

**TOWNSHIP OF WANTAGE
Sussex County, New Jersey**

ORDINANCE No. 07-2025

**AN ORDINANCE TO AMEND AND SUPPLEMENT
CHAPTER 14A, STORMWATER CONTROL
IN THE CODE OF THE TOWNSHIP OF WANTAGE TO
REQUIRE RETROFITTING OF EXISTING PRIVATELY OWNED STORM DRAINS
AND PREVENT STORED SALT AND OTHER SOLID DE-ICING MATERIALS FROM
BEING EXPOSED TO STORMWATER**

WHEREAS, the New Jersey Department of Environmental Protection requires that all Tier A municipalities take measures to prevent the discharge of solids and floatables from private properties into municipal separate storm systems. In order to comply with the requirements of the Township of Wantage's Municipal Stormwater General Permit, the Township Committee wishes to amend the revised general ordinances to address the permit requirements that all privately owned storm drains to be retrofitted if they are in direct contact with repaving, repairing, reconstruction, or resurfacing or of facilities on private property; and

WHEREAS, the New Jersey Department of Environmental Protection also requires that all salt and other solid de-icing materials be stored in a manner to prevent those materials from being exposed to stormwater that will runoff into the Township's municipal separate storm sewer system. In order to comply with the requirements of the Township of Wantage's Municipal Stormwater General Permit, the Township Committee wishes to amend the revised general ordinances to address the requirement of how salt and other de-icing materials are stored; and

NOW, THEREFORE, BE IT ORDAINED by the Wantage Township Committee that Chapter 14A, Stormwater Control of the Code of the Township of Wantage be amended as follows:

SECTION 1. Chapter 14A, Article II, §14A-6, Definitions is amended to include the following definition:

Storm Drain Inlet - The point of entry into the storm sewer system.

SECTION 2. Chapter 14A, Article V, Article V, Private Storm Drain Inlet Retrofitting is created to include the following:

ARTICLE V, PRIVATE STORM DRAIN INLET RETROFITTING

§14A-19 Private Storm Drain Inlet Retrofitting

All existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, shall be upgraded 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 Wantage Township to protect the environment, public health, safety and welfare, and to prescribe penalties for 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.

§14A-21 Regulated Activities:

- a. 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 Section IV below prior to the completion of the project.
- b. The below design standard applies to the following types of storm drain inlet retrofit projects unless a more stringent standard is specified by the municipality's Stormwater Control Ordinance:
 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.
- c. 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/introtofac.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.

§14A-22 Exemptions:

The following exemptions from the design standard apply:

- a. Where each individual clear space in the curb opening in existing curb-opening inlets does not have an area of more than nine (9.0) square inches;
- b. Where the review agency determines that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- c. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - 1. A rectangular space four and five-eighths inches long and one and one-half inches wide; or
 - 2. A bar screen having a bar spacing of 0.5 inches;

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

- d. Where flows are conveyed through a trash rack that has parallel bars with one inch (1") spacing between the bars, to the elevation of the water quality design storm as specified in N.J.A.C. 7:8; or
- e. Where the Department determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet the standard is an undertaking

that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

SECTION 3. Chapter 14A, Article VI, Privately-Owned Salt Storage is created to include the following:

ARTICLE VI, PRIVATELY – OWNED SALT STORAGE

§14A-23 Privately-Owned Salt Storage

The purpose of this article is to prevent stored salt and other solid de-icing materials from being exposed to stormwater. This article 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 Wantage Township to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§14A-23 Definitions:

For the purpose of this article, 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 consistent 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.

Storm Drain Inlet - The point of entry into the storm sewer system.

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:

- i. 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;
- ii. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;

- iii. The structure shall be erected on an impermeable slab;
- iv. The structure cannot be open sided; and
- v. 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.

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

§14A-24 Deicing Material Storage Requirements:

- a. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
 - 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 16th and October 14th.
 - 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. All temporary and/or permanent structures must comply with all other local ordinances, including building and zoning regulations.
 - 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.
 - e. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

§14A-25 Exemptions

- a. 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 2 weeks.
- b. 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 §14A-24 above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.
- c. This article does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

SECTION 4. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the 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 5. 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.

Ron Bassani, Mayor
Township of Wantage

ATTEST:

Melissa Morales, Municipal Clerk
Township of Wantage

NOTICE is hereby given that the above ordinance was introduced and passed upon first reading at a meeting of the Mayor and Committee of the Township of Wantage, in the County of Sussex, New Jersey, held on the 23rd day of January, 2025. It will be further considered for final passage after public hearing at a meeting of the Mayor and Committee to be held in the Municipal Building, 888 Route 23 South, in the Township of Wantage, on February 13th, 2025 at 7:00 P.M., and during the preceding week copies of the ordinance will be made available at the Clerk's office in the Municipal Building to members of the general public.

Melissa Morales, Municipal Clerk