

**Borough of Pennington  
Ordinance # 2006-10**

**AN ORDINANCE PROHIBITING DISCHARGES OTHER THAN STORMWATER TO THE  
BOROUGH'S STORM SEWER SYSTEM, AND AMENDING CHAPTER 159 OF THE CODE  
OF THE BOROUGH OF PENNINGTON**

**WHEREAS**, the discharge of domestic sewage or industrial waste into storm sewers threatens major harm to the potable water supply and the environment;

**WHEREAS**, the Borough seeks to prohibit such discharges in order to protect the public health, safety and welfare;

**NOW, THEREFORE, BE IT ORDAINED**, by Borough Council of the Borough of Pennington, as follows:

1. Section 159-1 of Chapter 159 of the Code of the Borough of Pennington is hereby amended to include the following definitions inserted in alphabetical order:

**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 Borough of Pennington, 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 pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act (33 U.S.C. §1317(a), (b), or (c)), as may hereafter be amended from time to time..

**MUNICIPAL SEPARATE STORM SEWER SYSTEM** – 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 Borough 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 rules governing the New Jersey Pollutant Discharge Elimination System (NJPDES) 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 algaecides or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

**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 surface of the land, is transmitted to the subsurface, and is captured by storm sewers or other drainage facilities.

2. Chapter 159 of the Code is hereby further amended by the addition of the following new sections:

(a) No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Borough any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

(b) The Borough reserves the right to use whatever tests are available to determine the existence of illicit connections. It also reserves the right to inspect properties in order to enforce these prohibitions. If a test is used which might cause some discomfort if an illicit connection exists, it shall be recognized that any discomfort, or other effect of the test, is of less value and importance than the effects of such illicit connection on the health, comfort and welfare of the residents of the Borough, and, consequently, there shall be no cause for action against the Borough in law or in equity.

(c) Any person found to have made or caused any such discharge or to have constructed or permitted any illicit connection shall be punished by a fine not exceeding \$1,000, by imprisonment for a term not exceeding 90 days, or by a period of community service not exceeding 90 days, or by any combination thereof, except the minimum fine shall be \$100 per day for each day an unlawful discharge continues beyond the time limit provided for in the notice served by the Borough pursuant to Section 159-34 of

this chapter. Each day a violation continues shall be deemed a separate offense. In addition, any person who makes or causes such discharges or constructs or permits any illicit connection shall be liable to the Borough for expense, loss or damage incurred by the Borough as a result of such violation, as provided in Section 159-35.B. of this chapter.

3. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

4. This Ordinance shall take effect upon its passage and publication as provided by law.

Introduced: June 5, 2006

Advertised: June 15, 2006

Public Hearing: July 10, 2006

Adoption: July 10, 2006

Final Publication: July 20, 2006

ATTEST:

APPROVED:

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Elizabeth Sterling, Borough Clerk

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James Benton, Mayor

