

ORDINANCE #1754

An Ordinance to Amend the Revised General Ordinances of the Township of Bernards, by
Creating a New Chapter 17 “Stormwater Management” Section 1 “Illicit Storm Sewer
Connections” to Comply with the NJPDES Municipal Stormwater Regulations Program

SECTION I. Purpose.

The purpose of this ordinance is to create a new Chapter 17, Stormwater Management, and Section 17-1 thereof, entitled “Illicit Storm Sewer Connections,” of the Revised General Ordinances of the Township of Bernards, in order to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Township of Bernards in compliance with the NJPDES Municipal Stormwater Regulations Program, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 17-1.1. Definitions.

For the purpose of this section, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory. The definitions below are the same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

DOMESTIC SEWAGE shall mean waste and wastewater from humans or household operations. **ILLICIT CONNECTION** shall mean any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Township of Bernards, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Non-physical connections may include, but are not limited to, leaks, flows or overflows into the municipal separate storm sewer system.

INDUSTRIAL WASTE shall mean non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b) or (c) of the Federal Clean Water Act [33 U.S.C. §1317(a), (b) or (c)].

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) shall mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains) that is owned or operated by the Township of Bernards or other public body, and is designed and used for collecting and conveying stormwater.

NJPDES PERMIT shall mean a permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A

NON-CONTACT COOLING WATER shall mean water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. “Non-contact cooling water” may, however, contain algacides or biocides to control fouling of equipment such as heat exchangers and/or corrosion inhibitors.

PERSON shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

PROCESS WASTEWATER shall mean any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product. "Process wastewater" includes, but is not limited to, leachate and cooling water other than non-contact cooling water.

STORMWATER shall mean water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

§17-1.2. Prohibited Conduct.

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Township of Bernards any domestic sewage, non-contact cooling water, process wastewater or other industrial waste (other than stormwater).

§ 17-1.3. Enforcement.

This section shall be enforced by the Zoning Enforcement Officer of the Township of Bernards.

§ 17-1.4. Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this section shall be subject to penalties as set forth in Section 3-1 of the Revised General Ordinances of the Township of Bernards.

SECTION II. Severability:

Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

SECTION III. Effective date:

This ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Publication by Summary Pursuant to N.J.S.A.40:49-2

This ordinance is consistent with the goals of the 2003 Bernards Township Master Plan and the State of New Jersey Stormwater Management Regulations. It is based on the model ordinances provided by the NJDEP and has been amended to include the appropriate enforcement agency in Bernards Township. It prohibits the discharge, or cause to be discharged, through an illicit connection to the municipal separate storm sewer system operated by the Township of Bernards any domestic sewage, non-contact cooling water, process wastewater or other industrial waste (other than stormwater).

Note: on 8/10/04 ordinance was tabled to a worksession discussion

**TOWNSHIP OF BERNARDS
PUBLIC NOTICE**

Ordinance #1754, was introduced and passed on first reading by the Township Committee of the Township of Bernards in the County of Somerset on 9/14/04 and then ordered to be published according to law/ It will be further considered for final passage and adoption at a public hearing held at a meeting of the Township Committee at the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ in said township on 10/26/04, at 7:30 P.M., when and where, or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. A complete text of this ordinance is available in the Office of the Municipal Clerk, 1 Collyer Lane, Basking Ridge, NJ, from 8:30 A.M. to 4:30 P.M., Monday through Friday. Copies are also available via e-mail from dszabo@bernards.org.

By Order of the Township Committee
Denise Szabo, Municipal Clerk

**TOWNSHIP OF BERNARDS
Public Notice**

Notice is hereby given that Bernards Township Ordinance #1754, was introduced and passed on first reading at a meeting of the Township Committee, on 9/14/04, and was passed on final reading and adopted following a public hearing thereon at a regular meeting of the Governing Body of the Township of Bernards on 10/26/04.

Denise Szabo
Municipal Clerk