

**TOWNSHIP OF CLINTON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

ORDINANCE #1195-2024

AN ORDINANCE OF THE TOWNSHIP OF CLINTON REGULATING THE STORAGE OF SALT AND OTHER SOLID DE-ICING MATERIALS ON PRIVATE PROPERTIES, CONSOLIDATING EXISTING SECTIONS REQUIRED FOR MS4 MUNICIPAL STORMWATER PERMIT AND AMENDING CHAPTER 220 OF THE “CODE OF THE TOWNSHIP OF CLINTON” ENTITLED “SEWERS AND SEWAGE DISPOSAL”

WHEREAS, the New Jersey Department of Environmental Protection has designated the Township of Clinton as Stormwater Tier A for purposes of its MS4 municipal stormwater permit; and

WHEREAS, in order to help better manage stormwater discharges and resulting pollutant and nutrient impacts to waterways, the NJDEP requires Tier A municipalities to initiate a variety of municipal stormwater compliance activities before May 1, 2024, including but not limited adopting certain stormwater compliance regulations by ordinance; and

WHEREAS, Chapter 220 of the “Code of the Township of Clinton” entitled “Sewers and Sewage Disposal” (“Township Code”) presently contains several sections ensuring stormwater compliance as required by the NJDEP, including sections governing “illicit connections” (section 220-25.1), “improper disposal of waste” (section 220-25.2) and “private storm drain inlet retrofitting” (section 220-25.3); and

WHEREAS, the NJDEP also now requires municipalities to adopt ordinances regulating the storage of salt and other solid de-icing materials on private property; and

WHEREAS, at this time the Township Council seeks to amend Chapter 220 of the Township Code to add a new section to regulate salt storage on private property, and also to consolidate and update the above-referenced sections of the Township Code which also ensure stormwater compliance;

NOW, THEREFORE, BE IT ORDAINED the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey, as follows:

SECTION 1. Preamble incorporated. The statements and findings set forth in the preamble above are hereby incorporated as if fully restated herein.

SECTION 2. Chapter 220, Article I of the “Code of the Township of Clinton” amended. Article I (“General Use Regulations”) in Chapter 220 (“Sewers and Sewage Disposal”) of the “Code of the Township of Clinton” is hereby amended by repealing existing sections 220-25.1, 220-25.2 and 220-25.3, and replacing them with the following new sections 220-25.1, 220-25.2, 220-25.3, 220-25.4 and 220-25.5, the provisions of which shall read

as follows:

Article I. General Use Regulations.

[§§220-1 to 220-25 no changes]

§ 220-25.1 Municipal separate storm sewer system – general provisions.

- A. Definitions. For the purpose of sections 220-25.2 through 220-25.5 below, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this section 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. To the extent applicable, the terms below shall be construed consistently with corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

DE-ICING MATERIALS

Any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.

DOMESTIC SEWAGE

Waste and wastewater from humans or household operations that is discharged to or otherwise enters a treatment works.

ILLICIT CONNECTION

Any physical or non-physical connection that discharges the following to a municipal separate storm sewer system (unless that discharge is authorized under a NJPDES permit other than the NJPDES permit for discharges from that system):

- (1) Domestic sewage; or
- (2) Non-contact cooling water, process wastewater, or other industrial waste (other than stormwater); or
- (3) Any category of non-stormwater discharges that a permittee for the MS4 identifies as a source or significant contributor of pollutants pursuant to 40 C.F.R. 122.26(d)(2)(iv)(B)(1) or 122.34(b)(3)(iii); or

- (4) Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

IMPERVIOUS SURFACE

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

INDUSTRIAL WASTE

Non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Clinton or other public body, and is designed and used for collecting and conveying stormwater.

NJPDES PERMIT

A permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A.

NON-CONTACT COOLING WATER

Water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water may however contain algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

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 is a permanent structure if it meets 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 shall prevent stormwater run-on and run through, and the fabric cannot leak;
- (3) The structure shall be erected on an impermeable slab;
- (4) The structure cannot be open sided; and
- (5) The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.

PERSON

Any individual, corporation, company, partnership firm, association or political subdivision of the State subject to municipal jurisdiction.

PROCESS WASTEWATER

Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.

RESIDENT

A person who resides on a residential property where de-icing material is stored.

STORM DRAIN INLET

The point of entry into the storm sewer system.

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.

- B. Enforcement. Sections 220-25.2 through 220-25.5 shall be enforced by the Zoning Officer of the Township of Clinton.

§ 220-25.2 Illicit connections.

- A. Purpose. The purpose of this section is to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Township of Clinton to protect the environment, public health, safety and welfare, and to prescribe penalties for the failure to comply.
- B. Prohibited Conduct. No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system

operated by the Township of Clinton any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

- C. Violations and penalties. Any person who is found to be in violation of the provisions of this section shall be subject to a minimum fine of \$100 and a maximum fine of \$1,250, according to section 1-17 entitled "General penalty" of the Code of the Township of Clinton, 2003.

§ 220-25.3 Improper disposal of waste.

- A. Purpose. The purpose of this section is to prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Township of Clinton to protect the environment, public health, safety and welfare, and to prescribe penalties for the failure to comply.
- B. Prohibited conduct. The spilling, dumping, or disposal of materials other than stormwater that causes the discharge of pollutants to the municipal separate storm sewer system operated by the Township of Clinton is prohibited.
- C. Exceptions.
 - (1) Potable water line flushing and discharges from potable water sources, excluding the discharge of filter backwash and first flush water from potable well development/redevelopment activities utilizing chemicals in accordance with N.J.A.C. 7:9D. The volume of first flush water, which is a minimum of three times the volume of the well water column, shall be handled and disposed of properly;
 - (2) Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters), provided that water shall not discharge, either directly or indirectly, to a public right-of-way or easement if such water causes a hazardous condition, including but not limited to the accumulation of ice on a public right-of-way;
 - (3) Air conditioning condensate (excluding contact and non-contact cooling water; and industrial refrigerant condensate);
 - (4) Irrigation water (including landscape and lawn watering runoff);
 - (5) Flows from springs, riparian habitats, wetlands, water reservoir discharges and diverted stream flows;

- (6) Residential car washing water and dechlorinated swimming pool discharges from single family residential homes;
- (7) Sidewalk, driveway, and street wash water;
- (8) Flows from firefighting activities including the washing of fire fighting vehicles;
- (9) Flows from clean water rinsing of beach maintenance equipment immediately following use and only if the equipment is used for its intended purpose;
- (10) Rinsing of beach maintenance equipment is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery;
- (11) Flows from clean water rinsing of equipment and vehicles used in the application of salt and deicing materials. Prior to rinsing, all equipment shall be cleaned using dry methods such as shoveling and sweeping. Recovered materials are to be returned to storage or properly discarded; and
- (12) Rinsing of deicing equipment is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

D. Violations and penalties. Any person who is found to be in violation of the provisions of this section shall be subject to a minimum fine of \$100 and a maximum fine of \$1,250, according to section 1-17 entitled "General penalty" of the Code of the Township of Clinton, 2003.

§ 220-25.4 Private storm drain inlet retrofitting.

A. Purpose. The purpose of this section is to require the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Township of Clinton so as to protect the environment, public health, safety and welfare, and to prescribe penalties for the failure to comply. Installation of all new storm drain inlets must include a catch basin or other BMP designed for solids collection in areas which drain to surface waters and that do not have any other downstream BMPS prior to the surface water discharge.

- B. Prohibited Conduct. No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:
- (1) Already meets the design standard below to control passage of solid and floatable materials; or
 - (2) Is retrofitted or replaced to meet the standard in subsection 220-25.4D. below prior to the completion of the project.
- C. The below design standard applies to the following types of storm drain inlet retrofit projects unless a more stringent standard is specified by Article XXXV, "Surface Water Management," of the Land Use Regulations of the Township of Clinton.
- (1) Privately-owned or operated storm drain inlets (e.g., condominium association) must be retrofitted where the storm drains are:
 - (a) In direct contact with any repaving, repairing (excluding individual pothole repair), or resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen); or
 - (b) In direct contact with any reconstruction or alteration of facilities. This does not include single family homes.
- D. Grates in pavement or other ground surfaces shall meet either of the following standards:
- (1) The New Jersey Department of Transportation (NJDOT) bicycle safe grate standards described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (see www.state.nj.us/transportation/about/publicat/pdf/BikeComp/introtof ac.pdf); or
 - (2) A grate where each individual clear space in that grate has an area of no more than seven (7.0) square inches or is not greater than 0.5 inches across the smallest dimension. Note that the Residential Site Improvement Standards at N.J.A.C. 5:21 include requirements for bicycle safe grates.

- (a) Examples of grates subject to this standard include grates in grate inlets; the grate portion (noncurb opening portion) of combination inlets; grates on storm sewer manholes; ditch grates; trench grates; and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads, (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors used to collect stormwater from the surface into a storm drain or surface water body.
 - (b) For curb-openings inlets, including curb-opening inlets in combination inlets, the clear space in the curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches or be no greater than two (2.0) inches across the smallest dimension.
- E. Violations and penalties. Any person who is found to be in violation of the provisions of this section shall be subject to the following fine for each storm drain inlet that is not retrofitted to meet the design standard: a minimum fine of \$100 and a maximum fine of \$1,250, according to section 1-17 entitled "General penalty" of the Code of the Township of Clinton, 2003.

§ 220-25.5 Storage of salt and other solid de-icing materials

- A. Purpose. The purpose of this section is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This section establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the Township of Clinton (*i.e.*, privately-owned properties), including residences, in the Township to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

- B. De-icing material storage requirements.
 - (1) Temporary outdoor storage of de-icing materials in accordance with each of the requirements below is allowed between October 15th and April 15th:
 - (a) Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through.
 - (b) Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels.

- (c) Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use.
 - (d) Loose materials shall be covered as follows:
 - [1] The cover shall be waterproof, impermeable, and flexible;
 - [2] The cover shall extend to the base of the pile(s);
 - [3] The cover shall be free from holes or tears;
 - [4] The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 - [5] Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
 - [a] Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used.
 - (e) Containers must be sealed when not in use.
 - (f) The site shall be free of all de-icing materials between April 16th and October 14th.
- (2) De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 - April 15.
 - (3) All temporary and permanent structures shall also comply with all provisions of this Code, including but not limited to all construction, building and land use requirements.
 - (4) The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document

that weekly inspections are conducted to ensure that the conditions of this section are met. Inspection records shall be kept on site and made available to the Township upon request.

(a) Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

C. Exemptions. Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within two weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in subsection B. above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This section does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

D. Violations and penalties. Any person who is found to be in violation of the provisions of this section shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in fines as follows: a minimum fine of \$100 and a maximum fine of \$1,250, according to section 1-17 entitled "General penalty" of the Code of the Township of Clinton, 2003.

SECTION 3. Repealer. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

SECTION 4. Severability. If any paragraph, section, subsection, sentence, sentence clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of such holding and shall not affect the validity of the remaining paragraphs or sections hereof.

SECTION 5. Effective date. This ordinance shall take effect 20 days after final passage in accordance with N.J.S.A. 40:69A-181.

Lindsay Heller, Acting Township Clerk

Hon. Brian Mullay, Mayor

Introduced: April 10, 2024
Public hearing: April 24, 2024
Adopted: _____, 2024

The foregoing ordinance was introduced on first reading at the April 10, 2024, meeting of the Mayor and Council of the Township of Clinton. It will be further considered for final passage following a public hearing thereon to be held on **April 24, 2024, at 7:00 p.m.**, on the third floor of the Clinton Township Public Safety Building, 1370 Route 31 North, Annandale, NJ 08801, at which time and place anyone from the public wishing to be heard will be permitted to ask questions or offer comments regarding the ordinance. During the week prior to and up to and including the date of such meeting and public hearing, copies of the full ordinance will be available at no cost during regular business hours in the Office of the Township Clerk for members of the public who shall request a copy of same. The ordinance will also be available on the Township's website at <https://clintontwpnj.gov>.

The purpose of the ordinance is to regulate the storage on private properties of salt and other solid de-icing materials, as required by the New Jersey Department of Environmental Protection, and to consolidate and update the existing sections of the Township Code which also regulate stormwater compliance activities.