

**AN ORDINANCE TO AMEND AND SUPPLEMENT GENERAL LEGISLATION,  
CHAPTER 83 ENTITLED ‘STORMWATER PROHIBITIONS’ OF THE CODE OF  
THE TOWNSHIP OF PLAINSBORO**

**WHEREAS**, the Township of Plainsboro desires to supplement the Township's Ordinance to prevent improper and unnecessary contamination of the Township's storm water; and

**WHEREAS**, as part of MS4 Tier A permit storm water requirements, the New Jersey Department of Environmental Protection (NJDEP) requires municipalities to adopt NJDEP mandated regulations for privately owned salt storage; and

**WHEREAS**, the Township Engineer and Township Attorney have reviewed the model ordinance provided by NJDEP and recommend adoption; and

**WHEREAS**, the Township Council desires to adopt the NJDEP model ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Plainsboro, as followed:

**SECTION I.**

The Code of the Township of Plainsboro, New Jersey, General Legislation, Chapter 83 “Stormwater Prohibitions”, shall be amended and supplemented to add Article IV “Privately Owned Salt Storage”, as follows:

**§ 83-12 Purpose:**

The purpose of this article is to require the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction or resurfacing or alteration 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 stormwater system operated by the Township of Plainsboro so as to protect the public's health, safety and welfare and to prescribe penalties for the failure to comply.

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater. This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in the Township of Plainsboro to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

**SECTION II.**

**§ 83-13 Definitions:**

**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 Plainsboro, or other public body, and is designed and used for collecting and conveying stormwater.

**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 this state subject to municipal jurisdiction.

**REFUSE CONTAINER** — Any waste container that a person controls, whether owned, leased or operated, including dumpsters, trash cans, garbage pails and plastic trash bags.

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

**STORM DRAIN INLET** — means 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.

**WATERS OF THE STATE** — The ocean and its estuaries, all springs, streams and bodies of surface or groundwater, whet

### **SECTION III.**

#### **§ 83-18 Deicing Material Storage Requirements:**

A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15<sup>th</sup> and April 15<sup>th</sup>:

1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;

3. 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;
4. Loose materials shall be covered as follows:
  - a. The cover shall be waterproof, impermeable, and flexible;
  - b. The cover shall extend to the base of the pile(s);
  - c. The cover shall be free from holes or tears;
  - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
  - e. 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.
    - (1) 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;
5. Containers must be sealed when not in use; and
6. The site shall be free of all de-icing materials between April 16<sup>th</sup> and October 14<sup>th</sup>.

B. 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.

C. Any structure, whether temporary or not, must comply with all current Building and Zoning regulations and built to manners set forth in the Uniform Construction Code.

D. 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 ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.

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

## **SECTION IV.**

### **§ 83-19 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 (2) 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 Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

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

**SECTION V. Severability:**

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

**SECTION VI. Effective Date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduced at a Meeting of the Township Committee of the Township of Plainsboro on October 11, 2023, and published on October 16, 2023. Adopted at a Meeting held on November 8, 2023 and published on November 9, 2023.