ORDINANCE NO. 1 -2006

AN ORDINANCE TO PROVIDE FOR THE PARTIAL AMENDMENT, SUPPLEMENTATION AND REPEAL OF "CHAPTER 13, 2000 BOROUGH OF MORRIS PLAINS LAND DEVELOPMENT ORDINANCE" WITH THE ESTABLISHMENT OF A NEW SECTION 13-4.16, ENTITLED "STORMWATER CONTROL," AND CERTAIN HOUSEKEEPING AMENDMENTS TO SECTION 13-5.7D(10).

WHEREAS, the Borough Council is desirous of amending "Chapter 13, 2000 BOROUGH OF MORRIS PLAINS LAND DEVELOPMENT ORDINANCE" (hereinafter "Chapter 13") to establish new stormwater control design standards as required by the terms of its municipal stormwater general permit; and

WHEREAS, the Borough Council is also desirous of repealing the fire suppression sprinkler system requirement for parking decks in the L-1 Research Laboratory Zone so that such fire suppression system requirements are consistent throughout the Borough.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Morris Plains, they being the Governing Body thereof, as follows:

Section 1: Article 4, Subdivision and Site Plan Review of Chapter 13 is hereby amended and supplemented with the addition of a new Section 13-4.16 entitled "Stormwater Control" which shall read in its entirety as follows:

13-4.16. STORMWATER CONTROL.

A. SCOPE AND PURPOSE.

1. Policy Statement. Flood control, groundwater recharge, and pollutant reduction through nonstructural or low impact techniques shall be explored before relying on structural Best Management Practices ("BMPs"). Structural BMPs should be integrated with nonstructural stormwater management strategies and proper maintenance plans. Nonstructural strategies include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater. Source control plans should be developed based upon physical site conditions and the origin, nature, and the anticipated quantity or amount of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

2. Purpose. It is the purpose of this ordinance to establish minimum stormwater management requirements and controls for "major developments," as defined in Part B of this Section 13-4.16.
3. Applicability.

a. This ordinance shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:

(1) Non-residential major developments; and
(2) Aspects of residential major developments that are not preempted by the Residential Site Improvement Standards at N.J.A.C. 5:21.

b. This ordinance shall also be applicable to all major developments undertaken by the Borough of Morris Plains.

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

B. DEFINITIONS. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its 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.

"Compaction" means the increase in soil bulk density.

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

"County review agency" means the agency designated by the Morris County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s).

"Department" means the New Jersey Department of Environmental Protection.

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

"Design engineer" means 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" means the division of a parcel of land into two 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 means: any activity that
requires a State permit; any activity reviewed by the County Agricultural Board
(CAB) and the State Agricultural Development Committee (SADC), and
municipal review of any activity not exempted by the Right to Farm Act,
N.J.S.A 4:1C-1 et seq.

"Drainage area" means 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.

"Environmentally constrained area" means 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. Habits 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 areas" means 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. Habits 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" means the detachment and movement of soil or rock fragments by
water, wind, ice or gravity.

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

"Infiltration" is the process by which water seeps into the soil from
precipitation.

"Major development" means any "development" that provides for ultimately
disturbing one or more acres of land or increasing impervious surface by one
quarter acre or more. Disturbance for the purpose of this rule is the placement
of impervious surface or exposure and/or movement of soil or bedrock or
clearing, cutting, or removing of vegetation. Projects undertaken by any
government agency which 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."

"Municipality" means the Borough of Morris Plains, Morris County, New
Jersey.

"Node" means an area designated by the State Planning Commission
concentrating facilities and activities which are not organized in a compact form.
"Nutrient" means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

"Person" means any individual, corporation, company, partnership, firm, association, the Borough of Morristown, and political subdivision of this State subject to municipal jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

"Pollutant" means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grime, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substances (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

"Recharge" means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

"Sediment" means 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" means the lot or lots upon which a major development is to occur or has occurred.

"Soil" means all unconsolidated mineral and organic material of any origin.

"State Development and Redevelopment Plan Metropolitan Planning Area" means 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" is defined as the geographic application of the State Development and Redevelopment Plan's goals and statewide policies, and the official map of these goals and policies.

"Stormwater" means 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 runoff" means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

"Stormwater management basin" means 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 measure" means 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.
"Waters of the State" means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

"Wetlands" or "wetland" means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

C. GENERAL STANDARDS.

1. Design and Performance Standards for Stormwater Management Measures

   a. Stormwater management measures for major development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards in Section 4. To the maximum extent practicable, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.

   b. The standards in this ordinance 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 that provides at least as much protection from stormwater-related loss of groundwater recharge, stormwater quantity and water quality impacts of major development projects as would be provided under the standards in N.J.A.C. 7:9-5.

   c. For site improvements regulated under the Residential Site Improvement Standards (RSIS) at N.J.A.C. 5:21, the RSIS shall apply in addition to this section except to the extent the RSIS are superseded by this section or alternative standards applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

D. STORMWATER MANAGEMENT REQUIREMENTS FOR MAJOR DEVELOPMENT.

1. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Part J.

2. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150,
particularly Helonias bullata (swamp pink) and/or Clemmys muhlenbergii (bog turtle).

3. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Sections D.6 and D.7:
   a. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
   b. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable, and
   c. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.

4. A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Sections D.6 and D.7 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 nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of Sections D.6 and D.7 to the maximum extent practicable;
   c. The applicant demonstrates that, in order to meet the requirements of Sections D.6 and D.7, 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 4.c above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Sections D.6 and D.7 that were not achievable on-site.

5. Nonstructural Stormwater Management Strategies
   a. To the maximum extent practicable, the standards in Sections D.6 and D.7 shall be met by incorporating nonstructural stormwater management strategies set forth at Section D.5 into the design. The applicant shall identify the nonstructural measures incorporated into the design of the project. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in Paragraph b below into the design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention.
   b. Nonstructural stormwater management strategies incorporated into site design shall:
(1) Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;

(2) Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;

(3) Maximize the protection of natural drainage features and vegetation;

(4) Minimize the decrease in the "time of concentration" from pre-construction to post construction. "Time of concentration" is defined as the time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed;

(5) Minimize land disturbance including clearing and grading;

(6) Minimize soil compaction;

(7) Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;

(8) Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas;

(9) Provide other source controls to prevent or minimize the use or exposure of pollutants at the site, in order to prevent or minimize the release of those pollutants into stormwater runoff. Such source controls include, but are not limited to:

(a) Site design features that help to prevent accumulation of trash and debris in drainage systems, including features that satisfy Section D.5.c. below;

(b) Site design features that help to prevent discharge of trash and debris from drainage systems;

(c) Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and

(d) When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.

c. Site design features identified under Section D.5.b(9)(b) above 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 D.5.c(3) below.

(1) Design engineers shall use either 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 (April 1996); 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 basin floors.

(2) Whenever design engineers use a curb-opening inlet, 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.

(3) This standard does not apply:

(a) Where the review agency determines that this standard would cause inadequate hydraulic performance that could not practically be overcome by using additional or larger storm drain inlets that meet these standards;

(b) Where flows from the water quality design storm as specified in Section D.7.a 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 inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

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

(c) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars, to the elevation of the water quality design storm as specified in Section D.7.a; or

(d) 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.

d. Any land area used as a nonstructural stormwater management measure to meet the performance standards in Sections D.6 and D.7 shall be dedicated to a government agency, subjected to a conservation restriction filed with the Morris County Clerk's office, or subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.


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

a. This subsection contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.

(1) 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.

(2) The minimum design and performance standards for groundwater recharge are as follows:

(a) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Part E, either:
(i) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or

(ii) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.

(b) This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to (c) below.

(c) The following types of stormwater shall not be recharged:

(i) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

(ii) Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or
other industrial activities that are exposed to stormwater.

(d) 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 and other subsurface structures in the vicinity or downgradient of the groundwater recharge area.

(3) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Part E, complete one of the following:

(a) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the two, 10, and 100-year storm events 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 two, 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 2, 10 and 100 year storm events 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. The percentages shall not be applied to post-construction stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge; or

(d) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with (a), (b) and (c) above shall only be applied if the increased volume of stormwater runoff could increase flood damages below the point of discharge.
b. Any application for a new agricultural development that meets the definition of major development at Section B shall be submitted to the Morris County Soil Conservation District for review and approval in accordance with the requirements of this section and any applicable Morris County Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For the purposes of this section, "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 manufacturing of agriculturally related products.

7. Stormwater Runoff Quality Standards

a. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff by 80 percent of the anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall only be required for water quality control if an additional 1/4 acre of impervious surface is being proposed on a development site. 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 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. 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 1. The calculation of the volume of runoff may take into account the implementation of non-structural and structural stormwater management measures.

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<th>Time (Minutes)</th>
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b. For purposes of TSS reduction calculations, Table 2 below presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in Part G, or found on the Department’s website at www.njstormwater.org. The BMP Manual and other sources of technical guidance are listed in Part G. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2 below. Alternative removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the review agency. A copy of any approved alternative rate or method of calculating the removal rate shall be provided to the Department at the following address: Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418 Trenton, New Jersey, 08625-0418.

c. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

\[ R = A + B - \frac{(A \times B)}{100} \]

Where:
- \( R \) = total TSS percent load removal from application of both BMPs, and
- \( A \) = the TSS percent removal rate applicable to the first BMP
- \( B \) = the TSS percent removal rate applicable to the second BMP

<table>
<thead>
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<th>Best Management Practice</th>
<th>TSS Percent Removal Rate</th>
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<td>Bioretention Systems</td>
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<td>Wet Pond</td>
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d. If there is more than one onsite drainage area, the 80 percent TSS removal rate shall apply to each drainage area, unless the runoff
from the subareas converge on site in which case the removal rate can be demonstrated through a calculation using a weighted average.

e. 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 nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in Sections D.6 and D.7.

f. Additional information and examples are contained in the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in Part G.

g. 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.

h. Special water resource protection areas shall be established along all waters designated Category One at N.J.A.C. 7:9B, and perennial or intermittent streams that drain into or upstream of the Category One waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys, within the associated HUC14 drainage area. These areas shall be established for the protection of water quality, aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, and exceptional fisheries significance of those established Category One waters. These areas shall be designated and protected as follows:

1. The applicant shall preserve and maintain a special water resource protection area in accordance with one of the following:

(a) A 300-foot special water resource protection area shall be provided on each side of the waterway, measured perpendicular to the waterway from the top of the bank outwards or from the centerline of the waterway where the bank is not defined, consisting of existing vegetation or vegetation allowed to follow natural succession is provided.

(b) Encroachment within the designated special water resource protection area under Subsection (a) above shall only be allowed where previous development or disturbance has occurred (for example, active agricultural use, parking area or maintained lawn area). The encroachment shall only be allowed where applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable. In no case shall the remaining special water resource protection area be reduced to less than 150 feet as measured perpendicular to the top of bank of the waterway or centerline of the