

TIER B REASSIGNMENT OUTREACH

New Jersey Department of Environmental Protection
Bureau of NJPDES Stormwater Permitting & Water Quality
Management

August 24, 2022

MS₄ Permitting Program

State & Federal

General Overview

- The MS₄ stormwater permitting program is governed by both federal and state regulations
 - Tier A is equivalent to the federal small MS₄ permit
 - Tier B is a NJ state-only permit
- There currently are 101 Tier B municipalities

NJ Tier Requirements

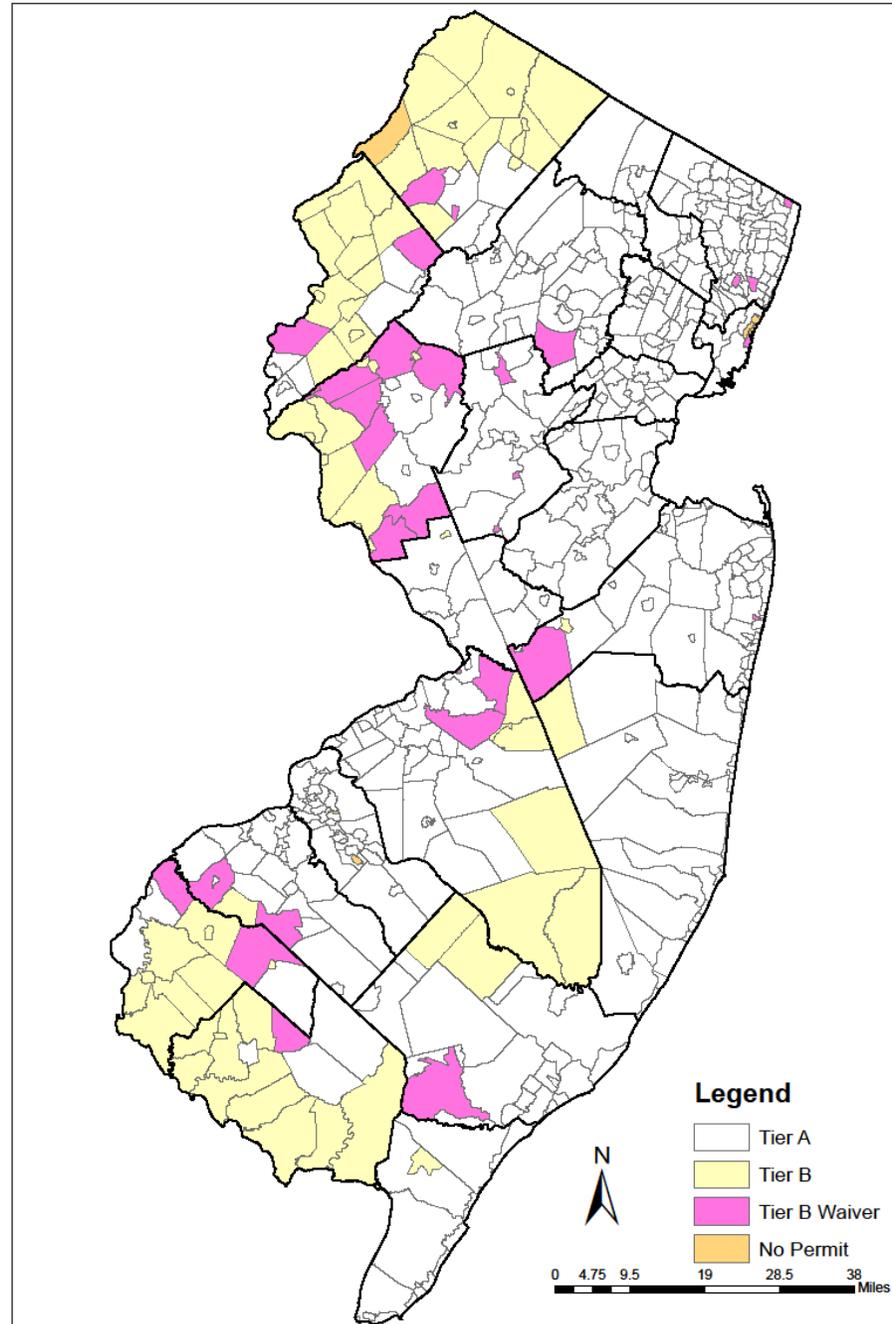
N.J.A.C.
7:14A-25.3

A municipality is assigned to Tier A if it:

- Has a population of at least 1,000 within an urbanized area
 - Federal rule differs slightly requiring all urbanized areas to obtain a federal MS₄ permit, unless they can qualify for a waiver
 - Tier B permit is not a federal MS₄ permit
- Has a population density of at least 1,000 per square mile, and a population of at least 10,000 as determined by that Census
- Has a stormwater sewer system discharging directly into the salt waters of Monmouth, Ocean, Atlantic, or Cape May counties
- Requests Tier A assignment from the Department, or
- Operates a stormwater discharge(s) identified under N.J.A.C. 7:14A-25.2(a)4 (special designations), provided that the Department determines that such identification warrants assignment of the municipality to Tier A.

Every municipality not originally assigned to Tier A in 2004 with an MS₄ was assigned to Tier B – there have been no changes since then

Municipal Tier Assignment



Re-evaluation requirements

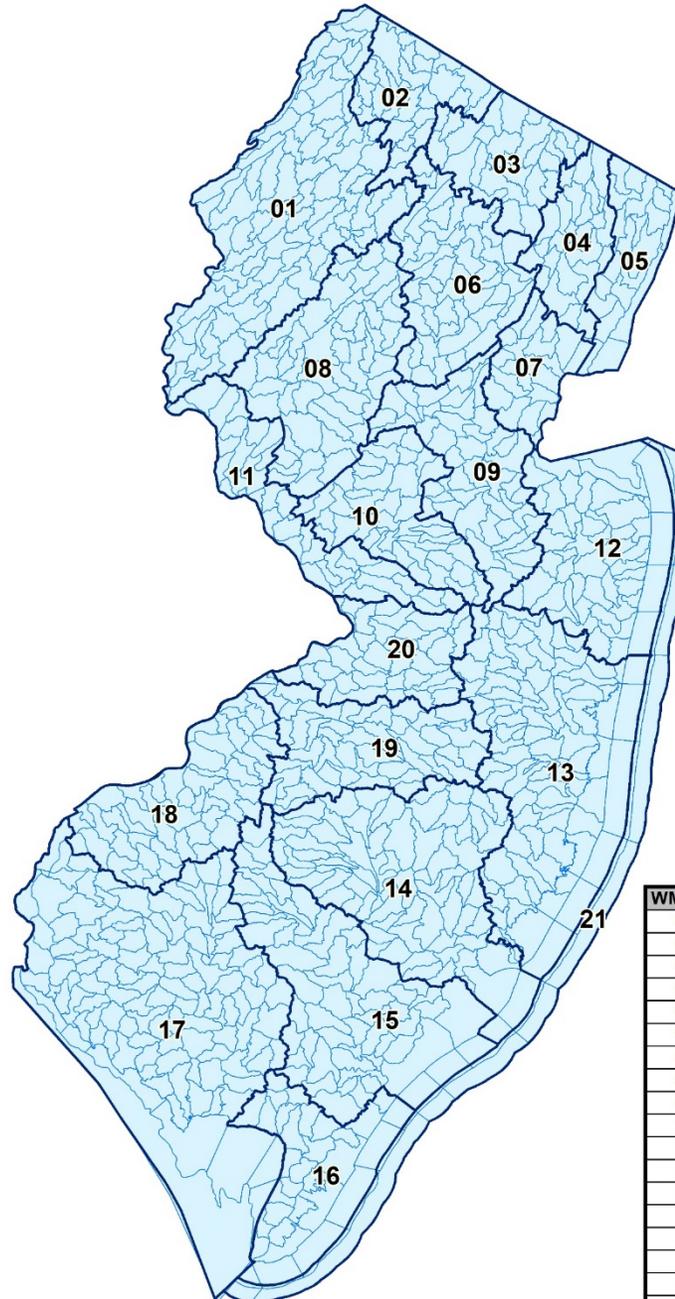
40 CFR 123.35
and
N.J.A.C. 7:14A-
24 & 25

- The Federal regulations require states to periodically re-evaluate their MS₄ permitting designations
- The federal and state rules require states to review water quality and other relevant factors related to the MS₄ discharges:
 - Is there potential to result in exceedances of water quality standards, including impairments of water quality standards/designated uses
 - Are there discharges into waters with TMDLs
 - Are there other significant water quality impacts, including habitat and biological impacts (including HABs)
 - Are there discharges to sensitive waters, or are there significant contributors of pollutants to waters of the United States
- NJ had not conducted this reevaluation since the MS₄ program was implemented in 2004

Review of Water Quality & Population Information

- **All** Tier Bs towns in NJ have receiving waters within or bordering their towns with water quality impairments and/or TMDLs
 - 82 towns also have sensitive receiving waters with classifications of FW₁, PL, Category 1, Trout production, and or trout maintenance
 - Some also have or have had HABs occur in their receiving waters
- 11 Tier B towns are also being reassigned to Tier A because their populations increased to >1000 in the urbanized area as per the 2010 Census
 - Population exceeded 1,000 in urbanized/service area
 - Allamuchy, Chesterfield, Elk, Elmer, Hoboken (CSO), Hopewell, Lambertville, Ridgfield Park (CSO), Upper Freehold, Woodbine, Woolwich (G)
 - There may be a few more towns based on 2020 Census populations values once that is finalized

Watershed Management Areas (WMAs) & HUC 14s



Legend

- HUC14 Boundary
- Watershed Management Area

WMA ID	WMA NAME
01	Upper Delaware
02	Walkkill
03	Pompton, Pequannock, Wanaque, Ramapo
04	Lower Passaic and Saddle
05	Hackensack, Hudson, and Pascaick
06	Upper Passaic, Whippany, and Rockaway
07	Arthur Kill
08	North and South Branch Raritan
09	Lower Raritan, South River, and Lawrence
10	Millstone
11	Central Delaware
12	Monmouth
13	Barnegat Bay
14	Mullica
15	Great Egg Harbor
16	Cape May
17	Maurice, Salem, and Cohansey
18	Lower Delaware
19	Rancocas
20	Assiscunk, Crosswicks, and Doctors
21	

Special Designation language

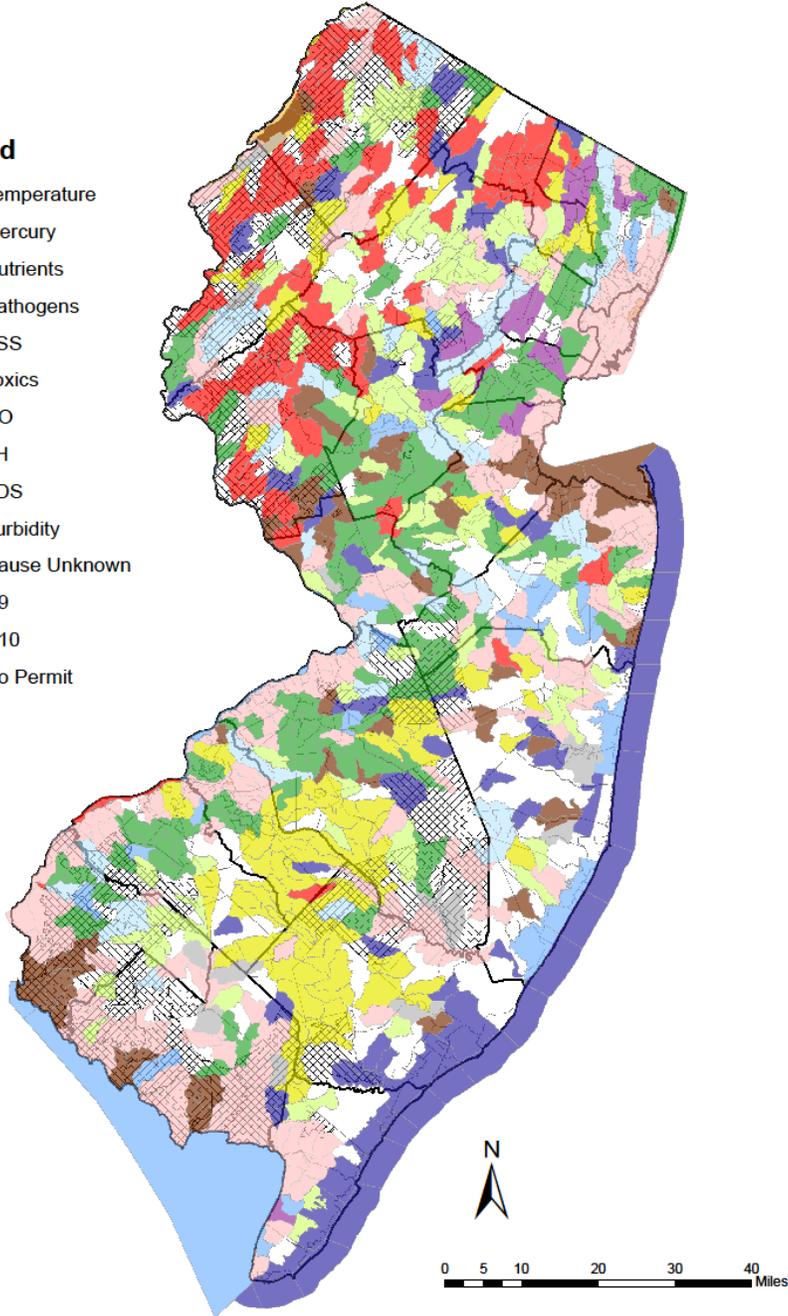
N.J.A.C. 7:14A-
25.2(a)4
&
24(a)7 & 9

- **As noted on slide 3, special designations** apply to all of the following stormwater discharges from municipal separate storm sewers:
 - ii. All stormwater discharges that are from municipal separate storm sewers, and that are designated under N.J.A.C. 7:14A-24.2(a)7 or 9
 - 7. Stormwater DSW from point or nonpoint sources for which either the Department or the USEPA Regional Administrator determines that:
 - i. Stormwater controls are needed for the point source discharge based on total maximum daily loads (TMDLs) that address the pollutant(s) of concern; or
 - ii. The point or nonpoint source discharge, or category of discharges within a geographic area, contributes to a violation of a surface water quality standard, or is a significant contributor of pollutants to surface water;
 - 9. ...or may result in violation of the Surface Water Quality Standards at N.J.A.C. 7:9B
 - iv. All stormwater discharges whose operating entity is granted a waiver under (d) below, but that are subsequently determined to require a NJPDES permit under (e) below
 - v. All stormwater discharges from municipal separate storm sewers designated by USEPA under 40 C.F.R. 123.35(b)

Impaired Waters

Legend

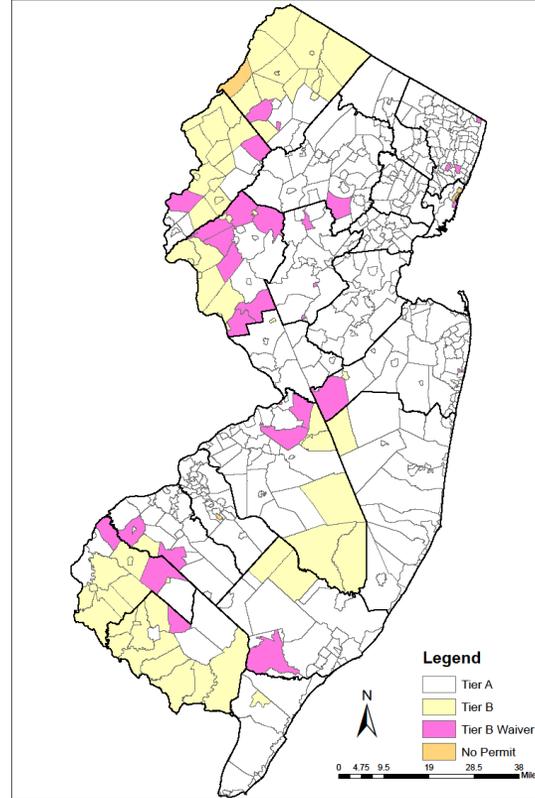
- Temperature
- Mercury
- Nutrients
- Pathogens
- TSS
- Toxics
- DO
- pH
- TDS
- Turbidity
- Cause Unknown
- R9
- R10
- No Permit



Municipal Tier Assignment

Legend

- Tier A
- Tier B
- Tier B Waiver
- No Permit

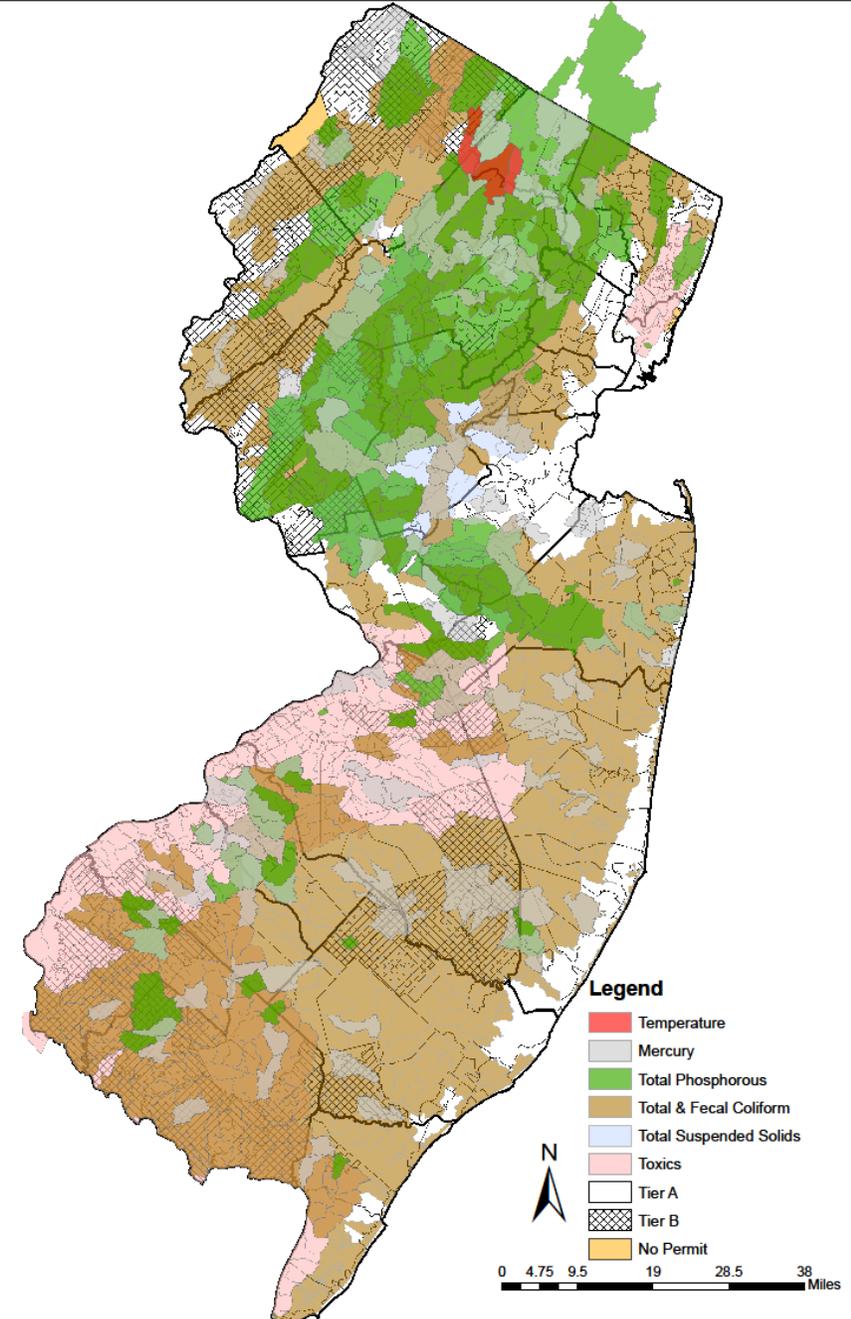


Every Tier B town has at least 1 impairment or TMDL for stormwater related pollutants

New Jersey TMDLs

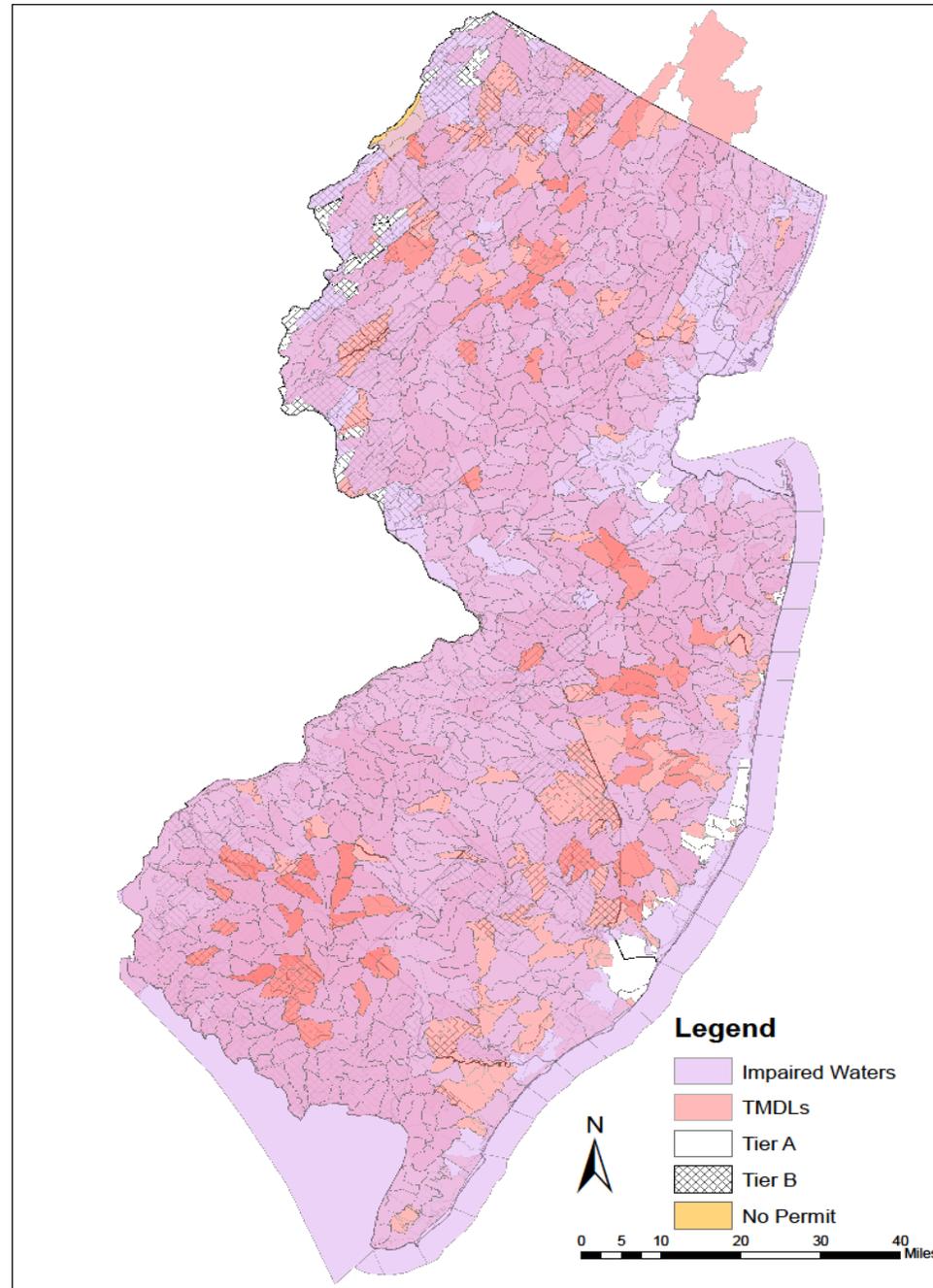
Legend

- Temperature
- Mercury
- Total Phosphorous
- Total & Fecal Coliform
- Total Suspended Solids
- Toxics
- Tier A
- Tier B
- No Permit



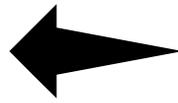
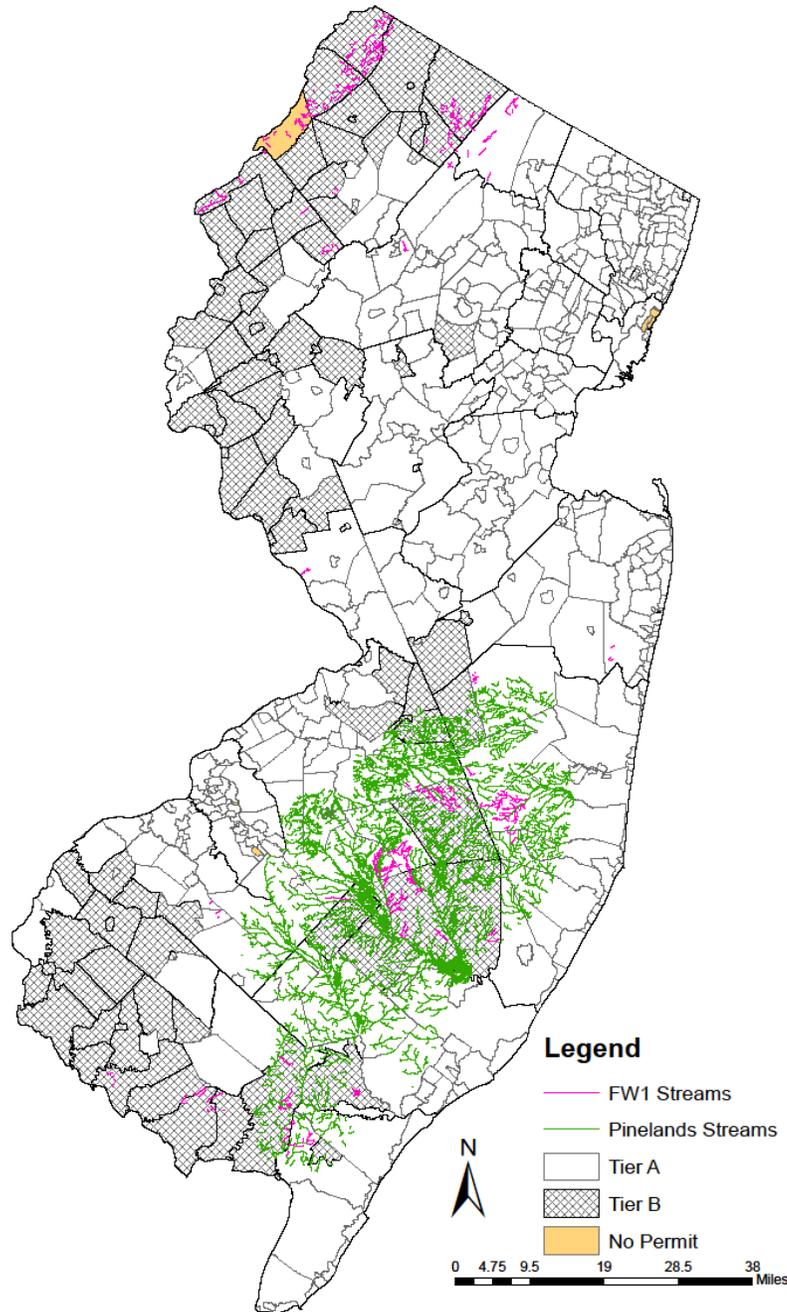
TMDLs & Impairments

Water quality problems exist in almost every area of the state, including every Tier B town.



Every Tier B town is impacted by at least 1 Impairment/TMDL.

Outstanding National Resource Waters



These Outstanding National Resource Waters are the FW1 and PL by definition.

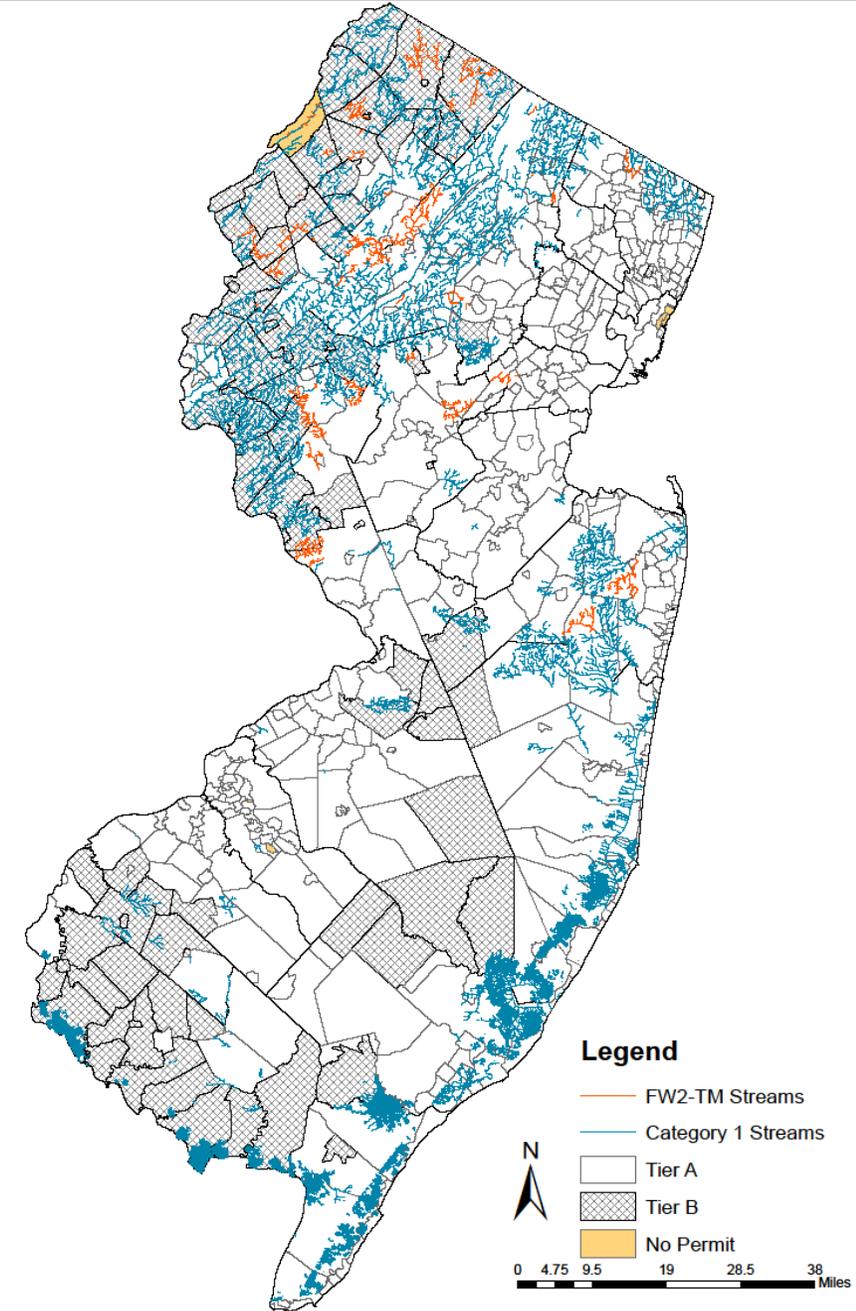
Sensitive Waters

New Jersey Surface Water Quality Standards N.J.A.C. 7:9B

This map shows Freshwater 2-Trout Production (Category 1), FW2-Trout Maintenance & FW2- NonTrout (Category 1).



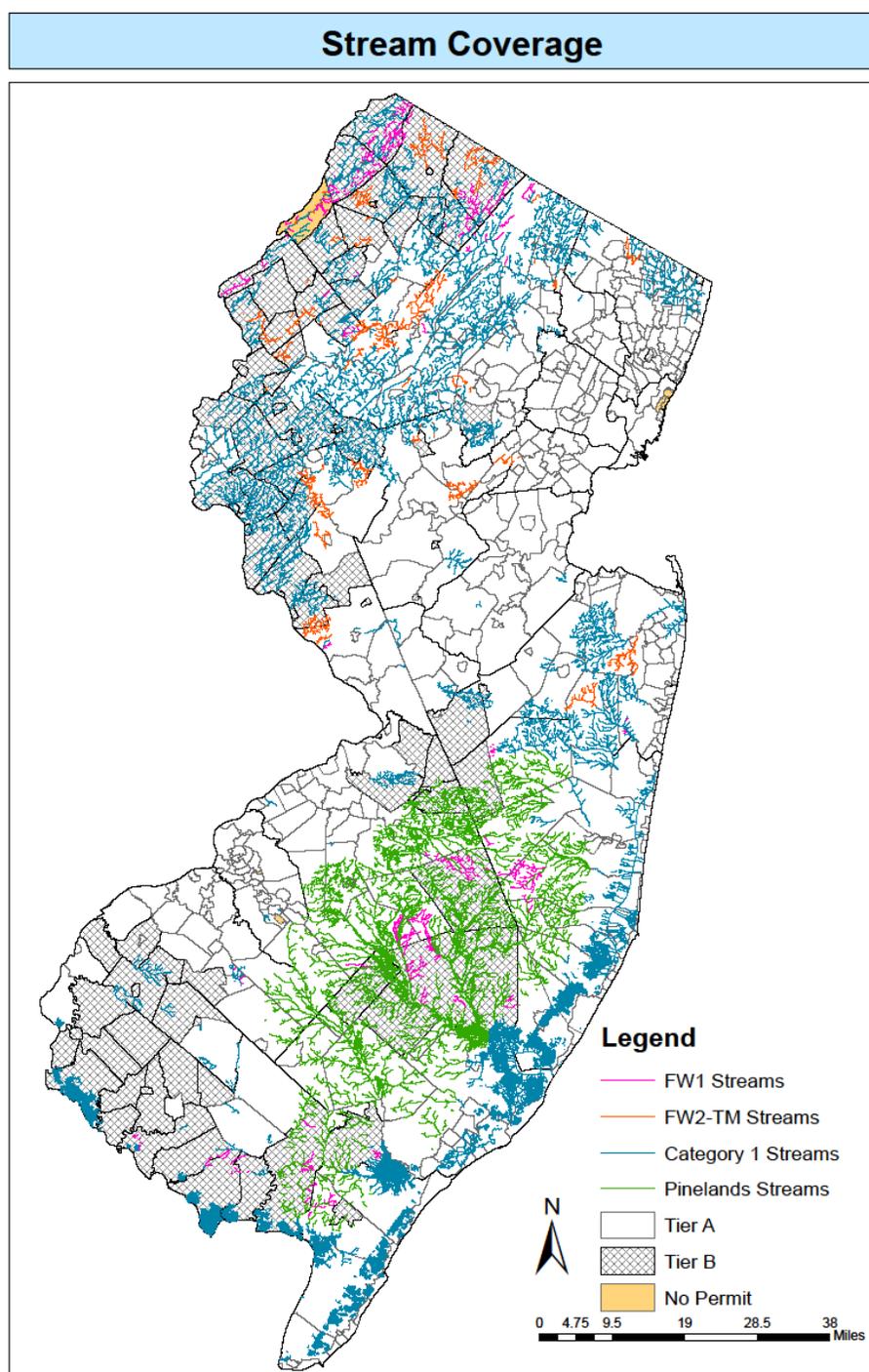
Category One & FW2-TM Streams



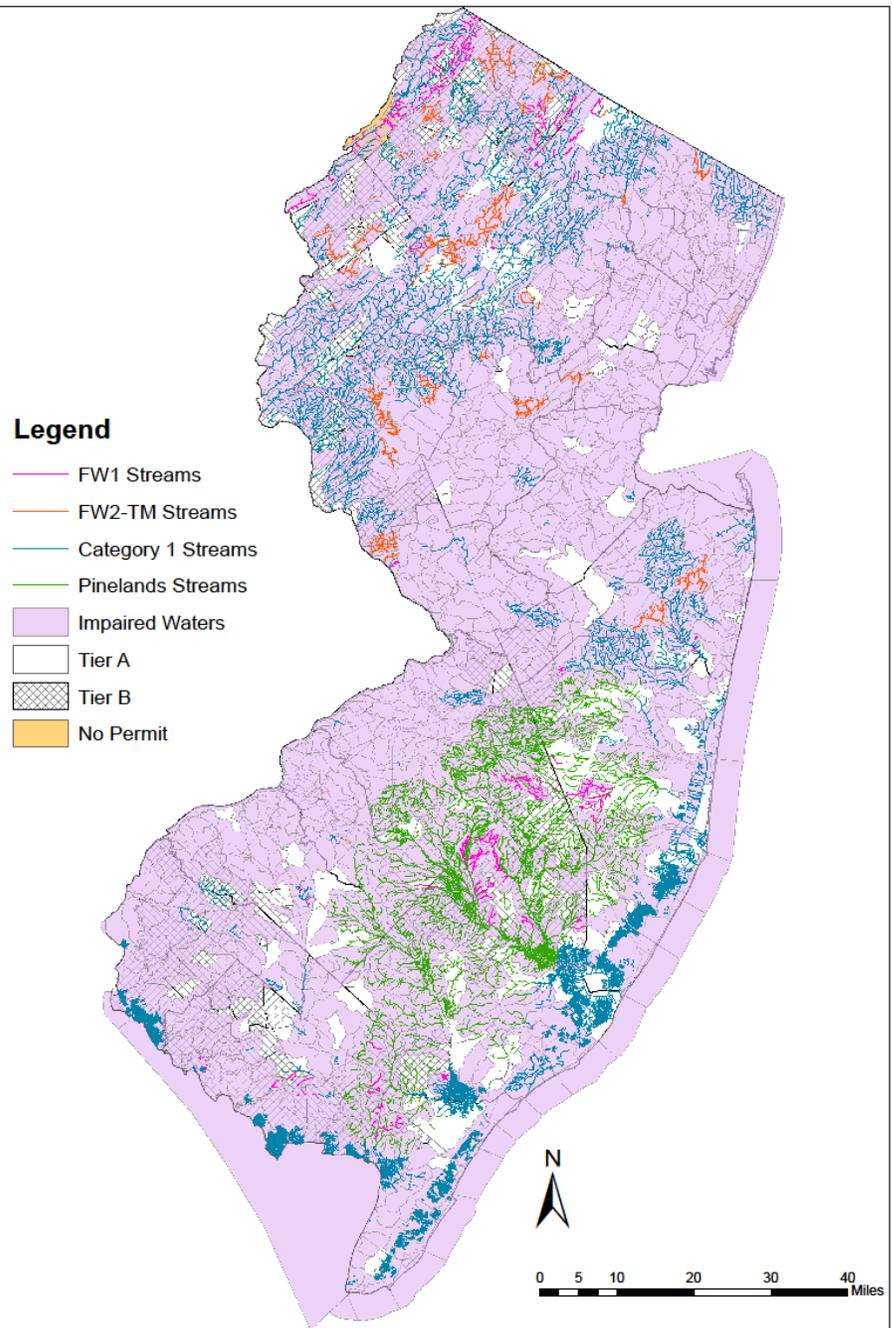
Sensitive Waters

N.J.A.C. 7:9B

FreshWater 1
Pinelands
Category 1
Trout Production (C1)
Trout Maintenance

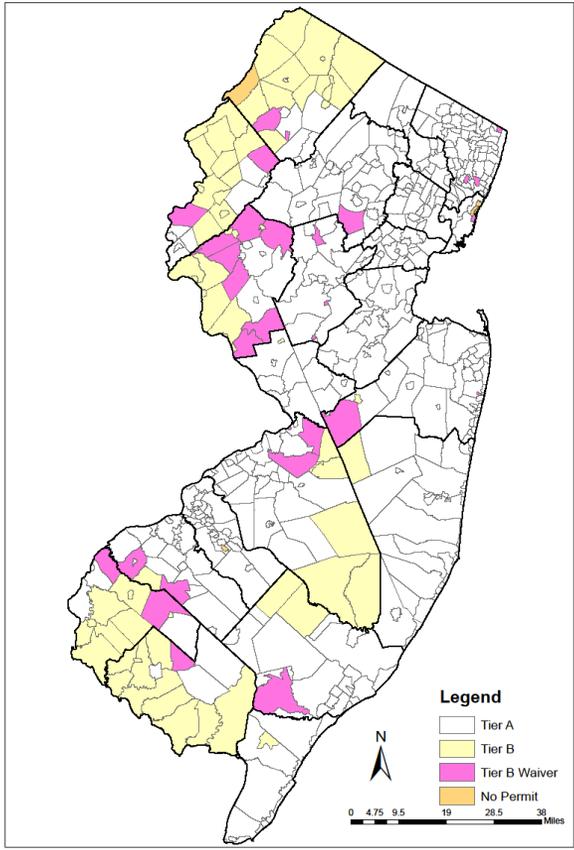


Stream Coverage & Impairments

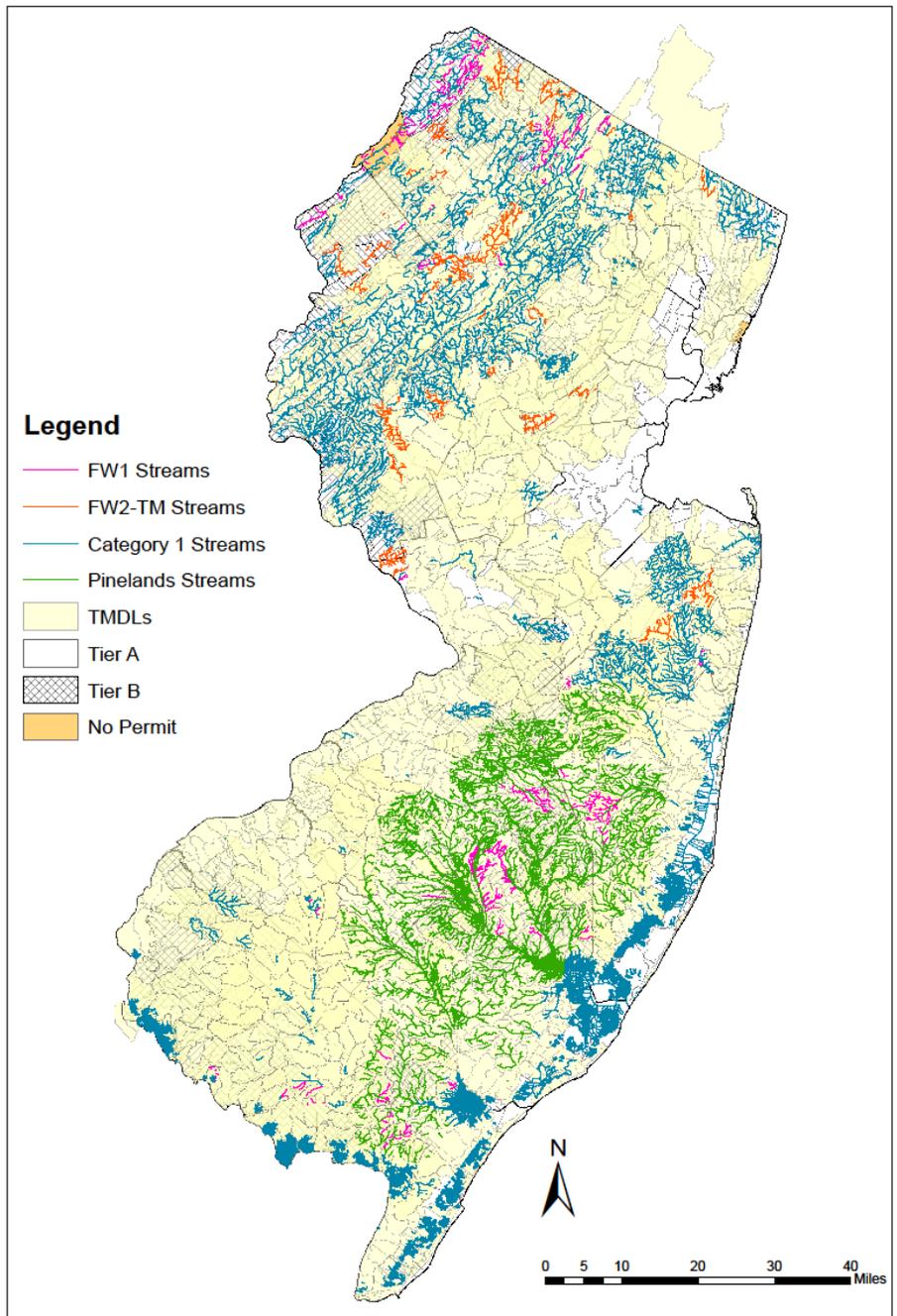


Waterbody Classifications

Municipal Tier Assignment



Stream Coverage & TMDLs



MS₄ Draft Tier A Permit Renewal

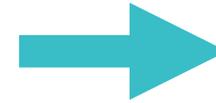
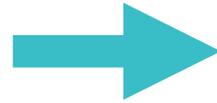
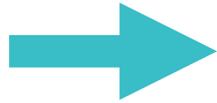
August 24, 2022



Agenda

- Timelines for Permit Renewal
- Discussion of Permit Conditions
- Summary of Submissions
- Q & A

Projected Timeline for Tier A Renewal



Issue Pre-draft Permit

March 2, 2022

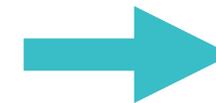
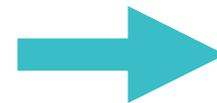
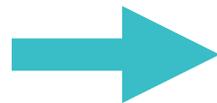
Pre-draft Outreach

March 22 & 24, 2022

Consider Feedback from
Pre-draft Outreach

Issued Draft Permit

July 28, 2022



Formal Public Comment
Period Began July 28th and
Ends September 20th

Prepare Response to
Comments Document

Finalize Permit with
Response to Comments
Goal = By November 2022

Issue Permit Authorizations
Goal = By December 2022

Overview of Permit Enhancements

- Watershed Improvement Plan
- MS₄ Infrastructure Map
- *Compost Storage vs. Processing*
- Street Sweeping Schedule
- *Retrofit ALL Storm Drain Inlets*
- *SWF Inspection Frequency*
- Private Salt Storage Ordinance & Tree Removal/Replacement Ordinance
- BMPs at Maintenance Yards
- Excess De-icing Materials
- Stream Scouring & Illicit Discharge Schedule
- Dedicated Stormwater Webpage
- Frequency of Employee Training
- Road Erosion Inspections
- SWM Rule Amendment Training

Permit Conditions



Stormwater Pollution Prevention Plan (SPPP)

Permit section IV.A.

- ❖ Create the SPPP to reflect 2023 permit conditions
- ❖ Updated fillable template will be available on MS4 webpage
- ❖ Submit electronically to the Department and post on website
- ❖ *Due EDPA + 12 mo. for New Tier A's*



Public Involvement and Participation Including Public Notice

Permit section IV.B.1.

- ❖ Comply with existing applicable State and local public notice requirements
 - Sunshine Law
- ❖ *Due EDPA for New Tier A's*





Municipal Stormwater Webpage

Permit section IV.B.2.

- ❖ Develop a dedicated stormwater webpage to include all required postings/links
- ❖ HTML template is available from the Department for municipalities to use
- ❖ Materials required to be posted:
 - ❖ Stormwater Pollution Prevention Plan (SPPP)
 - ❖ Municipal Stormwater Management Plan (MSWMP)
 - ❖ Stormwater Control Ordinance (SCO)
 - ❖ Community Wide Ordinances
 - ❖ MS4 Outfall Map
 - ❖ MS4 Infrastructure Map
 - ❖ Watershed Improvement Plan
- ❖ *Due EDPA + 12 mo. for New Tier A's*



Local Public Education & Outreach

Permit section IV.C.

- ❖ Implement a Public Education and Outreach Program
 - ❖ Earn 12+ points each year
- ❖ No change to permit language
- ❖ Slight change to categories now located in Attachment A
- ❖ *Due EDPA for New Tier A's*

Construction Site Stormwater Runoff

Permit section IV.D.

- ❖ Obtain a Construction Activity NJPDES Stormwater General Permit (5G3) or Individual Permit for construction site stormwater runoff activities <https://nj.gov/dep/dwq/5g3.htm>
- ❖ 5G3 Master permit was just renewed, effective March 1, 2022
- ❖ *Due EDPA for New Tier A's*



Post Construction Stormwater Management in New Development and Redevelopment

Permit section IV.E. and IV.F.8.

- ❖ Stormwater design reviewers must attend NJDEP training every 5 years for post-construction SWM program requirements
- ❖ Check www.njstormwater.org/training.htm to verify that your stormwater management design reviewer(s) has attended training within the last 5 years
 - If not, register for training via email to stormwatermanager@dep.nj.gov to get information about the next available course
- ❖ The Department will notify you if/when there is training for rule amendments
- ❖ The same person cannot design AND approve the SWM designs for major development projects
- ❖ *Due EDPA for New Tier A's*

Community Wide Ordinances

Permit section IV.F.1.

- ❖ Pet Waste
 - ❖ Wildlife Feeding
 - ❖ Litter Control
 - ❖ Improper Disposal of Waste
 - ❖ Yard Waste
 - ❖ Private Storm Drain Inlet Retrofitting
 - ❖ *Private Salt Storage Ordinance*
 - ❖ *Tree Removal/Replacement Ordinance*
- ❖ *Due 12 mo. for New Tier A's*



Picture taken in August



Street Sweeping

Permit section IV.F.2.a.i. and ii.

- ❖ Triannual Sweeping – Every 4 months, sweep segments of municipal roads that have storm drain inlets that discharge to surface water
- ❖ Annual Sweeping – Every year, sweep segments of municipal roads that do NOT have storm drain inlets that discharge to surface water
- ❖ Implemented in the 2019 Public Complex and 2020 Highway Agency MS4 permits
- ❖ *Due EDPA + 12 mo. for New Tier A's*

Storm Drain Inlets

Permit section IV.F.2.a.iii., iv., and v.



- ❖ Label inlets that do not have permanent wording cast into the structure
 - ❖ *Due EDPA for Existing & New Tier A's*

- ❖ Retrofit ALL municipal storm drain inlets to prevent solids and floatables from entering the MS4
 - ❖ Apply a bolt-on plate to curb openings or replace old storm drain inlets with DOT bicycle safe grates
 - ❖ *Due EDPA + 59 mo. for Existing & New Tier A's*

- ❖ Installation of new storm drains must include a catch basin or other BMP designed for solids collection
 - ❖ *Due EDPA for Existing & New Tier A's*

Herbicide Application Management

Permit section IV.F.2.a.vi.

- ❖ Restrict application of herbicides to prevent them from being washed into the waters of the State and to prevent erosion caused by de-vegetation
- ❖ *Due EDPA for Existing & New Tier A's*



Excess De-icing Material Management

Permit section IV.f.2.a.vii.

- ❖ Remove piles of excess salt and de-icing materials that have been deposited during spreading operations on all municipal roads and parking areas
- ❖ Remove within 72 hours after the end of storm events, conditions permitting
- ❖ Implemented in the 2020 Highway Agency MS4 permit
- ❖ *Due EDPA for New Tier A's*



Roadside Vegetative Waste Management

Permit section IV.F.2.a.viii.

- ❖ Proper pickup, handling, storage, and disposal of wood waste and yard trimmings generated during municipal work activities
- ❖ Implemented in the 2019 Public Complex & 2020 Highway Agency MS4 permits
- ❖ *Due EDPA for Existing & New Tier A's*





Roadside Erosion Control Program

Permit section IV.F.2.a.ix.

- ❖ Inspect municipal roads for stability
 - ❖ Check for erosion of shoulders, embankments, ditches, and soils along roads which may result in sedimentation of receiving waters
 - ❖ Can be done in tandem with other municipal inspections
- ❖ Repair problems within 90 days of discovery
- ❖ *Due EDPA for New Tier A's*

Storm Drain Inlets & Catch Basins

Permit section IV.F.3.a.i. - iv.

- ❖ Storm Drain Inlets
 - ❖ Inspect ALL every year
- ❖ Catch Basins
 - ❖ Up to 1,000 municipal catch basins, inspect ALL every year
 - ❖ 1,000+ catch basins, inspect 1,000 or 20% of the total (whichever is more) every year on rotation
- ❖ Similar to Public Complex & Highway Agency MS4 permit renewals
- ❖ *Due EDPA for New Tier A's*





MS₄ Conveyance Inspection & Cleaning

Permit section IV.F.3.a.v.

- ❖ Identify all stormwater conveyance features, e.g., ditches and pipes
- ❖ Inspect, clean, and maintain as needed
- ❖ *Due EDPA for New Tier A's*

Stormwater Infrastructure Inspection and Maintenance

Permit section IV.F.3.a.vi - x.

- ❖ Inspect and maintain municipally owned stormwater infrastructure as per approved maintenance plans or at least 4 times annually
- ❖ Maintenance or repair must be completed as soon as practicable but no later than 90 days from discovery

❖ *Due EDPA for New Tier A's*



Stormwater Facilities Not Owned or Operated by the Municipality

Permit section IV.F.4.

- ❖ Ensure adequate long-term cleaning, operation, and maintenance of stormwater facilities not owned or operated by the permittee
- ❖ Added minimum frequency of annual inspections by private facility owners
- ❖ Described proper maintenance to include removal of solid and floatable materials, e.g., trash, litter, excess leaves, branches, excess growth, etc. that could impede proper function causing flooding, etc.

❖ *Due EDPA for New Tier A's*



New or Modified Best Management Practices at Maintenance Yards & Other Ancillary Operations

Permit section IV.F.5.

Due EDPA for New Tier A's

- ❖ Wood Waste, Yard Trimmings, & Finished Leaf Compost
 - ❖ 6 months storage on site (no processing)
- ❖ Discharge of SW from Secondary Containment
- ❖ Vehicle Equipment Maintenance and/or Repair
- ❖ Wash water Containment
- ❖ Cold Patch Storage
- ❖ Scrap Tires
- ❖ Inoperable Vehicles or Equipment
- ❖ Containers & Dumpsters
- ❖ Salt and Other Granular De-Icing Material Storage and Handling (**EDPA + 36 Months**)

Due EDPA + 6 Months for New Tier A's

- ❖ Aggregate Material & Construction Debris
- ❖ Street Sweepings and Storm Sewer Clean-out Material Storage
- ❖ Construction and Demolition Waste, Wood Waste, and Yard Trimmings Storage

Due EDPA + 12 Months for New Tier A's

- ❖ Site Inspections
- ❖ Inventory List
- ❖ Container Labels
- ❖ Spill Kits
- ❖ Outdoor Bulk Liquid Materials



Employee Training

Permit section IV.F.6. through 10

- ❖ Stormwater Program Coordinator Training (*Due within EDPA + 36 Months*)
- ❖ Municipal Employees (*Due EDPA + 12 mo. for New Tier A's*)
 - ❖ Frequency changed to cover ALL topics every year (no longer biennial for some)
- ❖ Municipal Board and Governing Body Members (*Due EDPA + 6 mo. for New Tier A's*)
- ❖ Stormwater Management Design Reviewers
 - ❖ Register for courses every 5 years via NJDEP stormwater management webpage (*Due EDPA for New Tier A's*)
 - ❖ New requirement for SWM rule amendment training (*Due within 12 mo. from adoption of 7:8 rule amendment for New Tier A's*)

MS4 Mapping

Permit section IV.G.1.

- ❖ Create a map of all MS4 infrastructure
- ❖ Submit to the Department electronically as a georeferenced shapefile, geodatabase, or AutoCAD file with all other non-applicable data stripped out.
 - ❖ https://www.nj.gov/dep/dwq/msrp_map_aid.htm
 - ❖ If DEP Mapping Application is used, data submittal is automatic
- ❖ Post on dedicated stormwater webpage
- ❖ Similar to Public Complex & Highway Agency MS4 permit renewals
- ❖ *Due EDPA + 36 mo. for New Tier A's*





Stream Scouring

Permit section IV.G.2.

- ❖ Inspect all MS4 outfalls at least once every 5 years
 - ❖ Up to 100 municipal outfalls, inspect ALL every year
 - ❖ 100+ municipal outfalls, inspect 100 or 20% of the total (whichever is more) every year on rotation
- ❖ Inspect new or newly identified outfalls within 30 days
- ❖ Investigate complaints and reports of scouring within 30 days and remediate within 12 months
- ❖ Similar to Public Complex & Highway Agency MS4 permit renewals
- ❖ *Due EDPA + 12 mo. for New Tier A's*

Illicit Discharge Detection and Elimination

Permit section IV.G.2.

- ❖ Conduct dry weather inspection of all MS4 outfalls at least once every 5 years
 - ❖ Up to 100 municipal outfalls, inspect ALL every year
 - ❖ 100+ municipal outfalls, inspect 100 or 20% of the total (whichever is more) every year on rotation

- ❖ Inspect new or newly identified outfalls within 30 days

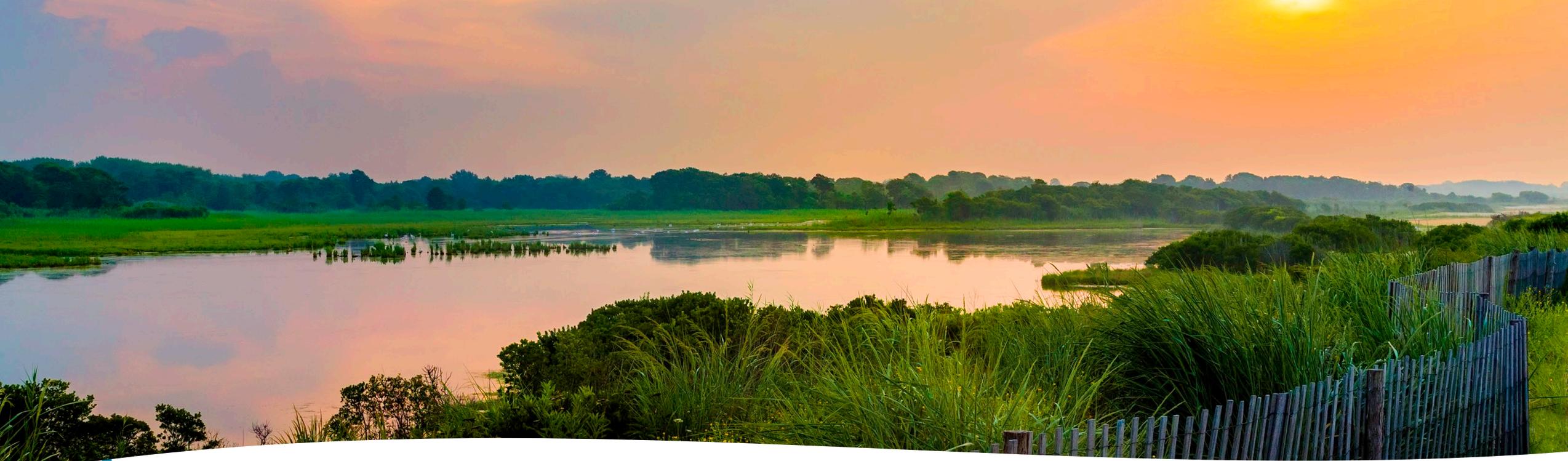
- ❖ Investigate dry weather flows within 30 days

- ❖ Remediate within 12 months OR request an extension from the Department by month 11

- ❖ Similar to Public Complex & Highway Agency MS4 permit renewals

- ❖ *Due EDPA + 12 mo. for New Tier A's*





Watershed Improvement Plan

Permit section IV.H.

- ❖ Designed to improve water quality problems
- ❖ Focused on reducing the MS4 contribution of pollutants to waterbodies with listed impairments and TMDLs
- ❖ Reducing or eliminating flooding with priority given based on human health and safety, environmental impacts, and frequency of occurrence
- ❖ Plan shall be developed with input from residents, businesses, neighboring towns, other dischargers

Watershed Improvement Plan

Permit section IV.H.

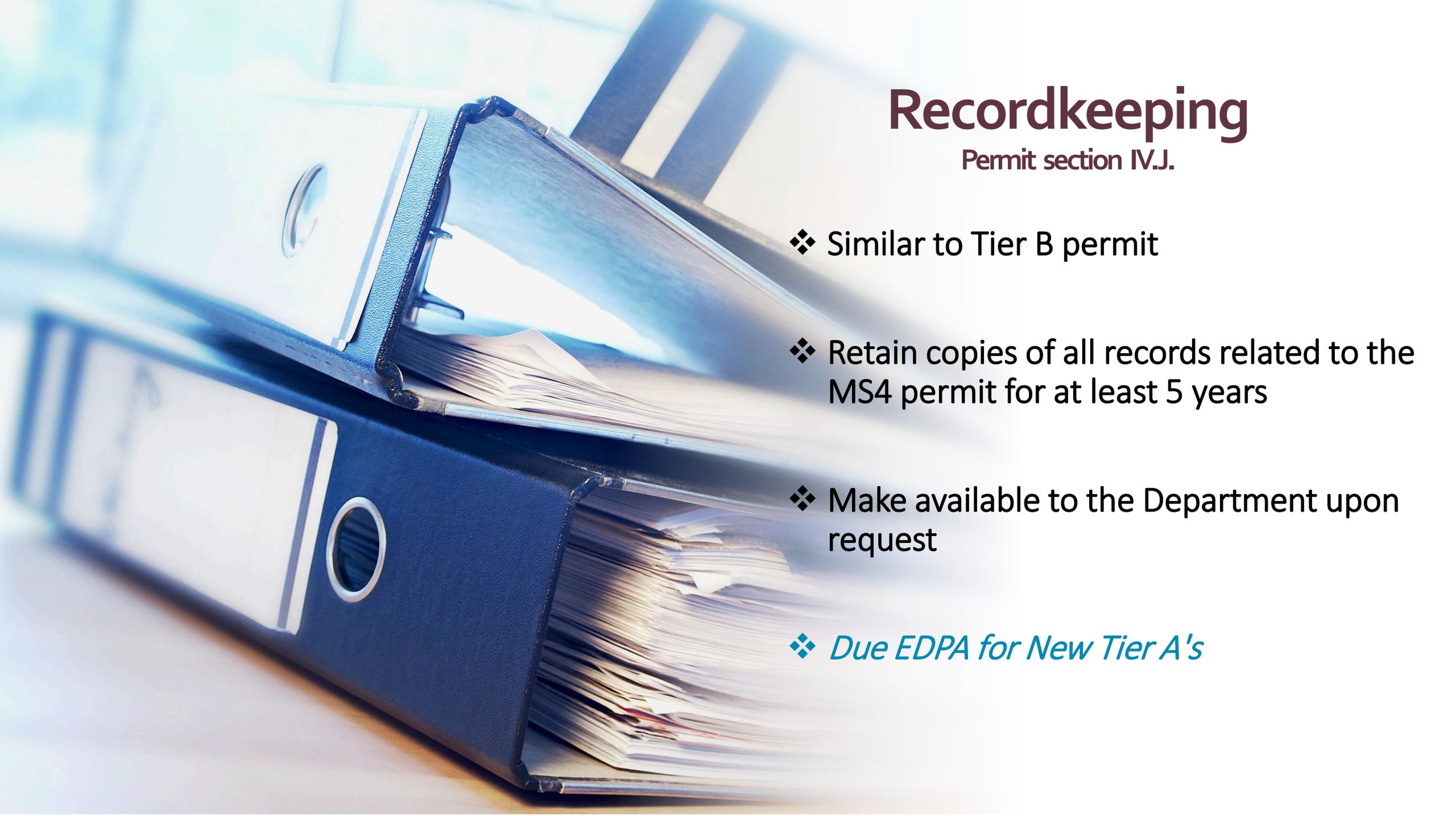
- ❖ Phase 1 – Prepare and submit the Watershed Inventory Report; conduct outreach (*EDPA + 36 mo. for New Tier A's*)
 - ❖ Summarize/map required information, some is available from the Department's GIS database
- ❖ Phase 2 – Prepare and submit the Watershed Assessment Report; conduct outreach (*EDPA + 48 mo. for New Tier A's*)
 - ❖ Assess potential projects with estimates of the reduction in pollutant loading & funding need
 - ❖ Solicit public comments by posting the Watershed Assessment Report with a 60-day public comment period
- ❖ Phase 3 – Prepare and submit the Watershed Improvement Plan Report; conduct outreach (*EDPA + 59 mo. for New Tier A's*)
 - ❖ Summarize proposed projects with improvement expected, comments received, costs, coordination with other regulatory programs, and implementation schedule



Additional Measures

Permit section IV.I.

- ❖ Same as Tier B
- ❖ Incorporate measures the Department requires to address TMDLs, regional stormwater management plans, or Water Quality Management Plans
- ❖ *Due date determined by future modifications if necessary*



Recordkeeping

Permit section IV.J.

- ❖ Similar to Tier B permit
- ❖ Retain copies of all records related to the MS4 permit for at least 5 years
- ❖ Make available to the Department upon request
- ❖ *Due EDPA for New Tier A's*

Annual Report & Supplemental Questionnaire

Permit section IV.K.

- ❖ **Due by May 1st every year**
 - ❖ Submit the Annual Report to the Department via the MSRP Annual Report Service
 - ❖ Attach the Supplemental Questionnaire to the Annual Report
 - ❖ Submission of a Supplemental Questionnaire is a 'new' requirement for New Tier A's

- ❖ No change to the Annual Report

- ❖ The Supplemental Questionnaire questions are updated each permit cycle



Permit Attachments

Going from 5 Attachments to 2

- ❖ A: Measurable Goals & Implementation Schedule = incorporated into permit
- ❖ B: Points for Public Education & Outreach = new Attachment A
- ❖ C: Design Standards for Storm Drain Inlets = new Attachment B
- ❖ D: Major Development Stormwater Summary = renamed Major Development Project Summary, modified/incorporated into Supplemental Questionnaire
- ❖ E: BMPs for Municipal Maintenance Yards and Other Ancillary Operations = incorporated into permit

Summary of Submissions

- ❖ Email to the Department initially and after every update
 - ❖ SPPP
 - ❖ MS4 Infrastructure Map
 - ❖ Watershed Improvement Plan
 - ❖ Phase 1 – Watershed Inventory Report
 - ❖ Phase 2 – Watershed Assessment Report
 - ❖ Phase 3 – Watershed Improvement Plan Report
 - ❖ Annual Report & Supplemental Questionnaire – every May 1st
 - ❖ Illicit Connection Inspection Report Forms (if applicable)



Contact

Nancy Kempel

Section Chief

Bureau of NJPDES Stormwater
Permitting & Water Quality
Management Program



stormwatermanager@dep.nj.gov



https://www.nj.gov/dep/dwq/msrp_home.htm

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