

## **§ 19-2. MUNICIPAL STORM SEWER SYSTEM.**

### **§ 19-2.1. Illicit Connection Prohibited. [Ord. No. 05-24-OAB §§ 1 - 5]**

- a. Purpose. The purpose of this subsection is to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Township of Berkeley, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.
- b. Definitions. For the purpose of this subsection, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this subsection 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 nonphysical 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 Berkeley, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0151432). Nonphysical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

**INDUSTRIAL WASTE** — Shall mean nondomestic 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, man-made channels, or storm drains) that is owned or operated by Township of Berkeley 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 algaecides, 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, by-product, 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.

- c. **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 Berkeley any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).
- d. **Enforcement.** This subsection shall be enforced by the Berkeley Township Police Department, Ocean County Board of Health, and the Berkeley Township Code Enforcement Officer.
- e. **Violations and Penalty.** Any person who or which violates any provision of this subsection shall, upon conviction, be liable to the penalty stated in Chapter 1, Section 1-5.

**§ 19-2.2. Spilling, Dumping or Disposal of Materials in the Storm Sewer System Prohibited.**  
**[Ord. No. 05-32-OAB §§ 1 - 6]**

- a. **Purpose.** The purpose of this subsection is to prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Township of Berkeley, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.
- b. **Definitions.** For the purpose of this subsection, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this subsection 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.

**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, man-made channels, or storm drains) that is owned or operated by Township of Berkeley or other public body, and is designed and used for collecting and conveying stormwater.

**PERSON** — Shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

**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.

- c. **Prohibited Conduct.** The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by Township of Berkeley is prohibited.

The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

d. Exceptions to Prohibition.

1. Water line flushing and discharges from potable water sources.
2. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters).
3. Air conditioning condensate (excluding contact and non-contact cooling water).
4. Irrigation water (including landscape and lawn watering runoff).
5. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows.
6. Residential car washing water, and residential swimming pool discharges.
7. Sidewalk, driveway and street wash water.
8. Flows from firefighting activities.
9. Flows from rinsing of the following equipment with clean water:
  - (a) Beach maintenance equipment immediately following their use for their intended purposes; and
  - (b) Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded.

Rinsing of equipment, as noted in the above situation is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

- e. Enforcement. It shall be the duty of any Police Officer to enforce the provisions of this subsection.
- f. Violations and Penalty. Any person who or which violates any provision of this subsection shall, upon conviction, be liable to the penalty stated in Chapter 1, Section 1-5.