| ORDINANCE # | 24-3324 |
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| Introduction Date: | 7/9/24 |
| Hearing Date: | 7/30/24 |
| Passage Date: | 7/30/24 |
| Effective Date: | 8/8/24 |

**AN ORDINANCE OF THE CITY OF SUMMIT IN THE COUNTY OF UNION, NEW JERSEY ADOPTING NEW STORMWATER MANAGEMENT REGULATIONS PURSUANT TO N.J.A.C. 7:8 AND REPEALING AND REPLACING SECTION 26-1, STORMWATER MANAGEMENT, OF CHAPTER 26, STORMWATER MANAGEMENT REGULATIONS, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF SUMMIT**

*Ordinance Summary: This ordinance repeals and replaces Chapter 26, Stormwater Management Regulations, Section 26- 1, Stormwater Management, of the Revised General Ordinances of the City of Summit, to reflect amendments to the Stormwater Management Rules promulgated by the New Jersey Department of Environmental Protection and codified at N.J.A.C. 7:8.*

WHEREAS, on July 17, 2023, the New Jersey Department of Environmental Protection ("NJDEP") amended the Stormwater Management Rules for Tier A & B Municipalities; and

WHEREAS, the Common Council wishes to revise the City's Stormwater Management Regulations to conform with the NJDEP's amended rules.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Summit, in Union County, New Jersey as follows:

**Section 1.** Section 26-1, "Stormwater Management," of Chapter 26, "Stormwater Management Regulations" is hereby repealed in its entirety and replaced with a new Section 26-1, "Stormwater Management," which shall read as follows:

## §26-1 STORMWATER MANAGEMENT

### § 26-1.1 Scope, Purpose and General Intent.

A. Policy Statement.

The general intent of this section is to manage the increase rate and velocity of surface water runoff created by alterations in the ground cover and natural runoff patterns.

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.

B. Purpose.

It is the purpose of this section to establish minimum stormwater management requirements and controls for "major development," as defined in section 26-1.2 and to reduce the amount of nonpoint source pollution entering surface and ground waters. Unmitigated stormwaters from areas altered by development may pose public health and safety threats. This section establishes the administrative mechanisms necessary for the City of Summit to ensure proper stormwater management. This section is written to work in conjunction with current State and Federal regulations. This section guides development in a manner that is proactive and minimizes harmful impacts to natural resources. To protect the public health, safety and welfare of the citizens of the City of Summit and surrounding communities, this Section is deemed necessary and essential in order to:

1. Prevent artificially induced flood damage to public health, life, and property;

2. Minimize increased stormwater runoff rates and volumes;

3. Minimize the deterioration of existing structures that would result from increased rates of stormwater runoff;

4. Induce water recharge into the ground wherever suitable infiltration, soil permeability, and favorable geological conditions exist;

5. Prevent an increase in nonpoint source pollution and enhance the quality of nonpoint runoff by water retention measures;

6. Maintain the integrity and stability of stream channels and buffers for their ecological functions, as well as for drainage, the conveyance of floodwater, and other purposes;

7. Control and minimize soil erosion and the transport of sediment;

8. Minimize public safety hazards at any stormwater detention facility constructed pursuant to subdivision or site plan approval;

9. Maintain adequate base flow and natural flow regimes in all streams and other surface water bodies to protect the aquatic ecosystem;

10. Protect all surface water resources from degradation; and

11. Protect groundwater resources from degradation and diminution.

12. Prevent degradation of river and stream biota caused by excessive flushing and sedimentation.

13. Reduce public expenditures for replacement or repair of public facilities resulting from artificially induced flood peaks.

14. Prevent the degradation of property by enhancing the environmental character of the rivers and streams of the City.

C. Applicability.

1. This section shall be applicable to the following major developments:

a. Non-residential major developments; and

b. Aspects of residential major developments that are not preempted by the Residential Site Improvement Standards at N.J.A.C. 5:21. The provisions of both this section and the RSIS are to be applied and reviewed concurrently for any residential development.

2. This section shall also be applicable to all major developments undertaken by the City of Summit.

3. An application required by ordinance pursuant to C.1 above that has been submitted prior to July 30, 2024, shall be subject to the stormwater management requirements in effect on {1 day prior to the adoption date of this ordinance}.

4. An application required by ordinance for approval pursuant to C.1 above that has been submitted on or after March 2, 2021, but prior to {adoption date of this ordinance}, shall be subject to the stormwater management requirements in effect on {1 day prior to the adoption date of this ordinance}.

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.

D. Compatibility with Other Permit and Ordinance Requirements.

Development approvals issued pursuant to this section 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 New Jersey Stormwater BMP Manual application, the provisions of this section shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This section 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 section 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.

E. Prohibition of Activities Resulting in Stormwater Runoff Damage.

No person shall obstruct or otherwise interfere with any drainageway, stormwater, stormwater runoff, or watercourse in such a manner as to cause or result in stormwater runoff damage.

**§ 26-1.2 Definitions.**

Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this section the most reasonable application. 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.

**AGRICULTURAL DEVELOPMENT** - 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 manufacturing of agriculturally related products.

**BEST MANAGEMENT PRACTICE (BMP)** - Structural device, measure, facility or activity that helps to achieve stormwater management control objectives at a designated site.

**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).

**CATEGORY 1 (C1) WATERS -** Waters of the State, including unnamed waterways that appear on Soil Survey and USGS Topographic Quadrangle within the same HUC 14 watershed, designated in N.J.A.C. 7:9B-1.15(c) through (h) for purposes of implementing the anti-degradation policies set forth at N.J.A.C. 7:9B-1.5(d) for protection from measurable changes in water quality characteristics because of their clarity, color, scenic setting, other characteristics of aesthetic value, exceptional

ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resource(s).

**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 by subjecting soil to greater-than-normal loading.

**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 County Board of Commissioners to review municipal stormwater management plans and implementing ordinance(s). The County review agency may either be a:

1. County planning agency; or
2. 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 New Jersey Department of Environmental Protection ("NJDEP").

**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 (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or 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, by any person, 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 lands, development shall mean: 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 by any activity including the clearing, excavating, storing, grading, filling or transportation of soil or any other activity that causes soil to be exposed to the danger of erosion 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 NEIGHBORHOOD** - 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; habitat 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** - Shall mean the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

**ESCAPE PROVISIONS** - The permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins.

**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.

**GROUNDWATER** - A body of water below the surface of the land in a zone of saturation where the spaces between the soil or geological materials are fully saturated with water.

**HUC 14 (HYDROLOGIC UNIT CODE 14) -** An area within which water drains to a particular receiving surface waterbody, also known as a subwatershed, which is identified by a 14-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 relative to natural conditions in the area.

**INFILTRATION -** The process by which water seeps into the soil from precipitation to a level below the normal root soil of plant species.

**LEAD PLANNING AGENCY** – One (1) 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** –An individual "development," as well as multiple developments that individually or collectively result in:

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of "regulated impervious surface" since February 2, 2004;
3. The creation of one-quarter acre or more of "regulated motor vehicle surface" since March 2, 2021 {or the effective date of this ordinance, whichever is earlier}; or
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

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 paragraphs 1, 2, 3, or 4 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."

**MITIGATION** - An action by an applicant providing compensation or offset actions for on-site stormwater management requirements where the applicant has demonstrated the inability or impracticality of strict compliance with the stormwater

management requirements set forth in N.J.A.C. 7:8 in an adopted regional stormwater management plan or in this local ordinance, and has received a waiver from strict compliance from the City of Summit. Mitigation for the purposes of this section includes both the mitigation plan detailing how the project's failure to strictly comply will be compensated, and the implementation of the approved mitigation plan.

**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** - Any city, borough, town, township, or village.

**NEW JERSEY STORMWATER BEST MANAGEMENT PRACTICES (BMP) MANUAL** - The manual maintained

by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedure 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 section 26-1.5.F of this ordinance 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.

**NONSTRUCTURAL STORMWATER MANAGEMENT TECHNIQUES** - Techniques that control or reduce stormwater runoff in the absence of stormwater structures (e.g., basins and piped conveyances), such as minimizing site disturbance, preserving important site features including, but not limited to, natural vegetation, reducing and disconnecting impervious cover, minimizing slopes, utilizing native vegetation, minimizing turf grass lawns,

increasing time of concentration and maintaining and enhancing natural drainage features and characteristics.

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

**PERMEABLE** - A surface or land cover capable of transmitting or percolating a significant amount of precipitation into the underlying soils.

**PERSON** – Any individual, corporation, company, partnership, firm, association, City of Summit, 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.

**PLAN** - A document approved at the site design phase that outlines the measures and practices used to control stormwater runoff at the site.

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

**POLLUTION** - Shall mean the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water to the extent that the pollutant concentration or level violates either the Ground Water Quality Standards (N.J.A.C. 7:9-6) or the Surface Water Quality Standards (N.J.A.C. 7:9B) of New Jersey.

**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.

**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.

**REVIEW AGENCY (MUNICIPAL) -** The municipal body or official that is responsible for the review of a major development project for compliance with the stormwater management requirements.

**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.

**SOLID AND FLOATABLE MATERIALS -** Sediment, debris, trash and other floating, suspended or settleable solids.

**SOURCE MATERIAL -** Any material(s) or machinery, located at an industrial facility that is directly or indirectly related to process, manufacturing, or other industrial activities, that could be a source of pollutants in any industrial stormwater discharge to ground or surface water. Source materials include, but are not limited to, raw materials, intermediate products, final products, water 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.

**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 -** 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 BASIN -** An excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

**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 structural or nonstructural strategy, 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 MANAGEMENT PLANNING AGENCY** - 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.

**STORMWATER RUNOFF -** Water flow on or across the surface of the ground in drainage facilities or in storm sewers, resulting from precipitation.

**STREAM BUFFER** - A strip of land located immediately adjacent to a stream channel consisting of natural, undisturbed vegetative cover, which serves as a transition area between uplands and riparian lands. A stream buffer may encompass wetlands, may be contained with a flood plain or floodway or may extend beyond a wetland, floodplain or floodway boundary.

**STRUCTURAL STORMWATER TECHNIQUES** - A stormwater management measure that involves control of concentrated stormwater runoff or infiltration such as stormwater basins, piped conveyance systems and manufactured stormwater devices, and can include various types of basins, filters, surfaces, and devices located on individual lots in a residential development or throughout a commercial, industrial, or institutional development site in areas not typically suited for larger, centralized structural facilities.

**THREATENED AND ENDANGERED SPECIES** - Endangered species whose prospects for survival in New Jersey are in immediate danger because of a loss or change in habitat, over-exploitation, predation, competition, disease, disturbance or contamination. Assistance is needed to prevent future extinction in New Jersey. Threatened species are those who may become endangered if conditions surrounding them begin to or continue to deteriorate. Habitats of endangered or threatened species are those identified by the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

**TIME OF CONCENTRATION** - The time it takes for stormwater runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed.

**TRANSITION AREA** - An area of protected upland adjacent to a freshwater wetland that minimizes adverse impacts on the wetland or serves as an integral component of the wetlands ecosystem. Also known as buffer area.

**TIDAL FLOOD HAZARD AREA** - A flood hazard area, which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean.

**URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD** - A neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

**URBAN ENTERPRISE ZONE** - 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** - Previously developed portions of areas, including but not limited to the following:

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 -** Shall mean 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** - Shall mean an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

**§ 26-1.3 General Standards.**

A. Design and Performance Standards for Stormwater Management Measures.

1. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:

a. The minimum standards for erosion control are those established under the Soil and Sediment Control Act,
N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.

b. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.

2. The standards in this section apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

**§ 26-1.4 Stormwater Management Requirements for Minor Development.**

A. Stormwater management requirements for minor development shall be in accordance with section 35-15.2 of Article XV, Stormwater Management Requirements, of Part 3, Environmental Requirements, of Chapter 35, Development Regulations of the City of Summit Code.

**§ 26-1.5 Stormwater Management Requirements for Major Development.**

A. Maintenance Plan. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with subsection 26-1.11.

B. Threatened and Endangered Species. Stormwater management measures shall be implemented in order to avoid adverse impacts of concentrated flow on habitat(s) 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 Muhlenbergi (Bog Turtle).

C. Exemptions. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of subsections 26-1.5.O, P, Q and R:

1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and

3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of fourteen
(14) feet, provided that the access is constructed of permeable material such as, but not limited to, wood chips, unpacked gravel and porous pavement.

D. Waiver from Strict Compliance.

1. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of subsections 26-1.5.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 subsections 26-1.5.O, P, Q and R to the maximum extent practicable;
   c. The applicant demonstrates that, in order to meet the requirements subsections 26-1.5.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 subsection 26-1.5.D.1.c. above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of subsections 26-1.5.O, P, Q and R that were not achievable onsite.

2. A waiver from strict compliance from such projects can only be obtained if the applicant agrees to undertake a suitable mitigation measure identified in the mitigation section of the City of Summit's Stormwater Management Plan. In such cases, the applicant must submit a mitigation plan detailing how the project's failure to strictly comply will be compensated. In cases where a waiver is granted, the applicant should provide mitigation within the same watershed within which the subject project is proposed. If mitigation within the same watershed is not possible and/or practical the applicant shall contribute funding toward a regional stormwater control project or provide for equivalent treatment at an alternate location, or other equivalent water quality benefit, in lieu of implementing the required stormwater control measures on their specific site. Said mitigation must be reviewed and agreed upon by the City of Summit and City Engineer prior to commencement of mitigation work.

E. 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 subsections 26-1.5.O, P, Q and R. 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. 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://dep.nj.gov/stormwater/bmp-manual/

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 | Stormwater Runoff Quality TSS Removal Rate (percent) | Stormwater Runoff Quantity | 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]<br>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]<br>No[c] | 2[b]<br>1[c] |
| Small-Scale Bioretention Basin[a] | 80 or 90 | Yes | Yes[b]<br>No[c] | 2[b]<br>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 | -- |

(Notes corresponding to annotations (a) through (g) are found following Table 3 below)

**Table 2**
**Green Infrastructure BMPs for Stormwater Runoff Quantity**
**(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 | Stormwater Runoff Quality TSS Removal Rate (percent) | Stormwater Runoff Quantity | Groundwater Recharge | Minimum Separation from Seasonal High Water Table (feet) |
|---|---|---|---|---|
| Bioretention System | 80 or 90 | Yes | Yes[(b)]<br>No[(c)] | 2[(b)]<br>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 |

(Notes corresponding to annotations (a) through (g) are found following Table 3 below)

**Table 3**
**BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or**
**Stormwater Runoff Quantity**
**only with a Waiver or Variance from N.J.A.C. 7:8-5.3**

| Best Management Practice | Stormwater Runoff Quality TSS Removal Rate (percent) | Stormwater Runoff Quantity | 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 subsection 26-1.5.O.2;
(b) designed to infiltrate into the subsoil;
(c) designed with underdrains;
(d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent 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 two percent;
(f) designed with a slope of equal to or greater than two percent;
(g) manufactured treatment devices that meet the definition of green infrastructure at subsection 26-1.2;
(h) manufactured treatment devices that do not meet the definition of green infrastructure at subsection 26-1.2.

G. 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.

H. 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 (1) 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 (1/3) the width of the diameter of the orifice or one-third (1/3) the width of the weir, with a minimum spacing between bars of one (1) inch and a maximum spacing between bars of six (6) inches. In addition, the design of trash racks must comply with the requirements of subsection 26-1.9.C.

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. The measures are to be sequenced in the site development process so that erosion control standards are met and so the measure is not compromised or impaired by construction runoff.

4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at section 26-1.9; 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 (2.5) inches in diameter.

6. Where tail water will affect the hydraulic performance of a stormwater management measure, the design engineer shall include such effects in the design of said measure.

I. Manufactured treatment devices may be used to meet the requirements of this section, 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 section 26-1.2 may be used only under the circumstances described at section 26-1.5.O.4.

J. Any application for a new agricultural development that meets the definition of major development at section 26-1.5 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at sections 26-1.5.O, P, Q and R 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.

K. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at sections 26-1.5.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.

L. 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 Union County Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing. 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 sections 26-1.5.O, 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 section 26-1.11.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. 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 clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality 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 municipality.

M. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to section 26-1.5 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 municipality for approval and subsequently recorded with the County Registrar and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

N. <u>Green Infrastructure Standards.</u>

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 sections 26-1.5.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at section 26-1.5.F. and/or an alternative stormwater management measure approved in accordance with section 26-1.5.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 Device | 2.5 acres |
| Pervious Pavement Systems | Area of additional inflow cannot exceed three times the area occupied by the BMP |
| Small-scale Bioretention Systems | 2.5 acres |
| Small-scale Infiltration Basin | 2.5 acres |
| Small-scale Sand Filter | 2.5 acres |

3. To satisfy the stormwater runoff quantity standards at section 26-1.5.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 section 26-1.5.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 section 26-1.5.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 section 26-1.5.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at section 26-1.5.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 sections 26-1.5.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with section 26-1.5.D.

O. Erosion Control, Groundwater Recharge and Runoff Quantity Standards.

1. This subsection contains the minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development projects as follows:

   a. The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules.

   b. The minimum design and performance standards for groundwater recharge are as follows:

      i. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at N.J.A.C. 7:8-5.7, , 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 projected 2-year storm, as defined and determined pursuant to N.J.A.C. 7:8-5.7(d), is infiltrated.

ii. This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to 4 below.

iii. 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 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 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.

iv. The design engineer shall assess and certify 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, raising the groundwater table so as to cause surface ponding, flooding of basements and other subsurface facilities, and interference with the proper operation of subsurface sewage disposal systems and other subsurface structures in the vicinity or down gradient of the groundwater recharge area.

P. 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 (1/4) acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the postconstruction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:

a. Eighty percent (80%) 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 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 | 0.2350 | 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 | 1.0383 | 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 (80%) 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 and
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 sections 26-1.5.P, Q and R. This standard may be superseded by a more stringent numeric effluent limitation imposed under the New Jersey Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Daily limits for nutrient loading (TMDL) may apply to the site development based on conditions of regulatory approvals.

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 postconstruction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.

10. These stormwater runoff quality standards do 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.

Q. 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 section 26-1.6, complete one (1) of the following:

   a. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and climate change projected 2-, 10-, and 100- year storm events; as defined and determined pursuant to N.J.A.C. 7:8-5-7(c) and (d), respectively, do not exceed, at any point in time, the pre-construction 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 2-, 10- and 100-year storm events 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 climate change projected 2-, 10- and 100-year storm events, as defined and determined pursuant to N.J.A.C. 7:8-5.7(c) and (d), respectively, 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 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.

**§ 26-1.6 Calculation of Stormwater Runoff and Groundwater Recharge.**

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

1. The design engineer shall calculate runoff using the following method:

a. 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 New Jersey State Office.

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 numbers" applies to both the NRCS methodology above at section 26-1.6.A.1.b. and the Rational and Modified Rational Methods at section 26-1.6.A.1.b. 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 (1) 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).

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, and/or culverts, that may reduce pre- construction stormwater runoff rates and/or 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 within the drainage area. 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.

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:

(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.

**Table 5: Current Precipitation Adjustment Factors**

| County | Future Precipitation Change Factors | | |
|---|---|---|---|
| | 2-year Design Storm | 10-year Design Storm | 100-year Design Storm |
| Union | 1.20 | 1.23 | 1.35 |

D. Table 6: Future Precipitation Change factors provided below sets forth the change factors to be used in determining the projected 2-, 10- and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected 2-, 10- and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the 2-, 10- and 100-year storm events determined from the National Weather Service's Atlas 14 Point Precipitation Frequency Estimates pursuant to (c)1 above, the change factor in the table below, in accordance with the county or counties where the drainage area(s) of the site are 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 percent 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 |
| Union | 1.20 | 1.23 | 1.35 |

**§ 26-1.7 Sources for Technical Guidance.**

1. 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/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/

3. 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.

B. Additional technical guidance for stormwater management measures can be obtained from the following:

1. The "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; (609) 292-5540 or the Somerset-Union County Soil Conservation District; Somerset County 4-H Center; 308 Milltown Road; Bridgewater, NJ 08807; (908)526-2701.

2. The Rutgers Cooperative Extension Service, 732-932-9306; and

3. The United States Environmental Protection Agency, including the National Management Measures to Control Nonpoint Source Pollution from Urban Areas, available at the Web site: http://www.epa.gov/owow/nps/urbanmm/index.html.

4. Field guides of the United States Department of Agriculture, Natural Resources Conservation Environmental Protection, 428 East State Street, P.O. Box 420, Trenton, New Jersey 08625; (609) 777-1038.

5. Other similarly authoritative governmental or trade association sources acceptable to the City of Summit.

6.

C. See above A.3

**§ 26-1.8 Solids and Floatable Materials Control Standards.**

A. Site design features identified under section 26-1.5.F above, or alternative designs in accordance with section 26-1.5.G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see section 26-1.8.A.2. below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

   a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or

   b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches or is no greater than 0.5 inches across the smallest dimension. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

   c. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

2. The standard in A.1. above does not apply:

   a. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;

   b. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;

   c. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

      i. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or

      ii. A bar screen having a bar spacing of 0.5 inches.

      *Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-

4.18(b)2 and 7.4(b)1).

d. Where flows are conveyed through a trash rack that has parallel bars with one inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or

e. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4- 7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

**§ 26-1.9 Safety Standards for Stormwater Management Basins.**

A. General Scope. This subsection sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.

B. The provisions of this subsection are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in sections 26-1.9.C.1, C.2, and C.3 for trash racks, overflow grates, and escape provisions at outlet structures.

C. Requirements for Trash Racks, Overflow Grates and Escape Provisions.

1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:

   a. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;

   b. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;

   c. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and

   d. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.

2. An overflow grate is a device intended to protect the opening in the top of a stormwater management measure outlet structure. It 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 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.

3. Stormwater management BMPs shall include escape provisions as follows:
   a. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in

or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the reviewing agency and/or City Engineer pursuant to section 26-1.9.C, a free-standing outlet structure may be exempted from this requirement;

b. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two (2) steps. Each step shall be four (4) to six (6) feet in width. One (1) step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See section 26-1.9.E. for an illustration of safety ledges in a stormwater management BMP; and

c. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three (3) horizontal to one (1) vertical.

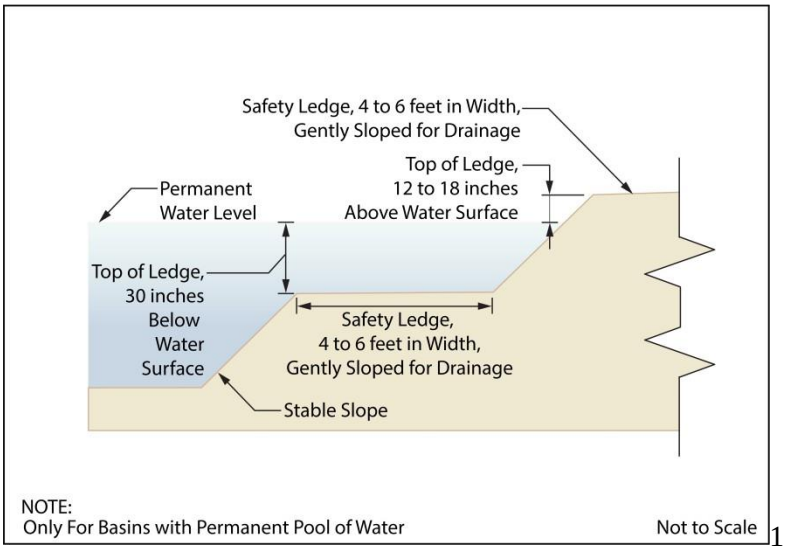
d. An emergency drawdown method for detention basins is required where the permanent pool will be more than two and one-half (2.5) feet deep. This drawdown method must consider downstream or off-site stability at the outfall in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey.

D. Variance or Exemption from Safety Standard.

A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the reviewing authority that the variance or exemption will not constitute a threat to public safety.

E. Safety Ledge Illustration.

**Elevation View – Basin Safety Ledge Configuration**




## § 26-1.10 Requirements for a Site Development Stormwater Plan.

A. Submission of Site Development Stormwater Plan.

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at

section 26-
1.10.C below as part of the submission of the application for approval.

2. The applicant shall demonstrate through submission requirements that the project meets the standards set forth in this Section.

3. The applicant shall submit a minimum of three (3) copies to the Engineering Division of the materials listed in the checklist for site development stormwater plans in accordance with section 26-1.10.C.

B. Site Development Stormwater Plan Approval.

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from whom municipal approval is sought. That municipal board or official shall consult the engineer retained by the Planning and/or Zoning Board to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this section.

C. Checklist Requirements. The following information shall be required:

1. Existing Site Conditions Base Map, Including Topography and the Following Information:

a. The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals.

b. The map as appropriate may indicate the following (when applicable): existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis.

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plans.

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

4. Land Use Planning and Source Control Plan.

This plan shall provide a demonstration of how the goals and standards of sections 26-1.3 through 1.6 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective

of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible. The applicant should refer to the City of Summit Stormwater Management Plan and the City of Summit Stormwater Pollution Prevention Plan for additional requirements.

5. Stormwater Management Facilities Map.

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

a. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.

b. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations.

a. Comprehensive hydrologic and hydraulic design calculations for the predevelopment and post-development conditions for the design storms specified in section 26-1.5 of this ordinance.

b. When the proposed stormwater management control measures (e.g. infiltration basins) depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure. The City of Summit shall be notified of site investigation activities and given the opportunity to have a witness, either prior to approval or as a condition of approval, as appropriate for the specific type of measure. Subsequent to approval of the development, post-construction bulk soil density and infiltration testing shall be required for all infiltration measures that were used as justification for meeting the recharge standard, to ensure that they were properly constructed.

7. Maintenance and Repair Plan.

The design and planning of the stormwater management facility shall meet the maintenance requirements of section 26-1.11.

8. Waiver from Submission Requirements.

The City of Summit official or board reviewing an application under this section may, in consultation with the City Engineer, waive submission of any of the requirements in section 26-1.10.C.1 through C.6 when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

**§ 26-1.11 Maintenance and Repair.**

A. Applicability.

Projects subject to review as in section 26-1.1.C of this section shall comply with the requirements of sections 26-1.11.B and C.

B. General Maintenance.

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development. This plan shall be separate from all other documents and designed for ongoing use by the site owner(s) or operator(s) in performing and documenting maintenance and repair, and by the City of Summit in ensuring implementation of the maintenance plan. The final maintenance plan shall be updated and provided to the City of Summit post-construction to include an evaluation based on the specifications of the initial maintenance plan and as-built conditions.

2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.

3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

4. Responsibility for maintenance shall not be assigned or transferred to the owner(s) or tenant(s) of an individual property in a residential development or project, unless such owner(s) or tenant(s) owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.

5. If the party responsible for maintenance identified under section 26-1.11.B.3 above is not a public agency, the maintenance plan and any future revisions based on section 26-1.11.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.

7. The party responsible for maintenance identified under section 26-1.11.B.3 above shall perform all of the following requirements:

    a. Maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;

    b. Evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and

    c. Retain, submit annually to the City Engineer and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by sections 26-1.11.B.6 and B.7 above.

8. The requirements of sections 26-1.11.B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the City or another governmental agency of competent jurisdiction.

9. Authorized representatives of the City of Summit, including, but not limited to, the City Engineer, Public Works Manager and Construction Official may enter the site as needed in order to conduct on-site inspections as discussed in section 26-1.11.D. The inspections shall be required to review and confirm that the information filed in the required reports as stated in section 26-1.11.B.5. are correct. Additional inspections and reviews may be made as deemed appropriate by the City of Summit.

10. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the City Engineer shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have seven (7) calendar days from the receipt of the notice to temporarily correct the violations and fourteen (14) calendar days from receipt of notice to permanently maintain or repair the facility in a manner that is approved by the City Engineer or their designee. The City Engineer, in their discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the City of Summit may immediately proceed to do so and shall bill the cost thereof to the responsible person, enforce penalties and/or liens as determined by the City of Summit and as described below. Nonpayment of such bill may result in a lien on the property.

C. Performance Guarantee. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53 or the City of Summit Ordinances.

D. Maintenance Access. The maintenance plan shall specifically provide a specific municipal right of access, which may include stormwater easements or covenants. The maintenance access shall be provided by the property owner(s) for access regarding facility inspections and maintenance, as required. Easements and covenants shall be recorded with the City of Summit prior to issuance of a permit.

E. Alteration of Maintenance Plan. Any alteration in maintenance responsibility or alterations to maintenance plans and agreements must be reviewed and approved by the City of Summit official or board that reviewed the application under this section in consultation with the City Engineer, Public Works Manager and Construction Official.

F. Recording of Information. All maintenance information and alterations to maintenance agreements shall be recorded with the office of the City Engineer, Department of Community Services, as described in section 26-
1.11.B.9. Copies of all maintenance agreements and alterations to maintenance agreements shall be included in the applicant's stormwater management plans and documents. Recording of the maintenance agreements in accordance with this section shall be the responsibility of the owner.

**§ 26-1.12 Implementation of Regulations.**

A. Limit of Disturbance. Critical impact areas and other areas to be left undisturbed shall be physically marked with survey stakes or protected with temporary snow fence prior to any land disturbance.

B. Timing. The approving authority shall require the construction and/or installation of surface water management improvements in accordance with the schedule of sequence of installation as approved.

C. Bonding. The approving authority shall provide for the posting of performance guaranties and maintenance bonds when necessary.

D. Inspection.

1. The applicant shall bear full and final responsibility for the installation and construction of all required surface water runoff control measures according to the provisions of his/her approved plan and this section. The City Engineer shall inspect the site during its preparation and development and certify that all surface water management measures have been constructed in accordance with the provisions of the applicant's approved plan under this section.

2. During the 12 months subsequent to the date of completion, the City Engineer or Consultant shall periodically inspect the site to ascertain that the provisions of the applicant's approved plan are complied with, including limit of contract for areas to be left undisturbed. The City Engineer or Consultant shall give the applicant, upon request, a certificate indicating the date on which the required measures were completed and/or accepted.
3. No inspection shall be undertaken unless the Chief Financial Officer shall have first certified the availability of funds in an amount not less than $300.

E. Review and Inspection Fees. For the review and inspection required by this section, the fees that must be paid to the Clerk of the approving authority are as follows:

1. Review fee for a single lot is $200.
2. Inspection fee for a single lot is $500.

F. Maintenance.

1. At the time of approval of the plan, responsibility for continued maintenance of surface water runoff control structures and measures shall be stipulated and properly recorded.

2. The City shall retain the right to enter and make repairs and improvements where necessary to ensure that all control measures as well as areas dedicated to surface water retention or groundwater recharge are adequately maintained and preserved. The City may charge the property owner for the costs of these services if such maintenance is his/her responsibility.

G. Issuance of Certificate of Occupancy. No certificate of occupancy shall issue unless and until the surface water management plan has been reviewed, the improvements made in accordance with the plan, and the inspection has been certified by the City Engineer.

**§ 26-1.13 Penalties.**

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this section shall be subject to the following penalties:

A. Responsibility for Administration. The Public Works Manager, City Engineer and Building Department Official shall administer, implement and enforce the provisions of this section. Any powers granted or duties imposed upon the Public Works Manager, City Engineer or Building Department Official may be delegated in writing to the person(s) or entities acting in the best interest of or in the employment of the City of Summit.

B. Enforcement of Penalties and Liens.

1. Should the applicant/owner fail to take the corrective actions, the City of Summit shall then have the right to take the available appropriate remedies it deems necessary to correct the violations including fining the owner up to one thousand ($1,000.00) dollars per day for each day the applicant/owner is in violation. The City will assert a lien on the subject property in an amount equal to the costs of remedial actions if necessary. The lien shall be enforced in the manner provided or authorized by law for the enforcement of

common law liens on personal property. The lien shall be recorded with the City of Summit and the applicant/owner shall incur all legal costs for the recording. The imposition of any penalty shall not exempt the offender from compliance with the provisions of this section, including assessment of a lien on the property.

2. Whenever a structural BMP is not implemented, operated, and/or maintained in accordance with the Stormwater Management Plan which has been approved in accordance with this section, any penalty invoked shall be in accordance with section 26-1.13.B.1.

**§ 26-1.14 Severability.**

If the provisions of any subsection, paragraph, subdivision, or clause of this section shall be judged invalid by a court of competent jurisdiction or administrative agency, such order of judgment shall not affect or invalidate the remainder of any subsection, paragraph, subdivision, or clause of this section.

**Section 2.** All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby repealed as to such inconsistencies only.

**Section 3.** Following introduction and prior to adoption, the Clerk shall cause a copy of this ordinance to be referred to the Summit Planning Board for review pursuant to N.J.S.A. 40:55D26.

**Section 4.** Following enactment of this ordinance, it shall be transmitted to the Union County Planning Board for approval, with a copy to the NJDEP. Per the NJDEP's regulations, the Union County Planning Board shall have 60 days to approve, conditionally approve, or disapprove the ordinance; if no action is taken within 60 days, the ordinance shall be deemed approved. Accordingly, this ordinance shall take effect immediately upon approval by the Union County Planning Board, or upon the expiration of 60 days after the ordinance is submitted to the Union County Planning Board for approval, whichever date is sooner.

Dated: July 30, 2024

I, Rosalia M. Licatese, City Clerk of the City of Summit, do hereby certify that the foregoing ordinance was duly passed by the Common Council of said City at regular meeting held on Tuesday evening, July 30, 2024.

Approved:

Dr. Elizabeth Fagan, Mayor

City Clerk