

ORDINANCE NO. 2023-08

AN ORDINANCE OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 15, ARTICLE OF THE TOWNSHIP CODE, PREVIOUSLY ENTITLED "IMPROPER DISPOSAL OF WASTE."

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Township of Plumsted, County of Ocean, State of New Jersey, as follows:

SECTION 1. The Township Code of the Township of Plumsted is hereby amended and supplemented so as to amend¹ Chapter 15, previously entitled "Improper Disposal of Waste", so as to read as follows:

§ 15-5.22. Improper Disposal of Waste; Salt and De-Icing Storage. [Added 12-1-2022 by Ord. No. 2022-09]

- a. Purpose. An ordinance to prohibit the spilling, dumping, or disposal of materials, **including stored salt and other solid de-icing materials**, other than stormwater to the municipal separate storm sewer system (MS4) operated by the Township of Plumsted so as to protect health, safety and welfare, and to prescribe penalties for the failure to comply.
- b. Definitions. For the purpose of this subsection, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future; words used in the plural number include the singular number; and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

DE-ICING MATERIALS – Any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.

IMPERVIOUS SURFACE - A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) — A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the Township of Plumsted or other public body, and is designed and used for collecting and conveying stormwater. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport

¹ Additions shall be denoted in **bold underline**. Removed portions shall be denoted in ~~strikethrough~~.

stormwater from streets and other sources.

PERMANENT STRUCTURE - A permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall). A fabric frame structure shall be considered a permanent structure as defined within this chapter if it meets all of the following specifications:

- 1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;**
- 2. The design prevents stormwater run-on and run through.**
- 3. The structure is erected on an impermeable slab.**
- 4. The structure is not open sided; and**
- 5. The structure shall have a roll up door or other means of completely sealing the access way from rainfall.**

PERSON — Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

STORMWATER — Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

- c. Prohibited Conduct. The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Township of Plumsted is prohibited. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.
- d. Exceptions to Prohibition.
 1. Water line flushing or discharges from potable water sources.
 2. Uncontaminated groundwater (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising groundwaters).
 3. Air-conditioning condensate (excluding contact and noncontact cooling water).
 4. Irrigation water (including landscape and lawn watering runoff).
 5. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows.
 6. Residential car-washing water, and residential swimming pool discharges.

7. Sidewalk, driveway and street wash water.
8. Flows from firefighting activities.
9. Rinsing of Equipment.
 - (a) Flows from rinsing of the following equipment with clean water:
 - (1) Beach maintenance equipment immediately following their use for their intended purposes; and
 - (2) Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using drying cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded.
 - (b) Rinsing of equipment, as noted in the above situation, is limited to exterior, undercarriage, and exposed parts and does not apply to the engines or other enclosed machinery.
10. Township-approved events.

- e. **De-Icing Material Storage Requirements. De-icing materials should be stored in a permanent structure, if available. De-icing materials may be stored in a permanent structure year round. The property owner shall notify the Township of a designated person(s) responsible for operations at the site where these materials are stored, and who shall document that weekly inspections are conducted to ensure full compliance with this ordinance.**

Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th through April 15th, but cannot exceed thirty (30) calendar days total without prior written approval from the New Jersey Department of Environmental Protection:

1. **Materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;**
2. **Materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, and/or ditches or other stormwater conveyance channels;**
3. **Materials shall be formed in a cone-shaped storage pile;**
4. **All storage piles shall be covered as follows:**
 - (a) **The cover shall be waterproof, impermeable, and flexible;**
 - (b) **The cover shall extend to the base of any and all piles;**
 - (c) **The cover shall be free from all holes and tears;**

- (d) The cover shall be secured and weighed down around the perimeter to prevent removal by wind;
 - (e) Weight shall be placed on all covers to minimize potential of exposure as materials shift and runoff flows down to the base of the pile. Sandbags lashed together with rope or cable, placed uniformly over the flexible cover; or poly-cord nets provide a suitable alternate method. Items that can potentially hold water, including but not limited to tires, shall not be used.
5. All temporary storage sites shall be free of de-icing materials from April 16th until October 14th with no exceptions.
- f. Exceptions to De-Icing Storage Provision. Section (e) does not apply to facilities where the stormwater discharges from salt storage activities are regulated under another NJPDES permit.
 - g. Enforcement. This subsection shall be enforced by the Code Enforcement Officer or the Police Department of the Township of Plumsted.
 - h. Penalties. Any person(s) who continues to be in violation of the provisions of this subsection, after being duly notified, shall be subject to a fine of not less than \$100 nor more than \$1,000 per day.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

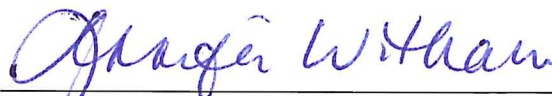
NAME	CUOZZO	GRILLETTO	HAMMERSTONE	MARINARI	BOWEN
AYES	4/23-7/6/23	4/1/23-7/6/23	4/1/23-7/6/23	4/1/23-7/6/23	4/1/23-7/6/23
ABSTAIN					
NAYS					
ABSENT					

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Plumsted held on the 1st day of June, 2023, and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the 6th day of July, 2023 at 7:00 P.M., at the Municipal Courtroom, located at 21 Evergreen Road, New Egypt, New Jersey at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Pursuant to N.J.S.A. 40:49-2, as amended, further notice is hereby given that the purpose of the forgoing ordinance is to provide regulations for salt and de-icing storage as required by the NJ Department of Environmental Protection.

Members of the general public may obtain a copy of the ordinance without cost during normal business hours from the Municipal Clerk's Office, 121 Evergreen Road, New Egypt, New Jersey.



JENNIFER WITHAM, RMC, CMR
Municipal Clerk