

**CITY OF SEA ISLE CITY
NEW JERSEY**

ORDINANCE NO. 1655 (2020)

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF SEA ISLE CITY, CHAPTER 26-38 “STORMWATER MANAGEMENT SYSTEMS” TO MEET AND EXCEED UPDATED STATE AND FEDERAL STANDARDS

WHEREAS, from time to time, periodic revisions are made to the Sea Isle City Ordinance as deemed appropriate; and

WHEREAS, the City of Sea Isle City seeks to adopt standards for Stormwater Management as set by the State of New Jersey and the Federal Emergency Management Agency (FEMA) of the United States; and

WHEREAS, the City shall expand the properties that fall within the City’s stormwater ordinance to include those smaller than one acre; and

WHEREAS, the City seeks to meet, exceed, and enforce such standards in pursuit of maintaining a safe and flood-free community; and

WHEREAS, the City seeks to maintain its current rating or increase its rating by the Community Rating System classification with FEMA; and

WHEREAS, the City seeks to maintain its current discount or receive a larger discount on flood insurance; and

WHEREAS, the City shall require all major developments to comply with this Ordinance and take part in keeping the City beautiful.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Sea Isle City, County of Cape May and State of New Jersey as follows:

SECTION I. Chapter 26 Section 38.2 of the Revised General Ordinances of the City of Sea Isle City, entitled “Standards Applicable to Major Development” is moved to become Chapter 26 Section 38.3, and the new Chapter 26 Section 38.2 entitled “Standards Applicable to Minor Development” is created as follows:

a. Scope and Purpose.

1. Policy Statement.

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.

2. Purpose.

It is the purpose of this subsection to establish minimum stormwater management requirements and controls for “minor developments,” as defined in 26-38.3b

3. Applicability

(a) This subsection shall be applicable to all plans for the following minor developments that require submission, review, and approval by the Zoning Officer or designated official, prior to the issuance of a zoning permit:

- (1) Additions to any existing structure and/or site improvements which increase the impervious coverage by more than two-hundred and fifty (250) square feet; or
- (2) The construction of any pool; or
- (3) The construction of a new principal structure.

(b) This subsection shall also be applicable to all minor developments undertaken by the City of Sea Isle City.

4. Compatibility with Other Permit and Ordinance Requirements:

Development approvals issued for subdivisions and site plans pursuant to this section 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 section shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This section 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 section 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.

b. Definitions.

For the purpose of this ordinance, the terms, phrases, words used shall be defined by those definitions provided in **26-38.3b**.

MINOR DEVELOPMENT

1. Shall be any and all developments not classified as “major developments” as defined in Chapter 26-38.3b.
2. Shall be any single- or dual- family homes.
3. Shall include any and all non-residential developments that alter less than 1-acre.

c. General Standards.

1. The storm water management plan shall not adversely affect the adjoining properties.
2. 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);
3. Stormwater management measures for minor development shall be designed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality treatment as follows:
 - (a) To the maximum extent practicable, the standards established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39, and implementing rules at N.J.A.C. 2:90 shall be met by incorporating nonstructural stormwater management strategies (as defined and explained in 26-38.2) into the design.

(b) If these strategies alone are not sufficient to meet these standards, they shall be met by incorporating green infrastructure (as defined and explained in 26-38.2) necessary to meet these standards shall be incorporated into the design.

4. The minimum requirements of the design standards for stormwater management measures are as follows:
 - (a) All lots shall be graded toward the street(s) at a minimum slope of one-half (1/2%) percent and a maximum slope of one (1%) percent, measured from the existing top of curb or existing sidewalk elevation, whichever is higher to the center point of the rear lot line. All topographic information shall be based on NAVD 88 datum. If a grade difference between the adjoining properties results, then retaining walls shall be constructed. Retaining walls shall be constructed of masonry or plastic materials designed for the superimposed loading.
 - (b) The top of the retaining wall along the rear property line shall extend between 0.20 and 0.40 feet above the maximum permitted elevation.
 - (c) No water shall run onto an adjacent property. Techniques such as raised driveway edges, low curbing or other similar methods shall be employed to direct water off site or to recharge areas.
5. All proposed sites must be designed so that the total stormwater runoff from the site is no greater than the runoff generated in its pre-developed (vacant) state.
 - (a) The roof runoff or the equivalent impervious area shall be directed to subsurface recharge areas. Recharge areas and/or roof drains shall be provided with positive overflow(s). For analysis purposes the following parameters should be utilized:
 - (1) All lots shall be considered vacant for predevelopment parameters.
 - (2) All storms, up to and including a 25-year storms shall be utilized for design standards and must have their runoff accommodated by the detention and retention facilities
 - (3) Runoff shall be estimated in accordance with N.J.A.C. 5:21-7.1 et al.
 - (4) A minimum storage of thirty (30%) percent shall be provided on site
 - (b) All developments shall be provided with any appropriate retention and detention facilities
 - (1) The retention and detention facilities are to be designed to retain and/or detain any and all runoff the proposed development creates as specified in **26-38.2c.5(a)(4)** which provides for a minimum of 30% onsite storage.
 - (2) The retention and detention facilities shall release the runoff to the appropriate watercourse or wetlands area at a rate and in a manner appropriate that approximates the natural flow which occurred before development
 - (3) Channeling runoff directly into existing waterbodies shall be prohibited
6. All development shall provide a four (4) foot wide planted green space along the rear and side property lines within the rear yard, to increase infiltration, improve aesthetics, and provide space for grading and the conveyance of storm water.
7. To protect from flood by maintaining the integrity of the storm water management system of the City, and to protect the water quality of the bay, all development which is subject to review under this section, including the construction of a pool or spa, shall comply with the following:
 - (a) Silt fence shall be installed during construction.
 - (b) Each potentially affected inlet shall have protection measures installed such as hay bales, stone and filter fabric, or other methods as approved by the City.
 - (c) All discharge water generated by the dewatering of excavated areas, including pools, shall be filtered prior to discharge off site. This shall be accomplished through the utilization of sediment control bags or tanks at the point of discharge.

- (d) Runoff from parking areas should incorporate protective measures to prevent oil and sediment from entering receiving waters and/or clogging interstices thereby preventing infiltration in subsurface recharge and/or retention facilities
- (e) All protection measures shall be installed prior to construction, and remain in place until the site has been approved by the City.
- (f) The measures described herein shall comply with the Standards for Soil Erosion and Sediment Control in New Jersey, as amended.

d. Calculation Methods

1. Pre- and post-watershed calculations shall be required as the basis for determining total stormwater storage capacity required as well as release from detention basis, if required, for two-, five-, ten-, and twenty five year storms.
2. The applicant shall utilize the standards set forth in 26-38.2 for sites one acre or larger.
3. Calculations shall be computed on the basis of the total watershed serviced by the proposed facilities, not just the parcel being developed.
4. Peak rates of runoff shall be computed for the entire area and, if required design release rates computed on the basis of preexisting conditions for the entire watershed.

SECTION II. In addition to being renumbered as Chapter 26-38.3, the previous Chapter 26 Section 38.2 of the Revised General Ordinances of the City of Sea Isle City, entitled “Standards Applicable to Major Development” is amended as follows:

AMENDED SECTION

All deleted sections will appear like this: ~~example~~

*All new sections will appear like this: **example***

§ 26-38.23 “STANDARDS APPLICABLE TO MAJOR DEVELOPMENT”\

a. Scope and Purpose.

1. Policy Statement.

While the provisions of this subsection may have limited or no application to property within the City of Sea Isle City, the City is, nevertheless, required to enact this section. The State of New Jersey has imposed the requirements of this subsection and costs therefore on municipalities with no funding to pay the cost of implementation of this State mandate.

Flood control, groundwater recharge, and pollutant reduction ~~through nonstructural or low impact techniques shall be explored before relying on structural Best Management Practices (BMPs). Structural BMPs should be integrated with nonstructural stormwater management strategies and proper maintenance plans. Nonstructural strategies include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater. Source control plans 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.~~ **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.**

2. Purpose. It is the purpose of this subsection to establish minimum stormwater management requirements and controls for "major development," as defined in subsection 26-38.3b.

3. Applicability.

(a) This subsection shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:

(1) Nonresidential major developments; and

(2) Aspects of residential major developments that are not preempted by the Residential Site Improvement Standards, N.J.A.C.5:21.

(b) This subsection shall also be applicable to all major developments undertaken by the City of Sea Isle City.

4. Compatibility with Other Permit and Ordinance Requirements:

Development approvals issued for subdivisions and site plans pursuant to this section 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 section shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This section 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 section 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.

~~b. Definitions. Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application. 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.~~

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.

CAFRA PLANNING MAP

Shall mean the geographic depiction of the boundaries for Coastal Planning Areas, CAFRA Centers, CAFRA Cores and CAFRA Nodes pursuant to N.J.A.C. 7:7E-5B.3. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

CAFRA CENTERS, CORES OR NODES

Shall mean those areas within boundaries accepted by the Department pursuant to N.J.A.C. 7:7-13.16.

(NEW) COMMUNITY BASIN

Shall mean 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

Shall mean the increase in soil bulk density.

(NEW) CONTRIBUTORY DRAINAGE AREA

Shall mean the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

CORE

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

COUNTY REVIEW AGENCY

Shall mean an agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The County review agency may either be:

A county planning agency; or

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

Shall mean the New Jersey Department of Environmental Protection.

DESIGNATED CENTER

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

DESIGN ENGINEER

Shall mean 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

Shall mean the division of a parcel of land into two (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or 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, by any person, 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 lands, 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.

(NEW) DISTURBANCE

Shall mean 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 vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

DRAINAGE AREA

Shall mean a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving water body or to a particular point along a receiving water body.

(NEW) ENVIRONMENTALLY CONSTRAINED AREA

Shall mean 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 AREAS

Shall mean an area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat 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 NEIGHBORHOOD

Shall mean a neighborhood 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

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

(NEW) GREEN INFRASTRUCTURE

Shall mean a stormwater management measure that manages stormwater close to its source by:

- 1. Treating stormwater runoff through infiltration into subsoil;**
- 2. Treating stormwater runoff through filtration by vegetation or soil; or**
- 3. Storing stormwater runoff for reuse.**

(NEW) "HUC 14" OR "HYDROLOGIC UNIT CODE 14"

Shall mean 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

Shall mean a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

INFILTRATION

Shall mean the process by which water seeps into the soil from precipitation.

(NEW) LEAD PLANNING AGENCY

Shall mean 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.

MAJOR DEVELOPMENT

~~Shall mean any "development" that provides for ultimately disturbing one (1) or more acres of land. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.~~

Shall mean an individual “development” as defined above, as well as multiple developments that individually or collectively result in:

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
3. 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
4. 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.”

(NEW) MOTOR VEHICLE

Shall mean 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, snow mobiles, all-terrain vehicles, motorized wheel chairs, go-carts, gas buggies, golf carts, or vehicles that run only on rails or tracks.

(NEW) MOTOR VEHICLE SURFACE

Shall mean 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

Shall mean any city, borough, town, township, or village.

(NEW) NEW JERSEY STORMWATER BEST MANAGEMENT PRACTICES (BMP) MANUAL

Shall mean 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 Section IV.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

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

NUTRIENT

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

PERSON

Shall mean any individual, corporation, company, partnership, firm, association, City of Sea Isle City, or political subdivision of this State subject to municipal jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

POLLUTANT

Shall mean 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

Shall mean the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

(NEW) REGULATED IMPERVIOUS SURFACE

Shall mean any of the following, alone or in combination:

1. A net increase of impervious surface;
2. The 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);
3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

(NEW) REGULATED MOTOR VEHICLE SERVICE

Shall mean any of the following, alone or in combination:

1. The total area of motor vehicle surface that is currently receiving water;
2. A new increase in motor vehicle surface; and/or 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.

SEDIMENT

Shall mean 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

Shall mean the lot or lots upon which a major development is to occur or has occurred.

SOIL

Shall mean all unconsolidated mineral and organic material of any origin.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA1)

Shall mean 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

Shall mean 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

Shall mean 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.

(NEW) STORMWATER MANAGEMENT BMP

Shall mean 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

Shall mean any structural or nonstructural strategy, 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

Shall mean water flow on the surface of the ground or in storm sewers, resulting from precipitation.

(NEW) STORMWATER MANAGEMENT PLANNING AGENCY

Shall mean a public body authorized by legislation to prepare stormwater management plans.

(NEW) STORMWATER MANAGEMENT PLANNING AREA

Shall mean 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

STORMWATER MANAGEMENT BASIN

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

TIDAL FLOOD HAZARD AREA

Shall mean a flood hazard area, which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean.

(NEW) TIDAL FLOOD HAZARD AREA

Shall mean 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.

URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD

Shall mean a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

URBAN ENTERPRISE ZONE

Shall mean 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

Shall mean previously developed portions of areas:

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
2. Designated as CAFRA Centers, Cores or Nodes,
3. Designated as Urban Enterprise Zones; and
4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

(NEW) WATER CONTROL STRUCTURE

Shall mean 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

Shall mean the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

WETLANDS OR WETLAND

Shall mean 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.

c. General Standards: Design and Performance Standards for Stormwater Management Measures.

1. Stormwater management measures for major development shall be ~~developed~~ designed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality **treatment as follows: ~~standards in subsection 26-38.2d.~~**

(a) To the maximum extent practicable, **the standards established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39, and implementing rules at N.J.A.C. 2:90** shall be met by incorporating nonstructural stormwater management strategies into the design.

(b) If these strategies alone are not sufficient to meet these standards, ~~structural stormwater management measures~~ **shall be met by incorporating green infrastructure** necessary to meet these standards shall be incorporated into the design.

2. The standards in this subsection 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.

d. Stormwater Management Requirements for Major Development.

1. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with subsection 26-38.3j.

2. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department 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).

3. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of subsection 26-38.2(d)(16) and 26-38.2(f)

(a) The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;

(b) The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and

(c) The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of fourteen (14') feet, provided that the access is made of permeable material.

4. A waiver from strict compliance from the **green infrastructure**, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements 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:

(a) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;

(b) The applicant demonstrates through an alternatives analysis, that through the use of nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of subsection 26-38.3.d.16 and 26-38.f to the maximum extent practicable;

(c) The applicant demonstrates that, in order to meet the requirements of subsection 26-38.3.d.16 and 26-38.3.f existing structures currently in use, such as homes and buildings, would need to be condemned; and

(d) 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 subsection 26-38.3d4(c) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of subsection 26-38.3.d.16 and 26-38.3.f.7 that were not achievable on-site.

5. 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 subsections 26-38.3.d.15, 26-38.3.d.16, 26-38.3.d.17 and 26-38.3.f. 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.

6. Where the BMP tables in the NJ Stormwater Management Rule are different due to the 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 ^(e)	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	--

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

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 26-38.3b15(b).
- (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 in subsection b.
- (h) manufactured treatment devices that do not meet the definition of green infrastructure (subsection (b)).

7. 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 26-38.3.f.2. Alternative stormwater management measures may be used to satisfy the requirements at 26-38.3.d.15 only if the measures meet the definition of green infrastructure at subsection (b). Alternative stormwater management measures that function in a similar manner to a BMP listed at 26-38.3.d.15(2) are subject to the contributory drainage area limitation specified at 26-38.3.d.15(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 26-38.3.d.15(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 26-38.3.d.4 is granted from 26-38.3.d.15(2).

8. 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.

9. Design standards for stormwater management measures are as follows:

(a) 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);

(b) 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 Section 26-38.3.h.2;

(c) 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;

(d) Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section VIII; and

(e) 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.

10. 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 Section II may be used only under the circumstances described at 26-38.3.d.15(4).

11. Any application for a new agricultural development that meets the definition of major development at subsection (b) shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at 26-38.3.d.16, 26-38.3.d.17 and 26-38.3.f 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.

12. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at 26-38.3.d.16, 26-38.3.d.17 and 26-38.3.f 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.

13. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Cape May County Office of the 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 subsections 26-38.3.d.15, 26-38.3.d.16, 26-38.3.d.17 and 26-38.3.f 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 26-38.3.j.2(d). 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

14. 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 26-38.3.d 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 Cape May County Office of the 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 26-38.3.d.14 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 26-38.3.d.14 above.

Nonstructural Stormwater Management Strategies.

~~(a) To the maximum extent practicable, the standards in subsection 26-38.2d6 and 7 shall be met by incorporating nonstructural stormwater management strategies set forth at subsection 26-38.2d5 into the design. The applicant shall identify the nonstructural measures incorporated into the design of the project. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in paragraph (5) below into the design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention.~~

~~(b) Nonstructural stormwater management strategies incorporated into site design shall:~~

~~(1) Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;~~

~~(2) Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;~~

~~(3) Maximize the protection of natural drainage features and vegetation;~~

~~(4) Minimize the decrease in the "time of concentration" from preconstruction to post construction. "Time of concentration" is defined as the time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed;~~

~~(5) Minimize land disturbance including clearing and grading;~~

~~(6) Minimize soil compaction;~~

~~(7) Provide low maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;~~

~~(8) Provide vegetated open channel conveyance systems discharging into and through stable vegetated areas;~~

~~(9) Provide other source controls to prevent or minimize the use or exposure of pollutants at the site, in order to prevent or minimize the release of those pollutants into stormwater runoff. Such source controls include, but are not limited to:~~

~~[a] Site design features that help to prevent accumulation of trash and debris in drainage systems, including features that satisfy subsection **26-38.2d5(e)** below;~~

~~[b] Site design features that help to prevent discharge of trash and debris from drainage systems;~~

~~[c] Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and~~

~~[d] When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.~~

~~(10) Encourage the use of green approaches rather than concrete measures.
[Added 9-24-2019 by Ord. No. 1643]~~

~~(e) Site design features identified under subsection **26-38.2d5(b)(9)[b]** above 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 subsection **26-38.2d5(e)(3)** below.~~

~~(1) Design engineers shall use either 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 (April 1996); 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 basin floors.~~

~~(2) Whenever design engineers use a curb opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two (2) 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.~~

~~(3) This standard does not apply:~~

~~[a] Where the review agency determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;~~

~~[b] Where flows from the water quality design storm as specified in paragraph d7(a) 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:~~

~~[1] A rectangular space four and five-eighths (4 5/8") inches long and one and one-half (1 1/2") inches wide (this option does not apply for outfall netting facilities); or~~

~~[2] A bar screen having a bar spacing of 0.5 inches. Where flows are conveyed through a trash rack that has parallel bars with one (1") inch spacing between the bars, to the elevation of the water quality design storm as specified in subsection 26-38.2d7; or~~

~~[c] 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.~~

~~(d) Any land area used as a nonstructural stormwater management measure to meet the performance standards in subsections 26-38.2d, 6 and 7 shall be dedicated to a government agency, subjected to a conservation restriction filed with the appropriate County Clerk's office, or subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.~~

~~(e) Guidance for nonstructural stormwater management strategies is available in the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in subsection 26-38.2g or found on the Department's website at www.njstormwater.org.~~

15. Green Infrastructure Standards

(a) 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.

(b) To satisfy the groundwater recharge and stormwater runoff quality standards at 26-38.3.d.16, the design engineer shall utilize green infrastructure BMPs identified in Table 1 and/or an alternative stormwater management measure approved in accordance with 26-38.3.d.7. 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

(c) To satisfy the stormwater runoff quantity standards at 26-38.3.d.17, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with 26-38.3.d.7.

(d) If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with 26-38.3.d.4 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 26-38.3.d.4 may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at 26-38.3.d.16, 26-38.3.d.17 and 26-38.3.f.

(e) 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 26-38.3.d.16 and 26-38.3.f, unless the project is granted a waiver from strict compliance in accordance with 26-38.3.d.4.

16. ~~Erosion Control, Groundwater Recharge and Runoff-Quantity Standards.~~

(a) This ~~subsection paragraph 6~~ contains the minimum design and performance standards ~~for to control erosion, encourage and control infiltration and groundwater recharge as follows: and control stormwater runoff quantity impacts of major development.~~

(1) The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules.

(2) The minimum design and performance standards for groundwater recharge are as follows:

[a] The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at subsection 26-38.3.e, either:

[1] Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain one hundred twenty-five (125%) percent of the average annual pre-construction groundwater recharge volume for the site; or

[2] Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from preconstruction to post-construction for the 2-year storm is infiltrated.

[b] This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to paragraph (c) below.

[c] The following types of stormwater shall not be recharged:

[1] 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

[2] 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.

[d] 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 and other subsurface structures in the vicinity or downgradient of the groundwater recharge area.

17. Stormwater Runoff Quantity Standards

(a) This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts that every major development should abide by.

(b) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at ~~subsection 26-38.2(e)~~, complete ~~one (1)~~ of the following:

(1) Before development, demonstrate through hydrologic and hydraulic analysis, for stormwater leaving the site, the nature and extent of runoff under pre-development and proposed development conditions, of all storms up to and including the 100-year storm;

(2) Before development, demonstrate through hydrologic and hydraulic analysis, that for stormwater leaving the site, post-construction runoff hydrographs for 2-, 10-, and 100-year all storms up to and including the 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

[a] This demonstration may be with peak flow, total volume, velocity or a combination of the three.

[b] If it is shown that there will be an increase in peak runoff, velocity or total volume of stormwater runoff that would increase flood damage at or downstream of the site, the developer shall implement retention, infiltration, or ensurance in another appropriate format, that runoff will remain constant for all storms up to and including the 100 year storm event.

~~(3) Design stormwater management measures so that the post construction peak runoff rates for the 2-, 10- and 100-year storm events are 60, 80 and 85 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. The percentages shall not be applied to post-construction stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge; or~~

After development, demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates, velocity or total volume of stormwater runoff leaving the site for all storms up to and including the 100-year storm, in flood damage at or downstream of the site,

[a] If it is shown that there will be an increase in peak runoff, velocity or total volume of stormwater runoff that would increase flood damage at or downstream of the site, the developer shall implement retention, infiltration, or ensurance in another appropriate format, that runoff will remain constant for all storms up to and including the 100 year storm event.

[b] 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.

(4) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with paragraphs above shall only be applied if the increased volume of stormwater runoff could increase flood damages below the point of discharge the stipulations 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.

(c) The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

(d) In order to duplicate as nearly as possible natural drainage conditions, regulation and control of stormwater runoff shall be through on-site stormwater detention and/or ground absorption systems, which shall include but are not limited to the following:

(1) Detention areas, which may be depressions in parking areas, excavated basins or basins created through the use of curbs or other forms of grading which serves to temporarily impound and store water.

(2) Rooftop storage through temporary impoundment and storage of stormwater on flat or slightly pitched building rooftops by the use of drain outlets, which restrict the stormwater runoff to the roof surface.

3. Dry wells or leaching basins which control stormwater runoff through ground absorption and temporary storage.

4. Porous asphalted pavement, which preserves the natural ground absorption capacity of a site and provides a subsurface reservoir for temporary storage of stormwater.

5. Any system of porous media, such as gravel trenches drained by porous wall or perforated pipe, which temporarily stores and dissipates stormwater through ground absorption.

6. Any combination of the above-mentioned techniques as approved by the City Engineer which serves to limit and control stormwater runoff from a given site.

e. Calculation of Stormwater Runoff and Groundwater Recharge:

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

(a) The design engineer shall calculate runoff using one of the following methods:

(1) 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 at:

https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171

(2) 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>.**

(b) For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the preconstruction 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 at subsection **26-38.3.e.1(a)(1)** and the Rational and Modified Rational Methods at subsection **26-38.3.e.1(a)(2)**. 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 (5) years without interruption prior to the time of application. If more than one (1) land cover have existed on the site during the five (5) 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).

(c) In computing preconstruction 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.

(d) 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 and other methods may be employed.

(e) 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.

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

(a) The New Jersey Geological Survey Report GSR-32 A Method for Evaluating Ground-Water 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 <http://www.state.nj.us/dep/njgs/>; or at New Jersey Geological Survey, 29 Arctic Parkway, P.O. Box 427, Trenton, New Jersey 08625-0427; (609) 984-6587.

(f) 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) ~~by~~ Eighty (80%) percent of the anticipated load from the developed site, 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.

~~Stormwater management measures shall only be required for water quality control if an additional one-quarter (1/4) acre of impervious surface is being proposed on a development site. 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 Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. The water quality design storm is one and one-quarter (1.25) inches of rainfall in two (2) hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 1. The calculation of the volume of runoff may take into account the implementation of non-structural and structural 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

(b) For purposes of TSS reduction calculations, Table 2 below presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in subsection 26-38.2g, or found on the Department's website at www.njstormwater.org. The BMP Manual and other sources of technical guidance are listed in subsection 26-38.2g. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2 below. Alternative removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the review agency. A copy of any approved alternative rate or method of calculating the removal rate shall be provided to the Department at the following address: Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418 Trenton, New Jersey, 08625-0418.

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

$$R = A + B - (AXB)/100$$

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

Best Management Practice	TSS Percent Removal Rate
Bioretention Systems	90
Constructed Stormwater Wetland	90
Extended Detention Basin	40-60
Infiltration Structure	80
Manufactured Treatment Device	See subsection 26-38.2f3
Sand Filter	80
Vegetative Filter Strip	60-80
Wet Pond	50-90

~~(d) If there is more than one on-site drainage area, the eighty (80%) percent TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on site in which case the removal rate can be demonstrated through a calculation using a weighted average.~~

~~(e) 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 nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in subsections 26-38.2d,6 and 7.~~

~~(f) Additional information and examples are contained in the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in subsection 26-38.2g.~~

~~(g) 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.~~

~~(h) Special water resource protection areas shall be established 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, within the associated HUC14 drainage area. These areas shall be established for the protection of water quality, aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, and exceptional fisheries significance of those established Category One waters. These areas shall be designated and protected as follows:~~

~~(1) The applicant shall preserve and maintain a special water resource protection area in accordance with one of the following:~~

~~[a] A 300-foot special water resource protection area shall be provided on each side of the waterway, measured perpendicular to the waterway from the top of the bank outwards or from the center line of the waterway where the bank is not defined, consisting of existing vegetation or vegetation allowed to follow natural succession, is provided.~~

~~[b] Encroachment within the designated special water resource protection area under paragraph [a] above shall only be allowed where previous~~

development or disturbance has occurred (for example, active agricultural use, parking area or maintained lawn area). The encroachment shall only be allowed where applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable. In no case shall the remaining special water resource protection area be reduced to less than one hundred fifty (150') feet as measured perpendicular to the top of bank of the waterway or center line of the waterway where the bank is undefined. All encroachments proposed under this subparagraph shall be subject to review and approval by the Department.

~~(2) All stormwater shall be discharged outside of and flow through the special water resource protection area and shall comply with the Standard for Off Site Stability in the "Standards For Soil Erosion and Sediment Control in New Jersey, established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq.~~

~~(3) If stormwater discharged outside of and flowing through the special water resource protection area cannot comply with the Standard For Off Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., then the stabilization measures in accordance with the requirements of the above standards may be placed within the special water resource protection area, provided that:~~

~~[a] Stabilization measures shall not be placed within two hundred (200') feet of the Category One waterway;~~

~~[b] Stormwater associated with discharges allowed by this section shall achieve a ninety-five (95%) percent TSS post-construction removal rate;~~

~~[c] Temperature shall be addressed to ensure no impact on the receiving waterway;~~

~~[d] The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable;~~

~~[e] A conceptual project design meeting shall be held with the appropriate Department staff and Soil Conservation District staff to identify necessary stabilization measures; and~~

~~[f] All encroachments proposed under this section shall be subject to review and approval by the Department.~~

~~(4) A stream corridor protection plan may be developed by a regional stormwater management planning committee as an element of a regional stormwater management plan, or by a municipality through an adopted municipal stormwater management plan. If a stream corridor protection plan for a waterway subject to subsection 26-38.2d7(h) has been approved by the Department of Environmental Protection, then the provisions of the plan shall be the applicable special water resource protection area requirements for that waterway. A stream corridor protection plan for a waterway subject to subsection 26-38.2d7(h) shall maintain or enhance the current functional value and overall condition of the special water resource protection area as defined in subsection 26-38.2d7(h)(1)[a] above. In no case shall a stream corridor protection plan allow the reduction of the Special Water Resource Protection Area to less than two hundred (200') feet as measured perpendicular to the waterway subject to this subsection.~~

~~(5) This paragraph d7(h) does not apply to the construction of one (1) individual single family dwelling that is not part of a larger development on a lot receiving~~

~~preliminary or final subdivision approval on or before February 2, 2004, provided that the construction begins on or before February 2, 2009~~

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 subsections 26-38.2d15, 26-38.3.d.16, 26-38.3.d.17 and 26-38.3.f.

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 postconstruction 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.

e. Calculation of Stormwater Runoff and Groundwater Recharge.

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

(a) The design engineer shall calculate runoff using one of the following methods:

(1) 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.** ~~the NRCS National Engineering Handbook Section 4—Hydrology and Technical Release 55—Urban Hydrology for Small Watersheds; or~~

(2) 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.

(b) For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the preconstruction 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 at subsection ~~26-38.3.e.1(a)(1)~~ and the Rational and Modified Rational Methods at subsection ~~26-38.3.e.1(a)(2)~~. 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 (5) years without interruption prior to the time of application. If more than one (1) land cover have existed on the site during the five (5) 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).

(c) In computing preconstruction 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.

(d) 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 and other methods may be employed.

(e) 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.

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

(a) The New Jersey Geological Survey Report GSR-32 A Method for Evaluating Ground-Water 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 <http://www.state.nj.us/dep/njgs/>; or at New Jersey Geological Survey, 29 Arctic Parkway, P.O. Box 427, Trenton, New Jersey 08625-0427; (609) 984-6587.

~~g. Standards for Structural Stormwater Management Measures:~~

~~1. Standards for structural stormwater management measures are as follows:~~

~~(a) Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, 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).~~

~~(b) Structural 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 (1") 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 (1/3) the width of the diameter of the orifice or one third (1/3) the width of the weir, with a minimum spacing between bars of one (1") inch and a maximum spacing~~

between bars of six (6") inches. In addition, the design of trash racks must comply with the requirements of subsection 26-38.h2.

~~(e) Structural 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.~~

~~(d) At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of two and one half (2 1/2") inches in diameter.~~

~~(e) Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at subsection 26-38.2h.~~

~~2. Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be utilized provided the design engineer demonstrates that the proposed measure and its design will accomplish the required water quantity, groundwater recharge and water quality design and performance standards established by subsection 26-38.2d of this section.~~

~~3. Manufactured treatment devices may be used to meet the requirements of subsection 26-38.2d of this subsection, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.~~

f. Sources for Technical Guidance.

1. Technical guidance for stormwater management measures can be found in the documents listed at paragraphs (a) and (b) below, which are available from **the Department's website at:** http://www.nj.gov/dep/stormwater/bmp_manual2.htm. ~~Maps and Publications, New Jersey Department of Environmental Protection, 428 East State Street, P.O. Box 420, Trenton, New Jersey, 08625; telephone (609) 777-1038.~~

(a) 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.** ~~bioretention systems, constructed stormwater wetlands, dry wells, extended detention basins, infiltration structures, manufactured treatment devices, pervious paving, sand filters, vegetative filter strips, and wet ponds.~~

(b) ~~The New Jersey Department of Environmental Protection Stormwater Management Facilities Maintenance Manual, as amended.~~ **Additional maintenance guidance is available on the Department's website at** https://www.njstormwater.org/maintenance_guidance.htm.

2. ~~Additional technical guidance for stormwater management measures can be obtained from the following:~~

~~(a) The "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey, 08625; (609) 292-5540;~~

~~(b) The Rutgers Cooperative Extension Service, 732-932-9306; and~~

~~(c) The Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey, 08625, (609) 292-5540.~~

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.

g. Solids and Floatable Materials Control Standards

1. Site design features identified under Table 1 above, or alternative designs in accordance with subsection 26-38.3.d.7 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 subsections 26-38.3.h.1(b).

(a) 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:

(1) 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

(2) 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.

(3) 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.

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

(1) 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;

(2) 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;

(3) 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.

(4) 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

(5) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:47.2(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.

h. Safety Standards for Stormwater Management Basins.(pg 28)

1. This subsection sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This paragraph applies to any new stormwater management basin.

2. Requirements for Trash Racks, Overflow Grates and Escape Provisions.

(a) 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 basin to ensure proper functioning of the basin outlets in accordance with the following:

(1) The trash rack shall have parallel bars, with no greater than six (6") inch spacing between the bars.

(2) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.

(3) The average velocity of flow through a clean trash rack is not to exceed two and one-half (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.

(4) The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of three hundred (300) lbs./ft. sq.

(b) 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:

(1) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.

(2) The overflow grate spacing shall be no less than two (2") inches across the smallest dimension.

(3) 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 three hundred (300) lbs./ft. sq.

(c) For purposes of this paragraph (c), escape provisions means the permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins. Stormwater management basins shall include escape provisions as follows:

(1) If a stormwater management basin has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in subsection 26-38.2h3 a freestanding outlet structure may be exempted from this requirement.

(2) Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than two and one-half (2 1/2') feet. Such safety ledges shall be comprised of two (2) steps. Each step shall be four (4') to six (6') feet in width. One step shall be located approximately two and one-half (2 1/2') feet below the permanent

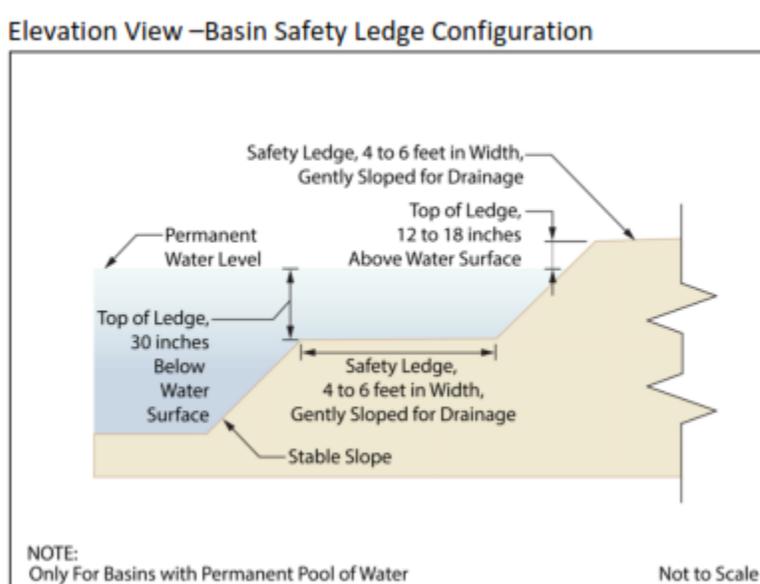
water surface, and the second step shall be located one (1') to one and one-half (1 1/2') feet above the permanent water surface. See subsection 26-38.2h4 for an illustration of safety ledges in a stormwater management basin.

(3) In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than 3 horizontal to 1 vertical.

3. Variance or Exemption from Safety Standards.

(a) A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by the appropriate reviewing agency (municipality, county or Department) that the variance or exemption will not constitute a threat to public safety.

4. Illustration of Safety Ledges in a New Stormwater Management Basin.



i. Requirements for a Site Development Stormwater Plan.

1. Submission of Site Development Stormwater Plan.

(a) 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 subsection **26-38.3.i.3** below as part of the submission of the applicant's application for subdivision or site plan approval.

(b) The applicant shall demonstrate that the project meets the standards set forth in this subsection.

(c) The applicant shall submit six (6) signed and sealed copies of the materials listed in the checklist for site development stormwater plans in accordance with subsection **26-38.3.i.3** of this subsection.

2. Site Development Stormwater Plan Approval. The applicant's site development project shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the Planning and/or Zoning Board (as appropriate) to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this subsection.

3. Checklist Requirements. The following information shall be required:

(a) **Topographic 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 two hundred (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 man-made features not otherwise shown.

(b) **Environmental Site Analysis.** A written and graphic description of the natural and man-made features of the site and its environs. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

(c) **Project Description and Site Plan(s).** 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 occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high ground water elevations. A written description of the site plan and justification of proposed changes in natural conditions may also be provided.

(d) **Land Use Planning and Source Control Plan.** This plan shall provide a demonstration of how the goals and standards of subsections **26-38.3.e through f** 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.

(e) **Stormwater Management Facilities Map.** The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

(1) Total area to be 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.

(2) 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.

(f) **Calculations.**

(1) Comprehensive hydrologic and hydraulic design calculations for the predevelopment and post-development conditions for the design storms specified in subsection **26-38.3.d** of this section.

(2) When the proposed stormwater management control measures (e.g., infiltration basins) depends on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on on-site 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.

(g) Maintenance and Repair Plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of subsection **26-38.3.j**.

(h) Waiver from Submission Requirements. The municipal official or board reviewing an application under this chapter may, in consultation with the Municipal Engineer, waive submission of any of the requirements in subsections **26-38.3.i.3(a)** through **i3(f)** of this section 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.

j. Maintenance and Repair.

1. Applicability.

(a) Projects subject to review as in subsection **26-38.3.a.3** of this section shall comply with the requirements of subsections **26-38.3.j.2** and **j.3**.

2. General Maintenance.

(a) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.

(b) 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). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

(c) 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.

(d) If the person responsible for maintenance identified under subsection **26-38.3.j.2(b)** above is not a public agency, the maintenance plan and any future revisions based on subsection **26-38.3.j.2(g)** below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

(e) Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including 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 nonvegetated linings.

(f) The person responsible for maintenance identified under subsection **26-38.3.j.2(b)** above shall 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.

(g) The person responsible for maintenance identified under subsection **26-38.3.j.2(b)** above shall inspect the facility and evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed. The responsible person shall submit a report of such inspection to the City annually.

(h) The person responsible for maintenance identified under subsection **26-38.3.j.2(b)** above shall 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 subsections **26-38.3.j.2(f)** and **j.2(g)** above.

(i) The requirements of subsections **26-38.3.j.2(c)** and **j.2(d)** do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency.

(j) 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.

3. Nothing in this section 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.

l. Penalties.

Any person who erects, constructs, alters, repairs, converts, or maintains, or uses any building, structure or land in violation of this ordinance, shall be subject to any and all penalties in Chapter 1, Section 1-5, General Penalty.

l. 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.

m. Effective Date.

This subsection shall take effect immediately upon the approval by the County review agency, or sixty (60) days from the receipt of the section by the County review agency if the County review agency should fail to act.

SECTION II. Severability. If for any reason, any section of this Ordinance shall be declared illegal by any Court of competent jurisdiction, the remaining section of the Ordinance shall remain in full force and effect, notwithstanding.

SECTION III. Repealer. Any Ordinance or provision thereof inconsistent with this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION IV. Publication. This Ordinance shall take effect immediately upon the adoption and publication in accordance with the law.

William J. Kehner, Council President

Mayor Leonard C. Desiderio

I HEREBY CERTIFY THAT the foregoing ordinance was duly passed by the City Council of the City of Sea Isle City, New Jersey on first reading at the regular meeting of said Council held on the 14th day of July, 2020 and was taken up for second reading, public hearing and final passage at the regular meeting of said Council held on the 25th day of August, 2020, in City Hall, 233 JFK Blvd., Sea Isle City, New Jersey at 10:00 a.m.

Shannon D. Romano, Municipal Clerk