

CHAPTER XXVII

HAZARDOUS SUBSTANCE CONTAINMENT AND RECOVERY

27-1 REMOVAL OF HAZARDOUS SUBSTANCES.

The Township or any of its departments or authorized agents may clean up and remove any release or spill of hazardous substances or suspected hazardous substance which occurs within the Township. No clean up or removal shall be conducted without prior approval of the Township Administrator and/or Health Officer.
(Ord. #90-28 § 1)

27-2 DEFINITIONS.

As used in this chapter:

Clean up, removal, and disposal costs shall mean all costs associated with a release/spill or fire involving hazardous substances or suspected hazardous substance incurred by the Township, its departments or authorized agents:

- a. In the containment/isolation, removal or disposal of hazardous substances or suspected hazardous substances;
or
- b. In the taking of reasonable measures to prevent or mitigate damage to public health, safety or welfare, including but not limited to, public and private property, surface waters, subsurface waters, water columns and bottom sediments, soils and other affected property, including wildlife and other natural resources.

Hazardous substances shall mean such elements and compounds, including petroleum or petroleum products, which are defined as such by the Department of Environmental Protection of the State of New Jersey or as are defined in the N.F.P.A. Guide of Hazardous Materials, or as are set forth in the list of hazardous substances adopted by the Federal Environmental Protection Agency. Sewage and sewage sludge shall be considered hazardous substances for the purpose of this chapter.

Person shall mean public or private corporations, companies' associations, societies, firm's partnerships, joint stock companies, individuals, or any other entity.

Petroleum shall mean oil or petroleum of any kind and in any form including, but not limited to, oil, petroleum, gasoline, kerosene, fuel oil, oil sludge, oil refuse, oil mixed with other wastes, crude oils and substantives or additives utilized in the refining or blending of cruse, petroleum or petroleum stock.

Release shall men any action or omission resulting in the releasing, discharging, spilling, leaking, pumping, pouring, emitting, emptying or dumping of hazardous substances or suspected hazardous materials into the waters, onto the lands or into the air, which may or does cause damage or result in damage to the lands, waters, air or natural resources.
(Ord. #90-28 § 2)

27-3 PAYMENT OF COSTS.

Any person who causes by act or omission, or is otherwise responsible for the release of hazardous substances or suspected hazardous substances which require containment, isolation, personal protection, clean up, removal, or disposal by the Township shall be liable for the payment of all costs incurred by the Township, its departments or authorized agents as a result of such actions and/or activities. The remedy provided by this chapter shall be in addition to any other remedies provided by law.
(Ord. #90-28 § 3)

27-4 RESPONSE COSTS.

For the purposes of this chapter, response costs incurred by the Township, its departments or authorized agent shall include, but not be limited to the following: actual labor costs of the responding personnel and volunteers including Workers' Compensation benefits, fringe benefits, administrative overhead; cost of equipment operation; cost of materials; the cost of any outside contact for labor and materials; and the cost of transportation and disposal.
(Ord. #90-28 § 4)

27-5 COST OF MATERIALS.

The cost of materials to be reimbursed shall include, but not be limited to, the following: firefighting foam, chemical extinguishing agents, absorbent material, recovery drums, and specialized protective equipment including acid suits, acid gloves, goggles and protective clothing.
(Ord. #90-28 § 5)