

# Stormwater Management Updated Draft Amendments



Pinelands Commission Policy & Implementation Committee  
March 26, 2021

## Clarifications for Minor Development

### Application requirements:

- Certified plan showing location of proposed green infrastructure measures and the associated soil profile, soil permeability test elevation, soil permeability rate and the elevation of and vertical separation to the seasonal high water table.
- Written certification from design engineer certify that no proposed green infrastructure measures will adversely impact basements or septic systems

## Clarifications for Minor Development

65% nitrogen removal standard does not apply.

Groundwater mounding analysis is not required.

As-built requirements do not apply.

## Exceptions and Mitigation

If stormwater management requirements cannot be met on-site, based on DEP standards, applicants may request:

- a municipal variance (for private development)
- an exception from the Commission (for public development)

## Exceptions and Mitigation

- Variances and exceptions may only be granted from the on-site design and performance standards for green infrastructure, the standards for groundwater recharge, stormwater runoff quality, and stormwater runoff quantity and the on-site recharge standards.
- No decrease in the total volume of stormwater required to be infiltrated is permitted.
- No variance or exception may be granted from the CMP's prohibition on direct discharge of runoff of wetlands, wetlands transition areas or surface water bodies.

## Off-site mitigation requirements

- If a variance or exception is approved, an off-site mitigation project must also be identified and approved.
- All mitigation projects must be located in the same HUC-14 drainage area as the proposed development. Sites in the larger HUC-11 drainage area may be approved if necessary.
- All mitigation projects must be located in the Pinelands Area.
- The same requirements will be applied to all public and private development.

## Off-site mitigation requirements

- Municipalities may identify potential mitigation projects in their stormwater management plans.
- When a variance or exception is granted, the associated mitigation project must be selected from the list in the stormwater plan (if such a list exists).
- Commission certification of municipal stormwater management plans is required.

## Municipal Stormwater Mitigation Plans

N.J.A.C. 7:50-3.39(a)2viii

Retain requirement that municipal plans explicitly state variances will be considered only in cases where an applicant is able to demonstrate that stormwater standards cannot be met on a particular parcel.

Delete provisions that allowed for variances when a municipality determined stormwater management would “more effectively be achieved through alternative measures”.



## Municipal Stormwater Mitigation Plans

N.J.A.C. 7:50-3.39(a)2viii

Delete provisions that allowed municipalities to collect monetary contributions in lieu of requiring off-site mitigation measures.

The CMP previously allowed municipalities to require such contributions, provided all collected funds were expended on stormwater mitigation activities within five years.

## Exceptions and Mitigation for Public Development

The CMP will continue to require off-site mitigation for all public development that cannot meet CMP standards on-site.

No outright exemptions from CMP stormwater management standards will be provided.

NJDEP's waiver provisions for certain public projects (roads, pedestrian access) will not be incorporated in the CMP.

The Commission's standards will continue to be more stringent than those applicable outside the Pinelands Area.