

New Jersey Department of Environmental Protection  
Division of Water Quality  
Bureau of Nonpoint Pollution Control

Stormwater Management Rules  
Proposed Readoption with Amendments: N.J.A.C. 7:8

The Department is in the process of developing a rule proposal package for readopting the Stormwater Management Rules (N.J.A.C. 7:8) with certain amendments. Due to the impending expiration of the rule, only certain issues can be addressed at this time to successfully readopt the rule in a timely manner. Currently, the anticipated changes to be proposed are as follows:

1. Strengthen the requirements in N.J.A.C. 7:8-5.2 and 5.3 with regard to incorporating nonstructural stormwater management strategies into project design;
2. Improve consistency in jurisdictional areas and other areas of the rules within the Stormwater Management Rules and the Flood Hazard Area Control Act (FHACA) Rules;
3. Amend rules at N.J.A.C. 7:8-5.7 regarding the verification and certification of Manufactured Treatment Devices;
4. Change the requirements for mitigation when granting hardship waivers;
5. Reference the Department's adoption of a Stormwater Management Technical Manual;
6. Specify that where infiltration is mandated by the Pinelands Comprehensive Management Plan, the prohibition for groundwater recharge at N.J.A.C. 7:8-5.4 does not apply;
7. Incorporate Total Suspended Solids (TSS) removal standards for redevelopment projects;
8. Clarify N.J.A.C. 7:8-5.4 to account for changes in timing in situations when projects are changing from more impervious cover to less impervious cover;
9. Clarify that the exemption in N.J.A.C. 7:8 5.5 from the stormwater runoff quality standards is limited to the stormwater runoff from an industrial facility regulated under the New Jersey Pollutant Discharge Elimination System Rules with a TSS effluent limitation;
10. Clarify that groundwater recharge is not required for remediation projects;
11. Create emergency spillway design criteria in N.J.A.C. 7:8-6;
12. Expand exemptions from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements for certain projects including, stream cleaning, stream bank restoration and stabilization projects, scour protection of bridges, wetlands mitigation projects and certain temporary disturbances;
13. Expand and clarify the requirements of waivers for linear development projects in N.J.A.C. 7:8-5.2;

14. Delete N.J.A.C. 7:8-5.4(b) since Soil Conservation Districts have no authority to review for the stormwater runoff quantity requirements;
15. Clarify requirements for groundwater impact analysis for infiltration facilities;
16. Clarify N.J.A.C. 7:8 5.8 when a homeowner's association is required for maintenance of Best Management Practices (BMPs) and when an individual homeowner may be responsible for maintenance;
17. Clarify the design requirements for stormwater runoff quantity calculations to remove infiltration as an outlet.

The following ideas have been proposed to the Department and will still be considered for future rulemaking or for inclusion within the Stormwater Management Technical Manual:

1. Redefine and clarify "impervious surface" and "new impervious surfaces" to address loss of water quality and to account for new technologies (e.g., porous pavement, porous concrete and paver blocks);
2. Refine and revise Nonstructural Strategies Point System spreadsheet.
3. Exempt recharge in various areas such as tidal areas within 500 feet of the mean high water line, other high pollutant loading areas and in karst formation areas;
4. Provide additional credit for cluster and center based development as well as green projects;
5. Clarify regulatory requirements on agricultural developments, especially practices that increase impervious cover;
6. Prohibit recharge in wellhead protection areas;
7. Disallow the Use of the Rational Method at 5.6;
8. Exempt roadways from the ground water recharge performance standard;
9. Strengthen the requirements for removal of nutrients;
10. Provide for signage of BMPs;
11. Address adverse ground water impacts, ground water mounding calculations and provide guidance on tailwater effects;
12. Improve application submittal requirements and provide a stormwater management checklist.