



Frequently Asked Questions
Tier B Municipal Separate Storm Sewer System (MS4) NJPDES Permit
NJ0141861
November 9, 2017

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 permit renewal which is the subject of this FAQ, and supporting information, is available at http://www.nj.gov/dep/dwq/tier_b.htm.

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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).

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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 municipalities assigned to Tier B and 461 municipalities assigned to Tier A. 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). 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.

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

The Tier B MS4 NJPDES master general permit (NJ0141861) primarily 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 a stormwater management plan and enforce 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.

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4. 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.cleanwaternj.org/.

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5. What is the purpose of the Tier B MS4 NJPDES permit?

The NJPDES 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 implement 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/). Stormwater discharges from MS4s are required to be regulated through federal (40 CFR Part 122) and state rules (N.J.A.C. 7:14A- 25, see www.nj.gov/dep/dwq/714a.htm).

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6. Was there a process for public comment on the draft Tier B MS4 NJPDES permit renewal?

The draft permit provided interested parties with an opportunity to provide the Department with comments prior to the issuance of a decision on the final permit. This comment period provided the Department with an opportunity to consider and possibly resolve some issues raised by interested parties prior to the issuance of a decision on the final permit. After the close of the public comment period, the Department responded to all significant and timely comments upon issuance of the final document. The permittees and all other individuals and entities who submitted written comments will receive notice of the Department's decision. Procedures for public comment are specified in the NJPDES Rules at N.J.A.C. 7:14A-15.10 (see www.nj.gov/dep/dwq/714a.htm).

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7. Was there stakeholder input in the development of the Draft Tier B MS4 NJPDES permit renewal?

Yes. In an effort to improve overall effectiveness and efficiency of the Tier A and Tier B MS4 NJPDES permit renewal process and to maximize stakeholder input, the Department released preliminary draft permits and conducted extensive outreach for stakeholders in the preparation of the draft permit. Stakeholder meetings were held to present the major concepts of the permit and included the League of Municipalities, Clean Water Council, US EPA Region 2, Stonybrook Millstone Watershed Association, Environmental Groups, NJ Society of Municipal Engineers, NJ Association of Counties, and Whippany River Watershed Action Committee. Additionally, the Department held small group workshops with municipal permittees in an effort to explain and gather feedback about proposed permit conditions. Notification of such workshops was provided via e-mail invitation to all stormwater coordinators and mayors in New Jersey's permitted municipalities. A total of 230 municipalities attended the small group workshops.

The Tier B MS4 NJPDES permit was released as both a preliminary draft and as a draft. Comments received during the public comment period were considered in the preparation of the final permit. Additional stakeholder input in the form of written comments were accepted and considered by the Department during the draft permit comment period. A public hearing was also held to receive comments on the draft permit.

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8. What is new in the Tier B MS4 NJPDES permit renewal?

The Department has reorganized and clarified permit conditions in the 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:

- Improved maintenance language intended to ensure proper function of stormwater facilities; to ensure proper maintenance of privately owned and operated stormwater facilities at developments approved by the municipality; and to specify that the contents of any inspection and maintenance logs include specific information including the location of the facility inspected. See FAQ 26 for additional details about maintenance requirements.

- 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)
- A Major Development Stormwater Summary form (Attachment D) is required to be kept for 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). The summary form need only be completed for stormwater management measures reviewed by the municipality after the renewal of the permit.

The municipality is referred to Attachment A (Measurable Goals and Implementation Schedule for Tier B Permittees) of the 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.

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9. How will the Department assist municipalities in navigating the Tier B MS4 NJPDES permit and its changes?

The Tier B MS4 NJPDES permit and supporting documents are available at http://www.nj.gov/dep/dwq/tier_b.htm. Here you can find a crosswalk which provides a detailed comparison of changes from 2009 to the final permit as well as Frequently Asked Questions, the Tier B Guidance Document, and other guidance materials. 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) and for stormwater facility maintenance (see www.njstormwater.org/maintenance_guidance.htm).

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10. Does the Tier B MS4 NJPDES permit regulate privately owned streets, basins, and storm drains?

Yes. Stormwater facilities owned by commercial interests or by homeowner 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. 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 a stormwater discharge permit other than the Tier B MS4 NJPDES permit.

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11. 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 continuously maintain stormwater management plans and enforce stormwater control ordinances. New Jersey's Stormwater Management rule, N.J.A.C. 7:8, establishes the minimum standards for stormwater management design for new development and redevelopment projects. Municipalities must adhere to these standards when reviewing such projects for local approval. Specifically, the Stormwater Management rule requires compliance with minimum standards for

stormwater runoff quantity, water quality, and groundwater recharge. The design and performance standards of the Stormwater Management rule are implemented for major development by the municipalities under the authority of Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) through the municipality's stormwater control ordinances adopted with the Municipal Stormwater Management Plan. Furthermore, the design and performance standards of the Stormwater Management rule are incorporated by reference in the Residential Site Improvement Standards (RSIS, N.J.A.C. 5:21-7), which apply to residential developments. The Stormwater Management rule also requires the Tier B municipality to ensure that stormwater management measures are properly operating and maintained. This Tier B MS4 NJPDES permit requires municipalities to implement a stormwater management program that includes implementation of the Stormwater Management rule at the local level. The Stormwater Management rule can be viewed at www.nj.gov/dep/rules/rules/njac7_8.pdf.

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12. 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).

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13. 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 Notice of Authorization (NOA) without submitting a renewal application (known as a Request for Authorization or RFA). For a listing of each municipality and their current designation, please refer to www.nj.gov/dep/dwq/msrp_home.htm.

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14. 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 most 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 addressing stormwater related pollutants, 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. See also FAQ 13.

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15. What happens after the Final Tier B MS4 NJPDES permit is issued?

The Department will issue a Notice of Authorization (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.

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16. What are municipalities' timelines for complying with any new Tier B MS4 NJPDES permit requirements?

Timelines vary depending on the permit requirement and whether the municipality is an existing or new permittee. Existing permittees are those municipalities who had previously received a Tier A or Tier B permit and should refer to Attachment A (Measurable Goals and Implementation Schedule for Tier B Permittees) of the permit renewal for a detailed breakdown of permit conditions and compliance timelines.

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

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), 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/ (instructions available at www.nj.gov/dep/dwq/tier_b.htm).

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18. How does EPA's electronic reporting rule impact the Annual Report and Certification?

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 Tier B MS4 NJPDES permit to be consistent with this federal rule. 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>.

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19. Does the Tier B MS4 NJPDES permit renewal require any new local ordinances?

The permit renewal does not require any new local ordinances to 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.

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20. What is a Stormwater Coordinator and how does a municipality change their Stormwater Coordinator?

This 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 as required at N.J.A.C. 7:14A-4.9(a)3. Municipal officials may assign this responsibility to a person that is already responsible for overall municipal stormwater facilities or municipal environmental matters as allowed at N.J.A.C. 7:14A-4.9(b). 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) or by the completion and submittal of the Stormwater Coordinator Information Update Sheet form linked to www.nj.gov/dep/dwq/msrp_home.htm.

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21. 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.

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22. 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.

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23. Do municipalities need to maintain the new Major Development Stormwater Summary electronically?

No, but it is encouraged. The new Major Development Stormwater Summary form can be found as Attachment D of the Tier B MS4 NJPDES permit renewal. The renewal permit 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 Notice of Authorization (NOA). See www.nj.gov/dep/dwq/tier_a_forms.htm.

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24. Have the stormwater facility maintenance requirements changed?

Yes. The Tier B MS4 NJPDES permit renewal adds the requirement that municipalities maintain paper and/or electronic copies of all Maintenance Plans (as defined in the permit) for stormwater facilities that they approve. Municipal stormwater facility maintenance requirements date back to New Jersey's 1983 Stormwater Management Rules (N.J.A.C. 7:8) and were included in both the 2004 and 2009 versions of the Tier B MS4 NJPDES permit. The maintenance requirements have been clarified to specify that the municipal inspection and maintenance log include the stormwater facility location information of the facility inspected (location information must be specific enough to locate and identify the stormwater facility in the field; e.g. geographic coordinates). The new permit language makes it clear that municipalities must still maintain stormwater facilities that they own or operate, and continue to ensure (through enforcement of existing ordinances) maintenance of stormwater facilities that they do not own or operate and which are not subject to another NJPDES stormwater permit. The permit clarifies that municipalities ensure proper operation and maintenance of stormwater facilities that they do not own or operate and that were approved by the municipality since March 7, 1984. To assist municipalities with this task, the Department has developed example 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). The Department has created a free to use “application” or “app” that Tier B municipalities have the option of using to collect location information during routine stormwater facility inspections.

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25. Are there new options for public education and outreach?

Yes. While the 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 permit renewal for additional information on the annual point total requirement.

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