

# MS4- Municipal Separate Storm Sewer System

Jill S. Mayer, Esquire  
Counsel  
Parker McCay P.A.  
[jmayer@parkerMcCay.com](mailto:jmayer@parkerMcCay.com)

Paul Ferriero, PE, PP, CME, CFM, LEED AP  
Stormwater Compliance Solutions, LLC  
[pferriero@scsstorm.com](mailto:pferriero@scsstorm.com)



## Q. What is MS4?



No, it's not a black ops foreign intelligence agency...but it sure feels like Mission Impossible.



## What Happened and How Did We Get Here?



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As the slide suggests, there has been a sea change in what is going to be required of all Municipalities in this state so it's important to understand a little of the background and how we got here. It's important because I believe it will help you understand the need to figure it out.

As we know, no two towns are alike. Each town has a different population, different landscape, different community base and certainly different budgets. So how each municipality manages these conditions is going to be different. But before we get to the -how are we going to handle this part, let's briefly talk about how we got to this point.

## NJPDES & MS4

NJPDES- NJ Pollutant Discharge Elimination System Permit- Every developer, corporation, business etc. has to have a permit to discharge pollutants associated with their business.

MS4- Each Municipality has what is called a Municipal Separate Storm Sewer System. (MS4- four which stands for the **four Ss**). It is a publicly-owned storm sewer system that collects, transports and sometimes treats stormwater via pipes and channels.



Let's start with the basics. It all starts with the NJPDES. See above.

Towns are no different. They too are a business and they also need a permit because they are discharging pollutants through their stormwater channels. So almost every town already has a MS4 permit, it's just that the requirements have changed in order to have one.



- MS4s do not typically send stormwater runoff to a wastewater treatment plant.
- Stormwater collected in the MS4 is discharged directly into streams, lakes, rivers, and ponds.
- In short, if you have a stormwater system (which virtually every town does) you need a permit to operate it.

It is this permit, the MS4 permit, that allows Municipalities to discharge stormwater into our water bodies. (There are a very limited number of municipalities with combined sewer systems that are not covered by this permit.)

Stormwater discharge --water from rain or melting snow that does not soak into the ground and flows from rooftops, paved areas, bare soil, and lawns into storm drains or ditches and sewers and then empties directly into local bodies of water.



What exactly is stormwater discharge?

## Q. Why do we need the MS4 permit?



We need it because it is the MS4 permit, with all of its requirements or conditions, that functions to reduce the amount of polluted runoff, thereby improving our stormwater management and ultimately improving the water quality of our lakes, streams, ponds etc.

In 1999 the USEPA issued its stormwater rules establishing how MS4s should be regulated under federal law through State permitting programs.



So now that we know some of the terminology- how did we get here?



In response, the NJDEP established a Tier program which allowed for certain municipalities

-generally those with populations under 1,000

to be exempt from the stormwater regulations set forth by the USEPA and designated them as **Tier B** communities.

So to be clear, it was the NJDEP, not the Federal EPA, that implemented the tier system we had in place until very recently.



NJDEP created these permit “waivers” or Tier B communities because those municipalities with such low populations were rural and unlikely major contributors to stormwater pollutants.



Recently, in an effort to make sure the NJDEP would be in compliance with the 2023 renewal of the Master General Permits issued by the EPA, the EPA asked the DEP to evaluate whether the Tiered permit program established by should continue.

General Permits get revisited every 5 years



- DEP conducted a water quality assessment and determined that a significant percentage (90%) of all waters in the State were impaired with pollutants.
- Over half of those pollutants were attributable to stormwater discharge.

The NJDEP concluded that the NJ created Tier system should no longer stand and in July of 2022, almost all Tier B municipalities (approximately 100 municipalities) were notified of their re-designation to Tier A such that NOW almost all Municipalities are governed under the Tier A General Permit Requirements.



## Tier A Permit Deliverables Timeline

Existing Standards

Modified Standards for Tier A

New Standards for Tier B to A

New Standards for Tier A



NJPDES 0141852 – MS4 Permit  
Issued 12/1/22; Effective 1/1/23; Exp. 12/31/27

Submit updated SPPP to DEP and post on municipal site (IV.A.2.)

Existing Tier A's → July 1<sup>st</sup>, 2023

New Tier A's → January 1<sup>st</sup>, 2024

Comply with applicable State and local notice requirements (IV.B.1.)

Existing Tier A's → January 1<sup>st</sup>, 2023

New Tier A's → January 1<sup>st</sup>, 2023

Develop stormwater webpage with links to materials listed in IV.B.2.a.  
(IV.B.2.)

Existing Tier A's → April 1<sup>st</sup>, 2023

New Tier A's → January 1<sup>st</sup>, 2024

Implement a Public Education and Outreach Program (IV.C.1.)

Existing Tier A's → January 1<sup>st</sup>, 2023

New Tier A's → January 1<sup>st</sup>, 2023



Each municipality must obtain at least 12 points from at least 3 of the five following categories:



## Category 1: General Public Outreach

- **Social Media:** 1 point for each platform used, 3 points max
- **Newspaper Ad:** Max 1 point
- **Radio/Television:** 1 point for each media outlet used, 2 points max
- **Green Infrastructure Signage:** 0.5 points for each new sign, 0.25 points for each existing sign maintained or upgraded, 5 points max
- **Billboard/Sign:** 2 points
- **Mural:** 2 points
- **Stormwater Facility Signage:** 0.5 points for each new sign, 0.25 points for each existing sign that is maintained or upgraded, 5 points max

Social Media: post relevant stormwater materials on a municipal social media site

Newspaper Ad: use DEP created and approved stormwater education materials available on [www.cleanwaternj.org](http://www.cleanwaternj.org) to publish in a newspaper or newsletter

Radio/Television: Broadcast a stormwater-related radio or television public service announcement from [www.cleanwaternj.org](http://www.cleanwaternj.org)

Green Infrastructure Signage: Post signs at municipally owned green infrastructure sites that describe the function and importance of the infrastructure, contact phone number, municipal identification number, and/or website for more information

Billboard/Sign: Post and maintain (for credit in subsequent years) a stormwater-related billboard or sign which can be displayed on a bus, bus stop shelter, recreation field (outfield sign), or other common public location

Mural: Produce and maintain (for credit in subsequent years) the planning and painting of a stormwater pollution themed mural, storm drain art or other artwork at a public venue

Stormwater Facility Signage: Post signs at municipally owned structural stormwater related facilities that describe the function and importance of the facility, contact phone number, municipal identification number, and/or website for more information.

## Category 2: Targeted Audiences Outreach

- **Stormwater Display:** 1 point
- **Promotional Item:** 2 points
- **Private Stormwater Facilities Education:** 3 points
- **Mailing or Emailing Campaign:** 2 points, 2 points max
- **Ordinance Education:** 3 points

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Stormwater Display: Present a stormwater related display or materials at any municipal event, at the municipal building or other similar public venue

Promotional Item: Distribute an item or items with a stormwater related message. Must initially have available a minimum number of the items equal to 10% of the municipal population

Private Stormwater Facilities Education: Provide information to all known owners of privately stormwater facilities highlighting the importance of proper maintenance of stormwater measures

Mailing or eMailing Campaign: Distribute any of the DEP's educational brochures, tip cards, or a municipally produced equivalent via a mailing to every resident and business in the municipality

Ordinance Education: Distribute a letter or e-mail from a municipal official to every resident and business in the municipality highlighting the requirements and environmental benefits of the multiple ordinances they need to follow. Provide a link to the municipal website where subject ordinances are posted

## Category 3: School/Youth Education and Activities

- **School Presentations:** 1 point for each presentation, 5 points max
- **Water Education Workshops:** 2 points
- **Storm Drain Labeling:** 3 points
- **Educational Contest for Schools:** 3 points
- **AmeriCorps Event:** 4 points
- **Clean-Up:** 3 points

School Presentations: Provide water-related educational presentation(s) and/or activities to local schools using municipal staff or local partner organizations. For ideas, see information at [www.nj.gov/dep/seeds](http://www.nj.gov/dep/seeds).

Water Education Workshops: Provide water-related professional development workshops for local teachers from a registered NJ Department of Education Professional Development Provider

Storm Drain Labeling: Organize a project to label and/or maintain storm drain labels (that are not already precast with a message) with a community youth group for a minimum of 40 labels. This project could also include stenciling over precast

labels to improve legibility.

Educational Contest for Schools: Organize an educational contest with a local school district or a local community youth organization to design a craft/art object. Contest themes shall have an appropriate stormwater message. Winning entries are to be displayed at publicly accessible locations within the municipality, The winning design should be shown on the municipality's website or social media site, if practical.

AmeriCorps Event: Coordinate an event through AmeriCorps NJ Watershed Ambassador Program

Clean-up: Sponsor or organize a litter clean up for a community youth group along a local waterway, public park, stormwater facility, or in an area with storm drains that discharge to a local lake or waterway

## Category 4: Watershed/Regional Collaboration

- **Regional Stormwater Collaboration:** 3 points
- **Green Infrastructure Workshop:** 3 points
- **Community Activity:** 3 points

Regional Stormwater Collaboration: Participate in a watershed-based group on a regular basis to discuss issues. Evaluate, develop, and implement remedies that resolve stormwater-related issues within the affected waterbody or watershed.

Green Infrastructure Workshop: Organize or participate in a green infrastructure workshop on a regional or watershed basis. Can be a partnership exercise with a local watershed organization, utility, university, school, youth/faith-based group,

and/or other organization

Community Activity: Organize or participate in the organization of a regional or watershed based event to carry out stormwater activities. May partner with a local group to carry out these activities

## Category 5: Community Involvement Activities

- **Stormwater Assessment or Stream Monitoring:** 3 points
- **Rain Barrel Workshop:** 3 points
- **Rain Garden Workshop:** 3 points
- **Community Event:** 3 points
- **Community Involvement:** 0.5 points per sign, 5 points max

### Stormwater Assessment or Stream Monitoring:

Establish a volunteer stormwater facility assessment or stream monitoring program for a waterbody within the municipality to gauge the health of the waterway.

Contact NJDEP's AmeriCorps NJ Watershed Ambassador Program or review USEPA National Directory of Volunteer Monitoring Programs

Rain Barrel Workshop: Organize or participate in a rain barrel workshop. Can be a partnership exercise with a local watershed organization, university, school, youth/faith-based group, and/or another nonprofit.

Rain Garden Workshop: Organize or participate in a rain garden training or installation workshop. Can be a partnership exercise with a local watershed organization, university, school, youth/faith-based group, and/or another nonprofit.

Community Event: Organize or participate in the organization of a community event to carry out stormwater activities. May partner with a local group to carry out these activities.

Community Involvement: Organize a project with a local organization to create and post signs at either green and/or gray stormwater infrastructure sites or facilities that describe the function and importance of the facility, contact phone number, municipal identification number, and/or website for more information.

Obtain permit (NJPDES or individual) for construction site stormwater runoff activities (IV.D.1.)

Existing Tier A's → January 1<sup>st</sup>, 2023

New Tier A's → January 1<sup>st</sup>, 2023

Comply with N.J.A.C. 7:8 - Develop, update, implement and enforce: (IV.E.1.)

Stormwater Management Program, MSWMP, SCO, and Mitigation Plan (if applicable)

Existing Tier A's → January 1<sup>st</sup>, 2023

New Tier A's → January 1<sup>st</sup>, 2023



Adopt and enforce pre-existing Community-wide Ordinances (IV.F.1.a.)

Existing Tier A's → January 1<sup>st</sup>, 2023

New Tier A's → January 1<sup>st</sup>, 2024

Adopt and enforce new Community-wide Ordinances (IV.F.1.b.)

Existing Tier A's → January 1<sup>st</sup>, 2024

New Tier A's → January 1<sup>st</sup>, 2024





At least every 4 months, sweep all asphalt/concrete segments with storm drain inlets that discharge to surface water (IV.F.2.a.i.)

Existing Tier A's → January 1<sup>st</sup>, 2026

New Tier A's → January 1<sup>st</sup>, 2026

At least once per year, sweep all asphalt/concrete segments without storm drain inlets that discharge to surface water (IV.F.2.a.ii.)

Existing Tier A's → January 1<sup>st</sup>, 2026

New Tier A's → January 1<sup>st</sup>, 2026

Label all storm drain inlets that do not have wording cast into the structure (IV.F.2.a.iii.)

Existing Tier A's → January 1<sup>st</sup>, 2023

New Tier A's → January 1<sup>st</sup>, 2023

Retrofit or replace all municipal storm drain inlets according to standards in Attachment B (IV.F.2.a.iv.)

Existing Tier A's → December 1<sup>st</sup>, 2027

New Tier A's → December 1<sup>st</sup>, 2027

All storm drain installations must include a catch basin or other BMP designed for solids collection (IV.F.2.a.v.)

Existing Tier A's → January 1<sup>st</sup>, 2023

New Tier A's → January 1<sup>st</sup>, 2023

Restrict application of herbicides (IV.F.2.a.vi)

Existing Tier A's → January 1<sup>st</sup>, 2023

New Tier A's → January 1<sup>st</sup>, 2023





Within 72 hours after storm events, remove piles of excess de-icing materials on all streets and parking areas (IV.F.2.a.vii.)

Existing Tier A's → January 1<sup>st</sup>, 2023

New Tier A's → January 1<sup>st</sup>, 2023

Ensure proper pickup, handling, storage, and disposal of wood waste and yard trimmings (IV.F.2.a.viii.)

Existing Tier A's → January 1<sup>st</sup>, 2023

New Tier A's → January 1<sup>st</sup>, 2023

Detect and repair erosion and inspect and maintain stability of soil along roads (IV.F.2.a.ix.)

Existing Tier A's → January 1<sup>st</sup>, 2024

New Tier A's → January 1<sup>st</sup>, 2024

At least once per year, inspect all storm drain inlets (IV.F.3.a.i.)

Existing Tier A's → January 1<sup>st</sup>, 2023

New Tier A's → January 1<sup>st</sup>, 2023

Develop, update, and implement a storm drain inlet cleaning and maintenance program (IV.F.3.a.ii.)

Existing Tier A's → January 1<sup>st</sup>, 2023

New Tier A's → January 1<sup>st</sup>, 2023

At least once per year, inspect 20% of total catch basins, all must be inspected at least once every 5 years (IV.F.3.a.iii.)

Existing Tier A's → January 1<sup>st</sup>, 2023

New Tier A's → January 1<sup>st</sup>, 2023

Develop, update, and implement a catch basin cleaning and maintenance program (IV.F.3.a.iv.)

Existing Tier A's → January 1<sup>st</sup>, 2023

New Tier A's → January 1<sup>st</sup>, 2023

Develop, update, and implement an MS4 conveyance system inspection, cleaning, and maintenance program (IV.F.3.a.v.)

Existing Tier A's → January 1<sup>st</sup>, 2023

New Tier A's → January 1<sup>st</sup>, 2023



Inspect all stormwater infrastructure (excluding those in IV.F.3.a.i. through v. and IV.G.2.b.x.) at least 4x per year and after each rainstorm exceeding 1" (IV.F.3.a.vi.)

Existing Tier A's → January 1<sup>st</sup>, 2023

New Tier A's → January 1<sup>st</sup>, 2023

Perform maintenance on all stormwater infrastructure (excluding those in IV.F.3.a.i. through v. and IV.G.2.b.x.) per approved maintenance plans or more frequently as needed (IV.F.3.a.vii.)

Existing Tier A's → January 1<sup>st</sup>, 2023

New Tier A's → January 1<sup>st</sup>, 2023

Develop, update, implement, and enforce a program to ensure long-term cleaning, operation, and maintenance of stormwater facilities (IV.F.4.) Applies to facilities not owned or operated by the permittee, not subject to conditions of another NJPDES permit, and were constructed after Feb. 7, 1984

Existing Tier A's → January 1<sup>st</sup>, 2023

New Tier A's → January 1<sup>st</sup>, 2023

Implement applicable BMPs for activities listed in sections IV.F.5.b. through r at each MMY and ancillary operation site (IV.F.5.a.)

Include each site and corresponding materials and activities in the SPPP

Existing Tier A's → January 1<sup>st</sup>, 2023

New Tier A's → January 1<sup>st</sup>, 2024

Conduct monthly site inspections and maintain logs (IV.F.5.b.)

Existing Tier A's → January 1<sup>st</sup>, 2023

**New Tier A's → January 1<sup>st</sup>, 2024**

Maintain a list of all materials and machinery which could be a source of pollutants in a stormwater discharge (IV.F.5.c.)

Include each site and corresponding materials and activities in the SPPP

Existing Tier A's → January 1<sup>st</sup>, 2023

**New Tier A's → January 1<sup>st</sup>, 2024**

Properly label all containers (IV.F.5.d.)

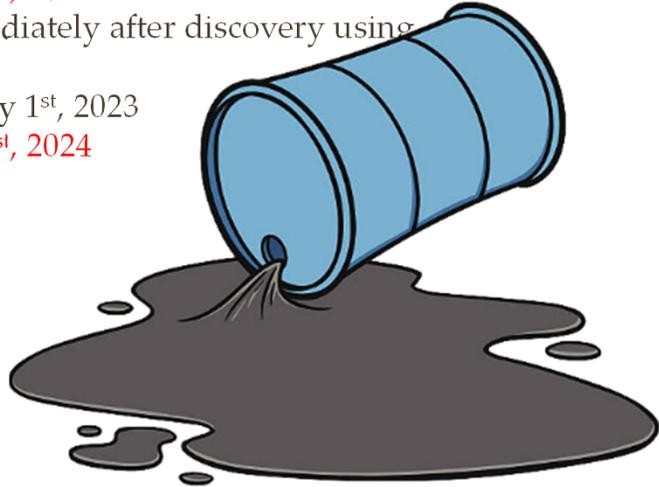
Existing Tier A's → January 1<sup>st</sup>, 2023

**New Tier A's → January 1<sup>st</sup>, 2024**

Conduct cleanups of spills immediately after discovery using dry cleaning methods (IV.F.5.e.)

Existing Tier A's → January 1<sup>st</sup>, 2023

**New Tier A's → January 1<sup>st</sup>, 2024**



Provide secondary containment of aboveground storage tanks containing bulk liquid materials (IV.F.5.f.)

Existing Tier A's → January 1<sup>st</sup>, 2024

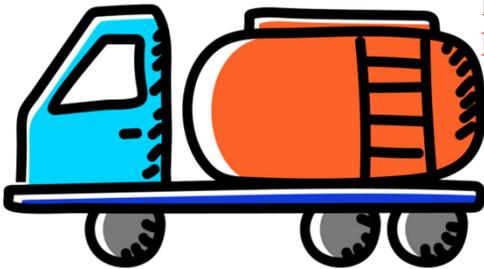
New Tier A's → January 1<sup>st</sup>, 2024

Establish, maintain, and implement BMPs to address:  
(IV.F.5.g.)

Vehicle fueling, receipt of bulk fuel deliveries, and inspection and maintenance of storage tanks

Existing Tier A's → January 1<sup>st</sup>, 2023

New Tier A's → January 1<sup>st</sup>, 2024



Discharge stormwater accumulated in a secondary containment area as needed following visual inspection for contaminants (IV.F.5.h.)

Existing Tier A's → January 1<sup>st</sup>, 2023

**New Tier A's → January 1<sup>st</sup>, 2023**

Maintain vehicles and equipment to prevent exposure of pollutants to stormwater (IV.F.5.i.)

Existing Tier A's → January 1<sup>st</sup>, 2023

**New Tier A's → January 1<sup>st</sup>, 2023**



Manage equipment and vehicle washing activities to prevent unpermitted discharges of wash wastewater (IV.F.5.j.)

Existing Tier A's → January 1<sup>st</sup>, 2023

**New Tier A's → January 1<sup>st</sup>, 2023**

Establish, maintain, and implement de-icing material storage and handling BMPs (IV.F.5.k.)

Store solid de-icing materials in a permanent structure

Existing Tier A's → January 1<sup>st</sup>, 2023

**New Tier A's → January 1<sup>st</sup>, 2026**



Store aggregate materials, wood chips, and finished leaf compost in a manner that minimizes stormwater run-on and pollutant run-off (IV.F.5.1.)

Existing Tier A's → January 1<sup>st</sup>, 2023

New Tier A's → July 1<sup>st</sup>, 2023

Store cold patch asphalt in a permanent structure or on an impervious surface and covered (IV.F.5.m.)

Existing Tier A's → January 1<sup>st</sup>, 2023

New Tier A's → January 1<sup>st</sup>, 2023

Store street sweepings, storm sewer, catch basin, and stormwater basin clean-out materials up to 6 months in a manner that controls leachate and stormwater run-on or run-through (IV.F.5.n.)

Existing Tier A's → January 1<sup>st</sup>, 2023

New Tier A's → July 1<sup>st</sup>, 2023

Store construction and demolition waste, wood waste, and yard trimmings, temporarily in a manner that minimizes stormwater run-on and pollutant run-off (IV.F.5.o.)

Existing Tier A's → January 1<sup>st</sup>, 2023

New Tier A's → July 1<sup>st</sup>, 2023



Store scrap tires in a covered container, under cover or in an enclosure to prevent exposure to stormwater (IV.F.5.p.)

Existing Tier A's → January 1<sup>st</sup>, 2023

New Tier A's → January 1<sup>st</sup>, 2023

Store inoperable vehicles or equipment provided control measures are utilized and monthly inspections are conducted for leaks and filled drip pans (IV.F.5.q.)

Existing Tier A's → January 1<sup>st</sup>, 2023

New Tier A's → January 1<sup>st</sup>, 2023



Ensure dumpsters and refuse containers that are exposed to stormwater are covered in accordance with the permit (IV.F.5.r.)

Existing Tier A's → January 1<sup>st</sup>, 2023

New Tier A's → January 1<sup>st</sup>, 2023

SPCs attend mandatory DEP training once per permit cycle (IV.F.6.)

Existing Tier A's → January 1<sup>st</sup>, 2026

New Tier A's → January 1<sup>st</sup>, 2026



Train individuals responsible for implementation of the stormwater program permit conditions that apply to their job duties (IV.F.7.)

Existing Tier A's → January 1<sup>st</sup>, 2023

**New Tier A's → January 1<sup>st</sup>, 2026**

Ensure that all individuals that review and approve stormwater management designs for major development projects for compliance with the Stormwater Management rules at N.J.A.C. 7:8 complete the training provided by the DEP at least once every 5 years (IV.F.8.)

Existing Tier A's → January 1<sup>st</sup>, 2023

**New Tier A's → January 1<sup>st</sup>, 2024**

Ensure that all individuals that have completed the DEP SWMDR course also complete any DEP training courses related to Stormwater Management rule amendments (IV.F.9.)

Existing Tier A's → Within 12 months from adoption of 7:8 rule amendment

New Tier A's → Within 12 months from adoption of 7:8 rule amendment

Ensure that all individuals serving on the municipal board and governing body watch the DEP training videos once per term (IV.F.10.)

Existing Tier A's → January 1<sup>st</sup>, 2023

New Tier A's → July 1<sup>st</sup>, 2023

Develop, update, and maintain an MS4 Infrastructure Map (IV.G.1.)  
Review annually, post on the permittee's stormwater webpage, and submit electronically to the DEP

Existing Tier A's → January 1<sup>st</sup>, 2026

New Tier A's → January 1<sup>st</sup>, 2026

Develop, update, and implement a program to detect, investigate, and control localized stream scouring from stormwater outfalls via inspections of 20% of the total number of outfalls per year (IV.G.2.)

Existing Tier A's → January 1<sup>st</sup>, 2023

New Tier A's → January 1<sup>st</sup>, 2024

Develop, update, implement and enforce an ongoing Illicit Discharge Detection and Elimination Program via inspections of 20% of the total number of outfalls per year (IV.G.3.)

Existing Tier A's → January 1<sup>st</sup>, 2024

New Tier A's → January 1<sup>st</sup>, 2024

Incorporate measures the DEP requires to address TMDLs, regional stormwater management plans, or Water Quality Management Plans (IV.I.)

Can adopt measures beyond the requirements in the permit

Existing Tier A's → per NJDEP implementation schedule

New Tier A's → per NJDEP implementation schedule

Retain copies of all records related to the MS4 permit for at least 5 years  
(IV.J.)

Make available to the DEP upon request

Existing Tier A's → January 1<sup>st</sup>, 2023

New Tier A's → January 1<sup>st</sup>, 2023

Submit the Annual Report and Certification to the DEP via the MSRP Annual  
Report service through the Regulatory Services Portal by May 1st each year  
(IV.K.a)

Existing Tier A's → January 1<sup>st</sup>, 2023

New Tier A's → January 1<sup>st</sup>, 2023

Submit the Supplemental Questionnaire to the DEP by attaching it to the MSRP Annual Report by May 1st each year (IV.K.b.)

Existing Tier A's → January 1<sup>st</sup>, 2023

New Tier A's → January 1<sup>st</sup>, 2023



## New Ordinances

- Within a 5 year period, any person who removes 1 or more trees with a minimum DBH of 2.5" for street trees or 6" for other trees, unless exempt, are subject to the Tree Replacement Requirements Table
  - Homeowners who remove more than 3 trees with the above minimums or at least 1 tree with a minimum DBH of 33" tree are subject to the Tree Replacements Requirements Table
- Outdoor storage of de-icing materials in non-permanent structures is allowed between Oct. 15<sup>th</sup> to April 15<sup>th</sup> for no longer than 30 days without written approval. Materials should be placed on an impermeable surface with sufficient cover to prevent run-off and run-through.
  - Materials stored in permanent structures are not restricted to Oct 15<sup>th</sup> to April 15<sup>th</sup>

## Watershed Improvement Plan (IV.H.1)

- **On or Before January 1<sup>st</sup>, 2026**
  - Conduct Semi-annual public information sessions throughout development
  - Prepare and submit to the DEP the Watershed Inventory Report

## Watershed Improvement Plan (IV.H.1)

- **On or Before January 1<sup>st</sup>, 2027**
  - Prepare and submit to the DEP Watershed Assessment Report
  - The report should be posted, along with an announcement of a 60-day comment period for formal public input on its municipal website

## Watershed Improvement Plan (IV.H.1)

- **On or Before December 1<sup>st</sup>, 2027**
  - Prepare and submit to the DEP Watershed Improvement Plan Report
    - Implementation should be in accordance to the schedule set forth in the plan
  - Update the plan every two years, when necessary, per the DEP's Integrated Report and newly adopted TMDLs



## What Do We Do Now?

<https://dep.nj.gov/wp-content/uploads/njpdес-stormwater/final-deliverables-timelines-2023-ms4-tier-a-permit.pdf>

As mentioned earlier, the notices went out in July 2022 and the new permit conditions took effect January 1, 2023, and as much as it may seem overwhelming, municipalities must work toward compliance.

The good news is that there are some staggered compliance dates. Some of the permit conditions have a deadline of December 31<sup>st</sup> of 2025, 2026 and 2027 as Paul touched on.

The DEP has a very comprehensive table on their website. The link is in this slide and it lays out what needs to be done when. Some are immediate. Let me walk you through some of your action items or your to do list. This is not a complete list, but it touches on some important items.

## 1. Find Funding

### • GRANTS

- As of February 2023, \$19 million in grant funding was made available from the State to help Municipalities transition and manage these new requirements. This is a one-time disbursement.
- Deadline for NJDEP grant application- **December 31, 2023**
- Formation of a Stormwater Utilities
- This is DEP's answer to it not being an unfunded mandate

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First step is to find the money to accomplish your goals.

\$75,000 grant to former Tier B Municipalities

\$50k up front, \$25k later once certain items have been completed such as mapping

The money for the Tier A Legacy Municipalities is not quite as generous.

\$25,000 - \$15,000 now, \$10,000 later when storm sewer map is completed

Regarding these grants, it is important to apply-NJDEP will look to see if you have done so if confronted with any non-compliance issues. It is my understanding from those who have already applied that the application is very simple form.

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SWU- Very complicated endeavor. Problems with determining where the boundaries are between municipalities. Some suggest forming a regional Stormwater Utility to pull resources, but issue with that is that each town has its own needs so a regional system can be a little unworkable especially as it pertains to who is ultimately in charge of the utility.

In talking with some towns I think the most reasonable option is to fold these responsibilities into the Sewer Utility.

- **MUNICIPAL BONDS**

- Just as we do for schools and other local improvement projects, our local government could levy a bond to pay for stormwater projects that benefit the whole community.

- **MORE FUNDING RESOURCES**- These can be found at links listed below:

- For ex:

- NJ Ibank- Very low interest loans through the Infrastructure Trust Program found at

- <https://www.njib.gov/njeit>

- EPA's Water Finance Center [www.epa.gov/waterfinancecenter](http://www.epa.gov/waterfinancecenter)

- EPA's Green Infrastructure Funding webpage

- [www.epa.gov/green-infrastructure/green-infrastructure-funding-opportunities](http://www.epa.gov/green-infrastructure/green-infrastructure-funding-opportunities)

Spoke to a stormwater coordinator for a variety of towns and she highly recommends the IBank option. Incredibly low interest rates.

## 2. Craft and Adopt the Following Required Ordinances by December 31, 2023

- Containerized Yard Waste- Prohibits placing un-containerized yard waste in the street
- Litter Control
- Pet Waste Control
- Municipal Stormwater Control – Comprehensive and complex- 35 pg. Ordinance. Serves as the core foundation of the MS4 program.
- Private Storm Drain Inlet Retrofitting
- Wildlife Feeding Control
- Yard Waste Collection
- Prohibiting Illicit Connections
- Improper Waste Disposal Control
- Refuse Containers/Dumpsters (Optional)
- <https://dep.nj.gov/njpdcs-stormwater/municipal-stormwater-regulation-program/example-ordinances>

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Beyond figuring out the money part of this, you need to start adopting the proposed ordinances. Legacy Tier A Municipalities should already have these Ordinances adopted. Now Tier B group must adopt, but many towns may already have some version of these Ordinances already.

Most are self-explanatory and easy to process and understand. Let's go through them.

Private Storm Drain Inlet Retrofitting is an Ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system.

Yard Waste Collection- Different than Containerized Yard Waste Ordinance mentioned earlier. This establishes a yard waste collection program and schedule  
Prohibiting Illicit Connections- Prohibits individuals from discharging through illicit connection to the MS4 (Municipal Separate Sewer Storm System)

Improper Waste Disposal Control- Prohibits the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system

Refuse Containers/Dumpsters (Optional) An ordinance requiring dumpsters and

other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s)

These are the bare minimum requirements. The model ordinances issued by the DEP set out in this link also list who is responsible for enforcing the ordinance.

## Ordinances Continued

- Two NEW Ordinances, but still in Draft form →
  - **Tree Removal Replacement**- outlines the requirements for tree removal and replacement. Provides a table outlining the number and type of trees that must replace those that are removed based on the size and number of the trees removed. This will need to be coordinated and reviewed by your planning board.
  - **Privately –Owned Salt Storage**- This ordinance establishes requirements for the storage of salt and other solid de-icing materials on privately owned properties
- **Recommendation**: Take the model ordinances provided by DEP, introduce them in chunks of 3 or more at each of your next meetings.

### 3. Educate the Community About the Importance of Stormwater Management

- Each Municipality must have a dedicated, separate page on their website which lays out information related to the Municipality's stormwater management program.
  - Post the Stormwater Pollution Prevention Plan on your website
- Post the Stormwater Management Plan and all the related ordinances once they've passed on this webpage
- Print out "Tip Sheets" for business owners such as auto shops, restaurants, construction sites, lawn care companies or public parking lots to show how local businesses can engage in best practices to keep water clean
- Outreach materials, PowerPoint presentations, social media graphics and more are available for use on the EPA website
- <https://www.epa.gov/npdes/stormwater-smart-outreach-tools>

The Goal is to:

Increase awareness about the effect of polluted stormwater, Promote community practices to manage stormwater and Promote investment in Stormwater management

You need buy-in from the community for this to be effective. As Paul noted, there is a point system assigned to these items.

## 4. Conduct Required training for Municipal Boards, Governing Bodies, Zoning and Planning Boards.

<https://dep.nj.gov/stormwater/stormwater-training/>



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Obviously, if you have governing bodies that are going to have to enforce these new ordinances, approve budgets that allot for some of the work that needs to be done, approve tree removal and replacement etc. , they will need to be educated on these issues.

There are a lot of training videos listed by DEP on their website and I'm sure any reach out to DEP by your municipalities asking for education on this would, or should be, welcomed by them.



## CONSEQUENCES

Q. What happens if municipalities do not  
comply with the  
new conditions?

Guidelines and regulations are unclear



## Final Thoughts

**Stormwater Innovations Improve Our Community**

Solutions that manage stormwater are a natural way to reduce pollution, bring value to our community, and make it a better place to live.

Local governments and utilities can make smart investments in stormwater management.

Pocket parks add green spaces and enhance neighborhoods.

Bioretention areas reduce pollution and beautify the landscape.

Enhancing paved parking lots with more landscaping helps promote local jobs.

Permeable paving and planter boxes help reduce flooding.

**Where Stormwater Flows, Everything Goes**

Insert organization's URL

EPA

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Let me leave you with some final thoughts...Putting aside the legalities and requirements of the new permit conditions, the bottom line is that we have to find some way to begin, if you haven't already, to comply. As I said, In the world of compliance, regulators look to see what you have in place and what you are **attempting** to do to make strides to meet the goals.