

July 18, 2016

Dan Kennedy, Assistant Commissioner  
New Jersey Department of Environmental Protection  
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**Re: Preliminary Draft Renewal of Tier A & Tier B Municipal Separate Storm  
Sewer System Permits (NJ0141852 and NJ0141861)**

Dear Assistant Commissioner Kennedy:

The New Jersey Association for Floodplain Management (NJAFM) is dedicated to promoting sound floodplain management policy that helps protect people and property from flood impacts. The New Jersey Department of Environmental Protection's upcoming reissuance of the Tier A and Tier B municipal separate storm sewer system permits has significant implications for floodplain management, as stormwater runoff from developed land is a major cause of urban flooding in New Jersey. We urge NJDEP to take this opportunity to establish requirements in these permits that will better protect New Jersey communities from flooding in the future.

**Standards for Stormwater Management at New Development and Redevelopment Sites**

New Jersey's municipal stormwater permits require municipalities to enforce the state's regulatory standards for stormwater management at new development and redevelopment sites. These statewide regulations (N.J.A.C. 7:8) include design standards for erosion control, groundwater recharge, runoff quantity, and runoff quality. We believe that NJDEP should use the permit reissuance process to strengthen these standards and help municipalities reduce stormwater runoff volumes that contribute to flooding.

Many states around the country have begun to adopt and enforce stormwater management standards for development that require on-site retention of stormwater, which lessens the adverse impacts of stormwater quantity. On-site retention can be accomplished using infiltration practices, as well as capture-and-reuse technologies and uptake by plants (evapotranspiration) in locations where infiltration is not practicable due to geology, soil contamination, or other factors. For example, when vacant land is developed in the coastal plain, retention could likely be accomplished through infiltration, whereas other retention-based strategies might be more feasible in urban areas where infiltration is technically difficult or environmentally harmful.

We encourage NJDEP to investigate locations and development scenarios where stormwater retention would be practicable in New Jersey and apply runoff reduction requirements through the

municipal stormwater permits, where appropriate. Such requirements could be tailored and applied based on site-specific conditions to ensure that practices will be most likely to succeed.

### **Inventorying and Maintaining Stormwater Control Practices**

Maintenance of stormwater management facilities is critical to protecting communities from urban flooding. When reissuing the municipal stormwater permits, we recommend that the Department include more detailed requirements to ensure that public and private stormwater controls are adequately maintained. These requirements could include an obligation for responsible parties (property owners, developers, homeowner associations) to regularly inspect stormwater facilities and demonstrate to the municipal engineer that the systems are functioning properly and/or to determine whether corrective maintenance is needed. Any new maintenance requirements should be based on a survey of newer, proven requirements or best practices from other jurisdictions that have been demonstrated to be effective.

We also support the proposal included in the “pre-draft” of the renewal permits to require that municipalities develop an inventory of existing stormwater controls. Knowing which stormwater facilities exist and where they are located is a prerequisite for ensuring that such facilities are properly maintained. For stormwater facilities constructed prior to issuance of the new permits, municipalities can use resources such as the New Jersey Department of Agriculture’s forthcoming stormwater basin database to locate facilities within their jurisdictions. For new controls implemented after permit issuance, municipalities can request that developers submit information about the stormwater facilities on their sites that will require future maintenance, so that the burden on municipalities of developing the inventory can be minimized. In any case, NJDEP should clearly spell out the details of how the requirement is to be implemented.

### **Training Municipal Officials to Enforce Stormwater Standards**

Municipal oversight of stormwater design and construction for new development and redevelopment is not always consistent in New Jersey, with some instances of noncompliance resulting from misinterpretation or misunderstanding of regulatory standards.

We believe that the Department enhance compliance by facilitating training for municipal officials in order to enforce the standards, as has been proposed in the “pre-draft” permits. Training will help to ensure that all development in New Jersey is designed and built in compliance with stormwater controls and standards that reduce the risk of flooding. Local professionals, including consulting engineers, need the capability to properly conduct thorough reviews of development applications, with an emphasis on compliance with stormwater management requirements. NJDEP can play an important role by providing and/or funding this type of training and assuring





eligibility for continuing education credits for professional engineers receiving such training, which will enhance acceptance of the new requirements.

NJAFM appreciates the opportunity to share our views with NJDEP at this early stage in reissuing the MS4 permits. Please do not hesitate to contact me with any questions.

Sincerely,

Craig Wenger, EIT, AICP, CFM, LEED GA  
Chair, NJAFM

cc: Michele Putnam, NJDEP  
NJAFM Board