

TOWNSHIP OF BASS RIVER
Ordinance 2013-07

AN ORDINANCE AMENDING TITLE 17, ZONING, CHAPTER 17.20.190, WATER QUALITY, OF THE TOWNSHIP OF BASS RIVER

BE IT ORDAINED by the Board of Commissioners of the Township of Bass River, County of Burlington, State of New Jersey, as follows:

I. PURPOSE: The purpose of this Ordinance is to amend Chapter 17.20.190, Water Quality, of the Township of Bass River in response to amendments to the Pinelands Comprehensive Management Plan.

II. Section 17.20.190, is hereby amended by replacing or adding the following:

A. All development permitted under this title shall be designed and carried out so that the quality of surface and groundwater shall be protected. Except as specifically authorized in this section, no development which degrades surface or groundwater quality for which establishes new point sources of pollution shall be permitted.

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

1. Development of new or the 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 subsections b. through f. below, provided that:
 - a. There will be no direct discharge into any surface water body;
 - b. All discharges from the facility or use are of a quality and quantity such that groundwater exiting from the parcel of land or entering a surface body of water will not exceed two parts per million nitrate/nitrogen;
 - c. All public wastewater treatment facilities are designed to accept and treat septage; and
 - d. All storage facilities, including ponds or lagoons, are lined to prevent leakage into groundwater.
2. Development of new wastewater treatment or collection facilities which are designed to improve the level of nitrate/nitrogen attenuation of more than one existing on-site wastewater treatment or collection system where a public health problem has been identified, may be exempted from the standards of subsection (B)(1)(b) of this section provided that:

- a. There will be no direct discharge into any surface water body;
 - b. The facility is designed only to accommodate wastewater from existing residential, commercial, and industrial development;
 - c. Adherence to subsection (B)(1)(b) of this section 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 groundwater 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 subsection (B)(1)(a) of this section;
 - b. There is no increase in the existing approved capacity of the facility; and
 - c. All discharges from the facility into surface water are such that the nitrate/nitrogen levels of the surface waters at the discharge point do not exceed two parts per million. In the event that nitrate/nitrogen levels in the surface waters immediately upstream of the discharge point exceed two parts per million, the discharge shall not exceed two parts per million nitrate/nitrogen.
4. Individual on-site septic wastewater treatment systems which are not intended to reduce the level of nitrate/nitrogen in the wastewater, provided that:
- a. The proposed development to be served by the system is otherwise permitted pursuant to the provisions of this title;
 - 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 existing 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 subsection 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 land that have been deed restricted pursuant to Sections 17.20.240 or 17.08.060;

- c. Only contiguous lands 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 in accordance with 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 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 subsection C of this section;
 - g. The technology to be used has been approved by the New Jersey Department of Environmental Protection; and
 - h. Flow values for nonresidential development shall be determined based on the values contained in N.J.A.C. 7:9A-7.4, as amended, except that the 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 the flow.
5. Individual on-site septic wastewater treatment systems which are intended to reduce the level of nitrate/nitrogen in the wastewater, provided that:
- a. The standards set forth in sections 4.a and c. through h. above are met ;
 - b. If the proposed development is nonresidential, it is located in the VR or VC Zones;
 - 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 groundwater 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 section 4.c above 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 land that have been deed restricted pursuant to Sections 17.20.240 or 17.08.060.

6. Surface water runoff, provided that:
 - a. The total runoff generated from any net increase in impervious surfaces by a ten-year storm of a twenty-four-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-year, ten-year and 100-year storm, each of a twenty-four-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 not 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 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 groundwater quality; and
 - f. A four-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 said program.
7. 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 title;
 - 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 (2)(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 Section __ or ___;

- 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 proposes, 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 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 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 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)2vi 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 this subsection, 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

l. No system shall be installed after August 5, 2013.

C. The owner of every on-site septic waste treatment facility shall, as soon as suitable septage disposal facility capacity is available, in accordance with the provisions of Chapter 326 of the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. and Section 201 of the Clean Water Act:

1. Have the facility inspected by a technician at least once every three years;
2. Have the facility cleaned at least once every three years; and
3. Once every three years submit to the board of health serving the township a sworn statement that the facility has been inspected and cleaned and is functional, setting forth the name of the person who performed the inspection and cleaning and the date of such inspection.

D. Use of the following substances is prohibited in the township 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:

1. Septic tank cleaners; and
2. Waste oil.

E. No person shall apply any herbicide to any road or public utility right-of-way within the township unless necessary to protect an adjacent agricultural activity. (Ord. 2002-9 § 2; Ord. 1997-4, §§ 20--26; Ord. 90-15 § 1 (part); Ord. 89-8 § 8.11(I)).

BE IT FURTHER ORDAINED that this ordinance shall take effect upon proper passage and in accordance with the law.

ALL OF WHICH IS ADOPTED this _____ day of _____, 2013, by the Bass River Township Board of Commissioners.

Amanda Somes, RMC/CMR

Deborah Buzby-Cope, Mayor