

## Guidelines for the Creation, Implementation, and Adoption of Regional Stormwater Management Plans for 319(h) Applicants

A Regional Stormwater Management Plan (RSWMP) is a water resource management strategy that identifies and develops solutions to problems that can be managed on a regional basis. A RSWMP, by definition and law, must be a participatory process and requires the creation of a broadly representative regional planning committee. The RSWMP must address stormwater-related water quality, groundwater recharge and/or water quantity impacts of new and existing land uses in a regional stormwater management planning area and shall be developed on a drainage area basis. The drainage areas specific stormwater management measures, including the proposed design and performance standards, must be at least as protective as would be achieved under NJAC 7:8-5 when considered on a regional planning area basis. Once a RSWMP is completed, the lead planning agency shall submit the plan to the Department (and if appropriate, to the designated planning agency or agencies) under the Water Quality Management Planning Rules at N.J.A.C. 7:15-3.4 as a request to amend the areawide water quality management (WQM) plan or plans.

In order to facilitate the creation, implementation, and adoption of RSWMP, the following guidance is offered to clarify the steps that need to be carried out in this process. Please be aware that this guidance is presented solely to elucidate the process necessary in RSWMP development. Should there be any discrepancy between this document and the proposed or adopted Stormwater Management Rule found at N.J.A.C. 7:8, the rule will govern. The rule as well as Chapter 3 of the February 2004 *New Jersey Stormwater Best Management Practice Manual* can be found on the Division of Watershed Management's website at <http://www.state.nj.us/dep/watershedmgt/rules.htm>.

As the grantee, you shall be the entity that will establish the Regional Stormwater Management Committee, which will designate the Lead Planning Agency (LPA).

1. The entity seeking to establish a RSWM Committee must invite the following people within the drainage area of the RSWM planning area to become members of the RSWMP committee:
  - Municipal representatives including technical and administrative staff
  - Interstate agencies
  - Counties
  - Soil Conservation Districts
  - Designated Planning Agencies under N.J.A.C. 7:15
  - Regional Agencies and Regional Environmental Commissions
  - Public Water Supply and Wastewater treatment Utilities and Agencies
  - Watershed Associations
  - Lake Associations
  - Watershed Management Planning Area Public Advisory Committees
  - Environmental Organizations
  - Businesses

- NJDEP
  - Other Appropriate State and Federal Agencies
- a. The RSWMP Committee through the LPA shall:
    - Develop drainage area specific water quality, groundwater recharge, and water quantity objectives
    - Develop drainage area specific design and performance standards
    - Select stormwater measures to be implemented with and explanation for each measure elected
    - Prepare the RSWMP
    - Perform activities to facilitate the RSWMP process including providing technical assistance, finances, mediation, etc.
  - b. The Grantee must submit a request for the recognition of the RSWMP Committee to the project manager that must include the following information:
    - A draft work plan and schedule for completing a RSWMP
    - A copy of the mailing list of persons invited to participate in the committee
    - A copy of the letter of invitation to participate in the committee that explains the process and purpose of the RSWMP
    - A copy of the response to each letter
    - If no response has been received from a public entity within 60 days, a follow-up request shall be sent by certified mail, return receipt requested, and copies of the receipt shall be submitted
  - c. The Department will approve, deny, or request revisions to request for recognition within 45 days.
2. A RSWMP must include the following elements:
    - a. Name of the LPA and a description of members and structure of the committee
    - b. Statement of authority to develop and implement stormwater management plans from each public entity on the committee
    - c. Characterization and Assessment of the RSWM planning area per NJAC 7:8-3.4.
    - d. Drainage area-specific water quality, groundwater recharge, and water quantity objectives
    - e. Drainage area-specific water quality, groundwater recharge, and water quantity performance standards
    - f. Stormwater management measures to be implemented with the rationale for each measure selected
    - g. Description of strategy for implementation and evaluation of the stormwater management measures identified in the plan
    - h. Discussion of the majority and minority positions on any element of the plan on which consensus by the committee was not reached

A RSWMP may also include innovative stormwater strategies such as pollutant trading, mitigation strategies, or special protection measures like a stream corridor protection plan to address the protection of areas adjacent to waterbodies. Other possible elements to include in the RSWMP are requirements of Municipal Stormwater Management Plans such as mitigation plans or the buildout analysis not included as requisites of the RSWMP.

3. The Characterization and Assessment must include, at a minimum, the following information, unless it is clearly demonstrated that any of the following items are not appropriate for a specific RSWMP.

- a. Mapping:

- Area defining the RSWMP
- Municipal, county, and boundaries of other agencies responsible for implementing stormwater management in the drainage area
- Existing and projected land uses assuming full development under existing zoning within this area, as it relates to identifying sources of water quality, quantity, and groundwater recharge impacts
- Soils, topography, waters, coastal and freshwater wetlands, flood hazard areas, groundwater recharge and well head protection areas
- Environmentally constrained and critical areas
- Designated Wild and Scenic Rivers
- Names and Surface Water Quality Classifications of each water body in the drainage area
- Man-made stormwater conveyances, storage and discharge systems including outfall pipes and the drainage area of outfalls, as appropriate
- Potable surface water intakes and public water supply reservoirs
- Map of the jurisdictional boundaries of entities with responsibility for stormwater management implementation within the RSWMP Area

- b. Analysis of drainage area:

- Collection and/or creation of physical information pertinent to the development of drainage area-specific models to address stormwater quality, quantity, and/or stormwater impacts on groundwater recharge. The use of existing information is encouraged, including GIS information from the Department or information developed through the watershed planning process. However, some information necessary for the analysis of the drainage area, such as details of hydraulic control structures or specific monitoring information, may need to be developed by the RSWMP Committee, the LPA, or their consultants.
- Drainage-area specific models to address stormwater quality, quantity, and/or stormwater impacts on groundwater recharge based on full development.
- Identification and evaluation of existing regulations for stormwater quality, quantity, and/or stormwater impacts on groundwater recharge, including TMDLs.
- Summary of useful, but unavailable information.

- The drainage area analysis must contain information on areas outside the planning area that drain into the planning area.
- c. Assessment of analysis results:
- Inventory existing and potential pollutants and sources of pollutants.
  - Identify designated uses that may be affected by the stormwater pollutants, and for those pollutants, identify the sources. The use of the Department's Integrated List is encouraged.
  - Identify and rank the most significant existing and potential pollutants, and for each pollutant, identify and rank the sources.
  - Identify and rank the most significant stormwater quantity and stormwater-related groundwater recharge impacts. (Problems include but are not limited to, flooding, erosion, mosquitoes, base-flow reduction, groundwater depletion, and associated ecosystem impacts. Problems shall be ranked based on threat to public health, safety and welfare due to flooding; risk on water supplies; and risk to the health of the stream.).
4. The RSWMP must identify the drainage area specific water quality, water quantity, and groundwater recharge objectives. The objectives must address the issues ranked above for new and existing land uses.
    - The objectives shall, at a minimum, provide the same protection as the statewide minimum measures in the proposed Stormwater Management Rules at N.J.A.C. 7:8.
    - If a TMDL has been established, drainage area objectives must include TMDL loading reductions. If it is on the Department's sublist 5 of the Integrated List, it must address pollutants for which it is listed.
  5. The RSWMP must identify drainage area specific design and performance standards to meet the stated objectives.
    - The standards must include drainage-area specific design and new performance standards for stormwater quality, stormwater quantity, and groundwater recharge that must afford at least as much protection that is offered in the Stormwater Management Rules under NJAC 7:8-5. (Note: The plan may choose to utilize the design and performance standards in NJAC 7:8-5 to meet for stormwater quality, stormwater quantity, and groundwater recharge.)
    - Any specific stormwater management measures identified in the plan must be included.
    - The design and performance standards do not have to be uniform throughout the drainage area.
  6. The RSWMP shall identify stormwater management measures to achieve the stated objectives for new and existing land uses.
    - Stormwater management measures for existing land uses include, but are not limited to, retrofit, removal of illicit discharges, prevention of exposure of pollutants to stormwater, and floatables control.

- Stormwater management measures that protect land or water areas that impact water quality, water quantity, and groundwater recharge areas. (For example, open space plans, buffer zones, pretreatment areas)
  - Public education as a measure to address stormwater quality, quantity, and/or groundwater recharge.
  - A written rationale for each measure must be included.
  - Each measure shall include a long term implementation schedule; preventative and corrective maintenance and identification of the responsible party.
7. The RSWMP shall include a strategy for implementing the measures in the plan. The plan shall identify the entity responsible for coordinating and tracking the implementation of the measures.
- The implementation strategy identifies the measures (including monitoring) in the plan, the entity who needs to implement measures, and the method by which the measures will be implemented (for example, new ordinances or construction).
  - Establish a schedule for the implementation.
  - Provide an estimate of costs, and anticipated funding.
  - The strategy must include monitoring and the re-evaluation of the plan every 5 years, and the update as necessary.
8. In order to take effect, the RSWMP must be reviewed and adopted by the Department.
- The LPA shall submit the plan to the Department (and water quality management planning agency, if applicable) based on the WQM Planning Rules at N.J.A.C. 7:15.
  - The Department will review the project for compliance with the requirements under the Stormwater Management Rules.
  - Modifications shall be processed as an amendment of revision under N.J.A.C. 7:15.
9. The specific requirements of the plan will supersede any stormwater management requirements of the Stormwater Management Rules for new development.
- The Department will use the RSWMP for stormwater review under the Coastal Permit Program, Freshwater Wetlands, CAFRA, Stream Encroachment, NJPDES, and Dam Safety. In addition, the individual programs may have additional requirements.
  - Each municipality must incorporate the requirements of the RSWMP into their municipal stormwater management plan and ordinances.
  - The Residential Site Improvement Standards (that are the requirements for stormwater review of residential developments) states that in N.J.A.C. 5:21-7.5(d) 4, that stormwater management plans regulated under RSIS must conform to the RSWMP.
  - The Department shall not issue a permit that conflicts with the Areawide Water Quality Management Plan.

