



Fact sheet

New Jersey's Stormwater Regulations

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Introduction:

Since the passage of the Clean Water Act in 1972, New Jersey has focused its efforts on upgrading wastewater treatment plants and improving the quality of the effluent discharged from these treatment plants. Although these efforts have been very successful, the health of the waterways in the state continues to be impaired. The cause of these impairments may often be nonpoint source pollution; the pollution that is carried from the land by stormwater runoff or similar processes. New Jersey has two regulations that address pollution from stormwater runoff: N.J.A.C. 7:8 Stormwater Management Rules and N.J.A.C. 7:14A Stormwater Permitting Rules.

N.J.A.C. 7:8 Stormwater Management Rules:

The Stormwater Management Rules are directed toward new development and provide the foundation to develop municipal and regional stormwater management plans. For the purpose of these rules, new development is defined as any development that will ultimately result in the disturbance of one or more acres of land or increased impervious surface by one-quarter acre or more (i.e., "major development"). New development with cumulative impacts below these thresholds, major development that qualifies as exempt under N.J.A.C. 7:8-1.6, and development that does not require any local or department permits are not required to comply with these rules. These new rules set forth the required components of regional and municipal stormwater management plans, and they establish the stormwater

management design and performance standards for new (proposed) development. These performance standards for new development include groundwater recharge, runoff quality controls, and Category One buffers.

(*Stormwater Management Rule—Frequently Asked Questions*, www.njstormwater.org)

According to N.J.A.C. 7:8-2.2 of the Stormwater Management rules, the goals of stormwater management planning include reducing flood damage, minimizing any increase in stormwater runoff from any new development, reducing soil erosion from any development or construction project, and protecting public safety through proper design and operation of stormwater management basins.



Provisions also address the need to maintain groundwater recharge. For new development, a regulatory requirement of preserving 100 percent of the average annual groundwater recharge has been set. For example, if an undeveloped parcel of land currently recharges on average one million gallons of rainfall per year, after developing the property, the land must continue to recharge one million gallons of rainfall. The use of stormwater best management practices



(BMPs) that promote infiltration will be the key to achieving this regulatory requirement. A BMP is a technique, measure, or structural control that is used to manage the quantity and improve the quality of stormwater runoff in a cost-effective manner. Examples of structural BMPs include bioretention basins, infiltration basins, and silt fences. Examples of non-structural BMPs would include minimizing impervious cover, proper chemical use and storage, and proper septic management among others.

Category One Waters and Buffers:

One highly significant aspect of the rules is the designation of Special Water Resource Protection Areas (SWRPAs). SWRPAs are those areas within 300 feet of Category One (C1) waters and their immediate tributaries. C1 waters receive special protection under the Surface Water Quality Standards because of their clarity, color, scenic setting, or other characteristics of aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resource(s). Furthermore, the SWRPA is required adjacent to those waters that drain to the C1 water within the limits of the associated sub-watershed (HUC-14). (The term “HUC-14” is from the hydrologic unit code system developed by the U.S. Geological Service for delineating drainage areas.) These SWRPAs are intended as a buffer between development and the C1 waters to protect both water quality and the attributes for which the waters have been designated as C1. (*Stormwater Management Rule—Frequently Asked Questions*, www.njstormwater.org)

Agricultural Lands:

Farmers can continue to farm their land within the SWRPA (300 foot buffer) but would be limited from placing any new development in the SWRPA, such as barns or greenhouses, which would increase the impervious cover by more than one-quarter acre or disturb one or more acres of land.

N.J.A.C. 7:14A Stormwater Permitting Rules:

The Stormwater Permitting Rules require municipalities, large public complexes such as hospitals, and highway systems to obtain New Jersey Pollution Discharge Elimination System (NJPDES) permits for their municipal separate storm sewer systems (MS4s). These permits require the municipality or large public complex to develop, implement, and enforce a stormwater program that protects water quality from these discharges.

The permittees must prepare and implement a Stormwater Pollution Prevention Plan (SPPP) that requires the preparation and adoption of a municipal stormwater management plan, along with a stormwater control ordinance, and the incorporation of a local public education program. The SPPP must also address the improper disposal of waste, illicit connection elimination, MS4 outfall pipe mapping, implementation of solids and floatable controls, proper maintenance yard operation, and employee training. Compliance with these rules is expected to reduce the percentage of New Jersey waterways that are currently classified as impaired, as well as protect our drinking water resources.

Because the Stormwater Permitting Rules require municipalities to adopt a stormwater control ordinance that addresses the state’s minimum design and performance standards, any new development on properties, including agricultural lands, which require municipal approval, will have to address managing the water quality, quantity, and groundwater recharge impacts from stormwater runoff.

For more information visit the NJDEP web site at www.njstormwater.org.

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