

PLEASE TAKE NOTICE that the following Ordinance was adopted on first reading by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, at a meeting held on the 18th day of October, 2023. The Ordinance was then ordered to be published according to law. Notice is hereby given that the said Ordinance will be considered for final passage at a public hearing to be held on 8th day of November, 2023, at 7:00 p.m., or as soon thereafter as the matter may be reached, at the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey or via a virtual meeting of the governing body held on such date at which time all interested parties will be heard.

Ella M. Ruta, Municipal Clerk

ORDIANNCE #2023-16

AN ORDINANCE OF THE TOWNSHIP OF UNION, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AMENDING CHAPTER 22, ENVIRONMENTAL REGULATIONS, OF THE TOWNSHIP CODE TO ESTABLISH NJDEP-MANDATED REGULATIONS FOR ILLICIT STORM SEWER CONNECTIONS

WHEREAS, as part of the MS4 Tier A permit stormwater requirements, the New Jersey Department of Environmental Protection (NJDEP) requires municipalities to adopt NJDEP-mandated regulations prohibiting illicit storm sewer connections; and

WHEREAS, the Township Engineer and Township Attorney have reviewed the model ordinance provided by NJDEP and recommend adoption; and

WHEREAS, the Township Committee desires to adopt the NJDEP model ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, as follows:

SECTION 1. Chapter 22, Environmental Regulations, of the Township Code is hereby amended to establish § 22-5, Illicit Connection, to read as follows:

§ 22-5 Illicit Connection.

§ 22-5.1 Purpose.

To prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Township of Union, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 22-5.2 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 ordinance 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 Township of Union, 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 Township of Union 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.

§ 22-5.3 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 Township of Union any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

§ 22-5.4 Enforcement.

This ordinance shall be enforced by the Board of Health of the Township of Union.

§ 22-5.5 Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine of \$500 for a first offense, and fine of \$750 for a second and subsequent offense.

SECTION 2. Ordinances, resolutions, regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall take effect upon its final passage, approval, and publication, as required by law.

Ella Ruta, Municipal Clerk

David DeGiralamo, Mayor