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TESTIMONY

**Testimony on  
Approaches to Address Nonpoint Source  
Stormwater Pollution in Impaired Waterways  
New Jersey Clean Water Council**

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Esteemed members of the Clean Water Council:

My name is Kandyce Perry and I am with New Jersey Future, a statewide, nonpartisan nonprofit organization that has been providing and conducting smart growth policy, research, advocacy, and assistance for more than 30 years.

Thank you to the Clean Water Council for the opportunity to testify today.

New Jersey's waterways need to be protected from the negative effects of nonpoint source (NPS) pollution. My testimony will respond to three of the council's questions.

**How can a municipality's stormwater program better address NPS pollution reductions?**

Green infrastructure, an approach to managing stormwater by enabling it to infiltrate into the ground where it falls or by capturing it for later reuse, is an important strategy to mitigate NPS pollution and improve water quality—especially in developed areas where impervious surfaces make up a large percentage of a municipality's land use.

In addition to intercepting pollution from stormwater runoff and retuning clean water to ground water aquifers, green infrastructure is a powerful tool that offers many additional benefits, including cooling the air, beautifying neighborhoods, aiding in traffic calming, enhancing property values, increasing carbon sequestration, and more. Green infrastructure can also help towns meet requirements in their MS4 and CSO permits.

I assist in managing a program called Mainstreaming Green Infrastructure that strives to make green infrastructure the first choice for stormwater management in the state of New Jersey. We do that in a few ways: by working with towns, working with developers, advancing demonstration projects, and working with state agencies.

**What can the New Jersey Department of Environmental Protection (NJDEP) do to ensure required NPS reductions?**

After working in this area for two years, we have learned that there are important steps that NJDEP can take in order to allow green infrastructure to reach its potential in mitigating NPS pollution.

First, to ensure NPS pollution reductions, NJDEP should improve its stormwater management rule and revise the Stormwater Best Management Practices manual that accompanies the rule. Specifically, the rule must do more to require the use of green infrastructure, by removing the loophole that requires developers to use nonstructural stormwater management strategies to the “maximum extent practicable” and replacing it with an objective standard that accounts for practices that infiltrate stormwater. This will increase the use of green infrastructure by increasing the level of predictability for developers.

Second, some municipalities craft their local regulations in ways that go above and beyond the state’s requirements. New Jersey Future recommends that NJDEP provide clear guidance on ways that municipalities can strengthen their local stormwater management regulations, which will ultimately add to NJDEP’s efforts to reduce NPS pollution and restore clean water in the state.

Third, NJDEP should release its guidance on green infrastructure for CSO Long Term Control Plans as soon as possible so that CSO permittees can use it in their planning efforts.

### **What sources of funding could be tapped for these necessary reductions in NPS pollution?**

New Jersey Future commends the NJDEP on the recent announcement of its Water Quality Restoration Grants for Nonpoint Source Pollution program. New Jersey Future recommends that NJDEP continue to direct a portion of its 319h monies and other funds to support communities in constructing green infrastructure projects.

Even with grants, municipalities lack adequate funding to manage stormwater. Local departments of public works face many demands for their limited resources. A sustainable funding source to construct, operate, and maintain stormwater management efforts is crucial to enable municipalities to meet regulatory requirements and achieve better environmental outcomes. Stormwater fees are authorized in 39 other states to raise funds to upgrade and maintain stormwater infrastructure. New Jersey Future expects that updated legislation to authorize stormwater fees will be introduced in early 2018 if not before. We recommend NJDEP support the legislative process with its technical expertise.

Again, on behalf of New Jersey Future, I thank you for the opportunity to testify and we look forward to continuing our work with the NJDEP and the Clean Water Council to help improve water quality conditions for our residents and environment. Please feel free to contact me with any questions.