

Ordinance 03, 2021
Ordinance to Amend Part 9 of Chapter 109 of the Code of the Township of West Amwell
Entitled “Stormwater Management” To Reflect Amendments to The
New Jersey Stormwater Management Rules at N.J.A.C. 7:8, Adopted March 2, 2020

WHEREAS, the Township of West Amwell has a Stormwater Management Ordinance pursuant to the requirements in N.J.A.C. 7:8, and its Municipal Stormwater Permit; and

WHEREAS, the Stormwater Control Ordinance is subject to change when the State amends N.J.A.C. 7:8; and

WHEREAS, the State of New Jersey amended its Stormwater Management Rules at N.J.A.C. 7:8 on March 2, 2020; and

WHEREAS, the municipalities in the State of New Jersey are required to amend their Stormwater Control Ordinances to align with the updated Stormwater Management Rules at N.J.A.C. 7:8 on or before March 2, 2021; and

NOW THEREFORE BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY THAT PART 9 OF CHAPTER 109 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL, ENTITLED “STORMWATER MANAGEMENT”, IS AMENDED AS FOLLOWS:

§109-251 Scope; Purpose; effect on other regulations:

A. Policy Statement

- (1) West Amwell Township identified stormwater management as an important municipal planning concern in its 2003 Master Plan and the Stormwater Plan that the Township Committee adopted in 2005. As the Master Plan notes, West Amwell is a predominantly rural municipality where agriculture is the main land use. The Master Plan also identifies environmentally sensitive areas in West Amwell, in particular the Sourland Region, which is the predominant natural feature in the Township. In addition, West Amwell's five main streams all have excellent water quality which could easily be impaired by poorly managed stormwater runoff from future development.
- (2) In its Master Plan and ordinances, West Amwell Township has taken steps to plan more effectively for future land use changes in these areas of the Township. Additional planning and protections are needed to prevent erosion, increased sediment and pollutants, and other problems caused by poorly managed runoff that have impaired environmental quality in so many other parts of New Jersey.
- (3) Stormwater runoff is part of the largest remaining major source of pollutants in our nation's waters and the quality of surface and groundwater is directly related to the health of the environment. It is estimated that up to 60% of existing water pollution problems are attributable to nonpoint source pollution. Nonpoint source pollution, and

particularly, stormwater runoff is difficult to identify, control, and treat. In natural environments, undisturbed by development, native vegetation either directly intercepts precipitation or draws from runoff that has infiltrated into the ground and returns it to the atmosphere through the process of evapotranspiration. Precipitation also runs off the land's surface to become surface water or infiltrates through the soil to naturally recharge groundwater. This process, known as the "hydrologic cycle," functions in equilibrium, but is extremely susceptible to changes in the cycle's processes.

- (4) It has been shown that land development dramatically affects the hydrology of a watershed if the effects of stormwater runoff are not considered carefully. Development typically alters natural vegetation through the placement of lawns and impervious cover, thereby reducing the watershed's evaporation, transpiration and infiltration rates. Construction activities compact the soil and reduce its infiltration capability, resulting in increased volumes and rates of stormwater runoff from a site. Infrastructure and impervious surfaces transport runoff more quickly than natural areas and cause erosion and water quality problems, as well as flooding in areas downstream of development. Effective stormwater management is essential to preventing these serious impacts of development. Public education is an important component of stormwater management because people often do not realize the impact on streams, lakes and private wells from putting motor oil or trash into a storm sewer or from excessive use of fertilizers and pesticides. Individually these acts may seem insignificant, but their cumulative impact contributes to stormwater /nonpoint source pollution and reduces water quality.
- (5) Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose

This Stormwater Article is designed to accomplish the goals of the West Amwell Township Stormwater Plan, which the Township Committee adopted in April 2005. The goals of this article include:

- (1) Meeting state and federal regulatory requirements for stormwater management.
- (2) Protecting all surface and ground water resources from degradation and diminution.
- (3) Preserving the rural character of West Amwell Township and protecting environmentally sensitive areas that could be affected by stormwater.

- (4) Minimizing or reducing stormwater runoff rates and volumes from new and existing development.
- (5) Maintaining the integrity and stability of stream channels and buffers for the overall environmental and ecological benefits and functions they provide, especially biological functions, as well as for drainage, the conveyance of floodwater and other purposes.
- (6) Reducing current levels of nonpoint source pollution, and preventing an increase in nonpoint source pollution from future development.
- (7) Preserving woodlands and other undisturbed areas, especially along streams, and protecting natural features including forest understory and vegetated riparian buffers.
- (8) Reducing, minimizing or eliminating soil erosion and the transport of sediment from any development or construction project.
- (9) Minimizing or eliminating pollutants in stormwater runoff from new and existing development to restore, enhance, and maintain the chemical, physical, and biological integrity of waters of the state.
- (10) Enhancing domestic, municipal, recreational, industrial, and other uses of water bodies.
- (11) Maintaining and enhancing groundwater recharge.
- (12) Promoting cooperative efforts with the county and neighboring municipalities to achieve common goals cooperatively.
- (13) Preventing flood damage, including damage to public health, life and property.
- (14) Protecting fish and other aquatic life, and scenic and ecological values of rivers and streams.
- (15) Assuring the adequacy of all culverts and bridges, and other in-stream structures.
- (16) Protecting the public by minimizing public safety hazards through the proper design and operation of stormwater basins or other stormwater detention facilities.
- (17) Minimizing the deterioration of existing structures that would result from increased rates and volumes of stormwater runoff.
- (18) Maintaining adequate baseflow and natural flow regimes in all streams and other surface water bodies to protect the aquatic ecosystem.
- (19) Ensuring that any development that creates 1/4 acre or more of impervious cover or creates one acre or more of disturbance must comply with this article, as required by West Amwell Township's Tier B NJPDES permit.
- (20) Establish minimum stormwater management requirements and controls for "major development," as defined below in §109-252.

C. Applicability

- (1) This article shall be applicable to building permits as covered by this chapter and all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:
 - (a) Non-residential major developments; and
 - (b) Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21. The provisions of both this chapter and the RSIS are to be applied and reviewed concurrently for any residential major development.

(c) In the case of agricultural or horticultural development that meets the definition of "major development" under N.J.A.C. 7:8, a farm conservation plan or a soil erosion and sediment control plan that addresses the protection of soil and water resources shall be developed and implemented. Such a plan shall be approved by the Hunterdon County Soil Conservation District.

(2) This ordinance shall also be applicable to all major developments undertaken by West Amwell Township.

(3) This article does not apply to activities of Hunterdon County, the State of New Jersey and the government of the United States of America when those activities are specifically exempted from municipal regulation by relevant state or federal law.

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued for subdivisions and site plans pursuant to this article are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This article shall be construed to assure consistency with the requirements of New Jersey laws and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and any existing or future municipal NJPDES permits and any amendments or revisions thereto or re-issuance thereof.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

§109-252 Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

Agriculture Or Horticulture or Agricultural Or Horticultural Use means the use of the land for common farmsite activities, including, but not limited to, production, harvesting, storage, grading, packaging, processing and the wholesale and retail marketing of crops, plants, animals and other related commodities and the use and application of techniques and methods of soil preparation and

management, fertilization, weed, disease and pest control, disposal of farm waste, irrigation, drainage, and water management, and grazing.

Agricultural or Horticultural Development means construction for the purposes of supporting common farmsite activities, including, but not limited to, the production, harvesting, storage, grading, packaging, processing, and the wholesale and retail marketing of crops, plants, animals, and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing.

CAFRA Centers, Cores or Nodes means those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

CAFRA Planning Map The map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

Category One (C1) Waters means waters of the state as designated in N.J.A.C. 7:9B-1.15 (c) through (h) for purposes of implementing the antidegradation policies set forth at N.J.A.C. 7:9B-1.5(d) for protection from measurable changes in water quality characteristics because of their clarity, color, scenic setting, other characteristics of aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resources(s).

Community Basin means an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.

Compaction means the increase in soil bulk density caused by subjecting soil to greater-than-normal loading. Compaction can also decrease soil infiltration and permeability rates.

Contributory Drainage Area means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

Core means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

County Review Agency means the Hunterdon County Planning Board, as designated by the County Commissioners, to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

A.

county planning agency or

A

B.

A

county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

Department means the New Jersey Department of Environmental Protection.

Designated Center means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

Design Engineer means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

Development means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*

In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A 4:1C-1 *et seq.*

Disturbance means the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

Drainage Area means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

Environmentally Constrained Area means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

Environmentally Critical Area means an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater recharge areas. Habitats of endangered or

threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

Empowerment Neighborhoods means neighborhoods designated by the Urban Coordinating Council "in consultation and conjunction with" the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

Erosion means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

Green Infrastructure means a stormwater management measure that manages stormwater close to its source by:

- A. T
reating stormwater runoff through infiltration into subsoil;
- B. T
reating stormwater runoff through filtration by vegetation or soil; or
- C. S
toring stormwater runoff for reuse.

Groundwater means a body of water below the surface of the land in a zone of saturation where the spaces between the soil or geological materials are fully saturated with water.

HUC 14 or "Hydrologic Unit Code 14" means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

Impervious Surface means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water relative to natural conditions in the area.

Infiltration is the process by which water seeps into the soil from precipitation to a level below the normal root system of plant species.

Lead Planning Agency means one or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

Low-Impact Development (LID) means methods incorporating design measures to replicate predevelopment hydrology to reduce the impacts of development at a lot-level basis, treating rainwater where it falls by creating conditions that allow the water to infiltrate back into the ground. LID emphasizes greater infiltration of stormwater on site rather than regarding the stormwater as a nuisance condition and disposable.

Maintenance Plan means a document required for all major development projects for stormwater management maintenance. The document shall contain specific preventive maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the

name, address, and telephone number of the person or persons responsible for preventive and corrective maintenance (including replacement).

Major Development means an individual “development,” as well as multiple developments that individually or collectively result in:

- A. T
the disturbance of one or more acres of land since February 2, 2004;
- B. T
the creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
- C. T
the creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 2021 *{or the effective date of this ordinance, whichever is earlier}*; or
- D. A
combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of “major development” but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered “major development.”

Maximum Extent Practicable means compliance with the specific objective to the greatest extent possible taking into account equitable considerations and competing factors, including, but not limited to, environmental benefits, pollutant removal effectiveness, regulatory compliance, ability to implement given site-specific environmental conditions, cost and technical or engineering feasibility.

Motor Vehicle means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

Motor Vehicle Surface means any pervious or impervious surface that is intended to be used by “motor vehicles” and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

Municipality means West Amwell Township.

New Jersey Stormwater Best Management Practices (BMP) Manual or BMP Manual means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of

contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with §109-254.F of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

Node means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

Nutrient means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

Nutrient Load means the total amount of a nutrient, such as nitrogen or phosphorus, entering the water during a given time, such as tons of nitrogen per year, or pounds of phosphorus per day. Nutrients may enter the water from runoff, groundwater recharge, point source discharges, or the air (in the form of wet deposition such as rain or snow as well as dry deposition).

Nutrient Concentration means the amount of a nutrient in a defined volume of water (such as milligrams of nitrogen per liter). The relationship between nutrient concentration and nutrient load can vary and depends on the surface water flow, the volume of water in the water body or aquifer, and watershed characteristics.

Permeable means a surface or land cover capable of transmitting or percolating a significant amount of precipitation into the underlying soils.

Person means any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

Pollutant means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 *et seq.*)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

Recharge means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

Regulated Impervious Surface means any of the following, alone or in combination:

- A. net increase of impervious surface; A
- B. he total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a “new stormwater conveyance system” is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created); T
- C. he total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or T
- D. he total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased. T

Regulated Motor Vehicle Surface means any of the following, alone or in combination:

- A. he total area of motor vehicle surface that is currently receiving water; T
- B. net increase in motor vehicle surface; and/or A
quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

Review Agency (Municipal) means the municipal body or official that is responsible for the review of a major development project for compliance with the stormwater management requirements.

Sediment means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

Site means the lot or lots upon which a major development is to occur or has occurred.

Soil means all unconsolidated mineral and organic material of any origin.

Solid and Floatable Materials means sediment, debris, trash, and other floating, suspended, or settleable solids.

Source Material means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing, or other industrial activities, that could be a source of pollutants in any industrial stormwater discharge to ground or surface water. Source materials include, but are not limited to, raw materials, intermediate products, final products, waste materials, by-products, industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Special Water Resource Protection Areas means water bodies receiving special protections due to their drinking water status or role as high-quality habitat for threatened and endangered species or species of commercial or recreational importance. This includes waterways so designated through the NJ Stormwater Management Rules (N.J.A.C. 7:8) because of exceptional ecological significance, exceptional water supply significance, exceptional recreational significance, exceptional shellfish resource, or exceptional fisheries resource. Waters so designated are protected by a three-hundred-foot buffer extending on either side of the waterway measured perpendicular from top-of-bank or center of channel for waterways lacking a defined top-of-bank. See definition of "Category One (C1)."

State Development and Redevelopment Plan Metropolitan Planning Area (PA1) means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State's future redevelopment and revitalization efforts.

State Plan Policy Map is defined as the geographic application of the State Development and Redevelopment Plan's goals and statewide policies, and the official map of these goals and policies.

Stormwater means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

Stormwater Management BMP means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

Stormwater Management Measure means any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

Stormwater Runoff means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

Stormwater Management Planning Agency means a public body authorized by legislation to prepare stormwater management plans.

Stormwater Management Planning Area means the geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

Stream Buffer or Riparian Buffer means a strip of land located immediately adjacent to a stream channel consisting of natural, undisturbed vegetative cover, which serves as a transition area between uplands and riparian lands to trap sediments from upslope erosion and filter fertilizers, pesticides, and other pollutants that run off farmland and other developed areas. A stream buffer may encompass wetlands, may contain a floodplain or floodway or may extend beyond a wetland,

floodplain or floodway boundary. This buffer supports trees, shrubs, grasses, and other plant and animal species that depend on changeable conditions.

Tailwater means the downstream surface water elevation at a discharge (pipe, weir, spillway, channel, etc.).

Threatened and Endangered Species means species whose prospects for survival in New Jersey are in immediate danger because of a loss or change in habitat, over exploitation, predation, competition, disease, disturbance or contamination. Assistance is needed to prevent future extinction in New Jersey. Threatened species are those which may become endangered if conditions surrounding them begin to or continue to deteriorate. Suitable habitats of endangered or threatened species are those identified by the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

Tidal Flood Hazard Area means a flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

Time of Concentration means the time it takes for stormwater runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed.

Transition Area means an area of protected upland adjacent to a freshwater wetland that minimizes adverse impacts on the wetland or serves as an integral component of the wetlands ecosystem. Also called "buffer area."

Urban Coordinating Council Empowerment Neighborhood means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

Urban Enterprise Zones means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

Urban Redevelopment Area is defined as previously developed portions of areas:

- A. D
elineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
- B. D
esignated as CAFRA Centers, Cores or Nodes;
- C. D
esignated as Urban Enterprise Zones; and
- D. D
esignated as Urban Coordinating Council Empowerment Neighborhoods.

Water Control Structure means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

Waters of the State means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

Wetlands or Wetland means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

§109-253 Design and Performance Standards for Stormwater Management Measures:

- A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
 - (1) The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
 - (2) The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- B. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

Note: Alternative standards shall provide at least as much protection from stormwater-related loss of groundwater recharge, stormwater quantity and water quality impacts of major development projects as would be provided under the standards in N.J.A.C. 7:8-5.

§109-254 Stormwater Management Requirements for Major Development

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with §109-261.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).

C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of §109-254.P, Q and R:

- (1) The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
- (2) The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
- (3) The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.

D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of §109-254.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

- (1) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
- (2) The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of §109-254.O, P, Q and R to the maximum extent practicable;
- (3) The applicant demonstrates that, in order to meet the requirements of §109-254.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
- (4) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under §109-254.D(3) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of §109-254.O, P, Q and R that were not achievable onsite.

E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management

Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in §109-254.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change

revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at: https://njstormwater.org/bmp_manual2.htm.

- F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

| Table 1 Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity | | | | |
|---|---|-----------------------------------|---|---|
| Best Management Practice | Stormwater Runoff Quality TSS Removal Rate (percent) | Stormwater Runoff Quantity | Groundwater Recharge | Minimum Separation from Seasonal High Water Table (feet) |
| Cistern | 0 | Yes | No | -- |
| Dry Well ^(a) | 0 | No | Yes | 2 |
| Grass Swale | 50 or less | No | No | 2 ^(e) 1 ^(f) |
| Green Roof | 0 | Yes | No | -- |
| Manufactured Treatment Device ^{(a) (g)} | 50 or 80 | No | No | Dependent upon the device |
| Pervious Paving System ^(a) | 80 | Yes | Yes ^(b) No ^(c) | 2 ^(b) 1 ^(c) |
| Small-Scale Bioretention Basin ^(a) | 80 or 90 | Yes | Yes ^(b) No ^(c) | 2 ^(b) 1 ^(c) |
| Small-Scale Infiltration Basin ^(a) | 80 | Yes | Yes | 2 |
| Small-Scale Sand Filter | 80 | Yes | Yes | 2 |
| Vegetative Filter Strip | 60-80 | No | No | -- |

(Notes corresponding to annotations ^(a) through ^(g) are found below Table 3)

| Table 2 Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver or Variance from N.J.A.C. 7:8-5.3) | | | | |
|--|---|-----------------------------------|---|---|
| Best Management Practice | Stormwater Runoff Quality TSS Removal Rate (percent) | Stormwater Runoff Quantity | Groundwater Recharge | Minimum Separation from Seasonal High Water Table (feet) |
| Bioretention System | 80 or 90 | Yes | Yes ^(b) No ^(c) | 2 ^(b) 1 ^(c) |
| Infiltration Basin | 80 | Yes | Yes | 2 |
| Sand Filter ^(b) | 80 | Yes | Yes | 2 |
| Standard Constructed Wetland | 90 | Yes | No | N/A |
| Wet Pond ^(d) | 50-90 | Yes | No | N/A |

(Notes corresponding to annotations ^(b) through ^(d) are found below Table 3)

| Table 3 BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3 | | | | |
|---|---|-----------------------------------|-----------------------------|---|
| Best Management Practice | Stormwater Runoff Quality TSS Removal Rate (percent) | Stormwater Runoff Quantity | Groundwater Recharge | Minimum Separation from Seasonal High Water Table (feet) |
| Blue Roof | 0 | Yes | No | N/A |
| Extended Detention Basin | 40-60 | Yes | No | 1 |

| | | | | |
|--|----------|-----|----|---------------------------|
| Manufactured Treatment Device ^(h) | 50 or 80 | No | No | Dependent upon the device |
| Sand Filter ^(c) | 80 | Yes | No | 1 |
| Subsurface Gravel Wetland | 90 | No | No | 1 |
| Wet Pond | 50-90 | Yes | No | N/A |

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at §109-254.O(2);
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than two percent;
- (f) designed with a slope of equal to or greater than two percent;
- (g) manufactured treatment devices that meet the definition of green infrastructure at §109-252;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at §109-252.

- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with §109-257.B. Alternative stormwater management measures may be used to satisfy the requirements at §109-254.O only if the measures meet the definition of green infrastructure at §109-252. Alternative stormwater management measures that function in a similar manner to a BMP listed at §109-254.O(2) are subject to the contributory drainage area limitation specified at §109-254.O(2) for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at §109-254.O(2) shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with §109-254.D is granted from §109-254.O.
- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures

within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.

- I. Design standards for stormwater management measures are as follows:
 - (1) Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
 - (2) Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of §109-259.C;
 - (3) Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
 - (4) Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at §109-259; and
 - (5) The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at §109-252 may be used only under the circumstances described at §109-254.O(4).
- K. Any application for a new agricultural development that meets the definition of major development at §109-252 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at §109-254.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §109-254.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental

impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Hunterdon County Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §109-254.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to §109-261.B(5). Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.
- N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to §109-254 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the Hunterdon County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.
- O. Green Infrastructure Standards
- (1) This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
 - (2) To satisfy the groundwater recharge and stormwater runoff quality standards at §109-254.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at §109-254.F. and/or an alternative stormwater management measure approved in accordance with §109-254.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

| Best Management Practice | Maximum Contributory Drainage Area |
|----------------------------------|--|
| Dry Well | 1 acre |
| Manufactured Treatment Device | 2.5 acres |
| Pervious Pavement Systems | Area of additional inflow cannot exceed three times the area occupied by the BMP |
| Small-scale Bioretention Systems | 2.5 acres |
| Small-scale Infiltration Basin | 2.5 acres |
| Small-scale Sand Filter | 2.5 acres |

- (3) To satisfy the stormwater runoff quantity standards at §109-254.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with §109-254.G.
- (4) If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with §109-254.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with §109-254.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §109-254.P, Q and R.
- (5) For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at §109-254.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with §109-254.D.

P. Groundwater Recharge Standards

- (1) This subsection contains the minimum design and performance standards for groundwater recharge as follows:
- (2) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at §109-255, either:

- (a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - (b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
- (3) This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.
- (4) The following types of stormwater shall not be recharged:
- (a) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - (b) Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

- (1) This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
- (2) Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
- (a) Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
 - (b) If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.

- (3) The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
- (4) The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4 - Water Quality Design Storm

| Distribution | | | | | |
|-------------------|------------------------------------|-------------------|------------------------------------|-------------------|------------------------------------|
| Time (Minutes) | Cumulative Rainfall (Inches) | Time (Minutes) | Cumulative Rainfall (Inches) | Time (Minutes) | Cumulative Rainfall (Inches) |
| 1 | 0.00166 | 41 | 0.1728 | 81 | 1.0906 |
| 2 | 0.00332 | 42 | 0.1796 | 82 | 1.0972 |
| 3 | 0.00498 | 43 | 0.1864 | 83 | 1.1038 |
| 4 | 0.00664 | 44 | 0.1932 | 84 | 1.1104 |
| 5 | 0.00830 | 45 | 0.2000 | 85 | 1.1170 |
| 6 | 0.00996 | 46 | 0.2117 | 86 | 1.1236 |
| 7 | 0.01162 | 47 | 0.2233 | 87 | 1.1302 |
| 8 | 0.01328 | 48 | 0.2350 | 88 | 1.1368 |
| 9 | 0.01494 | 49 | 0.2466 | 89 | 1.1434 |
| 10 | 0.01660 | 50 | 0.2583 | 90 | 1.1500 |
| 11 | 0.01828 | 51 | 0.2783 | 91 | 1.1550 |
| 12 | 0.01996 | 52 | 0.2983 | 92 | 1.1600 |
| 13 | 0.02164 | 53 | 0.3183 | 93 | 1.1650 |
| 14 | 0.02332 | 54 | 0.3383 | 94 | 1.1700 |
| 15 | 0.02500 | 55 | 0.3583 | 95 | 1.1750 |
| 16 | 0.03000 | 56 | 0.4116 | 96 | 1.1800 |
| 17 | 0.03500 | 57 | 0.4650 | 97 | 1.1850 |
| 18 | 0.04000 | 58 | 0.5183 | 98 | 1.1900 |
| 19 | 0.04500 | 59 | 0.5717 | 99 | 1.1950 |
| 20 | 0.05000 | 60 | 0.6250 | 100 | 1.2000 |
| 21 | 0.05500 | 61 | 0.6783 | 101 | 1.2050 |
| 22 | 0.06000 | 62 | 0.7317 | 102 | 1.2100 |
| 23 | 0.06500 | 63 | 0.7850 | 103 | 1.2150 |
| 24 | 0.07000 | 64 | 0.8384 | 104 | 1.2200 |
| 25 | 0.07500 | 65 | 0.8917 | 105 | 1.2250 |
| 26 | 0.08000 | 66 | 0.9117 | 106 | 1.2267 |
| 27 | 0.08500 | 67 | 0.9317 | 107 | 1.2284 |
| 28 | 0.09000 | 68 | 0.9517 | 108 | 1.2300 |
| 29 | 0.09500 | 69 | 0.9717 | 109 | 1.2317 |
| 30 | 0.10000 | 70 | 0.9917 | 110 | 1.2334 |
| 31 | 0.10660 | 71 | 1.0034 | 111 | 1.2351 |
| 32 | 0.11320 | 72 | 1.0150 | 112 | 1.2367 |
| 33 | 0.11980 | 73 | 1.0267 | 113 | 1.2384 |
| 34 | 0.12640 | 74 | 1.0383 | 114 | 1.2400 |
| 35 | 0.13300 | 75 | 1.0500 | 115 | 1.2417 |
| 36 | 0.13960 | 76 | 1.0568 | 116 | 1.2434 |
| 37 | 0.14620 | 77 | 1.0636 | 117 | 1.2450 |
| 38 | 0.15280 | 78 | 1.0704 | 118 | 1.2467 |
| 39 | 0.15940 | 79 | 1.0772 | 119 | 1.2483 |
| 40 | 0.16600 | 80 | 1.0840 | 120 | 1.2500 |

- (5) If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B) / 100,$$

Where

R = total TSS Percent Load Removal from application of both BMPs, and

A = the TSS Percent Removal Rate applicable to the first BMP

B = the TSS Percent Removal Rate applicable to the second BMP.

- (6) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in §109-254.P, Q and R.
- (7) In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
- (8) The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
- (9) Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
- (10) This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards

- (1) This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.

- (2) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at §109-255, complete one of the following:
- (a) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - (b) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - (c) Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
 - (d) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
- (3) The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

§109-255 Calculation of Stormwater Runoff and Groundwater Recharge:

A. Stormwater runoff shall be calculated in accordance with the following:

- (1) The design engineer shall calculate runoff using one of the following methods:
 - (a) The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 - Urban Hydrology for Small Watersheds* (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf

or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or

- (b) The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at:

<http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>.

- (2) For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at §109-255.A(1)(a) and the Rational and Modified Rational Methods at §109-255.A(1)(b). A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
- (3) In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
- (4) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.
- (5) If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

B. Groundwater recharge may be calculated in accordance with the following:

The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey

Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at: <https://www.nj.gov/dep/njgs/pricelst/greport/gsr32.pdf> or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

§109-256 Standards for Structural Stormwater Management Measures:

A. Structural management measures.

- (1) Structural stormwater management measures shall be designed to take into account the existing site conditions, including environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil types; permeability and texture; drainage area and drainage patterns; and the presence of specific geological constraints.
- (2) Structural stormwater management measures shall be designed to facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than 1/3 the width of the diameter of the orifice or 1/3 the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of **§ 109-258B**.
- (3) Structural stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. These measures shall also be consistent with West Amwell's rural community character, especially by providing suitable wildlife habitat. Measures that are consistent with the relevant portions of the residential site improvement standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement. The measures are to be sequenced in the site development process so that erosion control standards are met and so the measure is not compromised or impaired by construction runoff.
- (4) At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of 2 1/2 inches in diameter.
- (5) Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at **§ 109-258**.
- (6) Where tailwater will affect the hydraulic performance of a stormwater management measure, the design engineer shall include such effects in the measure's design.

B. Guidelines for management measures. Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual and other documents as described in **§ 109-257**. Other stormwater management measures may be utilized, provided the design engineer demonstrates to the satisfaction of the review agency that the proposed measure and its design will accomplish the required water quantity, groundwater recharge and water quality design and performance standards established by **§ 109-254** of this chapter.

§109-257 Sources for Technical Guidance:

- A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at:

http://www.nj.gov/dep/stormwater/bmp_manual2.htm.

(1) Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

(2) Additional maintenance guidance is available on the Department's website at:

https://www.njstormwater.org/maintenance_guidance.htm.

- B. Submissions required for review by the Department should be mailed to:

The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

§109-258 Solids and Floatable Materials Control Standards:

- A. Site design features identified under §109-254.F above, or alternative designs in accordance with §109-254.G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see §109-258.A(2) below.

(1) Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

(a) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or

(b) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

(c) For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two

or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

(2) The standard in A.1. above does not apply:

- (a) Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
- (b) Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- (c) Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
 - b. A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

- (d) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- (e) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

§109-259 Safety Standards for Stormwater Management Basins:

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in **§109-259.C.(1)**, **§109-259.C.(2)**, and **§109-259.C.(3)** for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions

- (1) A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the

Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:

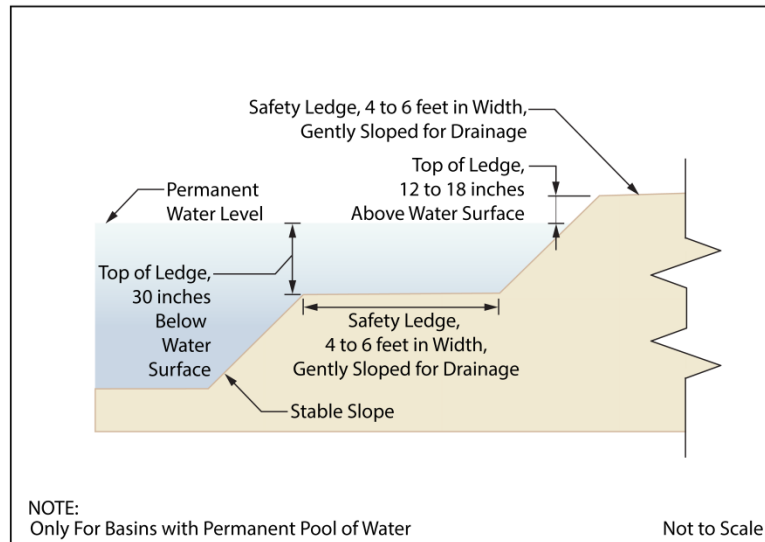
- (a) The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - (b) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - (c) The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - (d) The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
- (2) An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
- (a) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - (b) The overflow grate spacing shall be no less than two inches across the smallest dimension
 - (c) The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
- (3) Stormwater management BMPs shall include escape provisions as follows:
- (a) If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to VIII.C, a free-standing outlet structure may be exempted from this requirement;
 - (b) Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See VIII.E for an illustration of safety ledges in a stormwater management BMP; and
 - (c) In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard

A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



§109-260 Requirements for a Site Development Stormwater Plan:

A. Submission of Site Development Stormwater Plan

- (1) Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at §109-260.C below as part of the submission of the application for approval.
- (2) The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
- (3) The applicant shall submit the required number of copies of the materials listed in the checklist for site development stormwater plans in accordance with §109-260.C of this ordinance.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Submission of Site Development Stormwater Plan & Checklist Requirements

The following information shall be required:

- (1) Topographic & Existing Site Conditions Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

(a) Hydrology.

- [1] Perennial or intermittent streams as shown on the USGS 7.5 Minute Quadrangle Maps and as indicated in the Soil Survey of Hunterdon County, New Jersey.
- [2] Special water resource protection areas along all waters designated Category One at N.J.A.C. 7:9B and perennial or intermittent streams that drain into or upstream of the Category One waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys.
- [3] Wetlands, transition areas, NJDEP Linear Non-Tidal Wetlands, marshlands and NJDEP Letter of Interpretation findings.
- [4] FEMA flood data, one-hundred-year floodplains and floodways and New Jersey Flood Hazard Area.
- [5] Geometry of on-site drainage areas.

(b) Boundaries and buffers.

- [1] Appropriate buffers to streams, rivers, wetlands, marshlands, ponds, lakes and other water bodies as specified in pertinent ordinances, rules, regulations, statutes or other provisions of law imposed by local, county, state or federal agencies.
- [2] Existing and proposed bearing and distances of property lines.
- [3] Existing and proposed conservation, maintenance, construction, reconstruction, sight, utility, drainage and right-of-way easements and dedications.

(c) Vegetation and landscaping.

- [1] Pervious and vegetated surfaces, i.e., woodlands, grasslands and other significant natural features not listed if being utilized for LID credit.
- [2] Native and invasive stands of vegetation.
- [3] Vegetated suitable habitat for threatened and endangered species.

(d) Geology and soils (as indicated in the Soil Survey of Hunterdon County).

- [1] Steep slopes, slopes of 10% or greater.
- [2] Soil types.
- [3] Highly erodible soils, with an erodibility factor (K) of .40 or less.
- [4] Drainage class and recharge potential.
- [5] Colloidal soils.
- [6] Depth to bedrock.
- [7] Seasonal high-water table.
- [8] Soils subject to dynamic compaction and compacted soils.

- [9] Soil pH.
- [10] Shrink swell potential.
- [11] Deeply fractured bedrock.
- [12] Hardpans and plough pans.
- (e) Existing man-made structures and activities.
 - [1] Existing buildings and significant permanent man-made features.
 - [2] Roads by classification, parking areas and other impervious surfaces.
 - [3] Bridges and culverts.
 - [4] Utilities, subsurface and above ground.
 - [5] Mining/quarry operations and blasting areas.
 - [6] Acid or other hazardous runoff.
 - [7] Areas of fill and buried debris.
 - [8] Wellheads and associated groundwater withdrawal pipes, discharges and BMPs of existing stormwater utilities.
 - [9] Groundwater mounding.
 - [10] Septic systems and wells of adjacent lots.
 - [11] Sanitary lines.
 - [12] Previous land use (agricultural, industrial, commercial).

(2) Environmental Site Analysis

- (a) A written and graphic description of the natural and man-made features of the site and its surroundings shall be prepared for the Planning Board or Board of Adjustment by the applicant at the applicant's expense and shall accompany all preliminary site plan and subdivision plats. The environmental impact statement, at a minimum, shall include the following:
 - [1] Aquatic ecology including water conditions and aquatic populations.
 - [2] Surface and subsurface hydrogeology.
 - [3] Potable water supply.
 - [4] Wetlands, woodlands, slopes, geology.
 - [5] Soils and soil conditions, including capabilities and limitations.
 - [6] Topography.
 - [7] Vegetation, forested areas, suitable animal habitats.
 - [8] Areas identified as suitable habitats for rare, threatened or endangered species.
 - [9] Waterways.
 - [10] Existing land use.
 - [11] Any particular past or present use that involved the disposal of solid waste or toxic or hazardous materials, such as a dump, disposal site, or manufacturing operation, and how this past or present use relates to the site's aesthetics and history.
- (b) Particular attention should be given to unique, unusual, or environmentally critical areas and to those that provide particular opportunities or constraints for development. Water quality shall be described with reference to standards of the Department and soils shall be described with reference to Soil Conservation Service categories and characteristics.

(3) Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

(4) Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections 109-253 through 109-255 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

(5) Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- (a) Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- (b) Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

(6) Calculations

- (a) Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in §109-254 of this ordinance.
- (b) When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high-water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

(7) Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of **§109-261**.

(8) Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in **§109-260.C(1)** through **§109-260.C(6)** of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

§109-261 Maintenance and Repair:

A. Applicability

Projects subject to review as in **§109-251.C** of this ordinance shall comply with the requirements of **§109-261.B** and **§109-261.C**.

B. General Maintenance

- (1) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development. This plan shall be separate from all other documents, in a format suitable for recording in the County Clerk's office, and designed for ongoing use by the site owners or operators in performing and documenting maintenance and repair, and by the municipality in ensuring implementation of the maintenance plan. The maintenance plan shall be updated and provided to the municipality post-development to include an evaluation based on the specifications of the initial maintenance plan and as-built conditions subject to approval by the review agency.
- (2) The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
- (3) If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
- (4) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
- (5) If the party responsible for maintenance identified under **§109-261.B(3)** above is not a public agency, the maintenance plan and any future revisions based on **§109-261.B(7)** below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
- (6) Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.

- (7) The party responsible for maintenance identified under **§109-261.B(3)** above shall perform all of the following requirements:
 - (a) maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
 - (b) evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - (c) retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by **§109-261.B(6)** and **§109-261.B(7)** above.
- (8) The requirements of **§109-261.B(3)** and **§109-261.B(4)** do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department. Additional guidance can be found at: https://www.njstormwater.org/maintenance_guidance.htm.
- (9) In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

C. Maintenance Guarantee. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

§109-262 Enforcement:

The Zoning Officer is authorized to make site inspections and take such actions that are necessary in order to enforce the provisions of this article. A prompt investigation shall be made by the appropriate personnel of West Amwell of any person or entity believed to be in violation hereof. If, upon inspection, a condition which is in violation of this article is discovered, a civil action may be filed in the special part of the Superior Court, or in the Superior Court, if the primary relief sought is injunctive or if penalties may exceed the jurisdictional limit of the special civil part, by the filing and serving of appropriate process. Nothing in this article shall be construed to preclude the right of West Amwell pursuant to N.J.S.A. 26:3A2-25, to initiate legal proceedings hereunder in municipal court. The violation of any section or subsection of this article shall constitute a separate and distinct offense independent of the violation of any other section or subsection, or of any order issued pursuant to this article. Each day a violation continues shall be considered a separate offense.

§109-263 Penalties:

Any person, firm or corporation violating any provisions of this article shall, upon conviction, be subject to a fine of not less than \$100 nor more than \$2,000, a term of imprisonment not exceeding 90 days, or by a period of community service not exceeding 90 days, or any combination thereof for each violation, and in addition shall pay all costs and expenses involved in the case. Each day that any such violation continues after the expiration of an abatement notice or after initial construction, shall be deemed a distinct and separate offense. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation.

§109-264 Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

§109-265 Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

ATTEST

By Order of the Township Committee

Stephen Bergenfeld, Mayor

Maria Andrews, Township Clerk, RMC

Introduced: 2/17/21

Adopted: 3/17/21