

# Environmental Alert



## NJDEP ISSUES REVISED TIER A AND TIER B STORMWATER PERMITS

The New Jersey Environmental Risk Management Fund (EJIF) is dedicated to providing our members with continued regulatory updates to assist understanding the various environmental regulations that apply to your operations. Since 2004, the EJIF has been providing our member's with information relative to the NJDEP's Municipal Stormwater Regulation Program from its initial introduction, the performance of continuing education seminars to assist in completing Stormwater Pollution Prevention Plans and Stormwater Management Plans, and the development of a Stormwater Training Video adopted by NJDEP to satisfy the employee education component of the permit. In 2017, the EJIF continued providing assistance to these rules through the seminar, "Keeping Up With Changing Regulations," which focused on the proposed Tier A and B permit changes, along with some other topics. To continue along this tract, the following information provides a summary of those now adopted changes to the Tier A and Tier B stormwater general permits.

The NJDEP has issued the final municipal stormwater permit renewals for Tier A and B municipalities, which became effective **January 1, 2018**. New permit conditions have been included in the revised permits, which will need to be implemented to keep your municipality in compliance. There are a number of changes within the revised permits. Some are significant and others are subtle. We have done our best to summarize the most significant changes below, however, we urge all EJIF members to review the full permit by visiting [http://www.nj.gov/dep/dwq/msrp\\_home.htm](http://www.nj.gov/dep/dwq/msrp_home.htm).

### **What do I need to do first?**

Attachment A of the revised permits includes an implementation schedule for new permit conditions. Municipalities are required to revise their Stormwater Pollution Prevention Plans (SPPPs) in accordance with the new permit requirements and to ensure compliance with existing Municipal Stormwater Management Plans (MSWMP). Stormwater Pollution Prevention Plans, Municipal Stormwater Management Plans, and associated ordinances are required to be posted to the municipality's website by **March 31, 2019**.

### **What else is new for Tier A Municipalities?**

#### Employee Training and Local Public Education

- Stormwater Management Design Review Training – for design engineers, municipal engineers & other individuals.
- Municipal Board and Governing Body Member Training - for members of municipal boards and applicable councils.
- Additional Public Education and Outreach Programs – advertise programs on website or in print.

#### Outfall Mapping and Illicit Connection Inspections

- Inspect outfalls once every 5 years for dry weather flows and evidence of illicit discharge.
- Provide outfall map to NJDEP by January 1, 2019 (Electronic submission required by December 21, 2020).

#### Review Total Maximum Daily Loads (TMDLs) for Surface Water Within or Bordering Your Municipality

- What is a TMDL? A TMDL is the calculation of the maximum amount of a pollutant allowed to enter a waterbody so that the waterbody will meet, and continue to meet, water quality standards for that particular pollutant. Annual review of Total Maximum Daily Load (TMDL) reports using the TMDL Look-Up Tool to prioritize areas with known water quality problems is required.
- Include TMDL information in SPPP.
- Identify and incorporate Optional Measures to address TMDL pollutants.

### Stormwater Facility Maintenance and Pollution Prevention Measures

- Ensure proper maintenance of stormwater facilities owned by the municipality and adopt a program to enforce the proper maintenance of privately owned stormwater facilities.
- Maintain maintenance plans and inspection logs for stormwater facilities.
- Completion of the Major Development Stormwater Form.
- Implement best management practices for vehicle washing, yard trimmings, and wood waste management.

### What is new for Tier B Municipalities?

#### Stormwater Facility Maintenance and Pollution Prevention Measures

- Ensure proper maintenance of stormwater facilities owned by the municipality and adopt a program to enforce the proper maintenance of privately owned stormwater facilities.
- Completion of the Major Development Stormwater form.

#### Employee Training and Local Public Education

- Stormwater Management Design Review Training – for design engineers, municipal engineers & other individuals.
- Municipal Board and Governing Body Member Training - for members of municipal boards and applicable councils.
- Additional Public Education and Outreach Programs – advertise programs on website or in print.

### Some Subtle Changes

In addition to the above, there are a number of changes to the permits that appear to be minor, but can have a significant impact on your municipality's compliance. Some of these include, but are not limited to the following:

- Allowable non-stormwater discharges from **dechlorinated residential** swimming pools. The terms “residential” and “dechlorinated” have been added.
- Non-compliance with any permit conditions must now be reported to the NJDEP Spill Hotline. Previously only reported on the Annual Certification Report.
- Aggregate material and construction debris must now be managed properly at the Public Works facilities. Cold patch, clean fill, etc. requires incorporation into the SPPP and requires best management practices (BMPs).
- Changes to ordinances include removal of the refuse container/dumpster ordinance to an optional measure and removal of the fertilizer ordinance as a result of the State's adoption. These previously required ordinances can now be eliminated.

### When will I receive my new permit?

Your municipality should have already received a renewal Notice of Authorization (NOA) or a renewal application from the NJDEP. There is no renewal fee; however the annual fee for the permit remains in effect. Copies of the revised permits are posted to the NJDEP's website: [http://www.nj.gov/dep/dwq/msrp\\_home.htm](http://www.nj.gov/dep/dwq/msrp_home.htm).

### **Additional information can be found at:**

Tier A Permit Requirements: [www.nj.gov/dep/dwq/tier\\_a.htm](http://www.nj.gov/dep/dwq/tier_a.htm)

Tier B Permit Requirements: [www.nj.gov/dep/dwq/tier\\_b.htm](http://www.nj.gov/dep/dwq/tier_b.htm)

Stormwater Training Materials: [www.njstormwater.org/training.htm](http://www.njstormwater.org/training.htm)

Stormwater Facility Maintenance Guidance: [www.nj.gov/dep/stormwater/maintenance\\_guidance.htm](http://www.nj.gov/dep/stormwater/maintenance_guidance.htm)

In summary, these recent changes are the most significant since the inception of the Tier A and Tier B permits and will require municipalities to allocate time and money to ensure compliance. As stated previously, we urge our EJIF Members to make time to go through the permit in detail.

This newsletter is for information purposes only and does not represent legal or technical advice. If you need a more detailed explanation of this topic or need assistance in interpreting how it may impact your site, the EJIF suggests that you contact the EJIF environmental consultants for further information.

Members of the Bergen, Morris, South Bergen, Suburban Essex, and NJUA JIFs please contact Richard Erickson of First Environment, Inc. at [rerickson@firstenvironment.com](mailto:rerickson@firstenvironment.com) or 973.334.0003.

Members of the Camden, Monmouth, Ocean, PMM, Suburban, Central, TRICO and BURCLO JIFs, please contact Chris Gulics of PS&S at [cgulics@psands.com](mailto:cgulics@psands.com) or 732.430.7012.

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