

Stormwater Management Rules

Suggested Change to NJAC 7:8

Re-define “Major Development”

Existing Rules

- ◆ *N.J.A.C. 7:8-1.2 – Definitions*
- ◆ **“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 ... are also considered “major development.”

Concern

The current definition exempts a great many development projects that, collectively, account for a lot of new impervious surface, generate a lot of stormwater and thus have a substantial impact:

- higher volume / greater overall peak flows
- more pollution

... especially in more densely-populated areas that have smaller lots/land parcels and already struggle with flooding and polluted waterways.

In a nutshell:

The current definition of major development allows the problems of flooding and pollution to get worse.

Suggested Change

Define major development with a smaller area of disturbance and a smaller area of increased impervious cover. E.g.:

- ◆ One-half acre of disturbance or 5,000 s.f. of new impervious surface
- ◆ One-third acre of disturbance or 2500 s.f. of new impervious surface