N.J.A.C. 7:8

RULE AMENDMENTS

AN OVERVIEW of the RECENT RULE CHANGES

Stormwater Management Unit
NJDEP Division of Water Quality

November 17, 2020

Topics

Stormwater Management Rule Amendments under N.J.A.C. 7:8

- Subchapter by Subchapter
- Major Changes and Impacts
- Examples

Other Ongoing Stormwater Related Initiatives

Goal: Improve understanding of the rules and enhance compliance with the requirements

Amendments to Stormwater Management Rules

Timeline

- Dec. 3, 2018: NJDEP proposed amendments to the Stormwater Management rules.
- Jan. 8, 2019: Public Hearing
- Feb. 1, 2019: Close of 60-day public comment period
- Dec. 3, 2019: NJDEP filed adoption package to OAL
- March 2, 2020: Adoption of Rules
  - One year delayed operative date, effective 3-2-2021
  - Current rules are in effect until 3-1-2021
  - Same timeframe municipalities have to update ordinances in accordance with MS4 permits

Rules Layout – As Adopted

SUBCHAPTER 1. GENERAL PROVISIONS

7:8-1.1 Scope and purpose

7:8-1.2 Definitions

7:8-1.3 Program information

7:8-1.4 Severability

7:8-1.5 Relationship to other regulatory programs

7:8-1.6 Applicability to major development

Old Rule/Amended Rule???

What's Covered and When?

- Delayed Implementation Date
- Grandfathering - when does that apply?

Grandfathering Provisions N.J.A.C. 7:8-1.6(b)

To be subject to the existing/old rule in effect on March 1, 2021:

- Major development that does not require any Department permits listed (on next slide)
- An application and all accompanying documents have been **submitted** to the local municipality prior to **March 2, 2021**:
  i. Preliminary or final site plan approval;
  ii. Final municipal building or construction permit;
  iii. Minor subdivision approval where no subsequent site plan approval is required;
  iv. Final subdivision approval where no subsequent site plan approval is required; or
  v. Preliminary subdivision approval where no subsequent site plan approval is required; and

Continued on next slide

Grandfathering Provisions N.J.A.C. 7:8-1.6(c)

A technically complete permit application must have been submitted to the Department prior to March 2, 2021

- For the major development under the following statutes provided that the permit included a stormwater management review component
  1. Flood Hazard Area Control Act;
  2. Freshwater Wetlands Protection Act;
  3. Coastal Area Facility Review Act;
  4. Waterfront and Harbor Facilities Act; or
  5. Highlands Water Protection and Planning Act

Definitions Overview
N.J.A.C. 7:8-1.2

Essential Terms within the Amendments

1. Community basin
2. Contributory drainage area
3. Disturbance
4. **Green Infrastructure**
5. **Major Development (revised)**
6. **Motor Vehicle**
7. **Motor Vehicle Surface**
8. **Regulated Impervious Surface**
9. Water Control Structure

Green Infrastructure Definition N.J.A.C. 7:8-1.2

GI means 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.

Motor Vehicle/ MV Surface

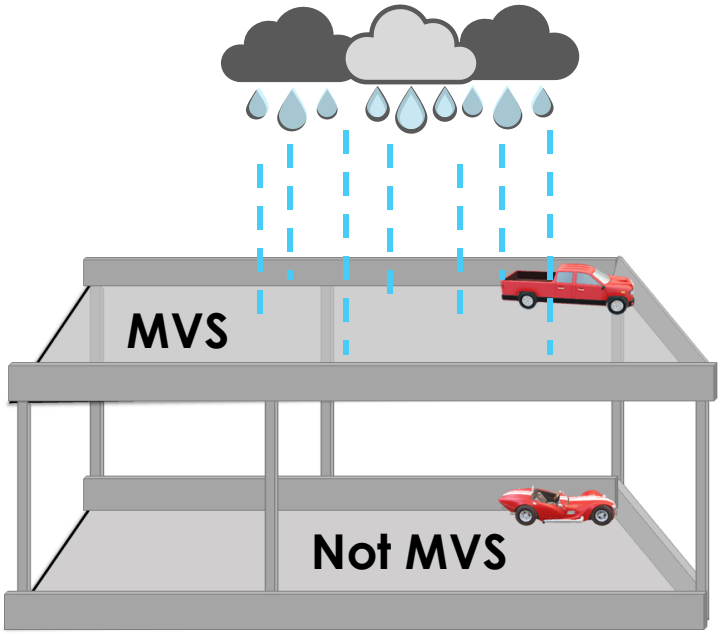
"Motor vehicle" means a land propelled vehicle propelled by other than muscular power

- Includes automobiles, motorcycles, trucks, and low speed vehicles, among others
- Excludes farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, golf carts, gas buggies, ski-slope grooming machines, or vehicles that only run on rails or tracks

"Motor vehicle surface" means any pervious or impervious surface that is intended for use by motor vehicles and/or aircraft, and is directly exposed to precipitation, including:

- Includes driveways, parking areas, parking garages, roads, racetracks and runways, among others

Motor Vehicle Surface (MVS)



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Parking garage »» { **Open top is MVS**; **Inside garage is not MVS**

Parking surface covered by canopy »» **Parking surface may be MVS**

Regulated Impervious Surface

"Regulated impervious surface" means any of the following, alone or in combination:

1. A net increase of impervious surface;
2. The total area of impervious surface collected by a new stormwater conveyance system;
3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

Regulated Motor Vehicle Surface

"Regulated motor vehicle surface" means any of the following, alone or in combination:

1. A net increase in motor vehicle surface; and/or
2. The total area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

Major Development – Revised Definition

Means an individual development, as well as multiple developments that individually or collectively result in:

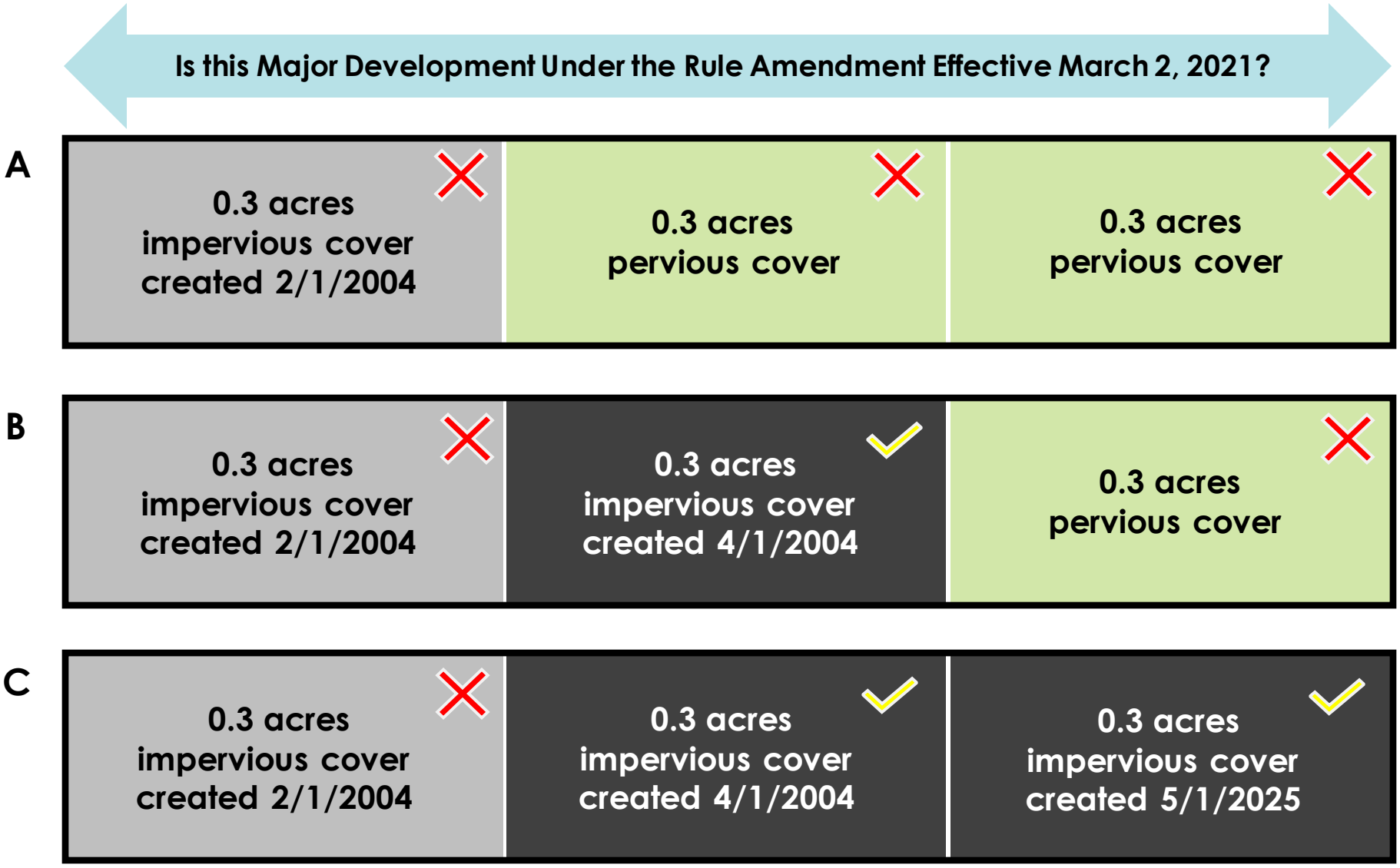
1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of "regulated impervious surface" since February 2, 2004;
3. The creation of one-quarter acre or more of "regulated motor vehicle surface" since March 2, 2021; or
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more, where the same surface cannot be counted twice in this determination.

- **Includes all developments that are part of a common plan of development or sale**
- **Also applies to government agency projects**

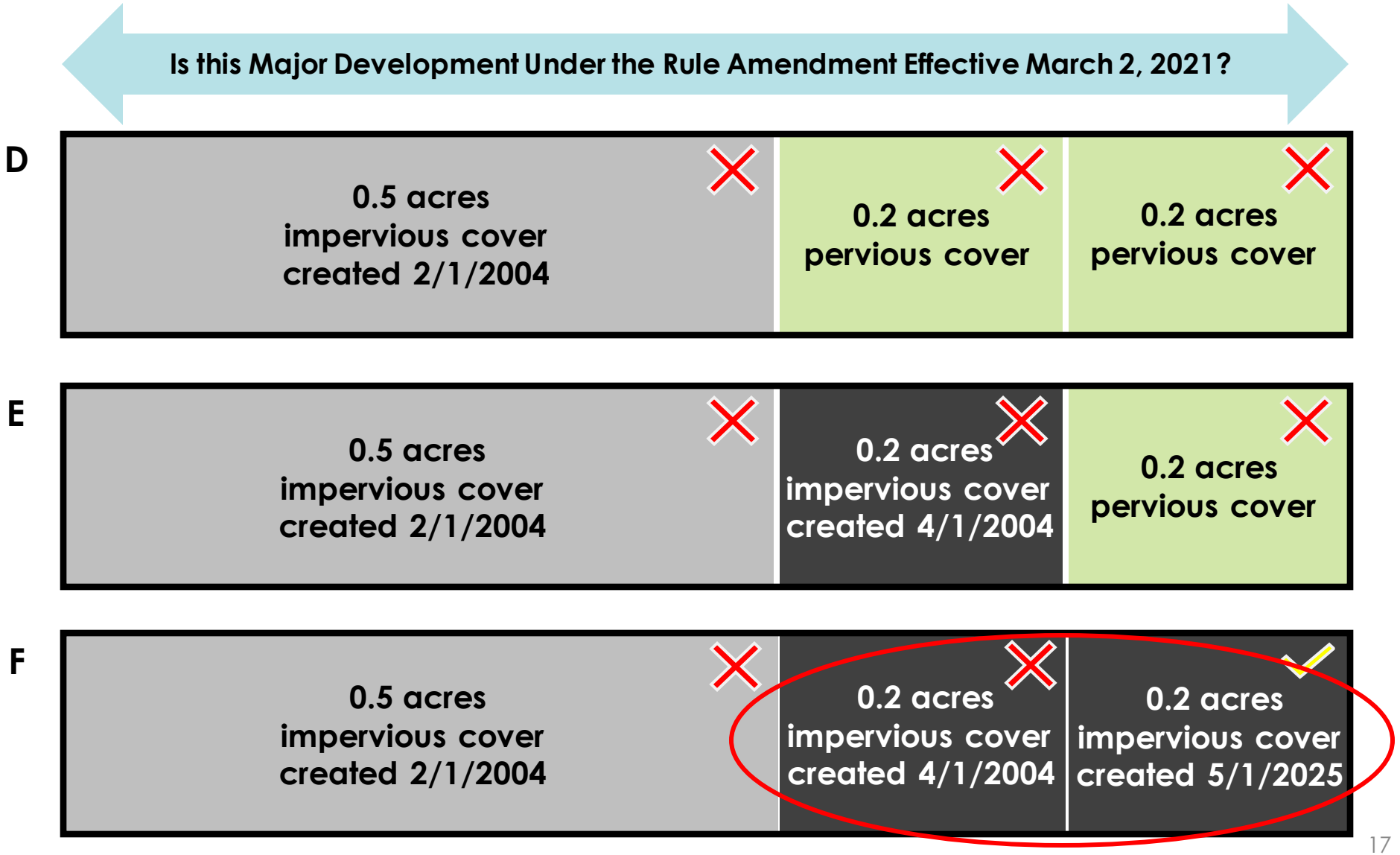
Major Development – Revised Definition

Disturbance Created On or Before 2/1/2004 ✗	Disturbance Created On or After 2/2/2004 ✓	≥ 1 acre
Impervious Surface (e.g., Building) Created On or Before 2/1/2004 ✗	Regulated Impervious Surface (e.g., Building) Created On or After 2/2/2004 ✓	individually or combined ≥ ¼ acres
Impervious Surface (e.g., Parking Lot) Created On or Before 2/1/2004 ✗	Regulated Motor Vehicle Surface (e.g., Parking Lot) Created On or After 3/2/2021 ✓	

Regulated Impervious Surface /Major Development: Example 1



Regulated Impervious Surface /Major Development: Example 2



Regulated Impervious Surface /Major Development: Example 3

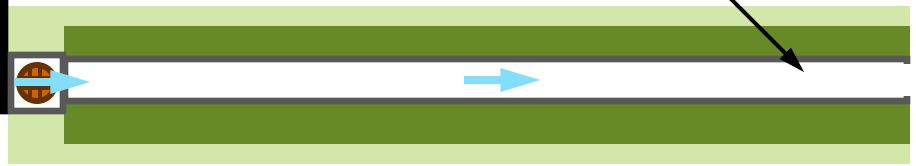
Is this Major Development Under the Rule Amendment Effective 3/2/2021?

G

0.3 acres impervious cover created 2/1/2004 ✗

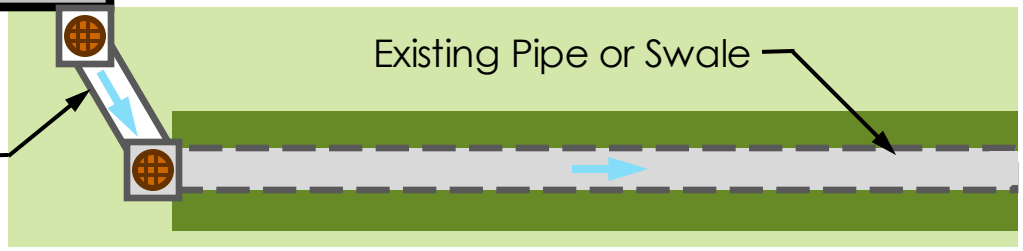
H

0.3 acres impervious cover created 2/1/2004 ✓

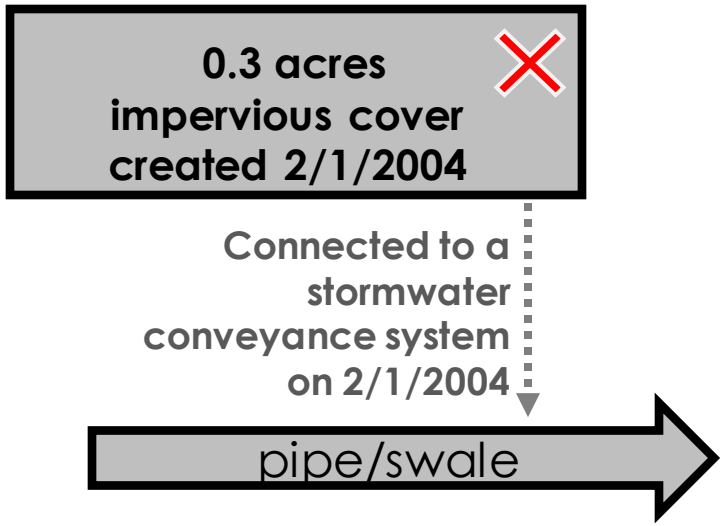


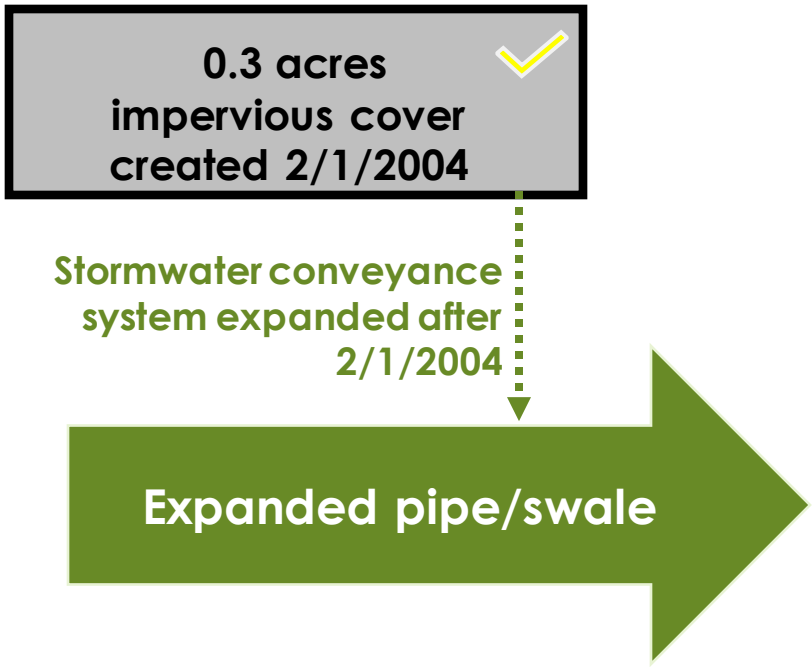
I

0.3 acres impervious cover created 2/1/2004 ✓



Regulated Impervious Surface /Major Development: Example 4





Regulated Motor Vehicle Surface (MVS) /Major Development: Example 5

2/1/2004

3/2/2021 ~

Regulated

Regulated Motor Vehicle Surface (MVS) /Major Development: Example 6

2/1/2004

0.25 acres Impervious Surface

3/2/2021 ~

Converted to 0.25 acres MVS

=

Regulated

0.25 acres MVS

Regulated Motor Vehicle Surface (MVS) /Major Development: Example 7

~ 3/1/2021

Existing 0.25 acres MVS

Existing Water Quality Treatment by Veg/Soil/Stormwater BMP/ WW Treatment

3/2/2021 ~

Existing 0.25 acres MVS

If the connection is removed or the treatment eliminated …

Existing Water Quality Treatment by Veg/Soil/Stormwater BMP/ WW Treatment

Regulated

0.25 acres MVS

NOTE: The area will be considered to be a regulated impervious surface, if it were created on or after Feb. 2, 2004

Rules Layout – As Adopted

SUBCHAPTER 2. GENERAL REQUIREMENTS FOR STORMWATER MANAGEMENT PLANNING

7:8-2.1 Scope

7:8-2.2 Goals of stormwater management planning

7:8-2.3 Stormwater management planning agencies

7:8-2.4 Stormwater management plan requirements

7:8-2.5 Exemptions

Nine Nonstructural Stormwater Management Strategies

N.J.A.C. 7:8-2.4(g)

- The nine (9) nonstructural stormwater management strategies previously described at N.J.A.C. 7:8-5.3(b) were relocated to N.J.A.C. 7:8-2.4(g).
- Require the evaluation of such strategies during municipal planning, where they can be more effectively utilized.

Rules Layout – As Adopted

SUBCHAPTER 3. REGIONAL STORMWATER MANAGEMENT PLANNING

7:8-3.1 Scope

7:8-3.2 Regional stormwater management planning committee and lead agency

7:8-3.3 Regional stormwater management plan and elements

7:8-3.4 Characterization and assessment of regional stormwater management planning area

7:8-3.5 Drainage area-specific water quality, groundwater recharge and water quantity objectives

7:8-3.6 Drainage area-specific design and performance standards

Continued on next slide

Rules Layout – As Adopted

SUBCHAPTER 3. REGIONAL STORMWATER MANAGEMENT PLANNING *(cont'd.)*

7:8-3.7 Selection of stormwater management measures

7:8-3.8 Strategy for implementing and evaluating effectiveness of stormwater management measures

7:8-3.9 Regional stormwater management plan review, adoption, and amendment or revision

7:8-3.10 Implementation of adopted regional stormwater management plan

Rules Layout – As Adopted

SUBCHAPTER 4. MUNICIPAL STORMWATER MANAGEMENT PLANNING

7:8-4.1 Scope

7:8-4.2 Municipal stormwater management plan and elements

7:8-4.3 Schedule for adoption of municipal stormwater management plan and ordinances

7:8-4.4 County review process

7:8-4.5 Reservation of rights

7:8-4.6 Variance [or exemption] from the design and performance standards for stormwater management measures

Community Basins and Combined Sewer Systems (CSS)

7:8-4.2(c)14. (Municipal SWMP and elements)

- "Community basin" means an infiltration basin, sand filter designed to infiltrate, standard constructed wetland, or wet pond that is designed and constructed in accordance with the New Jersey BMP Manual or an alternate design approved in accordance with 7:8-5.2(g)
- If a municipality that includes an area served by CSS seeks to establish a community basin, include a demonstration through hydrologic and hydraulic analysis that the basin would alleviate existing or prevent potential flood damage or combined sewer overflow.
- Community basins only manage stormwater runoff and NOT combined sewage

Community Basins and Combined Sewer Systems (CSS)

7:8-4.2(c)14. (Municipal SWMP and elements)

- A municipality may allow developments to use a community basin to meet stormwater runoff quantity requirements provided that the following minimum is met:
  - Each contributory site to the community basin is served by a CSS or separate storm sewer system that is hydraulically connected to the CSS
  - The runoff from each contributory site meets the GI, groundwater recharge, and stormwater quality standards before leaving the site unless a variance is granted

Continued on next slide

Community Basins and Combined Sewer Systems (CSS)

7:8-4.2(c)14. (Municipal SWMP and elements) (*cont'd.*)

- The conveyance from each contributory site to the community basin can carry the 100-year storm to the basin without overflow
- The community basin has sufficient capacity to meet stormwater quantity standards while considering all stormwater contributing to the basin
- The municipality is responsible for maintenance of the basin, and
- The municipality must regulate the conditions and limitations of the inflow contributing to the basin, ensuring continued function

County Review Process 7:8-4.4

SCO Changes (and MSWMP Changes)
(Existing Rule Requirement - NO Rule Change)

- Adopted SCO changes must be submitted to the County & DEP
- Within 60 calendar days of receipt, County must review and (in writing)
  - Approve
  - Conditionally Approve (specify necessary amendments), or
  - Disapprove
- No Action = Deemed Approved, Immediately Effective
- Conditionally Approved-takes effect upon adoption of specified amendments
- Within 30 days of effective date
  - Updated SCO posted to municipality web page
  - Notify DEP, SCD, and State Soil Conservation Committee
- **IF** MSWMP Changes, follow same procedures/requirements

Variances and Exemptions

7:8-4.6 Variance from the design and performance standards for stormwater management measures

- There may be instances where site constraints for using green infrastructure is technically impracticable to meet design and performance standards of a major development project.

- The rule allows variances to be granted at the local level to provide mitigation options for those instances when it is technically impracticable to meet standards.

- Removes the phrase "or exemption" to eliminate any potential misconception that a variance in the stormwater context could include total relief from the standards required by this chapter.

Existing Variance - N.J.A.C. 7:8-4.6

Municipality may approve a variance or exemption if:

- Municipal Stormwater Management Plan contains a mitigation plan:
  - that identifies what measures are necessary to offset the deficit created by granting the variance
  - ensures mitigation happens in the same drainage area and for the performance standard for which variance is granted
- Municipality submits a written report to county review agency and DEP describing the variance or exemption and the required mitigation

Adopted Variance - N.J.A.C. 7:8-4.6

Municipality may approve a variance if the Applicant demonstrates:

- Technically impracticable to meet any one or more of the design and performance standards on site; and
- The proposed design achieves maximum compliance with the design and performance standard
    - Technical impracticable exists only when the standard can not be met for engineering, environmental, or safety reasons

Approval of variance applies to individual drainage area and design and performance standard

Adopted Variance – Mitigation N.J.A.C. 7:8-4.6(a)3

Mitigation Requirements:

- Selected from municipal mitigation plan or proposed by applicant, provided it meets the criteria within the municipal mitigation plan
- Be approved no later than preliminary or final site plan approval of the major development
- Be located in the same HUC 14 as the portion of the major development that was granted the variance
- Be constructed prior to or concurrent with the major development
- Comply with the green infrastructure standards at N.J.A.C. 7:8-5.3
- Applicant or entity assuming maintenance responsibility for the associated major development shall be responsible for maintenance, with a written agreement submitted to the review agency

Approved variance must be submitted to county review agency and DEP *within 30 days of approval*

Adopted Variance – Mitigation N.J.A.C. 7:8-4.6(a)3

If variance is from green infrastructure standards

- Mitigation project must provide green infrastructure BMPs to manage an equivalent or greater area and amount of impervious surface than the area of major development granted the variance
- Vegetative filter strips and grass swales excluded as mitigation measures
- GI BMPs used for mitigation must be sized to manage the Water Quality Design Storm (at a minimum)
- GI BMPs used for mitigation are subject to the specified drainage area limitations

Adopted Variance – Mitigation N.J.A.C. 7:8-4.6(a)3

If variance is from groundwater recharge standards

- mitigation project must equal or exceed GW recharge deficit

If variance is stormwater runoff quality standards

- mitigation project must provide sufficient TSS removal to equal or exceed the deficit resulting from the variance

If variance is stormwater runoff quantity standards

- mitigation project must provide equivalent peak flow rate attenuation

Rules Layout – As Adopted

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 Green infrastructure

7:8-5.4 Groundwater recharge standards

7:8-5.5 Stormwater runoff quality standards

7:8-5.6 Stormwater runoff quantity standards

7:8-5.7 Calculation of stormwater runoff and groundwater recharge

7:8-5.8 Maintenance requirements

7:8-5.9 Sources for technical guidance

Green Infrastructure

Usage, Limitations & Alternative Design

- GI BMPs must be used to satisfy recharge, quantity, and quality
- 3 Tables identifying the performance of each BMP in meeting the standards
  - Table 5-1: Recharge, Quality, and Quantity Control
  - Table 5-2: Quantity Control
  - Table 5-3: Recharge, Quality, and Quantity Control ONLY with Waiver or Variance
- Maximum Contributory Drainage Area Limitations specified
- 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 5-1: BMPs for recharge, quantity, and quality

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	-

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 5-2: BMPs may only be used for quantity

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 be designed to have native vegetation and a reuse component

Table 5-3: BMPs that may only be used if a waiver or variance is granted

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

Alternative Designs, Removal Rates and Calculation Methods, N.J.A.C. 7:8-5.2(g)

Does NOT meet BMP Manual = Alternative Design

Design engineer must demonstrate the ability of the alternative design to meet the standards

- Must meet the GI definition
- Function in a similar manner to a BMP listed at N.J.A.C. 7:8-5.3(b), subject to the contributory drainage area limitation specified at N.J.A.C. 7:8-5.3(b) for that similarly functioning BMP
- Contributory drainage area limits apply
- Alternatives that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard **unless a variance** in accordance with N.J.A.C. 7:8-4.6 **or a waiver from strict compliance** in accordance with N.J.A.C. 7:8-5.2(e) **is granted** from N.J.A.C. 7:8-5.3
- Must notify NJDEP of approved alternative stormwater measure

Groundwater Mounding N.J.A.C. 7:8-5.2(h)

GW mounding analysis required when using a BMP that infiltrates into the subsoil.

- The design must avoid adverse hydraulic impacts, which include:
  - impairment of the BMP function,
  - basement flooding,
  - interference with the operation of a subsurface sewage disposal system, and
  - surficial ponding, among others.
- See Chapter 13 of the BMP Manual for guidance and assumptions that must be followed when using the *Hantush Spreadsheet* to perform a groundwater mounding analysis.

Other Design Standards
N.J.A.C. 7:8-5.2(i through k) (NEW Location)

Continued Requirements from old 5.7(a-c):

1. Take existing conditions into account
2. Minimize and facilitate maintenance, as well as ensure proper functioning
   - Trash rack installation and bar spacing,
   - Strong and durable design, including corrosion resistance,
   - Safety provisions of 7:8-6 must be provided, and
   - Minimum orifice size at the inlet of an outlet structure = 2.5 inches
3. MTDs must follow 7:8-5.3(d) and be both
   - Verified by NJCAT and
   - Certified by NJDEP
4. New agricultural development meeting the definition of major development must be submitted to the Soil Conservation District for review and approval per 7:8-5.4 and 5.6

More than One Drainage Area Requirement N.J.A.C. 7:8-5.2(l)

How the standards apply to each drainage area:

- Stormwater runoff water quantity, quality, and groundwater recharge are required to be met in each drainage area on-site, unless they converge before leaving the property

Deed Notice Requirement N.J.A.C. 7:8-5.2(m and n)

Continued Requirement:

- The rules maintain the existing requirement that maintenance plans be recorded on deed (new N.J.A.C. 7:8-5.2(m))

New Requirement:

- Additionally, recordation must now include:
  - Description of the BMP(s) and
  - Location information for the BMP(s)

Alteration or Replacement:

- The rules provide a pathway for property owner to alter or replace a BMP provided review agency ensures quantity, quality, and recharge will be maintained. (new N.J.A.C. 7:8-5.2(n))

Green Infrastructure Standards N.J.A.C. 7:8-5.3

Best Management Practice	Maximum Contributory Drainage Area
Dry Wells	1 acre
Manufactured Treatment Device (MTDs)	2.5 acres
Pervious Paving Systems	Area of additional inflow cannot exceed 3 times the area occupied by the BMP
Small-scale Bioretention Systems	2.5 acres
Small-scale Infiltration Basins	2.5 acres
Small-scale Sand Filters	2.5 acres

Green Infrastructure Standards N.J.A.C. 7:8-5.3(c) & (d)

Specific GI BMPS must be used to meet stormwater runoff water quantity standards

- 7:8-5.3(c) requires GI BMPs from Tables 5-1 or 5-2 must be used
  - Alternative stormwater management measures may be used if they are approved in accordance with N.J.A.C. 7:8-5.2(g)

Which BMPS may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at N.J.A.C. 7:8-5.4, 5.5, and 5.6

- 7:8-5.3(d) allows GI BMPs from Tables 5-1, 5-2, or 5-3 to be used **if a variance or a waiver** from the design and performance standards **is granted.**

Note: This section is no longer the nonstructural stormwater management strategies

Green Infrastructure Standards N.J.A.C. 7:8-5.3(e)

Also apply to the following:

- Separate and combined storm sewer improvement projects that are undertaken by a government agency or public utility are subject to the GI standards.
- GI standards only apply to areas owned in fee simple by the government agency or utility and areas within a right-of-way or easement held or controlled by that same entity.
  - The entity is not required to obtain additional property or property rights to satisfy the GI standards
- Each separate or combined sewer improvement project must still fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards.

Groundwater Recharge Standards N.J.A.C. 7:8-5.4

What changed:

- Section 5.4 solely pertains to the groundwater recharge standards
- Erosion control was relocated to 5.2(a)1.
- Groundwater mounding is clarified and relocated to 5.2(h)

Stormwater Runoff Quality Standards N.J.A.C. 7:8-5.5

Changes under Section 5.5

- Standards not changed – only how the Standard is applied (discussed on next slide)
- Applicable when increase of one-quarter acre or more of regulated motor vehicle surface
  - 80% TSS Removal
  - Reduction of Nutrient Load to maximum extent feasible
- Clarified that water quality treatment required for discharges into combined sewer systems (5.5(c))
- Table 5-4, Water Quality Design Storm Distribution in one-minute intervals
  - More accurate estimation of peak flow rates

Water Quality – Motor Vehicle Surface

The water quality standard applies to motor vehicle surface instead of impervious surface

- Rule text does not require roofs or sidewalks to be treated – consistent with current implementation
- Requires pervious motor vehicle surfaces to be treated – consistent with scientific studies

MVS is included in the definition of major development

The Response to Comments portion of the Adoption Document contains additional information. See

https://www.nj.gov/dep/rules/adoptions/adopt_20200302a.pdf

Stormwater Runoff Quantity Standards N.J.A.C. 7:8-5.6

Clarifications under 5.6

- (b)4. No analysis is required for discharges directly into any ocean, bay, inlet, or the reach between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
  - "Water control structure" means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir
- (c). The stormwater runoff quantity standards shall be applied at the site's boundary.

Stormwater Runoff Calculations & GW Recharge - N.J.A.C. 7:8-5.7

What changed:

- Acceptable methods of calculating stormwater runoff and groundwater recharge previously described at N.J.A.C. 7:8-5.6 were relocated to N.J.A.C. 7:8-5.7.
- Incorporates specific chapter references from the National Engineering Handbook

Maintenance
N.J.A.C. 7:8-5.8

Continued Requirements – No Changes:

- The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development
- Maintenance plan must include:
  - Name, address and telephone number of the person or persons responsible for preventative and corrective maintenance
  - Specific preventative maintenance tasks and schedules
  - Cost estimates
- Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project
- The effectiveness of the maintenance plan shall be evaluated at least once per year and adjusted as needed

N.J.A.C. 7:8 Rules Adoption

Link to Rules at

https://www.nj.gov/dep/rules/adoptions.html

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
RULES & REGULATIONS

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Notice of Rule Adoptions

The following rule adoptions are scheduled for publication in the NJ Register on the publication dates listed below. The listing is sorted by publication date, with the most recent adoption listed first.

Publication Date	Adoption Name	Proposal Date	Document Links
3/2/2020	Stormwater Management rules, N.J.A.C. 7:8, Green Infrastructure (pdf)	12/3/2018	Adoption Document Proposal Notice Proposal Document

Other NJDEP Stormwater Related Actions

BMP Manual Updates

- *Chapter 5: Stormwater Management Quantity and Quality Standards and Computations* – Pending Finalization
- *Chapter 12: Soil Testing Criteria* – Pending Finalization
- *Chapter 13: Groundwater Table Hydraulic Impact Assessments for Infiltration BMPs* - Finalized
- https://www.njstormwater.org/bmp_manual2.htm

NJDEP Letters & Emails to MS4 Permittees on 3/2/20:

- SCO must be revised and effective by 3/3/2021

Revised/Updated Model SCO Posted on DEP webpage

- https://www.njstormwater.org/bmp_manual/NJ_SWBMP_D.pdf

On-going MS4 Audits to Review Compliance

Summary

- Updated Rules Adopted 3/2/2020
- One-year delay in Operative Date to 3/2/2021
- Requirement to Use Green Infrastructure
  - Manage Stormwater Runoff close to its source
  - Drainage area limitations for GI BMPs
- Updated/Revised Definitions
- Clarifications
  - Meet Standards On-site
  - Mounding Analysis
- Deed Notice Requirements
- Mitigation
- SCO Updates Required

Questions?

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Questions?

Email any additional questions to presenters or to:

DWQ-BNPC-StormwaterManagement@dep.nj.gov

Video of this training will be posted in the near future to the DEP web page at:

https://www.njstormwater.org/training.htm