

| OCTOBER 2022 |

REGULATORY UPDATE: NJDEP INLAND FLOOD PROTECTION RULE PROPOSAL - 2022

As identified at NJDEP's Division of Land Resource Protection engagement sessions held on October 19th and 20th, the emergency rule adoption that was contemplated earlier this year to reform the flood hazard and state stormwater management rules will be published as a regular rule proposal in the 4th quarter of 2022. Note that this rule proposal will pertain to fluvial flooding areas. NJDEP identified that a separate proposal relating to tidal flood areas will be published in the future.

This will not be an emergency rule adoption. A standard rule proposal is expected to be published 4th quarter 2022. NJDEP will hold a 60-day public comment period. Rule adoption is expected as early as 2nd quarter 2023.

This rule proposal will generally contain the same content as what the NJDEP previously discussed when they were contemplating an emergency rulemaking in June 2022. The expected key components of this proposal are listed below:

- The regulated flood hazard area will be set at the NJDEP-mapped flood hazard elevation +2 feet or the FEMA 100-year flood elevations +3 feet.
- Determining the flood hazard area elevation by calculation will still be accepted; however, the flood analysis will require the use of 2100 rainfall data.
- The rules will continue to require compliance with the 0% net fill standards. The increase in regulatory flood hazard area elevation will likely present an even more significant hurdle for NJDEP approval.
- Applicants will be required to evaluate both 2019 and 2100 rainfall data in their stormwater compliance calculations.
- Stormwater management basins will be larger in size based on the use of projected rainfall data, which will result in less area to develop onsite.

Langan will be submitting comments collectively for our clients during the public comment period.

To discuss how this may affect your projects, please contact your Langan Project Manager or:



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