

ORDINANCE NO. 8-2012

AN ORDINANCE AMENDING CHAPTER 15 OF THE TOWNSHIP OF EAST GREENWICH CODE BY ADDING SECTIONS 15.04.150 – 15.04.240, RELATING TO THE DIVERSION OF CONSTRUCTION AND DEMOLITION DEBRIS FROM LANDFILL DISPOSAL.

WHEREAS, the New Jersey Department of Environmental Protection has adopted an update to the Statewide Solid Waste Management Plan (SSWMP), requiring each County within one year of formal adoption of the SSWMP to adopt a new plan for recycling with a goal of 60% solid waste diversion from disposal, which in turn will require each local jurisdiction to meet that goal; and

WHEREAS, reusing and recycling construction and demolition debris is necessary both to preserve and extend the useful life of landfills within the State and to further efforts to reduce waste and comply with future New Jersey Department of Environmental Protection mandates; and

WHEREAS, construction and demolition debris recycling is proven to reduce the amount of such material deposited in a landfill; and

WHEREAS, except in unusual circumstances, it generally is feasible to divert most of the construction and demolition debris generated from most construction, demolition, and renovation projects; NOW THEREFORE,

BE IT ORDAINED, by the Committee of the East Greenwich, as follows:

That Chapter 15 of the Township of East Greenwich Code is hereby amended by adding Sections 15.04.150-15.04.240 to read as follows:

§ 15.04.150 Purpose of Construction and Demolition Debris Diversion Program

The purpose of this section is to establish the Construction and Demolition Debris Diversion Deposit Program. This program is intended to increase the *diversion of construction and demolition debris* from landfill *disposal*, conserve the capacity and extend the useful life of landfills, and avoid the potential financial and other consequences to the Township of failing to timely meet New Jersey Department of Environmental Protection requirements.

§ 15.04.160 Definitions

All defined terms in this section appear in *italics* and are found in sections of this Code, except for the terms Building Permit and Demolition/Removal Permit which refer to those terms respectively as used in the Code of Township of East Greenwich and which, consistent with the Code, are not italicized in this Article. In addition, whenever the following words or phrases are used in this Article, they mean:

Approved recycling facility means a recycling, composting, materials recovery or reuse facility which accepts *construction and demolition debris* and which is an approved / licensed NJDEP Class A-D recycling center, or a recognized facility by the *Recycling Coordinator*

Construction and demolition debris means the waste building materials, packaging, and rubble resulting from construction, remodeling, repair, alteration, and/or demolition operations on pavements, houses, all residential and non-residential developments, and other structures and may include, but is not limited to, concrete, asphalt, wood, metals, bricks, block masonry, wallboard, dirt, rocks, landscape waste, and other inert waste.

Recycling Coordinator means the Recycling Coordinator of the Township (and its successor).

Disposal means the final depositing of *solid waste* other than Construction and Demolition Debris at a permitted landfill or facility.

Diversion or Divert means the reduction or elimination of *solid waste* from landfill *disposal*.

NJDEP is the New Jersey Department of Environmental Protection

Solid Waste means all putrescible and nonputrescible solid, semisolid, and liquid wastes, including, but not limited to, garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, *construction and demolition debris*, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes. ***Solid Waste does not include***

hazardous waste, hazardous substances or medical wastes, as those terms are defined in State or Federal law.

Waste Management Form Part I means the form prepared by the Recycling Coordinator on which an *applicant* for a Building Permit or Demolition/Removal Permit shall provide information including, but not limited to, the types and amounts of *construction and demolition debris* the *applicant* anticipates each Building / Demolition Permit Application will generate and the expected *construction and demolition debris diversion* the *applicant* expects to achieve for that permitted action.

Waste Management Form Part II means the form prepared by the Recycling Coordinator on which the *applicant* for a Building Permit or Demolition/Removal Permit shall provide information including, but not limited to, the documentary evidence in a form satisfactory to the *Recycling Coordinator* demonstrating the *construction and demolition debris diversion* the *applicant* achieved for the *development*.

§ 15.04.170 Submittal of Waste Management Form and Diversion Deposit

- A. Except as otherwise provided in this Article, all *applicants* for a Building Permit or a Demolition/Removal Permit, including the Township of East Greenwich, shall submit a properly completed *Waste Management Form Part I* with the Building Permit or Demolition/Removal Permit application, in accordance with the requirements set forth in the Code of the Township.
- B. No Building Permit or Demolition/Removal Permit shall be issued unless the *applicant* has submitted a properly completed *Waste Management Form Part I*.

§ 15.04.180 Construction and Demolition Debris Measurement and Rates

- A. *Construction and demolition debris* shall be measured by weight or by volume, whichever is most accurate and practicable. To the extent practicable, all *construction and demolition debris* shall be weighed on a scale.
 - (1) For *construction and demolition debris* which is weighed, the *applicant* shall use a scale which is in compliance with all federal, state, and local regulatory requirements for accuracy and maintenance of such scale.
 - (2) For *construction and demolition debris* for which measurement by weight is not practicable, the *applicant* shall measure by volume and convert the volumetric measurements to weight using the standardized rates established in the Township Construction and Demolition Debris Conversion Rate Tables.
 - (3) The *Recycling Coordinator* reserves the right, when appropriate, to establish standard weights for various types of *construction and demolition debris* items based upon accepted average weights for such items. These standard weights shall be listed in the Township Construction and Demolition Debris Conversion Rate Tables.

- (4) All proof showing satisfactory diversion of construction and demolition debris must be submitted on a yearly basis (calendar year) or at the end of the project, whichever is sooner.
- B. For Building Permits or Demolition/Removal Permits issued on or after the effective date of this Article, the *diversion* rate shall be 65% by weight of the total *construction and demolition debris* generated by the development.
 - (1) If there are no operating approved recycling facilities or recognized facilities available for the diversion of construction and demolition debris, the applicant shall notify the recycling coordinator for verification in writing via certified mail.

§ 15.04.190 Approved Recycling Facilities/Centers

- A. Recycling Centers/Facilities utilized must be one of the following:
 - (1) An approved Class A - D facility per the NJDEP
 - (2) A facility approved or recognized by the NJDEP or *recycling coordinator*
 - (i) The *recycling coordinator* will keep a list of such facilities on file at the Township offices

§ 15.04.200 Diversion Program Exemptions

- A. The following activities, alone or in combination with one another, are exempt from this Article, except if the activity or activities is/are undertaken in conjunction with *development* which otherwise is subject to this Article:
 - (1) Roofing projects that do not include the tear-off of the existing roof.
 - (2) Installation, replacement, or repair of a retaining wall.
 - (3) Installation, replacement, or repair of a carport, patio cover, balcony, trellis, or fireplace.
 - (4) Installation, replacement, or repair of a deck.
 - (5) Installation, replacement, or repair of a fence.
 - (6) Installation, replacement, or repair of a swimming pool or a spa.
 - (7) Installation, replacement, or repair of a pre-fabricated sign which does not require modification to the structure to which the sign is attached.
 - (8) Installation, replacement, or repair of storage racks.
 - (9) Permitted Projects and/or construction which require only an electrical permit, only a plumbing permit, or only a mechanical permit.
 - (10) Any Minor permitted application may be exempted at the discretion of the *recycling coordinator* or building code official.
- B. The following activities are exempt from this Article:
 - (1) *Development* which is expected to generate only *hazardous waste* and/or *hazardous substances*.

§ 15.04.216 Recycling Area "Compound"

A. For all Major Subdivisions or Major Site Plans, the Planning/Zoning Board will allow, for the purpose of meeting this Ordinance and for recycling purposes only, an area designated for recycling containers.

- (1) This area or "compound" shall be used by the developer/contractor of the project only, and shall be designed to allow secure access via construction fence or other approved method in order to deter non-construction persons from dumping into contractor's recycling containers.
- (2) The "compound" must be clearly defined on the Land Development Plans submitted to the Township for approval, and must be approved by the appropriate Board prior to installation.
- (3) All *diversion* material temporarily stored on the site prior to being hauled off-site to an approved facility must be in containers or on a non-porous (paved) surface to prevent soil and environmental contamination.
- (4) The "compound" may utilize the following areas of the proposed development provided it is not in any environmentally sensitive or area otherwise not allowed for construction purposes:
 - i) Any proposed residential or commercial lot
 - ii) Any area designated for proposed improvements including roadways, community facilities
 - iii) Any area designated for open space (with exceptions noted below)
- (5) Areas that will not be allowed include:
 - i) Wetlands or wetland buffer areas
 - ii) Wooded areas in the Tree Protection Zone that are not otherwise to be disturbed
 - iii) Stormwater management basins, trenches, swales, etc.
 - iv) Any area designated or noted as an endangered species habitat
 - v) Any area that might otherwise jeopardize the safety of the construction site

§ 15.04.220 Fines and Penalties

A. All applicants will be required to participate and comply with the Ordinance. Fines will be imposed by the Township Police, Building Code Inspector or designated Township Official. Any applicant that does not comply with the Construction and Demolition Debris Diversion Program or does not provide the Township with diversion receipts will be fined in accordance with the graduated scale noted below.

- (1) First Offense:\$50 – \$500
- (2) Second Offense:\$250 – \$1,000
- (3) Third Offense: \$500 --\$2,000
- (4) Fourth Offense: \$1,000 --\$3,000
- (5) Fifth and Subsequent Offenses: \$2,000 --\$5,000

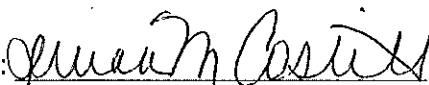
§ 15.04.230 Validity

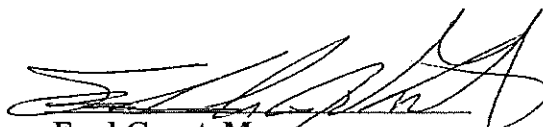
If any part or parts of this Ordinance is/are held to be invalid for any reason, then such adjudication shall not affect the validity of the remaining provisions of this Ordinance.

§ 15.04.240 Inconsistency

All Ordinances or provisions of Ordinances that are inconsistent herewith are hereby repealed to the extent of their inconsistency.

TOWNSHIP OF EASTGREENWICH

ATTEST: 
Susan M. Costill, Clerk


Fred Grant, Mayor

The foregoing Ordinance was introduced upon first reading by the Township Committee of the Township of East Greenwich on the 12th day of June, 2012. It will be further considered for final passage, after public hearing thereon, at a meeting of the Township Committee to be held at the Municipal Building, 159 Democrat Road, Mickleton, New Jersey on July 10, 2012 at 7:00 p.m. Copies of the full ordinance will be available during regular business hours at the Township Clerk's Office for members of the general public who shall request same.


Susan M. Costill, Clerk



TOWNSHIP OF EAST GREENWICH

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PUBLIC NOTICE

ORDINANCE NO. 8-2012

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GREENWICH CODE BY ADDING SECTIONS 15.04.150-15.04-240 RELATING
TO THE DIVERSION OF CONSTRUCTION AND DEMOLITION DEBRIS
FROM LANDFILL DISPOSAL**

Notice is hereby given that the above-entitled ordinance was adopted by the Township Committee at a meeting held on July 10, 2012.

Susan M. Costill
Township Clerk