

**HARDING TOWNSHIP
ORDINANCE 16-2024
ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW
JERSEY AMENDING CHAPTER 225 PART 4 (STORMWATER MANAGEMENT)
OF THE CODE OF THE TOWNSHIP OF HARDING**

WHEREAS, the New Jersey Department of Environmental Protection ("DEP") is responsible for implementing regulations pursuant to safety standards for stormwater management basins pursuant to N.J.S.A. 40:55D-95.1 (also known as the "Stormwater Management Regulations"); and;

WHEREAS, the DEP's Stormwater Management Regulations take into consideration the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq.; the Coastal Area Facility Review Act, N.J.S.A. 13:19-1 et seq.; the Wetlands Act of 1970, N.J.S.A. 13:9A-1 et seq.; the Waterfront Development Law, N.J.S.A. 12:5-3; the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq.; and the Dam Safety Act, N.J.S.A. 58:4-1 et seq.; and

WHEREAS, the DEP's regulations have certain effects upon municipalities, including but not limited to a municipality's planning powers pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.; the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq.; the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.; and the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq.; and

WHEREAS, to be in compliance with the DEP's new Stormwater Management Regulations enacted in July of 2023, the Township is required to amend and/or create certain portions of its Township Code; and

WHEREAS, the Township is required by their Municipal Stormwater Discharge Permit to adopt the revised State standards;

BE IT ORDAINED by the Township Committee of the Township of Harding, County of Morris, State of New Jersey, as follows:

Purpose: An ordinance to amend the Township of Harding stormwater regulations to comply with the DEP's revised Stormwater Management Regulations.

SECTION 1. Section 225-180 of the Code entitled "Additional Purpose; Applicability" is hereby amended to add new Section 225-180B.(5), Section 225-180B.(6), and Section 225-180B.(7) as follows:

- B.(5) An application required by ordinance pursuant to B(1) or B(2) above that has been submitted prior to June 10, 2024, shall be subject to the stormwater management requirements in effect on June 9, 2024.

- B.(6) An application required by ordinance for approval pursuant to B(1) or B(2) above that has been submitted on or after March 2, 2021, but prior to June 10, 2024, shall be subject to the stormwater management requirements in effect on June 9, 2024.

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B.(7) 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.

SECTION 2. Section 225-182 of the Code entitled "Definitions" is hereby amended to add new definitions alphabetically as follows:

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.

SECTION 3. Section 225-184 of the Code entitled "Requirements for Major Developments" is hereby amended to delete and replace the URL referenced in Section 225-184E. with the following:

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

SECTION 4. Section 225-184 of the Code entitled "Requirements for Major Developments" is hereby amended to delete and replace Section 225-184P.(2)(b) and Section 225-184P.(4)(a) with the following:

- P.(2)(b) 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 225-186D., is infiltrated.
- P.(4)(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 approved pursuant to the Administrative Requirements for the

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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

SECTION 5. Section 225-184 of the Code entitled "Requirements for Major Developments" is hereby amended to delete and replace Sections 225-184R.(2)(a) through Section 225-184R.(2)(c) with the following:

- R.(2)(a) 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 225-186C. and Section 225-186D., respectively, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;.
- R.(2)(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 2-, 10-, and 100-year storm events, as defined and determined pursuant to Section 225-186C. and Section 225-186D., respectively, 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;
- R.(2)(c) 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 225-186C. and Section 225-186D., respectively, are 50, 70 and 75 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

SECTION 6. Section 225-186 of the Code entitled "Calculation of Stormwater Runoff and Groundwater Recharge" is hereby amended to delete and replace Sections 225-186A.(1) and Section 225-186A.(2) with the following:

- A.(1) The design engineer shall calculate runoff using the following method: 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

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ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW
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OF THE CODE OF THE TOWNSHIP OF HARDING**

methodology is available from the Natural Resources Conservation Service website at:

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

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

- A.(2) For the purpose of calculating 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 “curve number” applies to the NRCS methodology above at Section 225-186A.(1). A 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 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).

SECTION 7. Section 225-186 of the Code entitled "Calculation of Stormwater Runoff and Groundwater Recharge" is hereby amended to add new Section 225-186C. and new Section 225-186D. as follows:

- 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 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.

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Table 5: Current Precipitation Adjustment Factors

County	Current Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Morris	1.01	1.03	1.06

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
Morris	1.23	1.28	1.46

SECTION 8. Section 225-187 of the Code entitled "Sources for Technical Guidance" is hereby amended to delete and replace the URL referenced in Section 225-187A. with the following:

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

SECTION 9. Section 225-187 of the Code entitled "Sources for Technical Guidance" is hereby amended to delete and replace the URL referenced in Section 225-187A.(2) with the following:

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

SECTION 10. Section 225-189 of the Code entitled "Safety Standards for Stormwater Management Basins" is hereby amended to delete and replace Sections 225-189C.(1)(2)(b) with the following:

C.(1)(2)(b) The overflow grate spacing shall be no greater than two inches across the smallest dimension.

SECTION 11. Section 225-191 of the Code entitled "Maintenance and Repair" is hereby amended to delete and replace the URL referenced in Section 225-191B.(8) with the following:

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OF THE CODE OF THE TOWNSHIP OF HARDING**

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

SECTION 12. This ordinance may be renumbered for the purposes of codification.

SECTION 13. At least three copies of said full Ordinance are on file in the Office of the Municipal Clerk for public examination and acquisition. Copies are available for inspection or acquisition during regular weekday working hours and arrangements have been made for the publication of said proposed Ordinance in pamphlet or other similar form which will be available for purchase from the Township Clerk.

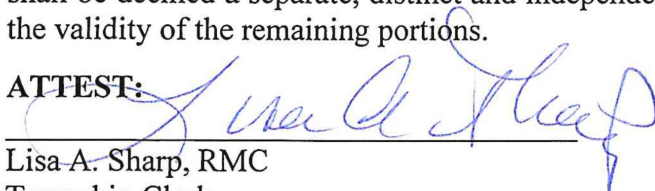
SECTION 14. This Ordinance shall take effect upon final passage and publication according to law.

SECTION 15. The Township Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this Ordinance, after public hearing thereon, the Municipal Clerk is further directed to publish notice of passage thereof and file a copy of this Ordinance as finally adopted with the County Planning Board as required by N.J.S.A. 40:55D-16 and with the Township Tax Assessor.

SECTION 16. All Ordinance or parts of Ordinances inconsistent herewith are hereby repealed.

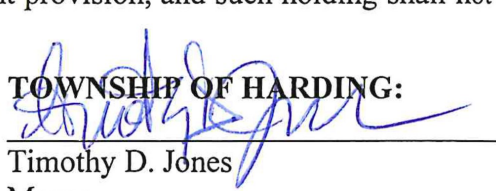
SECTION 17: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

ATTEST:



Lisa A. Sharp, RMC
Township Clerk

TOWNSHIP OF HARDING:



Timothy D. Jones
Mayor

INTRODUCED: May 13, 2024

ADVERTISED: May 16, 2024

PUBLIC HEARING: June 10, 2024

ADOPTED: June 10, 2024

ADVERTISED: June 13, 2024

Vote on Adoption:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN
Ms. Chipperson		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	1st	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	2nd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>