



NJDEP Stormwater & Flood Hazard Area Recent Rule Changes & Anticipated Upcoming Rule Changes

For:



**NJ COUNTY
PLANNERS
ASSOCIATION**

Presented by NJAFM
16 February 2024

PROPOSED STORMWATER MANAGEMENT AND INLAND FLOOD PROTECTION RULEMAKING

- State and Regional Studies from November 2021 confirmed increases in precipitation data across New Jersey over the last 20 years and project further increases in precipitation intensity over the coming decades.
- More rain equals more stormwater runoff which results in increased stream flows and higher flood elevations.
- On December 5, 2022 the State published proposed amendments to both the Stormwater Management Rules (NJAC 7:8) and the Flood Hazard Area Regulations (NJAC 7:8) to address these current and future rainfall conditions. The rules were adopted on July 17, 2023 and became immediately effective.

APPLICATION OF NEW STORMWATER MANAGEMENT STANDARDS

All Major Developments are subject to the new standards upon adoption unless:

- The project needs an FHA, CZM, FWW or Highlands approval and a complete application for such was submitted to NJDEP prior to adoption (May 2023)
OR
- The project does not need NJDEP approval AND a complete application was submitted to the municipality pursuant to the MLUL prior to adoption

Municipalities must amend their municipal stormwater ordinance within one year of adoption

- Projects covered by RSIS must meet new standards immediately (unless covered above)

PROPOSED STORMWATER MANAGEMENT RULE CHANGES

- More definitions for Public Roadway and Public Transportation Entity. A public roadway or railroad project conducted by a Public Transportation Entity that has determined a preferred alternative or reached an equivalent milestone before July 17, 2023 shall be subject to the stormwater management requirements in effect prior to July 17, 2023
- This gives recognition to the time it takes for public infrastructure to be planned and constructed.

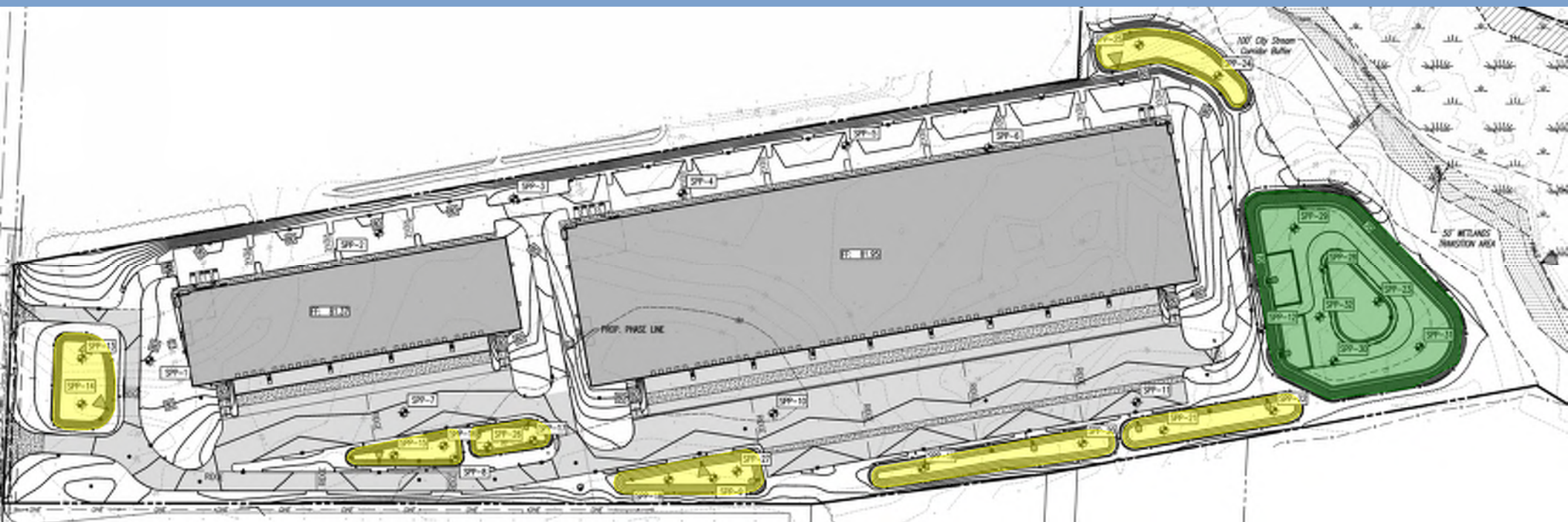
Otherwise

- Must use rainfall rates for current and projected conditions when designing a stormwater management system to address water quantity and ground water recharge requirements
 - Rules presently require evaluation of rainfall data from 1999
 - The Rule Amendment requires evaluation of rainfall data from 2019 (Current conditions) AND 2100 (Future Conditions)
 - This will result in larger basin footprints to manage the additional storm events.

RECAP FROM MARCH 2021 STORMWATER MANAGEMENT RULE UPDATE

Key Updates:

- Added a Green Infrastructure standard requiring the use green infrastructure BMP's to meet the stormwater quantity, quality and groundwater recharge requirements
- Green Infrastructure is a SWM measure that manages SW close to its source by:
 - Treating stormwater runoff through infiltration into subsoil;
 - Treating stormwater runoff through filtration by vegetation or soil; or
 - Storing stormwater runoff for reuse
- Limited Stormwater Basin tributary drainage areas

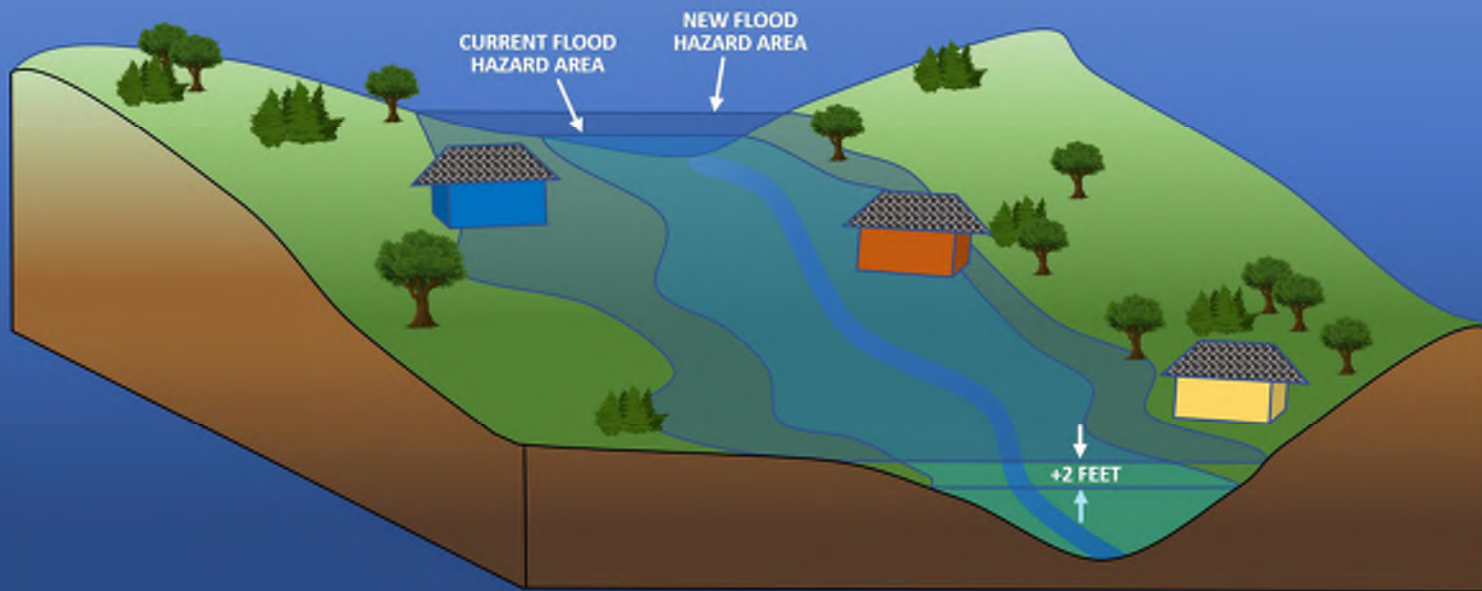


APPLICATION OF NEW FLOOD HAZARD AREA REGULATIONS

All regulated activities are subject to the new standards upon adoption unless:

1. The regulated activity is part of a project that has a valid FHA permit
OR
2. The regulated activity is part of a project that needs an FHA permit and a complete application for such was submitted to NJDEP prior to adoption (May 2023)
OR
3. The regulated activity is part of a project that did not need an FHA permit prior to rulemaking where:
 - The project received all necessary Federal, State and Local approvals prior to rulemaking **AND**
 - Construction commenced prior to rulemaking

Effect of New Flood Hazard Area Design Flood Elevation



PROPOSED FLOOD HAZARD AREA REGULATION CHANGES

- Raises fluvial (non-tidal) design flood elevations.
- Requires use of future projected precipitation when calculating design flood elevation
- Ensures that permits and authorizations under the FHACA rules meet minimum NFIP standards and relevant sections of the UCC
- Provides definitions for public roadway and public transportation entity – this gives the NJDEP more flexibility in their review of public road projects
- Provides additional exemptions for public roadway and railroad projects under an individual permit

DETERMINING THE NEW FLOOD HAZARD AREA

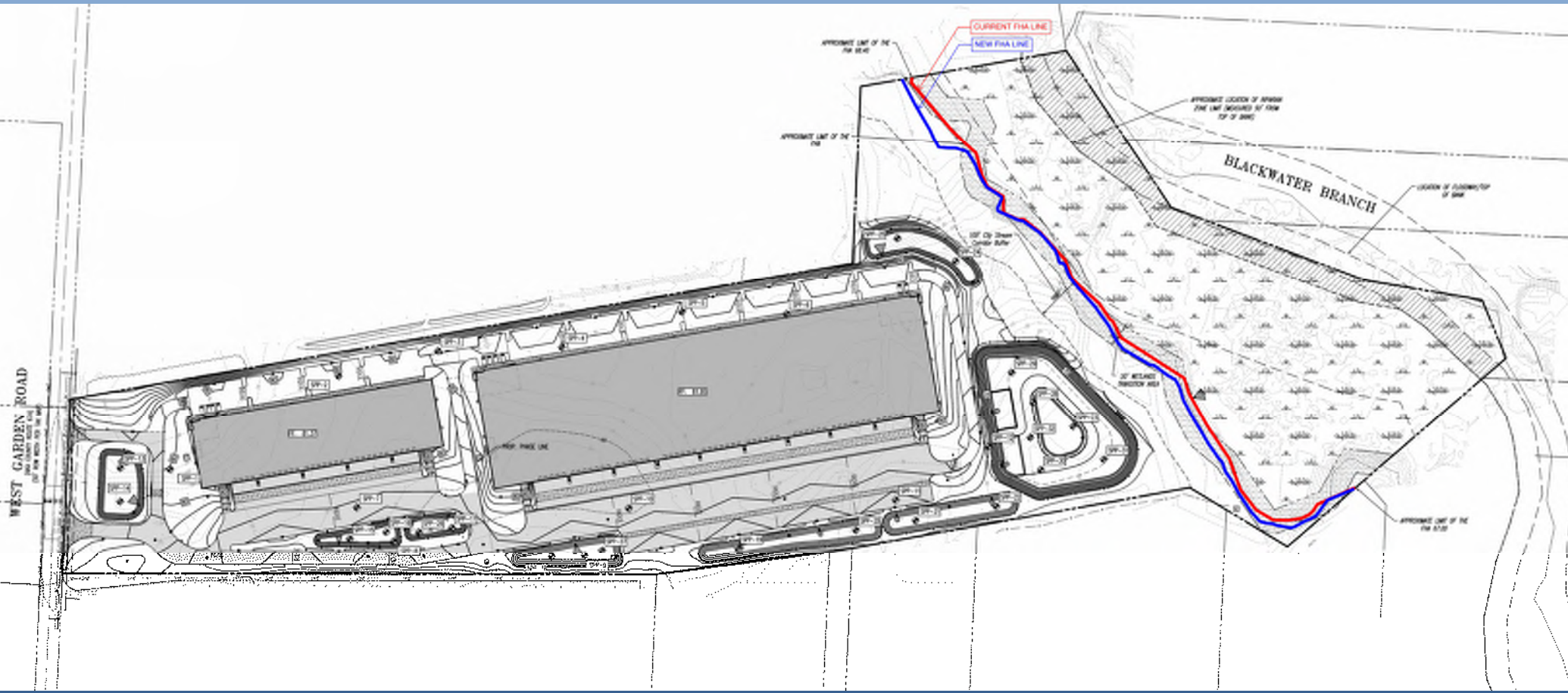
The Design Flood Elevation (DFE) along streams and rivers will be raised by 2 feet above current standard

When using maps, new DFE is the higher of:

- Flood elevation mapped by NJDEP (where available) plus 2 feet
- FEMA 100-year elevation plus 3 feet
- No Change to Tidal Floodplain (2024 Update)

When calculating flow rates to determine DFE:

- Compute flow rates based on future anticipated 100-year precipitation
- Model design flood based on 125% of the computed flow rates
- Does not require adding 2 FT to the DFE



WEST GARDEN ROAD
10' FROM WEST SIDE OF ROAD

CURRENT FIN LINE
NEW FIN LINE

BLACKWATER BRANCH

APPROXIMATE LIMIT OF THE FIN SEALS

APPROXIMATE LOCATION OF APPROXIMATE LIMIT OF THE FIN SEALS AT THE TOP OF BANK

APPROXIMATE LIMIT OF THE FIN SEALS

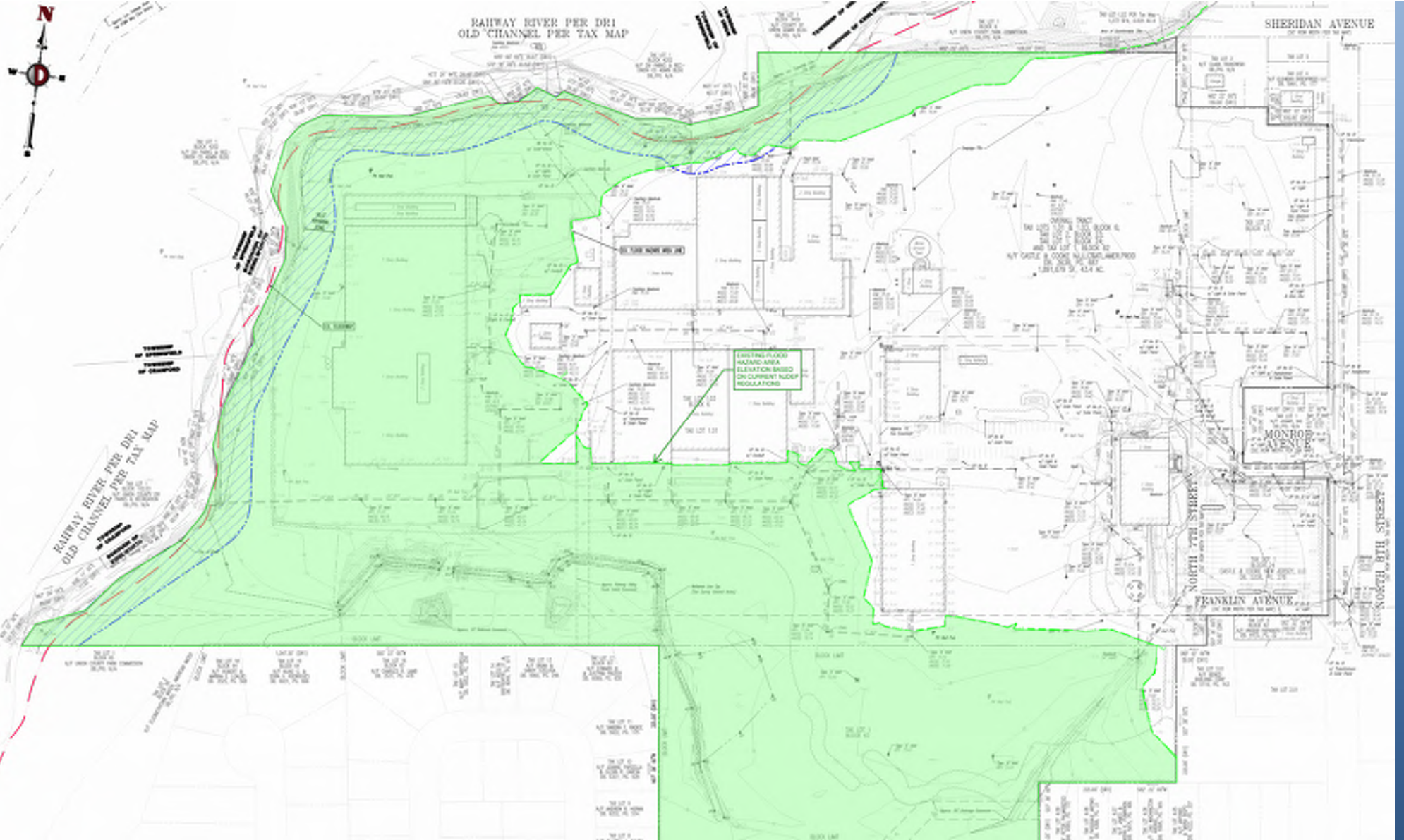
LOCATION OF FLOODWATER OF BANK

TOP PAVE LINE

10' C&G Street Under Bank

10' RETAINMENT WALL

APPROXIMATE LIMIT OF THE FIN SEALS



RAHWAY RIVER PER DRI
OLD CHANNEL PER TAX MAP

SHERIDAN AVENUE

RAHWAY RIVER PER DRI
OLD CHANNEL PER TAX MAP

EXISTING FLOOD
HAZARD AREA
ELEVATION BASED
ON CURRENT TIDEP
REGULATIONS

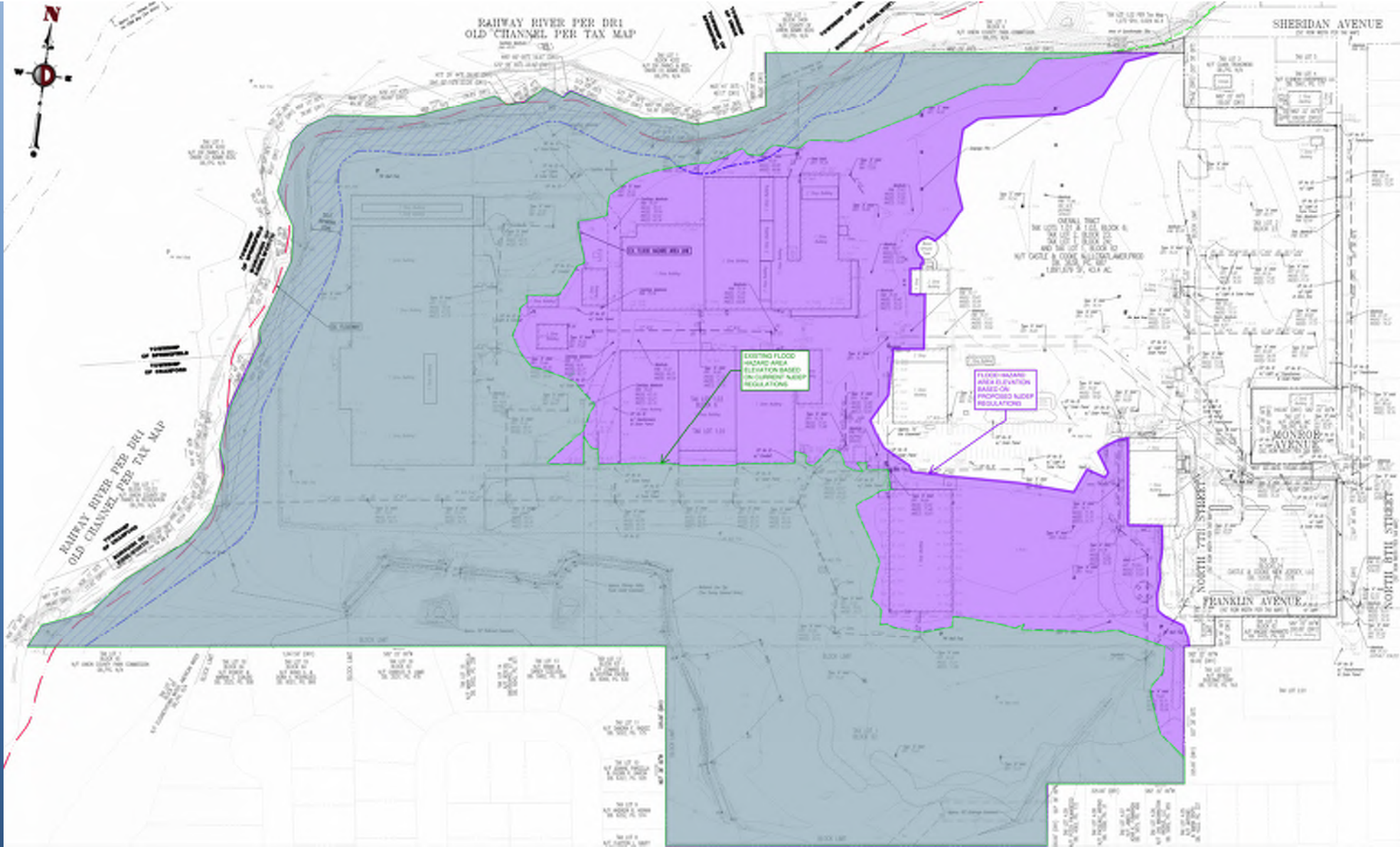
FRANKLIN AVENUE

NORTH 7TH STREET

MONROE AVENUE

11TH STREET

10TH STREET



RAHWAY RIVER PER DRI
OLD CHANNEL PER TAX MAP

SHERIDAN AVENUE

RAHWAY RIVER PER DRI
OLD CHANNEL PER TAX MAP

EXISTING FLOOD
HAZARD AREA
ELEVATION BASED
ON CURRENT FLOOD
REGULATIONS

FLOOD HAZARD
AREA ELEVATION
BASED ON
PROPOSED FLOOD
REGULATIONS

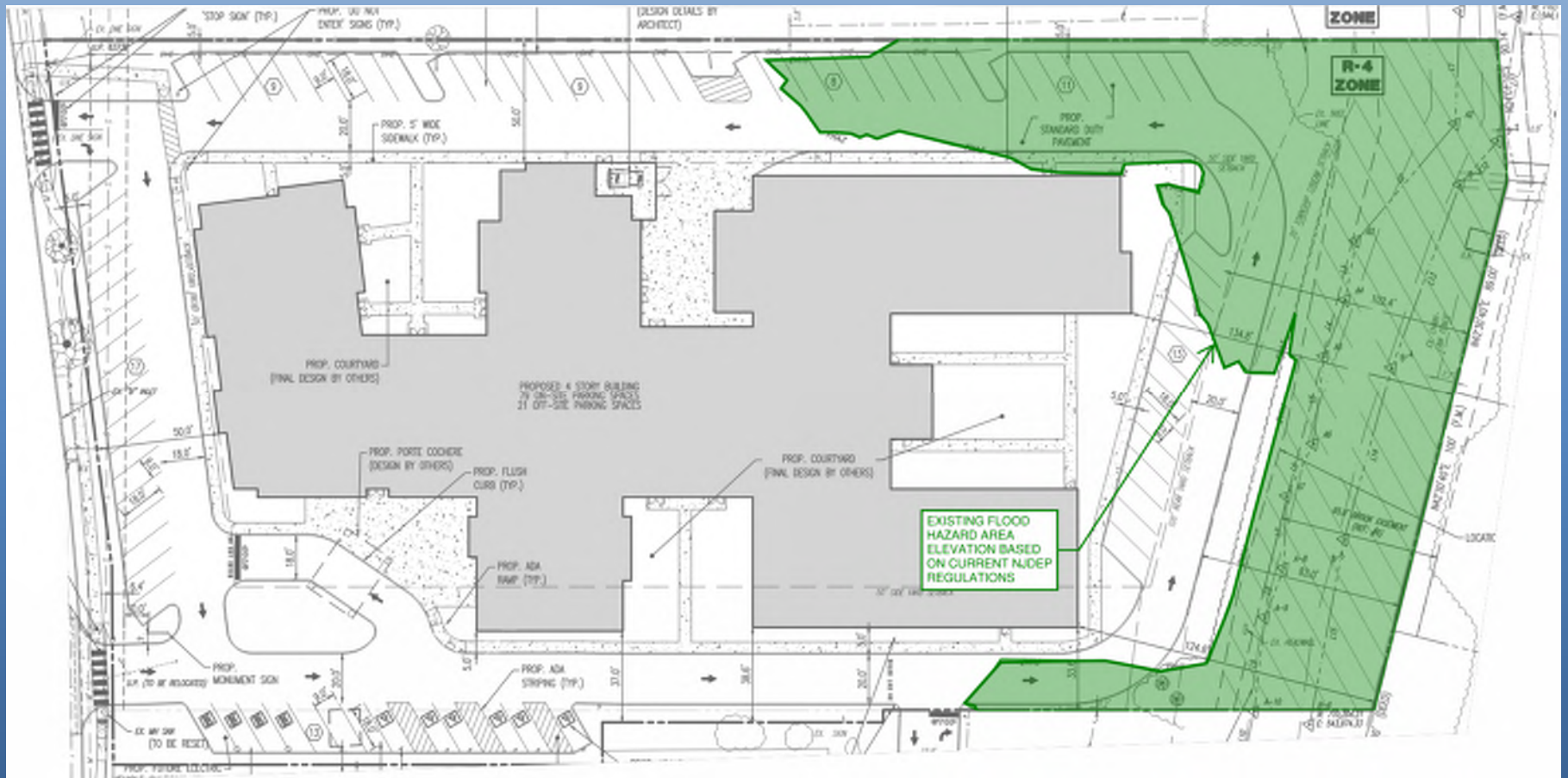
FRANKLIN AVENUE

NORTH 7TH STREET

NORTH 8TH STREET

MONROE AVENUE





PLANNED NJPACT RULE PROPOSAL AFFECTING COASTAL AREAS

Key Updates:

- **FHA Changes**
 - Method 2 (FEMA tidal) – add 5 feet to the 100 year flood elevation.
- **Stormwater Changes**
 - 80% TSS removal for all major projects. No longer will redevelopment projects have an exemption.
- **Wetlands Changes**
 - Limitations and Justifications for transition area averaging. This will be similar to the riparian zone disturbance requirements.

Anticipated timeline:

- File proposal in 2024
- Approximately one year to adopt

MORE TO COME ON THIS

FREE!!! NFIP TRAINING THROUGH THE NJDEP

- Closely follows the FEMA 480 National Flood Insurance Program (NFIP) Floodplain Management Requirements: Study Guide and Desk Reference for Local Officials (February 2005)
- Three in-person instructional days spaced over the course of about a month, complemented by online self-paced learning
- Two days of NFIP training and a third day of NJ specific requirements
- Students can arrange to take the Certified Floodplain Manager (CFM) exam virtually.
- The course will be hosted at various NJ county locations from November 2023 through summer 2025
- www.NJAFM.org/NFIP

Monmouth County		Monmouth County OEM
13-Feb-24	Day 1	SOC Room
28-Feb-24	Day 2	2000 Kozloski Road
7-Mar-24	Day 3	Freehold, NJ 07728
		9 a.m. – 4:30 p.m.
Somerset County		Emergency Services Training Academy
2-Apr-24	Day 1	402 Roycefield Road
15-Apr-24	Day 2	Hillsborough Township, NJ 08844
23-Apr-24	Day 3	8 a.m. – 3:30 p.m.
Ocean County		Fire and EMS Training Center
16-May-24	Day 1	200 Volunteer Wy
29-May-24	Day 2	Waretown, NJ 08758
12-Jun-24	Day 3	9 a.m. – 4:30 p.m.
Union County		Fire and EMS Training Academy
1-Jul-24	Day 1	1075 Edward Street
15-Jul-24	Day 2	Linden, NJ 07036
29-Jul-24	Day 3	9 a.m. – 4:30 p.m.

THANK YOU!

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