

**Stormwater Management Rules Advisory Group
New Jersey Department of Environmental Protection
2:00- 4:00 p.m., March 22, 2011, Trenton, NJ**

NJDEP staff met with members of the Stormwater Management Rules Advisory Group on March 22, 2011 for the third time. The goal of the meeting was to prioritize the list of recommended revisions from our external stakeholders for rule readoption.

Barry Chalofsky, Chief, Bureau of Nonpoint Pollution Control welcomed the group. Dates for the next two meetings were proposed and discussed. The next meetings will be held on April 14, 2011, 12:30-2:30 PM and May 5, 2011 2-4 PM.

At the first two meetings, the group established a working list of Broad Policy Issues. This list was expanded at this meeting to include the italic items in the list below. At the March 1st meeting, the group was charged with determining the top 5 priorities for their respective organizations. The priorities were discussed and correlated with the respective Broad Policy Issue; see number following the “top priority” below under Organizational Priorities.

After reviewing the priorities, the Department determined that the Broad Policy Issue regarding threshold must be addressed before the other priorities, since they related to the threshold issue. The next Broad Policy Issues of focus are as follows:

- 2: Create new standards for redevelopment projects,
- 4: Provide specific requirements and greater flexibility for nonstructural strategies, and
- 6: Resolve conflicting requirements between Stormwater Management Rules and other State and Regional Regulations.

Reexamine the threshold for the rules

Reexamining the threshold for the rule was discussed and a tentative decision was made. 1 acre of disturbance will be the new threshold for the rule provided that the nonstructural requirements that are used to address water quality and quantity must be improved. The nonstructural issues and potential revisions will be discussed at the April 14th meeting.

ATTENDEES

American Littoral Society	Helen Henderson
Association of New Jersey Environmental Commissions	Sandy Batty
Clean Ocean Action	Heather Saffert
Delaware Riverkeeper	John Miller
National Association of Industrial and Office Properties	William Harrison
New Jersey Builders Association	Tony DiLodovico
New Jersey Business and Industry Association	Sara Bluhm
New Jersey Conservation Foundation	Leslie Sauer
New Jersey Society of Municipal Engineers	Richard Moralle
New Jersey State Association of County Engineers	John Risko
NJDA– State Soil Conservation Committee	John Showler
NJDCA – Division of Codes and Standards	John Lago

NJDEP - Bureau of Nonpoint Pollution Control	Barry Chalofsky
NJDEP - Bureau of Nonpoint Pollution Control	Ed Frankel
NJDEP - Bureau of Nonpoint Pollution Control	Sandy Blick
NJDEP - Bureau of Nonpoint Pollution Control	Sheri Shiffren
NJDEP - Bureau of Nonpoint Pollution Control	Elizabeth Dragon
NJDEP - Water Resources Management	Michele Putnam
NJDEP - Water Resources Management	Betty Boros-Russo
NJDOT – Division of Environmental Resources	Paula Scelsi
Pinelands Preservation Alliance	Jaclyn Rhoads
Site Improvement Advisory Board	Robert C Kirkpatrick
Watershed Association Representative	Jennifer Coffey, SBMWA
Watershed Association Representative	Peggy Snyder, CCSPWA

BROAD POLICY LIST

1. Reexamine the threshold for the rules.
 - i. 1 acre disturbance vs. .25 acre impervious
 - ii. Impervious definition – **Refer to BMP Committee**
2. Create new standards for redevelopment projects.
 - i. Nonstructural, water quality, water quantity and recharge
 - ii. Roadway and Bridges– **Need different criteria for new vs. redevelopment**
 - iii. Development
3. Expand exemptions/waivers criteria.
 - i. Linear development – **Use low maintenance vegetation for revegetation**
 - ii. Stream cleaning
 - iii. Protection from pollutants in sensitive areas
 - iv. Mitigation
 - v. Above Ground utility
 - vi. Pedestrian access using pervious material
4. Provide specific requirements and greater flexibility for nonstructural strategies.
 - i. Use of Nonstructural Stormwater Management Strategies Point System
 - ii. Cluster, center-based development, etc.
5. Clarify technical requirements for water quantity calculations.
 - i. Clarify infiltration calculations for outlet
 - ii. Peak and volumes
 - iii. Rational Method
 - iv. Emergency spillway – **Decision reached - just need to provide**
6. Resolve conflicting requirements between Stormwater Management Rules and other State and Regional Regulations.

- i. Pinelands Comprehensive Management Plan / NJPDES Permit
 - ii. Industrial NJPDES permit
 - iii. *Soil Erosion and Sediment Control Standards,*
 - iv. *CSO requirements*
 - v. *DRCC requirements*
 - vi. *FHA riparian zone requirements*
 - vii. *NJDOT*
- 7. Strengthen water quality requirements by adding new pollutants [to be regulated].
 - i. Nutrients – phosphorus, nitrogen
 - ii. Threshold through pollutant loading instead of impervious
- 8. Strengthen Department guidance through Technical Manual creation.
 - i. Items that will never change put in rule – recommend to BMP Committee
- 9. Maintenance
 - i. Deed requirements
- 10. Regional Planning
 - i. Cumulative impact
 - ii. TMDL relation with regulations
 - iii. High water quality waterways
- 11. *Grandfathering*
 - i. *Category 1*

ORGANIZATIONAL PRIORITIES

NJDOT top 5 priorities:

- Reexamine the threshold for the rules -1
- Create new standards for redevelopment projects -2
- Expand exemptions/waivers criteria -3
- NJDOT self-review of stormwater management compliance - 6
- Grandfathering of projects if a waterway is reclassified as Category 1 - 11

Stony Brook-Millstone Watershed Association top 5 priorities:

- 1. Redevelopment criteria - both quality and quantity and issues -2.1
- 2. Cluster development -4ii
- 3. More consistent and frequent use of non-structural strategies/point system -4i
- 4. Threshold for rule - clarification re: single family homes -1i
- 5. Resolve conflicting requirements between Stormwater Management Rules and other State and Regional Regulations. -6

Clean Ocean Action

New Jersey Environmental Federation

**Association of New Jersey
Environmental Commissions**

American Littoral Society

Pinelands Preservation Alliance

**Stony Brook-Millstone Watershed
Association**

Princeton Hydro

Above Organizations top 5 priorities:

1) Add requirements specific to reducing nitrogen and phosphorus pollution from all areas (new construction, redevelopment, and existing development), including mandatory groundwater recharge and stormwater runoff standards. – 7, 4

2) Add and improve sediment reduction requirements for all areas (new construction, redevelopment, and existing development), including mandatory stormwater runoff standards. -7, 4

3) Add requirements and control standards for reducing stormwater volumes. -5, 4

In support of 1-3 above, improve non-structural point system, require non-structural and low impact development strategies, and strengthen vegetation buffer and slope protection and requirements.

4) Resolve conflicts and improve coordination and compliance with other rules so that stormwater management can be better achieved (Strengthen municipal reporting and NPDES compliance/enforcement requirements, Strengthen land use, transportation, and zoning requirements, Improve coordination and enforcement issues between TMDLs and stormwater regulations.) -6

5) Account for cumulative impacts of new construction and redevelopment with existing conditions and future build-out. -10

NJBA's top 5 priorities are:

1. The Department needs to implement this rule solely through the NJPDES Municipal Stormwater Permits and must stop performing stormwater management reviews in its various land use permitting programs. The rule is currently written as a cross between a municipal ordinance and a State Permitting Program regulation. To ensure efficiency, the rule needs to be written for implementation through municipal ordinances. The next comment addresses other NJPDES Permittees. -6

2. The current rule is written to address developments and does not work for roads and bridges. Separate requirements are needed for roads and bridges and those requirements need to be written for implementation through municipal, county and state entities' certifications. -2ii

3. Blatant inconsistencies with other State regulations such as soil erosion and sediment control standards, previous Pineland CMP requirements, CSO requirements, DRCC requirements, FHA riparian zone requirements, etc. must be eliminated. -6

4. Non-structural strategies are planning issues and not design standards and reviewing such strategies on a project-by-project basis is unworkable. Municipal zoning and land use ordinances should address these non-structural strategies and how they are to be implemented on projects. If the Department insists on mandating these subjective strategies as project specific design requirements than more work is needed on finalizing the point system which currently penalizes commercial, cluster and high density development as well as those projects that incorporate locational and rule trigger related non-structural strategies upfront prior to detailed site design. -4

5. The rule needs to encourage development in growth areas. -2iii