

ARTICLE XIX—PINELANDS
STANDARDS FOR DEVELOPMENT
IN THE PINELANDS AREA

DIVISION 1: PINELANDS - WEST OF PARKWAY

55-291. WATER QUALITY. [Amended 4-3-89 by Ord. No. 1989-8; 6-5-89 by Ord. No. 1989-14; 12-16-1996 by Ord. No. 1996-60 §§ 36-41]

A. General.

- (1) All development permitted under this chapter shall be designed and carried out so that the quality of surface and ground water will be protected and maintained.**
- (2) Except as specifically authorized in this section, no development which degrades surface or ground water quality or which established new point sources of pollution shall be permitted.**
- (3) No development shall be permitted which does not meet the minimum water quality and potable water standards of the State of New Jersey or the United States.**

B. The following point and non-point sources may be developed and operated in the Pinelands:

- (1) Development of new or expansion of existing commercial, industrial, and waste water treatment facilities, or the development of new or the expansion of existing non-point sources, except those specifically regulated in paragraphs (2) through (6) below, provided that:**
 - (a) There will be no direct discharge into any surface water body;**

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- (b) All discharges from the facility or use are of a quality and quantity such that ground water exiting from the parcel of land or entering a surface body of water will not exceed two (2) parts per million nitrate/nitrogen;
 - (c) All public waste water treatment facilities are designed to accept and treat septage; and
 - (d) All storage facilities, including ponds or lagoons, are lined to prevent leakage into ground water.
- (2) Development of new waste water treatment or collection facilities which are designed to improve the level of nitrate/nitrogen attenuation of more than one (1) existing on-site waste water treatment system where a public health problem has been identified may be exempted from the standards of B(1)(b) above provided that:
 - (a) There will be no direct discharge into any surface water body;
 - (b) The facility is designed only to accommodate waste water from existing residential, commercial, and industrial development;
 - (c) Adherence to B(1)(b) above cannot be achieved due to limiting site conditions or that the costs to comply with the standard will result in excessive user fees; and
 - (d) The design level of nitrate/nitrogen attenuation is the maximum possible within the cost limitations imposed by such user fee guidelines but in no case shall ground water exiting from the parcel or entering a surface body of water exceed five (5) parts per million nitrate/nitrogen.

- (3) Improvements to existing commercial, industrial, and wastewater treatment facilities which discharge directly into surface waters provided that:**
- (a) There is no practical alternative available that would adhere to the standards of paragraph B(1)(a) above;**
 - (b) There is no increase in the existing approved capacity of the facility; and**
 - (c) All discharges from the facility into surface waters are such that the nitrate/nitrogen levels of the surface waters at the discharge point do not exceed two (2) parts per million. In the event that nitrate/nitrogen levels in the surface waters immediately upstream of the discharge point exceed two (2) parts per million, the discharge shall not exceed two (2) parts per million nitrate/nitrogen.**
- (4) Individual on-site septic waste water treatment systems which are not intended to reduce the level of nitrate/nitrogen in the waste water, provided that:**
- (a) The proposed development to be served by the system is otherwise permitted pursuant to the provisions of this chapter;**
 - (b) The design of the system and its discharge point, and the size of the entire contiguous parcel on which the system or systems is located will ensure that ground water exiting from the entire contiguous parcel or entering a surface body of water will not exceed two (2) parts per million nitrate/nitrogen, calculated pursuant to the Pinelands dilution model dated December 1993, as amended, subject to the provisions of paragraph (4)(c) below. The**

entire contiguous parcel may include any contiguous lands to be dedicated as open space as part of the proposed development but may not include previously dedicated road rights-of-way or any contiguous lands that have been deed restricted pursuant to Sections 55-41A or 55-42A(2). [Amended 7-16-01 by Ord. No. 2001-29]

- (c) Only contiguous lands located within the same zoning district and Pinelands management area as the proposed system or systems may be utilized for septic dilution purposes, except for the development of an individual single family dwelling on a lot existing as of January 14, 1981, non-residential development on a lot of five (5) acres or less existing as of January 14, 1981, or cluster development as permitted by N.J.A.C. 7:50-5.19;
- (d) The depth to seasonal high water table is at least five (5) feet;
- (e) Any potable water well will be drilled and cased to a depth of at least one hundred (100) feet, unless the well penetrates an impermeable clay aquiclude, in which case the well shall be cased to at least fifty (50) feet;
- (f) The system will be maintained and inspected in accordance with the requirements of N.J.A.C. 7:50-6.85;
- (g) The technology to be used has been approved by the New Jersey Department of Environmental Protection; and
- (h) Flow valves for nonresidential development shall be determined based on the values

contained in N.J.A.C. 7:9A-7.4, as amended, except that number of employees may not be utilized in calculating flow values for office uses. In the event that N.J.A.C. 7:9A-7.4 does not provide flow values for a specific use, but a flow value is assigned for that use in 7:14A-23.3(a), the flow value specified in N.J.A.C. 7:14A-23.3(a) shall be used in calculating flow.

- (5) Individual on-site septic waste water treatment systems which are intended to reduce the level of nitrate/nitrogen in the wastewater, provided that:
- (a) The standards set forth in paragraphs (4)(a) and (4)(c) through (h) above are met;
 - (b) If the proposed development is non-residential, it is located in the RH, RM, RL, RL/AC or PV Zones, or those portions of the CN Zone located in the Regional Growth Area or Pinelands Village; and
 - (c) The design of the system and its discharge point, and the size of the entire contiguous parcel on which the system or systems is located will ensure that ground water exiting from the entire contiguous parcel or entering a surface body of water will not exceed two (2) parts per million nitrate/nitrogen, calculated pursuant to the Pinelands dilution model dated December, 1993, as amended, subject to the provisions of paragraph (4)(c) below and the assumptions and **requirements set forth** in N.J.A.C. 7:50-6.84(a)5iv. The entire contiguous parcel may include any contiguous lands to be dedicated as open space as part of the proposed development but may not include previously dedicated road rights-of-way or any contiguous lands that have been

deed restricted pursuant to Sections 55-41A or 55-42A(2). [Amended 7-16-01 by Ord. No. 2001-29]

(6) Surface water runoff, provided that:

- (a) The total runoff generated from any net increase impervious surfaces by a ten (10) year storm of a twenty-four (24) hour duration shall be retained and infiltrated on-site. Runoff volumes shall be calculated in accordance with the United States Soil Conservation Service Technical Release No. 55 or the S.C.S. National Engineering Handbook, section 4;
- (b) The rates of runoff generated from the parcel by a two (2) year, ten (10) year and one hundred (100) year storm, each of a twenty-four (24) hour duration, shall not increase as a result of the proposed development. Runoff rates shall be calculated in accordance with the United States Soil Conservation Service Technical Release No. 55 or the S.C.S. National Engineering Handbook, section 4;
- (c) Surface water runoff shall be directed in such a way as to increase the volume and rate of discharge into any surface water body from that which existed prior to development of the parcel;
- (d) Excessively and somewhat excessively drained soils, as defined by the Soil Conservation Service, should be avoided for recharge of runoff wherever practical;
- (e) A minimum separation of two (2) feet between the elevation of the lowest point of the bottom of the infiltration or detention facility and the seasonal high water table is

met, or a lesser separation when it is demonstrated that the separation, either due to soil conditions or when considered in combination with other stormwater management techniques, is adequate to protect ground water quality; and

- (f) A four (4) year maintenance guarantee is provided for the entire stormwater management system by the applicant. In addition, the applicant shall fund or otherwise guarantee an inspection and maintenance program for a period of no less than ten (10) years. The program shall identify the entity charged with responsibility for annual inspections and the completion of any necessary maintenance, and the method to finance the program.
- (7) [Added 10-6-03 by Ord. No. 2003-33] Alternate design pilot program treatment systems, provided that:
- (a) The proposed development to be served by the system is residential and is otherwise permitted pursuant to the provisions of this chapter;
 - (b) The design of the system and its discharge point, and the size of the entire contiguous parcel on which the system or systems is located will ensure that ground water exiting from the entire contiguous parcel or entering a surface body of water will not exceed two parts per million nitrate/nitrogen, calculated pursuant to the Pinelands dilution model dated December, 1993, as amended, subject to the provisions of subsection 7(c) below. The entire contiguous parcel may include any contiguous lands to be dedicated as open

space as part of the proposed development but may not include previously dedicated road rights-of-way or any contiguous lands that have been deed restricted pursuant to Sections 55-9E or 55-10A(3);

- (c) Only contiguous lands located within the same zoning district and Pinelands management area as the proposed system or systems may be utilized for septic dilution purposes, except for the development of an individual single family dwelling on a lot existing as of January 14, 1981, nonresidential development on a lot of five (5) acres or less existing as of January 14, 1981, or cluster development as permitted by N.J.A.C. 7:50-5.19;
- (d) The depth to seasonal high water table is at least five (5) feet;
- (e) Any potable water well will be drilled and cased to a depth of at least one hundred (100) feet, unless the well penetrates an impermeable clay aquiclude, in which case the well shall be cased to at least fifty (50) feet;
- (f) No more than ten (10) alternate design pilot program treatment systems utilizing the same technology shall be installed in the development of any parcel if those systems are each serving one (1) single family dwelling;
- (g) Each system shall be equipped with automatic dialing capability to the manufacturer, or its agent, in the event of a mechanical malfunction;

- (h) Each system shall be designed and constructed so that samples of effluent leaving the alternate design pilot program septic system can be readily taken to confirm the performance of the technology;
- (i) The manufacturer or its agent shall provide to each owner an operation and maintenance manual approved pursuant to N.J.A.C. 7:50-10.22(a)2iv;
- (j) Each system shall be covered by a five-year warranty and a minimum five-year maintenance contract consistent with those approved pursuant to N.J.A.C. 7:50-10.22(a)2v that cannot be cancelled and is renewable and which includes a provision requiring that the manufacturer or its agent inspect the system at least once a year and undertake any maintenance or repairs determined to be necessary during any such inspection or as a result of observations made at any other time;
- (k) The property owner shall record with the deed to the property a notice consistent with that approved pursuant to N.J.A.C. 7:50-10.22(a)2vi that identifies the technology, acknowledges the owner's responsibility to operate and maintain it in accordance with the manual required in subsection 7(i) above, and grants access, with reasonable notice, to the local Board of Health, the Commission and its agents for inspection and monitoring purposes. The recorded deed shall run with the property and shall ensure that the maintenance requirements are binding on any owner of the property during the life of the system and that the monitoring requirements are binding on any owner of the

property during the time period the monitoring requirements apply pursuant to the pilot program or any subsequent regulations adopted by the Commission that apply to said system; and

- (1) No system shall be installed after August 5, 2007.

C. Maintenance of On-Site Wastewater Disposal Systems and Petroleum Tanks.

- (1) When adequate septage treatment facilities are available to residents of the Pinelands Area within Barnegat Township, the owner of every on-site septic wastewater treatment facility in the Pinelands Area shall:

- (a) Have the facility inspected by a technician at least once every three (3) years.
- (b) Have the facility cleaned at least once every three (3) years.
- (c) Once every three (3) years submit to the Township Health Department a sworn statement that the facility has been inspected, cleaned and is functional, setting forth the name of the person who performed the inspection and cleaning and the date of such inspection.

- (2) The owners of commercial petroleum storage tanks shall comply with the requirements of Chapter 102 of the Laws of 1986.

D. Regulation of Chemicals.

- (1) Use of the following substances is prohibited in the Pinelands Area to the extent that such use will result in direct or indirect introduction of such substances to any surface or ground or surface water or any land:

- (a) Septic tank cleaners.
 - (b) Waste oil.
- (2) All storage facilities for deicing chemicals shall be lined to prevent leaking into the soil, and shall be covered with an impermeable surface which shields the facility from precipitation.
- (3) No person shall apply any herbicide to any road or public utility right-of-way within the Pinelands Area unless necessary to protect an adjacent agricultural activity.
- E. *Water Management.* Interbasin transfer of water between watersheds in the Pinelands should be avoided to the maximum extent practical. Water shall not be exported from the Pinelands except as otherwise provided in N.J.S.A. 58:1A-7.1. In areas served by central sewers, water-saving devices such as water-saving toilets, showers and sink faucets shall be installed in all new developments.