



January 30, 2023

VIA ELECTRONIC FORMAT

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Lauren J. Zarrillo, Esq.

Attention: DEP Docket No. 08-22-10

New Jersey Department of Environmental Protection, Office of Legal Affairs

401 East State Street, 7th Floor

Mail Code 401-04L, P.O. Box 402

Trenton, New Jersey 08625-0402

Re: Comments on NJDEP Proposed Amendments and New Rule, Stormwater Management Rules, Flood Hazard Area Control Act Rules, N.J.A.C. 7:8, 7:13 (DEP Docket Number 08-22-10, Proposal No. PRN 2022-156)

Dear Ms. Zarrillo,

On behalf of our members, the Chemistry Council of New Jersey (CCNJ) appreciates the opportunity to provide comments to the New Jersey Department of Environmental Protection (NJDEP) on the proposed amendments and new rule regarding stormwater management and Flood Hazard Area Control Act requirements published in the New Jersey Register on December 5, 2022.

Our comments focus on the Flood Hazard Area Control Act rule revisions, which are based on exactly one (1) storm that occurred in 2021 and its effects in less than 1/3 of the state.

The proposed design standard for all future development (e.g. buildings, structures, roads/parking area) is four (4) feet *above* the Federal Emergency Management Agency (FEMA) 100-year flood elevations. As provided in the rule proposal, justification for the increased factor of safety in assigning the flood hazard area design flood elevation (i.e. + three (3) feet above FEMA 100-year flood elevations and + two (2) feet above any NJDEP delineation) is based on flood depths above the FEMA 100-year flood following Tropical Storm Ida, which occurred in September 2021. However, the case studies included in the proposal justification are limited to the northeastern portion of New Jersey. Rather than assigning blanket flood protection factors for the entire state that could be prohibitive, **CCNJ recommends that flood protection factors be assigned based on existing development intensity/land use and state-wide information to identify any discrepancies in other portions of the state.**

In the absence of identifying flood hazard area factors of safety based on existing development intensity/land use and location in the state, the amended rules should include provisions for grandfathering of existing industrial/commercial properties or design exceptions that do not require a

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hardship exemption. The proposed revisions have the potential to negatively impact redevelopment and/or sale of existing commercial and industrial properties throughout New Jersey based on a limited set of data presented in the rule proposal.

We would like the record to reflect our support of any comments submitted by CCNJ member companies.

Thank you for your consideration of our comments on this very important rulemaking effort. Together, we believe we can work collaboratively to both be protective and allow businesses to continue to operate in the state and provide benefits to the citizens of New Jersey. If I can be of further assistance, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'DH', with a long horizontal flourish extending to the right.

Dennis Hart
Executive Director