

**TOWNSHIP OF GREENWICH
COUNTY OF WARREN
STATE OF NEW JERSEY**

ORDINANCE #107-2023

**AN ORDINANCE OF THE TOWNSHIP OF GREENWICH,
COUNTY OF WARREN, STATE OF NEW JERSEY, CREATING
CHAPTER 29 ENTITLED “HAZARDOUS SUBSTANCE CLEANUP”
ESTABLISHING PROCEDURES AND COSTS FOR CLEANUP AND
REMOVAL OF HAZARDOUS SUBSTANCES**

WHEREAS, the Township Committee strives to protect the health and safety of residents within the Township of Greenwich from hazardous substances;

WHEREAS, the Township Emergency Services personnel expend significant time and material in cleaning up hazardous spills;

WHEREAS, the Township Committee intends to create guidelines for the cleanup of hazardous substances within the Township;

WHEREAS, the Township Committee wants to set forth the costs associated for the cleanup and removal of hazardous substances;

WHEREAS, the Township Committee believes it is in the best interest of the residents of the Township of Greenwich to amend the Code to add these guidelines.

NOW, THEREFORE, BE IT ORDAINED, by the Township of Greenwich, County of Warren, State of New Jersey as follows:

SECTION 1

Chapter 29 – Hazardous Substance Cleanup

§ 29-1. Purpose and Intent

The purpose and intent of this Section is to authorize and direct the removal, cleanup, containment and abatement of any hazardous and/or toxic substance discharge or spill within the Township and to provide for the reimbursement and recovery of all associated costs from the responsible persons.

§ 29-2. Definitions

As used in this Chapter, the following terms shall have the meanings indicated:

CLEANUP AND REMOVAL COSTS

All costs associated with a discharge within the boundaries of the Township, which shall include labor and material for the removal of hazardous substances or taking of reasonable measures to prevent or mitigate damages to the public health, safety or welfare of the residents of the Township, including the lands, private and public, therein.

DISCHARGE

Any intentional or unintentional action or omission resulting in the release, spill, leak, pump, pour, emission, dump or disposal of hazardous substances into the air, waters or lands within the Township or outside the Township when damage may result to the waters or lands inside the Township and threatens the environment.

HAZARDOUS SUBSTANCE

Those elements, gases, compounds and petroleum products which are defined as such by the New Jersey Department of Environmental Protection, or as defined in the National Fire Protection Association Guide of Hazardous Materials, or as are set forth in the list of hazardous substances adopted by the United States Environmental Protection Agency (EPA), or as are defined on the list of toxic pollutants designated by the United States Congress or the Federal Environmental Protection Agency. For the purpose of this Chapter, sewage and sewage sludge shall also be considered as "hazardous substances."

PERSON

Any individual, corporation, company, association, firm, society, or other legal entity, private, public or commercial.

§ 29-3. Assignment of Liability

- A. Any person who has discharged or caused to be discharged, either intentionally or unintentionally, directly or indirectly, a hazardous substance or who is in any way responsible for any hazardous substance which has been or shall be discharged within the Township, which requires containment, abatement or removal, shall be strictly liable, jointly and severally, without regard to fault, and shall be responsible for all cleanup and removal costs, including the following:

- 1. Fees for the following personnel:

Personnel	Fee (Hourly)
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Fire Chief	\$60
Assistant Chief	\$60
Captain	\$50
Lieutenant	\$50
Firefighter/EMT	\$45
Firefighter	\$40
Fire Police	\$30

2. Fees for the following apparatuses:

Apparatus	Fee (Hourly)
Ladder Truck (Aerial or Platform)	\$750
Rescue Engine	\$600
Engine	\$400
Ambulance	\$400
Tanker or Tenders	\$350
Rescue/Haz-Mat Utility/Other Pumpers	\$300
Command/Chief Unit	\$200
Support Vehicles	\$150

3. Fees for replacement or cleaning of the following personal protective equipment (PPE):

PPE	Replacement Fee	Cleaning Fee
Jacket/Coat	\$2,150	\$75
Pants	\$1,950	\$75
Helmet	\$375	\$25
Hood	\$78	\$25
Boots	\$542	\$50
Fire gloves	\$123	\$25
Extrication Gloves	\$88	\$25

4. Fees for the use of self-contained breather apparatus (SCBA), \$125 per unit used and/or \$410 to replace the mask, \$9,345 to replace the pack, and \$1,379 to replace air bottle.

5. Fees for the following usage of equipment :

(a) Extrication Tools:

Equipment	Fee
Struts	\$100
All cribbing	\$50
Hydraulic Cutter	\$150
Hydraulic Spreader	\$150
Hydraulic Ram	\$150

(b) Tools

Equipment	Fee
Sawzall	\$50
K12 Saw	\$50
Chainsaw	\$50
Milwaukie Misc.	\$50
Generator	\$50
Portable Light	\$50
Light Tower Truck	\$100
Misc. Hand Tools	\$50

(c) Fire

Equipment	Fee
Foam 5 Gallon	\$150
Thermal Image Cam	\$50
Gas Multimeter	\$50
ABC Extinguisher	\$45
Water Extinguisher	\$20
Fire Hose 1.75''	\$168

Fire Hose 2.50’’	\$239
Fire Hose 5.00’’	\$1,109

(d) Miscellaneous

Equipment	Fee
Tarp	\$25
Rope	\$60
Light safety rope	\$200
Tow chain	\$25
Caution Tape	\$10
Cones	\$30
Flares	\$4

(e) Hazmat

Equipment	Fee
Speedy dry	\$30 per bag
Small booms	\$10 per
Large booms	\$60 per
Spill pads	\$35 per
Putty	\$35
Spill pool	\$150 per

(f) EMS

Equipment	Fee
Misc. Supplies	\$25
Gloves per	\$1.00
Oxygen	\$30
Blanket	\$8
C-Collar	\$25
AED	\$50
AED pads	\$110

Mask	\$3
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6. Fire Department preparedness fee of \$300 per incident.

B. This section shall not apply to discharge of hazardous substances pursuant to and in compliance with the conditions of a federal or state permit.

§ 29-4. Parties Responsible.

Reimbursement to the Township for items expended and costs incurred shall be made by the owner or operator of the vehicle responsible for or involved in the hazardous material fire, leak or spill of hazardous material; the owner or person responsible for the vessel containing the hazardous material involved in such fire, leak or spill on public or private property, whether stationary or in transit and whether accidental or through negligence; the owner or person responsible for any property from which any leak or spill or hazardous material emanates, whether accidental or through negligence and the person responsible for the hazardous material, fire, leak or spill of hazardous material on public or private property, whether accidental or through negligence, and further, this responsibility shall also apply to all persons who have intentionally, unintentionally, directly or indirectly discharged or caused to be discharged hazardous material substance within the Township of Greenwich.

§ 29-5. Right to Hearing

Upon assessment of cleanup and removal costs, the person assessed may, within 10 days of receipt of such assessment, make a written request for a hearing before the Township Council exclusively upon the reasonableness of the amount assessed.

§ 29-6. Costs

Full reimbursement shall be made to the Township of Greenwich by the person or persons responsible no later than 45 days after receipt of an itemized invoice from the Township. The person responsible for the discharge shall be liable for all reasonable attorney's fees and costs incurred in the collection of cleanup and removal costs. The remedy provided by this section shall be in addition to any other remedies provided by law.

§ 29-7. Liability for Attorney’s Fees and Collection Costs

The person responsible for the discharge shall be liable for all reasonable attorney's fees and costs incurred in the collection of cleanup and removal cost due to failure of the responsible person to remit payment as required herein.

SECTION 2. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies only.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall take effect after final passage and publication in accordance with law.

Robert Barsony, Mayor

Lisa A. Burd, RMC, CMC, CMR
Township Clerk/Administrator

Introduction: July 20, 2023
Publication: July 27, 2023
Second Reading: August 17, 2023
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