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CHAPTER 8

STORM WATER MANAGEMENT

Authority

N.J.S.A. 40:55D-1 et seq. and 58:10A-1 et seq.

Source and Effective Date

R.1998 d.121, effective February 4, 1998.
See: 29 N.J.R. 5127(a), 30 N.J.R. 826(a).

Executive Order No. 66(1978) Expiration Date

The expiration date of Chapter 8, Storm Water Management, was extended by gubernatorial directive from February 4, 2003 to February 4, 2004. See: 35 N.J.R. 1267(c).

Chapter Historical Note

Chapter 8, Practices and Procedures of the Division of Water Resources, was adopted as R.1978 d.48, effective February 9, 1978. See: 10 N.J.R. 101(b). Chapter 8, Practices and Procedures of the Division of Water Resources, was repealed by R.1980 d.433, effective October 7, 1980. See: 12 N.J.R. 454(b), 12 N.J.R. 643(a).

Chapter 8, Storm Water Management, was adopted as R.1983 d.24, effective February 7, 1983. See: 14 N.J.R. 1022(a), 15 N.J.R. 142(b).

Pursuant to Executive Order 66(1978), Chapter 8, Storm Water Management, was readopted as R.1988 d.99, effective February 5, 1988. See: 19 N.J.R. 2227(a), 20 N.J.R. 526(b).

Pursuant to Executive Order No. 66(1978), Chapter 8, Storm Water Management, was readopted as R.1993 d.113, effective February 4, 1993. See: 24 N.J.R. 4469(a), 25 N.J.R. 990(a).

Pursuant to Executive Order No. 66(1978), Chapter 8, Storm Water Management, was readopted as R.1998 d.121, effective February 4, 1998. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS

7:8-1.1 Purpose and authority

This chapter implements the provisions of the New Jersey Storm Water Management Act, P.L. 1981, c.32, which amends and supplements the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and of the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. These Storm Water Management regulations establish minimum requirements and controls to compensate for the differences in the hydrologic response of the watershed from the undeveloped to the developed condition. Nothing in this chapter shall change the assigned duties of counties and municipalities responsible for approval of storm water management provisions, submitted as part of site plans, and subdivisions as established by the Municipal Land Use Law.

Amended by R.1991 d.510, effective October 21, 1991.
See: 22 N.J.R. 2870(a), 23 N.J.R. 3134(b).

Added reference to N.J.S.A. 58:10A-1 et seq.

7:8-1.2 Construction

(a) This chapter shall be liberally construed to permit the Department to discharge its statutory functions under the New Jersey Storm Water Management Act, P.L. 1981, c.32, and the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.

(b) The Commissioner may amend, repeal or rescind this chapter from time to time in conformance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

Amended by R.1991 d.510, effective October 21, 1991.
See: 22 N.J.R. 2870(a), 23 N.J.R. 3134(b).

Added reference to N.J.S.A. 58:10A-1 et seq.

7:8-1.3 Definitions

“Agricultural development” means land uses normally associated with the production of food, fiber and livestock for sale. For purposes of this chapter, such uses shall not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.

“Commissioner” means the Commissioner of the Department of Environmental Protection, or his appointed designee.

“Department” means the Department of Environmental Protection.

“Detention basin” means an embankment and associated space for impoundment of water or, alternatively, the space for impoundment partially or entirely created by excavation rather than by embankment, in either case designed to temporarily retain stormwater runoff.

“Detention facility” means a detention basin or alternative structure designed to temporarily retain stormwater runoff.

“Flood hazard areas” means the floodway and flood fringe areas determined by the Department under section 3 of the Flood Hazard Areas Control Act (P.L. 1979, c.359).

“Flood plain” means the flood hazard areas of delineated streams and areas inundated by the 100-year flood in non-delineated areas.

“Floodway” means the channel of a natural stream and portions of the flood hazard areas adjoining the channel, which are reasonably required to carry and discharge the flood water or flood flow of any natural stream.

“Freshwater wetlands” 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; provided, however, that the Department, in designating a wetland, shall use the three parameter approach (that is, hydrology, soils and vegetation) enumerated in the April 1, 1987 interim-final draft “Wetland Identification and Delineation Manual” developed by the United States Environmental Protection Agency, and any subsequent amendments thereto.

“Impervious surface” means any natural or man-made surface which does not permit infiltration of water and causes surface runoff.

“Infiltration basin” means a detention basin designed to infiltrate retained water to the subsurface and which is not an injection well.

“Major development” means that, in addition to the definition of development in the Municipal Land Use Law, N.J.S.A. 40:55D-4, the activity must satisfy 1 or 2 below:

1. Any site plan or subdivision plan that will ultimately cover one or more acres of land with additional impervious surfaces;

2. Any construction of one or more of the following uses:

i. Feeding and holding areas that provide for more than 100 head of cattle or 15,000 hens, 500 swine, 4,000 turkeys, 10,000 ducks; this section shall also apply to all other equivalent numbers of animal units as determined by the SCS Agricultural Waste Management Field Manual for measuring BOD (bio chemical oxygen demand) producing potential:

ii. Pipelines, storage, or distribution systems for petroleum products or chemicals;

iii. Storage, distribution or treatment facilities (excluding individual on-site sewage disposal systems) for liquid waste;

iv. Solid waste storage, disposition, incineration or landfill;

v. Quarries, mines or burrow pits;

vi. Land application of sludge or effluents;

vii. Storage, distribution or treatment facilities for radioactive waste.

“MLUL” means the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

“Non-point source pollution” means pollution from any source other than from any discernible, confined and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

“Ordinance” means the same as “development regulation” under the MLUL.

“Recharge” means the replenishment of underground water reserves.

“Storm water runoff” means flow on the surface of the ground, resulting from precipitation.

“Wet basin” means a detention basin designed to retain some water on a permanent basis.

Amended by R.1987 d.513, effective December 7, 1987.

See: 19 N.J.R. 488(a), 19 N.J.R. 2276(a).

Added new definitions.

7:8-1.4 Applicability

(a) Any storm water management plans or ordinances hereafter adopted in New Jersey shall comply with this chapter.

(b) Phase I is applicable only to new developments, and not to the remedy of existing runoff pollution situations. Specifically, as regards animal feeding and holding areas, it applies only to new agricultural facilities or additions to facilities involving additional animals in amounts sufficient to constitute a major development.

7:8-1.5 Program information

Unless otherwise specified, any questions concerning the requirements of this chapter shall be directed to the Bureau of Water Quality Planning, Office of Regulatory Policy, New Jersey Department of Environmental Protection and Energy, CN 029, Trenton, New Jersey 08625.

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

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

Change made in address.

7:8-1.6 Severability

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

7:8-1.7 Relationship to other permitting programs

(a) Nothing in this chapter shall be construed as limiting the rights of other agencies or entities, such as the Pinelands Commission or the Delaware and Raritan Canal Commission, from imposing stricter standards or other requirements as allowed by statute.

(b) If a stormwater management detention basin is also to be used as a soil erosion or sediment control measure under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., that act and any rules promulgated pursuant thereto shall also be applicable.

Amended by R.1987 d.513, effective December 7, 1987.

See: 19 N.J.R. 488(a), 19 N.J.R. 2276(a).

Added text "or the Delaware and Raritan Canal Commission".

Amended by R.1988 d.99, effective March 7, 1988.

See: 19 N.J.R. 2227(a), 20 N.J.R. 526(b).

Added (b).

SUBCHAPTER 2. PROCEDURES FOR PREPARATION OF PLANS AND ORDINANCES

7:8-2.1 Objectives

(a) A storm water management plan and its implementing ordinance or ordinances shall be designed:

1. To reduce artificially induced flood damage to public health, life, and property;

2. To minimize increased storm water runoff from any new land development where such runoff will increase flood damage;

3. To maintain the adequacy of existing and proposed culverts and bridges, dams and other structures;

4. To induce water recharge where natural storage and geologically favorable conditions exist where practical;

5. To prevent, to the greatest extent feasible, an increase in non-point source pollution;

6. To maintain the integrity of stream channels for their biological functions, as well as for drainage and other purposes;

7. To reduce the impact of development upon stream erosion;

8. To reduce erosion from any development or construction project;

9. To minimize the increase in runoff pollution due to land development, which otherwise would degrade the quality of water and may render it both unfit for human consumption and detrimental to biological life; and

10. To preserve and protect water supply facilities and water resources by means of controlling increased flood discharges, stream erosion, and runoff pollution.

Amended by R.1987 d.513, effective December 7, 1987.

See: 19 N.J.R. 488(a), 19 N.J.R. 2276(a).

(a)7 changed crosion to erosion.

7:8-2.2 Schedule for completion and submission of plans and ordinances

If a grant for 90 percent of the costs for the preparation of the plan has been made available by the Department pursuant to section 6 of the Act (N.J.S.A. 40:55D-98), the storm water management plan shall be completed by the municipality by the next reexamination of the municipality's master plan required pursuant to N.J.S.A. 40:55D-89. The completed storm water management plan shall be an integral part of each municipal master plan as provided by N.J.S.A. 40:55D-28. Each storm water control ordinance or ordinances implementing the stormwater management plan shall be adopted by the municipality within one year of the completion of the storm water management plan and shall be revised thereafter as needed. Such a storm water management plan, control ordinance or resolution prepared by counties, municipalities or designated regional agencies shall be prepared in accordance with this chapter.

Amended by R.1987 d.513, effective December 7, 1987.

See: 19 N.J.R. 488(a), 19 N.J.R. 2276(a).

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

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

Changed "storm water management plan" to "completed storm water management plan"; deleted "prepared under such a grant".

7:8-2.3 County review process

(a) Each municipality shall submit its completed storm water management plan and implementing ordinance adopted pursuant to this Act to the county agency or county water resources association designated by the freeholders for approval. The implementing ordinance shall not take effect without county approval.

(b) The agency or association shall approve, conditionally approve, or disapprove said plan and/or ordinance. It shall review its compatibility with applicable municipal, county, regional or State storm water management and flood control plans. It shall consult the appropriate Soil Conservation District and verify through written acknowledgement from the District that the coordination by the municipality and the District has been satisfactorily accomplished, as specified in N.J.A.C. 7:8-3.3. No storm water management plan or ordinance shall be approved which fails to meet the State storm water management standards, established by this chapter. The agency or association shall set forth in writing its reasons for disapproval of any plan or ordinance, or in the case of the issuance of a conditional approval, the agency or association shall specify the necessary amendments to the plan or ordinance to the municipality. Once conditions, if any, are met by the municipality the plan and/or ordinance shall be deemed approved.

Amended by R.1988 d.99, effective March 7, 1988.

See: 19 N.J.R. 2227(a), 20 N.J.R. 526(b).

Added text in (b) "through written acknowledgement from the District".

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

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

In (a), added "completed".

7:8-2.4 Failure of county to act

Where the agency or association fails to approve, conditionally approve or disapprove a plan or ordinance within 60 days of receipt of the plan or ordinance, the plan or ordinance shall be considered approved.

7:8-2.5 Notification to the State

Upon receipt of each completed municipal storm water management plan and ordinance, the designated county agency shall notify the Department of its receipt and keep an up-to-date accounting of its standing in the approval process. The county agency shall submit copies of the approved plans and ordinances to the Department and shall provide access to all other relevant records to Department personnel. The Department shall provide copies of such plans and ordinances to the State Soil Conservation Committee of the Department of Agriculture.

Amended by R.1988 d.99, effective March 7, 1988.

See: 19 N.J.R. 2227(a), 20 N.J.R. 526(b).

Added text "The Department shall ..."

7:8-2.6 Exceptions

The Commissioner may upon application by any appropriate agency grant an exception from any of the objectives listed in N.J.A.C. 7:8-2.1(a) through 10 above, as provided for in sections 3 and 4 of the Act (N.J.S.A. 40:55D-95 and 96), provided that the Commissioner shall determine that such exception will not materially increase flood damage, non-point source pollution, or erosion within or without the municipality. Any municipal request for such exemptions shall be accompanied by proof of notice to all affected municipalities of such request and the request shall be submitted to the State through the appropriate county planning agency.

Amended by R.1987 d.513, effective December 7, 1987.

See: 19 N.J.R. 488(a), 19 N.J.R. 2276(a).

Added text "(N.J.S.A. 40:55D-95 and 96)".

7:8-2.7 Enforcement

No building permit shall be issued in violation of an adopted ordinance. Any such issuance shall be in violation of the MLUL and subject to the enforcement provisions thereunder.

7:8-2.8 Periodic reexamination

In accordance with the MLUL, storm water management plans and storm water control ordinances shall be included in the reexamination of the master plan and development regulations.

7:8-2.9 Technical assistance

Counties, county planning agencies and county water resources associations are authorized and encouraged to provide technical assistance and planning grants to municipalities to assist in the preparation and revision of municipal storm water management plans and implementing ordinances.

SUBCHAPTER 3. ELEMENTS OF PLAN AND ORDINANCE
7:8-3.1 Planning phases

(a) Planning for storm water management is designed in two phases. The Phase I plan is targeted at preventive measures to be applied to the site plan and subdivision review process. It shall identify existing control requirements and establish plans and ordinances in order to meet the standards in these regulations for at least the short term. The Phase II plan shall provide for the long term comprehensive planning of alternative preventive storm water management measures in conjunction with remedial storm water management measures.

1. Phase I:

i. A Phase I storm water management plan shall consist of the following elements:

(1) A statement concerning how the plan will achieve the goals of the Act.

(2) A delineation of jurisdictional authority and responsibility in the Phase I plan area. This may include a fee schedule for implementation.

(3) An evaluation of existing county and local storm water management plans and ordinances. This evaluation shall examine the consistency of the existing ordinances with regard to the water quantity/quality objectives and minimum standards discussed in this chapter.

(4) An evaluation of needs. This evaluation shall consist of two parts:

(A) A general assessment of those items necessary for the county and/or local ordinances to achieve full compliance with this chapter including but not limited to soil surveys, natural resource inventories and pertinent elements of local and county master plans;

(B) An estimate of the technical (personnel and physical resources) and institutional needs necessary to undertake implementation of the Phase I plan.

(5) Develop a recommended storm water management ordinance.

ii. Within one year following the completion of the Phase I plan, municipalities shall adopt ordinances which are to be consistent with the policies and principles of the Phase I plan. These ordinances shall be amended, as required, following the adoption of the Phase II plan. Such ordinances must be adopted if the Department has made available a grant pursuant to section 6 of the Act.

2. Phase II:

i. A Phase II storm water management plan will be based upon a detailed analysis of alternative storm water management approaches on an integrated or regional basis. The plan will consist of a system of non-structural and/or structural storm water management programs to mitigate flooding and non-point source pollution. The need for master detention basins to supplement or replace individual detention basins or other facilities otherwise required at each site of development shall be considered. The need for expanded protection of environmentally critical areas including flood plains and wetlands shall be reviewed. Plans shall also be developed to address appropriate remedial storm water control measures. A survey of any institutional issues involved and of the social, environmental and economic implications of the proposed actions shall be included.

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

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

In (a)1ii, stylistic revisions.

7:8-3.2 Flexibility of approach

Each storm water management plan shall be cognizant of the unique character and limitation of the environment in the planning area. A main purpose is to distinguish those special conditions where an exception to the standards detailed in this document may be required to best manage storm water runoff. Unless circumstances justify exception or variance, the standards will be applicable to all development as specified in the remaining sections of this chapter.

7:8-3.3 Plan conformity

Each municipality shall coordinate storm water management plans and ordinances prepared under this chapter with soil and water conservation plans and regulations under the New Jersey Soil Conservation Act of 1937 as amended, N.J.S.A. 4:24-1 et seq., through written correspondence with the appropriate soil conservation districts. Storm water management plans shall refer to and be in compliance with and not duplicate, Soil Conservation District requirements for control of soil erosion. Additionally, such plans shall be coordinated with any storm water management plans prepared by the county and any other municipality in the basin, and in full compliance with the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and with any areawide plans for water quality relating to the river basins in the municipality. The storm water management plan and the storm water management ordinance or ordinances shall also be consistent with relevant Federal and State statutes, rules and regulations concerning storm water management, dam safety and flood control, and with the Water Supply Management Act, P.L. 1981 c.262, and the County Environmental Health Act, N.J.S.A. 26:3A2-21 et seq.

7:8-3.4 General standards

(a) The following standards are specified for general use as minimums to be applied to major developments. Local plans and ordinances which require a greater degree of control or require retention for a greater period of time, or apply to classes of developments in addition to those specified herein, will be acceptable as long as the objectives in N.J.A.C. 7:8-2.1 are met. Plans and ordinances expressed in different terms but which are considered by the Department to achieve substantially the same objectives will also be acceptable.

1. Flood and erosion control: The flood and erosion control standard for detention will require that volumes and rates be controlled so that after development the site will generate no greater peak runoff from the site than prior to development, for a two-year, 10-year, and 100-year storm considered individually. These design storms shall be defined as either a 24-hour storm using the rainfall distribution recommended by the U.S. Soil Conservation Service when using U.S. Soil Conservation

Service procedures, (such as U.S. Soil Conservation Service, "Urban Hydrology for Small Watersheds", Technical Release No. 55) or as the estimated maximum rainfall for the estimated time of concentration of runoff at the site when using a design method such as the Modified Rational Method. Tabulation of estimated maximum rainfall are available from the Department. For purposes of computing runoff, all lands in the site shall be assumed, prior to development, to be in good condition (if the lands are pastures, lawns or parks), with good cover (if the lands are woods), or with conservation treatment (if the land is cultivated), regardless of conditions existing at the time of computation.

i. Any major agricultural development as defined in this chapter shall be submitted to the local Soil Conservation District for review and comment in accordance with this chapter and any Soil Conservation District guidelines. An agency may condition approval of such storm water control measures upon a positive recommendation of the appropriate Soil Conservation District.

2. Water quality control:

i. The water quality requirement for detention will require prolonged retention of a small design storm which shall be either a one-year frequency, 24 hour storm using the rainfall distribution recommended for New Jersey by the U.S. Soil Conservation Service or a storm of 1½ inches of rainfall in two hours. Provisions shall be made for it to be retained and released so as to evacuate 90 percent in approximately 18 hours in the case of residential development and 36 hours in the case of other developments. This is usually accomplished by a small outlet at the lowest level of detention storage, with a larger outlet or outlets above the level sufficient to control the small design storm. If the above requirement would result in a pipe smaller than three inches in diameter, the period of retention shall be waived so that three inches will be the minimum pipe size used.

ii. Where soils have sufficient permeability, the production of zero runoff from the site under conditions of the 1½ inch quality storm will be considered sufficient to meet the water quality requirement for residential developments, provided that the seasonal high groundwater does not rise to within two feet of the bottom of the detention facility. For other than residential developments, approvals will be on a case-by-case basis after technical review by the designated authority. The object of this review will be to avoid pollution of groundwater. Other technology may be substituted pursuant to (a)4i below.

3. Detention basins in flood plains:

i. There will be no detention basins in the floodway except for those on-stream.

ii. New development, including construction of detention basins, should be avoided in flood plains, but where this is unavoidable, the plan and the ordinance must require a special examination to determine adequacy of proposed detention measures during the 100-year flood. One acceptable method is to apply the 100-year design storm to both the site and to the entire watershed contributing to the flood plain, assuming that the two peak simultaneously at the point in question. The time of concentration assumed for the entire watershed should be that appropriate to the larger area, rather than the shorter period applicable to the site.

iii. In addition such development must be in compliance with all applicable regulations under the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq.

iv. In cases where detention basins, other than on-stream basins, are to be built in flood plains and in default of an analysis such as described above, detention storage provided below the elevation of the 100-year flood (either specially calculated or taken from an official flood State plain delineation map) will be credited as effective storage at a reduced proportion as indicated in the table below:

TABLE 1
Allowable proportion of storage to be assumed usable
in detention basins in the flood plain

Elevation of storage provided below 100-year flood level less than 2 ft.	Drainage Basin Area at Site		
	Less than 5 Sq. Mi.	5-100 Sq. Mi.	Over 100 Sq. Mi.
2-4 ft.	40 percent	65 percent	90 percent
Over 4 ft.	25 percent	50 percent	75 percent
	10 percent	25 percent	50 percent

v. This effective detention storage plus any other supplementary measures, will be required to provide for storm water detention, in accordance with established standards.

4. Alternatives to detention basins:

i. It is not necessary that basic requirements for water quantity and quality control be satisfied by means of detention basins. Measures including but not limited to rooftop storage, tanks, infiltration pits, porous pavement, dry wells, gravel layers underneath paving, or sheet flow through vegetated areas may be used for the purpose, with appropriate consideration for length of life and feasibility of continued maintenance in accordance with technical guidance from the Department. Vacuum street sweeping may be substituted for the water quality requirement, in cases in which continuity of the service can be assured, and where the pollution in question originates on the pavement.

ii. Non-structural management practices, including but not limited to cluster land use development, open space acquisition, stream encroachment and flood hazard controls, protection of wetlands, steep slopes and vegetation should be coordinated with detention requirements. Changes in land use can often reduce the scope and cost of detention provisions required by means of appropriate changes in runoff coefficients.

iii. Municipalities should consider waiving or amending local requirements for extensive impervious pavement, curbing and storm sewers where smaller pavement areas could be used or where grassed swales could be substituted.

5. Maintenance and repair:

i. Maintenance of detention basins and infiltration means, or of other alternatives, is a very important aspect of a storm water management program. Control measures shall be designed so as to provide for mechanical maintenance operations. Responsibility for operation and maintenance of storm water management facilities, including periodic removal and disposal of accumulated particulate material and debris, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor or owner. In the case of developments where lots are to be sold, permanent arrangements, satisfactory to the approving agency shall be made to insure continued performance of these obligations.

ii. A schedule of maintenance inspections shall be incorporated into the local ordinance. Ordinances shall also provide that in cases where maintenance or repair is neglected, the municipality or the county has the authority to perform the work and to back-charge the owner.

6. Control measures: Ordinances and plans shall be designed to allow for flexibility in the development of control measures. In Phase II planning, the use of regional basin or watershed systems and the consideration of economics of scale shall be investigated wherever practical. In addition, the economic advantage of non-structural measures (i.e. changes in land use, densities, site configuration, and use of natural topography) should be considered. Combinations of remedial measures for existing systems and preventive measures for new developments shall also be investigated.

7. Municipal plans should be prepared so as to minimize propagation of insects, particularly mosquitos.

8. Detention facilities should be designed in a harmonious and attractive manner.

9. Detention basins located in freshwater wetlands may be allowed only in accordance with the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq., and any rules adopted pursuant thereto.

Amended by R.1987 d.513, effective December 7, 1987.

See: 19 N.J.R. 488(a), 19 N.J.R. 2276(a).

Substantially amended.

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

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

In (a), added reference to N.J.A.C. 7:8-2.1.

In (a)2ii, changed "water requirement" to "water quality requirement".

7:8-3.5 Variance or exemption from the standards

If a municipality grants a variance or exemption from the standards set forth in their storm water management plan and control ordinance, a written report shall be made to the county detailing the nature of the variance, the change(s) requested, and an explanation of the decision. An exemption from the county ordinance or regulations or resolution shall be reported in the same fashion to the Administrator, Water Supply and Watershed Management Administration, Office of Regulatory Policy, Department of Environmental Protection and Energy.

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

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

Change in heading. Change in address.

7:8-3.6 Storm water control ordinance

The storm water control ordinance is required to be adopted by the municipality within one year of the completion of a storm water management plan. It is an implementation document for the plan. The ordinance shall conform with all requirements of this chapter. The Department will supply each municipality with a Model Storm Water Control Ordinance as a guide for municipalities to prepare their own ordinances.

Amended by R.1987 d.513, effective December 7, 1987.

See: 19 N.J.R. 488(a), 19 N.J.R. 2276(a).

Added text "(N.J.S.A. 40:55D-98)".

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

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

Deleted reference to N.J.S.A. 40:55D-98 with stylistic revisions.

