowed exclusions established in Part IV.F.1.f of the Tier A MS4 NJPDES permit; and
 - Additional guidance for the MSWMP is found in *Chapter 3.4: Post Construction Program*.
 - The municipal stormwater control ordinance (SCO):
 - Must be made available, upon request pursuant to N.J.A.C. 7:14A-25.6(j)2, which requires a municipality make these records available to the public at reasonable times during regular business hours, subject to the confidentiality provisions of N.J.A.C. 7:14A-18;
 - Must be posted on a municipality's website no later than the implementation date provided in the table on Page 1 of this Chapter, subject to the allowed exclusions established in Part IV.F.1.f of the Tier A MS4 NJPDES permit; and
 - Additional guidance for the municipal SCO is found in *Chapter 3.4: Post Construction Program*;
 - All community-wide ordinances required by the Tier A MS4 NPDES permit:
 - Must be made available, upon request pursuant to N.J.A.C. 7:14A-25.6(j)2, which requires a municipality make these records available to the public at reasonable times during regular business hours, subject to the confidentiality provisions of N.J.A.C. 7:14A-18;
 - Must be posted on a municipality's website no later than the implementation date provided in the table on Page 1 of this Chapter, subject to the allowed exclusions established in Part IV.F.1.f of the Tier A MS4 NJPDES permit; and
 - Additional guidance for the community wide ordinances is found in *Chapter 3.5: Pollution Prevention/Good Housekeeping for Municipal Operators*;
 - The Illicit Connection Ordinance:
 - Must be made available, upon request pursuant to N.J.A.C. 7:14A-25.6(j)2, which requires a municipality make these records available to the public at reasonable times during regular business hours, subject to the confidentiality provisions of N.J.A.C. 7:14A-18;
 - Must be posted on a municipality's website no later than the implementation date provided in the table on Page 1 of this Chapter, subject to the allowed exclusions established in Part IV.F.1.f of the Tier A MS4 NJPDES permit; and
 - Additional guidance for the Illicit Connection Ordinance is found in *Chapter 3.6: MS4 Outfall Pipe Mapping and Illicit Discharge and Scouring Detection and Control*.
3. The Tier A Municipality may involve another entity (e.g., a watershed association) to satisfy one or more of the Tier A Municipality's NJPDES permit condition(s) (or component thereof) through the implementation of one or more best management practices or control measures.

4. The Tier A Municipality must maintain records necessary to demonstrate compliance with the public participation requirements of 1. above.

Measurable Goals

To meet the minimum standards of this permit, the following information is needed for each of the measurable goals listed below. This information must be documented in the SPPP, which must also be updated in accordance with Part IV.F.1.c of the Tier A MS4 NJPDES Permit. This information is also found in Attachment A for existing Tier A permittees and A-1 for new Tier A permittees:

- Describe the method of implementation;
- Include detailed recordkeeping as appropriate;
- Include an implementation schedule, consistent with permit requirements, including interim milestones;
- Include any special diagrams required by the permit (e.g., stormwater facilities map); and
- Include inspection and maintenance schedules, as appropriate.

The measurable goals for Public Involvement and Participation including Public Notice are as follows:

- Certify in each annual report that all public notice requirements have been met and relevant records kept. Reference, in the SPPP, the location of associated municipal records;
- Certify in each annual report that the SPPP was made available to the public;
- Certify in each annual report that the current SPPP has been posted on the municipality's website (to the extent required by Part IV.F.1.f); and
- Certify in each annual report that the MSWMP and related ordinances have been posted on the municipality's website and that the posted documents are current.

Implementation Schedules

Refer to the table listing the Measurable Goals and Implementation Schedule found on Page 1 of this Chapter.

Brief overview of MLUL Public Notice

Public Notice – Development and Redevelopment

The Tier A Municipality must comply with both of the following:

- Meet the public notice requirements in the Municipal Land Use Law (N.J.S.A 40:55D) concerning the review of applications for development/redevelopment projects; and
- Ensure that applicants for development/redevelopment projects meet the notice requirements as well.

For consistency with N.J.S.A. 40:55D-12, the applicant for development and/or redevelopment is required to give public notice of an application unless a particular municipal officer is designated by ordinance to do so, as long as the applicant is not prevented from giving notice if wanting to do so. In summary, public notice:

- Must be given at least 10 days prior to the date of the hearing;
- Must be published in newspapers serving the municipality;
- Must be given to property owners within a certain range of the proposed project;
- May need to be given to an adjoining municipality;
- May need to be given to the County Planning Board;
- May need to be given to the Commissioner of Transportation;
- May need to be given to the State Planning Commission; and
- May need to be given to public utilities, cable television companies or local utilities which possess a right-of-way or easement within the municipality.

Recommendations – Public Involvement and Participation

The Tier A Municipality is advised to promote its MS4 Stormwater Program and actively recruit citizen stakeholders and volunteers. Opportunities for members of the public to participate in program development and implementation include attending public hearings, working as citizen volunteers to educate other individuals about the program, assisting in program coordination with other preexisting programs or participating in other volunteer efforts. Public involvement and participation also includes creating opportunities for direct action, including: educational and volunteer programs such as tree planting days, volunteer monitoring programs, storm drain marking activities and stream or beach clean-up events.

The best way to handle common notification and recruitment challenges is to know the audience and think creatively about how to gain its attention and interest. Traditional methods of soliciting public input are not always successful in generating interest and involvement throughout the community. For example, municipalities often rely solely on advertising in local newspapers to announce public meetings and other opportunities for public involvement. Since there may be large segments of the population

who do not read the local press, the audience reach may be limited. Alternative and creative advertising methods are best used whenever possible, such as:

- Posting volunteer recruitment notices on the main page of the municipal website;
- Posting announcements in local newsletters and e-newsletters;
- Posting announcements in social networking media (e.g., Facebook, Twitter, YouTube, LinkedIn);
- Making announcements at social club and civic organization meetings;
- Distributing flyers at municipal events and including flyers with annual mailings; and
- Broadcasting radio or television public service announcements.

These citizen stakeholder and volunteer recruitment efforts can be linked to the Local Public Education and Outreach SBR and may be counted toward the activity point requirements, as described in *Attachment B—Points System for Local Public Education and Outreach Activities*.

Citizen groups, such as watershed associations or environmental/conservation organizations, can be utilized to meet any number of permit conditions by carrying out specific tasks dealing with best management practices (BMPs) and/or stormwater control measures. Here are some examples using citizen organizations that could be incorporated into the MS4 Stormwater Program:

- **Public meetings/citizen panels** allow citizens to discuss various viewpoints and provide input concerning appropriate stormwater management policies and BMPs;
- **Volunteer water quality monitoring** gives citizens first-hand knowledge of the quality of local water bodies and provides a cost-effective means of collecting water quality data;
- **Volunteer educators/speakers** who can conduct workshops, encourage public participation, and staff special events;
- **Storm drain stenciling** is an important and simple activity that citizens, students and youth groups can perform for the municipality;
- **Community clean-ups** along local waterways, beaches, and around storm drains;
- **Citizen watch groups** can aid local enforcement authorities in the identification of polluters and DPW staff in identifying problems, such as clogged inlets or deteriorated outfalls;
- **Mapping** of stormwater facilities within the municipality using the NJDEP Mapping Application as noted on Page 13 of Chapter 6; and
- **“Adopt A Storm Drain” programs** encourage individuals or groups to keep storm drains free of debris and to monitor what is entering local waterways through storm drains.

Federal guidance from USEPA can be used to implement the Public Involvement and Participation Including Public Notice SBR:

- NPDES Stormwater Program: <https://www.epa.gov/npdes/npdes-stormwater-program>
- NPDES Stormwater Discharges from Municipal Sources: <https://www.epa.gov/npdes/stormwater-discharges-municipal-sources>
- Getting in Step: Engaging and involving Stakeholders in Your Watershed: https://www.epa.gov/sites/production/files/2015-11/documents/stakeholderguide_0.pdf
- Phase II Public Participation/Involvement Minimum Control Measure Fact Sheet: <https://www.epa.gov/sites/production/files/2015-11/documents/fact2-4.pdf>

Watershed Association and Environmental Organization Resources

Rutgers: New Jersey Water Resources Research Institute

- New Jersey Watershed Organizations: http://njwrri.rutgers.edu/watershed_orgs.htm

Rutgers: New Jersey Environmental Digital Library

- Environmental Organizations: http://njedl.rutgers.edu/environmental_organizations

New Jersey Environmental Lobby:

- Explore These Environmental Websites: <http://njenvironment.org/environmentallinks.htm>

New Jersey Statutes Resources

Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.):

- Open Public Meetings Act: https://www.lawserver.com/law/state/new-jersey/nj-laws/new_jersey_laws_10_4-7
- A Guide to the New Jersey Sunshine Law: https://www.aclu-nj.org/files/7313/1793/0127/OPMA_Booklet.pdf

Procedure for the passage of ordinances:

- N.J.S.A. 40:49-2: https://www.lawserver.com/law/state/new-jersey/nj-laws/new_jersey_laws_40_49-2

Municipal Land Use Law concerning the adoption or amendment of the Municipal Stormwater Management Plan:

- N.J.S.A. 40:55D-13: https://www.lawserver.com/law/state/new-jersey/nj-laws/new_jersey_laws_40_55d-13
- N.J.S.A. 40:55D-28: https://www.lawserver.com/law/state/new-jersey/nj-laws/new_jersey_laws_40_55d-28

- N.J.S.A. 40:55D-94:
https://www.lawserver.com/law/state/new-jersey/nj-laws/new_jersey_laws_40_55d-94

Municipal Land Use Law concerning the review of applications for development:

- N.J.S.A. 40:55D-12:
https://www.lawserver.com/law/state/new-jersey/nj-laws/new_jersey_laws_40_55d-12