

CHAPTER 8

STORM WATER MANAGEMENT

Authority

N.J.S.A. 40:55D-1 et seq., in particular
40:55D-98 and 58:10A-1 et seq.

Source and Effective Date

R.1993 d.113, effective February 4, 1993.
See: 24 N.J.R. 4469(a), 25 N.J.R. 990(a).

Executive Order No. 66(1978) Expiration Date

Chapter 8, Storm Water Management, expires February 5, 1998.

Chapter Historical Note

The original text of this chapter (Practices and Procedures Division of Water Resources) was adopted pursuant to N.J.S.A. 13:10-1 et seq. and was filed and became effective February 9, 1978 as R.1978 d.48. See 10 N.J.R. 101(b).

1980 Revisions: On October 7, 1980, R.1980 d.433 repealed this text. See 12 N.J.R. 454(b), 12 N.J.R. 643(a).

1983 Revisions: This chapter "Storm Water Management" became effective pursuant to N.J.S.A. 40:55D-1 et seq., and P.L. 1981 c.32 on February 7, 1983 as R.1983 d.24. See: 14 N.J.R. 1022(a), 15 N.J.R. 142(b).

1987 Revisions: Amendments to the chapter became effective December 7, 1987 as R.1987 d.513. See: 19 N.J.R. 488(a), 19 N.J.R. 2276(a).

1988 Revisions: This chapter was readopted pursuant to Executive Order 66(1978) to become effective February 5, 1988 (with amendments effective March 7, 1988) as R.1988 d.99. See: 19 N.J.R. 2227(a), 20 N.J.R. 526(b).

Pursuant to Executive Order No. 66(1978), Chapter 8 was readopted as R.1993 d.113, effective February 4, 1993. See: Source and Effective Date.

See section annotations for specific rulemaking activity.

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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.