

RSIS VS. STORMWATER MANAGEMENT

December 2, 2020





Mission



Keeping water clean, safe and healthy
is the heart of our mission.

We work to protect and restore our
water and natural environment through
conservation, advocacy, science and
education.



Our Strategies



- Scientific investigation & monitoring
- Advocacy for protection and restoration of water & watersheds
- Environmental education
- Modelling best stewardship practices at our Watershed Center and 950-acre Watershed Reserve

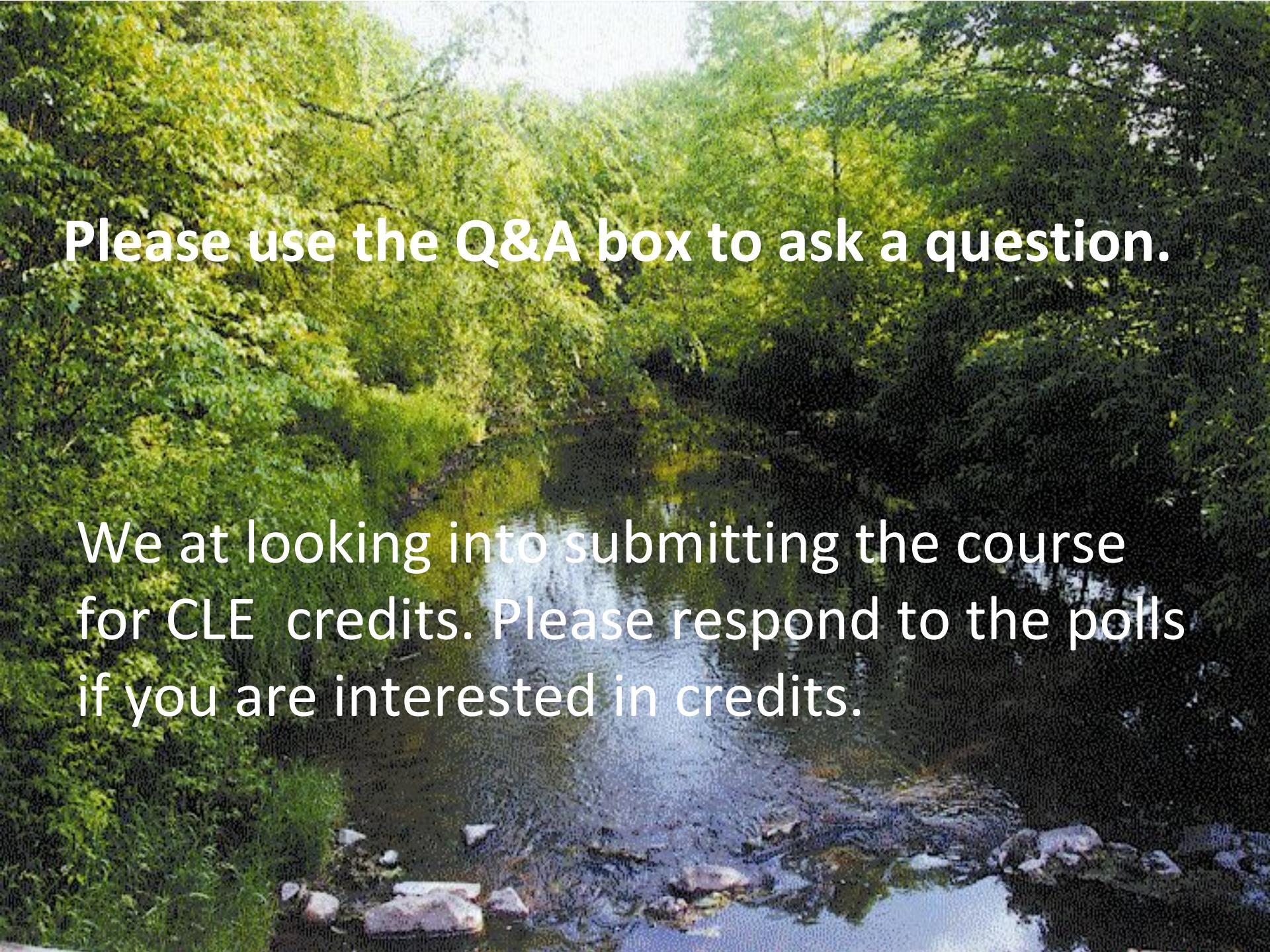
Future Programs & Presentations

Feb. 4 & 5: GI Training & Certification for Landscape Professionals & Public Works Staff

A collaboration with the Chesapeake Bay Landscape Professionals program

Feb. 25: Green Infrastructure Maintenance Training for Public Works Staff & Others



A scenic view of a river flowing through a lush green forest. The river, with its light blue water, meanders through the center of the frame, surrounded by dense green foliage and trees. The lighting suggests a bright, possibly sunny day.

Please use the Q&A box to ask a question.

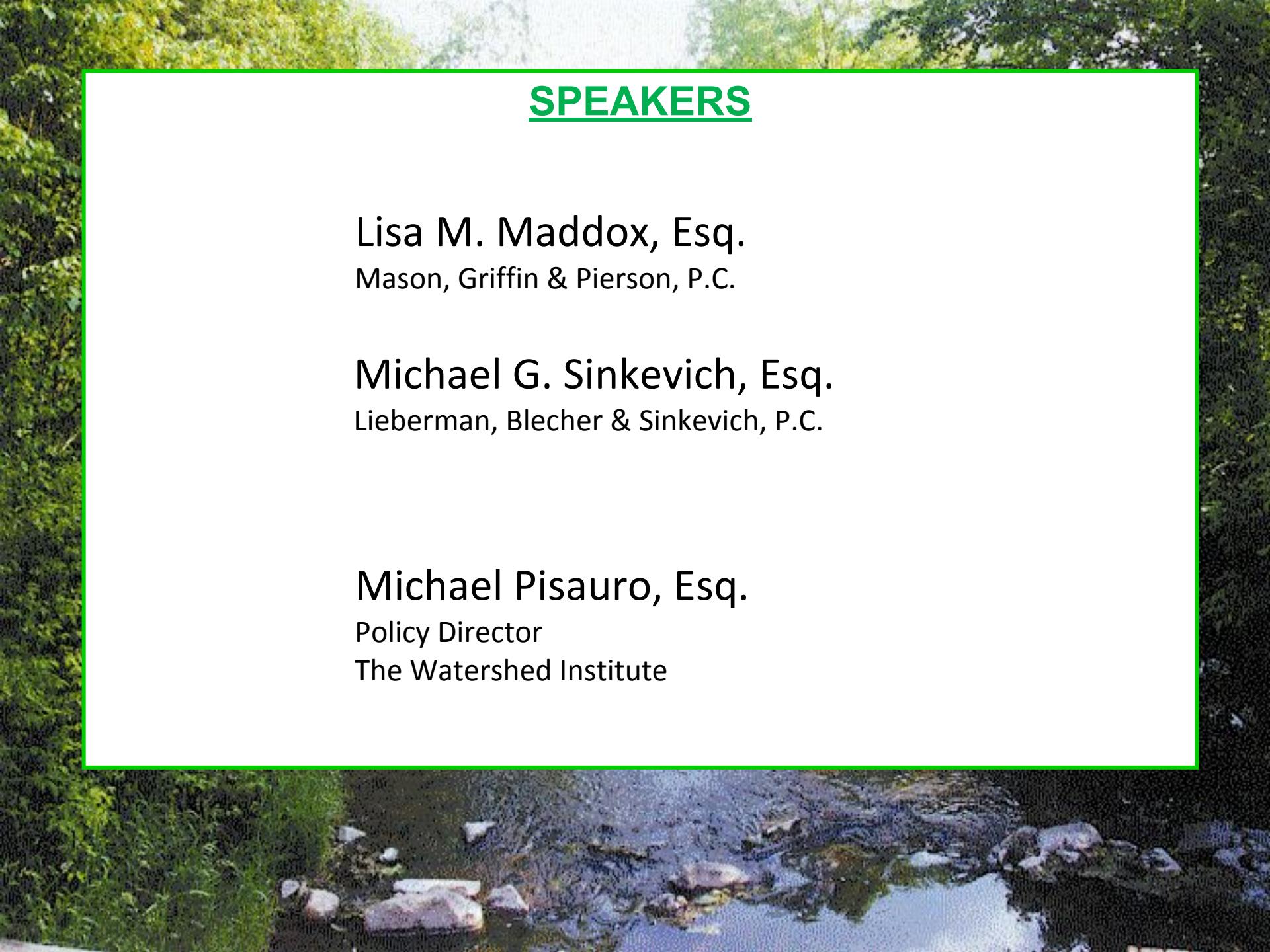
We are looking into submitting the course for CLE credits. Please respond to the polls if you are interested in credits.

SPEAKERS

Lisa M. Maddox, Esq.
Mason, Griffin & Pierson, P.C.

Michael G. Sinkevich, Esq.
Lieberman, Blecher & Sinkevich, P.C.

Michael Pisauro, Esq.
Policy Director
The Watershed Institute



Agenda



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- 6:00 – 6:10 Welcome & Introductions
 - 6:10 – 6:15 Overview of the issue
 - 6:15 – 6:45 RSIS v. Stormwater Management
 Ongoing Case Study in Haddonfield
 - 6:45 – 7:15 Developing Municipal Ordinances
 - 7:15 – 7:30 Q&A

New Jersey Water Pollution Issues



Figure ES-1: Statewide Designated Use Assessment Results, 2016

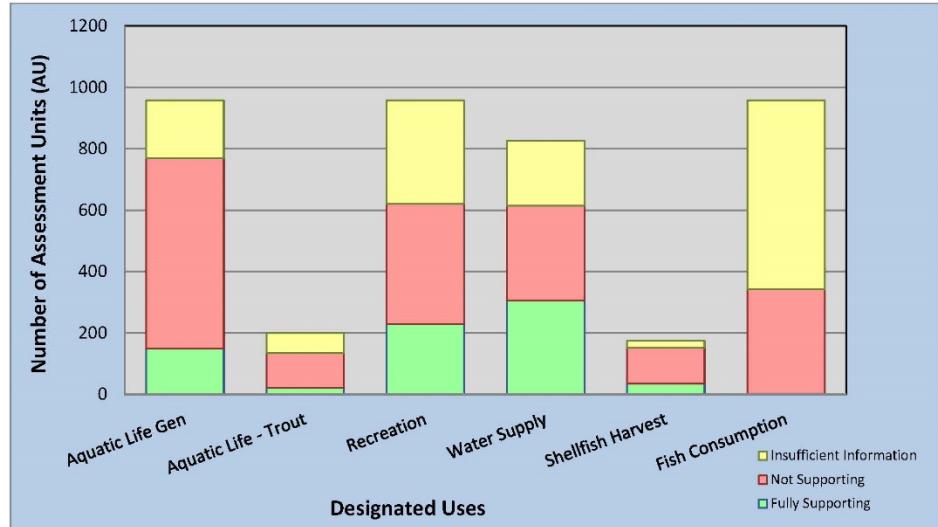
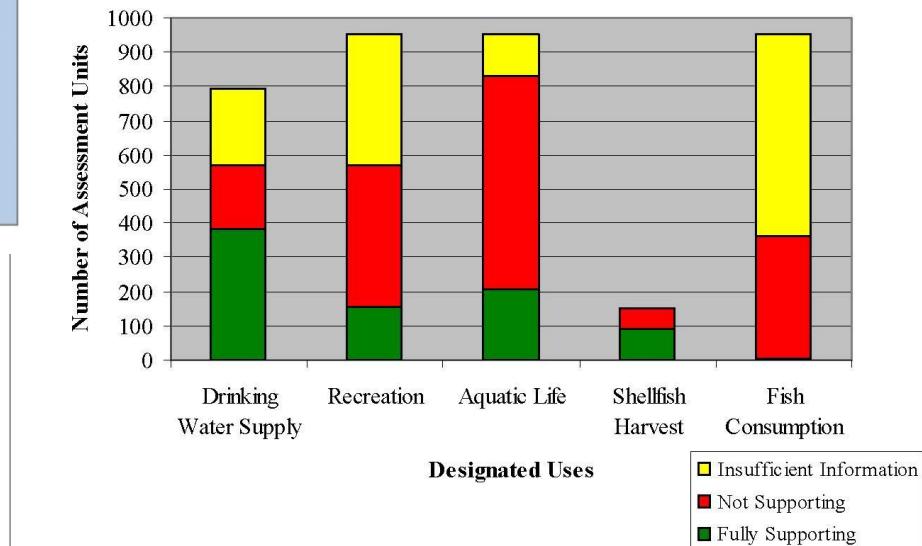


Figure ES-1: Use Assessment Results for 2010



New Jersey Water Pollution Issues



Declining water quality trends for nitrate, total dissolved solids (TDS) and chlorides were also observed. Ammonia reduction measures implemented at waste treatment plants oxidize ammonia to form nitrate, resulting in increased nitrate concentrations over time. Runoff from urban and agricultural areas, including runoff of salt used to control ice on roadways, are the likely cause of increased TDS and chloride concentrations over time.

-2016 New Jersey Integrated Water Quality Assessment Report

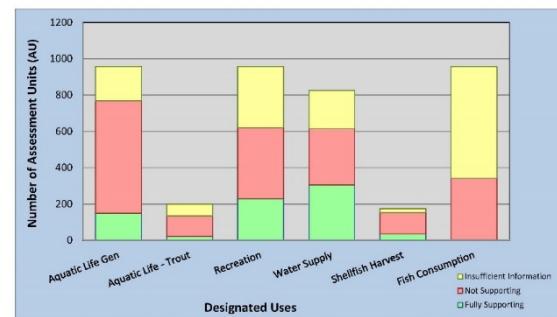
New Jersey Water Pollution Issues



However, there was an observable trend in the number of “Excellent” conditions and “Poor” conditions migrating toward the “Good” and “Fair” categories. **The trends also show a correlation between biological impairment and anthropogenic factors** such as land use, total urban land, increase in impervious surface, and decrease in forests and wetlands in a stream’s drainage basin. **The replacement of pervious land with impervious surfaces increases storm water and the associated impacts** such as degraded riparian zones, unstable streambanks, higher turbidity, nutrients and other chemicals.

-2016 New Jersey Integrated Water Quality Assessment Report

Figure ES-1: Statewide Designated Use Assessment Results, 2016



Authority for stronger Stormwater Ordinance



This sample ordinance represents the *minimum standards and expectations*, except where noted otherwise. It is the goal of stormwater management to minimize pollution caused by stormwater in order to restore, enhance and maintain the integrity of waters of the State. **Federal, as well as, State water pollution laws permit municipalities to undertake additional actions** including ordinances with standards stronger than the statewide minimum requirements. **Under New Jersey Municipal Separate Storm Sewer System Permits (MS4), the stormwater program may also include Optional Measures (OMs), that prevent or reduce the pollution of the waters of the State. A municipality may choose these stronger or additional measures in order to address local water quality and flooding conditions as well as other environmental and community needs.** For example, municipalities may choose to define “major development” with a smaller area of disturbance and/or smaller area of regulated impervious cover or regulated motor vehicle surface; apply stormwater requirements to both major and minor development; and/or require groundwater recharge, when feasible, in urban redevelopment areas.

Authority for stronger Stormwater Ordinance



“Nothing in this chapter shall be construed as preventing the Department or other agencies or entities from imposing additional or more stringent stormwater management requirements necessary to implement the purpose of any enabling legislation including those measures necessary to achieve the Surface Water Quality Standards . . .” N.J.A.C. 7:8-1.5

“No irreversible changes may be made to existing water quality that would impair or preclude attainment of the designated uses of a waterway.”
N.J.A.C. 7:9B-1.5(d)(ii)