

**NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY**  
**SEWER USE REGULATIONS**

REVISED MAY 2009

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**NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY  
TOWNSHIP OF NORTH BERGEN  
HUDSON COUNTY, NEW JERSEY**

**A RESOLUTION ESTABLISHING RULES AND REGULATIONS FOR THE DISCHARGE OF  
WASTEWATERS INTO THE TREATMENT WORKS OF THE NORTH BERGEN MUNICIPAL  
UTILITIES AUTHORITY**

WHEREAS, the Federal Clean Water Act Amendments of 1977, as amended, 33 U.S.C. 1251 et. seq. The "New Jersey Water Pollution Control Act", N.J.S.A. 58:11-49 et. seq., and the New Jersey "Pretreatment Standards for Sewerage, etc." N.J.S.A. 58:11-49 et. seq., 1972 have resulted in a program of cleaning up our Nation's waters;

WHEREAS, the North Bergen Municipal Utilities Authority has already made and will continue to make a substantial financial investment in its wastewater treatment systems to achieve the goals of the Acts; and,

WHEREAS, the North Bergen Municipal Utilities Authority seeks to provide for the use of its treatment works by industrial, commercial and residential users served by it without damage to the physical facilities, without impairment of their normal function of collecting, treating and discharging domestic wastewater, and without the discharge by the North Bergen Municipal Utilities Authority treatment works of pollutants which would violate the discharge allowed under its New Jersey Pollutant Discharge Elimination System (NJPDES) permits and the applicable rules of all governmental authorities with jurisdiction over such discharges.

NOW, THEREFORE, BE IT RESOLVED BY THE North Bergen Municipal Utilities Authority, County of Hudson, State of New Jersey as follows:

(8)

RESOLUTION

WHEREAS, by previous resolution, the Authority adopted rules and regulations for the discharge of wastewater into the treatment works of the North Bergen Municipal Utilities Authority, commonly referred to as the "Sewer Use Resolution"; and

WHEREAS, said Sewer Use Resolution has been revised in accordance with the requirements of the New Jersey Department of Environmental Protection and the recommendations of Schorr DePalma, the Authority Engineers; and

WHEREAS, the Authority wishes to adopt revised Sewer Use Resolution which is incorporated by reference in this Resolution;

NOW THEREFORE BE IT RESOLVED by the Members of the North Bergen Municipal Utilities Authority the revised Use Resolution has hereby adopted; and

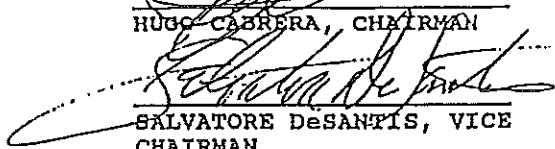
BE IT FURTHER RESOLVED that if any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof; and

BE IT FURTHER RESOLVED that all Resolutions and parts of ordinances in conflict with the provisions of this Resolution are hereby repealed as to the conflicting parts thereof; and

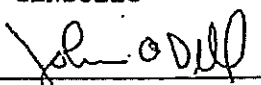
BE IT FURTHER, RESOLVED that a copy of this Resolution shall be sent to:

1. Clerk of the Township of North Bergen
2. Clerk of the Township of Guttenberg
3. Santo Grasso, Executive Director
4. Ruth Spina, Clerk
5. John Napolitano, Esq.
6. Robert Fisher, L.P.O.
7. Frank Pestano, L.P.O.

  
HUGO CABRERA, CHAIRMAN

  
SALVATORE DESANTIS, VICE  
CHAIRMAN


ABSENT  
RICHARD CENSULLO

  
JOHN O'DELL

  
ANGEL MARTINEZ

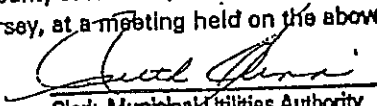
|                    | Municipal Utilities Authority       |                          |                          |
|--------------------|-------------------------------------|--------------------------|--------------------------|
|                    | Yes                                 | No                       | Not Voting               |
| Richard Censullo   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| Angel Martinez     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Salvatore Desantis | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Hugo Cabrera       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

DATED: MARCH 12, 1997  
ATTEST:

  
RUTH SPINA, CLERK

1:\NP51\NEMUA\97-22

I hereby Certify the foregoing to be  
True and Correct Copy of a Resolution  
passed and adopted by the Municipal Utilities  
Authority of the Township of North Bergen  
In the County of Hudson, in the State of  
New Jersey, at a meeting held on the above  
date.

  
Clerk, Municipal Utilities Authority



**ARTICLE ONE**  
**GENERAL PROVISIONS**

**.1 Purpose and Policy**

This Wastewater Discharge Ordinance sets forth uniform requirements for all discharges into the wastewater collection and treatment systems of the North Bergen Municipal Utilities Authority ("AUTHORITY") and enables the AUTHORITY to comply with all applicable State and Federal laws and regulations pertaining to wastewater treatment and industrial pretreatment, and to derive the maximum public benefit by regulating the quality and quantity of wastewater discharged into these systems.

The objectives of this Ordinance are:

- (a) To prevent the introduction of pollutants into the AUTHORITY's treatment works which will interfere with the operation of the systems or contaminate the resulting sludge;
- (b) To prevent the introduction into the AUTHORITY's treatment works, inadequately treated pollutants which will pass through the systems, into receiving waters or the atmosphere or otherwise be incompatible with the systems; and
- (c) To improve the opportunity to recycle and reclaim WASTEWATERS and sludges from the systems.

This Resolution authorizes monitoring and enforcement activities, requires industrial user reporting, and provides for the regulation of discharges to the AUTHORITY'S treatment works through enforcement of general requirements for all discharges.

This Resolution shall apply to all persons contributing wastewater to the AUTHORITY'S treatment works. This Resolution is a supplement to Ordinance No., as amended. Except as otherwise provided herein, the Director of the AUTHORITY'S treatment works shall administer, implement and enforce the provisions of this Resolution. 40 CFR Part 403 including all supplements and amendments thereto is hereby incorporated as part of this Resolution by reference.

## ARTICLE TWO

### DEFINITIONS

#### .2 Terms

**ACT** - Federal Water Pollution Control Act, also known as the Clean Water act, as amended, 33 U.S.C. 1251 et seq.

**Approved Test Procedure.** - Analysis performed in accordance with the analytical test procedures approved under 40 CFR part 136, or for those pollutants not covered therein, analysis performed in accordance with procedures approved by the New Jersey Department of Environmental Protection.

**AUTHORITY.** - The North Bergen Municipal Utilities Authority.

**Authorized Representative of Industrial User.** - An authorized representative of an industrial user may be: (1) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-or decision-making functions for the corporation, or the manager of one or more manufacturing, production, operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures, if the industrial user is a corporation; (2) a general partner or proprietor if the industrial user is a partnership or proprietorship,

respectively; (3) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the regulated facility such as a position of plant manager, superintendent, or person of equivalent responsibility.

**Best Management Practices – BMP.** – Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Article 3. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

**Biochemical Oxygen Demand (BOD).** – The quantity of oxygen utilized in the biochemical oxidation of organic matter for five (5) days at 20°C expressed in terms of weight and concentration (milligrams per, liter mg/l) in accordance with an approved test procedures.

**Bypass.** – Bypass means the anticipated or unanticipated intentional diversion of waste streams from any portion of a treatment works.

**Compatible Pollutant.** – Biochemical Oxygen demand total suspended solids, pH, fecal coliform bacteria, oil and grease and such additional pollutants as are now or may be in the future specified and controlled in the AUTHORITY's NJPDES permits. Where the treatment works is designed to treat such pollutants to the degree required by the NJPDES permits.

**Composite Sample.** A sample consisting of several effluent portions collected during a facility's operational hours and combined to make a representative sample.

**Director.** – The chairman of the North Bergen Municipal Utilities Authority or "executive director" or his duly appointee deputy, agent or representative.

**EDP** – Effective Date of Permit

**Engineer.** – The AUTHORITY Engineer or his duly authorized deputy, inspector, agent or representative.

**EPA.** – The United States Environmental Protection Agency

**Federal Categorical Pretreatment Standards.** – Pretreatment Standards as codified in 40 CFR Chapter I, Subchapter N specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced to a Publicly Owned Treatment Works by existing or new Industrial Users in specific industrial subcategories.

**Federal Significant Noncompliance Criteria** – An industrial user who's violation meets one or more of the following criteria:

- (A) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all of the measurements taken during a six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.
- (B) Technical Review Criteria (TRC) violators, defined here as those in which 33% or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS fats, oil and grease, 1.2 for all other pollutants except pH).
- (C) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Control Authority determines has caused, alone or in combination with other discharges, interferences or pass thru (including endangering the health of POTW personnel or the general public).
- (D) Any discharge of a pollutant that has caused imminent

endangerment to human health, welfare or to the environmental, or has resulted in the POTW's exercise of its emergency authority under paragraph (f) (1) (vi) (B) of this section to halt or prevent such a discharge.

- (E) Failure to meet within 90 days after the schedule date, a compliance schedule, milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance.
- (F) Failure to provide within thirty (3) days after the due date, required reports such as baseline monitoring reports, 90 day compliance reports, periodic self monitoring reports and reports with compliance schedules.
- (G) Failure to accurately report non-compliance.
- (H) Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

**Floatable Oil.** – Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

**Grab Sample.** – An individual sample which is collected in less than 15 minutes, with no regard to the flow of the waste stream and without consideration of time.

**Grace Period.** – Grace period means a period of time afforded under N.J.S.A. 13:1D-12.5 et. seq., commonly known as the Grace Period Law, for a person to correct a minor violation in order to avoid imposition of a penalty that would otherwise be applicable for such violation.

**Hazardous Pollutant.** – Any toxic pollutant. Any substance regulated as a

pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act., Pub. L. 94-516(7 U.S.C. § 136 et seq.); Any substance the use or manufacture of which is prohibited under the federal Toxic Substance Control Act, Pub. L. 94-469 (15 U.S.C. § 2601 et seq.); Any substance identified as a known carcinogen by the International Agency for Research on Cancer; Any hazardous waste as designated pursuant to section 3 of P.L. 1981, c. 279 (C. 13:1E-51) or the "Resource Conservation and Recovery Act," Pub. L. 94-580 (42 U.S.C. § 6901 et seq.); or Any hazardous substance as defined pursuant to section 3 of P.L. 1976, c. 141 (C. 58:10-23.11b).

**Incompatible Pollutant.** – Any pollutant which is not a "compatible pollutant" as defined in this section.

**Industrial User.** – Any person who discharges, causes or permits the discharge of on-domestic wastewater into the AUTHORITY's treatment works.

**Interference.** – Means (i) inhibiting or disrupting the operation of the AUTHORITY's treatment works or its treatment processes so as to contribute to, cause or increase a violation of any condition of a Federal or State permit under which the AUTHORITY's treatment works operate; or (ii) discharging industrial process wastewater which, in combination with existing domestic flows are of such volume and/or strength as to exceed the treatment works design capacities or that approved by the Director; or (iii) preventing the use or disposal of sludge produced by the AUTHORITY's treatment works in accordance with Section 405 of the Act and regulations and criteria pursuant to the Federal Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 3251 et seq.), the Federal Clean Air Act (42 U.S.C. 7401 et seq.), Section 2, 4 and 6 of the State Act, and, to the extent practicable, the "New Jersey Guidelines for the Utilization and Disposal of municipal and Industrial Sludges and Septage."

**Major Industrial User.** – Users whose standard classification is identified on the

Standard Industrial Classifications (S.I.C.) Manual in any of Divisions A,B,D,E, and I, and who (I) have a discharge flow of 25,000 gallons or more per average work day, (II) have a flow greater than 5% of the flow in the AUTHORITY's wastewater treatment systems, (III) have in their wastes detectable amounts of any of the pollutants listed in Table I and/or in Appendix B, Tables II-VI of the State N.J.P.D.E.S. Regulation N.J.A.C. 7:14A-1 et seq., (IV) are found by the Director to have significant impact, either singly or in combination with other contributing industries, on the treatment systems or (V) any industry subject to Federal Categorical Treatment Standards. A major industrial user is required to obtain a permit.

**New Jersey Pollutant Discharge Elimination System (NJPDES).** – The New Jersey program issuing, modifying, suspending, revolving and reissuing, terminating, monitoring and enforcing discharge permits pursuant to the State Act. The term also includes discharge permits (NJPDES) pursuant to Section 402 of the Act.

**NJDEP.** The New Jersey Department of Environmental Protection, New Jersey Department of Environmental Protection & Energy, or its successors.

**Nuisance.** – Anything which is injurious to health or is indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property of the community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

**Owner.** – The Owner of any real estate and all tenants, lessees or others in control or possession and use of the property in question.

**Pass-through.** – A discharge which exits the POTW into waters of the United States in qualities or concentrations which, along or in conjunction with a discharge or discharges from other sources, is a cause of violation of any



requirement of the POTW's NJPDEP permit (including an increase in the magnitude or duration of a violation).

**PED** – Permit Expiration Date

**Permit.** – Permit includes a letter of agreement entered into between a delegated local agency and a user of its municipal treatment works setting effluent limitations and other conditions on the user of the agency's municipal treatment works.

**Person.** – An individual, partnership, co partnership, firm, company, corporation or any other legal entity, or their legal representatives, agents or assigns. The definition includes all federal, state and local government entities.

**pH.** – The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions in moles per liter of solution.

**Pollutant.** - Any dredged spoil waste, holding tank waste, incinerator residue, sewage, garbage, refuse, oil, grease, sewage sludge, septage, munitions, chemical wastes, biological materials, radioactive substance, thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal or agricultural waste or other residue discharged into the waters of the State, the instruction of which renders these waters detrimental or immediately or potentially dangerous to the public health or unfit for public or commercial use.

**Premises.** – A parcel of real estate including any improvements thereon which is determined by the AUTHORITY to be a single user for purposes of receiving, using and paying for service.

**Pretreatment.** – The application of physical, chemical and/or biological processes to reduce the amount of pollutants in, or alter the nature of the pollutant properties in a wastewater prior to discharging such wastewater into the AUTHORITY owned wastewater treatment work.

**Pretreatment Requirements.** – Any substantive or procedural requirement

related to Pretreatment other than a National Pretreatment Standard, imposed on an Industrial user.

**Pretreatment Standards.** – All applicable Federal or State rules and regulations implementing Section 307 of the Act or N.J.S.A. 58:11-49, as well as any conflicting State or local standards. In cases of conflicting standards or regulations, the more stringent thereof shall be applied.

**Quarterly Monitoring.** – Monitoring conducted at a minimum frequency of once every three calendar months beginning with the EDP.

**Serious Violation.** – An exceedance of an effluent limitation for a discharge point source set forth in a permit, administrative order, or administrative consent agreement, including interim enforcement limits, by 20 percent or more for a hazardous pollutant, or by 40 percent or more for a nonhazardous pollutant, calculated on the basis of the monthly average for a pollutant for which the effluent limitation is expressed as a monthly average, or, in the case of an effluent limitation expressed as a daily maximum and without a monthly average, on the basis of the monthly average of all maximum daily test results for that pollutant that is not measured by mass or concentration, the AUTHORITY shall prescribe an equivalent exceedance factor therefore. The AUTHORITY may utilize, on a case-by-case basis, a more stringent factor of exceedance to determine a serious violation if the AUTHORITY states the specific reasons therefore, which may include the potential for harm to human health or the environment. "Serious violation" shall not include a violation of a permit limitation for color.

**Semi-annual.** – Monitoring conducted at a minimum frequency of once every six calendar months, beginning with EDP.

**Significant Industrial User.** – Except as provided in Article 3.5 F, the term Significant Industrial User means:

- (i) All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and
- (ii) Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Control Authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

**Significant Noncompliance.** – An industrial user who's violation meets one or more of the following criteria:

Any person who commits a serious violation for the same hazardous pollutant, at the same discharge point source, in any two months of any six month period, or who exceeds the monthly average or, in a case of a pollutant for which no monthly average has been established, the monthly average of the daily maximums for an effluent limitation for the same pollutant at the same discharge point source by any amount in any four months of any six month period, or who fails to submit a completed discharge monitoring report in any two months of any six month period. The AUTHORITY may utilize, on a case-by-case basis, a more stringent frequency or factor or exceedance to determine a significant noncomplier, if the AUTHORITY states the specific reasons therefore, which may include the potential for harm to human health or the environment.

**Suspended Solids.** – The total Nonfilterable Residue as defined in the Manual of Methods for Chemical Analysis of Water and Wastes and analyzed in accordance with an approved test procedure.

**Toxic Pollutants.** – Those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly or indirectly by ingestion through food chains, will, on the basis of information available to the Commissioner of the NJDEP, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformation, in such organism or their offspring. Toxic pollutants shall include, but not be limited to those pollutants designated under Section 307 of the Federal Act or Section 4 of the State Act.

**Upset.** – Upset means an exceptional incident in which there is unintentional and temporary noncompliance with an effluent limitation because of an event beyond the reasonable control of the permittee, including fire, riot, sabotage, or a flood, storm event, natural cause, or other act of God, or other similar circumstance, which is the cause of the violation. "Upset" also includes noncompliance consequent to the performance of maintenance operations for which a prior exception has been granted by the Department or a delegated local agency. An upset does not include noncompliance to the extent caused by operational error, improperly designed facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

**User.** – Any person who discharges, causes, or permits the discharge of wastewater into the AUTHORITY's treatment works.

## ARTICLE THREE

### REGULATIONS

#### .3 Prohibitions on Wastewater Discharge.

No person shall discharge, deposit, cause or allow to be discharged or deposited into the AUTHORITY's treatment systems any wastewater which significantly contributes to a violation of any of the parameters of the AUTHORITY's NJPDES permits, or which contains any of the following:

- A. Explosive and/or Flammable Mixtures. Liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the treatment works or to the operation of the works. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the treatment works, be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (L.E.L.) of the meter. Prohibited materials include, but are not limited to: gasoline, kerosene, naptha, benzene, toluene, zylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, fuel oil and sulfides.
- B. Noxious Materials. Incompatible pollutants which, either singly or by interaction with other wastes, are malodorous, are capable of creating a public nuisance or hazard to life or health, or are or may be sufficient to prevent entry into the AUTHORITY's treatment works for its maintenance and repair.
- C. Improperly Shredded Garbage. Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the treatment works, with no particle greater than one-half ( $\frac{1}{2}$ ) inch in any dimension; NOTE: Optional - The discharge of any improperly shredded garbage is prohibited; this prohibition does not apply

to the use of garbage disposal units in private dwellings whose only discharge is domestic.

- D. Radioactive Wastes. Prohibited except in conformance with N.J.A.C 7:28-11.2 (disposal of radioactive materials - disposal by release into sanitary sewerage systems);
- E. Solid or Viscous Wastes. Solid or viscous wastes which will or may cause obstruction to the flow in a sewer, or otherwise interfere with the proper operation of the treatment works. Prohibited materials include, but are not limited to: improperly shredded garbage, animal guts or tissues, diseased human organs or tissue fluids, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances.
- F. Toxic Discharge. Waters or wastes containing objectionable or toxic substances in sufficient quantity, either singly or by interaction with other pollutants, to result in pass through, to cause interference with the AUTHORITY's treatment works plans, to constitute a hazard to human or animals or to create a toxic effect in the receiving waters as defined by the exceedance of the standards promulgated by the Administrator of the EPA pursuant to Section 307 (a) of the Act or the NJDEP pursuant to Section 4 of the State Act, or the maximum permissible concentrations specified in Table I.
- G. Discolored Materials. Wastes with color which would cause the AUTHORITY's treatment works to exceed water quality color criteria.
- H. Corrosive Wastes. Any waste which will cause corrosion or deterioration of the treatment works; wastes discharged to the AUTHORITY's treatment works must have a pH value in the range of 6.0 to 9.0 standard units; prohibited materials

include, but are not limited to: concentrated acids, alkalines, sulfides, concentrated chloride and fluoride compounds and substances which will react with water to form acidic or alkaline products which have a pH value that does not fall within the range stated.

- I. "Incompatible Waste and Water". Waters or wastes containing substances which are not amendable to treatment or reduction by the wastewater treatment processes employed by the AUTHORITY, or are amendable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters. No waste shall be discharged to a community sewer that causes, threatens to cause, or is capable of causing either alone or by interaction with other substances conditions at or near the AUTHORITY's facilities which violate any statute or any rule, regulation, or RESOLUTION of any public agency or State or Federal regulatory body.
- J. Heat. Heat in amounts which will inhibit biological activity in the treatment works, resulting in interference or causing damage, but in no case heat in such quantities that the temperature exceeds 65C (150F) at the sewer connection and 40C (104F) at the treatment works plants.
- K. Stormwater. Discharge of stormwater including surface and ground water from sump pumps and cellar drains into the AUTHORITY's treatment works from any source.
- L. Substances Interfering with Sludge Management. Any substance which may cause the treatment works' sludge to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the treatment works are pursuing a reuse and reclamation program. In no case shall a substance discharged to the treatment works cause the AUTHORITY to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of

the Act, the Toxic Substances Control Act or, to the extent practicable, the "New Jersey Guidelines for the Utilization and Disposal of Municipal and Industrial Sludges and Septage."

- M. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
- N. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- O. Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- P. A user may not introduce into a POTW any pollutant(s) which cause Pass Through or Interference. These general prohibitions and the specific prohibitions in paragraph (b) of 40 CFR 403.5 apply to each User introducing pollutants into a POTW whether or not the User is subject to other National Pretreatment Standards or any national, State or local Pretreatment Requirements.
- Q. Provisions for Upset and Bypass shall be in accordance with 40 CFR 403.16 and 403.17. A person asserting an Upset or an unanticipated Bypass as an affirmative defense shall comply with the reporting conditions set forth in Article 12.73 (B) and (C ) of these Regulations.
- R. The AUTHORITY may development Best Management Practices (BMPs) to implement the local limits noted in Table 1, Article 3.5. Such BMPs shall be considered local limits and Pretreatment Standards for the purposes of this part and section 307(d) of the Act.

#### **.4 Limitations on Wastewater Discharges**

Table 1 presents the maximum concentrations of certain pollutants allowable in wastewater discharges to the AUTHORITY's treatment works by any discharges. In addition to those concentration limits for the pollutants set forth in Table I, no person



shall discharge wastewater containing the following:

- (1) more than 50 mg/l per day of oil or grease of animal or vegetable origin.
- (2) more than 50 mg/l per day of oil or grease of mineral or petroleum origin.  
However, existing installations at the time of adoption of this Resolution may be permitted to discharge up to the average monthly limitation of 100 mg/l provided such discharge has no significant adverse affect on the AUTHORITY's sewerage facilities.
- (3) any hydrogen sulfide, sulfur dioxide, in excess of 10.0 mg/l per day.
- (4) a chlorine demand in excess of 15 mg/l per day.
- (5) concentrations of chlorinated hydrocarbons in excess of the limits allowed in the AUTHORITY's NJPDES permit which cannot be removed by the AUTHORITY's wastewater treatment processes.
- (6) materials which exert or cause:
  - a) unusual concentrations of inert or suspended solids (such as, but not limited to, fillers earthen, lime slurries, and lime residues) or of dissolved solids (such as but not limited to sodium chloride and sodium sulfate);
  - b) unusual BOD, COD or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment plant.

Any person diluting wastewater for the purpose of meeting the limitations in this Article shall be considered in violation of this Resolution. The AUTHORITY reserves the right to establish by resolution more stringent limitations or requirements on dischargers to the treatment works if deemed necessary to comply with the objectives presented in Section .1 of this Resolution.

A significant industrial user can petition the AUTHORITY for an increased BOD or T.S. allowance based on the analysis of a system mass balance for that particular pollutant.

## **.5 Federal Categorical Pretreatment Standards**

Upon effective date of the Federal Categorical Pretreatment Standard for a particular industry subcategory, the Federal Standard, if more stringent than the limitations imposed under this Resolution for sources in that subcategory, shall immediately supersede the limitations imposed under this Resolution. Affected industrial users shall comply with such standards within the stated compliance deadline. The NBMUA shall attempt to notify affected industrial users of the applicable reporting requirements under 40 CFR Part 403.12 but failure to notify does not relieve such industries of the obligation to comply with such reporting requirements. It is also the responsibility of the IU to be cognizant of all applicable reporting and discharge requirements, whether or not the IU is notified by the NBMUA. 40 CFR Chapter I, subchapter N, including all supplements and amendments thereto is hereby adopted by reference.

- A. The AUTHORITY may convert the mass limits of the categorical Pretreatment Standards at 40 CFR parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. When converting such limits to concentration limits, the AUTHORITY will use the concentrations listed in the applicable subparts of 40 CFR parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by Article 3.4 of these regulations.
- B. When the limits in a categorical Pretreatment Standard are expressed only in terms of pollutant concentrations, an Industrial User may request that the AUTHORITY convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the AUTHORITY. The AUTHORITY may establish equivalent mass limits only if the Industrial user meets all the following conditions in paragraph (i)(A) through (i)(E)

of this section.

- (i) To be eligible for equivalent mass limits, the Industrial User must:
  - (A) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its control mechanism;
  - (B) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standards, and not have used dilution as a substitute for treatment;
  - (C) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual daily flow rate and long-term average production rate must be representative of current operating conditions;
  - (D) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
  - (E) Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
- (ii) An Industrial User subject to equivalent mass limits must:
  - (A) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
  - (B) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
  - (C) Continue to record the facility's production rates and notify the AUTHORITY whenever production rates are expected to vary by

more than 20 percent from its baseline protection rates determined in paragraph (i)(c) of this section. Upon notification of a revised production rate, the AUTHORITY will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

- (D) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraph (i)(A) of this section so long as it discharges under an equivalent mass limit.
- (iii) Where the AUTHORITY chooses to establish equivalent mass limits, it will:
- (A) Calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based daily maximum and monthly average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversation factor;
  - (B) When notified of a revised production rate, reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
  - (C) Retain the same equivalent mass limit in subsequent control mechanism terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment as prohibited by Article 3.4. The Industrial User must also be in compliance with 403.17 (regarding the prohibition of

bypass).

- (iv) The AUTHORITY may not express limits in terms of mass for pollutants such as pH, temperature, radiation, other pollutants which cannot appropriately be expressed as mass.
- C. Equivalent limitations calculated in accordance with paragraphs A and B above are deemed Pretreatment Standards for the purposes of section 307(d) of the Act and this part. Once incorporated into its control mechanism, the Industrial User must comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.
- D. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.
- E. Any Industrial User operating under a control mechanism incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the AUTHORITY within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the AUTHORITY of such anticipated change will be required to meet the mass or concentration limits in its control mechanism that were based on the original estimate of the long term average production rate.
- F. The AUTHORITY may determine that an Industrial User subject to categorical Pretreatment Standards under 403.6 and 40 CFR chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact

cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

- (i) The Industrial User, prior to the AUTHORITY finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
- (ii) The Industrial User annually submits the certification statement required in Article 10.45 together with any additional information necessary to support the certification statement; and
- (iii) The Industrial User never discharges any untreated concentrated wastewater.

#### G. Net/Gross Calculation

- (a) *Application.* Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the Control Authority. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (b) of this section are met.
- (b) *Criteria.* (1) Either:
  - (i) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or
  - (ii) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.

- (2) Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
- (3) Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this section.
- (4) Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The Control Authority may waive this requirement if it finds that no environmental degradation will result.

**TABLE 1**  
**MAXIMUM PERMISSIBLE CONCENTRATION (mg/l)**

| <b>POLLUTANT</b> | <b>DAILY MAXIMUM<sup>1</sup></b> |
|------------------|----------------------------------|
| Arsenic          | 0.16                             |
| Cadmium          | 0.20                             |
| Chromium (total) | 7.88                             |
| Copper           | 4.26                             |
| Lead             | 10.07                            |
| Mercury          | 0.18                             |
| Nickel           | 18.71                            |
| Zinc             | 13.05                            |
| BOD <sub>5</sub> | 6432 <sup>2</sup> lbs/day        |
|                  | 5675 <sup>3</sup> lbs/day        |
| TSS              | 3869                             |

<sup>1</sup>Flow proportioned average over the daily period of operation for the facility

<sup>2</sup>Maximum allowable industrial load. BOD loadings are calculated for each industrial user discharging to the Central STP on a case by case, mass proportion basis.

<sup>3</sup>Woodcliff STP allowable load. BOD loadings are calculated for each industrial user on a case by case, mass proportion basis.



**.6 Holding Tank Waste**

Holding tank waste shall be discharged into the community sewer only at points with approved permits for this type and quantity of pollutant.

**.7 Prohibitions on Storm Drainage and Ground Water**

Disposal of storm water, ground water, rain water, street drainage, subsurface drainage, yard drainage, directly or indirectly to any community sewer will not be allowed unless a permit is issued by the AUTHORITY. The AUTHORITY may approve such discharge only when no reasonable alternatives is available or such water is determined to constitute a pollution hazard. If approval is granted for discharge of such water into the community sewers, the user shall pay the applicable wastewater service charge and fees and meet such other conditions that may be required by the AUTHORITY.

**.8 Prohibitions on Unpolluted Water**

Unpolluted water, including, but not limited to cooling water, process water or blow-down from cooling towers or evaporative coolers or any other unpolluted water will not be permitted to be discharged through direct or indirect connection to a community sewer without written approval of the AUTHORITY.

The AUTHORITY may approve the discharge of such water only when no reasonable alternative method of disposal is available or such alternative is unacceptable.

If approval is granted for the discharge of such water, the user shall pay the applicable wastewater service charges and fees and shall meet such other conditions as required by the AUTHORITY.

**.9 Limitations on Point of Discharge**

No person shall discharge any substances directly into a manhole or other opening in a community sewer other than through a building sewer approved by the AUTHORITY. However, upon written application by the user and payment of the applicable wastewater service charges and fees, the AUTHORITY may grant permission for such direct discharges at approved locations.

**.10 AUTHORITY's Alternatives on Discharges**

If the AUTHORITY permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the AUTHORITY and subject to the requirements of all applicable codes, Resolution and laws.

## ARTICLE FOUR

### CONTROL OF PROHIBITED WASTES

#### **.11 Regulatory Actions**

If wastewaters containing any substance prohibited in this Resolution or containing any substance in concentrations exceeding limits imposed by this Resolution are discharged or proposed to be discharged into the treatment works of the AUTHORITY or any tributary treatment works thereto, the Director may take any of the following actions necessary to protect the treatment works:

- a. Prohibit the discharge of such wastewater;
- b. Require a discharger to demonstrate that in-plant modifications will cause the discharge of such substances to be in conformance with this Resolution;
- c. Require pretreatment, including storage facilities, or flow equalization necessary to ensure complete compliance with these rules and regulations;
- d. Require the person making, causing or allowing the discharge to pay all the additional cost or expense incurred by the AUTHORITY for handling and treating excess loads imposed on the treatment works; and
- e. Take such other remedial action including discontinuation of service and/or court action for injunctive relief, as may be deemed to be desirable or necessary to achieve the purpose of this Resolution.

#### **.12 Submission of Plans**

Where pretreatment or equalization of wastewater flows prior to discharge into any part of the treatment works is required, plans, specifications, and other pertinent data or information relating to such pretreatment or flow control facilities shall first be submitted to the AUTHORITY for review and approval. Such approval shall not exempt the discharge of such facilities from compliance with any applicable codes, ordinance,

rule, regulation or order of any governmental authority. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to and prior approval of the AUTHORITY.

#### **.13 Pretreatment Facilities Operation**

Pretreatment facilities shall be maintained in good working order and operated efficiently by the Operator at his own cost and expense, subject to the requirements of these rules and regulations set forth in this Resolution and all other applicable State and Federal codes, resolution and laws.

#### **.14 Record of Treatment**

Adequate records shall be kept based on regular observations and analyses as to the quality of the effluent of this preliminary treatment when requested in writing by the AUTHORITY.

The AUTHORITY may require a user of sewer services to provide information needed to determine compliance with this resolution. These requirements may include:

- (1) Wastewaters discharge peak rate and volume over a specified time period.
- (2) Chemical analyses of wastewaters.
- (3) Information on raw materials, processes and products affecting wastewater volume and quality.
- (4) Quantity and disposition of specific liquid sludge, oil, solvent, or other materials important to sewer use control.
- (5) A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
- (6) Details of wastewater pretreatment facilities.
- (7) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

- (8) Baseline monitoring reports.
- (9) Complaint schedule progress reports.
- (10) Report on final compliance with applicable categorical standard.

All reports, documents and applications required to be submitted must contain signatures of authorized representatives as herein above defined.

#### **.15 Admission to Property**

Whenever it shall be necessary for the purposes of these rules and regulations, the Director or his/her representative upon the presentation of credentials, may enter upon any property or premises at reasonable times for the purpose of inspecting/copying any records required to be kept under the provisions of this Resolution. The Director or his/her representative, upon presentation of credentials, may enter upon any property or premises at any time for the purpose of inspecting any monitoring equipment or method, and/or sampling any discharge or wastewater to the treatment works. In addition hereto the municipal health officer, director, authority engineer (continuous with language in Section 43).

#### **.16 AUTHORITY's Approval for Discharge of Certain Wastes**

Upon written approval of the AUTHORITY, certain wastes which exceed the limits imposed by this Resolution may be permitted to be discharged into the public sewer if a holding tank is employed and the wastes are released at a constant rate over a twenty-four (24) hour period. This only applies to intermittent flows, or batch releases of short duration. Such approval may be rescinded at any time by the AUTHORITY. No waiver or exemption shall be granted in contravention with Federally required pretreatment standards.

**.17 Control Structures; Installation, Construction and Maintenance**

When required by the AUTHORITY, the owner of any property served by a building sewer shall install suitable control structures together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manholes, when required, shall be in an accessible location, and shall be constructed in accordance with plans approved by the AUTHORITY.

**.18 Interceptor**

Grease, oil and sand interceptors shall be provided when, in the opinion of the AUTHORITY, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Section 4, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the AUTHORITY and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the AUTHORITY. Any removal and hauling of the collected materials not performed by the owner's personnel, must be performed by currently licensed waste disposal firms.

**.19 Measurements, Tests and Analyses**

All measurements and tests of the characteristics of waters and wastes to which reference is made in this Resolution shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, and shall be determined at the control

manhole provided or upon suitable samples taken at said control manhole. In the event that no special manholes have been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewerage works and to determine the existence of hazards to health and property. (The particular analyses involved will determine whether a twenty-four hour composite of all outfalls of a premise is appropriate to whether a grab sample or samples should be taken).

#### **.20 Protection From Accidental Discharge**

Each industrial user shall provide protection from accidental discharge of prohibited material or other wastes regulated by this Resolution. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or operator's own expense. Upon request, detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the AUTHORITY for review and approval prior to construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his/her facility as necessary to meet the requirements of this Resolution.

Any possible connection of entry point for a persistent or deleterious substance to the user's plumbing or drainage system shall be appropriately labeled to warn operating personnel against discharge of such a substance in violation of these regulations.

In order that employees of users be informed of all requirements, users shall make available to their employees copies of these regulations together with such other wastewater information and notices which may be furnished by the AUTHORITY from time to time directed toward more effective water pollution control. A notice shall be

furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of these regulations. If, for any reason, a facility does not comply with any prohibition or limitations in this Resolution or its permit, the facility responsible for such discharge shall take immediate corrective action to prevent continued harm to the treatment works and shall immediately notify the Director so that additional corrective action may be taken to protect the treatment works. In addition, a written report addressed to the Director detailing the date, time and cause of the accidental discharge, the quantity and characteristics of this discharge and corrective action taken at the time of the discharge, and action taken to prevent future discharges shall be filed by the responsible person within five (5) days of the occurrence of the noncomplying discharge.

Such notification will not relieve users of liability for any expense, loss or damage to the sewer system, treatment plant or treatment process, or for any fines imposed on the AUTHORITY.

#### **.21 Exceptions**

No statement contained in this Resolution shall be construed as preventing any special agreement or arrangement between the AUTHORITY and any person whereby a waste of unusual strength or character may be accepted by the AUTHORITY for treatment, subject to payment therefore by the person; No waivers or exemption will be available in lieu of compliance with federally required pretreatment standards.

#### **.22 Noncompliance Provisions**

If the AUTHORITY finds that good reason exists to believe that the requirements of this Resolution have not been or are not being observed, the AUTHORITY may require the owner, tenant or lessee of the offending property to furnish it with adequate proof that requirements are being met or that said owner or tenant or lessee shall immediately take steps to provide proper treatment facilities, or interceptors, etc., to correct conditions so that conformance to this Resolution will be observed.



**ARTICLE FIVE**  
**SANITARY DISPOSAL OF SEWAGE**

**.23 Deposit of Objectionable Waste**

No person shall place or deposit or permit to be placed or deposited upon the surface of land in public or private ownership any human excrement, garbage or any other objectionable waste.

**.24 Effluents**

No person shall permit septic tank or privy vault effluent or other liquid containing human excrement or residues thereof to appear on or flow over any land in the TOWNSHIP or TOWN in his ownership or control or from his land to any other land in the TOWNSHIP or TOWN.

**.25 Discharge of Polluted Liquid into Natural Outlets.**

No person shall discharge or permit the discharge of any sanitary sewage, septic tank or privy vault effluent, industrial wastes or other waterborne polluted liquid emanating from any building on his property into any natural outlet in the TOWNSHIP.

**.26 Privy Vaults; Cesspools; Septic Tanks: Construction**

No person shall construct any privy vault, cesspool, septic tank or other facility intended or used for the storage or disposal, or both, of sewage except as provided in this Resolution.

**.27 Toilet Facilities**

Every building or premises in the TOWNSHIP or TOWN designed or arranged for human occupancy or devoted by its owner to such use shall be equipped with adequate and suitable toilet facilities and adequate and suitable provisions as provided in this

Resolution for the disposal of sewage originated therein.

**.28 Connection to Public Sewer; Penalty for Noncompliance**

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Township of North Bergen or the Town of Guttenberg and abutting on any street, alley or right-of-way in which there is now located a public sanitary sewer [of the AUTHORITY], is hereby required at his expense to connect the sanitary facilities within said house or building on said property with the public sewer in accordance with the provision of this Resolution within sixty (60) days of public notification of construction completion of the sewer system. In the event said owner fails to connect to the sewer system within said period of time he shall be liable to a fine. If a property owner has a fully operating septic system and can not flow to the public sewer without the use of a pump, the AUTHORITY may allow the continued use of the septic system beyond the 60 days allowed.

**ARTICLE SIX**  
**WASTEWATER VOLUME DETERMINATION**

**.30 Metered Water Supply**

For commercial and industrial premises where, in the opinion of the AUTHORITY, a significant portion of water received from any metered source is not consumed by the user or is not removed from the premises by means other than community sewers, sewage discharged to the community sewer shall be calculated based on water consumption as indicated by the water meter reading. The amount of water used from private sources will be determined by means of a meter installed and maintained at the expense of the user and approved by the AUTHORITY.

**.31 Metered Wastewater Volume and Metered Diversions**

For commercial and industrial premises where, in the opinion of the AUTHORITY, a significant portion of the water received from any metered source does not flow into the community sewer, because of the principal activity of the user or removal by other means, the wastewater volume will be the volume of wastewater discharging from such premises into the community sewer. Written notification and proof of the diversion of water must be provided by the user if he is to dispute the AUTHORITY using the total amount of water used from all sources as the measure of wastewater discharged to the community sewer. He must, if required by the AUTHORITY, install a meter of a type and at a location approved by the AUTHORITY and at his own expense. Such meters may measure either the amount of sewage discharged or the amount of water diverted. Such meters shall be tested for accuracy at the expense of the user when deemed necessary by the Director.

### **.32 Estimated Wastewater Volume**

For users where, in the opinion of the AUTHORITY, it is unnecessary or impractical to install meters and where the quantity of water diverted from the sewers amounts to 20% or more of the total water used, the quantity of wastewater may be based upon an estimate prepared by the AUTHORITY. This estimate shall be based upon a rational determination of the wastewater discharged and may consider such factors as the number of fixtures, seating capacity, population equivalent, annual production of goods and services or such other determination of water use necessary to estimate the wastewater volume discharged.

## ARTICLE SEVEN

### PERMITS

#### **.33 Wastewater Data Disclosure Form**

All industries discharging or proposing to discharge wastewater to the AUTHORITY's Treatment Works, will be required to submit to the AUTHORITY a Wastewater Discharge Data Disclosure. Existing users shall file disclosure forms within sixty (60) days after the effective date of the resolution, and proposed new industrial users shall file disclosure forms at least ninety (90) days prior to connecting to the treatment works. The disclosure shall include:

- Name, address, and location of the industrial user
- Name and phone number of contact person
- Standard Industrial Classification Code
- Description of activities and products manufactured
- Nature and concentration of all known and/or suspected wastewater constituents including but not limited to those mentioned in the resolution.
- Time and duration of discharge
- Average daily wastewater flow
- Chemical constituents and quantity of liquid or gaseous materials stored on-site regardless whether or not they are discharged.

#### **.34 Industrial Discharge Permits**

Upon review of Wastewater Data Disclosures, all designated Major Industrial Users will be required to apply for an Industrial Discharge Permit. New Major Industrial Users may not connect to the treatment works until a permit has been obtained.

The AUTHORITY shall provide public notice and may hold a public hearing for any proposed new indirect user IPP permits, proposed renewed indirect user IPP

permits, proposed revocations of any indirect user IPP permits or proposed major modifications to any existing indirect user IPP permits.

### **.35 Temporary Permits**

The Director may issue a temporary Wastewater Discharge Permit to any user, upon application in accordance with the terms of this section in the following categories:

- a. A user who requires an AUTHORITY estimation of wastewater flow.
- b. A person whose wastewater strength is less than the normal range of wastewater strength because of pretreatment, process changes or other reasons. Normal wastewater strength shall be defined at concentrations not exceeding 200 mg/l, BOD<sub>5</sub> and 200 mg/l, TSS.

Permits issued under this section shall remain in effect only until such time as it is determined by the Director that a permit is or is not required.

### **.36 Permit Application**

Upon preliminary designation of Major Industrial Users, the AUTHORITY will transmit a permit application to the user. The user shall complete and file the application in the form prescribed by the AUTHORITY with the applicable fee within ninety (90) days of issuance of the application.

In support of the application, the user (whether categorical or not) shall submit a baseline monitoring report in accordance with 40 CFR 403.12. The baseline report will include the following information:

- Name, address, and location of industrial user
- Standard Industrial CLASSIFICATION ( SIC) Code
- Wastewater constituents and characteristics including but not limited to those mentioned in the Resolution as determined by bonafide chemical and biological analyses . Sampling and analysis shall be performed in accordance with procedures

established by the U.S.E.P.A. and contained in 40 CFR, Part 136, as amended.

- Time and duration of discharges
- Average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any . All flows shall be measured unless other verifiable techniques are approved by the AUTHORITY due to cost or nonfeasibility.
- Disclosure of site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation.
- Disclosure of the nature and concentration of any pollutants or materials prohibited by this Resolution in the discharge, together with a statement regarding whether or not compliance is being achieved with this Resolution on a consistent basis and if not, whether additional operation and maintenance activities and/or additional pretreatment is required for the industrial user to comply with this Resolution.
- Where additional pretreatment and/or operation and maintenance activities will be required to comply with this Resolution, the industrial user shall provide a declaration of the shortest schedule by which the discharger will provide such additional pretreatment and/or implementation of additional operation and maintenance activities.
- A schematic flow diagram which notes the proper sampling point and location.
- The user shall take a minimum of one representative sample to compile the data necessary to comply with the requirements of this paragraph.

The following conditions shall apply to this schedule:

- (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans,

completing final plans, executing contract for major components, commencing construction, completing constructions, etc.).

- (2) No increment referred to in paragraph (1) shall exceed 9 months.
  - (3) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Director.
- ☛ Each product produced by type, amount, process or processes and rate of production.
  - ☛ Type and amount of raw materials processed (average and maximum per day);
  - ☛ Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
  - ☛ Any other information as may be deemed by the AUTHORITY to be necessary to evaluate the permit application.

The AUTHORITY will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the AUTHORITY may issue a Wastewater Contribution Permit subject to terms and conditions provided herein.

### **.37 Permit Conditions**

Wastewater Discharge Permits shall be expressly subject to all provisions of this Resolution and all other regulations, established by the AUTHORITY and must include at a minimum:

Both individual and general control mechanisms must be enforceable and



contain, at a minimum, the following conditions:

1. Statement of duration (in no case more than five (5) years);
2. Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;
3. Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards in 40 CFR part 403, categorical Pretreatment Standards, local limits, and State and local law;
4. Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the Discharge in accordance with § 403.12(e)(2), or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in 40 CFR part 403, categorical Pretreatment Standards, local limits, and State and local law;
5. Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines;
6. Requirements to control slug discharges, if determined by the POTW to be necessary.

The permittee may be required to perform acute toxicity biomonitoring in accordance with those requirements contained in the permit of the facility if the permittee fails any two acute toxicity tests in any eighteen month period evaluation. Permits may also contain the following:

1. Limitations upon the characteristics and quantities of wastes and the rate of flow permitted from the premises.
2. Installations of inspection and sampling facilities with ready access to such facilities by the AUTHORITY. These facilities should include accessible sampling station(s) with flow monitoring facilities at each location.
3. The submission to and approval by the AUTHORITY of plans and specifications for any of the facilities or equipment required to be installed and maintained by the Permittee, and compliance schedules for the installation and maintenance of these facilities.
4. Maintenance of appropriate records for five years of all measurements made by the permittee of sewage, industrial wastes or other wastes as specified by the AUTHORITY and affording the AUTHORITY access thereto.
5. The submission to the AUTHORITY of periodic reports setting forth adequate data upon which the acceptability of the sewage, industrial wastes or other wastes may be determined subsequent to the commencement of operation of any pretreatment of flow control facilities.
6. Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, type and standards for tests and schedule.
7. Such other terms and, conditions as may be necessary to protect the AUTHORITY Treatment Works and to carry out the intent and provisions of this Resolution.
8. Requirements for notification of the AUTHORITY of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the AUTHORITY Treatment Works.
9. Payments to cover the added cost of handling and treating the waters or wastes,

which payments are not covered by existing sewer charges.

10. Requirements for notification of accidental discharges.
11. Payment to cover the cost of permit administration.
12. Requirements for the notification of slug discharges per General Pretreatment Regulations 403.12(f).
13. Requirements to operate/maintain control systems.
14. Payments of fines and penalties.
15. Notification of potential problems.
16. Notification of changed discharge.
17. Monthly reporting for Significant Industrial Users (SIUs) and Categorical Industrial Users (CIUs).
18. Monthly reporting due to serious violations/significant non-compliance.

Pursuant to the procedures set forth in N.J.A.C. 7:14A-17, a permittee or a person who seeks and qualifies to be considered a party to the action pursuant to N.J.A.C 7:14A-17.3, may submit to the AUTHORITY a written request for a adjudicatory hearing and for a request for a stay of permit conditions within thirty (30) days of receipt of the permit.

### **.38 Expiration of Permit**

Permits shall be issued for a specified time period, not to exceed five years. The permittee shall submit such information, forms and fees as are required by the AUTHORITY for renewal no later than 180 days prior to the date of expiration.

If the permittee is not notified by the AUTHORITY thirty (30) days prior to the expiration of the permit, the permit shall be automatically extended until such time as the AUTHORITY reissues the permit or notifies of intent to revoke.

The terms and conditions of a Permit may be subject to modification and change

by the AUTHORITY during the life of the Permit as limitations or requirements are modified and changed. The permittee shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any change or new conditions in the permit shall include a reasonable time schedule for compliance. An industrial user proposing to make a significant change in its discharge volume or quantity shall apply for a Permit modification at least ninety (90) days before making changes. The permittee may request, by certified mail, a hearing to show cause why a Permit should or should not be modified.

#### **.39 Transfer of a Permit**

Wastewater Discharge Permits are issued to a specific user for a specific operation. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new changed operation.

#### **.40 Violations of Conditions of Permit**

The conditions of Wastewater Discharge permits shall be uniformly enforced by the Director in accordance with Resolution, applicable State and Federal regulations, and the best practicable technology available. Any discharger who violates condition of his permit or of this Resolution or applicable State and Federal regulations is subject to having his permit revoked and service terminated.

#### **.41 Trade Secrets**

All information and data pertaining to a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the AUTHORITY that the release of such information to the general

public would divulge information or processes or methods which would give a business advantage to competitors who did not otherwise have this information. Contents, volume and frequency of discharge will not be recognized as confidential information.

#### **.42 Special Agreement**

No statement contained in this Resolution shall prevent any special agreement or arrangement between the AUTHORITY and person where unusual circumstances compel special terms and conditions and charges or fees for the collection, treatment and disposal of the wastewater by the AUTHORITY. No waiver or exemption will be available in lieu of compliance with federally required pretreatment standards.

**ARTICLE EIGHT**  
**POWERS AND AUTHORITY OF INSPECTION**

**.43 Authorized Personnel**

The Municipal Health Officer, the Director, the AUTHORITY 's Engineer and other duly authorized employees or agents of the AUTHORITY bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurements, sampling and testing, in accordance with the provisions of this Resolution.

## ARTICLE NINE

### USER CLASSIFICATION

#### **.44 Classification of Users**

All users shall be classified by assigning each one to a "Standard Classification" category according to the principal activity conducted on his premises based on the typical wastewater strength for that type of user as determined by the AUTHORITY. The purpose of such classification is to facilitate the regulation of wastewater discharges based on quality, quantity and flow to provide an effective means of source control and to establish a system of wastewater service charges and fees which will insure an equitable recovery of the AUTHORITY's cost. The elements of quality may include, but not be limited, to the following; Suspended Solids, BOD, Oil and Grease and Chlorine Demand.

**ARTICLE TEN**  
**INDUSTRIAL WASTEWATER MONITORING REPORTS**

**.45 Industrial Wastewater Monitoring and Reports**

- A. All industrial users who discharge or proposed to discharge wastewaters to the treatment works shall maintain such records of production and related factors, effluent flows and amounts of POLLUTANTS concentrations in accordance with 40 CFR 403.12 to demonstrate compliance with the requirements of this Resolution and any applicable State or Federal pretreatment standards or requirements.

A user of sewer service must provide information needed to determine compliance with this resolution in accordance with 40 CFR 403.12. These requirements include but are not limited to:

- (1) Wastewater discharge peak rate and volume over a specified time period.
- (2) Chemical analyses of wastewaters.
- (3) Information on raw materials, processes and products affecting wastewater volume and quality.
- (4) Quantity and disposition of specific liquid sludge, oil, solvent, or other materials important to sewer use control.
- (5) A plot of sewers of the user's property showing sewer and pretreatment facility location.
- (6) Details of wastewater pretreatment facilities.
- (7) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.
- (8) Baseline monitoring reports.
- (9) Compliance schedule progress reports.



(10) Report on final compliance with applicable categorical standards.

(11) Monitoring and analysis to demonstrate continued compliance.

(A.) Except in the case of Non-Significant Categorical Users, the reports required in Article 10.45 shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the AUTHORITY, of pollutants contained therein which are limited by the applicable Pretreatment Standards. This sampling and analysis may be performed by the AUTHORITY in lieu of the Industrial User. Where the POTW performs the required sampling and analysis in lieu of the Industrial User, the User will not be required to submit the compliance certification required under this Article 10.45. In addition, where the AUTHORITY itself collects all the information required for the report, including flow data, the Industrial User will not be required to submit the report.

(B.) If sampling performed by an Industrial User indicates a violation, the user shall notify the AUTHORITY within 24 hours of being aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation. Where the AUTHORITY has performed the sampling and analysis in lieu of the Industrial User, the AUTHORITY will perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat analysis. Resampling is not required if:

(i) The AUTHORITY performs sampling at the Industrial User at

a frequency of at least once per month, or

- (ii) The AUTHORITY performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the AUTHORITY receives the results of this sampling.

- (C.) The reports required in Article 10.45 must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The AUTHORITY shall require that frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the AUTHORITY. Where time-proportional composite sampling or grab sampling is authorized by the AUTHORITY, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the

laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the AUTHORITY, as appropriate.

- (D.) For sampling required in support of baseline monitoring and 90-day compliance reports required in paragraphs (b) and (d) of 40 CFR part 403.12, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the AUTHORITY may authorize a lower minimum. For the reports required by Article 10.45 the AUTHORITY shall require the number of grab samples necessary to assess and assure compliance by Industrial Users with Applicable Pretreatment Standards and Requirements.
- (E.) All analyses shall be performed in accordance with procedures established by the Administrator pursuant to section 304(h) of the Act and contained in 40 CFR part 136 and amendments thereto or with any other test procedures approved by the Administrator. (See, §§ 136.4 and 136.5.) Sampling shall be performed in accordance with the techniques approved by the Administrator. Where 40 CFR part 136 does not include sampling or analytical techniques for the pollutants in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using

validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator.

- (F.) If an Industrial User subject to the reporting requirement in Article 10.45 monitors any regulated pollutant at the appropriate sampling location more frequently than required by the AUTHORITY, using the procedures prescribed in paragraph (E) of this section, the results of this monitoring shall be included in the report.

(12) Notification of discharge of hazardous wastes.

All reports, documents and applications required to be submitted must contain signatures of authorized representatives as herein above defined. All analysis must be completed by a laboratory certified by the NJDEP.

In addition, the AUTHORITY may require development of a spill/slug plan by any Industrial User in accordance with the following:

The AUTHORITY shall evaluate whether each such Significant Industrial User needs a plan or other action to control Slug Discharges. Each Significant Industrial User must be evaluated within 1 year of being designated a Significant Industrial User. For purposes of this subsection, a Slug Discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-sutomary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the AUTHORITY regulations, local limits or permit conditions.

The results of such activities shall be available to the Approval Authority upon request. Significant Industrial Users are required to notify the AUTHORITY immediately of any changes at its facility affecting potential for a Slug Discharge. If the AUTHORITY decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

- a. Description of discharge practices, including non-routine batch discharges;
- b. Description of stored chemicals;
- c. Procedures for immediately notifying the AUTHORITY of any accidental or slug discharge, as required by this ordinance;
- d. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- B. Such records shall be made available upon request by the Director. All such records relating to compliance with pretreatment standards shall be

made available to officials of the NJDEP and the EPA upon demand. A summary of such data indicating the industrial user's compliance with this Resolution shall be prepared (quarterly) and submitted to the Director. All records shall be retained for a period of five (5) years. Significant IUS and categorical IUs must report monthly in accordance with N.J.S.A. 56:10A-6.f(5) and monthly reports must also be submitted due to serious violations and SNC in accordance with N.J.S.A. 58:10A-6f.

- C. The owner or operator of any premises or facility discharging industrial wastes into the system shall install at his own cost and expense suitable monitoring equipment to facilitate the accurate observation, sampling and measurement of wastes. Such equipment shall be maintained in proper working order and kept safe, secure from unauthorized entering or tampering and accessible to authorized personnel at all times.
- D. Each major industrial user shall maintain separate monitoring equipment.
- E. Whether construction on public or private property, the monitoring facilities shall be constructed in accordance with the applicable Federal, State or Local requirements and all applicable construction standards and specifications. Plans and specifications for all such work will be submitted to the Director for approval prior to construction.
- F. Where the AUTHORITY has determined that an Industrial User meets the criteria for classification as a Non-Significant Categorical Industrial User, the AUTHORITY will evaluate, at least once per year, whether an Industrial User continues to meet the criteria in Article 3.5F.
- G. Annual certification by Non-Significant Categorical Industrial Users. An industrial user determined to be a Non-Significant Categorical Industrial User pursuant to Article 3.5F must annually submit the following certification statement, signed in accordance with the signatory requirements in Article

10.45. This certification must accompany any alternative report required by the AUTHORITY:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR\_\_\_\_\_, I certify that, to the best of my knowledge and belief that during the period from \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_ [month, days, year]: (a) The facility described as \_\_\_\_\_ [facility name] met the definition of a non-significant categorical Industrial User as described in 403.3(v)(2); (b) the facility complied with all Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based upon the following information:\_\_\_\_\_.

H. *Reporting requirements for Industrial Users not subject to categorical Pretreatment Standards.* The Control Authority must require appropriate reporting from those Industrial users with Discharges that are not subject to categorical Pretreatment Standards. Significant Non-categorical Industrial users must submit to the Control Authority at least once every six months (on dates specified by the Control Authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority. In cases where a local limit requires compliance with a Best Management Practice or pollution prevention alternative, the User must submit documentation required by the Control Authority to determine the compliance status of the User. These reports must be based on sampling and analysis performed in the period covered by the report, and in accordance with the techniques described in part 136 and amendments thereto. This sampling and analysis may be performed by the Control

Authority in lieu of the significant non-categorical Industrial user.

**.46 Inspection, Sampling and Analysis**

- A. Compliance Determination. Compliance determinations by the Director or his agent with respect to prohibitions and limitations shall be made on the basis of either instantaneous grab samples or twenty-four (24) hour composite sample wastewater, or as may be determined by the NJDEP or the EPA.
- B. Analysis of Industrial Wastewater. Laboratory analyses of industrial wastewater samples shall be performed in accordance with an approved test procedure under 40 CFR part 136. Analysis of those pollutants not covered therein shall be performed in accordance with procedures approved by the NJDEP.
- C. Sampling Frequency. Sampling of industrial wastewater for the purpose of compliance determination with respect to prohibitions and limitations will be done at such intervals as the Director may require but in no event less than once annually.
- D. Sampling Waivers for Categorical Pollutants. The AUTHORITY may authorize the Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the



Industrial User. This authorization is subject to the following conditions:

(i) The AUTHORITY may authorize a waiver where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.

(ii) The monitoring waiver is valid only for the duration of the effective period of the Permit or other equivalent individual control mechanism, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent control mechanism.

(iii) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

The request for a monitoring waiver must be signed in accordance with Article 10.45 and include the certification statement therein. Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(iv) Any grant of the monitoring waiver by the AUTHORITY must be included as a condition in the User's control mechanism. The reasons supporting the waiver and any information submitted by the User in its request for the waiver will be maintained by the AUTHORITY for 5 years after expiration of the waiver.

(v) Upon approval of the monitoring waiver and revision of the User's

control mechanism by the Industrial User must certify on each report with the statement below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR \_\_\_\_\_, I certify that, to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_[list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic reports under 40 CFR 403.12(e)(1).

(vi) In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Article 10.45 or other more frequent requirements imposed by the AUTHORITY; and notify the AUTHORITY.

(vii) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

**ARTICLE ELEVEN**  
**PUBLIC SEWERS, CONNECTIONS AND EXTENSIONS**

**.47 Permit Required**

No person shall uncover, make any extension or connection to, or opening into, or use, alter or disturb any public sewer or any appurtenance thereof without having first obtained a written permit from the AUTHORITY to do so.

**.48 Extension**

Every extension of any public sewer shall be made pursuant to plans and specifications prepared by or for the AUTHORITY and approved by the AUTHORITY's Engineer.

**.49 Connections to Sewers Required**

All persons who own or occupy land fronting on a street through which a sewer is or shall be built shall connect all their sinks, drains, water closets and privies on said land with such sewer, and no cesspool privy, privy vault, septic tank or other facility intended or used for the disposal of wastewater shall be built or maintained on said land, nor shall the health department issue any permit for any cesspool on land so situated.

Every connection into any public sewer shall be made by:

- A. A house service connection
- B. A sewer lateral

All owners of property shall connect their respective premises with said sewers within sixty (60) days of public notification of the construction completion of the sewer system. All persons who shall neglect to make connections within said time shall be

subject to a penalty.

**.50 Owner's Responsibility**

The house service connection and sewer lateral shall be made, paid for, installed and maintained by the owner.

**.51 Submission of Plans and Specifications; Conformance with State Uniform Construction Codes**

Plans and specifications for all extensions and connections to the public sewer system shall conform to the building code of the Township of North Bergen, the New Jersey Meadowlands Commission and any governmental agency with jurisdiction over the work. Plans and specifications shall be submitted to the AUTHORITY subject to prior review and approval by the AUTHORITY.

**.52 Grade and Alignment**

The house service connection shall be laid at a straight grade and so far as possible, in a straight alignment. Changes in direction shall be made only with curved pipe and fixtures; and cleanouts shall be constructed as required by the AUTHORITY at each change in direction and for every fifty (50) feet of house service connection.

**.53 When Connection is Laid Low**

In all buildings which the house service connection is necessarily laid low to permit gravity flow to the street curb, the sanitary sewage to be carried by such connection shall be lifted by approved artificial means and discharged into the house service connection or sewer lateral.

**.54 Excavations**

All excavations required for the establishment of a house service connection

shall be open trench work, unless otherwise approved by the engineer. Pipelaying and backfill shall be performed in accordance with the requirements of Plumbing Subcode Official and not be done until the house service connection has been inspected, tested and approved by the Plumbing Code Official.

#### **.55 Open Trenches**

Open trenches in the establishment of house service connections shall not be left unattended during the course of construction without adequate regard to the safety of the general public. Trenches left open overnight or over a weekend must have adequate covering or, in lieu thereof, have barriers and lights (at night) so placed along the opening so as to prevent any persons or vehicles from falling therein.

#### **.56 Inspection**

The owner or his agent shall inform the AUTHORITY's Engineer and the plumbing subcode official when the house service connection is ready for inspection.

#### **.57 Separate and Independent Sewer Laterals**

Except as provided in Section .58, a separate and independent sewer lateral shall be provided for:

- A. Each building under one roof (but not buildings accessory to it), in one ownership and occupied as the residence of one family or for one business enterprise.
- B. A combination of buildings on one lot or curtilage in one ownership and occupied as the residence of one family or for one business enterprise.
- C. Each section of a double or semidetached dwelling having a vertical common wall between its separate dwelling units making it capable of divided ownership.
- D. One-ownership property containing more than one office, etc.

**.58 Installation by Contractor or Owner**

The sewer lateral, including the connection from the curb to the sewer, the making of the tap in the sewer, the making of the connection of the sewer lateral to the house service connection, the backfilling of the trench and resurfacing the street above the trench from the street sewer to the curb, shall be installed at the owner's expense either by an owner who meets the qualifications of a contractor with a State License or by a contractor licensed by the Township of North Bergen. All work shall be inspected and approved by the Plumbing Subcode Official.

## ARTICLE TWELVE

### ENFORCEMENT

#### **.59 General Provisions**

The AUTHORITY may take any and all actions and pursue any and all remedies permitted by federal law and the laws or the State of New Jersey, including without limitation, the Act and the State Act, to enforce the provisions of this Sewer Use Resolution. These actions and remedies shall include, but not necessarily be limited to, those set forth in this Article XII. Wherever in this Article XII reference is made by title to any official or employee of the AUTHORITY, it shall be understood that such official or employee shall act as the duly appointed representative of the Executive Director. The Executive Director shall at all times have the right to undertake any action delegated to such official or employee or authorize other AUTHORITY officials or employees to undertake such delegated duties as well.

#### **.60 Available Enforcement Actions**

Enforcement Actions available to the AUTHORITY include, but are not necessarily limited to, the following:

- (A) Issue an order to comply in accordance with the provisions of Section 10 of P.L. 1977.c.74(N.J.S.A 58:10A-10);
- (B) Bring a civil action in accordance with the provisions of Section 10 of P.L. 1977.c.74(N.J.S.A 58:10A-10);
- (C) Issue a summons in accordance with the provisions of Section 1 of P.L. 1991.c.8(N.J.S.A 58:10A-10.4);
- (D) Issue a civil administrative penalty in accordance with the provisions of Section 2 of P.L. 1991.c.8(N.J.S.A 58:10A-10.5);
- (E) Bring an action for a civil penalty in accordance with the provisions of Section 10 of P.L. 1977.c.74(N.J.S. 58:10A-10); and

(F) Petition for the commencement of a criminal action in accordance with the provisions of Section 10 of P.L. 1977.c.74(N.J.S. 58:L10A-10).

In the event of a violation of any rule, regulation or pretreatment standard adopted by the AUTHORITY, the AUTHORITY shall take one of the enforcement actions set forth above or obtain injunctive relief against the violation. The AUTHORITY may reduce the civil administrative penalty of up to fifty percent (50%), provided that the penalty as reduced is not less than any applicable minimum amount set forth in N.J.A.C. 7:14-8.5 (a) or 8.9 (e). Additionally, the AUTHORITY may not reduce the amount of any component of a civil administrative penalty which represents the economic benefit gained by the violator from the violation. Nothing contained in this section shall be construed to prohibit or otherwise, limit the AUTHORITY from pursuing any other remedy permitted by federal law and the laws of the State of New Jersey.

#### **.61 Notice of Violation**

Whenever the AUTHORITY's Industrial Pretreatment Coordinator finds that any person has violated or is violating this Sewer Use Resolution or a permit, order or agreement issued hereunder, the Industrial Pretreatment coordinator or his duly appointed representative shall serve upon said person written notice of the violation. Said notice shall identify the nature of the violation which is believed to have occurred and shall include notice of the potential statutory penalties associated with such violation. Within ten (10) days of receipt of said notice, the Person deemed to be in violation shall submit to the Industrial Pretreatment Coordinator, an explanation detailing the time(s) and date(s) that the violation occurred and a plan (including specific actions to be taken and a schedule for those actions) for the satisfactory correction of ongoing violations and prevention of future violations. Compliance with the requirements of this Section shall in no way relieve the Person deemed to be in violation or any other Person responsible for the violation of any liability or responsibility for violations occurring



before or after receipt of the Notice of Violation.

**.62 Compliance Order**

- (A) Whenever the Industrial Pretreatment Coordinator finds that any Person has violated or is violating this Sewer Use Resolution, or a permit, order or agreement issued hereunder, the Industrial Pretreatment Coordinator may issue an order (1) specifying the provision or provisions of this Sewer Use Resolution, or permit or order, issued thereunder, of which the Person is in violation; (2) citing the action which caused said violation; (3) requiring compliance with such provision or provisions, and (4) giving notice to the Person of his right to a hearing on the matters contained in the order. The Compliance Order shall include a schedule for compliance and may include accelerated monitoring and reporting requirements for a period of time necessary to reasonably insure that the violation has been corrected, as deemed necessary by the Industrial Pretreatment Coordinator. Compliance Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices.
- (B) Any person having received a Compliance Order hereunder may request a hearing to contest the underlying basis for such Compliance Order by filing a request for a hearing with the Industrial Pretreatment Coordinator within ten (10) days of receipt of the Compliance Order. Such request shall state which portions of the Compliance Order will be contested and the factual and legal basis therefore. Hearings shall be conducted in accordance with the procedures set forth in Section 64 Show Cause Hearing of this Sewer Use Resolution whether or not a request for a hearing is made, immediate

enforcement action may be pursued.

- (C) A Compliance Order may also include, if deemed appropriate by the Industrial Pretreatment Coordinator a list of penalties, assessments and damages that the AUTHORITY would impose through Civil Administrative Penalty (see Section 66 of this Article XII Civil Action, see Section 65 of this Article XII or Civil Penalty, see section 67 of this Article XII) in the event of a violation of the Compliance Order or any of the milestones contained therein.

### **.63 Consent Agreement**

- (A) The Executive Director is hereby empowered to enter into agreements with the person responsible for noncompliance with this Sewer Use Resolution or a permit or order issued hereunder, setting forth specific action to be taken by the person in noncompliance to correct the noncompliance within a scheduled time period. The agreement may also include, if deemed appropriate by the Executive Director, provisions for the payment of compensation to the AUTHORITY for costs of investigation, inspection or monitoring which led to establishment of the violation; the reasonable cost of removing, correction or terminating the adverse effects upon water quality resulting from the noncompliance; compensatory damages for any loss or destruction of wildlife, fish or aquatic life, or other natural resources, and any other actual damages caused by the violation; and the actual amount of any economic benefits accruing to the Person in noncompliance as a result of the violation, including (1) the amount of any savings realized from avoided capital or noncapital costs resulting from the violation, (2) the return earned or that may be earned on the amount of avoided costs. (3) any benefits accruing to the Person in noncompliance as a result of competitive market

advantage enjoyed by reason of the violation, or (4) any other benefits resulting from the violation.

- (B) The AUTHORITY shall afford an opportunity to the public to comment on a proposed Consent Agreement prior to final adoption if the Consent Agreement would establish interim enforcement limits that would relax effluent limitations established in a permit or a prior enforcement action. The AUTHORITY shall provide public notice of the proposed Consent Agreement, and announce the length of the comment period, which shall not be less than 30 days, commencing from the date of publication of the notice. A notice shall also include a summary statement describing the nature of the violation necessitating the Consent Agreement and its terms or conditions; shall specify how additional information on the Consent Agreement may be obtained; and shall identify to whom written comments are to be submitted. At least three days prior to publication of the notice, a written notice, containing the same information to be provided in the published notice, shall be mailed to the Mayor or chief executive officer and governing body of the municipality and county in which the violation occurred, and to any other interested persons, including any other governmental agencies. The AUTHORITY shall consider the written comments received during the comment period prior to final adoption of the Consent Agreement. Not later than the date that final action is taken on the proposed order, the AUTHORITY shall notify each person or group having submitted written comments of the main provisions of the approved consent agreement and respond to the comments received therefrom.
- (C) The AUTHORITY, on its own initiative or at the request of any person submitting written comments pursuant to subsection (B) of this section, may hold a public hearing on a proposed consent Agreement, prior to final

adoption if the order would establish interim enforcement limits that would relax for more than 24 months effluent limitations established in a permit or a prior enforcement action. Public notice for the public hearing to be held pursuant to this subsection shall be published not more than 30 and not less than 15 days prior to the holding of the hearing. The hearing shall be held in the municipality in which the violation, necessitating the consent order, occurred. The AUTHORITY may recover all reasonable costs directly incurred in scheduling and holding the public hearing from the person requesting or requiring the interim enforcement limits.

**.64 Show Cause Hearing**

- (A) The Industrial Pretreatment Coordinator may order any Person he finds to be in violation of this Sewer Use Resolution or a permit, order or agreement issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the Person specifying the time and place for the hearing, the proposed enforcement action, the reason for such action, and a request that the Person show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any agent or officer of a corporation. Whether or not a duly notified Person appears as noticed, immediate enforcement action may be pursued.
- (B) The AUTHORITY may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee to:
  - (1) Issue in the name of the AUTHORITY notices of hearings requesting the attendance and testimony of witnesses and production of evidence

relevant to any matter involved in any such hearings.

- (2) Take the evidence.
  - (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the AUTHORITY for action thereon.
- (C) At any order to show cause hearing, testimony taken before the hearing authority or any Person designated by it, must be under oath and recorded stenographically. The transcript, or any part thereof, so recorded, will be made available to any member of the public upon payment of the cost of preparing same. The AUTHORITY, however, may, pursuant to the open Public Meetings ACT (N.J.S.A. 10:4-6, et seq.), order certain portions of the hearing be held in private session. The transcript of any hearing held in private session will not be made available to members of the public except as provided by the Open Public Meeting Act.
- (D) After the AUTHORITY has reviewed the evidence, it may issue a Compliance Order to the Person in violation directing that the proposed enforcement action be taken, directing that a different enforcement action be taken or directing that no enforcement action be taken.
- (E) After the AUTHORITY has reviewed the evidence, it may also issue an order to the Person found to be in violation directing that, following a specified time period, the sewer service be discontinued unless adequate pretreatment facilities, devices or other related appurtenances shall have been installed or existing pretreatment facilities, devices or other related appurtenances are properly operated. Any Person ordered to suspend sewer service shall immediately stop or eliminate the discharge. In the event of a failure of the Person to comply with the suspension order, the AUTHORITY shall take such steps as deemed necessary including

immediate severance of the sewer connection. The AUTHORITY shall reinstate service only upon proof of the elimination of the non-complying discharge.

#### **.65 Civil Action**

Whenever the Executive Director finds that any Person has violated or is violating this Sewer Use Resolution or a permit, order or agreement issued hereunder, the Executive Director is authorized through legal counsel, to commence a civil Action in the Superior Court of New Jersey, Hudson County or any court of competent jurisdiction, for appropriate relief for any such violation. Such relief may include, singly or in combination:

- (1) A temporary or permanent injunction;
- (2) Assessment of the violator for the reasonable costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation and for the reasonable costs of preparing and litigating the case.
- (3) Assessment of the violator for the reasonable cost incurred by the AUTHORITY in removing, correcting or terminating the adverse effects upon water quality resulting from any unauthorized discharge of pollutants for which the action under this Section 65 may have been brought;
- (4) Assessment against the violator of compensatory damages for any loss or destruction of wildlife, fish or aquatic life, or other natural resource and for any other actual damages caused by unauthorized discharge;
- (5) Assessment against a violator of the actual amount of any economic benefits accruing to the violator from a violation. Economic benefits may include the amount of any savings realized from avoided capital or noncapital costs resulting from the violation; the return earned or that may be earned on the amount of avoided costs; any benefits accruing to the

- violator as a result of a competitive market advantage enjoyed by reason of the violation; or any other benefits resulting from the violation; and
- (6) Any other remedy allowed pursuant to Federal State or local law, including, without violation, the Act and the State Act.

**.66 Civil Administrative Penalty**

- (A) The Executive Director, may after consultation with a compliance officer designated by NJDEP, issue a civil administrative penalty for any violation of the provisions of P.L. 1977, c.74 (N.J.S.A 58: 10A-1 et. seq.), including a violation of any rule, regulation or pretreatment standard adopted by the AUTHORITY, in an amount not to exceed \$50,000.00 for each violation, with each day during which such violation continues constituting an additional, separate and distinct offense, or assess by civil administrative order, any costs recoverable pursuant to Section 65 of Article XII of this Sewer Use Resolution, including the reasonable costs of investigation and inspection, and preparing and litigating the case before an administrative law judge pursuant to subsection (A) of this section, except assessments for compensatory damages and economic benefits. Notice of the penalty or assessment shall be given to the violator in writing by the AUTHORITY, and payment or the penalty or assessment shall be due and payable, unless a hearing is requested in writing by the violator, within 20 days of receipt of notice. If a hearing is requested, the penalty or assessment shall be deemed a contested case and shall be submitted to the office of Administrative Law for an administrative hearing in accordance with sections 67 and 68 of P.L. 1968. C.410 (N.J.S. 52:14B-9 and 52:14B-10). Any amount assessed under this section shall fall within a range established by the AUTHORITY for violations of similar type, seriousness and duration,

as set forth in the AUTHORITY's Enforcement Response Plan.

- (B) Upon conclusion of an administrative hearing held pursuant to subsection (A) of this section, the administrative law judge shall prepare and transmit a recommended report and decision on the case to the Executive Director and to each party of record, as prescribed in subsection c. of section 10 of P.L. 1968. C.410 (N.J.S. 52:14B-10). The Executive Director shall afford each party of record an opportunity to file exceptions, objections and replies thereto, and to present arguments, either orally or in writing, as required by the AUTHORITY. After reviewing the record of the administrative law judge, and any filing received thereon, but not later than 45 days after receipt of the record and decision, the Executive Director shall adopt, reject, or modify the recommended report and decision. If the Executive Director fails to modify or reject the report within the 45 day period, the decision of the administrative law judge shall be deemed adopted as the final decision of the Executive Director and the recommended report and decision shall be made a part of the record in the case. For good cause shown, and upon certification by the Director of the Office of Administrative law and the Executive Director, the time limits established herein may be extended.
- (C) A final decision or order of the Executive Director shall be in writing or stated in the record. A final decision shall include separately stated findings of fact and conclusions of law, based upon the evidence of record at the hearing of the administrative law judge. Findings of fact shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. A final decision or order may incorporate by reference any or all of the recommendations of the administrative law judge.

Parties of record shall be notified either by personal service or by certified mail of any final decision or order. Upon request, a copy of the decision or order shall be



delivered or mailed forthwith by registered or certified mail to each party of record and to a party's attorney of record.

A final decision or order shall be effective on the date of delivery or mailing, whichever is sooner, to the party or parties of record, or shall be effective on any date thereafter, as the AUTHORITY may provide in the decision or order. The date of delivery or mailing shall be stamped on the face of the final decision or order. A final decision or order shall be considered a final agency action, and shall be appealable in the same manner as a final agency action of a State department or agency.

- (D)
  - (i) A person who is assessed a civil administrative penalty, or is subject to an assessment levied pursuant to subsection (A) of this section, and fails to contest or to pay the penalty or assessment, or fails to enter into a payment schedule with the AUTHORITY within 30 days of the date that the penalty or assessment is due and owing, shall be subject to an interest charge on the amount of the penalty or assessment from the date that the amount was due and owing. The rate of interest shall be that established by the New Jersey Supreme Court for interest rates on judgments, as set forth in the Rules Governing the Courts of the State of New Jersey.
  - (ii) Any person who fails to pay a civil administrative penalty or assessment, in whole or in part, when due and owing, or who fails to agree to a payment schedule therefore, shall be subject to the civil penalty provisions of subsection e. of section 5 of P.L. 1977, c.74 (N.J.S. 58:10A-10) (see Section 67 of Article XII of this Sewer Use Resolution.
  - (iii) A civil Administrative penalty or assessment imposed pursuant to a final order.

- (1) may be collected or enforced by summary proceeding in a court of competence jurisdiction in accordance with the "penalty enforcement law" (N.J.S.2A 58-1 et. seq.); or
  - (2) shall constitute a debt of the violator, and the civil administrative penalty may be docketed with the clerk of the Superior Court, and shall have the same standing as any judgment docketed pursuant to N.J.S. 2A:16-1.
- (E) The AUTHORITY shall also recover from the violator, any costs or fees paid to the office of Administrative Law for the costs of an Administrative hearing provided pursuant to subsection (A) of this section along with such other costs as may be recoverable for preparing and litigating the case, so long as the AUTHORITY is the prevailing party at said hearing. An assessment for hearing costs shall be included in the final decision or order issued by the Executive Director.

#### **.67 Civil Penalty**

- (A) Whenever the Executive Director finds that any Person has violated or is violating this Sewer Use Resolution, or a permit, order or agreement issued hereunder, or that any person has failed to pay a civil administrative penalty or assessment in whole or in part, when due and owing, or has failed to agree to a payment schedule therefore, the Executive Director is authorized, through legal counsel, to commence a Civil Action in the Superior Court of New Jersey, Hudson County, or in any court of competent jurisdiction in a summary proceeding pursuant to "The Penalty Enforcement Law" (N.J.S.A. 2A: 58-1 seq.) for the assessment of a Civil Penalty not to exceed \$50,000.00 per day of such violation, with each day's continuance of a violation to constitute a separate violation. The AUTHORITY may also seek

an assessment of costs, interest charges and actual economic benefits accruing to the violator from violation.

- (B) The decision as to whether to seek a court order imposing such a penalty and the amount of such a penalty shall be made with due regard given to the seriousness of the particular violation and the seriousness of the conduct which give rise to the violation. The amount of the Civil Penalty to be sought in connection with any such Civil Action shall be determined in accordance with the Enforcement Response Plan approved by the Authority and attached here to as Article 18.
- (C) Anything in subsections (A) and (B) of this section to the contrary notwithstanding, the Executive Director is authorized to issue a summons to any Person who violates P.L. 1977. C.74 (N.J.S. 58:10A-1. et.seq.) or any rule, regulation or pretreatment standard adopted by the AUTHORITY if the amount of the civil penalty assessed is \$5,000 or less. The summons shall be enforceable, in accordance with the "Penalty Enforcement Law", N.J.S. 2A:58-1 et seq., in the municipal court of the territorial jurisdiction in which the violation occurred. The summons shall be signed and issued by the Executive Director.

Proceedings before, and appeals from a decision of a municipal court shall be in accordance with the Rules Governing the courts of the State of New Jersey. Of the penalty amount collected, pursuant to an action brought in a municipal court pursuant to this section, 10% shall be paid to the municipality or municipalities in which the court retains jurisdiction for the use for court purposes, with the remainder to be retained by the AUTHORITY. All penalties assessed and collected shall be distributed in accordance with NJSA 58:10A 6i.

**.68 Criminal Violations**

The Executive Director is authorized to petition the Hudson County, Prosecutor or the Attorney General for the State of New Jersey to bring a criminal action against any Person suspect of being in violation of any law subjecting the violator to criminal penalties, which violation has caused or will cause an impact upon the AUTHORITY, its facilities or the operation of same. Such action shall be taken pursuant to the provisions of section 3 or P.L. 1990.c.28 (N.J.S. 58:10A-(I)) and the penalties to be sought shall be in accordance with section 5 or P.L. 1990. C.28 (N.J.S. 58:10A 10(F)).

**.69 Increased Self Monitoring and Reporting**

Notwithstanding the reporting requirements stipulated in a permit for discharge to the AUTHORITY Treatment Works or local sewer system to the contrary, any person who has violated or is violating this Sewer Use Resolution, or a permit, order or agreement issued hereunder shall be subject to the following:

- (A) Whenever any Person exceeds an effluent limitation that causes injury to persons, or damage to the environment, or poses a threat to human health or the environment, that Person shall, within two (2) hours of the occurrence, or of the Person becoming aware of the occurrence, report the exceedance to the AUTHORITY's Industrial Pretreatment Coordinator. Within twenty-four (24) hours thereof, or within twenty-four (24) hours of an exceedance, or of becoming aware of an exceedance, or a toxic pollutant, a Person shall provide the Industrial Pretreatment Coordinator with such additional information on the discharge as may be required by the Industrial Pretreatment Coordinator, including an estimate of the danger posed by the discharge to the environment, whether the discharge is continuing, and the measures taken or being taken to remediate the problem and any damage

to the environment, and to avoid a repetition of the problem.

- (B) Notwithstanding the reporting requirements stipulated in a permit for discharge, whenever any Person commits a serious violation (as defined by N.J.S.A 8:10A-(v)) that Person shall report to the AUTHORITY the occurrence of the serious violation within thirty (30) days of the violation and shall provide a statement indicating that the Person understands the civil administrative penalties required to be assessed for serious violations, and explaining the nature of the serious violation and the measures taken to remedy the cause or prevent a recurrence of the serious violation.
- (C) Notwithstanding the reporting requirements stipulated in a permit for discharge, whenever any Person in any month commits a serious violation (as defined by N.J.S.A. 58:10A-3(v)), fails to submit a completed discharge monitoring report, or exceeds an effluent limitation for the same pollutant at the same discharge point source by any amount for four out of six consecutive months, that Person shall file monthly reports with the AUTHORITY's Industrial Pretreatment Coordinator. The reporting requirements stipulated in the permit may be restored if the Person has not committed any of the violations identified in this paragraph B for six consecutive months.
- (D) The terms "Toxic Pollutant" and "Serious Violation" shall have those meanings assigned to them by N.J.S.A. 8:10-A-3.
- (E) The AUTHORITY's Industrial Pretreatment Coordinator may also require increased self-monitoring and reporting by any Person who has violated or is violating the Sewer Use Ordinance, or a permit or agreement issued hereunder, to the extent that such increased self-monitoring and reporting is reasonably related to monitoring the degree of such violation and/or confirming that the violation has been corrected and is not recurring.

## **.70 Public Notification of Permit Violations**

The AUTHORITY shall comply with the public participation requirements of 40 CFR Part 25 in the enforcement of National Pretreatment Standards. These procedures shall include provision for at least annual public notification in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the AUTHORITY of Industrial Users which, at any time during the previous 12 months, were in significant noncompliance with applicable Pretreatment requirements. For the purposes of this provision, a Significant Industrial User (or any Industrial User which violates paragraphs (C), (D), or (H) of this section below) is in significant noncompliance if its violation meets one or more of the following criteria:

- (A) Chronic violations of wastewater discharge limits, defined there as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(1);
- (B) Technical Review Criteria (TRC) violations, defined here are those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403(1) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- (C) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.31(1) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, along or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general

public);

- (D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the AUTHORITY's exercise of its emergency authority under Article 12.71 to halt or prevent such a discharge;
- (E) Failure to provide, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (F) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (G) Failure to accurately report noncompliance;
- (H) Any other violation or group of violations, which may include a violation of Best Management Practices, which the AUTHORITY determines will adversely affect the operation or implementation of the local pretreatment program.

#### **.71 Discharges Affecting Health or the Environment**

- (A) The Executive Director shall have the authority to immediately halt or prevent any discharge of pollutants to the AUTHORITY Treatment Works or local sewer system which reasonably appears to present an imminent endangerment to the health or welfare of persons. This authority shall include, but not be limited to, the right to seek injunctive relief and/or seal or close off such sewerage connections to the AUTHORITY Treatment works or local sewer system. Such actions shall be taken after informal notice to the discharger. Informal notice may be oral or written, delivered to the

highest ranking representative reasonably available at the site of the discharge at the time the notice is given, describing the nature of the perceived violation, demanding an immediate halt to the violating discharge, and generally describing the actions to be taken should the violating discharge not be immediately halted. Inability to furnish such informal notice prior to taking measures to halt the discharge after reasonable attempts to do so shall not preclude the AUTHORITY from undertaking any remedy allowed hereunder.

- (B) The Executive Director shall have the authority, after formal notice and the opportunity to respond, to halt or prevent any discharge to the authority Treatment Works or local sewer system which presents or may present an endangerment to the environment or which treatments to interfere with the operation of the Authority's Treatment Works. This authority shall include, but not be limited to, the right to seek injunctive relief and/or seal or close off such sewerage connections to the AUTHORITY Treatment Works or local sewer system. The requirements for formal notice and opportunity to be heard shall be satisfied through following the procedural requirements set forth in Section .64 Show Cause Hearing of this Article XII.

## **.72 Civil Administrative Penalties**

The provisions of Article XII, Section 60 of this Sewer Use Resolution or any other section of this Sewer Use Resolution to the contrary notwithstanding, the AUTHORITY may assess, pursuant to the requirements of Section of P.L. 1990 c.28 (N.J.S.A. 58:10a-10.1) a civil administrative penalty for the violations enumerated in subsections A, B, and C of this section. Of the amount of any penalty assessed and collected pursuant to an action brought by the AUTHORITY in accordance with N.J.S.A 58:10A-10, ten percent (10%) shall be deposited in the Wastewater Treatment



Operator's Training Account established in N.J.S.A 58:10A-14.5. The remainder shall be used by the AUTHORITY solely for enforcement purposes and for upgrading municipal treatment works.

- (A) The AUTHORITY shall assess a minimum mandatory civil administrative penalty of not less than \$1,000 against a violator for each serious violation, as defined by NJAC 7:14-8.2.
- (B) The AUTHORITY shall assess a minimum mandatory civil administrative penalty of \$5,000 against a violator for the violation that causes the violator to be, or to continue to be, a significant noncomplier, as that term is defined by NJAC 7:14-8.2.
- (C). The AUTHORITY may assess a civil administrative penalty of \$100 for each effluent parameter omitted on a discharge monitoring report required to be submitted to the AUTHORITY, and each day during which the effluent parameter information offense, except that to no instance shall the total civil administrative penalty assessed pursuant to this subsection exceed \$50,000 per month for any one discharge monitoring report. The civil administrative penalty assessed pursuant to this subsection shall accrue as of the fifth day following the date on which the discharge monitoring report was due and shall continue to accrue for 30 days. The Executive Director may continue to assess civil administrative penalties beyond the 30 days period until submission of the overdue discharge monitoring report or overdue information. A Person may contest the assessment of the civil administrative penalty required to be assessed pursuant to this subsection by notifying the Executive Director in writing, within 30 days of the date on which the effluent parameter information was required to be submitted to the AUTHORITY, of the existence of extenuating circumstances beyond the control of the Person, including circumstances that prevent timely

submission of the discharge monitoring report, or portion thereof, or, if the civil administrative penalty is imposed because of an inadvertent omission of one or more effluent parameters, the Person may submit, without liability for a civil administrative penalty assessed pursuant to this subsection or subsection B, of this section, the omitted information within 10 days of receipt by the Person of notice of omission of the parameter or parameters.

- (D) If a violator establishes, to the satisfaction of the AUTHORITY, that a single operational occurrence has resulted in the simultaneous violation of more than one pollutant parameter, the AUTHORITY may consider, for purposes of calculating the civil administrative penalties to be assessed pursuant to subsections A. and B. of this section, the violation of the interrelated permit parameters to be a single violation. Unless the AUTHORITY assesses a civil administrative penalty as set forth in Article 12 and 13, the AUTHORITY may assess a civil administrative penalty for violations described in this section as described in Article 12 including any applicable grace period in accordance with Table 1 at Section 12.76.
- (E) To assess a civil administrative penalty pursuant to this section, the AUTHORITY shall:
1. Identify the penalty range within the matrix in (f) below by:
    - I. Determining the seriousness of the violation pursuant to (g) below; and
    - II. Determining the conduct of the violator pursuant to (h) below; and
  2. Assess the penalty at the midpoint of the range within the matrix in (f) below, unless adjusted pursuant to (i) below.

(F) The matrix of ranges is as follows:

|                |          | <b>Seriousness</b>    |                      |                      |
|----------------|----------|-----------------------|----------------------|----------------------|
|                |          | <u>Major</u>          | <u>Moderate</u>      | <u>Minor</u>         |
| <b>Conduct</b> | Major    | \$10,000-<br>\$50,000 | \$5,000-<br>\$25,000 | \$2,000-<br>\$13,000 |
|                | Moderate | \$ 5,000-<br>\$10,000 | \$2,500-<br>\$5,000  | \$500-<br>\$3,000    |
|                | Minor    | \$500-<br>\$7,500     | \$500-<br>\$2,500    | \$250-<br>\$1,250    |

(G) The AUTHORITY shall determine the seriousness of the violation as major, moderate or minor as set forth below.

(1). Major shall include:

- i. Any violation of any effluent limitation that is measured by concentration or mass for any discharge exceeding the effluent limitation as follows:
  - (1) By more than 50% for a hazardous pollutant.
  - (2) By more than 100% for a non-hazardous pollutant.
  - (3) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or;
- ii. The greatest violation of a pH effluent range in any one calendar day which violation deviates from the midpoint of the range by more than 50% of the midpoint of the range excluding the excursions specifically excepted by a NJPDES/SIU issued permit with continuous pH monitoring; or
- iii. Any other violation not included in (g) 1i or ii above which either:
  - (1). Has caused or has the potential to cause serious harm to human health or the environment; or
  - (2). Seriously deviates from the requirements of the Water

Pollution Control Act or of any rule, pretreatment standards, effluent limitation, administrative consent order or permit issued pursuant thereto; serious deviation shall include, but not be limited to, those violations that are in complete contravention of the requirement, or if some of the requirement is met, which severely impair or undermine the operation or intent of the requirement.

(2). Moderate shall include:

- i. Any violation, other than a violation of an effluent limitation identified in (g) 2ii or iii below, which has caused or has the potential to cause substantial harm to human health or the environment.
- ii. Any violation of an effluent limitation which is measured by concentration or mass of any discharge exceeding the effluent limitation as follows:
  - (1). By 20 to 50% for a hazardous pollutant; or
  - (2). By 40 to 100 % for a non-hazardous pollutant.
- iii. The greatest violation of pH effluent range in any one calendar day which violation deviates from the midpoint of the range by at least 40% but no more than 50% of the midpoint of the range excluding the excursions specifically excepted by NJPDES/SIU issued permit with continuous pH monitoring; or
- iv. Any violation other than a violation of an effluent limit identified in (G)2ii or iii above, which substantially deviates from the requirements of the Water Pollution Control Act or of any rule, pretreatment standards, effluent limitation, administrative consent order or permit issued pursuant thereto; substantial deviation shall

include, but not be limited to , violations that are in substantial contravention of the requirements or which substantially impair or undermine the operation or intent of the requirement.

(3). Minor shall include:

- i. Any violation, other than a violation of an effluent limitation identified in (g) 3iii or iii below, not included in (g) 1 or 2 above;
- ii. Any violation of an effluent limitation which is measured by concentration or mass for any discharge exceeding the effluent limitation as follows:
  - (1) By less than 20% for a hazardous pollutant.
  - (2) By less than 40% for a non-hazardous pollutant; or
- iii. The greatest violation of a pH effluent range in any one calendar day which violation deviates from the midpoint of the range by less than 40% of the midpoint of the range excluding the excursions specifically excepted by a NJPDES/SIU issued permit with continuous pH monitoring.

(H) The AUTHORITY shall determine the conduct of the violator as major, moderate or minor as follows:

- (1) Major shall include any intentional, deliberate, purposeful, knowing or willful act or omission by the violator;
  - (2) Moderate shall include any unintentional but foreseeable act or omission by the violator; or
  - (3) Minor shall include any other conduct not included in (h) 1 or 2 above.
- (I) The AUTHORITY may move from the midpoint of the range, to an amount not greater than the maximum amount nor less than the minimum amount in the range, on the basis of the following factors:
- (1) The compliance history of the violator;

- i. No violations of the same effluent limitation and discharge point at all in the two years immediately preceding the pending violation shall result in a reduction equal to 25% of the midpoint.
  - ii. No serious or fewer than four lesser violations of the same effluent limitation and discharge point in the two years immediately preceding the pending violation shall result in a reduction equal to 10% of the midpoint.
  - iii. One isolated serious violation or four or more lesser violations of the same effluent limitation and discharge point in the two years immediately preceding the date of the pending violation shall result in an increase equal to 10% of the midpoint.
  - iv. Any violation(s) which caused a person to become or remain insignificant noncompliance or two or more isolated serious violations where such violations are of the same effluent limitation and discharge point in the two years immediately preceding the date of the pending violation shall result in 25% increase from the midpoint;
- (2). Where the nature, timing and effectiveness of any measures taken by the violator to mitigate the effects of the violation for which the penalty is being assessed results in compliance within 30 days of receipt of the notice of violation from the Department;
  - (3). Any unusual or extraordinary costs or impacts directly or indirectly imposed on the public or the environment as a result of the violation;
  - (4). Any impacts on the receiving water including upon the aquatic biota, or impairment of the receiving water uses, resulting from the violation;  
and
  - (5). Other specific circumstances of the violator or violation.

(J). The AUTHORITY may assess a civil administrative penalty against each violator who fails to carry out monitoring or sampling activities or to submit discharge monitoring reports (DMRs), baseline monitoring reports, monitoring report forms or sludge quality assurance reports required by the Water Pollution Control Act or any rule, effluent limitation, water quality standard, administrative order or permit issued.

(A). Each violation, including each parameter that is required to be monitored, sampled and reported and that is not monitored, sampled and reported is an additional, separate and distinct violation. Each day during which the violation continues shall constitute an additional, separate and distinct violation.

(B). Except as provided in (d) below, the AUTHORITY shall assess a civil administrative penalty for violations described in this section based on the conduct of the violator at the midpoint of the following ranges except as adjusted pursuant to (C) below:

- (1). For any intentional, deliberate, purposeful, knowing or willful act or omission by the violator, the civil administrative penalty shall be in an amount of up to \$50,000;
- (2). For any unintentional but foreseeable act or omission by the violator, the civil administrative penalty shall be in an amount of up to \$40,000;  
or
- (3). For any other violations the civil administrative penalty shall be in an amount up to \$20,000.

(C). The AUTHORITY may in its discretion adjust the amount determined pursuant to (B) above to assess a civil administrative penalty in an amount no greater than the maximum amount nor less than the minimum amount in

the range based on the following:

1. The compliance history of the violator.
2. The number, frequency and severity of the violation(s);
3. The measures taken by the violator to mitigate the effects of the current violation or to prevent future violations;
4. The deterrent effect of the penalty;
5. The cooperation of the violator in correcting the violation and ensuring that the violation does not reoccur;
6. Any unusual or extraordinary costs or impacts directly or indirectly imposed on the public or the environment as a result of the violation;
7. Any impacts on the receiving water, including stress on aquatic biota, or impairment on the receiving water uses resulting from the violation;
8. Other specific circumstances of the violator or the violation.

(D). For any persons failure to submit a complete DMR, the AUTHORITY shall assess a minimum mandatory civil administrative penalty of not less than \$100.00 for each effluent parameter omitted on a DMR, nor greater than \$50,000 per month for any one DMR;

- (1). The penalty assessed pursuant to (D) above shall begin to accrue on the fifth day after the date on which the DMR was due and shall continue to accrue at least for 30 days if the violation is not corrected.
- (2). The AUTHORITY may continue to assess penalties for failure to submit a complete DMR report beyond the 30 day period until the violation is corrected.
- (3). To contest a civil administrative penalty pursuant to this section, a violator shall submit evidence of extenuating circumstances beyond the control of the permittee, including circumstances that prevented timely submission of a complete DMR, within 30 days after the date on



which the effluent parameter information was required to be submitted to the AUTHORITY. If the violator fails to submit required information within the 30 day period, the violator shall have waived its right to contest the penalty in this matter and be barred from doing so.

(4). A violator will not be subject to a civil administrative penalty for the inadvertent omission of one or more effluent parameters in a DMR if both of the following conditions are met:

- i. The violator submits the omitted information to the AUTHORITY within 10 days after receipt of notice of the omission; and
- ii. The violator demonstrates to the satisfaction of the AUTHORITY that the violation for which the AUTHORITY assessed the penalty was due to an inadvertent omission by the violator of one or more effluent parameters.

The ability of the AUTHORITY to assess a civil administration penalty pursuant to this section shall in no way be construed to limit the AUTHORITY to assess a civil administrative penalty or bring an action for a civil penalty for a violation at any time after a violation occurred for to assess a more stringent civil administrative penalty or civil penalty against a person pursuant to the State Act, the Act or any other provision of this Sewer Use Resolution.

A violation under this section is non-minor and is therefore not subject to a grace period.

### **.73 Affirmative Defenses**

- (A) A person may be entitled to an affirmative defense to liability for a mandatory assessment of a civil administrative penalty pursuant to section 72 of Article XII of this Sewer Use Resolution for liability for assessment of Civil Administrative Penalty pursuant to Section 66 of Article XII of this

Sewer Use Resolution or for any monetary civil damages or monetary penalty assessed by the AUTHORITY pursuant to other enforcement actions available to the AUTHORITY under Article XII of this Sewer Use Resolution assessed due to a violation of an effluent limitation occurring as a result of an upset, an anticipated or unanticipated bypass, or a testing or laboratory error. A person shall be entitled to an affirmative defense only if, in the determination of the AUTHORITY, the person satisfies the provisions of subsection B, C, E, or F, as applicable, to this section. The terms "Upset" and "Bypass" shall be as defined in Article II of this Sewer Use Resolution.

- (B) A person asserting an Upset as an affirmative defense pursuant to this section, except in the case of an approved maintenance operation, shall notify the AUTHORITY of an Upset within 24 hours of the occurrence, or of becoming aware of the occurrence, and, within five days thereof, shall submit written documentation, including properly signed, contemporaneous operating logs, or other relevant evidence, on the circumstances of the violation, and demonstrating, as applicable, that:
  - (1) the Upset occurred, including the cause of the Upset and, as necessary, the identity of the person causing the Upset;
  - (2) the permitted facility was at the time being properly operated;
  - (3) The person submitted notice of the Upset as required pursuant to this section, or, in the case of an Upset resulting from the performance by the permittee of maintenance operations, the permittee provided prior notice and received an approval from the AUTHORITY; and
  - (4) the person complied with any remedial measures required by the AUTHORITY.
- (C) A person asserting an unanticipated Bypass as an affirmative defense pursuant to this section shall notify the AUTHORITY of the unanticipated

Bypass within 24 hours of its occurrence, and, within five (5) days thereof, shall submit written documentation, including properly signed, contemporaneous operation logs, or other relevant evidence, on the circumstances of the violation, and demonstrating that:

- (1) The unanticipated Bypass occurred, including the circumstances leading to the Bypass;
  - (2) the permitted facility was at the time being properly operated;
  - (3) the person submitted notice of the Bypass as required pursuant to this section;
  - (4) the person complied with any remedial measures required by the AUTHORITY;
  - (5) the Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
  - (6) there was no feasible alternative to the Bypass such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of downtime, except that the provisions of this paragraph shall not apply to a Bypass occurring during normal periods of equipment downtime or preventive maintenance of, on the basis of the reasonable engineering judgment of the AUTHORITY, back-up equipment should have been installed to avoid the need for a bypass.
- (D) Nothing contained in subsection B. or C. of this section shall be constructed to limit the requirement to comply with Article XII, Section 69A of this Sewer Use Resolution.
- (E) A person may assert an anticipated Bypass as an affirmative defense pursuant to this section only if the person provided prior notice to the AUTHORITY, if possible, at least 10 days prior to the date of the Bypass,

and the AUTHORITY approved the Bypass, and if the person is able to demonstrate that:

- (1) the Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
  - (2) there was no feasible alternative to the Bypass such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of downtime, except that the provisions of this paragraph shall not include a Bypass occurring during normal periods of equipment downtime or preventive maintenance if, on the basis of the reasonable engineering judgment of the AUTHORITY, back-up equipment should have been installed to avoid the need for a Bypass.
- (F) A person asserting a testing or laboratory error as an affirmative defense pursuant to this section shall have the burden to demonstrate, to the satisfaction of the AUTHORITY, that a serious violation involving the exceedance of an effluent limitation was the result of unanticipated test interferences, sample contamination, analytical defects, or procedural deficiencies in sampling or other similar circumstances beyond the control of the permittee.
- (G) An assertion of an Upset, a Bypass or a testing or laboratory error as an affirmative defense pursuant to this section may not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (H) If the AUTHORITY determines, pursuant to the provisions of this section, that a violation of an effluent limitation was caused by an Upset, a Bypass or a testing or laboratory error, the Executive Director shall waive any

mandatory civil administrative penalty required to be assessed pursuant to section 13 of this Sewer Use Ordinance for such violation, as well as any other civil or administrative penalty or civil damages which the AUTHORITY is entitled to assess or seek as a result of such violation.

#### **.74 Enforcement Response Plan**

The AUTHORITY has adopted, attached hereto, and incorporated by reference into this Sewer Use Resolution an Enforcement Response Plan and penalty matrix as set forth in this submittal. The purpose of the Enforcement Response Plan is to set forth procedures and guidelines summarizing how the AUTHORITY will investigate and respond to instances of industrial user noncompliance.

The Enforcement Response Plan includes a section summarizing the enforcement responses to be taken by the AUTHORITY (the Enforcement Response Summary). The Enforcement Response Plan and Enforcement Response Summary contained therein are to be used to encourage prompt and efficient implementation of response actions. They are not intended to restrict the AUTHORITY's ability to apply other enforcement responses available by law when warranted by the facts and circumstances of any particular case.

#### **.75 Grace Period Applicability: Procedures**

- (a) Each violation identified in the Table 1 at Article 12.76 by an M in the type of violation column and for which the conditions at (c) below are satisfied, is a minor violation, and is subject to a grace period, the length of which is indicated in the column with the heading Grace period.
- (b) Each violation identified in the Table 1 at Article 12.76 by an NM in the type of violation column is a non-minor violation and is not subject to a grace period.

(c) The NBMUA shall provide for a grace period for any violation identified as minor under this section, provided the following conditions are met:

1. The violation is not the result of the purposeful, knowing, reckless or criminally negligent conduct of the person responsible for the violation.
2. The violation poses minimal risk to the public health, safety and natural resources.
3. The violation does not materially and substantially undermine or impair the goals of the regulatory program.
4. The activity or condition constituting the violation is capable of being corrected and compliance achieved within the time prescribed by the NBMUA.
5. The activity or condition constituting the violation has existed for less than 12 months prior to the discovery by the NBMUA.
6. In the case of a violation that involves a permit, the person responsible for the violation has not been identified in a previous enforcement action by the NBMUA as responsible for a violation of the same requirement of the same permit within the preceding 12 month period;
7. In the case of a violation that does not involve a permit, the person responsible for the violation has not been notified in a previous enforcement action by the NBMUA as responsible for the same or a substantially similar violation at the same facility within the preceding 12 month period; and
8. In the case of any violation, the person responsible for the violation has not been identified by the NBMUA as responsible for the same or substantially similar violations at any time that reasonably indicate a pattern of illegal conduct and not isolated incidents on the part of the responsible.

(d) For a violation determined to be minor under (c) above, the following provisions apply:

1. The NBMUA shall issue a notice of violation to the person responsible for the minor violation that:
  - i. identifies the condition or activity that constitutes the violation and the specific statutory and regulatory provision or other requirement violated; and
  - ii. specifies that a penalty may be imposed unless the minor violation is corrected and compliance is achieved within the specific grace period.
2. If the person responsible for the minor violation corrects that violation and demonstrates, in accordance with (d) 3 below, that compliance has been achieved within the specified grace period the NBMUA shall not impose a penalty for the violation.
3. The person responsible for a violation shall submit to the NBMUA, before the end of the specified grace period, written information certified to be true and signed by the person responsible for the minor violation, detailing the corrective action taken or compliance achieved.
4. If the person responsible for the minor violation seeks additional time beyond the specified grace period to achieve compliance, the person shall request an extension of the specified grace period. The request shall be made in writing, be certified to be true and signed by the person responsible for the minor violation, and received by the NBMUA no later than one week before the end of the specified grace period. The request shall include the anticipated time needed to achieve compliance, the specific cause or causes of the delay, and any measure taken or to be taken to minimize the time needed to achieve compliance. The

NBMUA may, at its discretion, approve in writing an extension, which shall not exceed 90 days, to accommodate the anticipated delay in achieving compliance. In exercising its discretion to approve a request for an extension, the NBMUA may consider the following:

- i. Whether the violator has taken reasonable measures to achieve compliance in a timely manner;
- ii. Whether the delay has been caused by circumstances beyond the control of the violator;
- iii. Whether the delay will pose a risk to the public health, safety and natural resources; and
- iv. Whether the delay will materially or substantially undermine or impair the goals of the regulatory program.

5, If the person responsible for the minor violation fails to demonstrate to the NBMUA that the violation has been corrected and compliance achieved within the specified grace period or within the approved extension, if any, the NBMUA may, in accordance with the provisions of this chapter, impose a penalty that is retroactive to the date the notice of violation under (d) 1 was issued.

6. The person responsible for a minor violation shall not request more than one extension of a grace period specified in a notice of violation.

#### **.76 Table of Minor and Non-Minor Violations; Grace Period**

(a) Table 1 below identifies violation of NBMUA Sewer Use Regulations, as minor or non-minor for purposes of a grace period, and identifies the duration of the grace period for minor violations. The descriptions of the violations set forth in the table



in this section are provided for informational purposes only. In the event that there is a conflict between a violation description in the table and the rule to which the violation description corresponds, the rule shall govern.

(b) The NBMUA may assess a civil administrative penalty for violation of the NBMUA Sewer Use Regulations and/or for a violation of any rule, consent agreement or administrative order adopted or issued pursuant thereto, that is not listed in Table 1, following the procedure under (c) below.

(c) For violations not listed in Table 1, the NBMUA shall determine whether the violation is a minor violation and subject to a grace period or whether the violation is non-minor and not subject to a grace period as follows:

- i. If pursuant to (d) below, the violation is comparable to a violation listed in Table 1 and the comparable violation in Table 1 is minor, then violation under this section is also minor, provided the criteria at section 12 are also met. The minor violation shall be subject to the grace period set forth in Table 1 for the comparable violation.
- ii. If the violation is not comparable to a violation in Table 1 and the violation meets all the criteria at section 12 then the violation under this section is minor. The minor violation shall be subject to a grace period of 30 days.
- iii. If pursuant to (d) below, the violation is comparable to a violation listed in Table 1 and the comparable violation in Table 1 is non-minor then the violation under this section also non-minor and the penalty shall be assessed in accordance with section 12.

iv. If the violation is not comparable to a violation listed in Table 1 and the violation does not meet the requirements of section 12 above, the violation is non-minor and the penalty shall be assessed in accordance with section 12.

(d) Comparability of a violation under (c) above with a violation listed in Table 1 is based upon the nature of the violation (for example, a violation of record keeping, permit limitation or monitoring).

TABLE 1

| Article | Description of Violation   | Type of Violation | Grace Period |
|---------|--|-------------------|--------------|
| 3.3     | Discharge of prohibited waste  | NM                |              |
| 3.4     | Exceedence of a local limit daily or monthly non-serious violation     | NM                |              |
| 3.4     | Exceedence of a local limit serious violation                          | NM                |              |
| 3.4     | Dilution of wastewater to maintain compliance                          | NM                |              |
| 3.4     | Exceedence of daily maximum concentrations for oil or grease           | NM                |              |
| 3.5     | Exceedence of a categorical limitation                                 | NM                |              |
| 3.7     | Discharge of storm drainage and groundwater                            | NM                |              |
| 3.8/    | Discharge without a permit where a permit would normally be            | NM                |              |
| 3.9     | Required   |                   |              |
| 3.14    | Failure to comply with recordkeeping                                   | NM                |              |
| 3.14    | Failure to make recordkeeping available upon request                   | NM                |              |
| 3.14/   | Failure to properly sign self-monitoring reports and all other reports | M                 | 30 days      |
| 10.45   | required by the Authority  |                   |              |
| 4.13    | Failure to properly maintain pretreatment facilities                   | NM                |              |
| 4.15    | Failure to allow admission to property                                 | NM                |              |
| 4.19    | Failure to conduct tests, measurements and analysis in                 | NM                |              |
|         | accordance with accepted standards                                     |                   |              |
| 4.20    | Failure to submit required reports within 5 days of the deadline       | NM                |              |
| 4.20    | Failure to submit a written report within five days following an       | NM                |              |
|         | accidental or non-complying discharge                                  |                   |              |
| 4.33    | Failure to fully disclose all relevant facts when obtaining a permit   | M                 | 30 days      |
| 7.36    | Failure to develop a compliance schedule                               | M                 | 30 days      |
| 7.36    | Failure to submit a renewal permit continues after notice by POTW      | NM                |              |
| 7.34    | Failure to obtain an Industrial Discharge Permit where required        | NM                |              |
| 7.36    | Failure to submit a renewal application prior to 180 days of           | NM                |              |
| 7.38    | expiration of current permit   |                   |              |
| 7.36    | Failure to provide a representative sampling point                     | NM                |              |
| 7.36    | Failure of a permittee to perform all analyses in accordance with the  | NM                |              |
|         | analytical test procedures specified in 40 CFR 136                     |                   |              |
| 7.39    | Transforming a permit without proper notification to the Authority     | NM                |              |
| 10.45   | Failure to submit a baseline monitoring report                         | NM                |              |
| 10.45   | Failure to immediately report non-compliance                           | NM                |              |
| 10.45   | Failure to develop a slug control plan when required                   | M                 | 30 days      |
| 10.45   | Failure to resample within thirty (30) days of a violation             | NM                |              |
| 10.45   | Failure to provide notification within 24 hours of a violation         | NM                |              |
| 12.60   | Failure to comply with the requirements in a compliance schedule       | NM                |              |
| 12.69   | Failure to report within two (2) hours of its occurrence, exceedences  | NM                |              |
|         | of effluent limitations that causes injury to person, damage to the    |                   |              |
|         | environment, or poses a threat to human health or the environment      |                   |              |
| 12.69   | Failure to perform additional monitoring following a serious           | NM                |              |
|         | violation or a violation that causes the permittee to enter            |                   |              |
|         | significant non-compliance status                                      |                   |              |

## ARTICLE THIRTEEN

### ABATEMENT

#### **.77 Public Nuisance**

Discharges of wastewater in any manner in violation of this Resolution or of any permit or order issued by the Director as authorized by this Resolution is hereby declared a public nuisance and shall be corrected or abated as directed by the Director. Any person creating a public nuisance may be subject to a fine of not less than \$1,000.00 or imprisonment not exceeding one (1) year.

#### **.78 Injunction**

Whenever a USER is in violation of the provisions of this Resolution or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the AUTHORITY may petition the Superior Court for the issuance of a preliminary or permanent injunction or both, as may be appropriated.

**ARTICLE FOURTEEN**  
**VIOLATIONS, DAMAGES AND PENALTIES**

**.79 Falsifying of Information**

- (A). The AUTHORITY may assess a civil administrative penalty against each violator who submits inaccurate information or who makes a false statement, representation, certification in any application, record or other document required to be submitted or maintained, or who falsifies, tampers with or renders inaccurate any monitoring device or method required to be maintained under the Water Pollution Control Act or the New Jersey Underground Storage of Hazardous Substances Act or any rule, water quality standard, effluent limitation, administrative order or permit issued pursuant thereto.
- (B). Each day, from the day of submittal by the violator of the false or inaccurate information to the AUTHORITY to the day of receipt by the AUTHORITY of a written correction by the violator shall be an additional, separate and distinct violation.
- (C). The AUTHORITY shall assess a civil administrative penalty for violations described in this section based on the conduct of the violator at the midpoint of the following ranges except as adjusted pursuant to (d) below:
1. For each intentional, deliberate, purposeful knowing or willful act or omission by the violator, the civil administrative penalty shall be in an amount of up to \$50,000 per act or omission.
  2. For each other violation not identified pursuant to (C) 1 above for which the violator does not correct the violation within 10 days after becoming aware of the violation, the civil administrative penalty shall be in an amount of up to \$30,000; and
  3. For each other violation not identified pursuant to (C) 1 above for which the

violation, the civil administrative penalty shall be in an amount of up to \$1,000.

(D). The AUTHORITY may, in its discretion, adjust the amount determined pursuant to (C) above to assess a civil administrative penalty in an amount no greater than the maximum amount nor less than the minimum amount in the range based on the following factors:

1. The compliance history of the violator;
2. The number, frequency and severity of the violations;
3. The measures taken by the violator to mitigate the effects of the current violation or to prevent future violations;
4. The deterrent effect of the penalty;
5. The cooperation of the violator in correcting the violation, remedying any environmental damage and ensuring that the violation does not reoccur;
6. Any unusual or extraordinary costs or impacts directly or indirectly imposed on the public or the environment as a result of the violation;
7. Any impacts on the receiving water, including stress on the aquatic biota or impairment of the receiving water uses resulting from the violation and
8. Other specific circumstances of the violator or the violation.

Except as set forth in Table 1, at Article 12.76, a violation under this section is non-minor, and therefore not subject to a grace period.

#### **.80 Damage by Vandalism; Penalties**

Any person who willfully breaks, damages, destroys, uncovers, defaces or

tampers with any structure appurtenance or equipment which is part of the sewerage system maintained by the AUTHORITY shall be liable for a fine of not less than \$1,000.00 or imprisonment not exceeding one (1) year.

**.81 Damage by Discharge; Penalties**

When a discharge of wastes causes an obstruction, damage or any other impairment to AUTHORITY facilities, the AUTHORITY may assess a charge against the discharger for the work required to clean or repair the facility and add such charge to the user's wastewater service charges.

**.82 Violation of Regulations; Penalties**

Deleted

**.83 Confidentiality Information**

Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the AUTHORITY that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available upon written request to governmental agencies for uses related to this Resolution, the New Jersey Pollutant Discharge Elimination System (NJPDES) Permit, State Disposal System Permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report.

Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the AUTHORITY as confidential, shall not be transmitted to any governmental agency or to the general public by the AUTHORITY until and unless a ten-day notification is given to the user.

#### **.84 Termination**

The AUTHORITY may revoke any Wastewater Discharge Permit, or terminate or cause to be terminated wastewater service to any premises if, after order or direction from the AUTHORITY, violation of any provision of this Resolution is found to exist; a discharge of wastewater causes or threatens to cause a condition of contamination, pollution or nuisance as defined in this Resolution; or there is a failure on the part of a user to take the remedial steps required; or the user fails to pay an applicable permittee or user charge.

Attention is called to NJSA 58:11-56 and Article XII, Section .71 of this Sewer Use Resolution.



**ARTICLE FIFTEEN**  
**REPEALER, CONSTRUCTION AND EFFECTIVE DATE**

**.85 Repeals**

All Resolutions or parts of Resolutions inconsistent with provisions of this Resolution are hereby repealed to the extent to which they are inconsistent.

**.86 When Effective**

This Resolution shall take effect twenty (20) days after final passage according to law and will remain in full force as long as the treatment works is in operation.

## ARTICLE SIXTEEN

### SEVERABILITY

#### **.87 Severability**

If any provision of this Resolution or the application to any person or circumstance is held invalid, the remainder of the Resolution or the application of such provisions to persons or circumstances shall not be affected.

## ARTICLE SEVENTEEN

### LEGAL AUTHORITY

The AUTHORITY (hereinafter "MUA") shall have all legal authority required by 40 CFR 403.8(f) (1). At a minimum, the MUA shall have the legal authority to:

(1) Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the MUA's sewerage system by industrial users, where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the MUA to violate its NJPDES permits;

(2) Require compliance with applicable pretreatment standards and requirements imposed on industrial users, including requirements imposed by 40 CFR 403.5(a-d), and 40 CFR 403.6;

(3) Control, through issuance of permits to industrial users, contributions to the MUA's sewerage system to ensure compliance with applicable pretreatment standards and requirements. At a minimum, however, all permits:

(a) Shall be valid for a specific period of time, not to exceed five years;

(b) Shall be non-transferable;

(c) Shall incorporate, specifically or by reference, effluent limits based on applicable general pretreatment standards in 40 CFR 403, categorical pretreatment standards, local limits, and state and local law;

(d) Shall contain self-monitoring, sampling, reporting, notification, and record keeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards in 40 CFR 403, categorical pretreatment standards, local limits, and state and local law;

(e) Shall contain a statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and all applicable compliance

schedules imposed on the industrial user. Under no circumstances shall the compliance schedule extend beyond applicable federal deadlines;

(4) Require: the development of a compliance schedule by industrial users for the installation of technology and other equipment required to meet applicable pretreatment standards and requirements; and the submission of all notices and self-monitoring reports from industrial users as are necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements, including reports required pursuant to 40 CFR 403.12;

(5) Carry out all inspection, surveillance, and monitoring procedures necessary to determine, independent of information supplied by industrial users, compliance or noncompliance with applicable pretreatment standards and requirements by industrial users. Specifically, representatives of the MUA are authorized to enter the premises of any industrial user in which a discharge source or treatment system is located, or in which records are required to be kept pursuant to 40 CFR 403.12(m), to assure compliance with pretreatment standards;

(6) Obtain remedies for noncompliance by any industrial user with any pretreatment standard and requirement, including injunctive relief. The MUA shall also have the authority to assess civil or criminal penalties of at least \$1,000.00 per day, per violation of pretreatment standards and requirements by industrial users. The pretreatment requirements which will be enforced through this subsection include, without limitation: the duty to permit inspections, entry, or monitoring requirements; any pretreatment requirements imposed by rules, resolutions, regulations, orders, or ordinances issued by the MUA; any pretreatment requirements set forth in permits issued by the MUA; or any reporting requirements imposed by the MUA, or the EPA or NJDEP.

Additionally, after informal notice to the industrial user, the MUA shall have the authority to immediately and effectively halt or prevent any discharge of pollutants into

the MUA's sewerage system which reasonably appears to present imminent danger to the public health or welfare. The MUA shall also have the authority, after notice to the affected industrial users and an opportunity to respond, to halt or prevent any discharge into the MUA's sewerage system which endangers or may endanger the environment, or which threatens to interfere with the operation of the MUA's sewerage system; and

(7) Comply with the confidentiality requirements set forth in 40 CFR 403.14, incorporated herein by reference.

The above-specified AUTHORITY is in addition to, but not limited by, any other legal authority granted to the MUA by: this Resolution; other resolutions or ordinances duly enacted by the MUA, regardless of the time of enactment; and federal, state, or local law, and any regulations pursuant thereto.

**ARTICLE EIGHTEEN**  
**ENFORCEMENT RESPONSE PLAN**

## ENFORCEMENT RESPONSE PLAN

| <u>Noncompliance</u>                                      | <u>Nature of the Violation</u>  | <u>Enforcement Responses</u>                               | <u>Time Frame</u>    | <u>Personnel</u>                 | <u>Type of Viol. &amp; Grace Period (if any)</u> |
|---|---|--|----------------------|----------------------------------|--|
| <b>Unauthorized Discharges</b>                            |   |  |                      |                                  |  |
| 1. Discharge without a permit (Permit required)           | No harm to POTW environment   | NOV with application form, if needed                       | 60 days              | Pretreatment Coordinator         | NM   |
|   | Harm to POTW/environment (IU meets SNC criteria under 40 FR Part 403.8 (f)(2) vii).                   | Take action to halt activity                               | 2 days               | Pretreatment Coordinator/Counsel | NM   |
|   | Noncompliance with order to submit application  | Seek penalty   | 6 months             | Pretreatment Coordinator         | NM   |
| 2. Failure to renew                                       | Failure to submit application prior to 180 days of expiration of current permit                       | NOV  | 60 days              | Pretreatment Coordinator         | NM   |
|   | Failure to apply continues after notice by the POTW   | Seek Penalty   | 6 months             | NBMJA Counsel                    | NM   |
| 3. Discharge outside scope of application/permit          | Failure to notify in advance of new introductions of pollutants or significant in existing pollutants | NOV with permit application to be modified                 | 60 days              | Pretreatment Coordinator         | NM   |
| <b>Discharge Limit Violation</b>                          |   |  |                      |                                  |  |
| 1. Exceedance of local or Federal standard (permit limit) | Individual or monthly non-serious violation   | NOV; compliance response/corrective action plan, if needed | 60 days from receipt | Pretreatment Coordinator         | NM   |
|   | Serious violation (individual or monthly)   | Seek at least mandatory minimum \$1,000                    | 6 months             | Pretreatment Coordinator         | NM   |

## ENFORCEMENT RESPONSE PLAN

| <u>Noncompliance</u>  | <u>Nature of the Violation</u>   | <u>Enforcement Responses</u>   | <u>Time Frame</u>   | <u>Personnel</u>         | <u>Type of Viol. &amp; Grace Period, (if any)</u> |
|---|--|--|---|--------------------------|---|
| <b>Discharge Limit Violation</b><br><b>Cont'd</b>                 |  |  |   |                          |   |
| 2. Exceedance of local or Federal standard (Permit limit)(cont'd) | Significant Noncompliance (IU meets SNC criteria under 40 CFR Part 403)  | Public Notice  | Annually, but no later than 60 days. After 403 annual Report submitted to NJDEP | Pretreatment Coordinator | NM  |
|   | Significant Noncompliance (IU meets SNC criteria under NJSA 58:10A-3.w.) | Seek at least Mandatory Minimum Penalty of \$5,000   | 6 months  | Pretreatment Coordinator | NM  |
| <b>Monitoring and Report Violations</b>                           |  |  |   |                          |   |
| 1. Reporting violation  | Late, 5 or more days after due date (but complete)                       | NOV, seek penalty including at least mandatory minimum penalty for overdue effluent parameter information, if any, in accordance with NJAC 7:14-8.9 (note: Penalty waived if complete report is received within 10 days of receipt of the NOV)                   | 6 months  | Pretreatment Coordinator | NM  |
|   | Late 31 days or more after due date (but complete)                       | Public notice, NOV and seek penalty including at least mandatory minimum penalty for overdue effluent parameter information, if any, in accordance with NJAC 7:14-8.9 (note: Penalty waived if complete report is received within 10 days of receipt of the NOV) | Public Notice in accordance with approved program<br>Penalty within 6 months    | Pretreatment Coordinator | NM  |



## ENFORCEMENT RESPONSE PLAN

| <u>Noncompliance</u>                                     | <u>Nature of the Violation</u>   | <u>Enforcement Responses</u>   | <u>Time Frame</u>   | <u>Personnel</u>         | <u>Type of Viol. &amp; Grace Period, (if any)</u> |
|--|--|--|---|--------------------------|---|
| <b>Monitoring and Report Violations</b><br><b>Cont'd</b> | Incomplete for effluent parameter omission                                       | See mandatory minimum penalty of not less than \$100 for each parameter omitted (beginning on the 5 <sup>th</sup> day after the DMR due date for at least 30 days if violation not corrected). | 6 months  | Pretreatment Coordinator | NM  |
|  | Incomplete for data omission (IU meets SNC criteria under 40 CFR Part 403)       | Public notice  | Annually  | Pretreatment Coordinator | NM  |
|  | Incomplete for effluent parameter Omission (IU meets SNC criteria under NJWPCCA) | Public notice and seek at least mandatory minimum penalty of \$5,000 in accordance with NJAC 7:14-8.9 & 8.16(a)  | Public notice in accordance with approved program Penalty – within 6 months | Pretreatment Coordinator | NM  |
|  | Incomplete for other omissions (IU meets SNC criteria under NJWPCCA)             | Public notice and seek at least mandatory minimum penalty of \$5,000   | Public notice in accordance with approved program Penalty within 6 months   | Pretreatment Coordinator | NM  |
|  | Incomplete for other omissions   | NOV  | 60 days   | Pretreatment Coordinator | NM  |
|  | Falsification  | Seek penalty or refer to county prosecutor   | 60 days   | NBMUA Counsel            | NM  |

## ENFORCEMENT RESPONSE PLAN

| <u>Noncompliance</u>  | <u>Nature of the Violation</u>   | <u>Enforcement Responses</u>  | <u>Time Frame</u>  | <u>Personnel</u>         | <u>Type of Viol. &amp; Grace Period, (if any)</u> |
|---|--|---|--|--------------------------|---|
| <b>Monitoring and Report Violations</b>   |  |   |  |                          |   |
| 2. Failure to adhere to compliance schedules (in control document, permit, AO/ACO, letter of agreement) | Missed milestone by less than 30 days  | NOV, seek penalty (note: penalty may be waived if final compliance is met by due date)                | 6 months   | Pretreatment Coordinator | NM  |
|   | Missed milestone by more than 30 days (IU meets SNC under 40 CFR Part 403)   | NOV, seek penalty, public notice (note: penalty may be waived if final compliance is met by due date) | 6 months   | Pretreatment Coordinator | NM  |
|   | Failure to meet final compliance date  | NOV, seek penalty   | 6 months   | Pretreatment Coordinator | NM  |
| 3. Failure to notify  | Failure to report spill or changed discharge   | NOV, seek penalty where necessary   | NOV w/in 60 days of discovery; penalty no later than 6 months of discovery | Pretreatment Coordinator | NM  |
| 4. Failure to monitor correctly   | Incorrect sample location, incorporate sample type, incorrect sample collection techniques, or incorrect sample analysis | NOV, with proper resampling, including sample analysis  | 60 days  | Pretreatment Coordinator | NM  |
| 5. Failure to report additional monitoring  | POTW inspection finds additional files   | NOV with request to submit additional monitoring data   | 60 days  | Pretreatment Coordinator | NM  |

## ENFORCEMENT RESPONSE PLAN

| <u>Noncompliance</u>   | <u>Nature of the Violation</u>                              | <u>Enforcement Responses</u>   | <u>Time Frame</u>                    | <u>Personnel</u>                     | <u>Type of Viol. &amp; Grace Period, (if any)</u> |
|--|---|--|--------------------------------------|--------------------------------------|---|
| <b>Other Permit Violations</b>   |   |  |                                      |                                      |   |
| 1. Wastestreams are diluted to achieve discharge limits  | Dilution  | NOV, seek penalty  | 60 days -- NOV;<br>6 mos. -- penalty | Pretreatment Coordinator             | NM  |
| 2. Continuing failure to halt or prevent a discharge which caused or causes imminent endangerment to human health, welfare, or the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) | Refusal to discontinue activity upon notification           | Take physical (effective) action or seek court order to halt discharge | 2 days max.                          | Pretreatment Coordinator/<br>Counsel | NM  |
| 3. Failure to maintain in good working order and properly operate, any facilities or systems of control installed to achieve compliance with the terms and conditions of the permit  | Violation of operating requirements                         | NOV  | 60 days                              | Pretreatment Coordinator             | NM  |
| 4. Entry denial  | Entry denied or consent withdrawn. Copies of records denied | NOV, seek penalty  | 6 months                             | Pretreatment Coordinator             | NM  |
| 5. Inadequate recordkeeping  | POTW inspector finds files incomplete or missing            | NOV  | 60 days                              | Pretreatment Coordinator             | NM  |

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