

TOWNSHIP OF HANOVER
CODE ENFORCEMENT
P.O. BOX 250
1000 ROUTE 10
WHIPPANY, NJ 07981
PHONE: 973-428-2462 FAX: 973-428-3146

REQUIREMENTS FOR SITE PLAN EXEMPTION APPLICATION

Please submit the following information to enable the committee to process your application as expeditiously as possible.

1. ON TENANTS LETTERHEAD A LETTER INDICATING THE FOLLOWING:
 - A. LOCATION OF PREMISES INCLUDING BLOCK AND LOT
 - B. NAME AND TYPE OF OPERATION OF THE PREVIOUS TENANT
 - C. A DESCRIPTION OF YOUR PROPOSED OCCUPANCY, i.e.
 - 1) NUMBER OF EMPLOYEES
 - 2) HOURS OF OPERATION
 - 3) NUMBER OF PARKING SPACES AVAILABLE
 - 4) NUMBER OF PARKING SPACES REQUIRED
 - 5) TYPE OF SERVICE: STORAGE, MANUFACTURING, RETAIL SALES, WHOLESALE DISTRIBUTION, ETC.
 - 6) LIST OF ALL HAZARDOUS SUBSTANCES
 - a. MSDS SHEETS FOR ALL HAZARDOUS SUBSTANCES
 - b. QUANTITY
 - c. STORAGE
2. FLOOR PLAN INDICATING THE FOLLOWING:
 - A. ROOM SIZES AND USES
 - B. EXITS AND EXIT LIGHTING
 - C. BATHROOMS
3. NEW FLOOR PLAN OR LETTER STATING PREMISES ARE IN MOVE-IN CONDITION
4. HANOVER SEWERAGE AUTHORITY DISCHARGE APPLICATION (INCLUDED)
5. HAZARDOUS SUBSTANCES QUESTIONNAIRE (INCLUDED)
6. EMERGENCY CONTACT PERSON NAME, ADDRESS, AND PHONE NUMBER (INCLUDED)
7. TAX COLLECTOR STATEMENT
8. **CHECK FOR \$ 200.00 MADE PAYABLE TO THE TOWNSHIP OF HANOVER**
9. **CHECK FOR \$250.00 MADE PAYABLE TO THE HANOVER SEWERAGE AUTHORITY**

**TOWNSHIP OF HANOVER
PO BOX 250
1000 ROUTE 10
WHIPPANY, NJ 07981**

Department of Finance

Telephone: 973-428-2480

Fax: 973-515-6681

- () Site Plan Exemption Committee
- () Zoning Board of Adjustment
- () Planning Board

Township of Hanover
1000 Route 10
P.O. Box 250
Whippany, NJ 07981

Block_____

Lot_____

Qual._____

Pursuant to C. 166, Article VII, Item 166-47 (Ord. # 23-86) known as the "Land Use Ordinance", adopted on August 14, 1986 by the Township of Hanover, the undersigned certifies that no taxes or assessments of local improvements are due to delinquent on the above subject property.

Date_____

Certified by:

Silvio Esposito
Collector of Taxes

**TOWNSHIP OF HANOVER
PO BOX 250
1000 ROUTE 10
WHIPPANY, NJ 07981**

Police Department

***Telephone: 973-428-2512
Fax: 973-428-1543***

Business Emergency Contact Form

Business Name: _____

Address: _____

Business Phone: _____

Cell: _____

Fax: _____

Burglar Alarm Company: _____

Phone: _____

Fire Alarm Company: _____

Phone: _____

Officials of Business:

1) Name: _____ Phone: _____

2) Name: _____ Phone: _____

Persons To Be Notified in Case of Emergency:

1) Name: _____ Phone (H): _____

Cell: _____

2) Name: _____ Phone (H): _____

Cell: _____

3) Name: _____ Phone (H): _____

Cell: _____

Owner of Building: _____

Address: _____ Phone: _____

TOWNSHIP OF HANOVER
PO BOX 250
1000 ROUTE 10
WHIPPANY, NJ 07981

Hanover Sewage Authority

Telephone: 973-428-2477

Fax: 973-515-3774

Michael C. Wynne, P.E.
Executive Director

Sewer Discharge Application

NOTICE: All users who discharge wastewater to the Hanover Sewerage Authority System must comply with the "Regulations, Specifications and Rate Schedule of the Hanover Sewerage Authority." A copy is available for review at the Authority's Administrative Office in the Hanover Township Municipal Building, 1000 Route 10 in Whippany. Copies may also be purchased. Users must also comply with applicable Federal and State laws and regulations. Depending upon the activities performed, a user may be required, under local regulation, to obtain an Industrial Sewer Discharge Permit prior to discharging. In addition, all significant industrial users, as defined in 40 CFR 403 must obtain an Industrial Sewer Discharge Permit before discharging.

APPLICATION FEE: **This application must be accompanied by a fee of \$250.** This fee is separate from any fee charged by the Township of Hanover and must be paid separately. Checks must be made payable to the Hanover Sewerage Authority. Payment must be made directly to the Authority rather than through the Township.

CERTIFICATION OF PAYMENT OF CHARGES AND FEES: You must have Part V completed by the Tax Office prior to submitting this application. If Part V is not complete or is missing, your application will not be reviewed.

PLEASE TYPE OR PRINT CLEARLY

PART I: PROPERTY OWNER INFORMATION

1. Property Owner's Name: _____

A. Mailing Address: _____

B. Contact Person: _____

C. Phone: _____

2. Property Location

A. Street Address: _____

B. Block: _____ Lot: _____ Qualifier: _____

3. Occupancy Report

A. Date of last Occupancy Report submission: _____

If Occupancy Report was not submitted in the immediately preceding October, a completed Occupancy Report must be submitted with this application. As an example: for an application submitted between October 2008 and September 2009, an October 2008 Occupancy Report must have been submitted. If Occupancy Report submissions are not current, your application will not be reviewed.

4. Owner Consent: If the applicant is not the property owner, the following consent must be signed by the property owner:

I/We, the undersigned, hereby affirm that this application is being made with my/our consent and knowledge and that the information contained herein is true and correct to the best of my/our knowledge.

_____	_____	_____
Owner Signature	Date	
_____	_____	_____
Owner Signature	Date	

PART II: TENANT / DOMESTIC WASTEWATER INFORMATION

1. Tenant's Name (Business): _____

2. Mailing Address: _____

3. Person to contact regarding information provided in this application:

A. Name of Contact Official _____

B. Title _____

D. Address _____

E. Phone Number _____

4. Provide a complete, specific, description of the operation (s) to be performed at the facility in the space provided.

Example: Manufacturing - plastics molding and forming. Utilize the following techniques: Extrusion, Coating, Thermoforming and casting to produce plastic bottles.

5. Number of employees at this facility _____
6. Domestic Wastewater Flow Estimate: _____
gpd

This estimate must be calculated in accordance with NJDEP regulations or based upon specific data with back up calculations.

PART III: NON-DOMESTIC WASTEWATER

The following section must be completed if the applicant plans to discharge any waste other than purely domestic from lavatories, shower areas or lunchroom. Commercial food handling is non-domestic. **If the discharge is purely domestic by the above requirement, indicate “Not Applicable” and skip to Part IV.**

1. Provide a flow diagram identifying all sources and flow of wastewater. Describe each source generation point and indicate all chemical storage areas as well. Enclose with application.
2. Project flow for facility _____ gpd
 - A. How determined _____
3. Describe any pretreatment process in use _____

4. The applicant must furnish, if requested by the Authority, an analysis of its wastewater conducted by a NJ Certified Laboratory.

PART IV: CERTIFICATION STATEMENT

I certify, under the penalty of the law, that this application and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

_____	_____
* Authorized Representative Name	Title
_____	_____
Authorized Representative Signature	Date
_____	_____
** Authorized Representative Name	Title
_____	_____
Authorized Representative Signature	Date

* An Authorized Representative is the highest-ranking official who has explicit knowledge of the day to day operations of the facility which proposes to discharge to the Hanover Sewerage Authority.

** An Authorized Representative is an officer of at least the level of vice-president, partner or proprietor.

PART V: CERTIFICATION OF PAYMENT OF CHARGES AND FEES

- A. Owner _____
- B. Mailing Address _____
- C. Block _____ Lot _____ Qualifier _____
- D. Account Number _____

Pursuant to the Regulations, Specifications and Rate Schedule of the Hanover Sewerage Authority, Appendix I, Paragraph 5c (12), the undersigned certifies that all charges and fees due the Authority, including interest, have been paid on the above subject property.

Date: _____

Certified by:

Silvio Esposito, CMFO, CTC
Treasurer

TOWNSHIP OF HANOVER

HAZARDOUS SUBSTANCE QUESTIONNAIRE

PURSUANT TO CHAPTER 162 OF THE
CODE OF THE TOWNSHIP OF HANOVER

PART I

COMPANY NAME: _____

DIVISION OR PLANT NAME: _____

MAILING ADDRESS: _____

STATE _____ ZIP _____

PLANT LOCATION (if not the same as above): _____

TELEPHONE NUMBER _____

NATURE OF BUSINESS _____

STANDARD INDUSTRIAL CLASSIFICATION CODE _____

INSURANCE (S) FOR FIRE LOSS

LIST COMPANY NAME, ADDRESS, BRACH OFFICE _____

NUMBER OF EMPLOYEES AT THIS LOCATION _____

COMPANY REPRESENTATIVE (S) TECHNICAL ASSISTANCE (S) -
(NAME, TITLE, AND TELEPHONE NO.) _____

EMERGENCY CONTACT (S) - (NAME, TITLE, AND TELEPHONE NO.)
DURING WORK HOURS _____

AFTER WORK HOURS _____

PART II

INSTRUCTIONS:

ON ADDITIONAL SHEETS OF PAPER, PLEASE PROVIDE THE INFORMATION, WHICH IS REQUIRED UNDER ITEMS 1, 2 AND 3 WHICH PERTAIN TO A DETAILED DESCRIPTION OF YOUR OPERATIONS AND THE SUBMISSION OF A FLOOR DIAGRAM.

DEFINITION OF HAZARDOUS SUBSTANCES: Please refer to the complete definition of Hazardous Substances as stated under Section 162-3 of the Code of the Township of Hanover.

DOES THIS FACILITY MANUFACTURE, PROCESS, FORM, PACKAGE, RELEASE, USE, DISPOSE OF, OR STORE ANY HAZARDOUS SUBSTANCES AS DEFINED ABOVE?

YES () NO ()*

IF "NO", PROCEED TO PAGE NUMBER 6 AND COMPLETE THE "CERTIFICATION STATEMENT".

DETAILED DESCRIPTION OF OPERATION/FLOOR PLAN:

1. **FLOOR PLAN** to include: flow diagram of production process, labeled storage facilities, waste accumulation areas, any secondary buildings on premises, etc.
2. **WRITTEN DESCRIPTION OF OPERATIONS** to include all preparatory operations, manufacturing processes, finishing processes and cleaning/purging of equipment, etc.
3. **PAST HISTORY OF OPERATIONS** to include: any changes in product type, production method, materials used, substitution of materials, pollution controls, etc. Indicate what changes were made, and the date (s) of change (s). (NOTE: products, which are no longer produced, must also be included).

STORAGE TANKS:

1. ARE THERE ANY ABOVE SURFACE AND/OR SUBSURFACE STORAGE TANKS AT THIS FACILITY?

2. IF SO, ARE THEY PRESENTLY IN USE? _____

3. WHAT TYPES OF MATERIALS ARE PRESENTLY STORED IN THEM OR HAVE BEEN STORED IN THEM IN THE PAST? _____

4. SKETCH THE LOCATION OF THE TANKS ON A MAP OF THE SITE, SPECIFYING THE SIZES OF EACH, AND THEIR CONTENTS. _____

5. ARE THE TANKS CHECKED FOR LEAKS? _____
6. IF SO, HOW OFTEN AND BY WHAT METHOD? _____
7. ARE THERE INDICATIONS OF ANY TANKS LEAKING?

HAZARDOUS MATERIALS:

Please refer to the complete definition of Hazardous Substances as stated under Section 162-3 of the Code of the Township of Hanover.

1. DOES THIS FACILITY MANUFACTURE _____, FORM _____, PROCESS _____, RELEASE _____, USE _____, DISPOSE _____, OR STORE _____ HAZARDOUS MATERIALS?
2. LIST ALL HAZARDOUS MATERIALS AT YOUR FACILITY, WITH THE MAXIMUM QUANTITY OF EACH WHICH WOULD BE PRESENT AT ANY ONE GIVEN TIME DURING THE YEAR (IF NECESSARY ATTACH ADDITIONAL SHEETS AND PLEASE RESTRICT UNITS TO MASS (KILOGRAMS) OR WEIGHT (POUNDS). ALL RADIOACTIVE MATERIALS (EVEN IF USED IN SMALL AMOUNTS IN QUALITY CONTROL DEVICES OR OTHER EQUIPMENT) MUST ALSO BE INCLUDED HERE. PLACE A LETTER OR SYMBOL UNDER LOCATION WHICH CORRESPONDS TO THE FLOOR PLAN WHICH YOU ARE REQUIRED TO SUBMIT.

LISTING OF ALL HAZARDOUS MATERIALS

<u>CHEMICAL NAME</u>	<u>CAS NUMBER</u>	<u>LOCATION</u>	<u>MASS (KGS) OR WEIGHT (LBS)</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

** MSDS SHEETS MUST BE INCLUDED FOR ALL CHEMICAL LISTED

3. INDICATE ON THE FLOOR PLAN WHERE HAZARDOUS MATERIALS ARE STORED, USED, GENERATED AND WASTE ACCUMULATED.

SUBSURFACE DISPOSAL:

1. IS THERE AN INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEM ANYWHERE WITHIN THE PROPERTY BOUNDARY OF YOUR FACILITY?

*YES () NO ()

2. IF YES, WHAT WASTES ARE PRESENTLY DISCHARGED, OR WERE FORMERLY DISCHARGED TO THIS DISPOSAL SYSTEM? _____

3. IS THE SYSTEM PRESENTLY IN USE? _____

4. INDICATE THE LOCATION OF THIS DISPOSAL SYSTEM ON A SEPARATE SHEET OF PAPER.

5. WHAT TYPE OF DISPOSAL AREA IS USED: SEEPAGE PIT _____, DISPOSAL BED _____, DISPOSAL TRENCH _____, OTHER (PLEASE EXPLAIN) _____

=====

WASTEWATER DISPOSAL:

1. HOW IS WATER DISPOSED OF AT THIS FACILITY?

<u>WASTEWATER TYPE</u>	<u>GENERATED AT THIS FACILITY</u>		<u>METHOD OF DISPOSAL</u>
	<u>YES</u>	<u>NO</u>	
PROCESS WATER	_____	_____	_____
CONTACT COOLING	_____	_____	_____
NON-CONTACT COOLING	_____	_____	_____
DOMESTIC SEWAGE	_____	_____	_____
CONTAMINATED STORMWATER	_____	_____	_____
WASHDOWN WATER	_____	_____	_____
SCRUBBER WATER	_____	_____	_____
OTHER (SPECIFY):	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

2. DOES THIS FACILITY POSSESS ANY DISCHARGE PERMITS (e.g. NPDES, NJPDES, OTHER)?

*YES () NO ()

2. IF YES, LIST TYPE (DISCHARGE TO GROUNDWATER OR DISCHARGE TO SURFACE WATER.) AND NUMBER OF PERMIT WITH NAME OF RECEIVING STREAMS. _____

WELLS:

1. ARE THERE ANY WATER WELLS - LOCATED ON THE PREMISES OF THIS FACILITY? _____

2. ARE THEY CURRENTLY IN USE OR ABANDONED? _____

3. IF SO DO THEY SERVE AS A POTABLE WATER SOURCE FOR THE FACILITY? _____

4. ARE THERE ANY MONITORING WELLS ON THE PREMISES OF THIS FACILITY?

*YES () NO ()

5. IF "YES" INCLUDE A MAP OF THEIR LOCATION, DEPTH OF WELL, AND DEPTH OF CASING _____

6. OTHER, EXPLAIN _____

=====

AIR DISCHARGE PERMITS:

1. DOES THIS FACILITY HOLD ANY PERMITS TO DISCHARGE INTO THE ATMOSPHERE? YES () NO ()

2. IF SO, LIST THE NUMBER OF PERMIT, AND INDICATE POINT OF DISCHARGE ON FLOOR PLAN _____

CERTIFICATION STATEMENT AND HOLD HARMLESS AND
INDEMNIFICATIONS AGREEMENT

I do solemnly declare and certify under the penalties of Chapter 162 of the Code of the Township of Hanover and all applicable state and federal laws that all statements made by me in this questionnaire are true, complete and correct to the best of my knowledge. I further understand that any falsified information which is intended to deliberately mislead the Township may subject me to the penalties of perjury as prescribed by New Jersey State Statute.

In executing this document, I also understand and agree that the Corporation/ Partnership / Owner shall defend, indemnify and save harmless the Township, its members, officers, employees, servants and agents, and each and everyone of them against and from all suits, claims and cost of every kind and description and from all damages to which the Township may be subject to from any and all claims of whatever nature might arise as a result of the reporting of the hazardous materials which are stored and/or utilized at the locations set forth in this questionnaire.

Name (Printed): _____

Title/Position: _____

(Signature)

Date Signed: _____

**TOWNSHIP OF HANOVER
P.O. BOX 250
1000 ROUTE 10
WHIPPANY, NJ 07981**

Department of Administration

*Telephone: 973-428-2466
Fax: 973-515-6683*

RE: 1993 SUBMISSION OF HAZARDOUS SUBSTANCE QUESTIONNAIRE

Dear Sir/ Madam:

In accordance with the Code of the Township of Hanover Chapter 162, it is unlawful for any person, corporation or partnership to store, use or handle hazardous substances within first completing a Hazardous Substance Questionnaire on an annual basis. For each New Year, a questionnaire will be sent to you for completion.

If your organization does not manufacture, process, form, package, release, use, dispose or store any hazardous substances as defined under Section 3 of Chapter 162 of the Code of the Township of Hanover, you will only be required to complete Part 1 of the form and return it within thirty (30) days of receipt of this questionnaire. You will not be required to pay any filing fees.

Any administrative questions concerning completion of the questionnaire may be directed to Dr. George Van Orden, the Township's Health Officer / Environmental Specialist by calling him any Wednesday afternoon only between the hours of 3:00 to 4:00 p.m. Dr. Van Orden SHALL NOT be contacted for technical assistance of a technical nature; you should obtain it through the services of a private consultant.

A copy of Chapter 162 is enclosed in your package with the questionnaire.

In addition to returning the completed questionnaire to the Township, a copy must be sent to the Cedar Knolls Fire Department, PO Box 511, Cedar Knolls, NJ 07927 and to the Whippany Fire Department, 440 Route 10, Whippany, NJ 07981.

So that the Township and your organization are aware Chapter 162 and its requirements and more importantly, so that there is no misunderstanding as to whether or not your firm received our package, we are requesting that either a principal member of your firm or individual directly responsible for the completion of the questionnaire, execute both copies of the enclosed "RECEIPT OF ACCEPTANCE". One of the copies shall serve as your receipt.

The completion of this questionnaire will be valuable asset to our health and emergency personnel and may be of paramount importance in a life-threatening situation.

The Township Committee asks your cooperation and assistance in the proper completion of the questionnaire.

Very truly yours,

TOWNSHIP OF HANOVER

Joseph A. Giorgio, R.M.C.
Township Clerk/ Administrator

JAG/cl
Enclosures

HAZARDOUS SUBSTANCES

Chapter 162

- § 162-1 Title
- § 162-2 Purpose
- § 162-3 Definitions
- § 162-4 Standards Adopted By Reference
- § 162-5 Reporting Requirements
- § 162-6 Right of Entry by Enforcement Officials
- § 162-7 Forms Required for New Construction
- § 162-8 Annual Filing of Questionnaire; Fees
- § 162-9 Changes in Storage; Use of Handling
- § 162-10 Administration; Copies of Questionnaire
- § 162-11 Waiver of Filing Fee
- § 162-12 Items to be Included in Inventory
- § 162-13 Recovery of Costs for Reinspection
- § 162-14 Notification of Intent to Cease Business
- § 162-15 Public Disclosure
- § 162-16 Trade Secrets
- § 162-17 Recovery of Costs for Special Inspection
- § 162-18 Violations and Penalties

[HISTORY: Adopted by the Township Committee of the Township of Hanover 2-24-83 as Ord. No. 12-83. Sections 162-8A, 162-13 and 162-18 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable]

HAZARDOUS SUBSTANCES

GENERAL REFERENCES

- Uniform construction codes - See Ch. 105
- Dry-cleaning and laundering establishments - See Ch. 121
- Fire prevention - See Ch. 137
- Land use and development - See Ch. 166
- Pesticides - See Ch. 210

§ 162-1. Title.

The short title of this chapter shall be the "Hazardous Substances Ordinance".

§ 162-2. Purpose.

The purpose of this chapter is to provide for the proper use, handling and storage of hazardous substances within the Township of Hanover and to provide for an effective enforcement system for the rules and regulations concerning the use, handling and storage of hazardous substances.

§ 163-3. Definitions.

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

ENFORCEMENT OFFICIAL - The Health Administrator/Environmental Specialist, the Sanitarian/Zoning Officer and members of the Hanover Township Police Department (Amended 6-12-86 by Ord. No. 21-86).

FACILITY - Any building or structure falling under the use group classifications of assembly, business, factory/ industrial, high hazard, institutional, mercantile and storage as defined in the BOCA Basic Building Code (1981 Edition) per Article 3, Sections 302.1, 303.1, 304.1, 305.1, 306.1, 307.1 and 309.1.

HAZARDOUS SUBSTANCES:

- A) A substance or combination of substances which, because of its quantity, concentration or physical, chemical or infectious characteristics may:
- (1) Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
 - (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed.

- B) All substances defined under N.J.A.C.7:1E-1.3 (j) and listed in Appendix A of N.J.A.C. 7:1E01.3 (j), entitled, " List of Hazardous Substances" promulgated April 28, 1982 by the New Jersey Department of Environmental Protection, a copy of which is on file with the Township Clerk and which is incorporated herein by reference.
- C) Petroleum and petroleum products.
- D) All pesticides designated as prohibited, restricted or specially restricted pursuant to the New Jersey Pesticide Control Act of 1971 (N.J.S.A. 13:1F-1 et seq.) and N.J.A.C. 7:30-1.5 through 1.7.
- E) Substances designated as hazardous substances by the Federal Environmental Protection Agency, pursuant to Section 311(b)(2)(A) of the Federal Water Pollution Control Act Amendments of 1972, as amended by the Clean Water Act of 1977, 33 U.S.C. §1321.
- F) Substances designated as toxic pollutants by congress for the Environmental Protection Agency, pursuant to Section 307 of the Federal Pollution Act Amendments of 1972 as amended by the Clean Water Act of 1977, 33 U.S.C. §1317.
- G) Any other substance listed in Appendix A.
- H) Any substance defined as a hazardous substance in Section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA): hazardous wastes adopted by the United States Environmental Protection Agency pursuant to section 3001 of the Resource Conservation and Recovery Act of 1976 (RCRA). **[Added 6-12-86 by Ord. No. 21-86]**

HAZARDOUS SUBSTANCE QUESTIONNAIRE AND ANY AMENDMENTS, MODIFICATIONS AND SUPPLEMENTS THERETO - A questionnaire form prepared by and made available form the Township of Hanover's Department of Administration in cooperation with the Hanover Township Board of Health.**[Amended 6-12-86 by Ord. No. 21-86]**

§ 162-4. Standards adopted by reference [Amended 6-12-86 by Ord. No. 21-86]

Hazardous substances shall only be used, stored or handled pursuant to and in accordance with the codes known as the "B.O.C.A. Basic Fire Prevention Code (1981)", the "Life Safety Code N.F.P.A. 101 (1981)" and the "Resource Conservation and Recovery Act of 1976 (RCRA)" of which codes, not less then three (3) copies have been and are filled in the office of the Clerk of the Township of Hanover, the office of the Construction Code Official of the Township of Hanover and the office of the Board of Health and the same are hereby adopted and incorporated as if fully set forth at length.

§ 162-5. Reporting requirements. [Amended 6-12-86 by Ord. No. 21-86; 12-10-87 by Ord. No. 35-87]

It shall be unlawful for any person, corporation or partnership to store, use or handle hazardous substances within or surrounding a facility located within the Township without first completing the hazardous substance questionnaire on an annual basis. The term "facility" is defined pursuant to Section 162-3 of this chapter. The questionnaire form shall be mailed by the Department of Administration to all persons, corporations or partnerships, which are affected by the provisions of this chapter. It shall be the responsibility of all persons, corporations or partnerships completing the application form to return the form and the annual application fee within thirty (30) days from the receipt of the application packet.

§ 162-6. Right of entry by enforcement officials. [Added 6-12-86 by Ord. No. 21-86]

- A) The facility landowner or lessee, their agents or other persons with legal authority of a facility which uses, stores or handles hazardous substances shall allow any authorized representative(s), as referred to under section 162-3 of this chapter, upon the presentation of credentials and other documents as may be required by law, to:
- (1) Enter upon the premises where hazardous materials exist or might be located or records required are kept, for purposes of inspection, sampling, copying or photographing. Photography shall be allowed only as related to this chapter.
 - (2) Have access to any copy, at reasonable times, of any records that must be kept under the conditions of this chapter.
 - (3) Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required by this chapter
 - (4) Sample or monitor, at reasonable times, for the purpose of assuring ordinance compliance.
- B) Any refusal by the facility landowner(s), facility lessee(s), their agents or any other person(s) with legal authority to allow entry to the authorized representatives shall be in violation of this chapter.
- C) The facility landowner(s), facility lessee(s), their agents or any other person(s) with legal authority waives all rights to prevent inspections by authorized representatives to determine the extent of compliance with any and all conditions of this chapter and agrees not to, in any manner, seek to charge said representatives the civil or criminal act of trespass when they enter the premises, occupied by the permittee in accordance with the provisions of the authorization as set forth hereinabove.

§ 162-7. Forms required for new construction.

It shall be the responsibility of any person, corporation or partnership responsible for new construction, as defined pursuant to section 162-3 of this chapter, to file a completed questionnaire form with the township in the manner prescribed under section 162-5.

§ 162-8. Annual filing of questionnaire; fees.[Amended 6-12-86 by Ord. No. 21/86]

- A) It shall be the responsibility of any person, corporation or partnership, which stores hazardous substances to file a completed questionnaire form and fee with the township on an annual basis. The date on which the questionnaire is first completed shall serve as the anniversary date for subsequent filings. Said questionnaire form shall be completed within thirty (30) days from the date of receipt. The annual filing fees for the storage of substances pursuant to the provisions of this chapter shall be as provided in Chapter 125, Fees, of the Code of the Township of Hanover. [Amended 12-10-87 by Ord. No. 35-87¹]
- B) The annual fees shall be payable to the Township of Hanover by check or money order and shall accompany the annual questionnaire form, which shall be returned to the township's Department of Administration.

§ 162-9. Changes in storage, use or handling. [Amended 6-12-86 by Ord. No. 21-86]

Any time that any person, corporation or partnership which stores hazardous substances changes the reported maximum volume or the type of hazardous substance or the method of handling or storing said hazardous material, the Health Administration/Environmental Specialist shall be notified by telephone within twenty-four (24) hours of the change. In addition, a new hazardous substances questionnaire shall be completed with the payment of a revised storage fee, which shall reflect the difference between the original fee and the new fee required in accordance with the fee schedule as provided for in section The revised questionnaire form and fee shall be filed with the Department of Administration within seven (7) days from the date of telephone notification to the Health Administrator/Environmental Specialist.

§ 162-10. Administration: copies of questionnaire. [Amended 6-12-86 by Ord. No. 21-86]

It shall be the responsibility of the township's Department of Administration to coordinate the implementation and administration of the chapter. The Department of Administration shall serve as the central repository for the completed questionnaires. It shall be the responsibility of said Department to provide copies to the following departments and agencies:

¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provision, Art. 1.

- a. Bureau of Fire Prevention Inspectors, District 2 and 3
- b. Police Department
- c. Board of Health
- d. Office of Emergency Management Services
- e. Hanover Sewerage Authority
- f. Construction Code Official

§ 162-11. Waiver of filing fee. [Added 12-10-87 by Ord. No. 35-87]

The annual filing fee for storage of substances pursuant to the provisions of this chapter shall be waived for the following types of facilities:

- a. A hospital
- b. A church
- c. A school not operated for profit
- d. Any organization, society or group which is nonprofit

§ 162-12. Items to be included in inventory. [Added 12-10-87 by Ord. No. 35-87]

It is not necessary to include materials into the inventory which are purchased in normal retail quantities, packaged in consumer packaging and used for the normal operation and maintenance of the offices, buildings and grounds at a facility (e.g. touch-up paints, fire extinguishers, cleaners and office and janitorial supplies). Materials received in bulk, rather than retail, packaging (e.g. certain dyes, solvents or pesticides) shall be listed.

§162.13. Recovery of costs for reinspection. [Added 12-10-87 by Ord. No. 35-87¹]

Whenever additional inspections of a facility defined herein are necessitated by reason of an unsatisfactory initial inspection, the facility landowner(s), facility lessee(s), their agents or any other person with legal authority shall be assessed and the Township of Hanover reimbursed for the cost of such an inspection at a rate per hour or part thereof as provided in Chapter 125, Fees, of the Code of the Township of Hanover. These costs may be made a lien and special assessment against the parcel of land on which the business is located, but implementation of such an assessment procedure shall not be the exclusive remedy of the township for recovery of such costs.

§162.14. Notification of intent to cease business. [Added 12-10-87 by Ord. No. 35-87]

Whenever a business that handles hazardous substances intends to cease or ceases doing business at a location, the business shall immediately notify the Township of Hanover Health Department.

¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provision, Art. 1.

§162.15. Public disclosure. [Added 12-10-87 by Ord. No. 35-87]

Information provided in the hazardous substance questionnaire shall be deemed a public record subject to public inspection and copying, except where the information involved is a trade secret or is otherwise excepted under law from requirement of public disclosure.

§162.16. Trade secrets. [Added 12-10-87 by Ord. No. 35-87]

A. Identification.

- (1) If a business believes that the disclosure of information requested involves a trade secret, which the business wishes to protect from public disclosure, the business shall identify or list on an additional and separate page off the hazardous substance questionnaire, conspicuously marked or labeled as containing trade secret information, the hazardous substance or other information that it claims should be protected as a trade secret. The trade secret information shall not be as set forth in any other part of the application.
- (2) Within sixty (60) days of filing a hazardous substance questionnaire in which a business has claimed a trade secret, the business shall file with the township a written substantiation of the trade secret claim. It shall also file with the township a signed written agreement in a form acceptable to the Township Attorney which indemnifies the township for the township's litigation expenses and costs if any, and for any awards of damages and attorneys' fees arising out of litigation and resulting from a township refusal to disclose information claimed by the business to be a trade secret in the event such nondisclosure is found by a court of competent jurisdiction to be unwarranted.

B. Nondisclosure. Except as provided in Subsection C, E or G of this section, the Township shall not disclose any information that, in its hazardous substance questionnaire, a business indicates is, claims to be or seeks to protect as a trade secret.

C. Disclosure to public officers and employees. Trade secret information obtained by the township may be disclosed to an officer or employee of the Township of Hanover or other public entity, provided that such disclosure is in connection with the official duty of such officer or employee under any fire suppression, health, safety or environmental law. Trade secret information may be disclosed to township contractors and to their employees if, in the judgment of the Township Administrator, such disclosure is necessary for the performance of a contract with the township and to protect the health or safety of the employees of the contractor.

D. Acknowledgment of receipt. Recipients of trade secret information pursuant to Subsection C of this section must file with the township, at the time of receipt of such information, a completed, dated and signed written acknowledgment of receipt of said trade secret information. The acknowledgement shall state that

the individual signing it is aware of the confidentiality of the information received, the restrictions on its use and dissemination and the penalties for unlawful dissemination as set forth in this section.

- E. Disclosure for medical purposes. Trade secret information may be disclosed to paramedic or medical doctor by the township when necessary for the purposes of treating a patient, so long as the paramedic or doctor is first advised that any disclosure of the information that is not necessary for the treatment of the patient would constitute a misdemeanor.
- F. Penalty for unauthorized disclosure. A person in possession of trade secret information disclosed to the township pursuant to this section that knowingly makes further disclosure thereof to any person not entitled to receive such information is guilty of a misdemeanor.
- G. Disclosure pursuant to Public Records Act.
 - (1) The township, upon receipt of a written request under the Public Records Act from any person for the disclosure of information which a business has notified the township it seeks to protect as a trade secret pursuant to Subsection A of this section, shall notify the business within two (2) working days by personal service or certified mail, return receipt requested, that a request for disclosure of trade secret information has been received by the township. The township shall also inform the business that it should immediately file the written substantiation of its claim of trade secret required by Subsection A of this section, it has not already done so, and any other relevant information it may wish to file with the township.
 - (2) Upon receipt of a request for disclosure of trade secret information, the township shall forward a copy of the request, together with any substantiation of the trade secret claim and the township's proposed determination to the Township Attorney for review and comment.
 - (3) Within ten (10) days after the receipt of a written request for disclosure of trade secret information, the township shall make a final determination whether or not to comply with the request and shall immediately notify both the person requesting the information and the business of such determination and the reasons therefore.
- H. National defense classification. Information certified by an appropriate official of the United States as classified for national defense purposes shall be accorded whatever protection against disclosure is directed by such official as specified by applicable federal law.

§ 162.17. Recovery of costs for special inspections [Added 12-10-87 by Ord. No. 35-87]

- A. A nuisance exists where a business handles a hazardous substance that has not been disclosed as required by Section 162-5 of this chapter. If a business is not in compliance with the requirements of said Section 162-5, then the township may recover the costs of obtaining the necessary information concerning the handling of hazardous substances by the business, together with any administrative costs and fees, as a lien and special assessment against the parcel of land on which the business site is located.
- B. In the event that such nuisance exists, the enforcement official shall give notice to the on-site manager and the owner of the business, as well as the property owner, that the business must immediately file a completed hazardous substance questionnaire as required under section 162-5 of this chapter. The notice shall state that if the questionnaire is not so filed the enforcement official may conduct a special inspection or other action necessary to obtain the required information concerning the handling of hazardous substances at the business site, that the costs of obtaining such information, together with any administrative costs and fees, may become a special assessment against the parcel, and that, upon Township Committee confirmation of the assessment and recordation of such an order, a lien will be attached to the subject property to be collected on the next regular property tax bill.
- C. In the event that a hazardous substance questionnaire is not filed by the business as so required, the enforcement official may conduct a special investigation or other appropriate action necessary to obtain information concerning the handling of hazardous substances at the business site.

§ 162.18. Violations and penalties. [Amended 12-10-87 by Ord. No. 35-87²]

Any person, corporation, partnership or facility violating this chapter shall be subject, upon conviction in the Municipal Court, to a fine of not less than one thousand dollars (\$1,000) and/or imprisonment up to ninety (90) days or both. Each day that a particular violation continues shall constitute a separate violation.

² Editors Note: Amended at time of adoption of Code; see Ch.1, General Provisions, Art. 1

**HAZARDOUS SUBSTANCE QUESTIONNAIRE
PURSUANT TO CHAPTER 162 OF THE
CODE OF THE TOWNSHIP OF HANOVER**

**RECEIPT OF ACCEPTANCE OF QUESTIONNAIRE AND
CHAPTER 162 OF THE
CODE OF THE TOWNSHIP OF HANOVER**

Name of Corporation/Firm:

Address of Corporation/Firm:

This is to acknowledge that on _____, I _____
(date) (print name of company official)

a principal member/representative of the firm mentioned above did receive a copy of the Township of Hanover's Hazardous Substance Questionnaire and Chapter 162 of the Code of the Township of Hanover from a representative of the Township of Hanover.

I understand that pursuant to the provisions of Chapter 162 of the Code of the Township of Hanover, the Questionnaire Form shall be completed and returned to the Township within thirty (30) days from today's date along with the appropriate filing fee.

I further understand that failure to complete and return the Questionnaire and fee shall constitute a violation of Chapter 162 of the Code of the Township of Hanover and may subject me upon conviction in Municipal Court, to a fine of not less that \$500.00 and/or imprisonment up to ninety (90) days. Each day that a particular violation continues shall constitute a separate violation.

Signature of a Principal Member or
Representative of Firm

Title or Position

Date Received and Signed

Signature of Township Representative

Signature of Township Representative

Date Sent