



Legislation Text

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AN ORDINANCE TO AMEND AND SUPPLEMENT TITLE XVI, HEALTH SANITATION AIR POLLUTION, ADDING CHAPTER 22, REGULATION OF COOLING TOWER, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY 2000, AS AMENDED AND SUPPLEMENTED, BY ESTABLISHING A COOLING TOWER REGULATION.

WHEREAS, there is an increase in the number of Legionella infections occurring in the adjacent public health jurisdictions of the City of Newark; and

WHEREAS, a common source of exposure to Legionella bacteria are traced back to sources which include cooling towers; and

WHEREAS, cooling tower and evaporative condensate units are known to be reservoirs for Legionella bacteria and are known to create conditions favorable for the growth, discharge and transmission of Legionella bacteria; and

WHEREAS, pursuant to N.J.S.A. 26:3A2-27, a governing body of any municipality may adopt, amend, repeal and enforce environmental health ordinances to control air pollution

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

SECTION 1. The Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, shall include the following:

Section 1.1: General

All owners of cooling towers shall comply with this chapter and the rules of the Health and Community Wellness Department.

Section 1.2 Definitions. As used in this chapter, the following terms shall have the following meanings:

Authorized Inspector, an authorized inspector shall be defined as any City of Newark Licensed Inspector, and/or a New Jersey Certified Health Officer, and/or a New Jersey Certified Home Inspector, and/or Code Enforcement Officer, and/or has proof of training acceptable to building code, and/or has demonstrated a proficiency in the application of the State Sanitary and Health Code, and/or an environmental consultant with demonstrated experience performing disinfection in accordance with current industry standard.

Cooling Towers, means a cooling tower, evaporative condenser or fluid cooler that is part of a recirculated water system incorporated into a building's cooling, industrial process, refrigeration, or energy production system.

Department, means Department of Health and Community Wellness

Industry Standard, means sections 5, 6, and 7.2 of the American Society of Heating, Refrigeration and Air-Conditioning Engineers Standard 188 for the year 2015 (ASHRAE 188-2015)

Section 1.3 Registration.

A. All owners of cooling towers shall register such towers with the Department of Health and Community Wellness prior to initial operation in a form and manner as required by the Director of Health and Community Wellness and shall include, at a minimum, the following information:

1. Address of the building at which the cooling tower is located;
2. Intended use of cooling tower;
3. Name, address, telephone number and email address of owner;
4. Manufacturer of the cooling tower;
5. Model number of the cooling tower;
6. Specific unit serial number of the cooling tower;
7. Cooling capacity (tonnage) of the cooling tower;
8. Basin capacity of the cooling tower; and
9. Commissioning date of the cooling tower.

B. Exception: Owners of existing cooling towers shall register such cooling towers within 30 days after the effective date of this ordinance.

C. The owner or operator of a cooling tower shall notify the Department within 30 days after removing or permanently discontinuing use of a cooling tower. Such notice shall include a written statement that such cooling tower has been drained and sanitized in compliance with the requirements of the Department for discontinuance of a cooling tower.

Section 1.4 Inspecting, Cleaning, Disinfecting and Testing.

A. All owners or operators of cooling towers must inspect, test, and clean its cooling towers.

B. All cooling towers shall be inspected, tested, cleaned and disinfected in accordance with industry standards.

- C. All inspections, cleaning and disinfection required by this ordinance shall be performed by or under the supervision of an authorized inspector.
- D. Cleaning and disinfection after extended shut-down. At a minimum, an owner shall clean and disinfect cooling towers that are shut-down for more than five days. Cleaning and disinfection shall occur within 15 days before the use of such tower.
- E. At minimum the Department will conduct one (1) inspection each year on all cooling towers in the City of Newark. The Department may conduct further inspections on cooling towers if there is a threat to the public health, safety, and welfare.

Section 1.5 Annual Certification.

The owner or operator of a cooling tower shall file a certification with the Environmental Health Office in the Department of Health and Community Wellness, each year that such cooling tower was inspected, tested, cleaned and disinfected in compliance with industry standard and City of Newark ordinance.

Section 1.6 Maintenance Program and Plan.

An owner or operator of a building that has a cooling tower shall develop and implement a maintenance program and plan for such cooling tower that is in accordance with sections 5, 6, and 7.2 of the American Society of Heating, Refrigeration and Air-Conditioning Engineers Standard 188 for the year 2015 (ASHRAE 188-2015) and with the manufacturer's instructions. Such program and plan shall be developed by an authorized inspector.

Section 1.7 Requirements for Inspections and Testing.

- A. An owner or operator of a cooling towers, with the exception of cooling towers whose use has been permanently discontinued and for which a written notice of such discontinuation has been sent to the Department, shall be inspected and tested a minimum every three months during periods of the year such cooling towers are in use.
- B. Each inspection shall include an evaluation of the cooling tower and associated equipment for the presence of organic material, biofilm, algae and other visible contaminants.
- C. Each inspection shall include a test for the presence of microbes in the water of the cooling tower, the Department shall by rule establish:
 - 1. the targets and acceptable methods of microbial testing and laboratory analysis; and
 - 2. the levels of microbes in cooling towers that are indicative of a maintenance deficiency requiring mitigation, including but not limited to maintenance to prevent potential health risks; and
 - 3. the levels of microbes in cooling towers that present a serious health threat and require immediate action and reporting.
- D. Where the results of any such test indicate levels of microbes that are indicative of a maintenance deficiency requiring mitigation, including but not limited to maintenance to prevent potential threat to the public's safety, health, and welfare, the owner of the building

that has such cooling tower shall, within 48 hours after such owner knows or reasonably should know of such results, clean and disinfect the cooling tower in accordance with the industry standard.

- E. Where the results of any such test indicate levels of microbes that present a threat to the public health, safety, and welfare, the owner of the building that has such cooling tower shall, within 24 hours after such owner knows or reasonably should know of such results: notify the Department by written notice; and clean and disinfect the cooling tower, including an additional application of biocide, in accordance with industry standards.

Section 1.8 Abatement.

Where an owner of a cooling tower does not clean and disinfect a cooling tower within the time and manner set forth in the industry standards, the Department may serve an order to abate on the owner requiring compliance within a specified time. If the owner of a cooling tower does not comply with the order to abate within the specified time, that owner shall be found to be in violation of this ordinance.

Section 1.9 Recordkeeping.

An owner shall keep and maintain records of all inspections and tests performed pursuant to this ordinance for at least three years. An owner shall maintain a copy of the maintenance program and plan required by the Maintenance Program and Plan section of this chapter on the premises where a cooling tower is located. Such records and plan shall be made available to the Department immediately upon request.

Section 1.10 Enforcement.

An authorized inspector of the City of Newark may enter onto any property to inspect the cooling tower, and upon request the owner shall provide a copy of any records or plan required to be kept for compliance with the requirements of this ordinance.

Section 1.11 Penalty

Any owner who fails to register a cooling tower or submit a certification or statement required by this chapter or violates Section 1.8 of this chapter shall be subject to a penalty of one hundred (\$100.00) dollars for each such violation after expiration of the time period delineated in the notice and shall be subject to a further penalty of five hundred (\$500.00) dollars for each week in which owner fails to comply with an order to abate. The time period for such weekly penalty assessment shall begin to run from the day after the date set for compliance in the notice and orders to abate. Though all violations may for purposes of administration be sent in one form of notice and orders, each shall be considered a separate order and shall be computed as such for purposes of this chapter.

Section 2. If any provision of this ordinance is held to be unenforceable by a court of competent jurisdiction, the remainder shall remain in full force and effect

Section 3. This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

STATEMENT

The purpose of this ordinance is to amend and supplement Title XVI, Health Sanitation Air Pollution, adding Chapter 22, Health Sanitation Air Pollution of the Revised General Ordinance of the City of Newark, New Jersey 2000, to establish a Cooling Tower Ordinance.