

**THE TOWNSHIP OF EWING
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE NO. 24-05

1st Reading 3-12-24 Date to Mayor _____

2nd Reading & Public Hearing _____ Date Returned _____

Date Adopted: _____ Date Resubmitted to Council _____

_____ Approved as to Form of Legality

Effective Date: _____ Township Attorney _____

AN ORDINANCE BY THE COUNCIL OF EWING TOWNSHIP AMENDING THE EWING TOWNSHIP MUNICIPAL CODE CHAPTER 215, LAND DEVELOPMENT, ARTICLE XIV, STORMWATER CONTROL, SECTIONS 118, 120, 121, & 122 TO COMPLY WITH NJDEP REVISIONS.

First Reading

MEMBER	AYE	NAY	ABSENT	ABSTAIN	MOVE	SECOND
Keyes-Maloney	X				X	
Schroth	X					X
Steward	X					
Wollert	X					
Baxter	X					

Second Reading

MEMBER	AYE	NAY	ABSENT	ABSTAIN	MOVE	SECOND
Keyes-Maloney						
Schroth						
Steward						
Wollert						
Baxter						

By _____ Date _____ Accepted _____ Rejected _____
Mayor

Reconsidered
By Council _____ Override Vote YEA _____ NAY _____

President of the Council

Municipal Clerk

THE TOWNSHIP OF EWING
COUNTY OF MERCER, NEW JERSEY

ORDINANCE NO. 24-05

**AN ORDINANCE BY THE COUNCIL OF EWING TOWNSHIP AMENDING THE
EWING TOWNSHIP MUNICIPAL CODE CHAPTER 215, LAND DEVELOPMENT,
ARTICLE XIV, STORMWATER CONTROL, SECTIONS 118, 120, 121, & 122 TO
COMPLY WITH NJDEP REVISIONS**

WHEREAS, the Legislature of the State of New Jersey has, in N.J.S.A. 40:48 et seq and N.J.S.A. 40:55D et seq., conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the New Jersey Department of Environmental Protection (“NJDEP”) has amended the Stormwater Management Rules, N.J.A.C. 7:8-1 et seq.; and

WHEREAS, the County of Mercer (hereinafter the “County”), as the County Review Agency, has reviewed the Township’s stormwater management ordinances and provided comments on the ordinances to the Township; and

WHEREAS, the Township is required to administer and enforce the State’s Stormwater Management Rules and wishes to comply with the County’s comments; and

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Township of Ewing, County of Mercer that the Code of the Township of Ewing be amended as follows:

Section 1 Article XIV, STORMWATER CONTROL, is hereby amended as follows:

§215-118. Scope and purpose.

A. Policy Statement; Purpose

- (1) Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.
- (2) Purpose. The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in **§215-118D**. Further the purpose of this Article is to implement the requirements of the New Jersey Stormwater Rule (N.J.A.C. 7:8). In the event that any subsection of this article contradicts N.J.A.C. 7:8, the requirements of N.J.A.C. 7:8 shall govern.

B. Applicability.

- (1) This article shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:
 - (a) Non-residential 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 Township of Ewing.
- (3) An application required by ordinance pursuant to (b)1 above that has been submitted prior to February 13, 2024, shall be subject to the stormwater management requirements in effect on February 12, 2024.
- (4) An application required by ordinance for approval pursuant to (b)1 above that has been submitted on or after March 2, 2021, but prior to February 13, 2024, shall be subject to the stormwater management requirements in effect on February 12, 2024.
- (5) 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.

C. Compatibility with other permit and ordinance requirements. Development approvals issued pursuant to this article are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This article is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

D. For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

CAFRA Centers, Cores or Nodes

Those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

CAFRA Planning Map

The map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

Community basin

An infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.

Compaction

The increase in soil bulk density.

Contributory drainage area

The area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

Core

A pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

County review agency

An agency designated by the Board of County Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be a county planning agency or a county water resource 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

The Department of Environmental Protection.

Designated Center

A State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

Design engineer

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

The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-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.* In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (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.*

Disturbance

The placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

Drainage area

A geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

Empowerment Neighborhoods

A neighborhood 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.

Environmentally constrained area

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

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.

Erosion

The detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

Green infrastructure

A stormwater management measure that manages stormwater close to its source by:

- (1) Treating stormwater runoff through infiltration into subsoil;
- (2) Treating stormwater runoff through filtration by vegetation or soil; or
- (3) Storing stormwater runoff for reuse.

HUC 14 or Hydrologic unit code 14

An area within which water drains to a particular receiving surface water body, also known as a sub-watershed, which is identified by a fourteen-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

Impervious surface

A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

Infiltration

The process by which water seeps into the soil from precipitation.

Lead planning agency

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

- (1) An individual "development," as well as multiple developments that individually or collectively result in:
 - (a) The disturbance of one or more acres of land since February 2, 2004;
 - (b) The creation of 1/4 acre or more of "regulated impervious surface" since February 2, 2004;
 - (c) The creation of 1/4 acre or more of "regulated motor vehicle surface" since ~~December 20, 2020~~ March 2, 2021; or
 - (d) A combination of Subsection (1)(b) and (c) above that totals an area of 1/4 acre or more. The same surface shall not be counted twice when determining if the combination area equals 1/4 acre or more.
- (2) Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of Subsection (1)(a), (b), (c) or (d) above. Projects undertaken by any government agency that 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."

Motor vehicle

Land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized

wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

Motor vehicle surface

Any pervious or impervious surface that is intended to be used by “motor vehicles” and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

Municipality

The Township of Ewing.

New Jersey Stormwater Best Management Practices (BMP) Manual or BMP Manual

The manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with **§215-120 F** and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

Node

An area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

Nutrient

A chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

Person

Any individual, corporation, company, partnership, firm, association, The Township of Ewing or political subdivision of this state subject to municipal jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

Pollutant

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, ground waters or surface waters of the State, or to a domestic treatment works. “Pollutant” includes both hazardous and nonhazardous pollutants.

Public roadway or railroad

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

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.

Recharge

The amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

Regulated impervious surface

Any of the following, alone or in combination:

- (1) a net increase of impervious surface;
- (2) the total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a “new stormwater conveyance system” is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
- (3) The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
- (4) The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

Regulated motor vehicle surface

Any of the following, alone or in combination:

- (1) The total area of motor vehicle surface that is currently receiving water;
- (2) A net increase in motor vehicle surface and/or quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

Sediment

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

The lot or lots upon which a major development is to occur or has occurred.

Soil

All unconsolidated mineral and organic material of any origin.

State Development and Redevelopment Plan Metropolitan Planning Area (PA1)

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

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

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 management BMP

An excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or

infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

Stormwater management measure

Any 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 non-stormwater discharges into stormwater conveyances.

Stormwater runoff

Water flow on the surface of the ground or in storm sewers, resulting from precipitation.

Stormwater management planning agency

Means a public body authorized by legislation to prepare stormwater management plans.

Stormwater management planning area

The geographic area for which a stormwater management 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

A flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

Urban Coordinating Council Empowerment Neighborhood

A neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

Urban Enterprise Zones

A zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

Urban Redevelopment Area

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.

Water control structure

A structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

Waters of the State

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

An area that is inundated or saturated by surface water or ground water 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.

Section 2 §215-120. Stormwater Management Requirements for Major Development.

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with **§215-126**.
- B. 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 muhlnebergi* (bog turtle).
- C. Linear development project exemptions
 - (1) The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of **§215-120.P, Q and R**:
 - (a) The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 - (b) The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 - (c) 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.
- D. Waiver
 - (1) A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of **§215-120 O,P, Q and R** 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:
 - (a) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 - (b) The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of **§215-120 O, P, Q and R** to the maximum extent practicable;
 - (c) The applicant demonstrates that, in order to meet the requirements of **§215-120 O, P, Q and R**, existing structures currently in use, such as homes and buildings, would need to be condemned; and
 - (d) 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 **§215-120 D (1) (c)** above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of **§215-120 O, P, and R** that were not achievable onsite.
- E. Stormwater best management practices
 - (1) Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in **§215-120 O,P, Q and R**.

(2) When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2(f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below.

(3) Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department’s website at: https://njstormwater.org/bmp_manual2.htm.

F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

Table 1 Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity				
Best Management Practice (BMP)	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quality	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Cistern	0	Yes	No	--
Dry Well ^(a)	0	No	Yes	2
Grass Swale	50% or less	No	No	2 ^(e) 1 ^(f)
Green Roof	0	Yes	No	--
Manufactured Treatment Device ^{(a) (g)}	50% or 80%	No	No	Dependent upon the device
Pervious Paving System ^(a)	80%	Yes	Yes ^(b)	2 ^(b)
			No ^(c)	1 ^(c)
Small-Scale Bioretention Basin ^(a)	80% or 90%	Yes	Yes ^(b)	2 ^(b)
			No ^(c)	1 ^(c)
Small-Scale Infiltration Basin ^(a)	80%	Yes	Yes	2
Small-Scale Sand Filter	80%	Yes	Yes	2
Vegetative Filter Strip	60%-80%	No	No	--

Table 2 Green Infrastructure BMPs for Stormwater Runoff Quality (or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver or Variance from N.J.A.C. 7:8-5.3)				
Best Management Practice (BMP)	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quality	Groundwater Recharge	Minimum Separation from Seasonal High-Water Table (feet)

Bioretention System	80% or 90%	Yes	Yes ^(b)	2 ^(b)
			No ^(c)	1 ^(c)
Infiltration Basin	80%	Yes	Yes	2
Sand Filter ^(b)	80%	Yes	Yes	2
Standard Constructed Wetland	90%	Yes	No	N/A
Wet Pond ^(d)	50%-90%	Yes	No	N/A

Best Management Practice (BMP)	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quality	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40%-60%	Yes	No	1
Manufactured Treatment Device ^(h)	50% or 80%	No	No	Dependent upon the device
Sand Filter ^(c)	80%	Yes	No	1
Subsurface Gravel Wetland	90%	No	No	1
Wet Pond	50%-90%	Yes	No	N/A

NOTES TO Tables 1, 2, and 3:

(a) Subject to the applicable contributory drainage area limitation specified at §215-120

O(2);

(b) Designed to infiltrate into the subsoil;

(c) Designed with underdrains;

(d) Designed to maintain at least a ten-foot-wide area of native vegetation along at least 50% of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;

(e) Designed with a slope of less than 2%;

(f) Designed with a slope of equal to or greater than 2%;

(g) Manufactured treatment devices that meet the definition of green infrastructure at § 215-

118D;

- (h) Manufactured treatment devices that do not meet the definition of green infrastructure at § 215-118D.
- G. An alternative stormwater management measure.
- (1) An alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality.
 - (2) A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with §215-122B.
 - (3) Alternative stormwater management measures may be used to satisfy the requirements at §215-120 O only if the measures meet the definition of green infrastructure at §215-118D. Alternative stormwater management measures that function in a similar manner to a BMP listed at Subsection O(2) are subject to the contributory drainage area limitation specified at Subsection O(2) for that similarly functioning BMP.
 - (4) Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Subsection O(2) shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation.
 - (5) Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with §215-120 D is granted from §215-120 O.
- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, 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 or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:
- (1) Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
 - (2) Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of §215-124B(4);
 - (3) Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the

relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;

- (4) Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at **§215-124**; and
 - (5) The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at **§215-118D** may be used only under the circumstances described at **§215-120 O (4)**
- K. Any application for a new agricultural development that meets the definition of major development at **§215-118D** 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 subsection, "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.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at **§215-120 P, Q and R** shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Mercer County Clerk.
- (1) A form of deed notice shall be submitted to Ewing Township for approval prior to filing.
 - (2) The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at **§215-120 P, Q and R** and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to **§215-126 B(5)**.
 - (3) Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the Township of Ewing.
 - (4) Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the Office of the Mercer County Clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to Ewing Township is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the Township.
- N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the Township, if the Township determines that the proposed alteration or replacement meets the design and performance standards pursuant to **§215-120** of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the Township for approval and subsequently recorded with the

Office of the Mercer County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with **Subsection M** above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the Township in accordance with **Subsection M** above.

O. Green Infrastructure Standards.

- (1) This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
- (2) To satisfy the groundwater recharge and stormwater runoff quality standards at **§215-120 P and Q**, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at **§215-120 F**. and/or an alternative stormwater management measure approved in accordance with **§215-120 G**. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

Best Management Practice	Maximum Contributory Drainage Area
Dry Well	1 acre
Manufactured Treatment	2.5 acres
Pervious Pavement Systems	Area of additional inflow cannot exceed three times the area occupied by the BMP
Small-scale Bioretention	2.5 acres
Small-scale Infiltration	2.5 acres
Small-scale Sand Filter	2.5 acres

- (3) To satisfy the stormwater runoff quantity standards at **§215-120 R**, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with **§215-120 G**.
- (4) If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with **§215-120 D** is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with **§215-120 G** may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at **§215-120 P, Q and R**.
- (5) For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at **§215-120 P, Q and R**, unless the project is granted a waiver from strict compliance in accordance with **§215-120 D**.

P. 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 **§215-121**, either:

- (a) 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
 - (b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
- (3) This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to **P(4)** below.
- (4) The following types of stormwater shall not be recharged:
- (a) 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
 - (b) 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.

Q. Stormwater Runoff Quality Standards.

- (1) This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
- (2) 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 as follows:
 - (a) Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
 - (b) If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
- (3) 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. Every major development, including any that discharge into a combined sewer system, shall comply with **Subsection Q(2)** above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to

which the major development is subject exempts the development from a numeric effluent limitation for TSS.

- (4) 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 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4 - Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2349	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0386	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

- (5) 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:

$$R = A + B - (A \times B) / 100,$$

Where:

R = Total TSS Percent Load Removal from application of both BMPs,
A = The TSS Percent Removal Rate applicable to the first BMP
B = The TSS Percent Removal Rate applicable to the second BMP.

- (6) 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 green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in **§215-120 P, Q and R**.
- (7) 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.
- (8) The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
- (9) Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
- (10) **Section 215-120 G (8)** does not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards.

- (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 **§215-121**, complete one of the following:
 - (a) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected two-, ten- and 100-year storm events, as defined and determined in Section §215-5.C and §215-5.D, respectively, of this ordinance. do not exceed, at any point in time, the preconstruction runoff hydrographs for the same storm events;
 - (b) 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 two-, ten- and 100-year storm events, as defined and determined in Section §215-5.C and §215-5.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;
 - (c) Design stormwater management measures so that the post-construction peak runoff rates for the current and projected two-, ten- and 100-year storm events, as defined

and determined in Section §215-5.C and §215-5.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

(d) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with **Subsection R 2(a), (b) and (c)** 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 3 §215-121. Calculation of Stormwater Runoff and Groundwater Recharge.

A. Stormwater runoff

(1) The Design engineer shall be calculated in accordance with the following:

(a) The design engineer shall calculate runoff using the following method:

[1] 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://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21422> or at United States Department of Agriculture Natural Resources Conservation Service, ~~220 Davison Avenue, Somerset, New Jersey 08873~~New Jersey State Office.

[2] ~~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>.~~

(b) For the purpose of calculating runoff ~~efficients~~ curve numbers and groundwater recharge, there is a presumption that the preconstruction 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 §215-5.A.1(a)~~ at § 215-121A(1)(a)[1] and the rational and modified rational methods at § 215-121A(1)(a)[2]. A runoff ~~efficiency~~ 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).

- (c) 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.
- (d) 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.
- (e) 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. Groundwater recharge may be calculated in accordance with the New Jersey Geological Survey Report GSR-32, A Method for Evaluating Ground Water 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/gsr32.pdf>, or at New Jersey Geological Survey, 29 Arctic Parkway, P.O. Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420. may be calculated in accordance with the following:~~

- (a) ~~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/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 2-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items 1 and 2 below:

- (a) 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

- (b) 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 or counties where the drainage area(s) of the site is located. Where the major development lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 5: Current Precipitation Adjustment Factors

	Current Precipitation Adjustment Factors

County	2-year Design Storm	10-year Design Storm	100-year Design Storm
<u>Atlantic</u>	<u>1.01</u>	<u>1.02</u>	<u>1.03</u>
<u>Bergen</u>	<u>1.01</u>	<u>1.03</u>	<u>1.06</u>
<u>Burlington</u>	<u>0.99</u>	<u>1.01</u>	<u>1.04</u>
<u>Camden</u>	<u>1.03</u>	<u>1.04</u>	<u>1.05</u>
<u>Cape May</u>	<u>1.03</u>	<u>1.03</u>	<u>1.04</u>
<u>Cumberland</u>	<u>1.03</u>	<u>1.03</u>	<u>1.01</u>
<u>Essex</u>	<u>1.01</u>	<u>1.03</u>	<u>1.06</u>
<u>Mercer</u>	<u>1.05</u>	<u>1.06</u>	<u>1.06</u>
<u>Hudson</u>	<u>1.03</u>	<u>1.05</u>	<u>1.09</u>
<u>Hunterdon</u>	<u>1.02</u>	<u>1.05</u>	<u>1.13</u>
<u>Mercer</u>	<u>1.01</u>	<u>1.02</u>	<u>1.04</u>
<u>Middlesex</u>	<u>1.00</u>	<u>1.01</u>	<u>1.03</u>
<u>Monmouth</u>	<u>1.00</u>	<u>1.01</u>	<u>1.02</u>
<u>Morris</u>	<u>1.01</u>	<u>1.03</u>	<u>1.06</u>
<u>Ocean</u>	<u>1.00</u>	<u>1.01</u>	<u>1.03</u>
<u>Passaic</u>	<u>1.00</u>	<u>1.02</u>	<u>1.05</u>
<u>Salem</u>	<u>1.02</u>	<u>1.03</u>	<u>1.03</u>
<u>Somerset</u>	<u>1.00</u>	<u>1.03</u>	<u>1.09</u>
<u>Sussex</u>	<u>1.03</u>	<u>1.04</u>	<u>1.07</u>
<u>Union</u>	<u>1.01</u>	<u>1.03</u>	<u>1.06</u>
<u>Warren</u>	<u>1.02</u>	<u>1.07</u>	<u>1.15</u>

- 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 or counties where the drainage area(s) of the site is located. Where the major development and/or its drainage area lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 6: Future Precipitation Change Factors

County	Future Precipitation Change Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
<u>Atlantic</u>	<u>1.22</u>	<u>1.24</u>	<u>1.39</u>
<u>Bergen</u>	<u>1.20</u>	<u>1.23</u>	<u>1.37</u>
<u>Burlington</u>	<u>1.17</u>	<u>1.18</u>	<u>1.32</u>
<u>Camden</u>	<u>1.18</u>	<u>1.22</u>	<u>1.39</u>
<u>Cape May</u>	<u>1.21</u>	<u>1.24</u>	<u>1.32</u>
<u>Cumberland</u>	<u>1.20</u>	<u>1.21</u>	<u>1.39</u>
<u>Essex</u>	<u>1.19</u>	<u>1.22</u>	<u>1.33</u>
<u>Mercer</u>	<u>1.19</u>	<u>1.23</u>	<u>1.41</u>
<u>Hudson</u>	<u>1.19</u>	<u>1.19</u>	<u>1.23</u>
<u>Hunterdon</u>	<u>1.19</u>	<u>1.23</u>	<u>1.42</u>

<u>Mercer</u>	<u>1.16</u>	<u>1.17</u>	<u>1.36</u>
<u>Middlesex</u>	<u>1.19</u>	<u>1.21</u>	<u>1.33</u>
<u>Monmouth</u>	<u>1.19</u>	<u>1.19</u>	<u>1.26</u>
<u>Morris</u>	<u>1.23</u>	<u>1.28</u>	<u>1.46</u>
<u>Ocean</u>	<u>1.18</u>	<u>1.19</u>	<u>1.24</u>
<u>Passaic</u>	<u>1.21</u>	<u>1.27</u>	<u>1.50</u>
<u>Salem</u>	<u>1.20</u>	<u>1.23</u>	<u>1.32</u>
<u>Somerset</u>	<u>1.19</u>	<u>1.24</u>	<u>1.48</u>
<u>Sussex</u>	<u>1.24</u>	<u>1.29</u>	<u>1.50</u>
<u>Union</u>	<u>1.20</u>	<u>1.23</u>	<u>1.35</u>
<u>Warren</u>	<u>1.20</u>	<u>1.25</u>	<u>1.37</u>

Section 4 §215-122 Sources for Technical Guidance.

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 Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.
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 5 This Ordinance shall take effect upon final adoption and publication in accordance with law.

Section 6 Repealer. All prior Ordinances or parts of the same inconsistent with any provisions of this article are hereby repealed to the extent of such inconsistency.

Section 7 Effective Date. This Ordinance shall take effect upon final adoption and publication in accordance with law.

Adopted:

**THE TOWNSHIP OF EWING
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE NO. 24-06

1st Reading 3-12-24 Date to Mayor _____
 2nd Reading & Public Hearing _____ Date Returned _____
 Date Adopted: _____ Date Resubmitted to Council _____
 _____ Approved as to Form of Legality
 Effective Date: _____
 _____ Township Attorney

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, CHAPTER 319, SOLID WASTE

First Reading

MEMBER	AYE	NAY	ABSENT	ABSTAIN	MOVE	SECOND
Keyes-Maloney	X				X	
Schroth	X					X
Steward	X					
Wollert	X					
Baxter	X					

Second Reading

MEMBER	AYE	NAY	ABSENT	ABSTAIN	MOVE	SECOND
Keyes-Maloney						
Schroth						
Steward						
Wollert						
Baxter						

By _____ Date _____ Accepted _____ Rejected _____
 Mayor

Reconsidered
 By Council _____ Override Vote YEA _____ NAY _____

 President of the Council

 Municipal Clerk

**THE TOWNSHIP OF EWING
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE NO. 24-06

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, CHAPTER 319, SOLID WASTE

WHEREAS, the Township of Ewing (the “Township”), is desirous of amending Chapter 319 of the General Ordinances of the Township of Ewing to update various provisions to make it consistent with current practice and law, and to incorporate necessary changes regarding the disposal of bulk items at the municipal bulk waste drop-off site.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Township of Ewing, County of Mercer that the Code of the Township of Ewing be amended as follows:

Section 1 Chapter 319: Solid Waste, Article II: Collection; Garbage, Ashes and Waste

§ 319-8 Preparation of garbage and residential bulk waste.

A. No person shall place or cause to be placed on any public street or other public place for collection any garbage, unless such garbage has been thoroughly drained of its moisture, properly wrapped in paper or plastic and deposited in a suitable receptacle. The word “garbage” shall mean the refuse of animal and vegetable matter which has been used or intended to be used for food.

B. At the designated time for collection, residential bulk waste as defined on this section, not to exceed three items on any collection day, may be placed at the curbside for collection. Electronic devices and construction debris, such as concrete, blacktop, roofing shingles and other large quantities of building materials, may not be placed at the curb for collection. Residents must make separate provision for the disposal of such materials. Electronic devices may be recycled at the designated Ewing Township facility without limit.

C. The term “residential bulk waste” shall mean large household waste and materials, including, but not limited to, furniture, lamps, appliances, toilets and fixtures, boxes, wood debris, small amounts of sheetrock, wood and flooring, and windows with the glass removed. Residential waste shall not include electronic devices or construction debris, such as concrete, blacktop, roof shingles and other large quantities of building or construction materials, or waste generated by a commercial entity. Mattresses and box springs may be placed at the curb but must be completely wrapped in plastic prior to be placed at the curb. Unwrapped mattresses and box springs will not be collected.

§ 319-9 Sharp objects.

No person or persons shall place in any receptacle containing garbage, waste, refuse or junk, placed on any public street or other public place for collection, any knife, glass or other sharp object or objects. Such items or objects shall be securely wrapped, tied or taped and placed in a suitable open receptacle separate from garbage, waste, refuse or junk.

§ 319-10 Ashes and waste.

No person or persons shall place in any receptacle containing garbage, placed on any public street or other public place for collection, any glass, cans, metals, ashes or other materials, or any waste, refuse or junk of like nature. All such material not constituting garbage shall, when placed on any public place or street for collection, be securely fastened together by tying or otherwise. Recyclable items shall be disposed of in accordance with Article III, Recycling, of this chapter.

§ 319-11 Hours for placement.

A. No garbage, ashes or waste shall be placed for collection along the public streets earlier than twelve (12) hours before the scheduled collection time of the day on which said

garbage, ashes or waste is to be collected, according to the schedule of collection promulgated from time to time by the Mayor or designee.

- B. At the designated time for collection, residents may place up to three (3) pieces of residential bulk waste at the curb for pick-up. Concrete, blacktop, roofing shingles and electronic devices may not be placed at the curb for collection; residents must make separate provisions for the disposal of such material. Electronic devices may be recycled at the Convenience Center without limit.
- C. Residents may drop off bulk waste at the Township Convenience Center after obtaining a Bulk Waste Drop-Off Validation Card. There shall be a \$50 charge for the purchase of a valid Bulk Waste Drop-Off Validation Card, which shall entitle any Township resident to ten (10) residential bulk waste drop-offs per calendar year at the Convenience Center as follows:
- a. All materials must be transported by the resident to the Convenience Center.
 - b. The materials must have originated at that resident's address as a result of non-commercial purposes.
 - c. No commercial vehicles, even if owned by a Township resident, may drop off bulk waste at the Convenience Center.
 - d. Each Township residential address shall be limited to the purchase of one (1) Bulk-Drop Off Validation Card per calendar year per Township residential address regardless of the number of persons residing at that address.
 - e. In the case of a transfer of ownership of a residence, the new owner, upon presentation of satisfactory proof of transfer of ownership may purchase a validation card for the address. All previous cards issued to that address will be void upon transfer of ownership.
 - f. Residential bulk waste shall not include electronic devices or construction debris, such as concrete, blacktop, roof shingles and other large quantities of building or construction materials.
 - g. Waste generated by a commercial entity is not acceptable in any type or quantity.
 - h. Nonresidential addresses, such as commercial, industrial or vacant land, are not eligible to purchase a Bulk Drop-Off Validation Card

§ 319-12 Disposal of tires.

No person operating a gasoline service station or any other place of business shall be permitted to leave tires of any kind or size for public or Township collection. Disposal of tires shall be made through private means or in accordance with Article III, Recycling. No resident may place tires at the curb for collection.

§ 319-13 Garbage disposals.

Garbage or solid wastes of any kind from domestic and/or commercial preparation, cooking, dispensing, handling, storage and/or sale of food may be discharged through a garbage grinder, disposal or similar device which will render the material harmless to the Ewing-Lawrence Sewer Authority Treatment Works.

§ 319-14 Violations and penalties.

A. Any person who is found to have violated § 319-8 shall, upon conviction thereof, be punished by a fine in accordance with the following schedule:

- (1) First Offense: \$250
- (2) Second Offense: \$500
- (3) Each Subsequent Offense: \$750

B. A separate offense shall be deemed committed on each day, or part thereof, during or on which a violation occurs or continues. An offense shall be deemed a Second Offense if committed within eighteen (18) months of the First Offense. An offense shall be deemed a Subsequent Offense if committed within eighteen (18) months of the Second Offense.

C. The terms and provisions of this subsection may be enforced individually and severally by the Township of Ewing, the Mercer County Improvement Authority and the New Jersey Department of Environmental Protection.

Section 2 Chapter 319: Solid Waste, Article VI: Penalties and Enforcement

§ 319-35 Enforcement.

Except as provided under Article II, Collection; Garbage, Ashes and Waste, and Article III, Recycling, the enforcement authority of this chapter shall be the Police Department, Code Enforcement and Health Department of the Township of Ewing.

§ 319-36 Violations and penalties.

Unless a specific penalty is provided elsewhere in this chapter or in another ordinance of the Township for a particular violation, any person who shall violate any provision of this chapter or any other code adopted by reference herein by doing any act prohibited or declared to be unlawful or a violation thereof, or who shall engage in or exercise any business or occupation or do anything for which a license or permit is required without having a valid license or permit therefor as required, or who shall fail to do any act required by any such provision, or when such provision declares such failure to be unlawful or to be a violation, shall, upon conviction thereof, be punished by a fine not exceeding \$2,000 or by imprisonment for a term not exceeding 90 days or by a period of community service not exceeding 90 days, or such fine and imprisonment and/or community service, in the discretion of the Municipal Judge.

Section 3 Severability. Should any section, clause, sentence, phrase or provision of this article be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this article.

Section 4 Repealer. All prior ordinances or parts of same inconsistent with any provisions of this article are hereby repealed to the extent of such inconsistency.

Section 5 Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.

Adopted: