

Legislative and Regulatory Update

Stormwater Water with something extra

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Your water. Your environment. Your voice.



I. Stormwater

II. Stormwater

III. Stormwater

III. Something else

Why are we talking about stormwater?



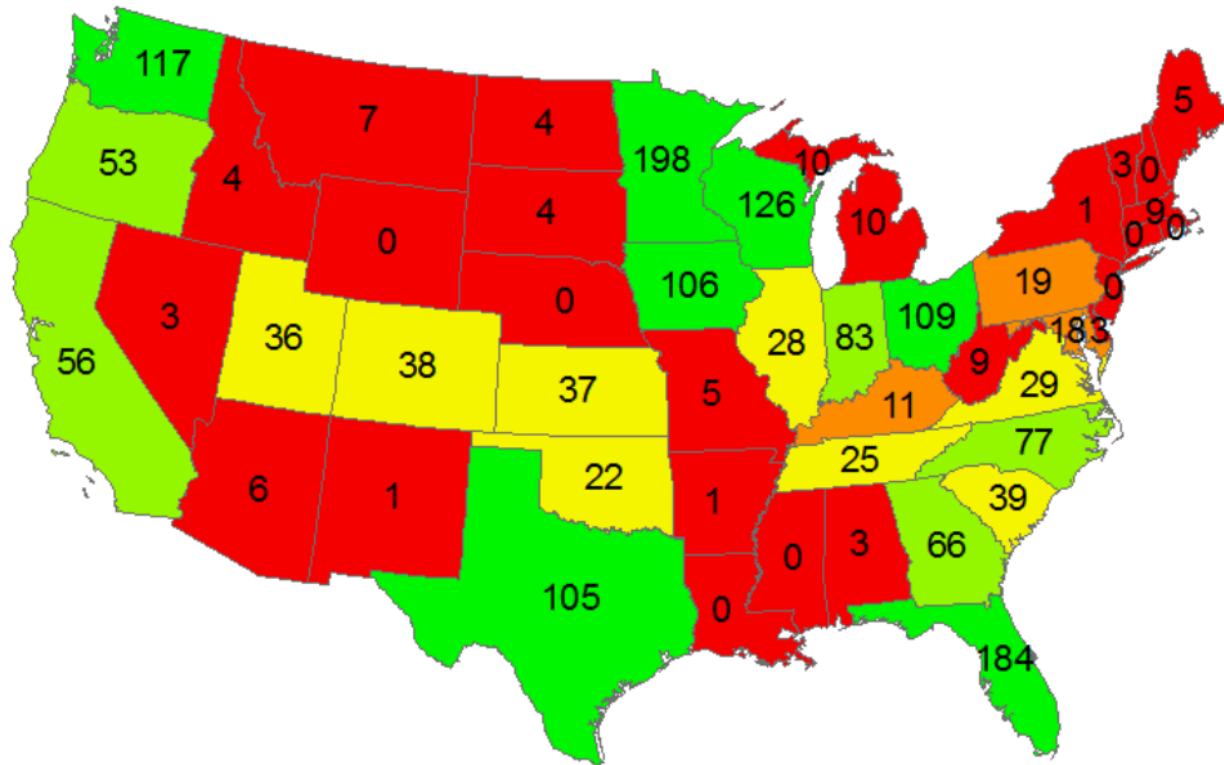
Donna Macalle-Holly Lake
Hopatcong Foundation





- **Legislation**
 - *Clean Stormwater and Flood Reduction Act* – signed by Gov. Murphy on March 15th
- **Regulation**
 - December 2018 Green Infrastructure Stormwater Rule Proposal
 - Phase II Stakeholder Process
- **Ordinances**
 - Enhanced Stormwater Ordinance

- Stormwater utilities have been used in the US since the 1970s.
- There are currently between 1,600-2,000 stormwater utilities in 40 different states plus DC.



NJ: One of only a few states in the nation that has been unable to use stormwater utilities – until now!

- **Clean Stormwater and Flood Reduction Act** - signed by Gov. Murphy on March 15th
- Allows municipalities, counties, sewerage authorities, utilities authorities to create a stormwater utility.
- Allows for regionalization of authority through shared services agreement
- Allows for the assessment of a service fee
- Requires that the fee is “based on a fair and equitable approximation of the proportionate contribution of stormwater runoff from a real property.”
- Requires:
 - Partial fee reduction for existing stormwater BMP.
 - Partial fee reduction for green infrastructure
 - Exemption from fees/charges for land actively devoted to agricultural or horticultural use that is Farmland Assessed.

- A stormwater utility is a municipal or regional entity that charges property owners a service fee in exchange for managing their stormwater.
- The services provided may include:
 - Pipe and inlet cleaning
 - Other maintenance (vegetation, sediment)
 - Construction of new basins
 - Basin retrofits
 - Green infrastructure
 - Mapping and asset management
 - Permitting
- The revenue is kept separate from general funds, so it cannot be raided

Regulation:

- On December 3, 2018 DEP proposed amendments to Stormwater Management Rules- N.J.A.C. 7:8

More of this:



Less of this:



Table 5-1

Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity

Best Management Practice	Stormwater Runoff Quality TSS removal rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum separation from seasonal high water table (feet)
Cistern	0	Yes	No	-
Dry Well ^(a)	0	No	Yes	2
Grass Swale	50 or less	No	No	2 ^(e) 1 ^(f)
Green Roof	0	Yes	No	-
Manufactured Treatment Device ^(a) ^(g)	50 or 80	No	No	Dependent upon the device
Pervious Paving System ^(a)	80	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small- Scale Bioretention System ^(a)	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Infiltration Basin ^(a)	80	Yes	Yes	2
Small-Scale Sand Filter ^{(a)(b)}	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	-

Table 5-2

Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver or Variance from N.J.A.C. 7:8-5.3)

Best Management Practice	Stormwater Runoff Quality TSS removal rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum separation from seasonal high water table (feet)
Bioretention System	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Infiltration Basin	80	Yes	Yes	2
Sand Filter ^(b)	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond ^(d)	50-90	Yes	No	N/A

Regulation: GI Rule



Table 5-3

BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3

Best Management Practice	Stormwater Runoff Quality TSS removal rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum separation from seasonal high water table (feet)
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device ^(h)	50 or 80	No	No	Dependent upon the device
Sand Filter ^(c)	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet pond	50-90	Yes	No	N/A

What the Rule Does:

Green Infrastructure Rule requires stormwater be addressed using Green Techniques

Limits drainage areas to 2.5 acres

Removes Nonstructural Strategies from design standards

Codifies current practice of not requiring water quality treatment for non-motorized vehicle traffic surfaces

Municipalities have 1 year to adopt new ordinance

Phase II Stormwater Management

- Recognition that rules need holistic overhaul
- Topics consider in Stakeholder Process:
 - Redevelopment standards
 - *Nonstructural Standards*
 - Climate Change
 - Total Maximum Daily Load (TMDL)
 - Maintenance
 - Nutrients
 - Treatment Standards

When we can expect Phase II



Instead of waiting for DEP to propose and adopt Phase II regulations, municipalities can better protect their citizens.

Watershed's Recommendations:

- Reduce threshold for definition of “major” development
- Create requirements for “minor” developments
- Require action for re-development projects
- Require maintenance, inspections & reporting on stormwater systems
- Require mitigation fee to secure waivers
- Emphasize nonstructural techniques & Green Infrastructure
- Incorporate TMDL in project review and approvals

Now Something More!



Legislation-

S2776 Sponsored by:

Smith, Greenstein, Gill, Gopal

A4330 Sponsored by:

Pinkin, Kennedy, McKeon, Conaway, Vainieri

Huttle, Calabrese, Jasey, Carter, Downey, Caputo,

Holley, Houghtaling

Bill would:

- Ban carryout bag made of plastic film
- Ban polystyrene foam food products- no sale of or distribution by food services

1 year exemption for on polystyrene ban

- Disposable long-handled soda spoons
- 2 oz portion cups for hot foods or foods requiring liquids
- Trays for meat, etc.
- Ban on plastic single use straw
- Fee on paper bags

Municipal Ordinances

80+ ordinances addressing single-use plastic

Some ordinances are bans, some are fees

Some include straws, polystyrene, and/or balloons

Many municipalities are considering their own ordinances

ANJEC Model Ordinance

Municipal Action Will Force State Legislation



Thank You

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