

MONMOUTH COUNTY BOARD OF CHOSEN FREEHOLDERS

Freeholder Meeting Venue:

Date: Oct 28, 2010 - 7:00 PM

Location: Hall of Records
Freeholders' Meeting Room
1 East Main Street
Freehold, NJ 07728

Agenda: Resolution authorizing the adoption of a policy and procedure requiring dumpsters and other refuse containers that are outdoors or exposed to storm water to be covered at all times to prohibit the spilling, dumping, leaking or otherwise discharge of liquids, semi-liquids or solids from the containers into storm sewers on County Highways.

Official Document #	Res# 2010-0848						
Meeting Date	10/28/2010						
Introduced Date	10/28/2010						
Adopted Date	10/28/2010						
Agenda Item	15						
FREEHOLDER	PRES.	ABS.	MOVE	SEC	AYE	NAY	ABST.
Curley	<			<	<		
Mallet	<				<		
D'Amico	<		<		<		
Clifton	<				<		
Burry	<				<		

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
BOARD OF COUNTY COMMISSIONERS OF THE
COUNTY OF MONMOUTH AT A MEETING HELD

10/28, 2010
Tawana Brown
CLERK OF THE BOARD

County Counsel

RESOLUTION AUTHORIZING THE ADOPTION OF A POLICY AND PROCEDURE
REQUIRING DUMPSTERS AND OTHER REFUSE CONTAINERS THAT ARE
OUTDOORS OR EXPOSED TO STORM WATER TO BE COVERED AT ALL TIMES
TO PROHIBIT THE SPILLING, DUMPING, LEAKING OR OTHERWISE
DISCHARGE OF LIQUIDS, SEMI-LIQUIDS OR SOLIDS FROM THE
CONTAINERS INTO STORM SEWERS ON COUNTY HIGHWAYS.

Section I. Purpose:

A policy and procedure requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibiting the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) at County Highways and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply. This policy and procedure does not apply to any dumpster and other refuse container which is owned/controlled by any entity/person other than the County of Monmouth.

Section II. Definitions:

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

a) County Highway-any highway or other thoroughfare operated by Monmouth County (including a maintenance facility or rest area for such a thoroughfare). For purposes of this policy and procedure a "highway or other thoroughfare" does not include:

1. Any thoroughfare confined to the grounds of one or more buildings or;
2. Any thoroughfare confined to a park or recreational area operated by Monmouth County.

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b) County-Monmouth County

- 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 Monmouth County or other public body, and is designed and used for collecting and conveying stormwater. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.
- d) Person - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- e) Refuse container - any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
- f) Stormwater - means 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.
- g) Waters of the State - means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

SECTION III. Prohibited Conduct:

Monmouth County and its officers, staff, agents, other employees, contractors and students shall ensure that any County controlled dumpsters or refuse containers whether owned, leased, or operated is covered at all times and shall prevent refuse from spilling out or overflowing on County highways.

Monmouth County and its officers, staff, agents, other employees, contractors and students shall ensure that any

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County controlled dumpster or refuse container does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) on County highways.

SECTION IV. Exceptions to Prohibition:

- a. Permitted temporary demolition containers
- b. Litter receptacles (other than dumpsters or other bulk containers)
- c. Individual homeowner trash and recycling containers
- d. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
- e. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

SECTION V. Penalties:

Any Monmouth County officer or employee, who continues to be in violation of the provisions of this policy and procedure, after being duly notified, shall be subject to removal, suspension, demotion or other disciplinary action.

SECTION VI. Severability:

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

SECTION VII. Effective date:

This Policy and Procedure shall be in full force and effect from and after its adoption and any publication as may be required by law.

BE IT FURTHER RESOLVED that the Clerk forward a certified true copy of this resolution to the New Jersey Department of Environmental Protection and John Tobia, Director of Public Works and Engineering.

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