

ORDINANCE NO. 2024-5,

**AN ORDINANCE AMENDING CHAPTER 275, LAND DEVELOPMENT, OF THE
CODE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF BURLINGTON AND
STATE OF NEW JERSEY**

WHEREAS, the Pinelands Protection Act (N.J.S.A. 13:18A-1) requires that the municipal master plan and local land use ordinances of the Township of Washington implement the objectives of the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50) and conform with the minimum standards contained therein; and

WHEREAS, the Pinelands Commission adopted amendments to the Pinelands Comprehensive Management Plan, effective December 4, 2023.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Washington, County of Burlington and State of New Jersey, as follows:

SECTION 1: Chapter 275, Land Development, Article I, General Provisions, Section 275-6, Definitions, is hereby amended by adding the following definitions:

DIVERT or DIVERSION – Means the taking of water from a river, stream, lake, pond, aquifer, well, other underground source, or other waterbody, whether or not the water is returned thereto, consumed, made to flow into another stream or basin, or discharged elsewhere.

HYDROLOGIC UNIT CODE-11 or HUC-11 – Means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by an 11-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

NONCONSUMPTIVE USE – Means the use of water diverted from surface or ground waters in such a manner that at least 90 percent of the diverted water is returned to the source surface or ground water at or near the point from which it was taken.

SECTION 2: Chapter 275, Land Development, Article XI, Minimum Development Standards, Section 275-97, Water supply standards, is hereby amended as follows:

§275-97 Water supply standards.

A. (No changes.)

B. Water Management

- (1) Water shall not be exported from the Pinelands except as otherwise provided at N.J.S.A. 58:1A-7.1.
- (2) A diversion within Washington Township that involves the interbasin transfer of water from sources within the Pinelands Area between the Atlantic Basin and the Delaware Basin, as defined at (a) and (b) below, or outside of either basin, shall be prohibited.
 - (a) The Atlantic Basin is comprised of Watershed Management Areas 13, 14, 15, and 16, as identified by the New Jersey Department of Environmental Protection.
 - (b) The Delaware Basin is comprised of Watershed Management Areas 17, 18, 19, and 20 as identified by the New Jersey Department of Environmental Protection.
- (3) A diversion within Washington Township involving the intrabasin transfer of water between HUC-11 watersheds in the same basin, Atlantic Basin or Delaware Basin as defined at (2)(a) and (b) above, shall be permitted. If such an intrabasin transfer involves water sourced from the Kirkwood-Cohansey aquifer, the diversion shall meet the criteria and standards set forth at (4) below.
- (4) Within Washington Township, a new diversion or an increase in allocation from either a single existing diversion source or from combined existing and new diversion sources in the same HUC-11 watershed and in the Kirkwood-Cohansey aquifer, that results in a total diversion of 50,000 gallons of water per day or more (hereafter referred to as "proposed diversion") shall be prohibited unless it meets the criteria of (a) below. "Allocation" shall mean a diversion permitted pursuant to a Water Allocation Permit or Water Use Registration Number issued by the New Jersey Department of Environmental Protection pursuant to N.J.A.C. 7:19.
 - (a) A proposed diversion shall only be permitted if it is:

- [1] A new well that is to replace an existing well, provided the existing well is decommissioned in accordance with N.J.A.C. 7:9D-3 and the new replacement well will:
 - [a] Be approximately the same depth as the existing well;
 - [b] Divert from the same aquifer as the existing well;
 - [c] Have the same or lesser pump capacity as the existing well; and
 - [d] Be located within 100 feet of, and in the same HUC-11 watershed as, the existing well;
- [2] Any proposed diversion that is exclusively for agricultural or horticultural use; or
- [3] Any proposed diversion for a resource extraction operation that constitutes a nonconsumptive use, provided the water returned to the source is not discharged to a stream or waterbody or otherwise results in offsite flow, and the diversion and return are located on the same parcel.

SECTION 3. If any ordinances or parts thereof are in conflict with the provisions of this Ordinance those provisions shall be repealed to the extent of such conflict.

SECTION 4. This Ordinance shall take effect upon passage and publication in accordance within applicable law.

MOTION:

SECOND:

Roll Call Vote

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

NOTICE

The above entitled ordinance was passed on first reading at a meeting of the Township Committee of the Township of Washington on May 7, 2024. It will be further considered for final passage after a public hearing at the regularly scheduled meeting to be held on June 11, 2024 at the Municipal Building, 2436 Route 563, Egg Harbor, New Jersey at 7:00 PM, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be heard. Copies of this ordinance will be made available at the Municipal Clerk's office to members of the general public who shall request them.

Lisa H. Hand, RMC, Municipal Clerk