Stormwater Control
Ordinances

Post-Construction Program

Clean Water Act

Stormwater Program Phase II

NPDES

MS4

Guardian of Clean Water

Stormwater Management rules

NJPDES

Tier A

Stormwater Management Plan

Stormwater Control Ordinances

2
Wake Up Call: Death of a River

Cuyahoga River, Cleveland, Ohio
Sunday, June 22, 1969
Federal:

  - Created the EPA

Amendments to FWPCA (1972)
  - “Clean Water Act”
  - Section 402 created National Pollution Discharge Elimination System, “NPDES”
    - Authorized EPA to regulate discharges
    - Prohibits discharges except as specified by permit
Federal: NPDES

Authorized states to implement program

NJPDES Implementation

- April 1982 - Federal authorization
- August 1983 – Publication Date in the NJ Register
  Rule Proposal - N.J.A.C. 7:14A:
  
  *NJ Pollutant Discharge Elimination System*
Federal: Clean Water Act & Rules

Water Quality Act (1987)

National Pollution Discharge Elimination System (NPDES) – 40 CFR §§ 122-124

• Phase I (1990) – stormwater discharge provisions
• Phase II (1999) – various stormwater provisions
  Municipal Separate Storm Sewer Systems (MS4s)
    • Municipalities
    • Public Complexes
    • Highway Agencies
  Combined Sewer Overflows
  Industrial Stormwater Discharges
MS4 Permit Origin

NJPDES: NJ DEP Regulatory Framework

Municipal Stormwater Program - NJAC 7:14A-25

• February 2004 – Adoption of amendments which created (MS4) Permit – Tier A and Tier B
• January 2018 – renewal of permit for Tier A
• January 2019 – renewal of permit for Public Complex
• January 2020 – renewal of permit for Highway Agency
Fed: Six Minimum Control Measures =
NJ: Six Statewide Basic Requirements ("SBRs")
(Part IV.B)

1. Public involvement and participation including public notice;
2. Local public education and outreach;
3. Construction site stormwater runoff
   (NJ - construction activity stormwater general permit);
MS4 Permit Overview

Fed: Six Minimum Control Measures =

NJ: Six Statewide Basic Requirements ("SBRs")
(Part IV.B)

4. Post-construction stormwater management in new development and redevelopment;
5. Pollution prevention/good housekeeping for municipal operators; and
6. MS4 outfall pipe mapping, and illicit discharge and scouring detection and control.
MS4 Permit Overview

Permit Requirements:

1. Six SBRs – Part IV.B;
2. Other Control Measures – Part IV.C – Minimum Standard for Stormwater Facilities Maintenance;
3. Additional Measures – Part IV.D and
4. Optional Measures – Part IV.E.
Post-Construction Stormwater Management in New and Redevelopment Areas

Issues
- Development increases the types and quantity of pollutants in stormwater runoff
- Development increases the quantity of water delivered to the waterbody during storms

Solutions
- Planning and design of stormwater management measures to control the pollutants and water from the developments after construction.
Municipal Implementation

MS4 Permit: Post-Construction Program Requirements

Audit by NJDEP
Municipal Implementation: MS4 Post-Construction Program

Stormwater Control Ordinance(s)
NJAC 7:8 - 5 and 6

- Nonstructural strategies
- Groundwater recharge
- Quantity control
- Quality control & WQDS rainfall distribution
- Calculation methods allowed
- Standards for structural measures
- Maintenance plan requirements
- Safety standards
Municipal Implementation

MS4 Permit: Post-Construction Program Requirements

- Municipal Stormwater Management Plan
  - NJAC 7:8-4
- Stormwater Control Ordinance(s)
  - NJAC 7:8-4, 5, 6
  - NJAC 5:21-7
- Enforce Stormwater Control Ordinance(s)
- Review and Analyze Development Applications for Compliance With Stormwater Control Ordinance(s)
- Long-Term Operation and Maintenance of BMPs
  - NJAC 7:8-5

Audit by NJDEP
Consequences of Noncompliance

- DEP Enforcement Actions
- EPA has audited NJ’s municipalities and other states’ MS4 permittees
  - Two- or Three-day thorough audit
  - Administrative Compliance Order
  - Enforcement actions for non-compliance
  - Possible fines and penalties up to $37,500 per day
Consequences of Noncompliance

- EPA Penalties for MS4 Violation
  - Large/Medium MS4
    - $329,395 City of Rockford, Illinois
    - $3.5 Million City of Dallas, Texas
  - Small MS4
    - $6,000 Montville, New Jersey
    - $54,833 Camden County, New Jersey
Summary

- Clean Water Act
- NPDES/NJPDES
- MS4
- Post-construction program
- Stormwater Control Ordinances
- Complete reviewer training every 5 years
More Information:

Bureau of Nonpoint Pollution Control
Division of Water Quality
401 East State Street
PO Box 420, Mail Code 401-2B
Trenton, NJ 08625-420
Tel: 609-633-7021
www.njstormwater.org

Minesh Patel
minesh.patel@dep.nj.gov