

Checklist for County Review of Municipal Stormwater Management Plans and Stormwater Control Ordinances



New Jersey Department of Environmental Protection

January 2021

Municipality: _____

The municipal stormwater management plan (MSWMP) is a required element of the Tier A and Tier B Municipal Separate Storm Sewer System (MS4) General Permits issued by the New Jersey Department of Environmental Protection (Department). These permits have been issued in accordance with municipal stormwater requirements mandated by the United States Environmental Protection Agency (USEPA) and the state regulations at N.J.A.C. 7:14A. Each municipal planning board is required to adopt and maintain a current municipal stormwater management plan (MSWMP) consistent with the provisions of N.J.A.C. 7:8-2 and N.J.A.C. 7:8-4.

The following checklist is provided to assist municipalities in the development and amendments to keep current the required MSWMPs and Stormwater Control Ordinances (SCO), and to assist counties in their review. The checklist incorporates items that are required under the Stormwater Management rules at N.J.A.C. 7:8-2 and N.J.A.C. 7:8-4, as well as items that are recommended for inclusion into MSWMP's. In reviewing the adopted plan and ordinance(s), the county review agency shall consider whether the MSWMP and ordinance(s) conform to the requirements of the Department's Stormwater Management rules at N. J. A. C. 7:8.

The Department strongly encourages municipalities to communicate with the county review agencies throughout the development and revisions of MSWMPs and SCOs. This may reduce the risk that the county review agency will disapprove, or require amendments to, the adopted plan and ordinance(s).

As required by the County Planning Act at N.J.S.A. 40:27-4 (also see N.J.S.A. 40:55D-13), the municipality must forward a copy of any **proposed** municipal stormwater management plan (or amendment to that plan) to the county planning board for review and report **at least 20 days prior to the date of the public hearing** held by the municipal planning board. The municipality must also transmit, within 30 days after adoption, a copy of any **adopted** municipal stormwater management plan (or amendment to that plan) to the county planning board for its information and files (even if the county planning board is not the "county review agency").

As required by the Municipal Land Use Law at N.J.S.A. 40:55D-15.b and -16, the municipality must provide a copy of any proposed SCO (or amendment) to the county planning board at least 10 days prior to the date of the public hearing held by the municipal governing body. The municipality must also file a copy of any adopted SCO (or amendment) with the county planning board (even if the county planning board is not the "county review agency").

In addition to the above notification of the county planning boards of any actions or pending actions regarding MSWMPs and the SCOs, the municipality must also submit copies of the adopted MSWMPs and SCOs to the county review agency designated by the Board of Chosen Commissioners for review in accordance with N.J.A.C. 7:8-4.4.

Municipal Stormwater Management Plan

The Department and the Pinelands Commission are in the process of updating the model SCO for municipalities (or portions thereof) within the Pinelands Area.

General: *Although not mandatory, every plan should include an introduction to identify why the plan is being prepared, a discussion on stormwater management issues, and a description of the municipality. The plan is required to describe how the goals of stormwater management planning at N.J.A.C. 7:8-2.2 are achieved, and it is beneficial to also include the list of the goals in the municipal plan.*

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| YES | NO | Introduction: Does the plan contain an introduction that identifies why the plan is being amended and a summary of the contents of the plan [N.J.A.C. 7:8-4.2(a)]? |
| YES | NO | General Discussion: Does the plan contain a general discussion on stormwater management including a brief description of each of the following [N.J.A.C. 7:8-4.2(a)]? |
| YES | NO | Hydrologic cycle (written description and figure)? |
| YES | NO | Water quantity issues associated with development and impervious surfaces? |
| YES | NO | Groundwater recharge issues associated with development and impervious surfaces? |
| YES | NO | Water quality issues associated with development and impervious surfaces? |
| YES | NO | Description of Municipality: Does the plan contain a general description of the municipality including a brief description of each of the following? |
| YES | NO | Size of the municipality in square miles? |
| YES | NO | Population and population trends in the municipality? |
| YES | NO | List or map of waterways? |
| YES | NO | Health of these waterways – chemical, physical and biological? |
| YES | NO | Are any of the waterways on the New Jersey Integrated Water Quality Monitoring and Assessment Report (305(b) and 303(d)) (Integrated List)? |
| YES | NO | Are Total Maximum Daily Loads (TMDLs) being prepared or have they been prepared for any of the impaired waterways in the municipality? |

YES NO Does the plan describe how the goals set forth at N.J.A.C. 7:8-2.2 will be achieved?

1. Reduce flood damage, including damage to life and property;
2. Minimize, to the extent practical, any increase in stormwater runoff from any new development;
3. Reduce soil erosion from any development or construction project;
4. Assure the adequacy of existing and proposed culverts and bridges, and other instream structures;
5. Maintain groundwater recharge;
6. Prevent, to the greatest extent feasible, an increase in nonpoint pollution;
7. Maintain the integrity of stream channels for their biological functions, as well as for drainage;
8. Minimize pollutants in stormwater runoff from new and existing development in order to restore, enhance and maintain the chemical, physical, and biological integrity of the waters of the State, to protect public health, to safeguard fish and aquatic life and scenic and ecological values, and to enhance the domestic, municipal, recreational, industrial and other uses of water; and
9. Protect public safety through the proper design and operation of stormwater management basins.

Consistency with Other Plans and Regulations

Name all other stormwater management plans and TMDLs related to the river basin(s) or drainage area(s) in which the municipal stormwater management plan applies, including regional stormwater management plans. *Information regarding adopted Regional Stormwater Management Plans and adopted TMDLs is available from the NJDEP Division of Watershed Management.*

YES NO Is there a description of how the MSWMP coordinates with the stormwater management plans and TMDLs discussed above?

YES NO Is the plan consistent with all adopted Regional Stormwater Management Plans (RSWMP) within the municipality?

YES NO If a RSWMP is being developed, but has not yet been adopted, does the plan address the coordination with the RSWMP committee?

YES NO Is the plan consistent with all adopted TMDLs for water bodies within the municipality?

YES NO Is the plan consistent with the Residential Site Improvement Standards (RSIS) N.J.A.C. 5:21 where applicable?

YES NO Is there a description of the coordination of the plan with the local Soil Conservation District?

Mapping

- YES NO Does the plan contain the required mapping?
- YES NO Map of the water bodies in the municipality based on the Soil Survey from the U.S. Department of Agriculture, the U.S. Geological Survey Topographic Map – 7.5 minute quadrangle series, or other sources of similar detail [N.J.A.C. 7:8-4.2(c)2.]?
- YES NO Map of groundwater recharge areas [N.J.A.C. 7:8-4.2(c)3.]?
- YES NO Map of wellhead protection areas [N.J.A.C. 7:8-4.2(c)3.]?

Consistency with N.J.A.C. 7:8-5 and 7:8-6

- YES NO Does the plan include the stormwater control ordinance(s) that is recommended by the NJDEP? A sample stormwater control ordinance is provided in Appendix D of the NJ Stormwater BMP Manual. *A sample stormwater control ordinance for municipalities in the Pinelands Area is being prepared in coordination with the NJDEP.*
- YES NO Does the plan include a recommended stormwater control ordinance(s) that includes the same substantive requirements as the ordinance recommended by NJDEP, but, for example, is in a different format or includes additional municipal requirements? *A comparison of the recommended NJDEP ordinance and the proposed municipal stormwater control ordinance should be submitted as part of the plan.*
- YES NO Does the plan discuss how the design and performance standards of N.J.A.C. 7:8-5, or alternative design and performance standards adopted as part of a regional stormwater management plan or water quality management plan, are incorporated?
- YES NO Does the plan discuss how adequate long-term operation as well as preventative and corrective maintenance of stormwater management measures will be ensured? *Should discuss compliance and enforcement actions to be taken by the municipality in the event of non-compliance.*
- YES NO Does the plan discuss how the Safety Standards for Stormwater Management Basins, as outlined in N.J.A.C. 7:8-6, will be incorporated?

Additional Provisions: *The following provisions are not mandatory, but should be considered in the development of the municipal stormwater management plans.*

- YES NO Does the plan recommend specific ordinances or measures (such as pretreatment) to protect wellhead protection areas to minimize the infiltration of pollutants into aquifers?
- YES NO Mitigation Plan: Does the plan include a mitigation plan that identifies what measures are necessary, potential mitigation projects, and/or criteria to evaluate mitigation projects that can be used to offset the deficit created by granting a variance in accordance with N.J.A.C. 7:8-4.6 from the design and performance standards presented in N.J.A.C. 7:8-5? *Note: A mitigation plan is necessary only if the municipality wishes to grant variances or exemptions from the design and performance standards.*
- YES NO Does the plan include a Stream Corridor Protection Plan?
- YES NO Have any areas of the municipality served by a combined sewer system (CSS) or a separate storm sewer system hydraulically connected to a CSS been identified?
- YES NO If within an area served by a CSS or separate storm sewer system hydraulically connected to a CSS, in accordance with N.J.A.C. 7:8-4.2(c)14, has a community basin or basins been established to be used towards meeting water quantity standards for any developments?

Municipal Stormwater Management Plan Element

Municipal Stormwater Management Plan Elements Checklist

- YES NO Does the plan document that there is less than one square mile (640 acres) of vacant or agricultural land available for development within the municipality?
 - YES NO Does the documentation include an existing land use map at an appropriate scale to display the land uses of each parcel within the municipality displaying the following land uses: residential (which may be divided into single family, two to four family and other multi- family), commercial, industrial, agricultural, parkland, other public uses, semipublic uses and vacant land? *If yes to both, stop and proceed to the next section (“Checklist for Stormwater Control Ordinance”).*
- YES NO Has the municipal master plan (including the land use plan element) been evaluated to determine how to implement green infrastructure and the principles expressed in the nonstructural stormwater management strategies at N.J.A.C. 7:8-2.4(g)?
- YES NO Has the municipality’s official map been evaluated to determine how to incorporate nonstructural stormwater management strategies?

YES NO Have the municipality's development regulations been evaluated to determine how to incorporate nonstructural stormwater management strategies?

YES NO Are there existing requirements within the zoning and land use ordinances that inhibit the implementation of nonstructural stormwater management strategies? (At a minimum, the ordinances addressing the following must be evaluated to determine whether they inhibit the use of green infrastructure standards: Curb and Gutters, Driveways and Accessways, Off-Street Parking and Loading, Streets, and Sidewalks.)

If so, list the ordinances, and changes to the ordinances that, if adopted, would implement these strategies.

Section _____ Ordinance _____

Discuss Changes to Ordinance

Section _____ Ordinance _____

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| YES | NO | Does the plan include a map showing projected land uses assuming full development under existing zoning? |
| YES | NO | Does the plan include a map showing hydrologic unit code 14 (HUC14) drainage areas within the municipality, as defined by the U.S. Geological Survey? |
| YES | NO | Does the plan include for each HUC14 the total acreage in the municipality of impervious surface and associated future nonpoint source pollutant loads for total phosphorus, total nitrogen, and total suspended solids, assuming full build-out based on projected land uses? |

Checklist for Stormwater Control Ordinance

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|-----|----|---|-----|----|--|-----|----|--|-----|----|---|-----|----|--|-----|----|---|-----|----|--|-----|----|--|-----|----|--|-----|----|---|
| YES | NO | <p>Has the municipality adopted a stormwater control ordinance(s) that is equivalent to an ordinance provided or recommended by the NJDEP?</p> <p style="padding-left: 40px;">A sample stormwater control ordinance is provided in Appendix D of the NJ Stormwater BMP Manual. A sample stormwater control ordinance for municipalities in the Pinelands Area is being prepared by the Pinelands Commission in coordination with NJDEP.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| YES | NO | <p>Has the municipality adopted a stormwater control ordinance(s) that includes alternative design and performance standards that have been adopted as part of a regional stormwater management plan or water quality management plan?</p> <p>If not, has the municipality adopted a stormwater control ordinance(s) that incorporates the following?</p> <table border="0" style="margin-left: 20px;"> <tr> <td style="vertical-align: top;">YES</td> <td style="vertical-align: top;">NO</td> <td>Stormwater management measures for major development, as outlined in N.J.A.C. 7:8-5.2?</td> </tr> <tr> <td style="vertical-align: top;">YES</td> <td style="vertical-align: top;">NO</td> <td>Green infrastructure standards, as outlined in N.J.A.C. 7:8-5.3?</td> </tr> <tr> <td style="vertical-align: top;">YES</td> <td style="vertical-align: top;">NO</td> <td>Erosion control, as outlined in N.J.A.C. 7:8-5.2?</td> </tr> <tr> <td style="vertical-align: top;">YES</td> <td style="vertical-align: top;">NO</td> <td>Groundwater recharge standards, as outlined in N.J.A.C. 7:8-5.4?</td> </tr> <tr> <td style="vertical-align: top;">YES</td> <td style="vertical-align: top;">NO</td> <td>Stormwater runoff quality standards, as outlined in N.J.A.C. 7:8-5.5?</td> </tr> <tr> <td style="vertical-align: top;">YES</td> <td style="vertical-align: top;">NO</td> <td>Stormwater runoff quantity standards, as outlined in N.J.A.C. 7:8-5.6?</td> </tr> <tr> <td style="vertical-align: top;">YES</td> <td style="vertical-align: top;">NO</td> <td>Methodology for calculating stormwater runoff and groundwater recharge, as outlined in N.J.A.C. 7:8-5.7?</td> </tr> <tr> <td style="vertical-align: top;">YES</td> <td style="vertical-align: top;">NO</td> <td>Maintenance requirements, as outlined in N.J.A.C. 7:8-5.8?</td> </tr> <tr> <td style="vertical-align: top;">YES</td> <td style="vertical-align: top;">NO</td> <td>Safety standards for stormwater management basins, as outlined in N.J.A.C. 7:8-6?</td> </tr> </table> | YES | NO | Stormwater management measures for major development, as outlined in N.J.A.C. 7:8-5.2? | YES | NO | Green infrastructure standards, as outlined in N.J.A.C. 7:8-5.3? | YES | NO | Erosion control, as outlined in N.J.A.C. 7:8-5.2? | YES | NO | Groundwater recharge standards, as outlined in N.J.A.C. 7:8-5.4? | YES | NO | Stormwater runoff quality standards, as outlined in N.J.A.C. 7:8-5.5? | YES | NO | Stormwater runoff quantity standards, as outlined in N.J.A.C. 7:8-5.6? | YES | NO | Methodology for calculating stormwater runoff and groundwater recharge, as outlined in N.J.A.C. 7:8-5.7? | YES | NO | Maintenance requirements, as outlined in N.J.A.C. 7:8-5.8? | YES | NO | Safety standards for stormwater management basins, as outlined in N.J.A.C. 7:8-6? |
| YES | NO | Stormwater management measures for major development, as outlined in N.J.A.C. 7:8-5.2? | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| YES | NO | Groundwater recharge standards, as outlined in N.J.A.C. 7:8-5.4? | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| YES | NO | Maintenance requirements, as outlined in N.J.A.C. 7:8-5.8? | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| YES | NO | Safety standards for stormwater management basins, as outlined in N.J.A.C. 7:8-6? | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| YES | NO | Has the municipality adopted a stormwater control ordinance(s) that regulates major development undertaken by the municipality? | | | | | | | | | | | | | | | | | | | | | | | | | | | |

YES NO Were zoning and land use ordinances changed to implement nonstructural stormwater management strategies?

If so, list the ordinances (including, where applicable, ordinances addressing Curb and Gutters, Driveways and Accessways, Off-Street Parking and Loading, Streets, and Sidewalks) and discuss the changes made to those ordinances. Copies of amended ordinances should be included in the submission to the Department and the County Review Agency.

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Discuss Changes to Ordinance

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