

BOROUGH OF NEW PROVIDENCE

ORDINANCE 2024-12

“AN ORDINANCE PROHIBITING ILLICIT CONNECTIONS TO THE MUNICIPAL STORMWATER SYSTEM”

BE IT ORDAINED by the Mayor and Council of the Borough of New Providence, County of Union, State of New Jersey that Chapter 220, Storm Sewer System, Article I titled “Regulation of Connections and Discharges” of the Code of the Borough, be deleted and replaced with the following:

Article I. Illicit Connections.

SECTION I. Purpose:

An ordinance to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Borough of New Providence to protect the environment, public health, safety, and welfare, and to prescribe penalties for failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, 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 consistent 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.

A. “Domestic sewage” means waste and wastewater from humans or household operations that is discharged to or otherwise enters a treatment works.

B. “Illicit connection” means, any physical or non-physical connection that discharges the following to a municipal separate storm sewer system (unless that discharge is authorized under a NJPDES permit other than the NJPDES permit for discharges from that system):

1. Domestic sewage;
2. Non-contact cooling water, process wastewater, or other industrial waste (other than stormwater); or
3. Any category of non-stormwater discharges that a permittee for the MS4 identifies as a source or significant contributor of pollutants pursuant to 40 C.F.R. 122.26(d)(2)(iv)(B)(1) or 122.34(b)(3)(iii).

4. Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

C. "Industrial waste" means non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act.

D. "Municipal separate storm sewer system (MS4)" means 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 Borough of New Providence or other public body, and is designed and used for collecting and conveying stormwater.

E. "NJPDES permit" means 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.

F. "Non-contact cooling water" means 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 algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

G. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

H. "Process wastewater" means 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.

I. "Stormwater" means 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.

SECTION III. Regulated Activities:

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

SECTION IV. Exemptions:

None

SECTION V. Enforcement:

This ordinance shall be enforced by the Police Department, the Borough Administrator, the Public Works Manager or the Zoning Officer

SECTION VI. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$2,000.00.

SECTION VII. Severability:

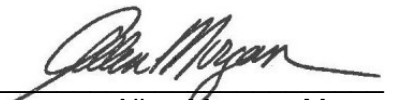
Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not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

SECTION VIII. 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.

Introduced: October 8, 2024
Public Hearing: October 22, 2024
Adopted: October 22, 2024

BOROUGH OF NEW PROVIDENCE
COUNTY OF UNION
STATE OF NEW JERSEY


Allen Morgan, Mayor

Attest:


Denise Brinkofski, Borough Clerk