

# Stormwater management in the Pinelands Area

## Rule Proposal



Pinelands Policy & Implementation Committee  
February 26, 2021

## DEP recently amended its stormwater rules, effective March 2021

- Mandatory use of Green Infrastructure BMPs to manage stormwater close to source
- Treat stormwater runoff through infiltration into the subsoil
- Treat stormwater through filtration by vegetation or soil
- Store stormwater runoff for reuse
- Create hydrologically functional landscapes to maintain or reproduce the natural hydrologic cycle for the developed area

## Policy Goals

- ❖ Harmonize CMP stormwater provisions with DEP's new stormwater management rule in a manner best suited for the Pinelands Area
- ❖ Minimize impacts of increased stormwater runoff due to climate change
- ❖ Strengthen and enhance stormwater management in the Pinelands Area while establishing reasonable requirements for home builders and developers

## Overview of proposed rule changes

- ❖ Require stormwater management for minor residential development and some minor non-residential development
- ❖ Allow variances and exceptions for developments that can't meet CMP stormwater management on-site
- ❖ Add specific recharge standard for nitrogen removal

## Minor residential development

- Stormwater generated from **the roof** of a house will be retained and infiltrated onsite through one or more green infrastructure (GI) BMPs, including **rain gardens and dry wells**.

For all minor development, as defined at N.J.A.C. 7:50-2.11, that involves the construction of four or fewer dwelling units, the runoff generated from the total roof area of the dwelling(s) by a 10-year, 24-hour storm shall be retained and infiltrated as follows:

(A) Installation of one or more of the following green infrastructure stormwater management measures designed in accordance with the New Jersey Stormwater Best Management Practices (BMP) Manual as defined in N.J.A.C. 7:8-1, incorporated herein by reference as amended and supplemented and available at [https://www.nj.gov/dep/stormwater/bmp\\_manual2.htm](https://www.nj.gov/dep/stormwater/bmp_manual2.htm) (hereinafter referred to as “BMP Manual” or “New Jersey Stormwater Best Management Practices Manual”):

- (I) Dry wells, designed to prevent access by amphibian and reptiles;
- (II) Pervious pavement system;
- (III) Small scale bioretention system, including, but not limited to, a rain garden; and
- (IV) Other green infrastructure measures that satisfy the groundwater recharge requirements of (a)6iv(2) above.

## Minor non-residential development

- Stormwater generated **on motor vehicle surfaces** will be infiltrated and recharged onsite to reduce pollutants for development that results in an **increase of 1,000 square feet of regulated motor vehicle surface**.

(A) If the proposed development will result in an increase of 1,000 square feet or more of regulated motor vehicle surfaces as defined at N.J.A.C. 7:8-1.2, the stormwater runoff quality standards contained in N.J.A.C. 7:8-5.5 shall apply. The water quality design storm volume generated from these surfaces shall be recharged onsite; and

## Stricter recharge standard for nitrogen removal

Require reduction of total nitrogen load in stormwater runoff by a minimum of 65% from new development site, including turf and managed vegetated areas.

(5) Stormwater management measures shall also be designed to achieve a minimum of 65% reduction of the post-construction total nitrogen load from the developed site, including turf and all managed vegetated areas, in stormwater runoff generated from the water quality design storm. In achieving a minimum 65% reduction of total nitrogen, the design of the site shall include green infrastructure in accordance with the BMP Manual and shall optimize nutrient removal. The minimum 65% total nitrogen reduction may be achieved by using a singular stormwater management measure or multiple stormwater management measures in series.

## Off-site mitigation

If stormwater management requirements cannot be met on-site, applicants may request:

- a **municipal variance** (for private development) or
- an **exception** from the Commission (for public non-linear development) to implement stormwater measures off-site.

Adopt DEP's provisions for off-site mitigation, with modifications

*(continued)*



## Off-site mitigation (Municipal variance)

- If standards can be met onsite, variance could not be granted.
- Off-site stormwater management measures (mitigation) have to be located in Pinelands Area, same municipality, and same HUC-14 or HUC-11 watershed area as the development.

(A) All mitigation projects shall be located in the Pinelands Area and in the same municipality and HUC 14 as the parcel proposed for development. If the applicant demonstrates that no such mitigation project is available, the municipality may approve a variance that provides for mitigation within the same HUC 11 as the parcel proposed for development, provided the mitigation project is located in the Pinelands Area and in the same municipality as the parcel proposed for development;

*(continued)*

## Off-site mitigation (Municipal variance)

- there can be no decrease in total volume of stormwater required to be infiltrated

(C) Any variance from the on-site recharge standards set forth at (a)6iv above shall require that the total volume of stormwater infiltrated by the mitigation project equals or exceeds the volume required by (a)6iv.

## Off-site mitigation (Exceptions)

Commission can grant exceptions for public linear projects (e.g., roads) that can't meet stormwater standards on-site

- adopt DEP rule that allows waiver of stormwater management requirements for certain public linear projects, like the enlargement of an existing public road, if the application meets certain conditions.

(2) For applications submitted pursuant to N.J.A.C. 7:50-4.51 through 4.60, the Commission may grant an exception from the on-site design and performance standards for stormwater management set forth herein, provided that:

- (A) Exceptions granted for the enlargement of an existing public roadway or railroad or the construction or enlargement of a public pedestrian access shall be consistent with N.J.A.C. 7:8-5.2(e), as amended; and

## CMP will exceed DEP standards

### Proposed additions:

- Require stormwater management for more development: all minor residential development and some minor non-residential development
  - In most cases, these changes will result in a much larger amount of stormwater being retained and infiltrated than DEP stormwater rule requires
- More stringent conditions for off-site recharge of stormwater
- More stringent recharge standard for nitrogen removal

### Current CMP:

- More stringent recharge requirement
- Prohibition on discharging stormwater to wetlands/streams
- Special treatment of runoff from high pollutant areas
- Emphasis on soil testing and as-built certification

## Next steps

April 2021	Commission reviews and authorizes rule proposal
April 2021	Rule proposal filed with Office of Administrative Law
May 2021	Rule proposal published in New Jersey Register
June 2021	Public hearing
July 2021	End of 60-day comment period
August 2021	P&I Committee reviews rule adoption
September 2021	Commission reviews public comment and adopts rules
September 2021	Adoption notice filed with Office of Administrative Law
October 2021	Amendments take effect