Interim Municipal Stormwater Management Plan

for the

Borough of Woodcliff Lake
Bergen County, New Jersey

Prepared by:

Boswell McClave Engineering
330 Phillips Avenue
South Hackensack, NJ 07606
Certificate of Authorization # 24GA27958000

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Stephen T. Boswell, Ph.D, P.E.
Professional Engineer
NJ License No. 34680

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I. INTRODUCTION

This Municipal Stormwater Management Plan (hereinafter the MSWMP or the Plan) documents the strategy for the Borough of Woodcliff Lake (the Borough) to address stormwater-related impacts. The creation of this Plan is required by N.J.A.C. 7:14A-25 Municipal Stormwater Regulations.

This Plan contains the required elements described in N.J.A.C. 7:8 Stormwater Management Rules. The Plan addresses groundwater recharge, stormwater quantity and stormwater quality impacts by incorporating stormwater design and performance standards for new major developments, defined as projects that disturb one or more acres of land or increasing impervious surface by one-quarter acre. These standards are intended to minimize the adverse impact of stormwater runoff on water quality, water quantity and the loss of groundwater recharge that provides baseflow in receiving water bodies.

The Plan describes long-term operation and maintenance measures for existing and future stormwater facilities. A build-out analysis is not required in this Plan based upon existing zoning and land available for development. The Plan also addresses the review and update of existing ordinances, the Borough Master Plan and other planning documents to allow for project designs that include low-impact development techniques. The Borough last reviewed the Master Plan in 2002. The final component of this Plan is a mitigation strategy for when a variance or exemption of the design and performance standards is sought. As part of the mitigation section of the Plan, specific stormwater management measures are identified to lessen the impact of existing development.

II. GOALS

The goals of this MSWMP are to:

- reduce flood damage, including damage to life and property;
- minimize, to the extent practical, any increase in stormwater runoff from any new development;
- reduce soil erosion from any development or construction project;
- assure the adequacy of existing and proposed culverts and bridges, and other in-stream structures;
- maintain groundwater recharge;
- prevent, to the greatest extent feasible, an increase in nonpoint pollution;
- maintain the integrity of stream channels for their biological functions, as well as for drainage;
- minimize pollutants in stormwater runoff from new and existing development to restore, enhance, and maintain the chemical, physical, and biological integrity of the waters of the State, to protect public health, to safeguard fish and aquatic life and scenic and ecological values, and to enhance the domestic, municipal, recreational, industrial, and other uses of water; and
- protect public safety through the proper design and operation of stormwater basins.

To achieve these goals, this Plan outlines specific stormwater design and performance standards for new development. Additionally, the plan proposes stormwater management controls to address impacts from existing development. Preventative and corrective maintenance strategies are included in the plan to ensure long-term effectiveness of stormwater management facilities. The plan also outlines safety standards for stormwater infrastructure to be implemented to protect public safety.

III. STORMWATER DISCUSSION

Land development can dramatically alter the hydrologic cycle (**Image 1**) of a site and ultimately, an entire watershed. Prior to development, native vegetation can either directly intercept precipitation or draw that portion that has infiltrated into the ground and return it to the atmosphere through evapotranspiration.

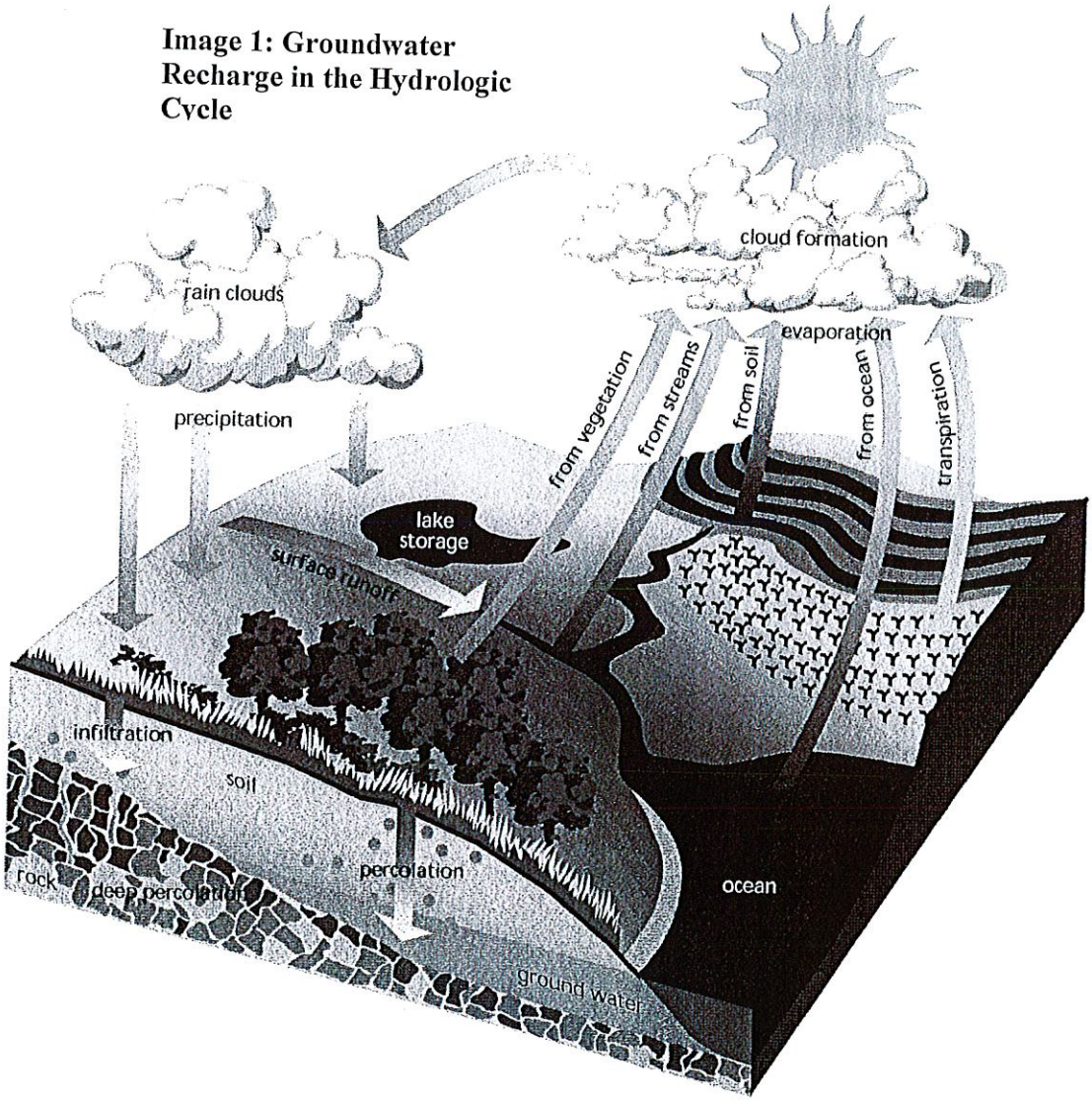
Development can remove this beneficial vegetation and replace it with lawn or impervious cover, reducing the site's evapotranspiration and infiltration rates. Clearing and grading a site can remove depressions that store rainfall. Construction activities may also compact the soil and diminish its infiltration ability, resulting in increased volumes and rates of stormwater runoff from the site.

Impervious areas that are connected to each other through gutters, channels and storm sewers can transport runoff more quickly than natural areas. This shortening of the transport or travel time quickens the rainfall-runoff response of the drainage area, causing flow in downstream waterways to peak faster and higher than natural conditions. These increases can create new and aggravate existing downstream flooding and erosion problems and increase the quantity of sediment in the channel.

Filtration of runoff and removal of pollutants by surface and channel vegetation is eliminated by storm sewers that discharge runoff directly into a stream. Increases in impervious area can also decrease opportunities for infiltration which, in turn, reduces stream base flow and groundwater recharge. Reduced base flows and increased peak flows produce greater fluctuations between normal and storm flow rates, which can increase channel erosion. Reduced base flows can also

negatively impact the hydrology of adjacent wetlands and the health of biological communities that depend on base flows. Finally, erosion and sedimentation can destroy habitat from which some species cannot adapt.

Image 1: Groundwater Recharge in the Hydrologic Cycle



In addition to increases in runoff peaks, volumes and loss of groundwater recharge, land development often results in the accumulation of pollutants on the land surface that runoff can mobilize and transport to streams. New impervious surfaces and cleared areas created by development can accumulate a variety of pollutants from the atmosphere, fertilizers, animal wastes, and leakage and wear from vehicles. Pollutants can include metals, suspended solids, hydrocarbons, pathogens, and nutrients. In addition to increased pollutant loading, land development can adversely affect water quality and stream biota in more subtle ways. For example, stormwater falling on impervious surfaces or stored in detention or retention basins can become heated and raise the temperature of the downstream waterway, adversely affecting cold water fish species such as trout. Development can remove trees along stream banks that normally provide shading, stabilization, and leaf litter that falls into streams and becomes food for the aquatic community.

IV. BACKGROUND

Woodcliff Lake encompasses 3.31-square miles in northern Bergen County, New Jersey. The Borough is primarily built-out with only 340.7-acres of developable open space equating to approximately 16.1% of the Borough's total area. **Figure 1** illustrates the Woodcliff Lake's waterways while **Figure 2** depicts the Borough boundary on the United States Geological Survey (USGS) Quadrangle Maps.

The Borough depends entirely on sanitary sewers with very few septic systems. The sanitary sewerage is treated by Bergen County Utilities Authority in Little Ferry, New Jersey. The sanitary sewers are separated from all stormwater systems. Park Ridge supplies almost 100% of the Borough's potable water. It is expected that a small number of individual residences may utilize groundwater wells; however the amount is most likely negligible.

The Borough's population decreased from 5,644 in 1980 to 5,303 in 1990. The population then increased to 5,745 in 2000. This recent population increase has most likely resulted in demand for new development. In addition to the population, the number of dwelling units has increased steadily over time. In 1980, there were 1,646 dwelling units located in the Borough. The number of dwelling units grew to 1,703 in 1990 and again to 1,842 in 2000.

The following major developments are currently under review/construction:

- WM Realty, LLC – A 6-lot major subdivision located off of Pascack Road at the intersection of Ellis Lane and the newly created Ellis Court. These lots will primarily be used for single-family residences.

- Pascack Hills Properties III, LLC – Proposed Glen Road major subdivision. Proposed 6-lot major subdivision located on Glen Road between Bear Brook Drive and Woodland Road. These lots will primarily be used for single-family residences.

- Rosengren Estates – A 5-lot major subdivision located off of Pascack Road at the intersection of Pascack Road and Rosengren Court. These lots will primarily be used for single-family residences.

- Mulholland Subdivision – A 28-lot major subdivision nestled between Werimus Lane, Kenwood Drive and Brookview Drive. These lots will primarily be used for single-family residences.

- Folding Farm – A 6-lot major subdivision located off of Werimus Road at its intersection with Folding Farm Court. These lots will primarily be used for single-family residences.

Dwelling units constructed since the 1980s implement some of the new performance standards and best management practices (BMP) to alleviate increased stormwater runoff and pollutant loadings. However past development has likely not addressed groundwater recharge.

The Borough lies entirely within the Metropolitan Planning Area (PA-1). This planning area designated to areas that are considered Urban Redevelopment and are not subject to groundwater recharge requirements.

The NJDEP is designating an increasing number of streams in the State as Category-1 (C1) waterways, especially those that provide drinking water and important habitat for threatened and endangered species as well as popular recreation fish such as trout. Streams can be designated as C1 based on their ecological significance, recreational or aesthetic significance, water supply significance, fisheries resources, shellfisheries or their location within publicly preserved open space. The C1 designation prevents further degradation in existing water quality. Moreover a 300' buffer is established around the C1 waterways and is referred to as a Special Water Resource Protection Area (SWRPA). With the exception of the Wendell Brook, all waterways in the Borough of Woodcliff Lake are considered C1 waterways and are illustrated on **Figure 1**.

Woodcliff Lake's major watercourses/waterbodies are as follows:

- Pascack Brook (FW2-NT[C1]) – [HUC-14 – 02030103170010]

  The Pascack Brook generally flows north to south in the eastern portion of the Borough and into the Woodcliff Lake Reservoir before continuing south into the Borough of Hillsdale. The brook is assigned a Surface Water Quality Standard (SWQS) of FW2-NT(C1). The classification indicates that Pascack Brook is considered a general surface water (FW2) that is incapable of supporting trout production or maintenance. However the C1 designation indicates that the brook must be protected from measurable changes in water quality characteristics.

- Hillside Brook (FW2-NT[C1]) – [HUC-14 – 02030103170030]

  The Hillside Brook flows north to south in the eastern part of the Borough and is also classified as FW2-NT(C1).

- Musquapsink Brook (FW2-NT[C1]) – [HUC-14 – 02030103170020]

  The Musquapsink Brook is located in the southwestern part of the Borough and flows south into Hillsdale. The brook is also assigned a FW2-NT(C1).

- Holdrum Brook (FW2-NT[C1]) – [HUC-14 – 02030103170030]

  The Holdrum Brook flows north to south in the eastern part of the Borough adjacent to the River Vale border. The brook is also assigned a FW2-NT(C1).

- Bear Brook (FW2-NT[C1]) – [HUC-14 – 02030103170010]

  The Bear Brook generally flows east along the Borough's northern border with Washington Township and Park Ridge before outletting into the Pascack Brook. The brook is also assigned a FW2-NT(C1).

- Wandell Brook (FW2-TM) – [HUC-14 – 02030103140040]

  Wandell Brook flows north to south at the Borough's northwestern border with Upper Saddle River. The brook is assigned a FW2-TM. The TM designation indicates that the brook is a trout maintenance waterway. This designation requires 50-ft riparian buffer instead of the standard 25-ft buffer.

- Woodcliff Lake Reservoir (FW2-NT[C1]) – [HUC-14 – 02030103170010]

  The Woodcliff Lake Reservoir, onstream with the Pascack Brook, is also assigned a FW2-NT(C1) classification.

A Map depicting the Borough's major waterways/waterbodies is included as **Figure 1.**

The Borough of Woodcliff Lake is located in Watershed Management Area 5 (WMA-5) Hackensack, Pascack. The WMA-5 is divided into four (4) smaller sub-watersheds, assigned a 14-digit Hydrologic Unit Code (HUC-14). The four (4) HUC-14s are shown in **Figure 3**.

The NJDEP has established an Ambient Biomonitoring Network (AMNET) to document the health of the state's waterways. There are over 800 AMNET sites throughout the state of New Jersey. These sites are sampled for benthic macroinvertebrates by NJDEP on a 5-year cycle. Streams are classified as non-impaired, moderately impaired, or severely impaired based on the AMNET data. The data is used to generate a New Jersey Impairment Score (NJIS), which is based on a number of biometrics related to benthic macroinvertebrate community dynamics.

The NJDEP and other regulatory agencies collect water quality chemical data on the streams in the state. These data show that the in-stream fecal coliform concentrations of the Pascack and Musquapsink Brooks and their tributaries frequently exceed the State's criteria. These rivers are considered impaired waterways and the NJDEP is required to develop a Total Maximum Daily Load (TMDL) for these pollutants of each waterway. A TMDL is the amount of a pollutant that can be accepted by a waterbody without causing an exceedance of water quality standards or interfering with the ability to use a waterbody for one or more of its designated uses. The

allowable load is allocated to the various sources of the pollutant, such as stormwater and wastewater discharges, which require an NJPDES permit to discharge, and nonpoint source, which includes stormwater runoff from agricultural areas and residential areas, along with a margin of safety. Provisions may also be made for future sources in the form of reserve capacity. An implementation plan is developed to identify how the various sources will be reduced to the designated allocations. Implementation strategies may include improved stormwater treatment plants, adoption of ordinances, reforestation of stream corridors, retrofitting stormwater systems, and other BMPs.

The New Jersey Integrated Water Quality Monitoring and Assessment Report (305(b) and 303(d)) (Integrated List) is required by the federal Clean Water Act to be prepared biennially and is a valuable source of water quality information. This combined report presents the extent to which New Jersey waters are attaining water quality standards, and identifies waters that are impaired. Sublist 5 of the Integrated List constitutes the list of waters impaired or threatened by pollutants, for which one or more TMDLs are needed.

In addition to water quality problems, the Borough has exhibited water quantity problems including flooding and stream bank erosion. The Musquapsink Brook has erosion problems along the entire length. The Borough has completed repair of various outfalls and culverts. Additionally, bank stabilization was completed along the Musquapsink by utilizing bioengineering techniques. The Borough also experiences flooding due to undersized drainage systems. The worst of these flooding problems occurs on Kenwood Drive. Also, the Woodcliff Avenue culvert is undersized and Bergen County is investigating the problem.

Lastly, the Borough contains, or lies within a number of wellhead protection areas. A wellhead protection area is divided into three (3) tiers. The 2-year (Tier 1), 5-year (Tier 2) and 12-year (Tier 3) are intended to represent the time of travel (TOT) a groundwater contaminant in the zones could be expected to reach a municipal potable supply well. The NJDEP then prioritizes the investigation and remediation of contaminated sites within the 2 and 5-year tiers. Wellhead protection areas are shown in **Figure 5**. The Borough may also wish to adopt specific ordinances to further protect wellhead protection areas and minimize the infiltration of pollutants into aquifers.

V. DESIGN AND PERFORMANCE STANDARDS

Within the next 12-months the Borough will review its existing ordinances and adopt the design and performance standards for stormwater management measures as presented in N.J.A.C. 7:8-5 to minimize the adverse impact of stormwater runoff on water quality and water quantity and loss of groundwater recharge in receiving water bodies. The design and performance standards will include language for maintenance of stormwater management measures consistent with the stormwater management rules at N.J.A.C. 7:8-5.8 Maintenance Requirements, and the safety standards consistent with N.J.A.C. 7:8-6 Safety Standards for Stormwater Management Basins. The ordinances will be submitted to Bergen County for review and approval.

In addition to the adoption of the above performance standards, during future development projects, Borough inspectors will ensure that the stormwater management measures are constructed and function as designed.

However, the municipality may adjust these standards. For example, certain municipalities have designated entities required to assume maintenance responsibility. In some cases, the municipality may choose to assume this responsibility. The municipality may choose to revise land use and zoning ordinances to prescribe how nonstructural stormwater management measures must be addressed.

VI. PLAN CONSISTENCY

The Borough is not within a Regional Stormwater Management Planning Area, therefore, this Plan does not need to be consistent with any regional stormwater management plans (RSWMP). If any RSWMPs are developed in the future, this MSWMP will be updated as necessary to be consistent. Bergen County is currently creating a County Stormwater Management Plan that should be complete in 2005. This MSWMP will be updated as necessary to be consistent with the County Stormwater Management Plan.

The MSWMP is consistent with the Residential Site Improvement Standards (RSIS) detailed in N.J.A.C. 5:21. The Borough will utilize the most current RSIS during the stormwater management review of residential development. This MSWMP will be updated to be consistent with any future changes to the RSIS.

The Borough's existing ordinances also require all new development and redevelopment plans to comply with New Jersey's Soil Erosion and Sediment Control Standards. During construction, Borough inspectors will observe on-site soil erosion and sediment control measures and report any inconsistencies to the local Soil Conservation District.

As mentioned previously, a fecal coliform TMDL has been established for the Pascack and Musquapsink Brooks and their tributaries. The Borough will investigate the source of these pollutants that may include areas of high goose populations.

The Borough will review its Master Plan and ordinances and provide a list of the sections in the Borough land use and zoning ordinances that are to be modified to incorporate nonstructural stormwater management strategies. Once the ordinance texts are complete, they will be submitted to the County review agency for review and approval within 24-months of the effective date of the Stormwater Management Rules. A copy will also be sent to the NJDEP at the time of submission.

After review of the Master Plan and zoning ordinances, a sample of revisions may include the following:

Buffers Section: Require buffer areas along all lot and street lines separating residential uses from arterial and collector streets, separating a nonresidential use from either a residential use or residential zoning district line, and along all street lines where loading and storage areas can be seen from the street. The landscape requirements for these buffer areas in the existing section may not recommend the use of native vegetation. The language of this section can be amended to require the use of native vegetation, which requires less fertilization and watering than non-native species. Additionally, language may be included to allow buffer areas to be used for stormwater management by disconnecting impervious surfaces and treating runoff from these impervious surfaces. Also the municipality should determine if this section currently requires the preservation of natural wood tracts and limits land disturbance for new construction.

Cluster Development Section: Provide for a cluster development option to preserve land for public and agricultural purposes, to prevent development on environmentally sensitive areas, and

to aid in reducing the cost of providing streets, utilities and services in residential developments. Cluster option is an excellent tool for reducing impervious roads and driveways. The option may allow for smaller lots with smaller front and side yard setbacks than traditional development options. It may also minimize the disturbance of large tracts of land, which is a key nonstructural stormwater management strategy. The cluster option may be amended to require that a percentage of the total tract be preserved as common open space for residential area. For example, an existing cluster option may require that 25 percent of the green or common area be landscaped with trees and/or shrubs. The language can be amended to promote the use of native vegetation, which requires less fertilization and watering than non-native ornamental plants. The cluster option may require public concrete sidewalks to be installed along all streets, however the ordinance may be amended to require paths in open space to be mulched or stone to decrease the impervious area.

Curbs and Gutters Section: An existing ordinance may require that concrete curb and gutter, concrete curb, or Belgian block curb be installed along every street within and fronting on a development. This section can be amended to allow for curb cuts or flush curbs with curb stops to allow vegetated swales to be used for stormwater conveyance and to allow the disconnection of impervious areas.

Drainage, Watercourses and Flood Hazard Areas Section: An existing ordinance may require that all streets be provided with inlets and pipes where the same are necessary for proper drainage. This section can be amended to encourage the used of natural vegetated swales in lieu of inlets and pipes.

Driveways and Access ways Section: The existing ordinance may describe the procedure for construction of any new driveway or access way to any street. This section can be amended to allow the use of pervious paving materials to minimize stormwater runoff and promote groundwater recharge.

Natural Features Section: The existing ordinance may require that natural features, such as trees, brooks, swamps, hilltops, and views, be preserved whenever possible, and that care be taken to preserve selected trees to enhance soil stability and landscaped treatment of the area. This section can be amended to expand trees to forested areas, to ensure that leaf litter and other beneficial aspects of the forest are maintained in addition to the trees.

Nonconforming Uses, Structures or Lots Section: The existing ordinance may allow a variance for existing single-family homes proposing additions that exceed the maximum percent impervious. Under the revised ordinance the homeowner must mitigate the impact of the additional impervious surfaces unless the stormwater management plan for the development provided for these increases in impervious surfaces. This mitigation effort must address water quality, flooding and groundwater recharge. A detailed description of how to develop a mitigation plan may be present in the Borough Code.

Off-site and Off-tract Improvements Section: This ordinance may describe essential off-site and off-tract improvements. Language can be added to this section to require that any off-site

and off-tract stormwater management and drainage improvements must conform to the "Design and Performance Standards" described in this plan and provided in the Borough Code.

Off-street Parking and Loading Section: This section may detail off-street parking and loading requirements. For example, all parking lots with more than 10 spaces and all loading areas may be required to have concrete or Belgian block curbing around the perimeter of the parking and loading areas. This section may also require that concrete or Belgian block curbing be installed around all landscaped areas within the parking lot or loading areas. This section can be amended to allow for flush curb with curb stop, or curbing with curb cuts to encourage developers to allow for the discharge of impervious areas into landscaped areas for stormwater management. Also, language can be added to allow for use of natural vegetated swales for the water quality design storm, with overflow for larger storm events into storm sewers. This section can also provide guidance on minimum parking space requirements based on the number of dwelling units and/or gross floor area. The section may allow a developer to demonstrate that fewer spaces would be required, provided area is set aside for additional spaces if necessary. This section can also be amended to allow pervious paving in areas to provide overflow parking, vertical parking structures, smaller parking stalls, and shared parking.

Performance Standards Section: This section can provide for pollution source control and can prohibit materials or wastes from being deposited upon a lot in such form or manner that they can be transferred off the lot, directly or indirectly, by natural forces such as precipitation, evaporation or wind. It can also require that all materials and wastes that might create a pollutant or a hazard be enclosed in appropriate containers.

Shade Tree Section: The existing ordinance may require a minimum of shade trees per lot to be planted in the front yard. In addition to this Section, the Borough may have a Tree Preservation Ordinance that restricts and otherwise controls the removal of mature trees throughout the Borough. This ordinance should recognize that the preservation of mature trees and forested areas is a key strategy in the management of environmental resources, particularly watershed management, air quality, and ambient heating and cooling. These sections can set out a "critical footprint area" that extend beyond the driveway and building footprint where clearing of trees cannot occur. This will comply with minimizing land disturbance, which is a nonstructural stormwater management strategy. These sections can be amended to require the identification of forested areas, and that a given percentage of forested areas be protected from disturbance.

Sidewalks Section: The existing ordinance section may describe sidewalk requirements for the Borough. Although sidewalks may not required along all streets, the Borough may require them in areas where the probable volume of pedestrian traffic, the development's location in relation to other populated areas and high vehicular traffic, pedestrian access to bus stops, schools, parks, and other public places, and the general type of improvement intended indicate the advisability of providing a pedestrian way. Sidewalks are typically a minimum of four feet wide and constructed of concrete. Language can added to this section to require developers to design sidewalks to discharge stormwater to neighboring lawns where feasible to disconnect these impervious surfaces, or use permeable paving materials where appropriate.

Soil Erosion and Sediment Control Section: This ordinance will require developers to comply with the New Jersey Soil Erosion and Sediment Control Standards and should outline some general design principles, including: whenever possible, retain and protect natural vegetation; minimize and retain water runoff to facilitate groundwater recharge; and, install diversions, sediment basins, and similar required structures prior to any on-site grading or disturbance.

Stormwater Runoff Section: This section should address stormwater runoff by referencing the Borough's Surface Water Management Ordinance, which should be updated to include all requirements outlined in N.J.A.C. 7:8-5.

Streets Section: This section should describe the requirements for streets in the Borough. For example, the Borough may have several street classifications, ranging from "Arterial," which may have a minimum right-of-way of 80 feet, to "Secondary Local," which may have a minimum right-of-way. Street paving widths are a function of the number of units served, whether a street is curbed, whether on-street parking is permitted, whether the interior streets serve lots of 2-acres or larger, and whether on-site topographical constraints allow design flexibility. Depending on these factors, paving width for secondary local streets may range from 20 to 32 feet. This section can be amended to encourage developers to limit on-street parking to allow for narrower paved widths. This section can also require that cul-de-sacs have a minimum radius of 50 feet. Language can be added to this section to reduce the minimum radius of cul-de-sac designs. For example, cul-de-sacs with landscaped islands or flush curbs can have a specified minimum radius and be constructed with a reinforced shoulder to accommodate larger equipment and emergency vehicles.

VIII. LAND USE/BUILD-OUT ANALYSIS

As previously mentioned, a detailed land use analysis is not required since Woodcliff Lake contains ony 340.7-acres of vacant developable land. In support of the aforementioned we have included **Figure 6** illustrating the existing land use in the Borough based on NJDEP's 1995/97 GIS information. Moreover **Figure 3** illustrates the HUC14s within the Borough; **Figure 4** presents Woodcliff Lake's groundwater recharge areas; **Figure 7** presents the Borough's zoning; **Figure 8** illustrates the Borough's constrained lands; and **Figure 9** depicts floodplains located within the Borough.

IX. MITIGATION PLANS

This mitigation plan is provided for a proposed development that is granted a variance or exemption from the stormwater management design and performance standards. Presented is a hierarchy of mitigation options.

Mitigation Project Criteria

A. The mitigation project must be implemented in the same drainage area (HUC-14) as the proposed development. The project must provide additional groundwater recharge benefits or protection from stormwater runoff quality and quantity from previously developed property that does not currently meet the design and performance standards outlined in the MSWMP. The developer must ensure the long-term maintenance of the project, including the maintenance requirements under Chapters 8 and 9 of the NJDEP Stormwater BMP Manual.

The applicant can select one (1) of the following projects listed to compensate for the deficit from the performance standards resulting from the proposed project. More detailed information and current list of additional projects can be obtained from the Borough Engineer. Listed below are general projects that can be used to address the mitigation requirement.

1. **Water Quality**

   a) Retrofit an existing stormwater management facility on a Borough-owned property to provide the removal of 80 percent of total suspended solids (TSS) from the parking lot runoff.

   b) Retrofit the existing parking area on a Borough-owned property to provide the removal of 80 percent of TSS.

2. **Water Quantity**

   a) Install stormwater management measures in an open space to reduce the peak flow from an upstream development on the receiving stream by 20 cubic feet per second (cfs), 35 cfs, and 100 cfs for the 2, 10, and 100-year storms respectively.

3. **Groundwater Recharge**

   a) Retrofit an existing Borough-owned property to provide an additional 300,000 cubic feet of average annual groundwater recharge.

   b) Replace an existing deteriorated impervious parking lot on a Borough-owned property.

B. If a suitable site cannot be located in the same drainage area as the proposed development, as discussed in Option A, the mitigation project may provide mitigation that is not equivalent to the impacts for which the variance or exemption is sought, but that addresses the same issue. For example, if a variance is given because the 80 percent TSS requirement is not met, the selected project may address water quality impacts due to a fecal impairment. Listed below are specific projects that can be used to address the mitigation option.

1. **Water Quality**

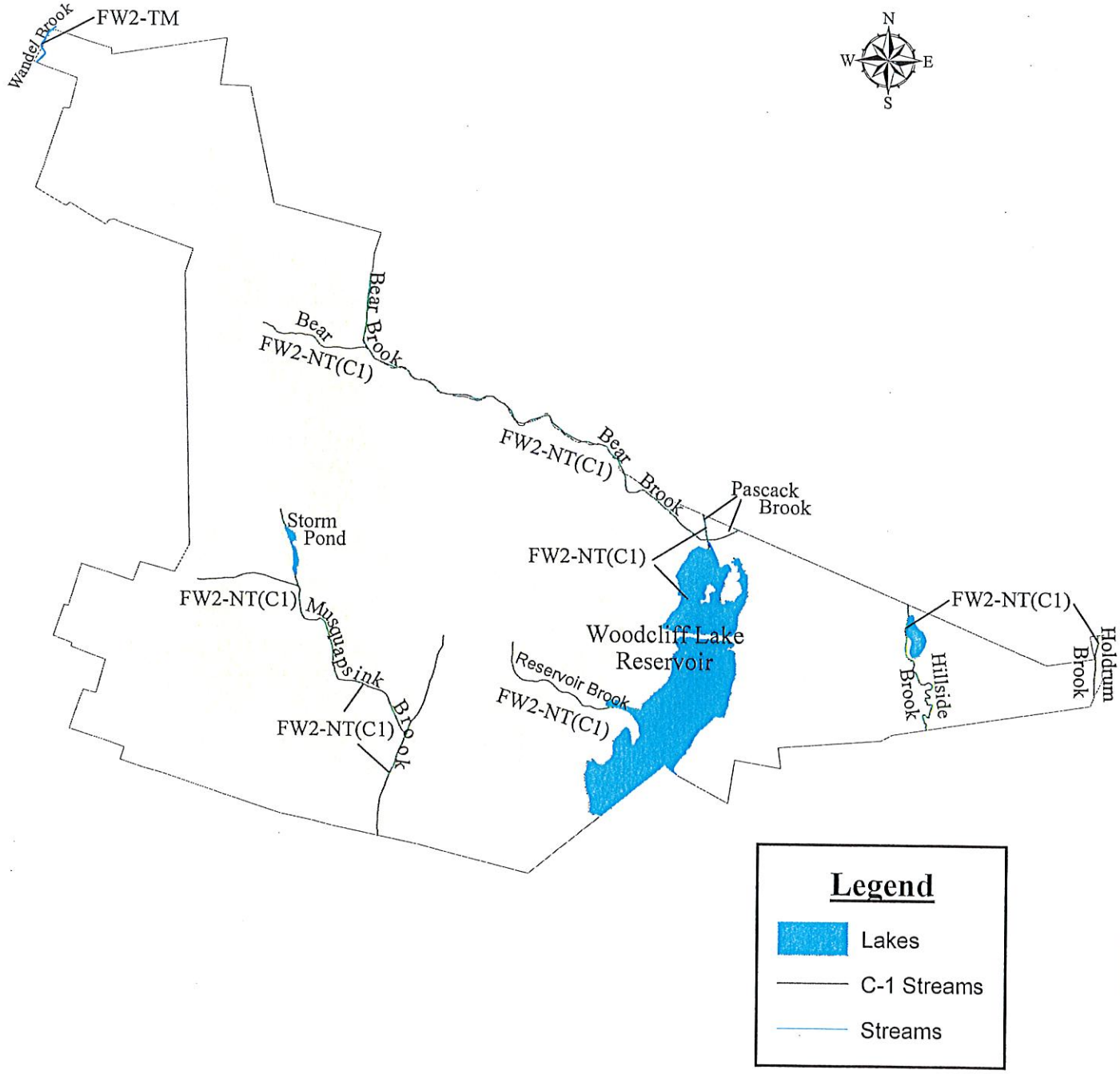
a) Re-establish a vegetative buffer (minimum 50 foot wide) along 1,500 linear feet of the shoreline at one of the Borough's lakes or ponds as a goose control measure and to filter stormwater runoff from the high goose traffic areas.

b) Provide goose management measures, including public education at the Borough's parks.

The municipality may allow a developer to provide funding or partial funding to the municipality for a project that has been identified by the Borough Engineer or towards the development of a RSMP. The funding must be equal to or greater than the cost to implement the mitigation outlined above, including costs associated with purchasing the property or easement for mitigation, and the cost associated with the long-term maintenance requirements of the mitigation measure.

Figures

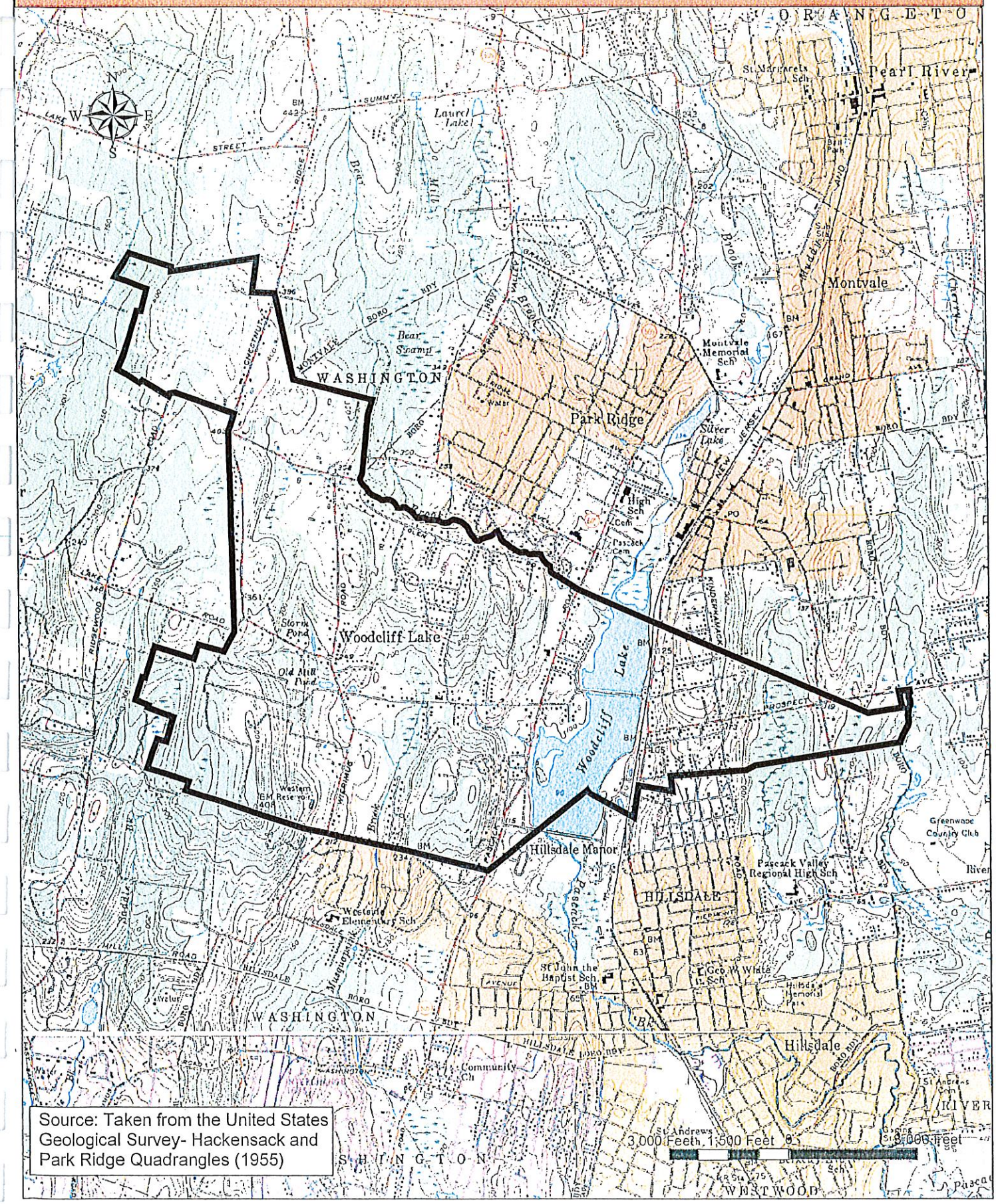
Figure 1: Borough of Woodcliff Lake Waterways



Source: Waterways layer taken from the New Jersey Department of Environmental Protection, Streams and Lakes shapefile (11/1998) & Surface Water Quality Standards shapefile (11/2003).

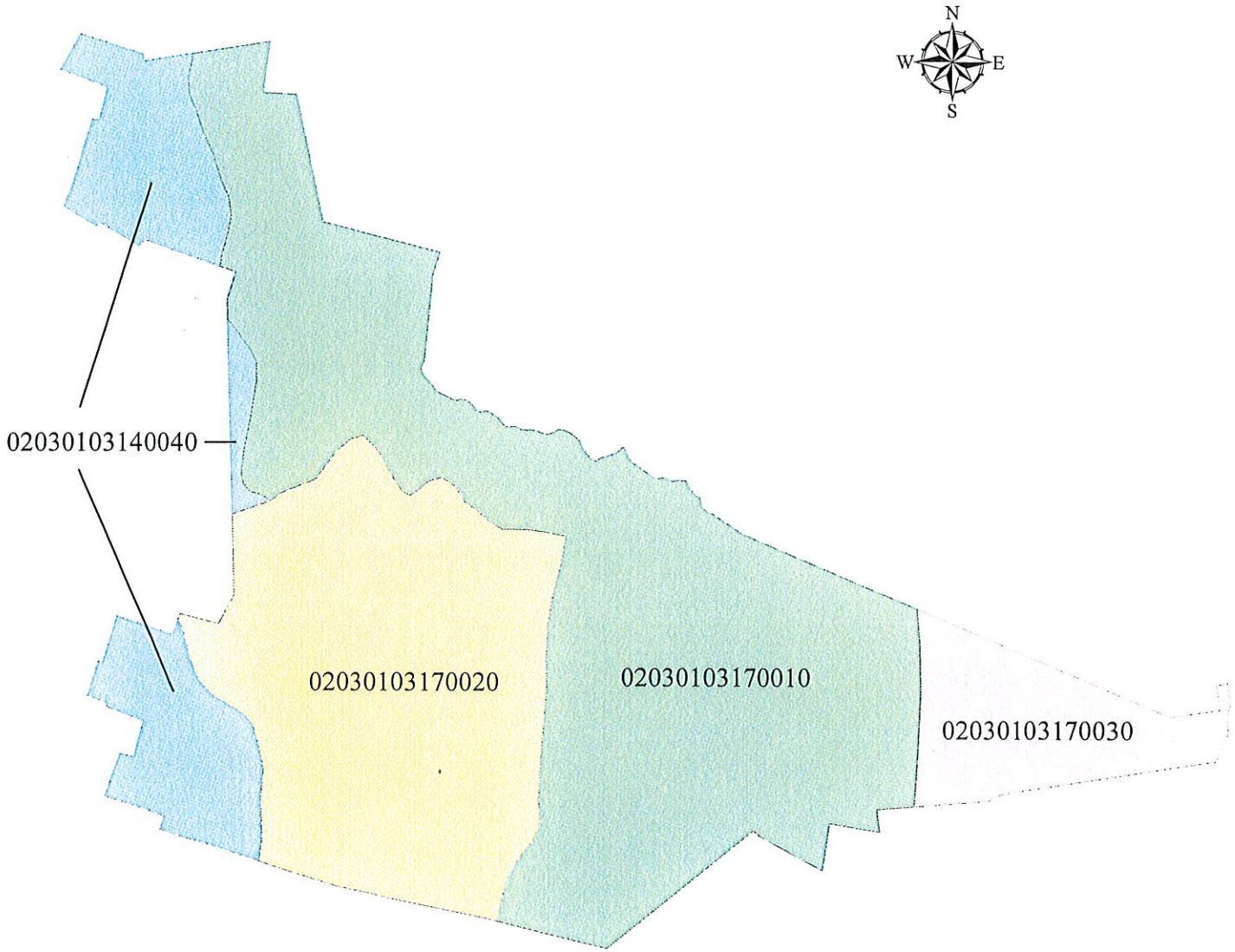
2,500 Feet 1,250 Feet 0 2,500 Feet

Figure 2: Borough of Woodcliff Lake Boundary on USGS Quadrangle Maps



Source: Taken from the United States Geological Survey- Hackensack and Park Ridge Quadrangles (1955)

Figure 3: Hydrologic Units (HUC-14) in the Borough of Woodcliff Lake



2,500 Feet 1,250 Feet 0 2,500 Feet

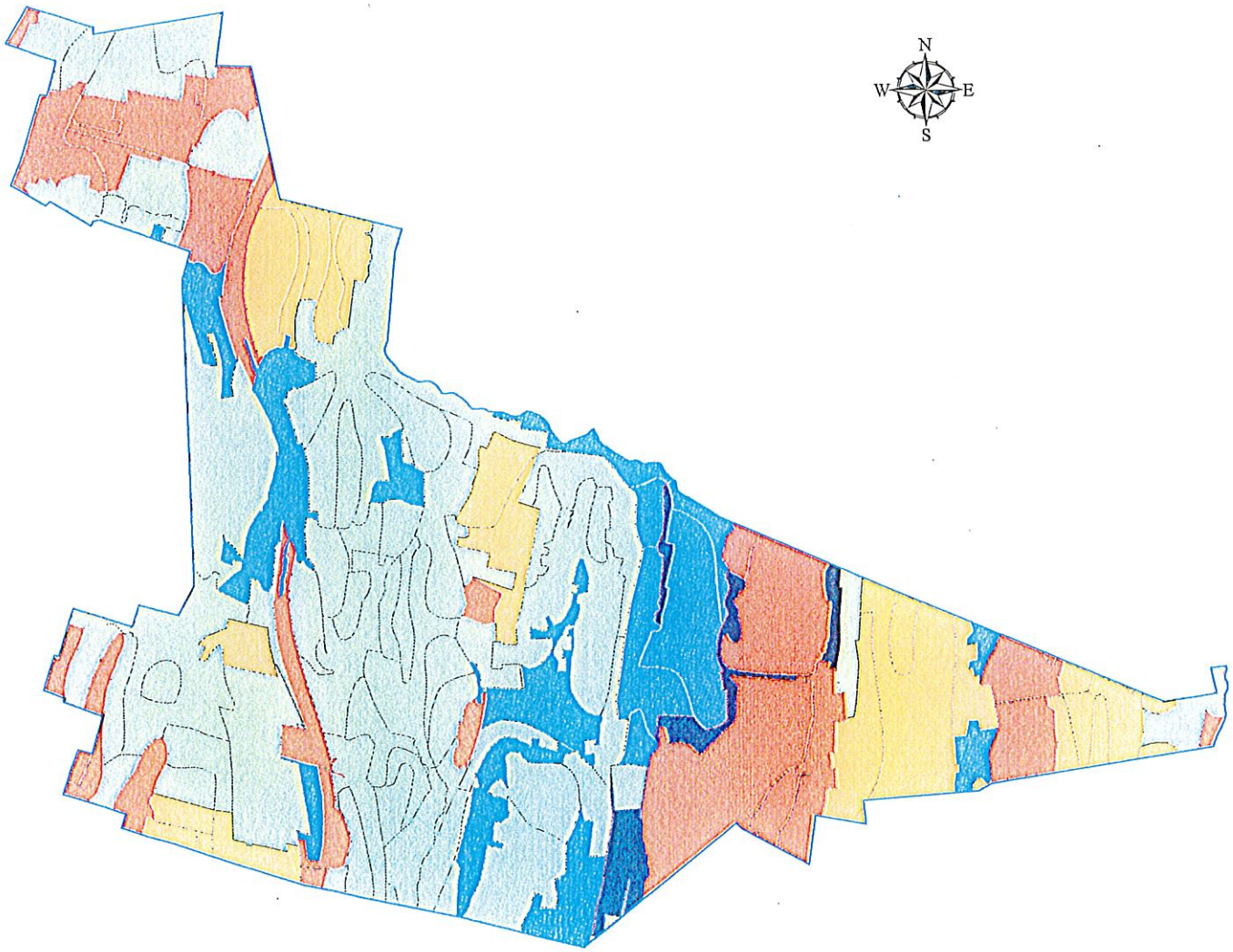
Source: Watershed information taken from the New Jersey Department of Environmental Protection HUC-14 shapefile. (12/2000)

Legend

Sub-Watershed Name

- Hackensack River (above Old Tappan gage)
- Pascack Brook (above Westwood gage)
- Pascack Brook (below Westwood gage)
- Saddle River (above Rt 17)

Figure 4: Groundwater Recharge Areas in the Borough of Woodcliff Lake



Legend

Inches Per Year

- 0.00 - 4.85 in/yr
- 4.86 - 10.82 in/yr
- 10.83 - 12.97 in/yr
- 12.98 - 14.89 in/yr
- 14.90 - 21.17 in/yr

Source: Taken from the New Jersey Geological Survey, shapefile DGSO2-3 (Publication Date Not Available)

2,500 Feet 1,250 Feet 0 2,500 Feet

Figure 5: Wellhead Protection Areas in the Borough of Woodcliff Lake

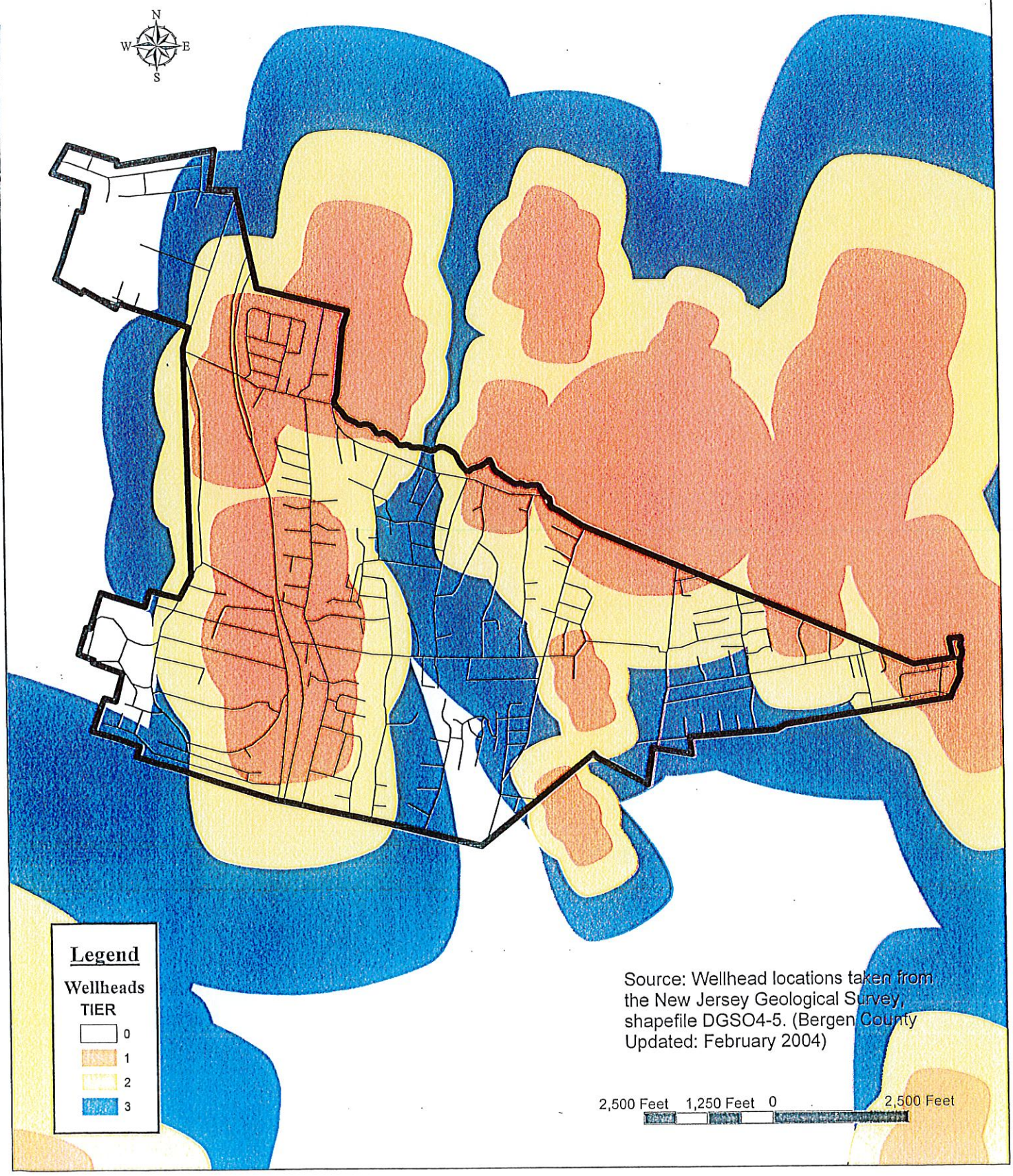


Figure 6: Existing Land Use in the Borough of Woodcliff Lake

Legend

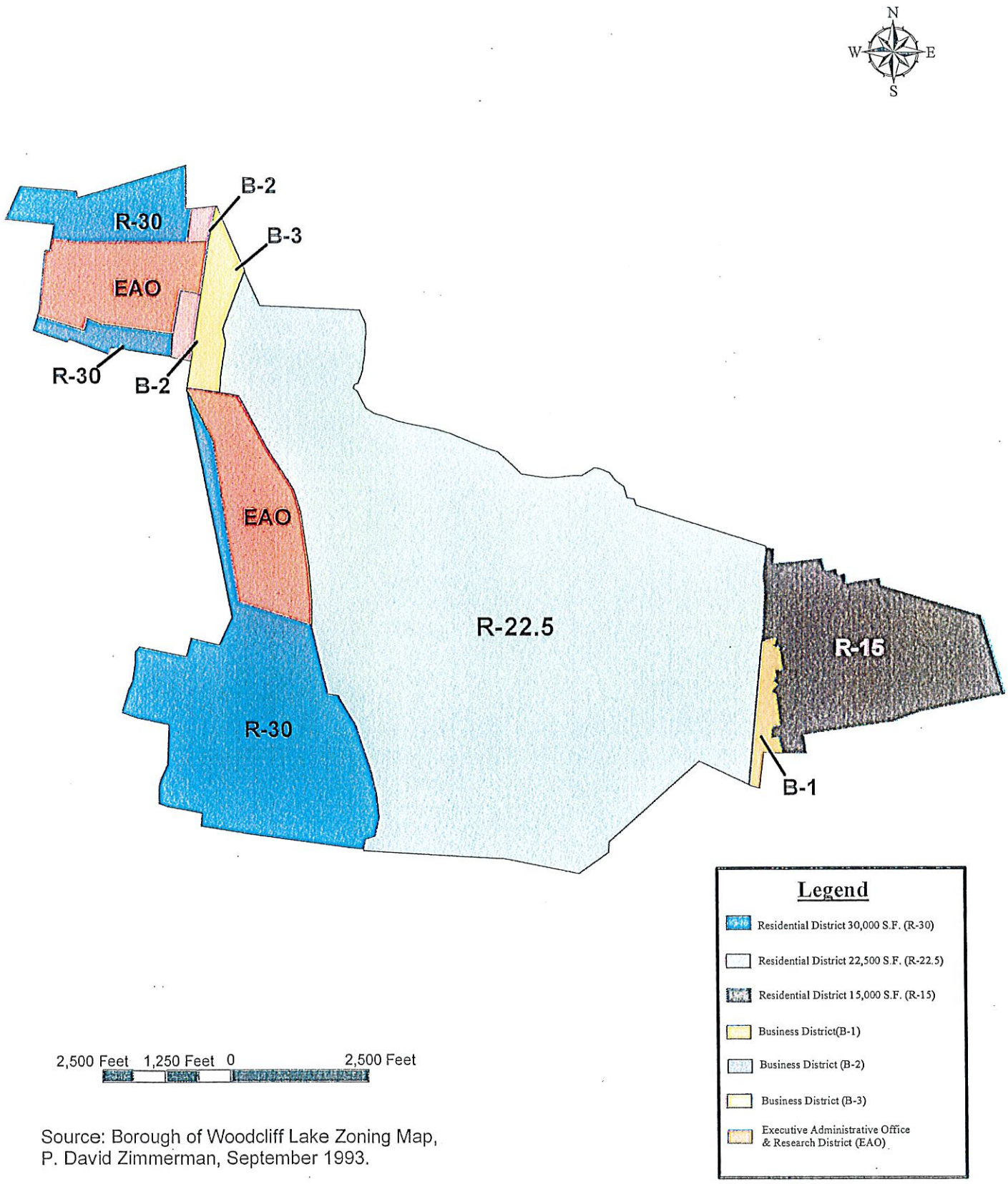
1995/97 Land Use/Land Cover

- AGRICULTURAL WETLANDS (MODIFIED)
- ALTERED LANDS
- ARTIFICIAL LAKES
- ATHLETIC FIELDS (SCHOOLS)
- COMMERCIAL/SERVICES
- CONIFEROUS FOREST (>50% CROWN CLOSURE)
- CROPLAND AND PASTURELAND
- DECIDUOUS BRUSH/SHRUBLAND
- DECIDUOUS FOREST (10-50% CROWN CLOSURE)
- DECIDUOUS FOREST (>50% CROWN CLOSURE)
- DECIDUOUS WOODED WETLANDS
- DISTURBED WETLANDS (MODIFIED)
- HERBACEOUS WETLANDS
- MANAGED WETLAND IN MAINTAINED LAWN GREENSPACE
- MIXED FOREST (>50% CONIFEROUS WITH 10%-50% CROWN CLOSURE)
- MIXED FOREST (>50% CONIFEROUS WITH >50% CROWN CLOSURE)
- MIXED FORESTED WETLANDS (DECIDUOUS DOM.)
- OLD FIELD (< 25% BRUSH COVERED)
- ORCHARDS/VINEYARDS/NURSERIES/HORTICULTURAL AREAS
- OTHER AGRICULTURE
- OTHER URBAN OR BUILT-UP LAND
- PLANTATION
- RECREATIONAL LAND
- RESIDENTIAL, RURAL, SINGLE UNIT
- RESIDENTIAL, SINGLE UNIT, LOW DENSITY
- RESIDENTIAL, SINGLE UNIT, MEDIUM DENSITY
- TRANSITIONAL AREAS
- TRANSPORTATION/COMMUNICATIONS/UTILITIES

Source: Land Use information taken from the New Jersey Department of Environmental Protection, 1995/97 Land Use/Land Cover shapefile. (December 2000)

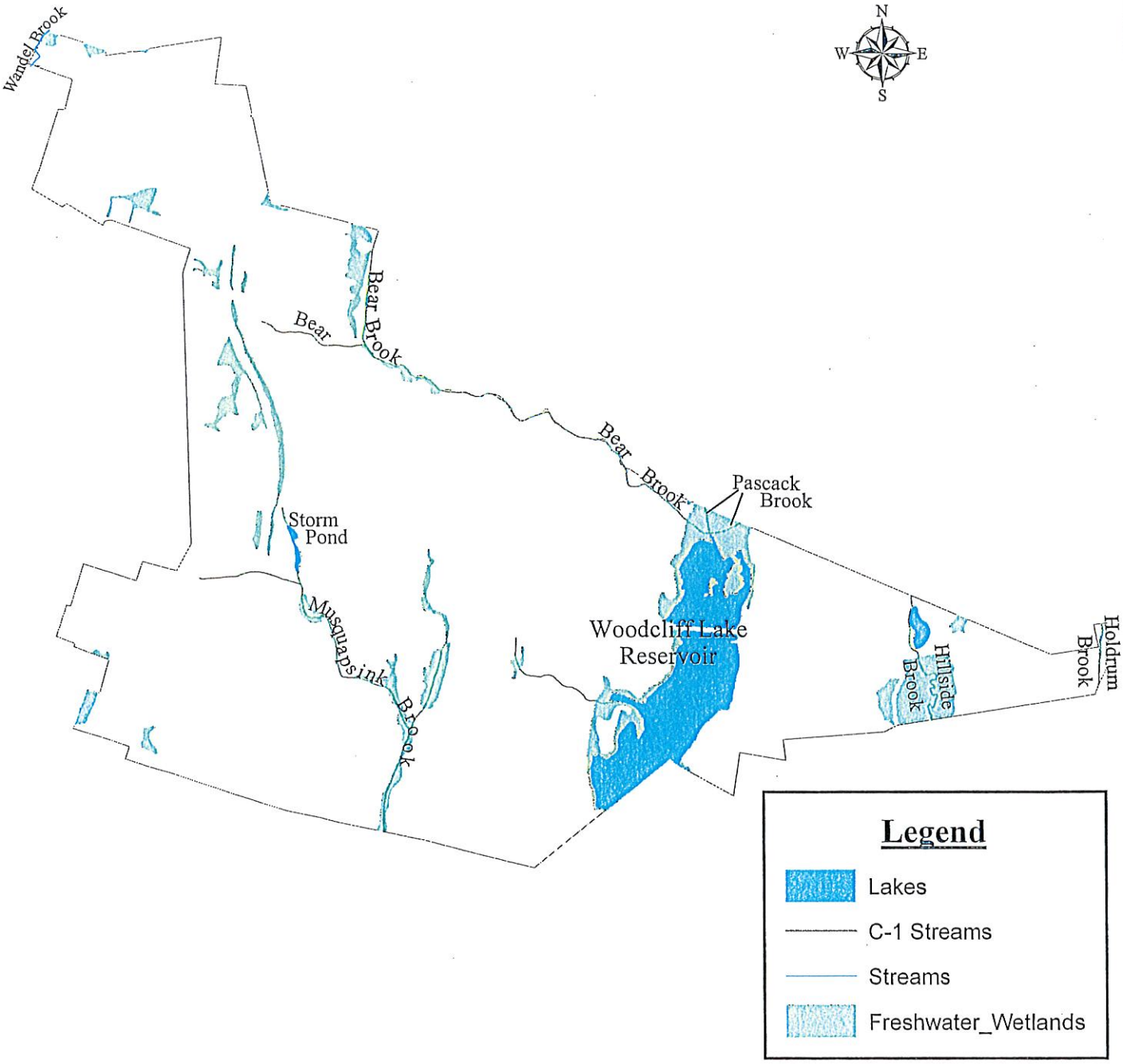
2,500 Feet 1,250 Feet 0 2,500 Feet

Figure 7: Zoning Districts in the Borough of Woodcliff Lake



Source: Borough of Woodcliff Lake Zoning Map, P. David Zimmerman, September 1993.

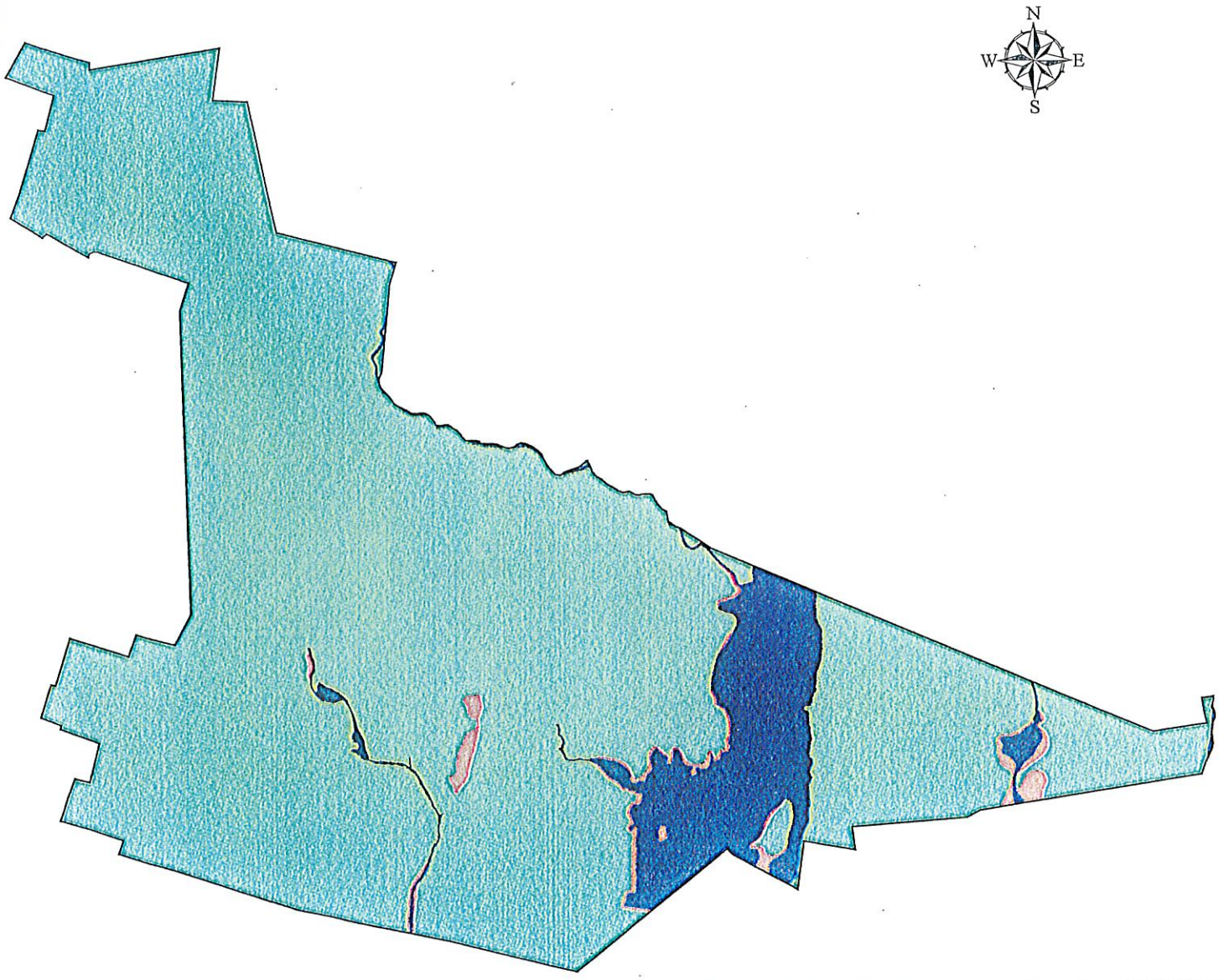
Figure 8: Freshwater Wetlands and Water Land Uses within the Borough of Woodcliff Lake (Constrained Land)



Source: Waterways layer taken from the New Jersey Department of Environmental Protection, Streams and Lakes shapefile (11/1998) & Surface Water Quality Standards shapefile (11/2003).

2,500 Feet 1,250 Feet 0 2,500 Feet

Figure 9: Borough of Woodcliff Lake Floodplains Map



Legend

FEMA Flood

ZONE

- 100IC - 100-year discharge contained in channel/culvert
- 500IC - 500-year discharge contained in channel/culvert
- A - 100-year flood; no base elevations determined
- AE - 100-year flood; base elevations determined
- AH - Flood depth of 1-3 feet (usually areas of ponding); Average depth determined
- AO - Flood depth of 1-3 feet (usually sheet flow on sloping terrain); average depth determined
- FWIC - Floodway contained in culvert
- X - Areas outside 500-year floodplain
- X500 - Area of 500-year floodplain

Source: Federal Emergency Management Agency (FEMA)
Q3 Flood Data, Bergen County, New Jersey, 1996.

3,000 Feet 1,500 Feet 0 3,000 Feet

New Jersey Stormwater Best Management Practices Manual

April 2004

APPENDIX D

Model Stormwater Control Ordinance for Municipalities

Important note: *This sample ordinance is provided to assist municipalities in the development of municipal stormwater control ordinances and the incorporation of design and performance standards into municipal stormwater management plans. It is provided for information purposes only. It is important that current regulations are carefully reviewed before any portion of this draft ordinance is adopted.*
This model ordinance does not include a section on fees. The Department expects that the review of development applications under this ordinance would be an integral part of the municipal review of subdivisions and site plans. As a result, the costs to municipalities of reviewing development applications under this ordinance can be defrayed by fees charged for review of subdivisions and site plans under N.J.S.A. 40:55D-8.b.

Notes are provided in italics throughout this model stormwater control ordinance, and are not intended to be adopted as part of the ordinance.

An editable Word version of this model ordinance is available athttp://www.state.nj.us/dep/watershedmgt/bmpmanualfeb2004.htm.

Section 1: Scope and Purpose

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction through nonstructural or low impact techniques shall be explored before relying on structural 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.

Note: Municipalities are encouraged to participate in the development of regional stormwater management plans, and to adopt and implement ordinances for specific drainage area performance standards that address local stormwater management and environmental characteristics.

B. Purpose

It is the purpose of this ordinance to establish minimum stormwater management requirements and controls for "major development," as defined in Section 2.

C. Applicability

1. This ordinance shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:

   a. Non-residential major developments; and

   b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.

2. This ordinance shall also be applicable to all major developments undertaken by [*insert name of municipality*].

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued for subdivisions and site plans pursuant to this ordinance are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

Section 2: Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance 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.

"CAFRA Planning Map" means 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.

"CAFRA Centers, Cores or Nodes" means those areas within boundaries accepted by the Department pursuant to N.J.A.C. 7:8E-5B.

"Compaction" means the increase in soil bulk density.

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

"County review agency" means 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" means the New Jersey Department of Environmental Protection.

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

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

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or 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.

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

"Environmentally critical areas" means 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" means 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" means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

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

"Infiltration" is the process by which water seeps into the soil from precipitation.

"Major development" means any "development" that provides for ultimately disturbing one 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.

"Municipality" means any city, borough, town, township, or village.

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

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

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

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

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

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

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

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

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

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

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

"Stormwater management basin" means 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).

"Stormwater management measure" means 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.

"Tidal Flood Hazard Area" means a flood hazard area, which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean.

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

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

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

(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.

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

Section 3: General Standards

A. Design and Performance Standards for Stormwater Management Measures

1. Stormwater management measures for major development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards in Section 4. To the maximum extent practicable, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.

2. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

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

Section 4: Stormwater Management Requirements for Major Development

A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section 10.

B. 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 muhlnebergi* (bog turtle).

C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Sections 4.F and 4.G:

1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;

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

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

D. A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Sections 4.F and 4.G may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

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

2. The applicant demonstrates through an alternatives analysis, that through the use of nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of Sections 4.F and 4.G to the maximum extent practicable;

3. The applicant demonstrates that, in order to meet the requirements of Sections 4.F and 4.G, existing structures currently in use, such as homes and buildings, would need to be condemned; and

4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Sections 4.F and 4.G that were not achievable on-site.

E. Nonstructural Stormwater Management Strategies

1. To the maximum extent practicable, the standards in Sections 4.F and 4.G shall be met by incorporating nonstructural stormwater management strategies set forth at Section 4.E 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 2 below into the design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention.

2. Nonstructural stormwater management strategies incorporated into site design shall:

   a. Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;

   b. Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;

   c. Maximize the protection of natural drainage features and vegetation;

   d. Minimize the decrease in the "time of concentration" from pre-construction 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;

   e. Minimize land disturbance including clearing and grading;

   f. Minimize soil compaction;

   g. Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;

   h. Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas;

   i. 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:

(1) Site design features that help to prevent accumulation of trash and debris in drainage systems, including features that satisfy Section 4.E.3. below;

(2) Site design features that help to prevent discharge of trash and debris from drainage systems;

(3) Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and

(4) 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.

3. Site design features identified under Section 4.E.2.i.(2) 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 Section 4.E.3.c below.

a. 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:

(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 (April 1996); 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.

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.

b. 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 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.

c. This standard does not apply:

(1) 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;

(2) Where flows from the water quality design storm as specified in Section 4.G.1 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 inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

(b) A bar screen having a bar spacing of 0.5 inches.

(3) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars, to the elevation of the water quality design storm as specified in Section 4.G.1; or

(4) 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.

4. Any land area used as a nonstructural stormwater management measure to meet the performance standards in Sections 4.F and 4.G 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.

5. 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 Section 7, or found on the Department's website at www.njstormwater.org.

F. Erosion Control, Groundwater Recharge and Runoff Quantity Standards

1. This subsection contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.

a. 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.

b. The minimum design and performance standards for groundwater recharge are as follows:

(1) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section 5, either:

(a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or

(b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.

(2) This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to (3) below.

(3) The following types of stormwater shall not be recharged:

(a) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40

CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

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

(4) 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.

c. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 5, complete one of the following:

(1) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the two, 10, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

(2) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the two, 10, and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

(3) Design stormwater management measures so that the post-construction peak runoff rates for the 2, 10 and 100 year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed. 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

(4) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with (1), (2) and (3) above shall only be applied if the increased volume of stormwater runoff could increase flood damages below the point of discharge.

2. Any application for a new agricultural development that meets the definition of major development at Section 2 shall be submitted to the appropriate Soil Conservation District for review and approval in accordance with the requirements of this section and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For the purposes of this section, "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 manufacturing of agriculturally related products.

G. Stormwater Runoff Quality Standards

1. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff by 80 percent of the anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall only be required for water quality control if an additional 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 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 1. The calculation of the volume of runoff may take into account the implementation of non-structural and structural stormwater management measures.

Table 1: Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
0	0.0000	65	0.8917
5	0.0083	70	0.9917
10	0.0166	75	1.0500
15	0.0250	80	1.0840
20	0.0500	85	1.1170
25	0.0750	90	1.1500
30	0.1000	95	1.1750
35	0.1330	100	1.2000
40	0.1660	105	1.2250
45	0.2000	110	1.2334
50	0.2583	115	1.2417
55	0.3583	120	1.2500
60	0.6250		

2. 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 Section 7, or found on the Department's website at www.njstormwater.org. The BMP Manual and other sources of technical guidance are listed in Section 7. 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.

3. 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

Table 2: TSS Removal Rates for BMPs

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 Section 6.C
Sand Filter	80
Vegetative Filter Strip	60-80
Wet Pond	50-90

4. If there is more than one onsite drainage area, the 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.

5. 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 Sections 4.F and 4.G.

6. Additional information and examples are contained in the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in Section 7.

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. 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:

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

      (1) 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 centerline of the waterway where the bank is not defined, consisting of existing vegetation or vegetationallowedto follownaturalsuccessionis provided.(2) Encroachment within the designated special water resource protection area under Subsection (1) 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 150 feet as measured perpendicular to the top of bank of the waterway or centerline of the waterway where the bank is undefined. All encroachments proposed under this subparagraph shall be subject to review and approval by the Department.

   b. 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.

   c. 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:

      (1) Stabilization measures shall not be placed within 150 feet of the Category One waterway;

      (2) Stormwater associated with discharges allowed by this section shall achieve a 95 percent TSS post-construction removal rate;

      (3) Temperature shall be addressed to ensure no impact on the receiving waterway;

(4) 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;

(5) A conceptual project design meeting shall be held with the appropriate Department staff and Soil Conservation District staff to identify necessary stabilization measures; and

(6) All encroachments proposed under this section shall be subject to review and approval by the Department.

d. 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 Section 4.G(8) 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 G.8 shall maintain or enhance the current functional value and overall condition of the special water resource protection area as defined in G.8.a.(1) above. In no case shall a stream corridor protection plan allow the reduction of the Special Water Resource Protection Area to less than 150 feet as measured perpendicular to the waterway subject to this subsection.

e. Paragraph G.8 does not apply to the construction of one 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.

Section 5: Calculation of Stormwater Runoff and Groundwater Recharge

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

1. The design engineer shall calculate runoff using one of the following methods:

   a. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Section 4 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds; or

   b. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations.

2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology at Section 5.A.1.a and the Rational and Modified Rational Methods at Section 5.A.1.b. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.

4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 – Urban Hydrology for Small Watersheds and other methods may be employed.

5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

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

1. 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.

Section 6: Standards for Structural Stormwater Management Measures

A. Standards for structural stormwater management measures are as follows:

1. 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).

2. 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-inch (1") 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-inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section 8.D.

3. 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.

4. At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of two and one-half inches in diameter.

5. Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at Section 8.

B. 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 Section 4 of this ordinance.

C. Manufactured treatment devices may be used to meet the requirements of Section 4 this ordinance, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.

Section 7: Sources for Technical Guidance

A. Technical guidance for stormwater management measures can be found in the documents listed at 1 and 2 below, which are available from 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.

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended. Information is provided on stormwater management measures such as: 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.

2. The New Jersey Department of Environmental Protection Stormwater Management Facilities Maintenance Manual, as amended.

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

1. 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;

2. The Rutgers Cooperative Extension Service, 732-932-9306; and

3. 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.

Section 8: Safety Standards for Stormwater Management Basins

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

Note: The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management basins. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management basins to be retrofitted to meet one or more of the safety standards in Sections 8.B.1, 8.B.2, and 8.B.3 for trash racks, overflow grates, and escape provisions at outlet structures.

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

1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:

   a. The trash rack shall have parallel bars, with no greater than six inch spacing between the bars.

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

   c. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack.

   d. 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 300 lbs/ft sq.

2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

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

   b. The overflow grate spacing shall be no less than two inches across the smallest dimension.

   c. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs./ft sq.

3. For purposes of this paragraph 3, 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:

   a. 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 Section 8.C a free-standing outlet structure may be exempted from this requirement.

   b. Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than two and one-half feet. Such safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to

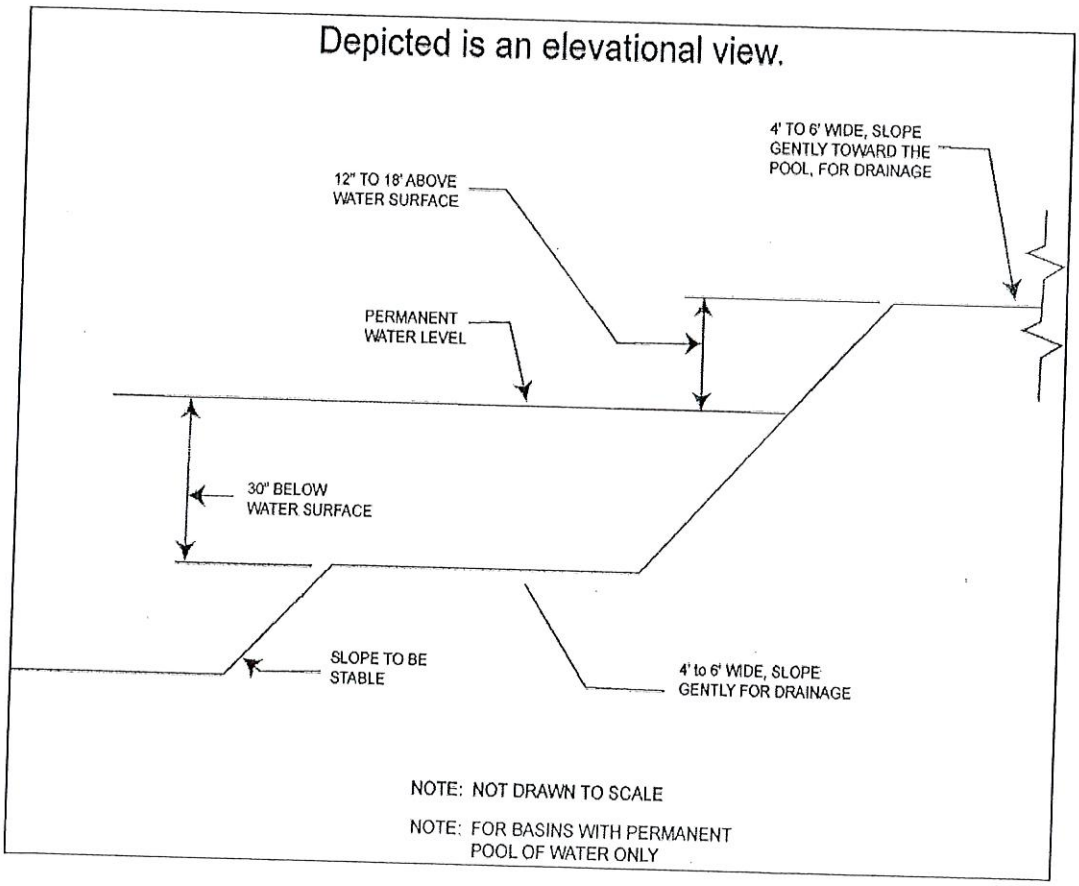
one and one-half feet above the permanent water surface. See Section 8.D for an illustration of safety ledges in a stormwater management basin.

c. 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.

C. Variance or Exemption from Safety Standards

1. 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.

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



Section 9: Requirements for a Site Development Stormwater Plan

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section 9.C below as part of the submission of the applicant's application for subdivision or site plan approval.

2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.

3. The applicant shall submit [*specify number*] copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 9.C of this ordinance.

B. 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 ordinance.

C. Checklist Requirements

The following information shall be required:

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

2. 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.

3. 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.

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections 3 through 6 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

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

a. Total area to be paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.

b. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

a. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 4 of this ordinance.

b. 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 onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 10.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipal engineer, waive submission of any of the requirements in Sections 9.C.1 through 9.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

Section 10: Maintenance and Repair

A. Applicability

1. Projects subject to review as in Section 1.C of this ordinance shall comply with the requirements of Sections 10.B and 10.C.

B. General Maintenance

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

2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). 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.

3. 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.

4. If the person responsible for maintenance identified under Section 10.B.2 above is not a public agency, the maintenance plan and any future revisions based on Section 10.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

5. 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.

6. The person responsible for maintenance identified under Section 10.B.2 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.

7. The person responsible for maintenance identified under Section 10.B.2 above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.

8. The person responsible for maintenance identified under Section 10.B.2 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 Sections 10.B.6 and 10.B.7 above.

9. The requirements of Sections 10.B.3 and 10.B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency.

(Note: It may be appropriate to delete requirements in the maintenance and repair plan that are not applicable if the ordinance requires the facility to be dedicated to the municipality. If the municipality does not want to take this responsibility, the ordinance should require the posting of a two year maintenance guarantee in accordance with N.J.S.A. 40:55D-53. Guidelines for developing a maintenance and inspection program are provided in the New Jersey Stormwater Best Management Practices Manual and the NJDEP Ocean County Demonstration Study, Stormwater Management Facilities Maintenance Manual, dated June 1989 available from the NJDEP, Watershed Management Program.)

10. 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.

B. 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.

Section 11: Penalties

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the following penalties: [*Municipality to specify*].

Section 12: Effective Date

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

Section 13: Severability

If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.