

Going Green

New Jersey builders partner with an advocacy group for a proactive approach to regulations

It's no secret that stormwater regulations are getting more complex. Since there is no uniform approach, it's important to understand how to get involved early and build the case for sensible standards. That's just what the New Jersey Builders Association did, and it's paying off in a big way.

In the absence of a national stormwater rule from the Environmental Protection Agency, states and localities are continuing to tighten permanent, or post-construction, regulations using existing Clean Water Act authority.

If stormwater regulations are not designed and implemented in a thoughtful way, they can increase costs, delay projects,

Sensible Stormwater Standards

By Elizabeth George-Cheniara, Esq., George T. Vallone, and Eva Birk

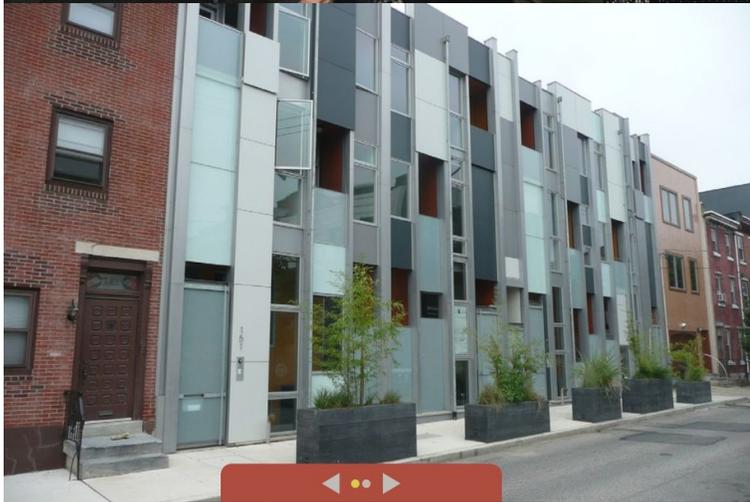


Curb cuts, pervious pavement, and bioswales are three of the practices detailed in the *New Jersey Developers' Green Infrastructure Guide*, created by the Developers' Green Infrastructure Task Force.



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Philadelphia's Thin Flats, the nation's first LEED Platinum-certified residential duplex project, features solar panels for hot water, green roofing, and rainwater-harvesting cisterns for irrigation.

result in poorly designed or maintained features, or simply occupy valuable space that could be used for housing or other community amenities. If implemented appropriately, approaches such as green infrastructure can seamlessly integrate into existing requirements, build value, and achieve multiple community and environmental benefits.

HELPING BUILDERS MAKE THEIR CASE

NAHB released an online stormwater toolkit in 2017 to help builders and HBAs make the case for programs that provide a clear path to compliance, reduce redundancy, and meet water quality

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goals. As part of the toolkit launch, NAHB released *A Developer's Guide to Post-construction Stormwater Regulation*. This report breaks down state-by-state data on top stormwater permitting trends affecting members in the field.

"This research allows professionals in the construction and development industry to learn what's being adopted across the country and how their state fits in," said Daniel Lloyd, chair of NAHB's Environmental Issues Committee. "Since there is no one-size-fits-all approach when it comes to stormwater, we wanted to provide simple checklists that compare pros and cons of different regulatory approaches based on climate, geography, and local land use patterns. Our hope is

this data will be a powerful tool for our members to use when sitting down with state regulators to find a recipe that works."

NAHB's study also found that since standards change so rapidly (most state stormwater permits are renewed every five years), success often hinges on HBAs taking a proactive role to ensure programs that can be implemented well on the ground before big changes take place.

NEW JERSEY'S APPROACH

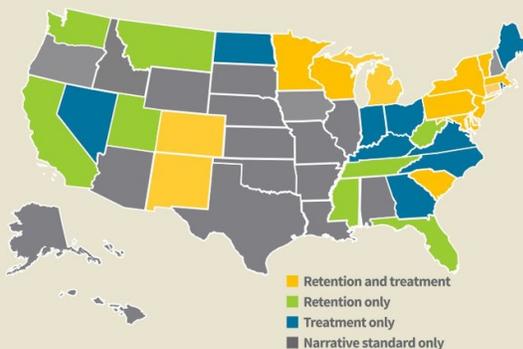
The New Jersey Builders Association is a great example of the benefits of a proactive regulatory approach: getting ahead of the curve, and making the case for approaches that meet environmental goals without breaking the bank.

Similar to other states, construction projects in New Jersey must comply with stormwater management requirements to address runoff and water pollution concerns. New Jersey's regulatory process for obtaining stormwater permits at the state, regional, and municipal level is a morass of subjective—and often contradictory—standards and duplicative agency reviews.

The availability of green infrastructure technologies has been gaining national attention as an alternative to traditional "grey" infrastructure practices that rely upon pipes and stormwater detention and retention systems. Instead, practices cited in the *New Jersey Developers' Green*

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Results: State Post-Construction Standard Approaches (June 2016)



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Infrastructure Guide emphasize using systems that mimic stormwater absorption as it occurs naturally, utilizing landscaping, plants, soil, ponds, constructed wetlands, stones, and pipes "...to capture, filter, absorb and/or reuse stormwater." Other examples include street tree trenches, pervious pavement, bioretention basins, rain gardens, green roofs, cisterns, and vegetated swales.

Recognizing the potential environmental and societal benefits from utilizing such progressive development practices, the New Jersey Builders Association (NJBA) partnered in 2015 with the nonprofit advocacy organization, New Jersey Future (NJF), to establish the Developers' Green Infrastructure Task Force. Comprised of developers, stormwater design professionals, attorneys, and public policy advocates, the task force's efforts centered on producing a reference guide for development company executives and stormwater design professionals. Using funding from the William Penn Foundation, NJF managed the preparation of the *New Jersey Developers' Green Infrastructure Guide*, which was released at NJBA's 2017 Atlantic Builders Convention trade show.

Both builders and New Jersey Future see this collaboration as a win-win that will pay off in the long term.

"Managing stormwater in the same way that Mother Nature does it—by creating

infiltration pathways back to the aquifers like bioswales and constructed wetlands and 'parking places for runoff' like cisterns and wet-ponds where man and animals can reuse it—is less expensive, more popular with end users and regulators, and is much more cost-effective," said NJBA Past President George Vallone and task force co-chair.

The guide provides decision-making tools and methodologies that help developers understand how green infrastructure can improve the bottom line of their projects. Further, it provides a framework for addressing key issues that affect real-world decision-making, such as site characteristics, short- and long-term costs, and community consensus-building.

EXPANDING THE MISSION

While the task force initially focused upon how to best inform the development community about incorporating green infrastructure techniques in site design, it became apparent that the developers' guide could provide the basis for changing the state's subjective regulatory standards and duplicative review process.

Consequently, the task force's advocacy efforts expanded to addressing these impediments with New Jersey Department of Environmental Protection (NJDEP). Specifically, the task force advocated that the subjective



The New Jersey guide debunks the myth that pervious pavement doesn't work in cold climates.



Rain barrels capture and store stormwater for such uses as irrigation and flushing toilets.

standards should be replaced with an objective approach based upon using green infrastructure techniques as best management practices.

Approaching the NJDEP jointly with a well-known environmental public policy advocacy organization gave valuable credibility that was impossible for the state agency to ignore.

"NJBA is committed to pursuing this progressive approach with the new state administration to establish an objective permitting process that would also lead to better water quality results and societal benefits throughout New Jersey," said NJBA Chief Executive Officer Carol Ann Short.



If you need more information about changing stormwater regulations, access the *New Jersey Developers' Green Infrastructure Guide, A Developer's Guide to Post-construction Stormwater Regulation*, and more at nahb.org/stormwater.

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