



**Frequently Asked Questions**  
**Tier B Municipal Separate Storm Sewer System (MS4) NJPDES Permit**  
**NJ0141861 – 2016 Preliminary Draft Renewal – June 6, 2016**

**DISCLAIMER:** The following questions and answers are provided for general information purposes only and are not intended to replace or alter the binding effect of any part or condition of the permit upon renewal. The preliminary draft renewal which is the subject of this FAQ, and supporting information, is available at [www.nj.gov/dep/dwg/tier\\_b\\_draft.htm](http://www.nj.gov/dep/dwg/tier_b_draft.htm).

1. **What is an MS4?**
2. **What is a Tier B Municipality?**
3. **What happens if a Tier A Municipality becomes a Tier B Municipality?**
4. **What does the Tier B MS4 New Jersey Pollutant Discharge Elimination System (NJPDES) Permit authorize?**
5. **How are residents of a municipality affected by the Tier B MS4 NJPDES permit?**
6. **What is the purpose of the Tier B MS4 NJPDES permit?**
7. **What is N.J.A.C. 7:8 and why is it part of the Tier B MS4 NJPDES permit?**
8. **Does the Tier B MS4 NJPDES permit address privately owned streets, basins, and storm drains?**
9. **Why is the Tier B MS4 NJPDES permit being renewed?**
10. **How much does the Tier B MS4 NJPDES permit cost?**
11. **Do municipalities need to submit a renewal application to receive their Tier B MS4 NJPDES permit renewal authorization?**
12. **How will the Tier B MS4 NJPDES permit reduce pollutant discharges to surface water?**
13. **What happens after the Final Tier B MS4 NJPDES permit is issued?**
14. **What are the municipalities' timelines for complying with any new Tier B MS4 NJPDES permit requirements?**
15. **Do municipalities still have to submit an Annual Report and Certification under the new Tier B MS4 NJPDES permit?**
16. **What is a Preliminary Draft Tier B MS4 NJPDES permit and what is the process for public comment?**
17. **How can the Department assist municipalities in navigating the Preliminary Draft Tier B MS4 NJPDES permit and its changes?**
18. **What is new in the Preliminary Draft Tier B MS4 NJPDES permit renewal?**
19. **Do municipalities need to maintain the new Major Development Stormwater Summary electronically?**
20. **How does EPA's electronic reporting rule impact this Preliminary Draft Tier B MS4 NJPDES Permit?**
21. **Does the Preliminary Draft Tier B MS4 NJPDES permit renewal require any new local ordinances?**
22. **What is a Stormwater Coordinator and how does a municipality change their Stormwater Coordinator?**
23. **Who certifies that municipally owned and operated stormwater facilities are functioning properly?**
24. **Who certifies that stormwater facilities not owned and operated by the municipality are functioning properly?**
25. **Have the stormwater facility maintenance requirements changed?**
26. **Are there new options for public education and outreach?**

## **1. What is an MS4?**

A Municipal Separate Storm Sewer System (MS4) is a conveyance or system of conveyances owned or operated by a municipality that carries stormwater that ultimately discharges to waters of the state (including both surface water and groundwater) as defined in N.J.A.C. 7:14A-1.2. The MS4 includes pipes, curbs, gutters, ditches, manmade channels, storm drains, catch basins, municipal streets, basins (surface/subsurface) or roads with drainage systems that are not combined sewers and are not part of a publicly owned treatment works (e.g. sewage treatment system).

[Back to Top]

## **2. What is a Tier B Municipality?**

Tier B Municipalities are located within the more rural and non-coastal areas of the state. All municipalities in New Jersey are considered either Tier A or Tier B. Currently there are 104 Tier B municipalities and 461 Tier A municipalities. Renewal of NJPDES master general permit NJ0141861 applies to Tier B Municipalities only. Renewal of the NJPDES master general permit for Tier A Municipalities will be completed in a separate permit action. For a more detailed description of the regulatory basis for assignment to Tier A or Tier B, and for a list of Tier A and Tier B municipality designations, please refer to N.J.A.C. 7:14A-25.3 (see [www.nj.gov/dep/dwq/714a.htm](http://www.nj.gov/dep/dwq/714a.htm)). In addition, a list of all New Jersey municipalities and their Tier designation, as well as a map depicting municipal tier assignments can be found at [www.nj.gov/dep/dwq/msrp\\_home.htm](http://www.nj.gov/dep/dwq/msrp_home.htm).

[Back to Top]

## **3. What happens if a Tier A Municipality becomes a Tier B Municipality?**

The Department shall publish in the New Jersey Register a notice of administrative change revising the list of Tier A and Tier B municipalities identified in the table at N.J.A.C. 7:14A-25.3. The Department will notify the affected municipality of the revision and identify the reason for the revision. The municipality is required to apply for a NJPDES permit within 180 days after receipt of the notice.

[Back to Top]

## **4. What does the Tier B MS4 New Jersey Pollutant Discharge Elimination System (NJPDES) Permit authorize?**

The Tier B MS4 NJPDES master general permit (NJ0141861) authorizes stormwater discharges from MS4s owned or operated by Tier B Municipalities to the waters of the state. Municipalities that have been issued a Notice of Authorization (NOA) to discharge under the master general permit must develop and implement a stormwater program. The first NJPDES permit authorizing discharges from Tier B MS4 municipalities became effective in 2004 (subsequently renewed in 2009), so most Tier B municipalities have already developed stormwater programs. Additionally, this permit requires the municipalities to maintain and enforce a stormwater management plan and ordinances to address development and redevelopment consistent with the Stormwater Management rules at N.J.A.C 7:8. For more information on the existing Tier B NJPDES permit program, see [www.nj.gov/dep/dwq/tier\\_b.htm](http://www.nj.gov/dep/dwq/tier_b.htm).

[Back to Top]

## **5. How are residents of a municipality affected by the Tier B MS4 NJPDES permit?**

The municipality is given the tools to educate residents through its educational and outreach programs on how to properly manage stormwater runoff and how they can do their part to improve water quality. For example, residents can help to directly reduce impacts on local water quality through proper disposal

of pet waste, careful management of yard waste and prudent use of lawn care products. For associated educational resources see [www.cleanwater.nj.org/](http://www.cleanwater.nj.org/).

[Back to Top]

## **6. What is the purpose of the Tier B MS4 NJPDES permit?**

Stormwater discharges from MS4s are required to be regulated through State rules (N.J.A.C. 7:14A-25, see [www.nj.gov/dep/dwq/714a.htm](http://www.nj.gov/dep/dwq/714a.htm)). The permit is a regulatory mechanism which addresses stormwater quality and quantity issues. New Jersey's MS4 permit program is prescriptive in nature in that it clearly defines the Statewide Basic Requirements (SBR) applicable to Tier B Municipalities. SBRs include local public education and outreach, and post-construction stormwater management in new development and redevelopment. Stormwater management associated with new development and redevelopment is addressed, in part, by requiring municipalities to continue to maintain and enforce stormwater management plans and ordinances in accordance with the Stormwater Management rule, N.J.A.C. 7:8 (for more information see [www.njstormwater.org/](http://www.njstormwater.org/)).

[Back to Top]

## **7. What is N.J.A.C. 7:8 and why is it part of the Tier B MS4 NJPDES permit?**

Uncontrolled stormwater runoff can cause flooding and contribute pollutants to waterbodies in the state. Stormwater management is a key component in mitigating the impacts to flooding and pollution. The permit addresses stormwater management for new development and redevelopment, in part, by requiring municipalities to continue to maintain and enforce stormwater management plans and ordinances. New Jersey's Stormwater Management rule, N.J.A.C. 7:8, establishes the minimum standards for stormwater management to which the Tier B municipality must adhere when approving new development and redevelopment projects. Specifically, N.J.A.C. 7:8 requires compliance with minimum standards for stormwater runoff quantity, water quality, and groundwater recharge. N.J.A.C. 7:8 also requires the Tier B municipality to ensure that stormwater management measures are properly operating and maintained. The Stormwater Management rules can be viewed at [www.nj.gov/dep/rules/rules/njac7\\_8.pdf](http://www.nj.gov/dep/rules/rules/njac7_8.pdf).

[Back to Top]

## **8. Does the Tier B MS4 NJPDES permit address privately owned streets, basins, and storm drains?**

Yes. Stormwater facilities owned by commercial interests or by homeowners associations, for example, are subject to local stormwater codes, ordinances, and enforcement. Stormwater facilities that are properly maintained are an important component in addressing water quality and flooding issues and municipalities are responsible for ensuring that the owners perform proper operation and maintenance. An exception would be a stormwater system that is regulated directly under another stormwater discharge permit other than the Tier B MS4 NJPDES permit.

[Back to Top]

## **9. Why is the Tier B MS4 NJPDES permit being renewed?**

The current Tier B MS4 NJPDES permit that was issued and became effective in 2009 expired on February 28, 2014. However, the NJPDES master general permit and all Notice of Authorization (NOA) issued under the master general permit remain in full force and in effect until the master general permit is renewed and renewal NOA's are issued. Until the municipality receives a NOA under the renewed Tier B MS4 NJPDES permit, continued implementation of all aspects of current Tier B Municipal Stormwater permit is required.

[Back to Top]

## **10. How much does the Tier B MS4 NJPDES permit cost?**

There is no renewal fee for this permit. However, the Department does charge a \$500 annual fee for the Tier B MS4 NJPDES permit. The associated fee can be found by looking at N.J.A.C. 7:14A-3.1, Table III (see [www.nj.gov/dep/dwq/714a.htm](http://www.nj.gov/dep/dwq/714a.htm)).

[Back to Top]

## **11. Do municipalities need to submit a renewal application to receive their Tier B MS4 NJPDES permit renewal authorization?**

Most Tier B Municipalities will receive a renewal NOA without submitting a renewal application (known as a Request for Authorization or RFA). An exception is any municipality reassigned from Tier B to Tier A, or from Tier A to Tier B. If a municipality receives notice from the Department (pursuant to N.J.A.C. 7:14A-25.3(a)(3), see [www.nj.gov/dep/dwq/714a.htm](http://www.nj.gov/dep/dwq/714a.htm)) that it has been reassigned, the deadline to submit a RFA for the appropriate permit is 180 days after the receipt of that notice, unless the Department grants an extension. For a more detailed description of the regulatory basis for determining who is a Tier A and who is a Tier B municipality, as well as a listing of each municipality and their current designation, please refer to [www.nj.gov/dep/dwq/msrp\\_home.htm](http://www.nj.gov/dep/dwq/msrp_home.htm).

[Back to Top]

## **12. How will the Tier B MS4 NJPDES permit reduce pollutant discharges to surface water?**

Although precipitation (snow and rain) by itself is not associated with pollutants, stormwater runoff (which is water from precipitation that does not soak into the ground or evaporate) carries with it pollutants such as fertilizers, sediments, and oils from lawns and roadways. These pollutants impact local surface waterway ecology. The intent of the Tier B MS4 NJPDES permit is to limit and/or reduce the discharge of these pollutants to waterways. This is accomplished through the municipality implementing its Local Public Education program, and by reducing flooding and increasing ground water recharge when implementing the post-construction stormwater management measures outlined in the new development and redevelopment section of their Tier B permit.

[Back to Top]

## **13. What happens after the Final Tier B MS4 NJPDES permit is issued?**

The Department will issue a NOA to each municipality that qualifies to be regulated under the Tier B MS4 master general permit. Each individual authorization will include all permit conditions and implementation schedules.

[Back to Top]

## **14. What are the municipalities' timelines for complying with any new Tier B MS4 NJPDES permit requirements?**

Timelines vary depending on the permit requirement. Municipalities are referred to Attachment A (Measurable Goals and Implementation Schedule) of the preliminary draft permit renewal for a detailed breakdown of permit conditions and compliance timelines.

[Back to Top]

## **15. Do municipalities still have to submit an Annual Report and Certification under the new Tier B MS4 NJPDES permit?**

Yes. Pursuant to the NJPDES Municipal Stormwater Regulation Program rules (N.J.A.C. 7:14A-25.6(j)3, see [www.nj.gov/dep/dwq/714a.htm](http://www.nj.gov/dep/dwq/714a.htm)), this permit retains the requirement for completion of an Annual Report and Certification. Specifically, the Annual Report form requires information be provided regarding the status of the implementation of many of the permit requirements for each reporting year (January 1 through December 31). The Annual Report and Certification shall be submitted by May 1 of each year, which includes information relevant and/or pertaining to the previous reporting year (January 1 through December 31), through the NJDEP online portal at [www.njdeponline.com/](http://www.njdeponline.com/) (instructions available at [www.nj.gov/dep/dwq/tier\\_b.htm](http://www.nj.gov/dep/dwq/tier_b.htm)).

[Back to Top]

## **16. What is a Preliminary Draft Tier B MS4 NJPDES permit and what is the process for public comment?**

A preliminary draft permit provides interested parties with an opportunity to provide the Department with comments prior to the issuance of a draft permit. This comment period provides the Department with an opportunity to consider and possibly resolve some issues raised by interested parties prior to the issuance of a draft permit. The release of the preliminary draft permit renewal does not mark the start of the formal comment period and the Department will not issue a response to comments received on the preliminary draft permit renewal, but will consider these comments during preparation of a draft permit renewal. Once a draft permit renewal is issued, the Department will follow procedures for public comment specified in the NJPDES Rules at N.J.A.C. 7:14A-15.10 (see [www.nj.gov/dep/dwq/714a.htm](http://www.nj.gov/dep/dwq/714a.htm)) and will subsequently summarize and respond to comments received upon issuance of a final permit.

The Department is interested in your comments on the preliminary draft permit. The preliminary draft permit, supporting documents and instructions for submitting comments are posted at [www.nj.gov/dep/dwq/tier\\_b\\_draft.htm](http://www.nj.gov/dep/dwq/tier_b_draft.htm). The deadline for submission of written comments on the preliminary draft permit is April 30, 2016.

[Back to Top]

## **17. How can the Department assist municipalities in navigating the Preliminary Draft Tier B MS4 NJPDES permit and its changes?**

The preliminary draft permit renewal and supporting information is available at [www.nj.gov/dep/dwq/tier\\_b\\_draft.htm](http://www.nj.gov/dep/dwq/tier_b_draft.htm). Information related to the formal permit renewal process will also be posted at this website. In addition, the Department has posted new material to support modified permit requirements for public education and outreach related to the training of municipal officials (see [www.njstormwater.org/training.htm](http://www.njstormwater.org/training.htm)) and for stormwater facility maintenance (see [www.njstormwater.org/maintenance\\_guidance.htm](http://www.njstormwater.org/maintenance_guidance.htm)).

[Back to Top]

## **18. What is new in the Preliminary Draft Tier B MS4 NJPDES permit renewal?**

The Department has reorganized and clarified permit conditions in the preliminary draft permit renewal in an attempt to make conditions easier to understand and implement. While the majority of permit conditions are retained from the Tier B MS4 master general permit that was issued and became effective in 2009, there are some new or modified permit conditions which include:

- Points System for Local Public Education and Outreach Activities (Attachment B) has been modified with additional options available to the municipality. For example, training for design engineers, municipal engineers, and other individuals that review stormwater management design

for development and redevelopment projects on behalf of a municipality are included as options for obtaining Local Public Education points. The Department has posted new material to support modified permit requirements for public education and outreach related to the training of municipal officials (see [www.njstormwater.org/training.htm](http://www.njstormwater.org/training.htm))

- A Major Development Stormwater Summary form (Attachment D) is required to be kept for newly proposed stormwater management measures. The form provides a concise overview of important criteria to assist municipalities in ensuring compliance with design and performance standards for stormwater management measures in major development. The form also provides the Department with a tool to assess whether a municipality is properly applying the Stormwater Management rule (N.J.A.C. 7:8, see [www.nj.gov/dep/rules/rules/njac7\\_8.pdf](http://www.nj.gov/dep/rules/rules/njac7_8.pdf)). The summary form need only be completed for stormwater management measures proposed after a Notice of Authorization (NOA) has been issued to operate/discharge under the renewed master general permit.
- While not new to Tier B Municipalities, stormwater facility maintenance requirements have been clarified. The preliminary draft permit renewal proposes language that makes it clear that municipalities must maintain stormwater facilities that they own or operate, and also continue to ensure maintenance of stormwater facilities that they do not own or operate and which are not subject to another NJPDES stormwater permit. The permit's maintenance requirements apply regardless of the age of the stormwater facility, consistent with the Stormwater Management rules. The preliminary draft permit renewal clarifies the requirements for recordkeeping related to stormwater facilities maintenance (see Attachment E). In order to assist municipalities with these tasks, the Department has developed improved maintenance logs and inspection forms which may be used by municipalities to track inspection and maintenance activities (see [www.njstormwater.org/maintenance\\_guidance.htm](http://www.njstormwater.org/maintenance_guidance.htm)).

The municipality is referred to Attachment A (Measurable Goals and Implementation Schedule) of the preliminary draft permit renewal for a detailed breakdown of all permit conditions and whether a condition exists in the 2009 permit, is modified or is a new condition.

[Back to Top]

### **19. Do municipalities need to maintain the new Major Development Stormwater Summary electronically?**

The new Major Development Stormwater Summary form can be found as Attachment D of the preliminary draft Tier B MS4 NJPDES permit renewal. The preliminary draft permit renewal requires that the municipality maintain a completed copy and make it available to the Department upon request. While not required to maintain this form electronically, the municipality is encouraged to do so. Municipalities are required to complete this form for major development applications after the effective date of their NOA. See [www.nj.gov/dep/dwq/tier\\_a\\_forms.htm](http://www.nj.gov/dep/dwq/tier_a_forms.htm).

[Back to Top]

### **20. How does EPA's electronic reporting rule impact this Preliminary Draft Tier B MS4 NJPDES Permit?**

The US Environmental Protection Agency has adopted new electronic reporting requirements that impact the method and type of information that municipalities are required to report (see 40 CFR Part 127). The Department has added language to Part II.C of the preliminary draft Tier B MS4 NJPDES permit renewal to address electronic reporting requirements. However, since the Department already collects Annual Report and Certification information from municipalities on-line, municipalities will continue to utilize the current reporting mechanism. If any additional data is required, the Department will revise the annual report forms accordingly. For more information regarding the EPA's electronic reporting rule, please refer to: <http://www2.epa.gov/compliance/final-national-pollutant-discharge-elimination-system-npdes-electronic-reporting-rule>.

[Back to Top]

## **21. Does the Preliminary Draft Tier B MS4 NJPDES permit renewal require any new local ordinances?**

The preliminary draft permit renewal does not require any new local ordinances be adopted by the municipality. If a Tier B Municipality has met the stormwater control ordinance requirement of the Tier B MS4 NJPDES permit that was issued and became effective in 2009, the Department does not anticipate that a municipality will have to readopt or amend the ordinance solely for the purposes of the Tier B MS4 permit renewal. This does not relieve a municipality from the requirement to keep all ordinances up-to-date with any legislative or regulatory changes that occur outside of this permit.

[Back to Top]

## **22. What is a Stormwater Coordinator and how does a municipality change their Stormwater Coordinator?**

This preliminary draft Tier B MS4 NJPDES permit renewal includes new language specifically intended to assist municipalities in properly delegating the role and responsibilities of the Stormwater Coordinator. The Stormwater Coordinator is either a principal executive officer or a ranking elected official of a Tier B Municipality. Municipal officials may assign this responsibility to a person that is already responsible for overall municipal stormwater facilities or municipal environmental matters. The Stormwater Coordinator is responsible for coordinating the permittee's implementation of the Stormwater program and Tier B MS4 NJPDES permit conditions; and coordinating completion, signing, dating and submission of an Annual Report and Certification. If a different individual has assumed the Stormwater Coordinator responsibilities, the Department must be notified of this change. This is accomplished through completion of the online MSRP Annual Report (instructions for filing this report are available at [www.nj.gov/dep/dwq/tier\\_a.htm](http://www.nj.gov/dep/dwq/tier_a.htm)) or by the completion and submittal of the Stormwater Coordinator Information Update Sheet form linked to [www.nj.gov/dep/dwq/msrp\\_home.htm](http://www.nj.gov/dep/dwq/msrp_home.htm).

[Back to Top]

## **23. Who certifies that municipally owned and operated stormwater facilities are functioning properly?**

As part of the Annual Report and Certification, the Stormwater Coordinator is responsible for certifying that municipally owned and operated stormwater facilities are functioning properly. Stormwater facilities that are properly designed, built, and maintained are an important component in addressing water quality and flooding issues.

[Back to Top]

## **24. Who certifies that stormwater facilities not owned and operated by the municipality are functioning properly?**

As part of the Annual Report and Certification, the Stormwater Coordinator certifies that the municipality has ensured that stormwater facilities not owned and operated by the municipality, and not subject to another NJPDES permit, are functioning properly or describes enforcement actions taken by the municipality to ensure that the stormwater facility owner performs required maintenance.

[Back to Top]

## **25. Have the stormwater facility maintenance requirements changed?**

The preliminary draft Tier B MS4 NJPDES permit renewal adds the requirement that municipalities maintain paper and/or electronic copies of all maintenance plans for stormwater facilities that they approve. The maintenance requirements have not changed but have been clarified. The new permit language makes it clear that municipalities must still maintain stormwater facilities that they own or operate, and also continue to ensure maintenance of stormwater facilities that they do not own or operate and which are not subject to another NJPDES stormwater permit. The permit's maintenance requirements apply regardless of the age of the stormwater facility, consistent with the Stormwater Management rules. In order to assist municipalities with this task, the Department has developed improved maintenance logs and inspection forms which may be used by the municipality to track inspection and maintenance activities (see [www.njstormwater.org/maintenance\\_guidance.htm](http://www.njstormwater.org/maintenance_guidance.htm)).

[Back to Top]

## **26. Are there new options for public education and outreach?**

Yes. While the preliminary draft permit renewal has retained the public education program and points system from the Tier B MS4 NJPDES permit that was issued and became effective in 2009, the points system has been significantly expanded to include updated options such as social media outreach, more action-oriented activities like volunteer stream monitoring, and new topics including green infrastructure. Additionally, training for both engineers and other reviewers of stormwater management designs may contribute to the point total. Note that the annual point total requirement has also been increased from 10 points to 12. The municipality is referred to Attachment B (Points System for Public Education and Outreach Activities) in the preliminary draft permit renewal for additional information on the annual point total requirement.

[Back to Top]