

CITY OF ESTELL MANOR, NJ

ORDINANCE #08-2024

ORDINANCE CREATING CHAPTER 254 IN THE CODE OF THE CITY OF ESTELL MANOR CONCERNING ILLICIT CONNECTIONS TO MUNICIPAL SEPARATE STORM SEWER SYSTEM; AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) has determined that over 90% of New Jersey's waterways are impaired and over 60% can be attributed to pollutants from stormwater runoff; and

WHEREAS, in 2004 the Municipal Separate Storm Sewer System (MS4) permitting program was created, and is required by both federal and state regulations, to address water quality and flooding issues in municipal stormwater systems; and

WHEREAS, the MS4 Tier A Permit was recently updated with a new permitting process that became effective January 1, 2023, affecting 557 of the municipalities within New Jersey that are now required to secure a MS4 Tier A Permit; and

WHEREAS, the City of Estell Manor, which was previously included within the Tier B Permit group which required less stringent regulations, is now required to obtain a Tier A Permit; and

WHEREAS, municipalities that are newly included within the Tier A Permit municipalities have been granted until May 1, 2024 to adopt ordinances consistent with the new MS4 Tier A Permit requirements; and

WHEREAS, it is necessary for the City of Estell Manor to adopt the necessary ordinances so as to qualify for the MS4 Tier A Permit.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Estell Manor, County of Atlantic and State of New Jersey, that:

SECTION 1. Chapter 254 to be known as “Illicit Connections to Municipal Separate Storm Water System” is hereby created and added to the Code of the City of Estell Manor and shall read as follows:

Chapter 254 Illicit Connections to the Municipal Separate Storm Sewer System

ARTICLE I. Purpose

§ 254-1 Purpose

An ordinance to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the City of Estell Manor, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

ARTICLE II. Definitions

§ 254-2 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 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*.

- A. Domestic sewage – waste and wastewater from humans or household operations.
- B. Illicit connection – 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 City of Estell Manor, 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.

- C. Industrial waste – 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)).
- D. Municipal separate storm sewer system (MS4) – 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 City of Estell Manor or other public body, and is designed and used for collecting and conveying stormwater.
- E. NJPDES permit – 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 – 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 – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- H. Process wastewater – 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 – 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.

ARTICLE III. Prohibited Conduct

§ 254-3 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 City of Estell Manor any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

ARTICLE IV. Enforcement

§ 254-4 Enforcement

The provisions of this ordinance shall be enforced by the Code Enforcement Officer and by any other individual authorized by law to enforce the same.

ARTICLE V. Violations and Penalties

§ 254-5 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 and penalties consistent with those set forth within Chapter 1, Article II, §1.3 *et. seq.*

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies, and should any section, clause, sentence or provision of any item in this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. This Ordinance shall take effect upon its final passage and publication as provided

by law.

CITY COUNCIL OF
THE CITY OF ESTELL MANOR,
COUNTY OF ATLANTIC and
STATE OF NEW JERSEY

ATTEST:

Elizabeth Owen, Mayor

Lisa Marcolongo, RMC, CMR
City Clerk

COUNCIL MEMBER	MOTION	YES	NO	ABSTAIN	ABSENT
GIVENS					
MASKER					
MADDOX					
DILG					
MAYOR OWEN					

FIRST READING: **March 5, 2024**
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