

A photograph of a waterfall cascading over rocks, with water splashing and creating white foam at the bottom. The background is a deep blue color with a semi-transparent white text overlay.

NJDEP REAL Rules

Implementation of stormwater management regulations in the Pinelands Area



CMP Policy and Implementation Committee

May 29, 2026

Presentation Outline

- Existing stormwater management framework (CMP and NJDEP state-wide standards)
- REAL rules: stormwater amendments
- Amendments to the BMP Manual
- Implementation schedule and next steps

New Jersey's Stormwater Management Framework

Design and Performance Standards

- Groundwater recharge
- Stormwater runoff quality
- Stormwater runoff quantity
- Green infrastructure
- Maintenance requirements

Review/Implementation

- **Municipalities** – adopt stormwater control ordinances and enforce DEP regulations during development review. Pinelands municipalities also include CMP standards
- **NJDEP** - directly applies standards when reviewing permit applications (e.g., wetlands, waterfront development, FHA)
- **Pinelands Commission** - applies CMP stormwater standards within the Pinelands Area, which incorporate, exceed, or modify DEP standards

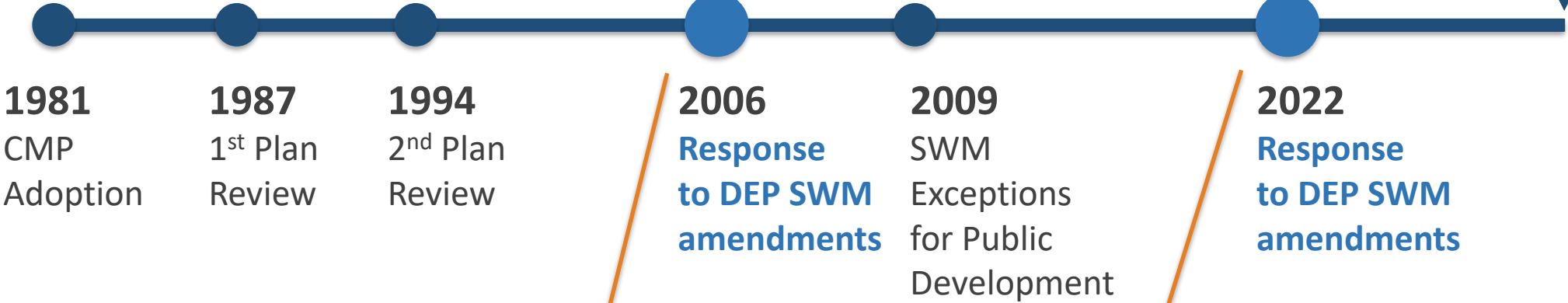
CMP Stormwater Management Standards

- The CMP has always regulated stormwater runoff
- Since 2006, the CMP has **incorporated** certain NJDEP SWM standards directly from N.J.A.C. 7:8 “as amended” (e.g., TSS removal standards)
- The CMP **exceeds** certain NJDEP SWM standards (e.g., stormwater recharge & nitrogen reduction)
- The CMP **excludes/modifies** certain NJDEP SWM exemptions, exceptions and variances (e.g., mitigation projects must be within the Pinelands Area)

DEP/CMP Amendments and Municipal Response

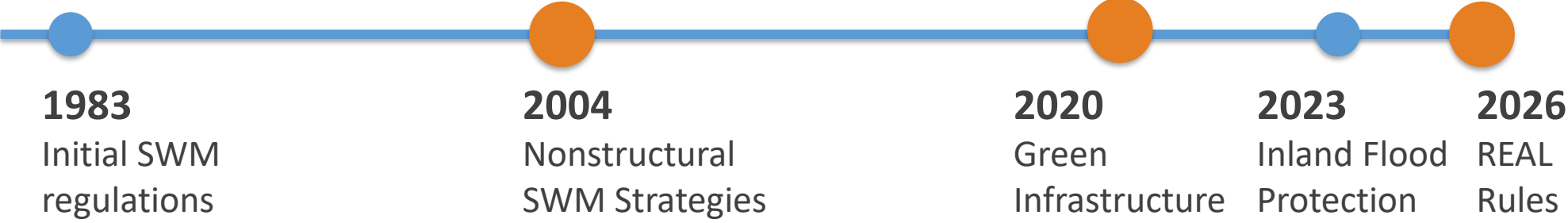
CMP Stormwater Rules/Amendments

(Triggered municipal ordinance updates)



Future CMP amendment *may* be necessary

DEP Stormwater Rules/Amendments



Triggered municipal ordinance updates

REAL Rule Amendments: Highlights

Stormwater runoff **quality** standards

- TSS removal requirements: reconstructed motor vehicle surfaces
- TSS removal requirements: public roadway projects

Stormwater runoff **quantity** standards

- New volumetric reduction standards

Green infrastructure requirements

- Increased flexibility for public transportation projects

Stormwater Runoff Quality: TSS Removal

Amendment

The REAL Rules extend the existing 80% Total Suspended Solids (TSS) removal requirement to **reconstructed motor vehicle surfaces**, in addition to new motor vehicle surfaces (existing requirement since 2004).

Purpose/Intent

- Most existing motor vehicle surfaces statewide have no water quality treatment (The 80% removal standard has only applied to new surfaces since 2004)
- Aims to apply TSS Removal standard to redevelopment sites
- Addresses environmental justice objectives given concentrations of motor vehicle surfaces in overburdened communities

Pinelands Applicability

- Major development
- Minor non-residential development resulting in more than 1,000 square feet of regulated motor vehicle surface

Stormwater Runoff Quality: TSS Removal

Implementation Challenges

What constitutes reconstruction?

- The new rules provide some clarity with amendments to the definition of “disturbance.” It’s revised with an expanded list of maintenance activities that are not considered disturbance or reconstruction.
 - **Routine pavement and surface work** — milling, repaving, patching, crack sealing, bridge deck overlays, and repair or replacement of curbs, sidewalks, inlets, catch basins, and guiderail systems
 - **Infrastructure and rail maintenance** — repair or replacement of traffic, utility, and ITS structures on poles; and rail maintenance activities including tie replacement, track resurfacing, and lineside signaling repairs
 - **Investigative and channel maintenance activities** — geotechnical and archeological investigations, monitoring well installation, stream gauge construction, and removal of accumulated sediment and debris from channels
- We still anticipate that applications will arise where the distinction is not clear

Stormwater Runoff Quality: TSS Removal

Implementation Challenges

Applicability misalignment

- The CMP and DEP define "major development" differently — the CMP generally sets a lower threshold for triggering stormwater management requirements
- This definitional gap creates an interpretation challenge when incorporating DEP rules into the CMP, and may require adjusting existing policy to avoid inadvertently penalizing Pinelands applicants.
- Near-term clarification will be provided through the model ordinance; a CMP amendment may ultimately be needed to fully resolve the issue

Impacts to existing county MOAs

- MOAs date back to the 1990s, before DEP TSS removal standards were enacted
- Initial review finds it will not impact streamlining MOAs involving repaving and other activities

Stormwater Runoff Quality: TSS Removal

Amendment

Public roadway projects (new and reconstructed) are provided a lower TSS removal requirement under certain circumstances

- If 80% TSS removal standard requires acquisition of developed or otherwise encumbered land outside the entity's existing ROW, treatment is required to the maximum extent practicable and at minimum 50% TSS reduction

Pinelands Applicability

- Major development
- Minor non-residential development resulting in more than 1,000 square feet of regulated motor vehicle surface
- **No immediate concerns with implementation**

Stormwater Runoff Quantity: Volumetric Reduction

Amendment

Retain runoff volume from the water quality design storm (1.25” in 2 hr) on the entire “disturbed area” of the site (including reconstructed areas) using GI BMPs

- Prior runoff quantity standards only required detention of stormwater runoff to reduce **peak flow rate**. They did not require a reduction in **total runoff volume**.
- New standards aim to reduce runoff volume
 - Reduces offsite discharge into storm sewers and waterways
 - Mitigates flood risk in a changing climate
 - Benefits water quality
 - Addresses environmental justice objectives given existing development without stormwater management measures in overburdened communities

Pinelands applicability

- Major development

In most cases, we assume, stormwater management measures to meet existing CMP recharge standard will be sufficient to meet new volumetric standard.

In cases where such measures for recharge do not apply/exceed volumetric reduction standard, applicant must meet volumetric reduction standards on-site.

Stormwater Runoff Quantity: Volumetric Reduction

If onsite reduction is technically impracticable, off-site alternatives provided

- **Remove existing impervious surface** within the same HUC-14 totaling an area equal to or greater than the impervious surface within the disturbed portions of the site
- **Retain an equivalent or greater runoff volume at an offsite location** within the same HUC-14 using green infrastructure BMPs
- **For public transportation entities only** — if the above HUC-14 options are technically impracticable, retention may be achieved within the same Watershed Management Area (WMA) rather than the same HUC-14
- **Combination** of the above

Stormwater Runoff Quantity: Volumetric Reduction

Pinelands applicability

- Major development

In most cases, we assume, stormwater management measures to meet existing CMP recharge standard will be sufficient to meet new volumetric standard.

In limited cases where such measures for recharge do not apply/exceed volumetric reduction standard, applicant must meet volumetric reduction standards.

Potential CMP Amendment

The off-site alternatives are not limited to areas within the Pinelands Area.

Consider requiring that any off-site volumetric reduction compliance, whether impervious surface removal or off-site retention, be located within the Pinelands Area.

Green Infrastructure Requirements

Flexibility for Public Transportation Projects:

- Offers tiered approach to meeting GI BMPs to the maximum extent possible
 - Within project limits
 - Adjacent disturbed areas (excludes preserved farmland and wooded areas)
 - Upstream within the same HUC-11
- Each step requires demonstration of unsuitable conditions
- Last resort, non-GI BMPs may be used (large basins)

Green Infrastructure Requirements

Pinelands applicability

- Major development

Prior to these amendments, public transportation entities were required to go through the DEP waiver process if they couldn't meet GI standards. The CMP doesn't incorporate DEPs waiver process.

Experience with applications before the Commission has shown that these types of projects do face challenges with meeting GI standards. Flexibility is warranted.

Potential CMP Amendment

The off-site alternatives are not limited to areas within the Pinelands Area.

Consider requiring that any off-site compliance be located within the Pinelands Area.

BMP Manual Amendments

- The BMP Manual is a DEP guidance document cross-referenced in the DEP and CMP stormwater rules
- DEP has updated the BMP Manual in response to the rule amendments
- The update also includes significant updates to Ch. 4 (Stormwater Pollutant Removal) impacting nitrogen reduction rates assigned to BMPs
 - Rates have not been evaluated since 2004; nitrogen reduction BMPs were most outdated section.
 - Updates are based on best available science; DEP found that prior rates were overstating reductions

BMP Manual Amendments

CMP Standard

All major development to achieve a minimum 65% reduction of post-construction total nitrogen load from the developed site, including permanent lawn or turf areas intended for active human use

Best Management Practice (BMP)	Total Nitrogen Removal Rate (%)	
	Existing BMP Manual	Proposed BMP Manual
Infiltration Basin / Small-Scale Infiltration Basin	50%	30% ↓
Pervious Paving System	50%	30% ↓
Sand Filter / Small-Scale Sand Filter	35%	30% ↓
Vegetative Filter / Vegetative Filter Strip	30%	0% ↓
Bioretention Basin / Small-Scale Bioretention	30%	30%
Constructed Stormwater Wetland / Standard Constructed Wetland	30%	30%
GI Wet Pond / Wet Pond	30%	30%
Extended Detention Basin	20%	20%
Subsurface Gravel Wetland	Not Listed	30%
Grass Swale	Not Listed	0%
Dry Well	Not Listed	0%
Cistern	Not Listed	0%
Green Roof	Not Listed	0%
Manufactured Treatment Device	Case-by-case (see N.J.A.C. 7:8-5.7(d))	Not Rated

- **Impact of updated nitrogen reduction rates:** Meeting the CMP's nitrogen reduction standard will now require 3 BMPs in sequence, up from 2, due to lower per-BMP removal rates in the revised manual
- **Staff concern:** Requiring 3 BMPs in sequence may be cost-prohibitive and land-intensive, potentially reducing development density in Regional Growth Areas
- **Short-term:** continue to use prior nitrogen removal rates (in coordination with DEP)
- **Long-term:** CMP amendment to revise nitrogen reduction standard

Implementation Schedule

- **July 20, 2026:** End of 180-day grace period in rules; DEP will begin implementing REAL rule stormwater management standards for applications subject to stormwater review
- **January 30, 2027:** Deadline for municipalities to adopt amended stormwater management ordinances.
(1 year from 1/30/2026 notification sent by DEP)

Next Steps

- Finalize and distribute model municipal ordinances
- Consider potential CMP amendments:
 - CMP nitrogen reduction standard
 - Limitations on where off-site stormwater management measures can be located (Volumetric Reduction standards; GI standards for public transportation projects)
 - Clarifications on applicability of TSS standards on reconstructed motor vehicle surfaces