

Borough of Berlin, NJ

Friday, July 20, 2018

Chapter 284. Storm Sewers

[HISTORY: Adopted by the Mayor and Borough Council of the Borough of Berlin as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Flood damage control — See Ch. **167**.

Gasoline service stations — See Ch. **182**.

Sewers — See Ch. **261**.

Stormwater management — See Ch. **285**.

Sewer connections (BOH) — See Ch. **358**.

Article I. Illicit Connections

[Adopted 4-7-2005 by Ord. No. 2005-4]

§ 284-1. Purpose.

An article to prohibit illicit connections to the municipal separate storm sewer system (MS4) operated by the Borough of Berlin, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 284-2. Definitions.

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this article 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.

DOMESTIC SEWAGE

Waste and wastewater from humans or household operations.

ILLICIT CONNECTION

Any physical or nonphysical connection that discharges domestic sewage, noncontact cooling water, processed wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Borough of Berlin, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Nonphysical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

INDUSTRIAL WASTE

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)

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 the Borough of Berlin or other public body, and is designed and used for collecting and conveying stormwater.

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 et seq.

NONCONTACT 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. Noncontact cooling water may, however, contain algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

PROCESSED 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, by-product, or waste product. Processed wastewater includes, but is not limited to, leachate and cooling water other than noncontact cooling water.

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 or equipment.

§ 284-3. Prohibited conduct.

[Amended 7-16-2015 by Ord. No. 2015-14]

- A. The spilling, dumping or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Township is prohibited. The spilling, dumping or disposal of materials other than stormwater, including, but not limited to, uncontaminated groundwater (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising groundwater and air-conditioning condensate), in such a manner as to cause the discharge of pollutants to the municipal storm system is also prohibited.
- B. Exceptions to prohibition:
 - (1) Water line flushing and discharges from potable water sources.
 - (2) Irrigation water (including landscape and lawn watering runoff).
 - (3) Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows.
 - (4) Residential car washing water and residential swimming pool discharges.
 - (5) Sidewalk, driveway and street wash water.

- (6) Flows from firefighting activities.
- (7) Flows from rinsing of the following equipment with clean water:
 - (a) Equipment used in the application of salt and deicing materials immediately following salt and deicing applications. Prior to rinsing with clean water, all residual salt and deicing 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.
 - (b) 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 machinery.

§ 284-4. Enforcement.

This article shall be enforced by the Police Department and/or other municipal officials of the Borough of Berlin.

§ 284-5. Violations and penalties.

Any person, entity or corporation who shall violate any of the provisions of this article shall, upon conviction thereof, before the Municipal Court of the Borough of Berlin, be subject to a fine not exceeding \$500 or imprisonment in the county jail for a term not exceeding 90 days, or both, in the discretion of the Municipal Court Judge before whom such defendant shall be convicted. A separate offense may be deemed committed on each day that a violation occurs or continues.

Article II. Improper Disposal of Waste

[Adopted 4-7-2005 by Ord. No. 2005-8]

§ 284-6. Purpose.

An article to prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Borough of Berlin, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 284-7. Definitions.

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this article 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)

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 the Borough of Berlin or other public body, and is designed and used for collecting and conveying stormwater.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

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 or equipment.

§ 284-8. Prohibited conduct.

The spilling, dumping, or disposal of materials other than stormwater, to the municipal separate storm sewer system operated by the Borough of Berlin 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.

§ 284-9. Exceptions to prohibition.

- A. Waterline flushing and discharges from potable water sources.
- B. Uncontaminated groundwater (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising groundwaters).
- C. Air conditioning condensate (excluding contact and noncontact cooling water).
- D. Irrigation water (including landscape and lawn watering runoff).
- E. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows.
- F. Residential car washing water, and residential swimming pool discharges.
- G. Sidewalk, driveway and street wash water.
- H. Flows from fire-fighting activities.
- I. Flows from rinsing of the following equipment with clean water:
 - (1) Beach maintenance equipment immediately following its use for its intended purposes; and
 - (2) Equipment used in the application of salt and deicing materials immediately following salt and deicing material applications. Prior to rinsing with clean water, all residual salt and deicing 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.

§ 284-10. Enforcement.

This article shall be enforced by the Police Department and/or other municipal officials of the Borough of Berlin.

§ 284-11. Violations and penalties.

Any person, entity or corporation who shall violate any of the provisions of this article shall, upon conviction thereof, before the Municipal Court of the Borough of Berlin, be subject to a fine not exceeding \$500 or imprisonment in the county jail for a term not exceeding 90 days, or both, in the discretion of the Municipal Court Judge before whom such defendant shall be convicted. A separate offense may be deemed committed on each day that a violation occurs or continues.