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C

**NEW JERSEY ADMINISTRATIVE CODE
TITLE 7. DEPARTMENT OF ENVIRONMENTAL PROTECTION
CHAPTER 8. STORMWATER MANAGEMENT
SUBCHAPTER 1. GENERAL PROVISIONS**

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Current through July 2, 2007; 39 N.J. Reg. No. 13

7:8-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

"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:

1. A county planning agency; or
2. A county water resources 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 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, for which permission is required under the Municipal Land Use Law, [N.J.S.A. 40:55D-1](#) et seq.

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In the case of development on agricultural land, development means: any activity that requires a State permit; any activity reviewed by the County Agricultural Boards (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 runoff, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

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

"Environmentally critical area" means an area or feature which is of significant environmental value, including, but not limited to: stream corridors; natural heritage priority sites; habitats of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

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

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

"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.

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

"Major development" means any "development" that provides for ultimately disturbing one or more acres of land or increasing impervious surface by one-quarter acre or more. 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. Projects undertaken by any government agency which otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, [N.J.S.A. 40:55D-1](#) et seq., are also considered "major development."

"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.

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

"Pollutant" means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended ([42 U.S.C. §§ 2011 et seq.](#))), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff or other residue discharged directly or indirectly to the land, groundwaters 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 nonstormwater discharges into stormwater conveyances.

"Stormwater management planning agency" means a public body authorized by legislation to prepare stormwater management plans.

"Stormwater management planning area" means the geographic area for which a stormwater management

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planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

"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 Urban 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 groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

"Wetlands" or "wetland" means an area that is inundated or saturated by surface water or groundwater 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.

Amended by R.1991 d.510, effective October 21, 1991.

See: 22 N.J.R. 2870(a), 23 N.J.R. 3134(b).

<General Materials (GM) - References, Annotations, or Tables>

N.J.A.C. 7:8-1.2, **NJ ADC 7:8-1.2**

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7:8-1.6 Applicability to major development

(a) Except as provided in (b) below, all major development shall comply with the requirements of this chapter.

(b) The following major development shall be subject to the stormwater management requirements in effect on February 1, 2004, copies of which are available from the Department at the address specified in [N.J.A.C. 7:8-1.3](#):

1. Major development which does not require any of the Department permits listed in (c) below and which has received one of the following approvals pursuant to the Municipal Land Use Law ([N.J.S.A. 40:55D-1](#) et seq.) prior to February 2, 2004:

- i. Preliminary or final site plan approval;
- ii. Final municipal building or construction permit;
- iii. Minor subdivision approval where no subsequent site plan approval is required;
- iv. Final subdivision approval where no subsequent site plan approval is required; or
- v. Preliminary subdivision approval where no subsequent site plan approval is required;

2. Major development which has received one of the approvals pursuant to the Municipal Land Use Law, [N.J.S.A. 40:55D-1](#) et seq., in (b)1 above prior to February 2, 2004 and has secured at least one of the applicable permits listed in (c) below from the Department by February 2, 2004, and provided that the permit included a stormwater management review component; and

3. Major development undertaken by any government agency, which does not require approval under the Municipal Land Use Law, [N.J.S.A. 40:55D-1](#) et seq., provided that the project has secured at least one of the applicable Department permits listed in (c) below prior to February 2, 2004, and provided that the permit included a stormwater management review component.

(c) For the purposes of this section, the term "permit" shall include transition area waivers under the Freshwater Wetlands Protection Act. In order to qualify under (b)2 or 3 above, the major development must have obtained at least one Department permit granted under the following statutes and, provided that the permit included a stormwater management review component, prior to February 2, 2004:

1. Flood Hazard Area Control Act, [N.J.S.A. 58:16A-50](#) et seq.;

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2. Freshwater Wetlands Protection Act, [N.J.S.A. 13:9B-1](#) et seq.;
3. Coastal Area Facility Review Act, [N.J.S.A. 13:19-1](#) et seq.; or
4. Waterfront and Harbor Facilities Act, [N.J.S.A. 12:5-3](#);

(d) An exemption provided by (b) above shall expire with the expiration, termination or other loss of duration or effect of either of the qualifying local approval or Department permit, whichever comes first. The expiration of local approvals under (b)1 above shall be governed by local ordinance. In the event there are multiple qualifying Department permits under (c) above, the expiration date is governed by that permit which expires last provided that the permit is still in effect. Once the exemption expires, the major development shall be subject to all requirements of this chapter upon reapplication for that permit and all subsequent permits or local approval(s) under the Municipal Land Use Law.

(e) An exemption under (b) above is limited to the land area and the scope of the project addressed by the qualifying approval(s) and permit(s). Exemptions under this section shall be deemed void if revisions are made to the qualifying approval or permit in (b) above, including approvals under the Municipal Land Use Law, unless upon application, the Department determines that each revision would have a de minimis impact on water resources. In making this determination, the Department shall consider the extent of any impacts on water resources resulting from the revision, including, but not limited to:

1. Increases in stormwater generated;
2. Increases in impervious surface;
3. Increases in stormwater pollutant loading;
4. Changes in land use;
5. New encroachments in special water resource protection areas; and
6. Changes in vegetative cover.

(f) In case of conflict with the Coastal Permit Program rules at [N.J.A.C. 7:7-4.4\(a\)4](#), the requirements of this chapter shall supersede.

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N.J.A.C. 7:8-1.6, **NJ ADC 7:8-1.6**

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7:8-5.2 Stormwater management measures for major development

(a) Stormwater management measures for major development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards at [N.J.A.C. 7:8-5.4](#) and [5.5](#). To the maximum extent practicable, these standards shall be met by incorporating nonstructural stormwater management strategies at [N.J.A.C. 7:8-5.3](#) into the design. If these measures alone are not sufficient to meet these standards, structural stormwater management measures at [N.J.A.C. 7:8-5.7](#) necessary to meet these standards shall be incorporated into the design.

(b) The development shall incorporate a maintenance plan under [N.J.A.C. 7:8- 5.8](#) for the stormwater management measures.

(c) Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under [N.J.S.A. 13:1B-15.147](#) through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnerbergi* (bog turtle).

(d) The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements at [N.J.A.C. 7:8-5.4](#) and [5.5](#):

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.

(e) A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements at [N.J.A.C. 7:8- 5.4](#) and [5.5](#) 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;

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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 [N.J.A.C. 7:8-5.4](#) and [5.5](#) to the maximum extent practicable;
3. The applicant demonstrates that, in order to meet the requirements at [N.J.A.C. 7:8-5.4](#) and [5.5](#) 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 (e)3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate for requirements of [N.J.A.C. 7:8-5.4](#) and [5.5](#) that were not achievable on-site.

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N.J.A.C. 7:8-5.2, **NJ ADC 7:8-5.2**

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7:8-5.3 Nonstructural stormwater management strategies

(a) To the maximum extent practicable, the standards in [N.J.A.C. 7:8-5.4](#) and [5.5](#) shall be met by incorporating nonstructural stormwater management strategies at N.J.A.C. 7:8-5.3 into the design. The person submitting an application for review shall identify the nonstructural strategies 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 strategies identified in (b) below into the design of a particular project, the applicant shall identify the strategy and provide a basis for the contention.

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

1. Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;
2. Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;
3. Maximize the protection of natural drainage features and vegetation;
4. Minimize the decrease in the "time of concentration" from 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 drainage area to the point of interest within a watershed;
5. Minimize land disturbance including clearing and grading;
6. Minimize soil compaction;
7. Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;
8. Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas; and
9. Provide other source controls to prevent or minimize the use or exposure of pollutants at the site in order to prevent or minimize the release of those pollutants into stormwater runoff. These source controls include, but are not limited to:
 - i. Site design features that help to prevent accumulation of trash and debris in drainage systems;

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- ii. Site design features that help to prevent discharge of trash and debris from drainage systems;
 - iii. Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and
 - iv. 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.
- (c) Any land area used as a non-structural stormwater management measure to meet the performance standards in [N.J.A.C. 7:8-5.4](#) and [5.5](#) shall be dedicated to a government agency, subjected to a conservation restriction filed with the appropriate County Clerk's office, or subject to Department approved or equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.
- (d) Guidance for nonstructural stormwater management strategies is available in the New Jersey Stormwater Best Management Practices Manual available from the Department through the address listed at [N.J.A.C. 7:8-1.3](#).

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N.J.A.C. 7:8-5.3, **NJ ADC 7:8-5.3**

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7:8-5.4 Erosion control, groundwater recharge and runoff quantity standards

(a) This section 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.

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

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

i. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at [N.J.A.C. 7:8-5.6](#), either:

(1) 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

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

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

iii. The following types of stormwater shall not be recharged:

(1) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than 'reportable quantities' as defined by the United States Environmental Protection Agency (EPA) at [40 CFR 302.4](#); areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan; and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

(2) Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process,

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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.

iv. 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.

3. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at [N.J.A.C. 7:8-5.6](#), complete one of the following:

i. 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;

ii. 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;

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

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

(b) Any application for a new agricultural development that meets the definition of major development at [N.J.A.C. 7:8-1.2](#) shall be submitted to the 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 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 manufacture of agriculturally related products.

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N.J.A.C. 7:8-5.4, **NJ ADC 7:8-5.4**

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7:8-5.5 Stormwater runoff quality standards

(a) Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm 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 one-quarter 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 Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. 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 below. 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		

(b) For purposes of TSS reduction calculations, Table 2 below presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in [N.J.A.C. 7:8-1.3](#) or found on the Department's website at www.njstormwater.org.

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The BMP Manual and other sources of technical guidance are listed in [N.J.A.C. 7:8-5.9\(a\)](#). 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. Where the Department is not 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 address at [N.J.A.C. 7:8-1.3](#).

(c) 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:

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

Where

R = total TSS percent load removal from application of both BMPs, and

A = the TSS percent removal rate applicable to the first BMP

B = the TSS percent removal rate applicable to the second BMP

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 N.J.A.C. 7:8-5.7(d)
Sand Filter	80
Vegetative Filter Strip	60-80
Wet Pond	50-90

(d) 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.

(e) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in [N.J.A.C. 7:8-5.4](#) and 5.5.

(f) Additional information and examples are contained in the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in [N.J.A.C. 7:8-1.3](#).

(g) In accordance with the definition of FW1 at [N.J.A.C. 7:9B-1.4](#), stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.

(h) Special water resource protection areas shall be established along all waters designated Category One at N.J.A.C.

N.J. Admin. Code tit. 7, § 8-5.5

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 HUC 14 drainage. These areas shall be established for the protection of water quality, aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, and exceptional fisheries significance of those established Category One waters. These areas shall be designated and protected as follows:

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

i. 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 bank outwards or from the centerline of the waterway where the bank is not defined, consisting of existing vegetation or vegetation allowed to follow natural succession is provided.

ii. Encroachment within the designated special water resource protection area under (h)1i 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.

2. All stormwater shall be discharged outside of but may 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. (see [N.J.A.C. 2:90-1.3](#)).

3. If stormwater discharged outside of and flowing through the special water resource protection area cannot comply with the Standard For Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act, [N.J.S.A. 4:24-39](#) et seq., (see [N.J.A.C. 2:90-1.3](#)), 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:

i. Stabilization measures shall not be placed within 150 feet of the waterway;

ii. Stormwater associated with discharges allowed by this paragraph shall achieve a 95 percent TSS post construction removal rate;

iii. Temperature shall be addressed to ensure no impact on receiving waterway;

iv. 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;

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

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

N.J. Admin. Code tit. 7, § 8-5.5

4. A stream corridor protection plan may be developed by a regional stormwater management planning committee as an element of a regional stormwater management plan, or by a municipality through an adopted municipal stormwater management plan. If a stream corridor protection plan for a waterway subject to this subsection has been approved by the Department, 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 this subsection shall maintain or enhance the current functional value and overall condition of the special water resource protection area as defined above in (h)1i. In no case shall a stream corridor protection plan allow reduction of the Special Water Resource Protection Area to less than 150 feet as measured perpendicular to the waterway subject to this subsection.

5. This subsection 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.

Petition for Rulemaking.

See: 36 N.J.R. 4995(b).

Petition for Rulemaking.

See: 37 N.J.R. 141(a).

<General Materials (GM) - References, Annotations, or Tables>

N.J.A.C. 7:8-5.5, **NJ ADC 7:8-5.5**

NJ ADC 7:8-5.5

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