

**ADVISORY BULLETIN  
NEW STORMWATER MANAGEMENT SYSTEM POST-CONSTRUCTION  
INSPECTION AND REPORTING REQUIREMENTS**

New Jersey has recently implemented several measures to control pollution and flooding caused by land use, prior land use without modern stormwater management practices, and improper operations and/or maintenance of contemporary stormwater management systems. Examples of this initiative are the proposed amendments to the Stormwater Management Rules, new legislation concerning a "rain tax", and amendments to the New Jersey Pollution Discharge Elimination System (NJPDES) Tier A Municipal Permit that became effective on January 1, 2018. This Advisory pertains to the Tier A Municipal Permit and how the January 1, 2018 amendment may impact your responsibility in managing your property or facility.

The Tier A Municipal Permit authorizes stormwater discharges from municipalities identified as Tier A by the New Jersey Stormwater Management Rules ([https://www.nj.gov/dep/dwq/pdf/MS4\\_municipal\\_tier\\_list.pdf](https://www.nj.gov/dep/dwq/pdf/MS4_municipal_tier_list.pdf)). The Permit was issued by the NJDEP's Bureau of Nonpoint Pollution Control in response to the USEPA's Phase II rules, and requires municipalities to implement and maintain a Municipal Stormwater Management Plan (MSMP) and enforce stormwater control ordinances. The MSMP applies to all stormwater facilities owned by the municipality and stormwater facilities not owned by the municipality.

An important amendment to the Permit is the requirement for municipalities to establish a post-construction stormwater management program to ensure adequate long-term cleaning, operation and maintenance of stormwater facilities in accordance with the Stormwater Management Rules, N.J.A.C. 7:8. The post-construction program applies to new development and redevelopment projects that result in one acre of more of land disturbance or 1/4 acre or more of impervious surfaces; and, all development that disturbs less than one acre of land but is part of a larger, common development plan that will disturb more than one acre of land. Some municipalities have already developed a system to track the performance of required actions and enforce their ordinance

VNHA has reviewed local ordinances of several municipalities to learn how their MSMP requirements will be enforced. Based on our review, it appears that if you have received a municipal approval for a "major" project having a stormwater management operation and maintenance plan, you will be subject to a municipal ordinance requiring, as a minimum, the following actions:

- **Prepare and submit to the municipality a maintenance plan for stormwater management measures.**
- **Perform periodic (at least annual) inspections on all stormwater management systems to evaluate the effectiveness of the system and document inspection results in logs.**
- **Annual submission of inspection logs/reports to the municipality prepared by a licensed professional engineer.**
- **Perform preventative, regular and corrective maintenance on all stormwater management system components such as removal of sediment, debris, trash, snow and ice, as required; restoration of eroded areas; fence repair/replacement; maintenance/restoration of vegetation; repair/replacement of non-vegetative linings; and, maintenance of manufactured treatment devices.**

It is important to note that failure to comply with the above actions can result in fines/legal action. In circumstances affecting public health and safety, the municipality has the power to perform maintenance/repair of facilities and bill the cost to the owner.

If you believe your facility is or will be subject to a municipal stormwater control ordinance and you have any questions or concerns, or if you require assistance in complying with a stormwater control ordinance, please do not hesitate to contact Brian Perry, PE at [bperry@vannoteharvey.com](mailto:bperry@vannoteharvey.com), or Ralph Petrella, PE at [rpetrella@vannoteharvey.com](mailto:rpetrella@vannoteharvey.com), or call (609) 987-2323.