

NJDEP ADOPTS MAJOR AMENDMENTS TO THE STATE STORMWATER MANAGEMENT RULES – JULY 2020

The New Jersey Department of Environmental Protection (NJDEP) adopted major amendments to the Stormwater Management Rules (SWMR) at N.J.A.C. 7:8 on March 2, 2020. While the goal of stormwater quantity reductions and water quality improvements remains the same, the accepted methods to achieve these goals have changed significantly. These changes are likely to increase construction costs in the state and may reduce developable area. Compliance with the SWMR amendments does not become effective until March 2, 2021. Applications that are deemed complete prior to March 2, 2021 will be subject to the existing rules.

The amendments require major developments to utilize small-scale, decentralized, green infrastructure best management practices (also referred to as green BMPs) to meet the water quality, water quantity and groundwater recharge standards of N.J.A.C. 7:8. Green BMPs, such as bio retention systems, grass swales, bio-swales, green roofs, and rain gardens, are defined as stormwater management measures that manage/treat stormwater close to its source either by infiltrating runoff into the subsoil, filtering runoff through vegetation or soil, or storing runoff for reuse.

Meeting the water quality requirements using green BMPs for large construction sites will be challenging as the SWMR limit the drainage area to 2.5 acres or less for each green BMP proposed. This means that sites over 2.5 acres would require several smaller-scale green BMPs throughout the site to meet the standards. Larger-scale green BMPs (having watershed areas exceeding 2.5 acres) could be used but only to provide water quantity control. Projects that utilize manufactured treatment devices for water quality will no longer be permitted unless the device is considered a green BMP by the NJDEP. Underground basins used in the past to maximize development footprint on a site will no longer be permitted unless they are considered green BMPs by the NJDEP.

The amendments also provided an updated definition of “major development” as well as type of surfaces such as “motor vehicle surface,” “regulated motor vehicle surfaces,” and “regulated impervious surface” to more clearly define the thresholds for when a project must comply with the SWMR. Major development is defined as an individual development as well as multiple developments that individually or collectively result in the following on a site:

- The disturbance of one or more acres of land or the creation of one-quarter acre or more of “regulated impervious surface” after February 2, 2004. This criteria continues from the 2004 rules; or
- The creation of one-quarter acre or more of “regulated motor vehicle surface” after March 2, 2021; or
- A combination of 1 and 2 above that totals an area of one-quarter acre or more.

For more information on how this may impact your projects, you can refer to guidance documents located at: <https://developersguide.njfuture.org/>.

To discuss how these rules may affect your project, please contact your Langan Project Manager or:

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