

ORDINANCE NO. 26-2005

**ORDINANCE OF THE TOWNSHIP OF LIVINGSTON ADDING A NEW CHAPTER 180
“ILLICIT CONNECTION” TO THE GENERAL CODE
OF THE TOWNSHIP OF LIVINGSTON**

Section 1. Purpose.

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

Section 2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

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 - waste and wastewater from humans or household operations.

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 Livingston, 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.

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)).

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 Livingston 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

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 algacides, 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.

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.

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.

Section 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 Livingston any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

Section 4. Violations and penalties.

Unless another penalty is expressly provided herein, any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$500, or by imprisonment for a term not exceeding 90 days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 5. Except as hereby amended, the General Code of the Township of Livingston shall remain in full force and effect.

Section 6. This Ordinance shall take effect upon final passage and publication in accordance with the law.

DAVID B. KATZ, Mayor

GLENN R. TURTLETAUB, Township Clerk

Approved as to form:

SHARON L. WEINER, Township Attorney

Adopted: 9/19/05