

**TOWN OF CLINTON
HUNTERDON COUNTY, NEW JERSEY
ORDINANCE # 24-04**

**ORDINANCE AMENDING ARTICLE XIII OF THE CODE OF THE TOWN OF
CLINTON, ENTITLED “STORMWATER CONTROL”**

WHEREAS, by Ordinance No. 21-20, the Mayor and Town Council of the Town of Clinton adopted new stormwater management regulations; and

WHEREAS, in July 2023, the New Jersey Department of Environmental Protection published a simplified Model Stormwater Control Ordinance to assist municipalities in revising their municipal stormwater control ordinances to reflect amendments to the Stormwater Management rules at N.J.A.C. 7:8; and

WHEREAS, based on the foregoing, the Mayor and Town Council seeks to amend its stormwater control ordinance to ensure its full compliance with the current requirements of N.J.A.C. 7:8, as may be amended.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Clinton, the County of Hunterdon, State of New Jersey as follows:

SECTION 1. Article XII of the Code of the Town of Clinton (the “Code”), entitled “Stormwater Control” (1) is hereby amended as follows (additions noted in bold italics *thus* and deletions noted in strikethrough ~~thus~~); and (2) portions of the Code not set forth below shall remain unchanged:

§88-89. Scope and Purpose.

A. Policy Statement. Unchanged.

B. Purpose. Unchanged.

C. Applicability

(1) This article shall be applicable to the following major developments:

(a) Nonresidential 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 article shall also be applicable to all major developments undertaken by the Town of Clinton.

(3) *An application required by ordinance pursuant to subsection C(1) above that has been submitted on or after March 2, 2021, but prior to May 8, 2024, shall be subject to the stormwater management requirements in effect on May 7, 2024.*

(4) Notwithstanding any rule to the contrary, a major development for any public roadway or railroad project conducted by a public transportation entity that has determined a preferred alternative or reached an equivalent milestone before July 17, 2023, shall be subject to the stormwater management requirements in effect prior to July 17, 2023.

D. Compatibility with Other Permit and Ordinance Requirements – unchanged.

SECTION 2. Section 88-90, entitled “Definitions,” is hereby amended by adding the following definitions:

“Public roadway or railroad” means a pathway for use by motor vehicles or trains that is intended for public use and is constructed by, or on behalf of, a public transportation entity. A public roadway or railroad does not include a roadway or railroad constructed as part of a private development, regardless of whether the roadway or railroad is ultimately to be dedicated to and/or maintained by a governmental entity.

“Public transportation entity” means a Federal, State, county, or municipal government, an independent State authority, or a statutorily authorized public-private partnership program pursuant to P.L. 2018, c. 90 (N.J.S.A. 40A:11-52 et seq.), that performs a public roadway or railroad project that includes new construction, expansion, reconstruction, or improvement of a public roadway or railroad.

SECTION 3. , §88-92(E) of the Code of the Town of Clinton is amended to update the referenced website to <https://dep.nj.gov/stormwater/bmp-manual/>.

SECTION 4. §88-92(P) of the Code of the Town of Clinton entitled “Groundwater Recharge Standards,” (1) is hereby amended as follows (additions noted in bold italics *thus* and deletions noted in strikethrough ~~thus~~); and (2) portions of the Code not set forth below shall remain unchanged:

A. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section V, either:
 - i. 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
 - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the *projected* 2-year storm, *as defined and determined pursuant to Section 88-93(D) of this ordinance*, is infiltrated.

3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.
4. The following types of stormwater shall not be recharged:
 - i. 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 *approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C*, or *Department* landfill closure plan and areas; *and areas* with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - ii. 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.

SECTION 5. §88-92(R) of the Code of the Town of Clinton entitled “Stormwater Runoff Quantity Standards,” (1) is hereby amended as follows (additions noted in bold italics *thus* and deletions noted in strikethrough ~~thus~~); and (2) portions of the Code not set forth below shall remain unchanged:

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 88-93, complete one of the following:
 - i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the *current and projected 2-, 10-, and 100-year* storm events, *as defined and determined in Section 88-93(C) and (D), respectively, of this ordinance*, 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 *current and projected 2-, 10-,*

- and 100-year storm events, *as defined and determined pursuant to Section 88-93(C) and (D), respectively, of this ordinance*, 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 *current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section 88-93(C) and (D), respectively, of this ordinance*, 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 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

SECTION 6. §88-93 of the Code of the Town of Clinton entitled "Calculation of Stormwater Runoff and Groundwater Recharge," (1) is hereby amended as follows (additions noted in bold italics *thus* and deletions noted in strikethrough ~~thus~~); and (2) portions of the Code not set forth below shall remain unchanged:

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

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

The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 *Part 630, Hydrology National Engineering Handbook*, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 - Urban Hydrology for*

Small Watersheds (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

~~https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or~~

~~<https://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21422>~~

~~or at United States Department of Agriculture Natural Resources Conservation Service, New Jersey State Office.~~

- ~~i. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at:~~

~~<http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>.~~

2. For the purpose of calculating runoff coefficients *curve numbers* 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~~ *curve number*" applies to both the NRCS methodology above at Section V.A.1.i and the Rational and Modified Rational Methods at Section V.A.1.ii. A ~~runoff coefficient~~ *curve number* 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~~ *has* 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* or 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:

The New Jersey Geological Survey Report GSR-32: A Method for Evaluating Groundwater-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 the New Jersey Geological Survey website at <https://www.nj.gov/dep/njgs/pricelst/gsreport/gsr32.pdf>, or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

<https://www.nj.gov/dep/njgs/pricelst/gsreport/gsr32.pdf>

or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

C. ***The precipitation depths of the current two-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items 1 and 2 below:***

1. ***The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service's Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at:***

https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=nj; and

2. *The applicant shall utilize Table 5: Current Precipitation Adjustment Factors below, which sets forth the applicable multiplier for the drainage area(s) of the site, in accordance with the county where the drainage area(s) of the site is located.*

Table 5: Current Precipitation Adjustment Factors

<i>County</i>	<i>Current Precipitation Adjustment Factors</i>		
	<i>2-year Design Storm</i>	<i>10-year Design Storm</i>	<i>100-year Design Storm</i>
<i>Hunterdon</i>	<i>1.02</i>	<i>1.05</i>	<i>1.13</i>

- D. *Table 6: Future Precipitation Change Factors provided below sets forth the change factors to be used in determining the projected two-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected two-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the two-, 10-, and 100-year storm events determined from the National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates pursuant to (c)1 above, by the change factor in the table below, in accordance with the county where the drainage area(s) of the site is located.*

Table 6: Future Precipitation Change Factors

<i>County</i>	<i>Future Precipitation Change Factors</i>		
	<i>2-year Design Storm</i>	<i>10-year Design Storm</i>	<i>10-year Design Storm</i>
<i>Hunterdon</i>	<i>1.19</i>	<i>1.23</i>	<i>1.42</i>

SECTION 7. §88-94 of the Code of the Town of Clinton entitled “Sources for Technical Guidance,” (1) is hereby amended as follows (additions noted in bold italics *thus* and deletions noted in strikethrough ~~thus~~); and (2) portions of the Code not set forth below shall remain unchanged:

- A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department’s website at:

<https://dep.nj.gov/stormwater/bmp-manual/>.

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

2. Additional maintenance guidance is available on the Department's website at:

<https://dep.nj.gov/stormwater/maintenance-guidance/>.

- B. Submissions required for review by the Department should be mailed to:

The Division of Watershed Protection and Restoration, New Jersey Department of Environmental Protection, Mail Code 501-02A, PO Box 420, Trenton, New Jersey 08625-0420.

SECTION 8. §88-96(C)(2) of the Code of the Town of Clinton entitled "Safety Standards for Stormwater Maintenance Basins," (1) is hereby amended as follows (additions noted in bold italics *thus* and deletions noted in strikethrough ~~thus~~); and (2) portions of the Code not set forth below shall remain unchanged:

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~~ *greater* 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 pounds per square foot.

SECTION 9. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 10. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 11. This Ordinance shall take effect upon (1) approval by the Hunterdon County Planning Board pursuant to N.J.S.A. 40:55D-15. b and -16; and (2) passage and publication according to law.