

Checklist for County Review of Municipal Stormwater Management Plans and Stormwater Control Ordinances



New Jersey Department of Environmental Protection

Division of Watershed Management

May 2005

The municipal stormwater management plan (MSWMP) is a required element of the Tier A and Tier B Municipal Stormwater General Permits issued by the New Jersey Department of Environmental Protection (Department). These permits were issued in response to municipal stormwater requirements mandated by the United States Environmental Protection Agency (USEPA). Within 12 months from the Effective Date of Permit Authorization (EDPA), each municipal planning board is required to adopt stormwater management plans consistent with the provisions of N.J.A.C. 7:8-2 and N.J.A.C. 7:8-4.

Municipal planning boards for municipalities within the Pinelands Area will be given an additional three (3) months from the date the Department provides them a draft model Pinelands Municipal Stormwater Control Ordinance to adopt a Municipal Stormwater Management Plan for those areas of the municipality within the Pinelands Area. Municipal planning boards for municipalities partially within the Pinelands Area must adopt a Municipal Stormwater Management Plan by 12 months from EDPA for those areas of the municipality not within the Pinelands Area. All county review agencies and municipalities within the Pinelands Area will be provided a copy of the draft model ordinance when it is finalized.

Within 12 months after the adoption of a MSWMP, each municipality is required to adopt stormwater control ordinance(s) and submit both the MSWMP and ordinance(s) to the county for review under N.J.A.C. 7:8-2 and N.J.A.C. 7:8-4. Within 60 calendar days of receipt, the county must approve, conditionally approve, or disapprove the submitted plan and ordinance(s). If the county does not take action within 60 calendar days, the MSWMP and ordinance(s) shall be deemed approved.

The following checklist is provided to assist municipalities in the development of the required MSWMP and ordinance(s), and to assist counties in their review. The checklist incorporates items that are required under the Stormwater Management rules at N.J.A.C. 7:8-2 and N.J.A.C. 7:8-4, as well as items that are recommended for inclusion into MSWMP's. In reviewing the adopted plan and ordinance(s), the county review agency shall consider whether the MSWMP and ordinance(s) conform to the requirements of the Department's Stormwater Management rules at N. J. A. C. 7:8.

The Department strongly encourages municipalities to communicate with the county review agencies throughout the development of municipal stormwater management plans and municipal stormwater control ordinances. This may reduce

the risk that the county review agency will disapprove, or require amendments to, the adopted plan and ordinance(s).

As required by the County Planning Act at N.J.S.A. 40:27-4 (also see N.J.S.A. 40:55D-13), the municipality must forward a copy of any **proposed** municipal stormwater management plan (or amendment to that plan) to the county planning board for review and report **at least 20 days prior to the date of the public hearing** held by the municipal planning board. The municipality must also transmit, within 30 days after adoption, a copy of any **adopted** municipal stormwater management plan (or amendment to that plan) to the county planning board for its information and files (even if the county planning board is not the “county review agency”).

As required by the Municipal Land Use Law at N.J.S.A. 40:55D-15.b and -16, the municipality must provide a copy of any proposed municipal stormwater control ordinance (or amendment to that ordinance) to the county planning board at least 10 days prior to the date of the public hearing held by the municipal governing body. The municipality must also file a copy of any adopted municipal stormwater control ordinance (or amendment to that ordinance) with the county planning board (even if the county planning board is not the “county review agency”).

In addition to the above notification of the county planning boards of any actions or pending actions regarding stormwater management plans and the stormwater control ordinance(s), the municipality must also submit copies of the adopted municipal stormwater management plan and municipal stormwater control ordinance(s) to the county review agency designated by the Board of Chosen Freeholders for review in accordance with N.J.A.C. 7:8-4.4.

Municipal Stormwater Management Plan - Initial Elements (Adoption Due within 12 Months from EDPA)

The Department is in the process of developing a model ordinance for municipalities within the Pinelands Area. This Department will give these municipalities three (3) months, from the date the Department provides them a draft model Pinelands Municipal Stormwater Control Ordinance, to adopt a Municipal Stormwater Management Plan for those areas of the municipality within the Pinelands Area. Municipalities partially within the Pinelands Area must adopt a Municipal Stormwater Management Plan by 12 months from EDPA for those areas of the municipality not within the Pinelands Area.

General: *Although not mandatory, every plan should include an introduction to identify why the plan is being prepared, a discussion on stormwater management issues, and a description of the municipality. The plan is required to describe how the goals of stormwater management planning at N.J.A.C. 7:8-2.2 are achieved, and it is beneficial to also include the list of the goals in the municipal plan.*

Municipality _____; County _____

Yes No Introduction: Does the plan contain an introduction that identifies why the plan is being prepared and a summary of the contents of the plan?

Yes No General Discussion: Does the plan contain a general discussion on stormwater management including a brief description of each of the following?

Yes No Hydrologic cycle (written description and figure)?

Yes No Water quantity issues associated with development and impervious surfaces?

Yes No Groundwater recharge issues associated with development and impervious surfaces?

Yes No Water quality issues associated with development and impervious surfaces?

Yes No Description of Municipality: Does the plan contain a general description of the municipality including a brief description of each of the following?

Yes No Size of the municipality in square miles?

Yes No Population and population trends in the municipality?

Yes No List or map of waterways?

Yes No Health of these waterways – chemical, physical and biological?

Yes No Are any of the waterways on the New Jersey Integrated Water Quality Monitoring and Assessment Report (305(b) and 303(d)) (Integrated List)?

Yes No Are Total Maximum Daily Loads (TMDLs) being prepared or have they been prepared for any of the impaired waterways in the municipality?

Yes No Does the plan identify the nine goals of municipal stormwater management planning, as in N.J.A.C. 7:8-2.2?

Yes No Does the plan describe how it achieves each goal at N.J.A.C. 7:8-2.2?

Consistency with Other Plans and Regulations

Name all other stormwater management plans and TMDLs related to the river basin(s) or drainage area(s) in which the municipal stormwater management plan applies, including regional stormwater management plans. *Information regarding adopted Regional Stormwater Management Plans and adopted TMDLs is available from the NJDEP Division of Watershed Management.*

Yes No Is there a description of how the MSWMP coordinates with the stormwater management plans and TMDLs discussed above?

Yes No Is the plan consistent with all adopted Regional Stormwater Management Plans (RSWMP) within the municipality?

Yes No If a RSWMP is being developed, but has not yet been adopted, does the plan address the coordination with the RSWMP committee?

Yes No Is the plan consistent with all adopted TMDLs for water bodies within the municipality?

Yes No Is the plan consistent with the Residential Site Improvement Standards (RSIS) N.J.A.C. 5:21 where applicable?

Yes No Is there a description of the coordination of the plan with the local Soil Conservation District?

Mapping

Yes No Does the plan contain the required mapping?

Yes No Map of the water bodies in the municipality based on the Soil Survey from the U.S. Department of Agriculture, the U.S. Geological Survey Topographic Map – 7.5 minute quadrangle series, or other sources of similar detail?

Yes No Map of groundwater recharge areas?

Yes No Map of wellhead protection areas?

Consistency with N.J.A.C. 7:8-5

Yes No Does the plan include the stormwater control ordinance(s) that is recommended by the NJDEP? A sample stormwater control ordinance is provided in Appendix D of the NJ Stormwater BMP Manual. *A sample stormwater control ordinance for municipalities in the Pinelands Area is being prepared in coordination with the NJDEP.*

Yes No Does the plan include a recommended stormwater control ordinance(s) that includes the same substantive requirements as the ordinance recommended by NJDEP, but, for example, is in a different format or includes additional municipal requirements? *A comparison of the recommended NJDEP ordinance and the proposed municipal stormwater control ordinance should be submitted as part of the plan.*

Yes No Does the plan discuss how the design and performance standards of N.J.A.C. 7:8-5, or alternative design and performance standards adopted as part of a regional stormwater management plan or water quality management plan, are incorporated?

Yes No Does the plan discuss how adequate long-term operation as well as preventative and corrective maintenance of stormwater management measures will be ensured? *Should discuss compliance and enforcement actions to be taken by the municipality in the event of non-compliance.*

Yes No Does the plan discuss how the Safety Standards for Stormwater Management Basins, as outlined in N.J.A.C. 7:8-6, will be incorporated?

Additional Provisions: *The following provisions are not mandatory, but should be considered in the development of the municipal stormwater management plans.*

Yes No Does the plan recommend specific ordinances or measures (such as pretreatment) to protect wellhead protection areas to minimize the infiltration of pollutants into aquifers?

Yes No Mitigation Plan: Does the plan include a mitigation plan that identifies what measures are necessary to offset the deficit created by granting a variance or exemption from the design and performance standards presented in N.J.A.C. 7:8-5? *Note: A mitigation plan is necessary only if the municipality wishes to grant variances or exemptions from the design and performance standards.*

Yes No Does the plan include a Stream Corridor Protection Plan?

Municipal Stormwater Management Plan - Additional Elements Not Operative Until February 2, 2006.

Municipal Stormwater Management Plan Elements Checklist

Yes No Does the plan document that there is less than one square mile (640 acres) of vacant or agricultural land available for development within the municipality?

Yes No Does the documentation include an existing land use map at an appropriate scale to display the land uses of each parcel within the municipality displaying the following land uses: residential (which may be divided into single family, two to four family and other multi-family), commercial, industrial, agricultural, parkland, other public uses, semipublic uses and vacant land? *If yes to both, stop and proceed to the next section ("Checklist for Stormwater Control Ordinance").*

Yes No Has the municipal master plan (including the land use plan element) been evaluated to determine how to incorporate nonstructural stormwater management strategies?

Yes No Has the municipality's official map been evaluated to determine how to incorporate nonstructural stormwater management strategies?

Yes No Have the municipality's development regulations been evaluated to determine how to incorporate nonstructural stormwater management strategies?

Yes No Are there existing requirements within the zoning and landuse ordinances that inhibit the implementation of nonstructural stormwater management strategies? *(At a minimum, the ordinances addressing the following must be evaluated to determine whether they inhibit the use of nonstructural stormwater management strategies: Curb and Gutters, Driveways and Accessways, Off-Street Parking and Loading, Streets, and Sidewalks.)*

If so, list the ordinances, and changes to the ordinances that, if adopted, would implement these strategies.

Section _____ Ordinance _____

Discuss Changes to Ordinance

Section _____ Ordinance _____

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Section _____ Ordinance _____

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Section _____ Ordinance _____

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Section _____ Ordinance _____

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Section _____ Ordinance _____

Discuss Changes to Ordinance

Yes No Does the plan include a map showing projected land uses assuming full development under existing zoning?

Yes No Does the plan include a map showing hydrologic unit code 14 (HUC14) drainage areas within the municipality, as defined by the U.S. Geological Survey?

Yes No Does the plan include for each HUC14 the total acreage in the municipality of impervious surface and associated future nonpoint source pollutant loads for total phosphorus, total nitrogen, and total suspended solids, assuming full build-out based on projected land uses?

Checklist for Stormwater Control Ordinance (Due within 12 Months from Adoption of MSWMP)

Yes No Has the municipality adopted a stormwater control ordinance(s) that is equivalent to an ordinance provided or recommended by the NJDEP? A sample stormwater control ordinance is provided in Appendix D of the NJ Stormwater BMP Manual. *A sample stormwater control ordinance for municipalities in the Pinelands Area is being prepared in coordination with NJDEP.*

Yes No Has the municipality adopted a stormwater control ordinance(s) that includes alternative design and performance standards that have been adopted as part of a regional stormwater management plan or water quality management plan?

If not, has the municipality adopted a stormwater control ordinance(s) that incorporates the following?

Yes No Stormwater management measures for major development, as outlined in N.J.A.C. 7:8-5.2?

Yes No Nonstructural stormwater management strategies, as outlined in N.J.A.C. 7:8-5.3?

Yes No If nonstructural stormwater management strategies are not included, did the municipality incorporate the strategies through changes to the official map, zoning map, and zoning and land use ordinances?

Yes No Erosion control, groundwater recharge and runoff quality standards, as outlined in N.J.A.C. 7:8-5.4?

Yes No Stormwater runoff quality standards, as outlined in N.J.A.C. 7:8-5.5?

Yes No Methodology for calculating stormwater runoff and groundwater recharge, as outlined in N.J.A.C. 7:8-5.6?

Yes No Standards for structural stormwater management measures, as outlined in N.J.A.C. 7:8-5.7?

Yes No Maintenance requirements, as outlined in N.J.A.C. 7:8-5.8?

Yes No Safety standards for stormwater management basins, as outlined in N.J.A.C. 7:8-6?

Yes No Has the municipality adopted a stormwater control ordinance(s) that regulates major development undertaken by the municipality?

Yes No Were zoning and land use ordinances changed to implement nonstructural stormwater management strategies?

If so, list the ordinances (including, where applicable, ordinances addressing Curb and Gutters, Driveways and Accessways, Off-Street Parking and Loading, Streets, and Sidewalks) and discuss the changes made to those ordinances. *Copies of amended ordinances should be included in the submission to the Department and the County Review Agency.*

Section _____ Ordinance _____

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