

**TOWNSHIP OF STILLWATER
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE NO. 2023-02

**AN ORDINANCE PROHIBITING THE USE OF SPENT BIOCHAR FOR ANY
PURPOSE WITHIN THE TOWNSHIP OF STILLWATER AND MANDATING THAT
ANY SPENT BIOCHAR THAT MAY BE GENERATED WITHIN THE TOWNSHIP
THROUGH PERMITTED USE OF BIOCHAR BE RETURNED TO THE
MANUFACTURER OF SAID BIOCHAR FOR RECYCLING**

WHEREAS, Biochar is a pure carbon, charcoal-like substance made from organic material that has recently gained popularity for various uses, including as a water quality enhancer for lakes, ponds and streams based on its ability to remove unwanted nutrients that can lead to excessive plant and algae growth; and

WHEREAS, Biochar is sold by various manufacturers to be placed in floatation balls, cages, or bags/socks and floated in lakes or other waterways and needs to be periodically replaced when spent; and

WHEREAS, spent Biochar contains not only the captured phosphorus and other nutrients, but also contains captured contaminants such as heavy metals and volatile organic compounds that pose a risk to human health and safety; and

WHEREAS, Biochar is also sold by various manufacturers to be spread on soil for agriculture as a source of phosphorus and spent Biochar has also been irresponsibly recommended for such use without sufficient proof that said use is safe; and

WHEREAS, the Environmental Commission of the Township of Stillwater has concluded that any use of spent Biochar within the Township of Stillwater poses an unacceptable risk that captured heavy metals and volatile organic compounds in the spent Biochar will be released back into the soil, potentially contaminating crops, the ground waters below and nearby waterways.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Stillwater, that the Township Code shall be amended as follows:

SECTION 1

A new Chapter shall be added to the Township Code of the Township of Stillwater as follows:

Chapter 468. Biochar

§ 468-1 Purpose.

The purpose of this chapter is to protect the health, safety and welfare of the citizens of the Township by preventing health hazards caused by the use of spent Biochar.

§ 468-2 Restrictions on the Use of Biochar.

- A. New Biochar intended for aqua filter use within the Township of Stillwater may only be purchased from manufacturers who will accept return of the spent biochar for recycling. All purchasers of Biochar shall retain their receipt of purchase and accurate records of the manufacturer that provided the Biochar for inspection at the Township’s discretion
- B. All spent Biochar must be returned for recycling to the manufacturer of that Biochar or any other Biochar recycling source so long as the spent Biochar is recycled and decontaminated and not used for any other purpose prior to recycling and decontamination.
- C. Spent Biochar may not be used for any purpose within the Township of Stillwater.

§ 468-3 **Enforcement.**

This chapter shall be enforced by the Township Zoning Officer.

§ 468-4 **Violations and penalties.**

Any person who violates any provisions of this chapter shall be subject to the penalties set forth in Chapter 1, Article III, General Penalty.

SECTION 2

All Ordinances or parts of Ordinances inconsistent with or contrary to the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3

This Ordinance shall take effect immediately upon its passage.

TOWNSHIP COMMITTEE OF STILLWATER TOWNSHIP

ATTEST:

Lynda Knott, Township Clerk

Lisa Chammings, Mayor

DATED: Introduced: January 17, 2023
 Adopted: February 7, 2023