ORDINANCE 2310

AN ORDINANCE OF THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY TO AMEND CHAPTER 399 OF THE CODE OF THE BOROUGH OF SOUTH PLAINFIELD TITLED STORMWATER CONTROL

WHEREAS, the New Jersey Department of Environmental Protection ("DEP") previously adopted rules as of March 2, 2020 with regard to stormwater management setting forth minimum standards and expectations for such management, and as a result thereof, the Borough adopted Ordinance No. 2195 on March 15, 2021 to incorporate such rules; and

WHEREAS, the DEP further amended its rules regarding stormwater management as of July 17, 2023 which again set forth minimum standards and expectations for such management;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that Chapter 399 of the Code of the Borough of South Plainfield be amended as follows:

Section 399-1(C) - Add the following subsections:

3. An application required by ordinance pursuant to C.1 above that has been submitted prior to June 3, 2024 shall be subject to the stormwater management requirements in effect on June 2, 2024.

4. An application required by ordinance for approval pursuant to C.1.(b) above that has been submitted on or after March 2, 2021, but prior to June 3, 2024 shall be subject to the stormwater management requirements in effect on June 2, 2024.

5. Notwithstanding any rule to the contrary, a major development for any public roadway or railroad project conducted by a public transportation entity that has determined a preferred alternative or reached an equivalent milestone before July 17, 2023 shall be subject to the stormwater management requirements in effect prior to July 17, 2023.

Section 399-2 - Add the following definitions:

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 railway.

Amend Section 399-4 as follows:

E - Delete the link at the end of this Section and replace with:

https://dep.nj.gov/stormwater/dmp-manual/

Delete Section P(2)(b) and replace as follows:

P(2)(b) - Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the projected 2-year storm, as defined and determined pursuant to Section 399-5(D) is infiltrated.

Delete P(4)(a) and replace with the following:

P(4)(a) - Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored or applied, areas were 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 remediation work plan approved pursuant to the Administrator Requirements for the Remediation of Contaminated Sites Rules, N.J.A.C. 7:26C, or Department landfill closure plan and areas; and areas with high risks for spills of toxic materials such as gas stations and vehicle maintenance facilities; and

Delete Section 399-4(R)(2)(a), (b) and (c) and replace as follows:

399-4(R)(2)(a) - Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected two-, ten-, and 100-year storm events, as defined and determined in Section 399-5(C) and (B), respectively, of this Ordinance do not exceed at any point in time the pre-construction runoff hydrographs for the same storm events;

399-4(R)(2)(b) - Demonstrate through hydrologic and hydraulic analysis that there is no increase as compared to the preconstruction condition, and the peak rates of stormwater leaving the site for current and projected two-, ten- and 100-year storm events, as defined and determined pursuant to Section 399-5(C) and (D), respectively, of this Ordinance, and that the increased volume or change in timing of stormwater runoff will not increase flood 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 areas;

399-4(R)(2)(c) - Design stormwater management measures so that the post-construction peak runoff rates for the current and projected two-, ten- and 100-year storm events, as defined and determined in Section 399-5(C) and (D), respectively, of this Ordinance are 50, 75 and 80 percent, respectively, of the pre-construction 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

Amend Section 399-5 as follows:

Section 399-5(A)(1) - Replace the existing sentence with the following:

The Design Engineer shall calculate runoff using the following method:

Section 399-5(A)(1)(a) - Delete reference to the link https://www.nrcs.usda.gov/internet/fsedocuments/stelprdb1044171.pdf and replace with https://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21422 or at United States Department of Agricultural Natural Resources Conservation Service, New Jersey State Office".

Delete Section 399-5(A)(1)(b)

Delete Section 399-5(A)(2) and replace with the following:

399-5(A)(2) - For the purpose of calculating curve numbers and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "curve number" applies to the NRCS methodology above at Section 399-5(1)(a). 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 a portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption 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).

399-5(B) replace website information with the following:

New Jersey Stormwater Best Management Practices Manual, Appendix D: Model Stormwater Control Ordinance for Municipalities https://www.nj.gov/dep/njgs/pricelst/gsreport/gsr32.pdf or at New Jersey Geological and Water Survey, 29 Arctic Parkway, P.O. Box 420, Mail Code 29-01, Trenton, New Jersey 08625-0420.

Add: Section 399-5(C). Precipitation Depths of the current two-, ten-, 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 Estimates: NJ, in accordance with the location(s) of the drainage area(s) on 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. Alternatively, separate rainfall totals can be developed for each county using the values in the table below.

Table 5: Current Precipitation Adjustment Factors

County	Current Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Atlantic	1.01	1.02	1.03
Bergen	1.01	1.03	1.06
Burlington	0.99	1.01	1.04
Camden	1.03	1.04	1.05
Cape May	1.03	1.03	1.04
Cumberland	1.03	1.03	1.01
Essex	1.01	1.03	1.06
Gloucester	1.05	1.06	1.06
Hudson	1.03	1.05	1.09
Hunterdon	1.02	1.05	1.13
Mercer	1.01	1.02	1.04
Middlesex	1.00	1.01	1.03
Monmouth	1.00	1.01	1.02
Morris	1.01	1.03	1.06
Ocean	1.00	1.01	1.03
Passaic	1.00	1.02	1.05
Salem	1.02	1.03	1.03

Somerset	1.00	1.03	1.09
Sussex	1.03	1.04	1.07
Union	1.01	1.03	1.06
Warren	1.02	1.07	1.15

Add Section 399-5(D).

Table 6: Future Precipitation Change Factors provided below sets forth the change factors to be used in determining the projected two-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected two-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the two-, 10-, and 100-year storm events determined from the National Weather Service's Atlas 14 Point Precipitation Frequency Estimates pursuant to (c)1 above, by the change factor in the table below, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development and/or its drainage area lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 6: Future Precipitation Change Factors

County	Future Precipitation Change Factors		
	2-year Design Storm	10-year Design Storm	10-year Design Storm
Atlantic	1.22	1.24	1.39
Bergen	1.20	1.23	1.37
Burlington	1.17	1.18	1.32
Camden	1.18	1.22	1.39
Cape May	1.21	1.24	1.32
Cumberland	1.20	1.21	1.39
Essex	1.19	1.22	1.33
Gloucester	1.19	1.23	1.41
Hudson	1.19	1.19	1.23
Hunterdon	1.19	1.23	1.42
Mercer	1.16	1.17	1.36
Middlesex	1.19	1.21	1.33
Monmouth	1.19	1.19	1.26

Morris	1.23	1.28	1.46
Ocean	1.18	1.19	1.24
Passaic	1.21	1.27	1.50
Salem	1.20	1.23	1.32
Somerset	1.19	1.24	1.48
Sussex	1.24	1.29	1.50
Union	1.20	1.23	1.35
Warren	1.20	1.25	1.37

Amend Section 399-6 as follows:

Amend Section 399-6(A) to delete the link provided and substitute with https://dep.nj.gov/stormwater/bmp/manual/.

Amend Section 399-6(A)(2) to delete the link provided therein and substitute with "https://dep-nj.gov/stormwater/maintenance-guidance/".

Delete 399-6(B) and replace with the following:

399-6(B). Submissions required for review by the Department should be mailed to: Division of Watershed Protection and Restoration, New Jersey Department of Environmental Protection, Mail Code 501-02A, P.O. Box 520, Trenton, New Jersey 08625-0420.

Amend Section 399-8(C)(2)(b) to replace "less" with "greater".

Amend Section 399-10 as follows:

At Section 399-10(B)(8), delete reference to the link and replace with "https://dep-nj.gov/stormwater/maintenance-guidance/".

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.