



## State of New Jersey

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**TO** Tier B Transitioning to Tier A Municipalities  
**FROM** Benjamin L. Spinelli, Esq., Executive Director  
**SUBJECT** Guidance for requesting Highlands Council Funding to assist in MS4 Compliance  
**DATE** August 2023

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Dear Municipal Official/Stormwater Coordinator/Planning or Engineering Professional:

Behind this cover you will find guidance for developing a Scope of Work (SOW) to request grant funding from the Highlands Council to support compliance with the 2023-27 MS4 permit. Highlands Council grants can augment NJDEP funding to complete certain required components of the new/modified MS4 permit requirements. The attached document outlines specifically which components of the permit qualify for Highlands Council funding and suggests timelines for completion. It is recommended that municipalities submit SOWs for tasks that can be completed in a one-year time frame.

Additional details about Highlands Council grants:

- **Basic Parameters**
  - Noncompetitive.
  - No match required.
  - No funding cycle or deadline; applications accepted at any time.
  - Grants are reimbursement-based and require a pre-approved SOW.
- **Eligible Applicants.** Funding to support MS4 permit compliance is available to *all* Highlands municipalities, regardless of conformance status.
- **Funding Availability.** Funding is available on a first-come, first-served basis and priority will be given to municipalities that are already actively engaged in working with the Highlands Council.
- **Eligible Expenses.** Any planning, design, or engineering costs.

Please note that municipalities are not required to request funding for all components outlined in the attachment. Municipalities may choose to request funding for as few or as many as deemed necessary. Please reach out to your [Highlands Council staff liaison](#) for additional information and guidance.

Highlands Stormwater Grant Scope of Work  
Stormwater MS4 Permit  
Tier B to Tier A Transitioning Municipalities  
New Jersey Highlands Region

August 2023

## **Introduction**

Proper stormwater management is critical to the health and safety of all New Jersey residents. Stormwater discharges transmit pollutants into our waterbodies and water systems creating potential hazards to urban, suburban, and rural areas alike. Attention to stormwater management is particularly important in the New Jersey Highlands. Although the Highlands region accounts for less than 20% of the state's area, it is the source of drinking water for more than 70% of the state's residents.

## **Stormwater Program History**

In 2004, the New Jersey Department of Environmental Protection (NJDEP) adopted amendments to the New Jersey Pollutant Discharge Elimination System (NJPDES) regulations for the development and implementation of the Municipal Stormwater Regulation Program (NJAC 7:14A-25) and established two NJPDES general permits to authorize municipal stormwater discharges, known as Tier A and Tier B. This program was developed in response to the U.S. Environmental Protection Agency's (USEPA) Phase II Rules published in December 1999, which required municipalities to develop and implement a program to reduce discharges of pollutants entering waterbodies from stormwater systems to the maximum extent practicable. These are referred to as "municipal separate storm sewer systems" (MS4s).

Prior to the most recent permit renewal, Tier A permits were issued to more urbanized municipalities (more infrastructure) and were assigned more stringent stormwater management requirements than the more rural municipalities (less infrastructure) that were issued Tier B permits. Examples of Tier A requirements included the development of a Stormwater Pollution Prevention Plan (SPPP), creation of a dedicated resource page on municipal websites to provide information to residents regarding stormwater issues, and the adoption of local ordinances to aid in the reduction of pollutants entering waterways via stormwater runoff over lawns, parking lots and streets that may contain pollutants such as trash, gas, motor oil, antifreeze, fertilizers, pesticides and pet droppings. Tier B municipalities had far fewer requirements.

The NJPDES MS4 permit was originally issued in 2004, renewed in 2009 and 2018, and most recently on January 1, 2023 (current permit). The 2023 MS4 permit renewal has been designed to comply with the National Pollutant Discharge Elimination System (NPDES) MS4 General Permit Remand Rule for **all** municipalities due to the increase in flooding events that result in additional stormwater runoff discharging pollutants into the nation's waterways. As a result, all Tier B municipalities have been reassigned as Tier A under the new 2023 permit.

While certain permit requirements became effective on January 1, 2023, the rules provide for a staggered compliance schedule for other requirements. A reference timetable is provided in this package that outlines the benchmarks and due dates.

## **Highlands Stormwater Grant Model Scope of Work Tier B Municipalities transitioning to Tier A**

This model scope of work and associated timetable has been prepared to help Highlands region municipalities achieve compliance with NJPDES Permit No. NJ0141852, the Tier A Permit Renewal Master Permit.

Included below is a list of permit-required tasks that are eligible for Highlands Council grant funding. (*Note: The scope does not need to include all tasks listed below*). Scopes should cover a one-year period. Adjustments can be made during the awarded term upon request. Discrete deliverables by task should be identified.

Municipal-specific information (see below) should be included in the scope to ensure appropriate cost estimates by task. Where the information below cannot be definitively determined, best approximations can be provided.

- Total square miles of municipality
- Total street miles operated and maintained by the municipality
- Number of catch basins and storm drain inlets
- Number of stormwater outfalls
- Number of stormwater facilities (detention basins, etc.; public, and private)

### **Highlands Grant Eligible Items**

#### **1. Stormwater MS4 Mapping/Inspections**

Municipal officials/consultants should review the permit for the detailed mapping and inspection requirements. It should be noted that the new permit makes a distinction between “drainage inlets” and “catch basins,” where the latter includes a mechanism, such as a sump, to collect solids in the runoff. A new requirement is that 100% of all drainage inlets and 20% of the catch basins must be inspected annually. Since there is often no reliable database that distinguishes between inlets and catch basins, an initial inspection will identify the catch basins for future inspection and cleaning work. In addition to the inlets/catch basins, all outfalls need to be located and inspected annually for their general operating condition.

The mapping requirement has a three-year phase in. The scope of work for 2023 will be to analyze approximately 1/3 of the municipality using available topography to approximate the pipe network, with field verification. Municipalities should anticipate applying for additional grants in years 2 and 3 to reflect costs similar to those estimated for year 1.

The MS4 Infrastructure Map shall include:

- i. MS4 outfalls
- ii. MS4 ground water discharge points
- iii. MS4 interconnections
- iv. Storm drain inlets
- v. MS4 manholes
- vi. MS4 conveyance system
- vii. MS4 pump stations
- viii. Stormwater facilities
- ix. Property boundaries of maintenance yard(s) and other ancillary operations

Additionally, the MS4 Infrastructure map is required to be annually reviewed and updated, posted on the municipal webpage, submitted annually to the NJDEP following initial filing in accordance with the Tier B to Tier A compliance schedule.

**Deliverables:** MS4 Infrastructure Map (GIS files and electronic copies of maps)

## **2. Outfall Scour Control Program**

Municipalities are required to develop, update, and implement a program to detect, investigate, and control any localized stream scouring from municipally owned or operated stormwater outfalls. This work item includes the preparation of the written program.

**Deliverable:** Electronic copy of Outfall Scour Control Program Plan

## **3. Illicit Discharge Detection and Elimination Program**

Municipalities are required to develop, update, implement and enforce an ongoing Illicit Discharge Detection and Elimination Program in accordance with permit guidelines. This work item includes the preparation of the written program.

**Deliverable:** Electronic copy of Illicit Discharge Detection and Elimination Program Plan

## **4. Preparation of a Stormwater Pollution Prevention Plan (SPPP)**

The permit requires that the municipality develop a Stormwater Pollution Prevention Plan. The NJDEP has prepared a model SPPP ([NJDEP| Bureau of NJPDES Stormwater Permitting and Water Quality Management | Tier A MS4 Stormwater Permit](#)) as a basis for this document. This plan is required to be uploaded to the municipal website. The scope of work for this item includes the preparation of the SPPP in a form acceptable for posting on the website.

**Deliverable:** Electronic copy of SPPP

## **5. Preparation of a Municipal Stormwater Management Plan (MSWMP)**

The permit requires that a Municipal Stormwater Management Plan be prepared. This plan is required to be adopted by the Planning/Land Use Board as an element of its Master Plan. Like the SPPP, this plan must be uploaded for public view on the municipal website. The work includes preparation of the MSWMP consistent with the NJDEP model ([Sample Municipal Stormwater Management Plan](#)). As with any Master Plan element, the document will need to be adopted by the Planning Board of the municipality consistent with the Municipal Land Use Law.

**Deliverable:** Electronic copy of MSWMP.

## **6. Stormwater Facility Inspection and Reporting (Detention Basins/Water Quality Units)**

Stormwater management systems including detention basins, retention ponds, bio-retention systems/rain gardens, and infiltration basins that are municipally owned need to be inspected quarterly or according to timelines indicated in an associated Operations and Maintenance (O&M) manual with conditions recorded. The reports provided to the municipality will indicate any recommended or required maintenance.

For the purposes of the Highlands Council grant, the municipality will be reimbursed for the initial mapping and inspection of all municipally owned stormwater management facilities. The deliverable shall be a map with a corresponding inspection report detailing the condition of each stormwater facility.

**Deliverable:** Electronic map with copy of inspection report.

## **7. Local Public Education**

The municipality must create and implement a public education and outreach program that focuses on the educational and pollution prevention activities about the impacts of stormwater discharges to surface waterbodies. The municipality shall comply with part IV.C.1.a. Significant online resources are available to support this task at [www.cleanwater.nj.org](http://www.cleanwater.nj.org). (NJDEP program)

**Deliverables:** Electronic copies of outreach materials.

## **8. Municipal Stormwater Webpage**

Municipalities are required to develop and maintain a dedicated stormwater webpage on its municipal website. This webpage shall make elements of the municipality's MS4 stormwater program available to the public by providing links to the latest, adopted versions of the following documents: Stormwater Pollution Prevention Plan (SPPP), Municipal Stormwater Management Plan (MSWMP), Stormwater Control Ordinance (SCO), ordinances regulating pet waste, wildlife feeding, litter control, waste disposal, yard waste collection, storm drain inlet retrofitting, illicit connections, tree removal/replacement, salt storage, as well as maps (MS4 outfall, infrastructure), and the municipal Watershed Improvement Plan.

It is anticipated that consultants will work with the municipality to ensure the proper materials are posted and available to the public.

**Deliverable:** Link to dedicated municipal stormwater webpage.

## **9. Inspection and Maintenance of Stormwater Facilities not Owned by the Municipality**

Municipalities are required to develop and implement a plan to ensure inspection and maintenance of stormwater facilities not owned by the municipality. This will include a plan to identify the owners of the facilities, provide notice of the inspection requirements and ensure deficiencies identified during the inspections are corrected.

**Deliverable:** Electronic copy of plan.

## **10. Employee Education**

Municipalities must conduct annual training for municipal employees. This training is position-specific. The task will include the development of the training, by position, for employees based on their responsibilities under the stormwater permit.

**Deliverable:** Electronic copy of training materials.

## **11. Preparation of Municipal Best Management Practices (BMP) Manual**

The new permit contains a number of BMPs for operations in and around the municipality's maintenance yard(s). Some of these BMPs are new while others have been modified from the prior permit. The municipal BMP manual will be specific to the municipality and take the requirements from the permit and make them accessible and understandable to the staff responsible for the actions.

**Deliverable:** Electronic Copy of BMP Manual

## **12. Watershed Improvement Plan (WIP)**

The Watershed Improvement Plan is a five-year task. The municipality should outline the scope of work to be completed in the first year of the permit cycle.

**Deliverable:** Electronic copy of draft WIP chapters.

## **13. Community-Wide Ordinances**

It is a requirement of the new permit that municipalities adopt numerous new or revised ordinances to effectively mitigate stormwater pollution. These ordinances engage the public in the management of

stormwater control by addressing practices that can adversely impact the environment. Enforcement provisions are critical to the success of these ordinances. Municipalities should review existing code for compliance under the new permit and amend, if needed, or adopt and implement new ordinances to address the subjects of pet waste, wildlife feeding, litter control, improper disposal of waste, yard waste, and illicit connections. Ordinances are also required for private storm drain inlet retrofitting, salt storage, and tree removal/replacement. The NJDEP provides model ordinances for the municipalities to assist in the development of their regulatory mechanism ([NJDEP| Bureau of NJPDES Stormwater Permitting and Water Quality Management | Example Ordinances](#)). It is anticipated that consultants and/or the municipal attorney will work with municipal staff in the development of these ordinances. *(Note: There are additional Highlands-specific standards that conforming Highlands municipalities are required adopt to their Stormwater Control Ordinance. Municipalities should contact their Highlands municipal liaison form more information on this [New Jersey Highlands Council | Liaisons \(nj.gov\)](#)).*

**Deliverables:** Electronic copies of ordinances.



No.	Permit Citation	New, Modified, or Unchanged from 2018 MS4 Tier B Permit	Compliance Schedule for New Tier A's
1	IV.A.2. Stormwater Pollution Prevention Plan Requirements	New	1/1/2024
2	IV.B.1. Public Involvement, Participation, & Notice	Unchanged	1/1/2023
3	IV.B.2. Municipal Stormwater Webpage	New	1/1/2024
4	IV.C.1. Local Public Education and Outreach	Unchanged	1/1/2023
5	IV.D.1. Construction Site Stormwater Runoff	Unchanged	1/1/2023
6	IV.E.1. Post Construction Stormwater Management in New Development and Redevelopment	Modified	1/1/2023
7	IV.F.1.a. Community Wide Ordinances (pre- existing)	Unchanged	1/1/2023
8	IV.F.1.b. Community Wide Ordinances (new)	New	1/1/2024
9	IV.F.2.a.i. Triannual Street Sweeping	Modified	1/1/2026
10	IV.F.2.a.ii. Annual Street Sweeping	Modified	1/1/2026
11	IV.F.2.a.iii. Storm Drain Inlet Labeling	Unchanged	1/1/2023
12	IV.F.2.a.iv. Storm Drain Inlet Retrofitting	Modified	12/1/2027
13	IV.F.2.a.v. Storm Drain Installation	New	1/1/2023
14	IV.F.2.a.vi. Herbicide Application Management	Modified	1/1/2023

No.	Permit Citation	New, Modified, or Unchanged from 2018 MS4 Tier B Permit	Compliance Schedule for New Tier A's
15	IV.F.2.a.vii. Excess De- Icing Material Management	New	1/1/2023
16	IV.F.2.a.viii. Roadside Vegetative Waste Management	New	1/1/2023
17	IV.F.2.a.ix. Roadside Erosion Control	New	1/1/2024
18	IV.F.3.a.i. Storm Drain Inlet Inspection	Modified	1/1/2023
19	IV.F.3.a.ii. Storm Drain Inlet Cleaning and Maintenance	Modified	1/1/2023
20	IV.F.3.a.iii. Catch Basin Inspection	Modified	1/1/2023
21	IV.F.3.a.iv. Catch Basin Cleaning	Modified	1/1/2023
22	IV.F.3.a.v. MS4 Conveyance System Inspection and Cleaning	New	1/1/2023
23	IV.F.3.a.vi. Stormwater Infrastructure Inspection	New	1/1/2023
24	IV.F.3.a.vii. Stormwater Infrastructure Maintenance	New	1/1/2023
25	IV.F.4. Inspection and Maintenance of Stormwater Facilities Not Owned or Operated by the Permittee	Unchanged	1/1/2023
26	IV.F.5.a. Municipal Maintenance Yard (MMY) and Other Ancillary	Modified	1/1/2024
27	IV.F.5.b. Site Inspections	New	1/1/2024
28	IV.F.5.c. Inventory List	New	1/1/2024

No.	Permit Citation	New, Modified, or Unchanged from 2018 MS4 Tier B Permit	Compliance Schedule for New Tier A's
29	IV.F.5.d. Container Labels	New	1/1/2024
30	IV.F.5.e. Spill Kits	Unchanged	1/1/2024
31	IV.F.5.f. Bulk Liquid Storage	New	1/1/2024
32	IV.F.5.g. Fueling Operations	New	1/1/2024
33	IV.F.5.h. Discharge of Stormwater from Secondary Containment	New	1/1/2023
34	IV.F.5.i. Vehicle/Equipment Maintenance and/or Repair	New	1/1/2023
35	IV.F.5.j. Wash Wastewater Containment	New	1/1/2023
36	IV.F.5.k. Salt and Other Granular De-icing Material Storage and	New	1/1/2026
37	IV.F.5.l. Aggregate Material, Wood Chips, and Finished Leaf Compost Storage	New	7/1/2023
38	IV.F.5.m. Cold Patch Asphalt Storage	New	1/1/2023
39	IV.F.5.n. Street Sweepings and Storm Sewer Clean-out Material	New	7/1/2023
40	IV.F.5.o. Construction and Demolition Waste, Wood Waste, and Yard Trimmings	New	7/1/2023
41	IV.F.5.p. Scrap Tires	New	1/1/2023
42	IV.F.5.q. Inoperable Vehicles or Equipment	New	1/1/2023
43	IV.F.5. r. Outdoor Refuse Containers and Dumpsters	New	1/1/2023
44	IV.F.6. SPC Training	New	1/1/2026

No.	Permit Citation	New, Modified, or Unchanged from 2018 MS4 Tier B Permit	Compliance Schedule for New Tier A's
45	IV.F.7. Annual Employee Training	New	1/1/2024
46	IV.F.8. Stormwater Management Design Review (SWMDR) Training	New	1/1/2024
47	IV.F.9. Stormwater Management Rule Amendment Training	New	Within 12 months from adoption of 7:8 rule amendment
48	IV.F.10. Municipal Board and Governing Body Member Training	New	7/1/2023
49	IV.G.1. MS4 Mapping	New	1/1/2026
50	IV.G.2. Stream Scouring	New	1/1/2024
51	IV.G.3. Illicit Discharge Detection and Elimination	New	1/1/2024
52	IV.H.1.d. Watershed Improvement Plan - Phase 1	New	1/1/2026
53	IV.H.1.e-f. Watershed Improvement Plan - Phase 2	New	1/1/2027
54	IV.H.1.g. Watershed Improvement Plan - Phase 3	New	12/1/2027
55	IV.I. Additional Measures & Optional Measures	Unchanged	per NJDEP implementation schedule
56	IV.J. Recordkeeping	Unchanged	1/1/2023
57	IV.K.a. Annual Report	Unchanged	1/1/2023
58	IV.K.b. Supplemental Questionnaire	Unchanged	1/1/2023