

SEWER USE RULES AND REGULATIONS



THE OCEAN COUNTY UTILITIES AUTHORITY

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SEWER USE RULES AND REGULATIONS

ARTICLE I

INTRODUCTION

Section 1.01

The following Rules and Regulations shall be and are hereby declared to be the Sewer Use Rules and Regulations of The Ocean County Utilities Authority regarding the use of the regional sewerage system and the nature of wastewaters to be discharged into the treatment works.

ARTICLE II

PURPOSE

Section 2.01

The purpose of these Sewer Use Rules and Regulations are as follows:

1. To prohibit the discharge into the treatment works of any wastewaters that are not in compliance with any Federal standards promulgated pursuant to the Federal Water Pollution Control Act Amendments of 1972, the Clean Water Act of 1977, any subsequent amendments to said Federal Acts, and any other applicable Federal legislation.
2. To ensure that all wastewaters discharged to and from the treatment works are in compliance with the Federal Water Pollution Control Act Amendments of 1972, the Clean Water Act of 1977, or any subsequent applicable Federal legislation.
3. To require the pretreatment of all wastewaters discharged into the treatment works for which categorical pretreatment standards have been promulgated pursuant to Federal or State legislation by the United States Environmental Protection Agency and the New Jersey State Department of Environmental Protection, and/or for which pretreatment standards have been developed by the Authority.
4. To prohibit the discharge of any wastewaters into the treatment works of a flammable nature or which may create in any way a poisonous or hazardous environment for maintenance and operating personnel.
5. To prohibit the discharge of any wastewaters into the treatment works which may affect its integrity or cause operational or maintenance difficulties in it as it is now constructed or as it may be modified, expanded, or improved on in the future.

6. To prohibit or require pretreatment before introduction into the treatment works of any wastewaters which may adversely affect the integrity, operation and/or maintenance of the treatment works by direct or indirect chemical or physical action, or which may interfere with the treatment process.
7. To regulate excessive volumes and/or inordinate rates of discharge of any wastewaters into the treatment works.
8. To regulate the discharge of any wastewaters which require the levying of a surcharge for either their discharge into the treatment works or treatment by the treatment works plant.
9. To prohibit or require pretreatment of wastewaters which are discharged into the regional conveyance system which are malodorous and/or create a public nuisance.

ARTICLE III

Section 3.01 Definitions

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in these Sewer Use Rules and Regulations shall be as follows:

1. "Act" means the Municipal and County Utilities Authorities Law, constituting Chapter 183 of Pamphlet Laws of 1957, of the State of New Jersey, adopted August 22, 1957, and the acts amendatory thereof and supplemental thereto.
2. "Approval Authority" means the Director of the DEP's Division of Water Quality or his/her authorized representatives.
3. "Authority" means The Ocean County Utilities Authority, a public body politic and corporate of the State of New Jersey (also referred to as OCUA).
4. "Authorized Representative of the User" - An authorized representative of the user may be: (1) A principal executive officer of at least the level of vice president, if the user is a corporation; (2) A general partner or proprietor if the 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 facilities from which the indirect discharge originates.
5. "Average monthly discharge limitation" means the sum of all daily discharges measured during the calendar month divided by the number of daily discharges measured during that month. In the absence of an "average monthly discharge limitation", the "maximum daily discharge limitation" will become the "average monthly discharge limitation".
6. Best Management Practices or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the

prohibitions listed in Article VI. 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 material storage.

7. "Biochemical Oxygen Demand" (BOD) means the quantity of oxygen, expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty (20) degrees Centigrade. The standard laboratory procedure shall be as defined in the latest publication of 40 CFR Part 136 "Guidelines Establishing Test Procedures for the Analysis of Pollutants."
8. "Building Sewer" means the extension from the building sewer system to the local sewerage system.
9. "Bypass" means the anticipated or unanticipated intentional diversion of waste streams from any portion of a treatment works.
10. "Categorical Pretreatment Standards" - A pretreatment standard promulgated by EPA specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into a POTW by existing or new industrial users in specific industrial subcategories.
11. "Carbonaceous Biochemical Oxygen Demand" (CBOD) – BOD is reported as CBOD when inhibiting the nitrogenous oxygen demand.
12. "Chlorine Demand" means the quantity of chlorine absorbed in water, wastewater or other liquids, allowing a residual of 0.1 parts per million (ppm) by weight after fifteen (15) minutes of contact. The standard laboratory procedure shall be as defined in the latest publication of 40 CFR Part 136 "Guidelines Establishing Test Procedures for the Analysis of Pollutants."
13. "Commissioner" - The Commissioner of the New Jersey Department of Environmental Protection (DEP) or his/her authorized representatives.
14. "Company" means any private corporation formed under the laws of the State of New Jersey or any other state.
15. "Compatible Pollutant" - Biochemical oxygen demand, 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 NPDES or NJPDES permit, where the POTW is designed to treat such pollutants and, in fact, does treat such pollutants to the degree required by the permit.
16. "Composite Sample" means a sample which is taken and consists of several portions of specific volumes collected during a specific time period and combined to make a representative sample.
17. "Cooling Water" means any water used for the purpose of carrying away excess heat, and which may contain biocides or similar substances that are used to control biological growth.
18. "Department" means the New Jersey State Department of Environmental Protection.

19. "Director" means the Executive Director of the Authority or his/her authorized representatives.
20. "District" means the area within the territorial boundaries of all the municipal corporations of the State of New Jersey, situated within Ocean County and those areas of Monmouth County serviced by the Manasquan River Regional Sewerage Authority, the Governing Bodies of which have not adopted a resolution in accordance with Subsection (g) of Section 4 of the Act, and of all municipal corporations of Ocean County and those areas of Monmouth County serviced by the Manasquan River Regional Sewerage Authority, the Governing Bodies of which shall have adopted an ordinance in accordance with Subsection (g) of Section 4 of the Act.
21. "Delegated local agency" (DLA) means a local agency with an industrial pretreatment program approved by the department.
22. "Domestic Wastewater" means the liquid waste or liquid borne waste (1) resulting from the non-commercial preparation, cooking and handling of food and/or (2) consisting of human excrement and similar wastes from sanitary conveniences.
23. "EPA" means the United States Environmental Protection Agency.
24. "Federal Act" means the Federal Water Pollution Control Act Amendments of 1972, the Clean Water Act of 1977, as amended, 33 U.S.C. 1251, et. seq.
25. "Garbage" means domestic or commercial solid wastes resulting from the preparation, cooking, and dispensing of food and from handling, storage and sale of produce.
26. "Government" means the United States of America or any department or agency thereof.
27. "Grab Sample" means a sample which is taken on a one-time basis with no regard to the flow and without consideration of time.
28. "Grace Period" means the period of time afforded under N.J.S.A. 13:1D-125 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 be otherwise applicable for such violation.
29. "Hazardous Pollutant" means:
 - A. Any toxic pollutant;
 - B. Any hazardous substance as defined pursuant to section 3 of P.L 1976, c.141 (N.J.S.A. 58:10A-3u);
 - C. Any substance regulated as a pesticide under the Federal Insecticide, Fungicide and Rodenticide Act, Pub. L. 92-516 (7 U.S.C § 136 et seq.);
 - D. Any substance the use or manufacture of which is prohibited under the Federal Toxic Substances Control Act, Pub.L. 94-469 (15 U.S.C § 2601 et seq.);
 - E. Any substance identified as a known carcinogen by the International Agency for Research on Cancer; or

- F. Any hazardous waste designated pursuant to section 3 of P.L. 1981, c.279 (N.J.S.A. 13:1E-51) or the "Resource Conservation and Recovery Act," Pub. L.94-580 (42 U.S.C § 6901 et seq.).
30. "Holding Tank Waste" means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, marina holding tanks and vacuum-pump tank trucks.
31. "Incompatible Pollutant" means any pollutant which is not a "compatible pollutant" as defined in this section.
32. "Indirect Discharge" means the discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C 1317), into the POTW (including holding tank waste discharged into the system).
33. "Industrial User" means any nonresidential user or users identified in the Standard Industrial Classification Manual, 1987, Office of Management and Budget, as amended and supplemented under one of the following divisions:
- Division A. Agriculture, Forestry, and Fishing
 - Division B. Mining
 - Division D. Manufacturing
 - Division E. Transportation, Communications, Electric, Gas, and Sanitary Services
 - Division I. Services
34. "Industrial Discharge Permit" means the permit issued by the Authority to certain users which allows for the discharge of industrial wastewater with certain characteristics into the treatment works.
35. "Industrial Wastewater" means the wastewater resulting from the processes employed by an industrial or commercial user with any groundwater, surface water, and storm water that may be present, whether treated or untreated, is discharged into a treatment works.
36. "Interceptor Sewer" means a sewer of the Authority which carries wastewater and to which storm, surface, and groundwaters are not intentionally admitted.
37. "Interference" means (1) inhibiting or disrupting a treatment works system or its treatment processes or operations, or its sludge processes, use or disposal of which is a cause of or significantly contributes to either a violation of any requirement of a State or Federal permit and/or the Authority's Sewer Use Rules and Regulations under which the treatment works operates; or (2) discharging industrial wastewater which, in combination with existing domestic flows are of such volume and/ or strength as to exceed the treatment process capacity of the treatment works; or (3) preventing the use or disposal of sludge produced by the treatment works in accordance with Section 405 of the Federal Act and the New Jersey Guidelines for the Utilization and Disposal of Municipal and Industrial Sludges and Septage; or any regulations or criteria or guidelines developed pursuant to the Federal Resource Conservation and Recovery Act of 1976 (42 U.S.C. 7401 et. seq.), and the Federal Toxic Substances Control Act (15 U.S.C. 2601 et. seq.).

38. "Local Authority" means any public body corporate and politic of the State of New Jersey.
39. "Local Collection Sewerage System" or "Local Sewerage System" means all sewerage systems of Participants or customers which are or may be connected to the regional sewerage system, including any extensions or enlargements of such systems.
40. "Maximum daily discharge limitation" means the highest allowable "daily discharge" during the monitoring period.
41. "Municipality" means any city of any class, any borough, village, town, township, or any other municipality other than a county or a school district, located in or out of the district.
42. "National Pollutant Discharge Elimination System" (NPDES) means the national program for issuing, modifying, revoking, terminating, monitoring and enforcing discharge permits and enforcing pretreatment requirements under Sections 307, 402, 318 & 405 of the Clean Water Act of 1977 (33 U.S.C. 1251 et. seq.).
43. "New Jersey Pollutant Discharge Elimination System" (NJPDES) means the New Jersey system for the issuing, modifying, suspending, revoking and reissuing, terminating, monitoring, and enforcing, of discharge permits issued pursuant to N.J.A.C. 7:14A-1 et. seq.
44. "New Source" means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Federal Water Pollution Control Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, *provided that*;
- A. The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - B. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - C. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.
45. "North American Industry Classification System" (NAICS) means a classification pursuant to the NAICS manual issued by the Executive Office of the President, Office of Management and Budget, 1997 and any amendments thereto.
46. "Participant" means any of the following who have executed a service agreement or contract with the Authority: Government, State, municipality, local authority, or private sewer or utility company.
47. "Pass Through" means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NJPDES permit (including an increase in the magnitude or duration of a violation).
48. "Permit" means an authorization, license, or equivalent control document issued by the Department or a delegated local agency to implement the requirements of the State Act and

the related statutes specified in N.J.A.C. 7:14-8.1 even where any or all of the conditions of the permit have been stayed. Permit does not include any permit which has not yet been the subject of final agency action, such as "draft 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. Permit also includes a general permit and permit-by-rule.

49. "Person" means any Participant, customer, individual, firm, company, partnership, corporation, association, group or society, including the State of New Jersey, and agencies, districts, commissions, and political subdivisions created by or pursuant to State law, and Federal agencies, departments or instrumentalities thereof.
50. "pH" means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions in gram atoms per liter of solution. Solutions with a pH greater than 7 are said to be basic; solutions with a pH less than 7 are said to be acidic; pH equal to 7 is considered neutral.
51. "Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, grease, sewage sludge, 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.
52. "Pretreatment" means the application of physical, chemical and biological processes to reduce the amount of pollutants in, or alter the nature of the polluting properties of, an industrial wastewater prior to discharging such wastewater into the treatment works.
53. "Pretreatment Requirements" means any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.
54. "Pretreatment Standards" means any standard developed and/or adopted by the Authority specifying the quantities or concentration of pollutants or pollutant properties which may be discharged or introduced into a POTW by existing or new industrial users.
55. "Prohibited Pollutants" means any pollutant in amounts exceeding standards promulgated by the EPA or any subsequent Federal legislation of the EPA pursuant to Section 307(a) of the Clean Water Act of 1977, including, but not limited to, those listed in Table 1, Appendices A-1 and A-2, and those chemical elements or compounds, phenols or other tastes or odor-producing substances, or any other substances normally not found in unpolluted waters which are not susceptible to treatment or which may interfere with the biological processes or efficiency or which will pass through the treatment works plant.
56. "Publicly Owned Treatment Works" (POTW) means a treatment works as defined by Section 212 of the Federal Act, (33 U.S.C. 1292). For the purposes of these Sewer Use Rules and Regulations, "POTW" shall also include local collection systems of participants or other sewers that convey wastewaters to the POTW from persons outside the District who are, by service agreement or contract with the Authority, users of the Authority's POTW.
57. "Regional Administrator" means the Administrator of Region II of the United States Environmental Protection Agency or his/her authorized representative.

58. "Regional Sewerage System" means the facilities owned and/or constructed by the Authority consisting of all sewer conduits, pipe lines, force mains, interceptor sewers, pumping stations, treatment works plant, disposal systems, connections and outfalls, and all other plants, structures, equipment, boats, conveyances and works and other real and tangible personal property acquired or constructed or to be acquired or constructed by the Authority for the purposes of the Authority under the Act, but does not include the local collection sewerage system of any Participant or customer.

59. "Septage" means the liquid and solid material pumped from a septic tank, cesspool, or similar domestic sewage treatment system, or a holding tank when the system is cleaned or maintained.

60. "Serious Violation" means an exceedance, as set forth in a permit, administrative order, or administrative consent agreement, including interim enforcement limits, as follows:

A. For effluent limitations for pollutants that are measured by concentration or mass, except for whole effluent toxicity;

1. Violations of an effluent limitation that is expressed as a monthly average;

(a) By 20 percent or more for a hazardous pollutant; and

(b) By 40 percent or more for a nonhazardous pollutant;

2. Violations of an effluent limitation that is expressed as a daily maximum or daily minimum without a monthly average;

(a) By 20 percent or more of the average of all of the daily maximum or minimum values for a hazardous pollutant; and

(b) By 40 percent or more of the average of all of the daily maximum or minimum values for a nonhazardous pollutant;

B. For effluent limitations for whole effluent toxicity as follows:

1. For any violation of an LC sub50 or a NOEC (No Observable Effect Concentration) limit when, upon subtracting the toxicity test result from the whole effluent toxicity limit, the difference is as follows:

Whole Effluent Toxicity

<u>Limit (Percent Effluent)</u>	<u>Difference (Percent Effluent)</u>
Greater than or equal to 80 and less than or equal to 100.	Greater than or equal to 20.
Greater than or equal to 50 and less than 80.	Greater than or equal to 15.
Greater than 10 and less than 50.	Greater than or equal to 10.
Less than or equal to 10.	Greater than or equal to 9.

A toxicity limitation of an LC sub50 is the concentration of toxicant which causes mortality in 50 % of the test organisms.

2. For any violation of whole effluent toxicity limitations expressed as no measurable acute toxicity (NMAT) with greater than or equal to 50 percent mortality in any test concentration, including 100 percent effluent; and

C. The greatest violation of a pH effluent range in any one calendar day which violation deviates from the midpoint of the range by at least 40 percent of the midpoint of the range excluding the excursions specifically excepted by a NJPDES or Authority permit with continuous pH monitoring. For example: Assuming that a permittee's effluent limitation range for pH is 5.5 to 9.5, the midpoint would be 7.5. If the five separate readings of pH during a given day were 4.3, 5.8, 6.5, 6.0, and 6.5, the reading of 4.3 would be a serious violation as follows:

$$\left(\frac{7.5 \text{ (midpoint)} - 4.3 \text{ (greatest exceedence)}}{7.5 \text{ (midpoint)}} \right) \times 100 = 42.6 \%$$

For example: Using the same information as above. Forty percent of 7.5 equals 3.0; therefore, if the greatest violation of a pH effluent range for any calendar day has a pH of 4.5 or less or a pH of 10.5 or greater, the violation would be a "serious violation."

D. Notwithstanding the above, 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.

61. "Significant Industrial User" means any user who discharges into the treatment works, industrial wastewater which either (1) exceeds 25,000 gallons per day, or (2) exceeds the mass equivalent of 25,000 gallons per day of waste based upon a CBOD of 300 mg/l, a COD of 500 mg/l or suspended solids of 300 mg/l, or (3) contributes five percent or more of the daily mass loading of any of the pollutants listed in Table 1 and/or in Appendix A-1 and A-2 hereto which are entering the treatment works plant, or (4) constitutes an industrial user subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N (except a Non-Significant Categorical User as defined in Section 6.07) or (5) has the reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

62. "Significant Noncomplier" is an IU who commits any of the following violations:

A. Serious violation for the same hazardous pollutant or the same non-hazardous pollutant at the same discharge point source, in any two months of any six month period.

B. Exceedance of the monthly average or, in case of a pollutant for which no monthly average has been established, the monthly average of the daily maximums of 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.

- C. Any exceedence of an effluent limitation for pH by any amount at the same discharge point source in any four months of any consecutive six month period.
 - D. Technical review criteria (TRC): thirty-three (33) percent or more of all of the measurements for each pollutant parameter taken during a six month period exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for CBOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).
 - E. Chronic violation: sixty-six (66) percent or more of all of the measurements for each pollutant parameter taken during a six month period exceed (by any magnitude) the average limit or the daily maximum limit.
 - F. Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Authority determines has caused, alone or in combination with discharges, interference or pass through (including endangering the health of POTW personnel or the general public).
 - G. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under the General Pretreatment Regulations, 40 CFR 403.8 (f)(1)(vi)(B) to halt or prevent such a discharge.
 - H. Failure to submit required reports such as Baseline Monitoring Reports, 90-day compliance reports, periodic/self-monitoring reports, and reports on compliance with compliance schedules, within thirty (30) days after the due date.
 - I. Failure to submit a completed periodic/self-monitoring report in any two months of any six month period.
 - J. Failure to meet, within ninety (90) days after the schedule date, a compliance milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.
 - K. Failure to accurately report noncompliance.
 - L. Any other violation or group of violations that the Approval Authority/POTW determines will adversely affect the operation or implementation of the local pretreatment program.
63. "Slug" means any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary discharge.
64. "State" means the State of New Jersey.
65. "State Act" means the New Jersey "Water Pollution Control Act," N.J.S.A. 58:10A-1 et. seq.

66. "Standard Industrial Classification" (SIC) means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987 and any amendments thereto.
67. "Storm Water" means any flow occurring during or immediately following any form of natural precipitation and resulting therefrom.
68. "Surcharge" means the additional charge that will be levied against a Participant or a person discharging wastewater whose CBOD and/or suspended solids concentrations are in excess of 300 ppm, or which contain constituents in concentrations for which the Authority has determined an additional charge is required for their treatment.
69. "Suspended Solids" (TSS) means the Total Suspended (Nonfilterable) Residue as listed in 40 CFR 136.
70. "Thirty day average value" or "Monthly average value" means the sum of all daily discharges measured during a calendar month, divided by the number of daily discharges measured during that month.
71. "Treatment Works" means POTW as defined in Item 56 of these definitions and any device or system, whether public or private, used in the storage, treatment, recycling, or reclamation of municipal or industrial waste of a liquid nature, including: interceptor sewers, force mains, outfall sewers, local sewerage systems served by the Authority, cooling towers and ponds, pumping, power and other equipment and their appurtenances; extensions, improvements, remodelings, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and other works including sites for the treatment works or for ultimate disposal of residues resulting from such treatment. Additionally, "Treatment Works" means any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of pollutants, including storm water runoff, or industrial waste in combined or separate storm water and sanitary sewer systems.
72. "Treatment Works Plant" means that portion of the treatment works designed to provide treatment to wastewater excluding the collection or interceptor system.
73. "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 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.
74. "User" means any person who discharges, causes, or permits the discharge of wastewater into the treatment works.
75. "Wastewater" means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the treatment works.

Section 3.02 Abbreviations

The following abbreviations shall have the designated meanings:

- BOD – Biochemical Oxygen Demand
- BMP – Best Management Practices
- BMR – Baseline Monitoring Report
- CBOD – Carbonaceous Biochemical Oxygen Demand
- CFR - Code of Federal Regulations
- COD - Chemical Oxygen Demand
- DEP - New Jersey Department of Environmental Protection
- DLA – Delegated Local Agency
- EPA - United States Environmental Protection Agency
- ERP – Enforcement Response Plan
- IDP – Industrial Discharge Permit
- IPP – Industrial Pretreatment Program
- IU – Industrial User
- l - Liter
- mg – Milligrams
- NAICS – North American Industrial Classification System
- N.J.A.C. - New Jersey Administrative Code
- N.J.S.A. - New Jersey Statutes Annotated
- NJPDES - New Jersey Pollutant Discharge Elimination System
- NPDES - National Pollutant Discharge Elimination System
- OCUA - Ocean County Utilities Authority
- POTW - Publicly Owned Treatment Works
- ppb - Parts per billion
- ppm - Parts per million
- SIC - Standard Industrial Classification
- TRC – Technical Review Criteria
- TSS – Total Suspended Solids
- USC - United States Code

ARTICLE IV

PARTICIPANT APPLICATIONS FOR CONNECTION EXTENSIONS, ETC.

Section 4.01 Application for Treatment Works Plants, Local Sewerage Collection Systems and Extensions

1. All Participants desiring to construct treatment works plants, local sewerage collection systems, or extensions thereto, shall file an application with the Authority and with the appropriate local, State and Federal regulatory agencies having jurisdiction in these matters. Forms and procedures for filing applications with the Authority are found in the Authority's pamphlet entitled "[Rules and Regulations Governing Applications to The Ocean County Utilities Authority for Approval to Construct Sewerage Facilities within the Authority's Service Area](#)". This pamphlet can be downloaded from www.OCUA.com. Click the link for Services→Forms/Applications→Sanitary Sewer Extensions.
2. Applications to the Authority shall be reviewed by the Authority and the Participant notified of its findings within 90 days of receipt of the application.
3. After applications are approved, any connections to the Authority's regional sewerage system shall be made in accordance with Article V of these Sewer Use Rules and Regulations.

ARTICLE V

CONNECTIONS TO THE REGIONAL SEWERAGE SYSTEM

SECTION 5.01 General Rules and Requirements

1. Only a Participant will be allowed to make connections and discharge to the Authority's regional sewerage system.
2. No Participant shall uncover, connect with, make any opening into or use, in any matter, the regional sewerage system without first receiving the written consent of the Authority.
3. Prior to making any connection to the regional sewerage system, the Participant shall have the plans and specifications for the connections reviewed and approved by the Authority. Said plans and specifications shall be reviewed by the Authority within ninety (90) days. Upon receipt of approval from the Authority, the Participant shall give the Authority at least forty-eight (48) hours notice of the time when such connection(s) will be made in order that the Authority may supervise and inspect the work of connection. No work is to be performed in the absence of an Authority representative.
4. All local sewerage collection system connections to the regional sewerage system will be made at manholes located on the interceptor sewer. Connections directly to the interceptor sewer will not be allowed.
5. Individual business, commercial and house connections, etc. will not be permitted to be made directly to the regional sewerage system.
6. Where possible and practicable, all connections of any local sewerage collection system to the Authority's interceptor sewer will be made at an invert elevation where the 0.8 depth point of both sewers is at the same elevation.
7. All connection lines installed between the Authority's regional sewerage system and a Participant's local sewerage collection system will become the property of the Participant and be maintained by the Participant.
8. In all Authority manholes where internal drop connections have been installed for a Participant's local sewerage collection system, the drop connections will become the property of the Authority and will be maintained by the Authority.

Section 5.02 Procedures for Connecting Participant's Local Sewerage Collection Systems

1. For local sewerage collection systems which have connection stubs and knockout bulkheads that have not been provided and for systems which have been installed prior to installation of the regional sewerage system, the following shall apply:
 - A. For connections to the regional sewerage system under this condition an evaluation will be made on an individual case by case basis.
 - B. For connections that have been determined can be made, the work will be done by the Participant and the connection cost will be borne by the Participant.
2. For local sewerage collection systems which have connection stubs or bulkheads that have not been provided and which are being installed concurrently with the regional sewerage system, the following shall apply:
 - A. For connections of the local collection sewerage system to the regional sewerage system an evaluation will be made on an individual case by case basis.
 - B. For connections that have been determined can be made, the connection will be made by the Participant and the costs borne by the Participant.
3. For local sewerage collection systems which have either connection stubs or knockout bulkheads that have been provided and have been installed concurrently with the regional sewerage system, the following shall apply:
 - A. For those situations where the Authority and the Participant are constructing concurrently, the date of pipe installations at a particular connection point will determine the party responsible to make the connection.
 - B. If the interceptor sewer is installed at the particular connection location prior to the local sewerage collection system, the Authority will provide a connection stub to which the Participant can connect. This connection will be made by the Participant.
 - C. If the interceptor sewer is installed at a particular connection point subsequent to the installation of the local sewerage collection system, the connection will be made by the Authority.
4. For local sewerage collection systems that are installed after the regional sewerage system is either installed or is operational, the following shall apply:
 - A. For connections to the regional sewerage system under this condition, an evaluation will be made on an individual case by case basis.
 - B. The connections will be made by the Participant at the Participant's expense.

ARTICLE VI

USE OF THE TREATMENT WORKS

Section 6.01 Prohibitions on Wastewater Discharges

No person shall discharge, deposit, cause or allow to be discharged or deposited into the treatment works any wastewater which causes pass through or interference, contributes to a violation of any of the parameters in the Authority's NJPDES permit, does not meet applicable pretreatment requirements, or which contains any of the following:

1. Stormwater, surface water, groundwater, roof runoff, swimming pool water, subsurface drainage, or foundation or basement sump drainage.
2. Oils, tar, grease, combustible gases and liquids, insoluble solids of any kind, or other substances which would impair, impede, affect, interfere with or endanger the treatment works or any part thereof.
3. Gasoline, naphtha, paints, lacquers, fuel oil, or other flammable or explosive liquid, solid, or gas which by reason of its nature or quality may cause fire or explosion or which, in any way, may be injurious to personnel or the treatment works.
4. Substances of such a nature as to form noxious or malodorous gases or substances which either singularly or through interaction with other wastes or substances found in the wastewater treatment processes create a public nuisance as defined in Section 2.1B of the Public Health Nuisance Code of the State of New Jersey, hazard to life, or prevent entry into any portion of the treatment works for operational duties, maintenance or repair.
5. Solids or viscous substances in quantities or of such size capable of causing obstruction of the flow in the treatment works, or other interference with the proper operation of the same; such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, hair, fleshings, offal, entrails or paper products.
6. Garbage not properly shredded.
7. Septic tank, treatment works plant sludge or cesspool wastes. These wastes will, however, be accepted directly at the Authority's treatment works plant at charges and during times prescribed by the Authority. The Authority reserves the right, however, to discontinue the acceptance of such wastes without notice should such wastes result in any operational problems.
8. Any other prohibited pollutant including oxygen demanding pollutants (CBOD, COD, etc.) released in a discharge of such volume or strength that will cause interference with the treatment works, create a hazardous environment, or endanger personnel.

9. Heat in amounts which will inhibit biological activity at the Authority's treatment works plant resulting in interference, but in no case heat in such quantities that the temperature at the treatment plant exceeds 40° centigrade (104° Fahrenheit) unless alternate temperature limits have been approved by the Authority.
10. Any wastewater containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at a temperature between 32° F and 150° F (0° C and 65° C).
11. Any wastewater containing phenolic compounds over 1.0 mg/l, expressed as phenol.
12. Any wastewater having a pH less than 5.5 or greater than 9.5 or found to be corrosive.
13. Any wastewater containing radioactive substances in excess of those permitted by N.J.A.C 7:28-6.5.
14. Pollutants which create a fire or explosion hazard in the treatment works including, but not limited to, waste streams with a closed cup flash point of less than 140 ° F or 60 ° C using the test methods specified in 40 CFR 261.21.
15. Any wastewater with a carbonaceous biochemical oxygen demand (CBOD) in excess of the established OCUA limit. (See Table 2, pg. 26)
16. Wastewater having a noticeable color which is not removable in the treatment works plant.
17. Any wastewater with a suspended solids content in excess of the established OCUA limit. (See Table 2, pg. 26)
18. Any wastewater containing corrosive, toxic or poisonous substances in sufficient quantity and/or concentration to cause injury, damage or hazard to personnel, structures or equipment, or interfere with the treatment works, or any portion of the liquid or solids treatment or handling processes, or that will pass through the treatment works plant in such condition that it will not achieve State, Federal or other existing requirements for the effluent or for the receiving waters. The following chemicals are specifically mentioned: arsenic and arsenicals; cyanides; copper and copper salts; chromium; mercury and mercurials; nickel and nickel compounds; silver and silver compounds; zinc and zinc compounds; toxic dyes (organic or mineral); sulfanamides; cresols, alcohols, aldehydes; chlorinated hydrocarbons; chlorine in excess of 100 mg/l; iodine; fluorine; bromine; all strong oxidizing agents such as peroxides, chromates, dichromates, permanganates; compounds producing hydrogen sulfide or any other toxic, inflammable or explosive gases, either upon acidification, alkalization, reduction or oxidation; strong reducing agents such as nitrates, sulfites, sulfides; strong acids or strong alkalis.
19. Any pollutant at a flow rate or concentration which will cause interference with the treatment plant.
20. Any wastewater containing substances which are not amenable to treatment or reduction by the treatment works plant processes employed, or are amenable to treatment only to such a

degree that the treated effluent cannot meet the requirements of other agencies having jurisdiction over the POTW's discharge to the receiving waters.

21. Any wastewater containing substances interfering with sludge management; any substance which may cause the POTW's sludge to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a wastewater discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Federal Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Federal Clean Air Act, the Toxic Substances Control Act, or the "New Jersey Guidelines for the Utilization and Disposal of Municipal and Industrial Sludges and Septage."

22. Any trucked or hauled pollutants, except at discharge points designated by the Authority.

Users shall have an affirmative defense in any action brought against it alleging a violation of the prohibitions listed in this section where the user can demonstrate that:

- A. It did not know or have reason to know that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference; or
- B. If a local limit designed to prevent pass through or interference has not been properly developed for each pollutant that caused pass through or interference, the user's discharge directly prior to and during the pass through or interference did not change substantially in nature or constituents from the user's prior discharge activity where the Authority was regularly in compliance with its NJPDES permit requirements, and in the case of interference, applicable requirements for sewage sludge use or disposal.

Section 6.02 Limitations on Sulfide Discharges

In order for the regional sewerage system to operate properly and to avoid any detrimental effects, particularly in the interceptor system and pump/lift stations, no Participant or person may discharge into the regional sewerage system wastewater which contains any total or dissolved sulfides exceeding the following concentrations:

- 1. 0.2 ppm where the Participant's or person's connection to the regional sewerage system is a gravity sewer line;
- 2. 0.4 ppm where the Participant's or person's connection to the regional sewerage system is a pressure or force main.

Section 6.03 Limitations on Wastewater Discharges

Tables 1 and 2 (pages 25, 26) represent the maximum concentrations of certain pollutants allowable in wastewater discharges to the treatment works by any user. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered a violation of these Sewer Use Rules and Regulations.

The limits on certain pesticides, benzydine, and PCB's in Table 1 are in conformance with the Final Toxic Effluent Standards published in the Federal Register (40 CFR 129).

The Pretreatment Standards presented in Table 2 were developed using a headworks analysis in accordance with the Local Limits Development Guidance (July 2004, USEPA Office of Wastewater Management). These limits have been developed to implement the prohibitions listed in Section 6.01. Incorporation of General Pretreatment Standards – “40 CFR 403.1 et seq. is hereby incorporated by reference, including all supplements and amendments thereto”.

Section 6.04 Best Management Practices

The Authority may develop Best Management Practices (BMPs) to implement the local limits noted in Table 2, page 26. Such BMPs shall be considered local limits and Pretreatment Standards for the purposes of this part and section 307(d) of the Act.

Section 6.05 Categorical Pretreatment Standards

Upon the effective date of the Categorical Pretreatment Standard for a particular industrial subcategory, the standard, if more stringent than limitations imposed under these Sewer Use Rules and Regulations for sources in that subcategory, shall immediately supersede the limitations imposed herein. The Authority shall attempt to notify all affected users by certified mail of any applicable reporting requirements required by 40 CFR, Section 403.12 or any modification in their pretreatment requirements but failure to notify does not relieve such users of the obligation to comply with applicable reporting and discharge requirements. The certified letter will propose a compliance schedule. After a conference with the affected user, the Authority shall send a permit modification with the official compliance schedule. 40 CFR Chapter I, Subchapter N is hereby incorporated by reference, including all supplements and amendments thereto.

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 Industrial Users. When converting such limits to concentration limits, the Authority will use the concentration 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 Section 6.10.

When the limits in a categorical Pretreatment Standard are expressed only in terms of pollutant concentration, 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 1(A) through 1(E) of this section:

1. 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 Standard, and not have used dilution as a substitute for treatment;
 - C. Provide sufficient information to establish the facility's actual daily flow rate for all wastestreams, based on data from continuous effluent flow monitoring devices, as well as the facility's long-term average production rate. Both the actual average 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 limits.
2. 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 production rates determined in paragraph 1(C) of this section. Upon notification of a revised production rate, the Authority will reassess the equivalent mass limits and revise the limit as necessary to reflect changed conditions at the facility;
 - D. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraph 1(A) of this section so long as it discharges under an equivalent mass limit.
3. 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 limits for the applicable categorical Pretreatment Standard and the appropriate unit conversion 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 equivalent mass limit in subsequent control mechanism terms if the Industrial User's actual average daily flow rate was established solely as a result of the implementation of water conservation methods and technologies, and the actual 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 pursuant to Section 6.10. The Industrial User must also be in compliance with 403.17 (regarding the prohibition of bypass).

4. The Authority may not express limits in terms of mass for a pollutant such as pH, temperature, radiation, or other pollutants which cannot appropriately be expressed as mass.

Equivalent limitations calculated in accordance with this section 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.

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 calculating both the average and the maximum equivalent limitation.

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.

Section 6.06 Modification of Categorical Pretreatment Standards

Where the Authority's treatment works plant achieves consistent removal of pollutants limited by Categorical Pretreatment Standards, the Authority may apply to the Approval Authority for modifications of the limit for specific Categorical Pretreatment Standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the treatment works plant to a less toxic or harmless state in the effluent which is achieved by the system as measured according to the procedures set forth in Section 403.7(c)(2) of the "General Pretreatment Regulations for Existing and New Sources of Pollution" (40 CFR, Part 403) or subsequent amendments promulgated pursuant to Pretreatment Standards if the requirements contained in 40 CFR, Section 403.7, are fulfilled and prior approval from the Approval Authority is obtained.

Section 6.07 Non-Significant Categorical Industrial Users

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:

1. The Industrial User, prior to the Authority finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

2. The Industrial User annually submits the certification statement required in Section 9.01(5)(C) together with any additional information necessary to support the certification statement; and
3. The industrial User never discharges any concentrated wastewater.

Section 6.08 **State Requirements**

State requirements and limitations on discharges shall apply in any case where they are more stringent than Categorical Pretreatment Standards promulgated by EPA or those in these Sewer Use Rules and Regulations.

TABLE 1

Maximum Permissible Concentration (mg/l)

<u>Pollutant</u>	<u>1 Day Max.</u>	<u>30 Day Avg.</u>
Aldrin	*	*
Dieldrin	*	*
DDE	*	*
DDD	*	*
DDT	*	*
PCB	*	*
Endrin		
(Manufacturer, existing source)	0.0075	0.0015
(Formulator) * *		
(Manufacturer, new source)	0.0005	0.0001
Toxaphene		
(Manufacturer, existing source)	0.0075	0.0015
(Formulator) * *		
(Manufacturer, new source)	0.0005	0.0001
Benzidine		
(Manufacturer, existing source)	0.050	0.010
(Manufacturer, new source)	0.050	0.010
(Dye Applicators, existing source)	0.025	0.010
(Dye Applicators, new source)	0.025	0.010

* - prohibited from discharge

TABLE 2

Maximum Permissible Concentration (mg/l)

Conventional Pollutants

	Treatment Plant		
	Northern	Central	Southern
pH (std. units)	5.5 – 9.5	5.5 – 9.5	5.5- 9.5
CBOD	*	-----	-----
TSS	**	-----	-----
Oil & Grease	BMP	BMP	BMP
Arsenic	0.180	1.288	-----
Cadmium	0.177	-----	-----
Copper	4.827	-----	-----
Lead	1.411	-----	-----
Mercury	0.167	-----	-----
Nickel	2.542	-----	-----
Selenium	0.623	-----	-----
Zinc	9.355	-----	-----

* The maximum allowable industrial loading for CBOD in the Northern Service Area is 37,652 lbs/day. CBOD in the Northern Service Area is allocated on a case by case basis. Contact the Authority for more details.

**The maximum allowable industrial loading for TSS in the Northern Service area is 65,281 lbs/day. TSS in the Northern Service Area is allocated on a case by case basis. Contact the Authority for more details.

Section 6.09 **Authority's Right of Revision**

The Authority reserves the right to establish by these Sewer Use Rules and Regulations more stringent pretreatment standards than the Categorical Pretreatment Standards for discharges to the treatment works if deemed necessary to comply with the objectives of these Sewers Use Rules and Regulations.

Section 6.10 **Excessive Discharge**

No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations for adequate treatment, to achieve compliance with the limitations contained in the Categorical Pretreatment Standards, or to achieve compliance with any pretreatment standards developed by the Authority.

Section 6.11 **Unacceptable Wastewaters**

If any wastewaters are discharged, or are proposed to be discharged to the treatment works which wastewaters contain the substances or possess the characteristics enumerated in Section 6.02 of this Article, and which in the judgment of the Authority, may have a deleterious effect upon the regional sewerage system, receiving waters, life, or constitute a public nuisance, the Authority will exercise one or more of the following options:

1. Reject the wastewater permanently.
2. Reject the wastewater until such time as the discharger of such wastewater provides a detailed report (prepared by a professional engineer with recognized expertise in the treatment of industrial wastes) containing recommendations as to the method of pretreatment and acceptability of such wastewater into the treatment works. Upon the Authority's acceptance of said report, said wastewater may again be accepted on a trial basis.
3. Require pretreatment of the wastewater to an acceptable condition for discharge to the treatment works.
4. Require control over the quantities and rates of discharge of the wastewater.

Section 6.12 **Design of Pretreatment Facilities**

If the Authority permits the pretreatment or equalization of wastewater which is to be accepted in the treatment works, the design and installation of the pretreatment facilities shall be reviewed and approved by the Authority, and are subject to the requirements of the Authority's Pretreatment Standards and any applicable Categorical Pretreatment Standards, codes, ordinances, and laws.

Section 6.13 **Maintenance of Pretreatment Facilities**

Users shall at all times, maintain in good working order and operate as effectively as possible, any facilities or systems of control installed to achieve compliance with the terms and conditions of discharge permits.

Section 6.14 **High Strength Wastes**

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Authority and any Participant or person whereby a wastewater with high CBOD or suspended solids concentrations, a high chlorine demand or with unusual strength or characteristics may be accepted by the Authority for treatment at an additional charge (as set forth in Section 14.01), provided the Authority has determined, at the expense of the Participant or person, that the wastewater can be adequately treated by the treatment works plant without any deleterious effects.

ARTICLE VII

**NOTIFICATION, INSPECTION, TESTING AND
CONTROL FOR INDUSTRIAL WASTEWATER**

Section 7.01 **Industrial Wastewater Analysis**

Persons desiring to discharge industrial wastewater to the treatment works must first file with the Authority a complete physical and chemical analysis of the wastewater proposed to be discharged into the treatment works. This information shall be submitted with an Industrial Discharge Permit application as set forth in Section 8.04.

Section 7.02 **Admission to Property**

Whenever it shall be necessary to implement these Sewer Use Rules and Regulations, the Director, the Commissioner, the Regional Administrator and/or duly authorized employees of the Authority upon the presentation of credentials and identification shall at reasonable times be permitted to enter all properties to inspect, observe, measure, sample, test or monitor any discharge of wastewater to the treatment works or records thereof, in accordance with the provisions of these Sewer Use Rules and Regulations.

Section 7.03 **Person Held Harmless**

While performing the necessary work on the properties referred to in the Section 7.02, duly authorized employees of the Authority shall observe all safety rules applicable to the premises established by the person. The person shall be held harmless for injury or death to the Authority employees, and the Authority shall indemnify the person, against loss and demands for personal injury or property damage asserted against the person and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the person to maintain safe conditions.

Section 7.04 **Control Manhole**

When required by the Participant or the Authority, the user shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastewater. Such manhole or other appurtenances, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Participant and the Authority. The manhole shall be installed by the user at his expense and shall be maintained by him so as to be safe and accessible at all times. Detailed plans of an Authority approved non-domestic discharge control manhole can be requested by contacting the Authority's Industrial Pretreatment Program Coordinator.

Section 7.05 **Measurements and Tests**

All measurements, tests, and analyses of the characteristics of the wastewater to which reference is made in these Sewer Use Rules and Regulations shall be determined in accordance with Section 9.03(4) of these Sewer Use Rules and Regulations and shall be determined at the control manholes provided. In the event that no special control manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the local collection sewerage system to the point at which the building sewer is connected. Sampling shall be performed in accordance with customarily accepted procedures to reflect the effect of the wastewater upon the treatment works and to determine the existence of hazards to life, limb, and property.

Section 7.06 **Submission of Plans**

Where pretreatment or equalization of wastewater flows prior to discharge into any part of the treatment works is required, the user shall submit to the Participant plans, specifications, and other pertinent data or information relating to such pretreatment or flow-control facilities. This information shall be submitted by the user to the Participant and the Authority for review and approval. Such approval shall not exempt the wastewater discharge from such facilities from compliance with any applicable code, ordinance, rule, regulation or order of any governmental authority. Any subsequent modifications to such pretreatment facilities shall not be made without due notice to and prior approval of the Participant and the Authority.

Section 7.07 **Pretreatment Facilities Operation**

Pretreatment facilities shall be maintained in good working order and operated efficiently by the owner or user at his/her own cost and expense, subject to the requirements of these Sewer Use Rules and Regulations and all other applicable State and Federal codes, ordinances, and laws.

Section 7.08 **Notification of Hazardous Waste Discharges**

All Industrial Users shall notify the Authority, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such

information is readily available to the Industrial User: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. Any notification under this paragraph needs to be submitted only once for each hazardous waste discharged. The notification requirement in this section does not apply to pollutants already reported on the self-monitoring reports. Industrial Users are exempt from the above notification requirements during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes as specified in 40 CFR 261.30(d) and 261.33 (e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification.

Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.

In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities of the discharge of such substances within ninety (90) days of the effective date of such regulations.

In the case of any notification made under this section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

ARTICLE VIII

INDUSTRIAL DISCHARGE PERMIT SYSTEM

Section 8.01 Permitted Discharges

Except as provided for in Section 8.03, no user discharging other than domestic wastewater shall discharge, or cause to be discharged, any wastewater either directly or indirectly into the treatment works without first obtaining an Industrial Discharge Permit (IDP) from the Authority.

All Participants shall within ninety (90) days of the adoption of these Sewer Use Rules and Regulations furnish to the Authority a list of their customers exclusive of owners or occupants of premises used solely for human residency and which discharge only domestic wastewater. Such list shall contain the address of the premises, the name and address of the owner, the name of the occupant and the name and type of business conducted therein.

Notification of additional customers or connections, the change of the name or type of business or a discontinuance of service shall be given to the Authority within thirty (30) days of its occurrence.

Section 8.02 **New Industrial Users**

New users which desire to discharge industrial wastewater into the treatment works shall apply for and receive an IDP prior to commencing discharge into the treatment works.

Section 8.03 **Existing Industrial Users**

All existing, unpermitted industrial users discharging industrial wastewater directly or indirectly into the treatment works shall apply for an IDP within sixty (60) days of the effective date of these Sewer Use Rules and Regulations. Any person discharging beyond the sixty (60) day period without first submitting a discharge permit application is subject to all the enforcement provisions of this Sewer Use Rules and Regulations.

Section 8.04 **Procedure for Obtaining Industrial Discharge Permits**

Persons requiring an IDP to discharge shall complete an Authority application form and submit it through the Local Sewerage Authority and Regional Authority (if applicable) to the Ocean County Utilities Authority for review.

The permit application shall include the submission of full information as to the quantity, character and composition of the proposed discharge.

A submitted application shall be signed by an authorized representative of the user. An application signed by an individual other than a corporate officer shall include a corporate resolution granting the individual the authority to make the application on behalf of the corporation.

The application shall be approved if the Authority, in its sole judgment, determines that the applicant has complied with all applicable requirements of these Sewer Use Rules and Regulations and furnished to the Director all requested information, and if the Director determines that there is adequate capacity in the treatment works to convey, treat and dispose of the wastewater.

Once an application is approved, the Authority will prepare a draft discharge permit. The draft discharge permit shall be made available to the public and the applicant for a review period of thirty (30) days as set forth in Section 8.12. The Authority shall issue a response to comments document with the final permit. This document shall include: (a) the action the Authority has taken on the final permit; (b) specify which provision, if any, of the draft permit have been changed in the final permit, and the reasons for any such change; and (c) a brief description and response to all relevant comments on the draft permit raised during the public comment period, or during the public hearing, if any.

Section 8.05 **Industrial Discharge Permit Conditions**

IDP's shall be issued with the following applicable conditions:

1. Monitoring requirements for surcharges;
2. Monitoring requirements for pretreatment;
3. Monitoring requirements for flow;
4. Prohibitions and limitations on the wastewater discharged to the treatment works including Pretreatment Requirements, Best Management Practices, and the process for seeking a waiver for a pollutant neither present nor expected to be present in the discharge in accordance with 9.01 (5)(A);
5. Proper maintenance of pretreatment facilities as per Section 6.11;
6. Statement of non-transferability as per Section 8.08;
7. Compliance schedules (if applicable);
8. Payment of fines and penalties;
9. Reporting requirements;
10. Notification of violations and resampling requirements as per Section 9.01(7);
11. Notification of discharge of hazardous waste as per Section 7.08;
12. Notification of potential problems and requirements to control slug discharges, if deemed necessary by the Authority, as per Section 9.01(6);
13. Notification of changed discharge as per Section 8.07;
14. Civil and criminal penalties for violations of pretreatment standards and requirements;
15. Management requirements and responsibilities;
16. Special conditions applicable to users on a case by case basis.

The terms and conditions of the IDP may be subject to modification and change by the Authority during the life of the IDP, as limitations or requirements as identified in Section 6.03 are modified and changed. The user shall be informed of any proposed changes in the IDP at least 30 days prior to the effective date of the change. Any changes or new conditions in the Discharge Permit shall include a reasonable time schedule for compliance.

No permit may be issued, renewed, or modified by the Authority so as to relax any effluent limitation until the applicant or permit holder, as the case may be, has paid all fees, penalties or fines due or has entered into an agreement with the Authority establishing a payment schedule.

Section 8.06 Duration of Industrial Discharge Permits

All permits shall be for fixed terms not to exceed 5 years. The IDP expiration date will be as indicated in the Discharge Permit.

Section 8.07 Changes to Industrial Discharge Permits

All Industrial Users shall promptly notify the Authority in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted in accordance with Section 7.08. Any user whose wastewater discharge is covered by an IDP and proposes to make any changes in its facility or processing which significantly affects either the quality or quantity of its wastewater discharge to the treatment works shall apply for an amended IDP, if these changes would not violate effluent limitations or other restrictions specified in the permit. Applications for this purpose may be obtained from the Authority.

If a toxic effluent limitation or prohibition, including any schedule of compliance specified in such effluent limitation or prohibition, is established under Section 307(a) of the Federal Act for a toxic pollutant which is more stringent than any other limitations upon such pollutant in an existing permit, the Authority shall revise or modify the permit in accordance with the toxic effluent limitation or prohibition and so notify the permittee.

Section 8.08 Transfer of Industrial Discharge Permits

IDP's are issued to a specific user for a specific operation. A permittee shall not transfer a discharge permit to any person except after due notice to the Authority. The current permittee must provide written notice to the Authority of the proposed transfer at least sixty (60) days prior to the proposed transfer date. This notification shall include:

1. The name of the current owner and the address of the facility;
2. The name and address of the new owner or owners and operator;
3. The permit number;
4. The names of the principle officer or officers responsible for the facility operation and maintenance under the new operator identified under (2) above;
5. The names and current telephone numbers of persons upon whom legal process can be served;
6. A notarized statement signed by the new principle officer identified in (2) above stating that he or she has read the permit and certifies that he or she shall abide by all the conditions of the permit and that production levels, products generated, rates of discharge, and discharge characteristics shall remain unchanged; and
7. A written agreement between the current permit and the new permittee which includes a specific date for transfer of permit responsibility between the current permittee and new permittee.

Failure to provide advance notice of a transfer renders the IDP void as of the date of facility transfer.

Section 8.09 Renewal of Permits

If a user wishes to continue discharging industrial wastewater to the treatment works, it shall request a renewal of its IDP no less than 180 days prior to the expiration date of the Discharge Permit then in force. Failure to make a timely application may result in the suspension or

revocation of the Discharge Permit. The request shall be made with the submission of an Industrial Discharge Permit application. Renewal of the Discharge Permit shall be contingent upon the user having complied with the terms and conditions of the expired Discharge Permit.

Section 8.10 **Suspension or Revocation of Industrial Discharge Permits**

The Authority may suspend or revoke an IDP in whole or in part for violation of any term or condition of the permit or for obtaining a permit by misrepresentation or failure to disclose fully all relevant facts. Suspensions or revocations shall be in accordance with Article X "Violation and Enforcement Procedures" of these Sewer Use Rules and Regulations.

Section 8.11 **Permit Appeals**

A determination to grant, deny, modify, suspend, or revoke a permit shall constitute a contested case under the "Administrative Procedure Act," P.L. 1968, c.400 (N.J.S.A.52:14B-1 et seq.). The permittee, or any other person considered a party to the action shall have the opportunity to contest the determination in an administrative hearing. A person may contest the determination only upon the placement, in escrow, of money in an amount equal to the permit fee.

The permit appeal procedures shall proceed as outlined in N.J.A.C. 7:14A-17.

1. Request for an adjudicatory hearing

- A. A permittee or person who seeks and qualifies to be considered a party to the action pursuant to Section 8.11(2), may submit to the Authority a written request, by certified mail, or by other means which provides verification of the date of delivery to the Authority for an adjudicatory hearing to contest the Authority's final decision to:
 - 1. Issue a new permit, permit modification, permit revocation and reissuance, permit renewal, permit suspension, or permit revocation;
 - 2. Deny an application for a new permit or a permit renewal; or
 - 3. Deny a variance pursuant to N.J.A.C. 7:14A-11.8.

A copy of the adjudicatory request shall be submitted to the Office of Legal Affairs at the following address: Adjudicatory Hearing Request; NJDEP; PO Box 402; Trenton, NJ 08625-0402.

- B. In order to request an adjudicatory hearing, a permittee or a person who is party to the action, shall submit the request in accordance with the requirements below within thirty (30) days following receipt of the Authority's notification of final permit decision under N.J.A.C. 7:14A-15.15(a). In addition, the permittee shall provide a copy of its request for an adjudicatory hearing to any other person named on the permit.
- C. In order to be considered a party to the action for purposes of requesting an adjudicatory hearing under this section, a person shall submit a request in accordance with the requirements in (E) below within thirty (30) days following the Authority's notification of final permit decision.
- D. A request for an adjudicatory hearing shall include the following information:
 - 1. A copy of the permit clearly indicating the permit number and issuance date;
 - 2. The date that the notification of the final permit was received by the permittee;

3. A list of the specific contested permit condition(s) and the legal or factual question(s) at issue for each condition, including the basis of any objection;
 4. A statement as to whether the permittee raised the legal and/or factual issues during the public comment period;
 5. The relevance of the legal and/or factual issues to the permit decision;
 6. Suggested revised or alternative permit conditions and how they meet the requirements of the State or Federal Act;
 7. A request, if necessary for a barrier-free location for disabled persons;
 8. An estimate of the amount of time required for the hearing;
 9. The name, mailing address and telephone number of the person making the request(s);
 10. The name(s) and address(es) of the person(s) whom the requester represents; and
 11. Information supporting the request or other written documents relied upon to support the request, unless this information is already in the administrative record (in which case, such information shall be specifically referenced in the request).
- E. A person seeking consideration as a party to the action shall include the following information in such person's request for an adjudicatory hearing:
1. All information contained in (D) above;
 2. A clear and concise factual statement of the nature and scope of the interest of the requester which meets the criteria set forth in Section 8.11(2)(C)(4);
 3. A statement by the person making the hearing request that, upon motion by any party granted by the administrative law judge, or upon order of the administrative law judge's initiative, such person shall make available to appear and testify at the administrative hearing, if granted, the following persons:
 - a. The person making the hearing request;
 - b. All persons represented by the person making the hearing request;
 - c. All officers, directors, employees, consultants, and agents of the person making the hearing request;
 4. Specific references to the contested permit conditions, as well as suggested revised or alternative permit conditions, including permit denials, which, in the judgment of the person making the hearing request, would be required to implement the purposes of the State Act;
 5. Identification of the basis for any objection to the application of control or treatment technologies, if identified in the basis or fact sheets, and the alternative technologies or combination of technologies which, in the judgment of the person making the hearing request are necessary to satisfy the requirements of the State Act.
2. Consideration as a party to the action
- A. The Authority shall determine, or shall refer the determination to an administrative law judge, whether a person, other than an applicant or a permittee, is a party to the action.
 - B. The Authority shall determine whether a person is considered to be a party to the action within thirty (30) days of receipt of the request or to refer the request to the administrative law judge. If the request is referred to the administrative law judge, the administrative law judge has an additional 30 days to decide the request.

C. A person shall be considered to be a party to the action only if:

1. The person's objection(s) to the Authority's decision were raised by that person in the public hearing and/or in a written submission within the public comment period established in Section 8.12.
2. The person demonstrates the existence of a significant issue of law or fact;
3. The person shows that the significant issue of law or fact is likely to affect the permit decision;
4. The person can show an interest, including an environmental, aesthetic, or recreational interest, which is or may be affected by the permit decision and that the interest can be fairly traced to the challenged action and is likely to be redressed by a decision favorable to that person. An organization may contest a permit decision on behalf of one or more of its members if the organization's member or members could otherwise be a party to the action in their own right, and the interests the organization seeks to protect are germane to the organization's purpose; and
5. The person submits the information required under Section 8.11 (1)(E).

D. Whenever a person's request to be considered a party to the action is granted, the Authority or the administrative law judge, as appropriate, shall identify the permit conditions which have been contested by such person for which an administrative hearing will be granted. Permit conditions which are not so contested shall not be affected by, or considered at, the adjudicatory hearing.

E. A permittee or applicant shall be allowed to participate in any proceeding where a person, other than the permittee or applicant, is seeking to become a party to the action. All requests by a person seeking to be considered a party to the action for a particular permit shall be combined in a single administrative hearing. When a person's request to be considered a party to the action is granted and a permittee's request for an administrative hearing is granted, the actions may be combined into a single administrative hearing by the Authority after consideration of the nature and scope of the issue(s).

3. Granting or denying an adjudicatory request

A. The Authority, in its discretion, shall decide the extent to which, if at all, the request for an adjudicatory hearing shall be granted. The Authority may grant or deny a request for a hearing in whole or in part.

B. The Authority shall deny a request for an adjudicatory hearing if:

1. The request does not conform with the information requirements for a permittee or a person as set forth, respectively, in Sections 8.11(1)(D) and (E);
2. The request does not include genuine issues of material fact or of law which are relevant to the Authority's decision as specified in Section 8.11(1);
3. The request was not submitted within the time frames specified in Section 8.11(1)(B) or (C), as appropriate;
4. The contested legal and/or factual issues were not raised during the public comment period;
5. The request challenges duly promulgated regulations and not the Authority's application of the regulations; or

6. The permittee or applicant is seeking an adjudicatory hearing to contest permit effluent limitations which were imposed in the permit due to the permittee's or applicant's specific request to impose those limitations.
 - C. The Authority, if it grants a request for an adjudicatory hearing in part, shall specifically identify those contested permit conditions for which an adjudicatory hearing has been granted. The issues presented in the adjudicatory hearing shall be limited to those permit conditions contested in a request for an adjudicatory hearing or those specifically identified by the Authority in accordance with this section.
 - D. If a request for an adjudicatory hearing is granted, the contested permit conditions shall not be affected unless a stay has been granted pursuant to Section 8.11 (5). A request for a hearing and a request for a stay may be combined into one request document.
 - E. The Authority, if it denies a hearing request in whole or in part, shall state the reason for such denial. Such denial shall be considered a final Authority action.
4. Notice for and conduct of an adjudicatory hearing
 - A. The Authority shall provide public notice that an adjudicatory hearing has been granted by mailing a copy of the notice to:
 1. The applicant(s) or permittee(s);
 2. All commenters on the draft permit;
 3. All persons who testified at the public hearing, if held; and
 4. All persons who requested an adjudicatory hearing or who requested to be considered a party to the action.
 - B. All adjudicatory hearings held pursuant to this section shall be governed by the New Jersey Uniform Administrative Procedure Rules, N.J.A.C. 1:1.
 5. Stays of contested permit conditions
 - A. The Authority's grant of a request for an adjudicatory hearing shall not automatically stay any contested permit condition(s). A permittee shall submit a written request to the Authority, by certified mail, or by other means which provides verification of the date of delivery to the Authority seeking a stay of any of the following:
 1. Any permit condition where the permittee has requested an adjudicatory hearing, in accordance with N.J.A.C. 7:14A-17.2(a), to contest the specific permit condition;
 2. Any permit condition where the permittee has requested a major modification or revocation and reissuance, in accordance with N.J.A.C. 7:14A-16.4, to alter the specific permit condition; or
 3. The application to the permittee of any condition of a general permit where the permittee has requested to be excluded from the general permit, in accordance with N.J.A.C. 7:14A-6.13(g), to obtain a permit condition different from the specific condition.
 - B. A stay shall not be requested or granted for the initial permit issued to a new source, new discharger, or a recommencing discharger. Where such an initial permit is being adjudicated, the permittee shall either discharge in accordance with the initial permit or not discharge until final Authority action is taken with respect to the contested conditions of the permit.
 - C. In its request for a stay under (A)(1) above, a permittee shall, for each permit condition at issue, submit a written evaluation with appropriate documentation which describes:

1. The permittee's ability to comply with the permit condition(s) using existing treatment facilities. For effluent limitations, the permittee shall summarize the past 24 months of discharge data and indicate the level of pollutant control actually achieved as defined in N.J.A.C. 7:14A-1.2. If no past effluent data are available, the permittee shall procure and submit the results of at least one sample;
 2. The permittee's ability to comply with the permit condition(s) by implementing low cost short-term modifications to the existing treatment facility if it is demonstrated in (C)(1) above, that the permit conditions cannot be achieved using existing facilities. Examples of short-term modifications include, but are not limit to, treatment process modifications, chemical addition, pollution abatement / prevention and change of products generated. The evaluation shall also include the cost for the implementation of such short-term modification(s);
 3. The level of pollutant control actually achieved as defined in N.J.A.C. 7:14A-1.2 using short-term modifications if the evaluations in (C)(1) above demonstrate that the permittee is unable to achieve permit compliance. For effluent limitations, the permittee shall indicate the maximum treatment levels consistently achievable;
 4. The cost to comply with permit conditions if the evaluations in (C)(1) and (C)(2) above demonstrate that the permittee is unable to achieve permit compliance using existing facilities and/or short-term modifications. This evaluation may also include a demonstration of any negative economic impacts that the cost to achieve permit compliance will have on the permittee; and
 5. Environmental impacts, if any, that granting a stay will have on the receiving waterbody.
- D. If the Authority determines that the information submitted pursuant to (C) above is deficient, it shall inform the permittee of its determination and establish a time limit for resubmission. If the permittee does not submit the information requested or in the time specified, the Authority shall:
1. Deny the stay request; or
 2. Make a final decision based upon whatever information has been submitted.
- E. The Authority may grant a stay request, in whole or in part, based upon consideration of the following:
1. For a stay of permit conditions pursuant to (A)(1) above, where the permittee has been granted an adjudicatory hearing to contest a specific permit condition(s), the Authority, in its evaluation, shall consider:
 - a. The pollution source and its impact upon the affected ecosystem(s);
 - b. The level of pollutant control actually achieved as defined at N.J.A.C. 7:14A-1.2 by the existing treatment facility;
 - c. The degree and extent that short-term treatment alternatives including their cost may be applied to the existing treatment facility and what treatment level improvements may result from these alternatives; and
 - d. The cost to achieve total compliance with permit conditions, including the degree and extent of any negative economic impacts on the permittee and the community in relation to the environmental impacts that will result from not achieving compliance with permit conditions.

2. For a stay of permit conditions pursuant to (A)(2) above, where the permittee has requested a major modification or a revocation and reissuance of the existing permit to alter a specific permit condition, the Authority shall grant a stay, without the need to request an adjudicatory hearing, if it makes a preliminary determination that major modification or revocation and reissuance of the existing permit is appropriate but the Authority cannot process the modification or revocation and reissuance request in a timely manner; and
 3. For a stay of the application of conditions of a general permit pursuant to (A)(3) above, where the permittee has requested to be excluded from that general permit to obtain a permit condition different than the specific permit condition, the Authority shall grant a stay, without the need to request an adjudicatory hearing, if it makes a preliminary determination that exclusion from that general permit is appropriate but the Authority cannot process the request to be excluded from the general permit in a timely manner.
- F. When a stay is granted, a permittee shall comply with the conditions of the existing permit which are not stayed and all other interim conditions as established in (G) below. The Authority reserves the right to withdraw a stay or alter the terms and conditions of a stay at any time for lack of good faith compliance efforts by the permittee or if the Authority subsequently determines that the environment is being impacted to such a degree that an alteration(s) to the stayed conditions is necessary.
- G. Where the Authority grants a stay request, the stay decision may include interim conditions, as follows:
1. Interim permit conditions or interim effluent limitations developed in accordance with the considerations in (E) above, or in accordance with N.J.A.C. 7:14A-13.11;
 2. Interim conditions by which the stayed permit conditions are phased into effect; and
 3. For a stay pending an adjudicatory hearing, the interim conditions shall not be less stringent than the conditions in the existing permit unless it is demonstrated that the existing permit conditions were developed in error and a modification is justified.
- H. In granting or denying a stay, the Authority shall:
1. Detail in writing the specific permit conditions that are stayed, if any; and
 2. Include the reasons for granting or denying the stay.
- I. The Authority may, upon its own initiative, issue a stay of a permit condition where it determines based on the considerations in (E) above that a stay is appropriate.
- J. A person who has requested an adjudicatory hearing in accordance with Section 8.11(1) may also request a stay provided notice of the request is also provided to the permittee. The Authority may grant a stay requested by a person if it is demonstrated that issuance of the permit was based upon a substantial error(s) in interpretation of the enabling legislation or interpretation of the applicable rules. The Authority shall deny a request for a stay if the person fails to meet the criteria for consideration as a party to the action under Section 8.11(2).

Section 8.12 **Public Notice Requirements**

The Authority shall provide public notice and may provide a public hearing for any proposed new Industrial Discharge Permits, proposed renewed Industrial Discharge Permits, proposed revocations of any Industrial Discharge Permits, or proposed major modifications to any existing Industrial Discharge Permits. The public review period shall be no longer than thirty (30) days.

ARTICLE IX

**WASTEWATER MONITORING AND REPORTING REQUIREMENTS
FOR USERS WITH INDUSTRIAL DISCHARGE PERMITS**

Section 9.01 **Reporting Requirements**

1. Baseline Monitoring Report

All users subject to Categorical Pretreatment Standards and others as identified by the Authority shall, at a minimum, comply with the reporting requirements contained in 40 CFR 403.12. If additional pretreatment and/or operation and maintenance (O&M) will be required to meet the Pretreatment Standards, a compliance schedule must be submitted that contains the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall be no later than the compliance date established for the applicable Pretreatment Standard. Compliance schedule requirements can be found in section 9.01 (4).

2. Report on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards or, in the case of a new source, following commencement of the introduction of wastewater into the treatment works, any user subject to Categorical Pretreatment Standards shall submit to the Authority a report indicating the average and maximum daily flows and the nature and concentration of all pollutants discharged from the process units which are regulated by such standards. The report shall state whether the applicable Categorical Pretreatment Standards are being met on a consistent basis and, if not, what additional operation and maintenance (O&M) work and/or pretreatment is necessary to bring the user into compliance with the applicable Categorical Pretreatment Standards. This statement shall be signed by an authorized representative of the industrial user.

3. Data Accuracy Certification

All reports submitted by an Industrial User to the Authority shall included the following Certification: “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.”

4. Compliance Schedules

Any Industrial User required to meet applicable Pretreatment Standards and Requirements must develop a compliance schedule for the installation of technology required to meet those standards (if the addition of technology is necessary to meet those limits). 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. No increment shall exceed nine (9) months. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Authority.

5. Periodic Discharge Reports

A. Any Industrial User subject to a categorical pretreatment standard (except a Non-Significant Categorical User as defined in Section 6.07), after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge, shall submit to the Authority at least once per month (on dates specified by the Authority), a description of the volume of discharge during the monthly monitoring period. Industrial Users subject to categorical standards shall submit to the Authority during the months of June and December, unless required more frequently in the pretreatment standard or by the Authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. At the discretion of the Authority and in consideration of such factors as local high or low flow rates, holidays, and budget cycles, the Authority may agree to alter the months during which the above reports are to be submitted.

1. 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 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:
 - a. 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 included no process wastewater.
 - b. 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.
 - c. 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 the wastewater from all processes.

The request for a monitoring waiver must be signed in accordance with and include the certification statement in Section 9.03(6). Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the EPA approved method form 40 CFR Part 136 with the lowest detection level for the pollutant was used in the analysis.

- d. 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 the expiration of the waiver.
- e. Upon approval of the monitoring waiver and revision of the User's control mechanism, 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 _____ [specify applicable National Pretreatment Standard part(s)], 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 report under 40 CFR 403.12(e)(1)].

- f. In the event that a waived pollutant is found to be present or is expected to be present based on the changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of 40 CFR 403.12(e)1 or other more frequent monitoring requirements imposed by the Authority; and notify the Authority.
- g. This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

B. Non-Categorical Significant Industrial Users shall submit to the Authority, at least once per month (on dates specified by the Authority), a description of the volume of discharge during the monthly monitoring period. Non-Categorical Significant Industrial Users shall submit to the Authority at least once every six months (on dates specified by the Authority) a description of the nature, concentration, and flow of the pollutants required to be reported

C. 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 Section 6.07.

An Industrial User determined to be a Non-Significant Categorical Industrial User pursuant to Section 6.07 must annually submit the following certification statement, signed in accordance with the signatory requirements in Section 9.03(6). 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 non-significant categorical industrial user as described in 403.3(v)(2); (b) the facility complied with all applicable 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 _____.

D. The Authority may require any other Industrial Users, not defined as Categorical or Significant Industrial Users, discharging or proposing to discharge into the treatment works to file such periodic reports as described in above in 5(A) and 5(B).

E. The discharge report shall include, but not be limited to: nature of process, volume, rates of flow, concentrations of incompatible pollutants, total mass of each incompatible pollutant discharged, hours of operation, and other information which relates to the generation of the waste water. 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 Authority to determine the compliance status of the User. Such reports may also include the chemical constituents and quantity of liquid materials stored on site even though they are not normally discharged. This sampling and analysis may be performed by the Authority. Where the Authority itself collects all the information required for the report, the non-categorical significant industrial user will not be required to submit the report.

F. The submission deadline for the discharge reports listed in this section shall be twenty-five (25) days after the close of the reporting period.

6. Accidental Discharge / Slug Control Plan

Each user shall provide protection from the accidental discharge of prohibited pollutants or other substances regulated by these Sewer Use Rules and Regulations into the treatment works. Facilities to prevent accidental discharge of prohibited pollutants and substances shall be provided and maintained at the owner or users own cost and expense. Detailed plans showing the facilities and operating procedures to provide this protection shall be submitted to the Authority for review, and shall be approved by the Authority prior to construction of the facility. All existing users shall complete such a plan within one year of being informed that such measures are required. No user who commences to discharge wastewater to the treatment works after the effective date of these Sewer Use Rules and Regulations shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Director. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility of modifying his/her facility as necessary to meet the requirements of these Sewer Use Rules and Regulations.

A. Telephone Notice: In the case of an accidental discharge, upset, bypass, or, if for any reason a user does not comply, or will be unable to comply, with any prohibition or limitation in these Sewer Use Rules and Regulations, the user responsible for such discharge shall immediately telephone and notify the Participant and the Authority of the incident. The notification shall include the location of the discharge, type of waste, concentration and volume. Furthermore, such user shall take immediate action to prevent interference with the treatment works plant process and/or damage to the treatment works. The Authority individual to contact is the Industrial Pretreatment Program Manager at (732) 269-4500.

B. Written Notice: Within five (5) days following an accidental or noncomplying discharge, the user shall submit the following information to the Authority:

1. All properly signed, contemporaneous operating logs, or other relevant evidence, on the circumstances of the noncompliance;
2. For an unanticipated bypass, the reasons that the unanticipated bypass occurred, including the circumstances for the unanticipated bypass;
3. For an upset, the reasons that the upset occurred, including the cause of the upset and identity of the person causing the upset, as necessary, except that, in the case of a treatment works, the local agency may certify that despite a good faith effort it was unable to identify the cause of the upset or the person causing the upset;
4. Evidence that the permittee was properly operating the facility at the time;
5. Evidence that the permittee submitted notice of the unanticipated bypass as required pursuant to 9.01(6)(A), or, in the case of an upset resulting from the performance by the permittee of maintenance operations, the permittee provided prior notice and received prior written approval from the Authority, including the name, title, address and telephone number of the individual who satisfied this requirement, the date and specific time the individual notified the Authority, and the name and title of the individual within the Authority to whom the permittee gave such notice;
6. Evidence that the permittee complied with all remedial measures the Authority required;
7. For an unanticipated bypass, the permittee's rationale for and all supporting documentation that the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage including the name, title, address and telephone number of the individual that made the determination for the permittee, the data and information upon which that individual made the determination and any other information the Authority requests;
8. For an unanticipated bypass, evidence that there was no feasible alternative to the unanticipated bypass, including but not limited to the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal period of downtime; and
9. For an unanticipated bypass, evidence that the unanticipated bypass did not occur during normal periods of equipment downtime or preventative maintenance when the back up equipment should have been installed to avoid the unanticipated bypass.

The Industrial Pretreatment Program Manager should be the individual to be notified. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the treatment works, fish kills, or any other damage

to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this Article or other applicable law.

C. Notice to Employees: A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

D. Slug Control Plan: The Authority shall evaluate whether each Significant Industrial User needs a plan or other action to control slug discharges. For Industrial Users identified as significant prior to November 14, 2005, this evaluation must have been conducted at least once by October 14, 2006; additional Significant Industrial Users must be evaluated within one (1) year of being designated a Significant Industrial User. Slug discharges are defined in Section 3.01(63) and include but are not limited to accidental spills or non-customary batch discharges which have a reasonable potential to cause interference or pass through, or in any other way violate the Authority's regulations, local limits or permit conditions. The results of such activities shall be available to the Authority upon request. Significant Industrial Users are required to notify the Authority immediately of any changes at its facility affecting the potential for a Slug Discharge. If the Authority decides that a slug control plan is needed, the User shall develop, submit for approval and implement the plan. The plan shall contain, at a minimum, the following elements:

1. A description of discharge practices, including non-routine batch discharges;
2. A description of stored chemicals;
3. Procedures for immediately notifying the Authority of accidental or slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b) with procedures for follow-up written notification within five (5) days;
4. Procedures to prevent the adverse impact from accidental or slug discharges. Such procedures shall include 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 pollutants, including solvents, and/or measures and equipment for emergency response.

7. Additional Self Monitoring and Reporting Requirements

A. Each Permittee shall report to the Authority, or the DEP, as appropriate, within two (2) hours of its occurrence, any exceedance of an effluent limitation that causes injury to persons, damage to the environment, or poses a threat to human health or the environment. Within twenty-four (24) hours thereof, or of an exceedance, or becoming aware of an exceedance, of an effluent limitation for a toxic pollutant, a Permittee shall provide the DEP or the Authority with such additional information on the discharge as may be required by the DEP or the Authority, 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 remedy the problem and any damage to the environment, and to avoid a repetition of the problem.

- B. If sampling performed by an Industrial User indicates an effluent violation, the user shall notify the Authority within twenty-four (24) hours of becoming aware of the violation. The IU shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Authority within thirty (30) days after becoming aware of the violation. Where the Authority has performed the sampling and analysis in lieu of the IU, the Authority must 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:
1. The Authority performed sampling at the IU at a frequency of at least once per month;
or
 2. The Authority performed sampling at the IU between the time when the initial sampling was conducted and the time when the User or the Authority receives the results of the sampling.
- C. If a Permittee fails to obtain required effluent monitoring data, whether by laboratory error or failure to sample, the Permittee shall perform the required monitoring within ten (10) days of becoming aware of the violation.
- D. Notwithstanding the reporting requirements stipulated in a Permit for discharges to the Authority, a Permittee shall be required to perform additional monitoring and file monthly reports with the Authority if the Permittee:
1. In any month commits a serious violation or fails to submit a completed discharge monitoring report and does not contest, or unsuccessfully contests, the assessment of a civil administrative penalty therefore; or
 2. Incurs an effluent violation that causes the permittee to meet Significant Non-Complier Status, as defined in Section 3.01 (58).

The Authority may restore the reporting requirements stipulated in the Permit if the Permittee has not committed any of the violations identified in D(1) or D(2) above for six (6) consecutive months.

The Permittee shall report to the DEP or the Authority, as appropriate, any serious violation within thirty (30) days of the violation, together with a statement indicating that the Permittee 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.

8. 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 these Rules and Regulations or N.J.S.A. 58:10A-10.1, for 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, D, or E of this Section, as applicable.

- 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 twenty-four (24) hours of the occurrence, or of becoming aware of the occurrence, and within five (5) 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 submitting 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 therefore 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 twenty-four (24) hours of its occurrence, and, within five (5) days thereof, shall submit written documentation, including properly signed, contemporaneous operating 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 upset as required pursuant to this section; and
 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.
- D. 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 ten (10) days prior to the date of the bypass, and that the Authority approved the bypass, and that 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.

E. A person asserting a testing or a 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 interference, sample contamination, analytical defects, or procedural deficiencies in sampling or other circumstances beyond the control of the Permittee.

Section 9.02 Records and Monitoring

1. All users who discharge or propose to discharge industrial wastewater into the treatment works shall maintain such records of production and related factors, effluent flows, documentation associated with Best Management Practices, and pollutant amounts or concentrations as are necessary to demonstrate compliance with the requirements of these Sewer Use Rules and Regulations, any applicable Federal Pretreatment Standards or State requirements.
2. Such records shall be made available upon request by the Authority. All such records relating to compliance with Federal Pretreatment Standards shall be made available to officials of the Department and the EPA upon demand. A summary of such data indicating the industrial user's compliance with these Sewer Use Rules and Regulations shall be prepared and submitted to the Authority. All records shall be retained for a minimum of five (5) years.
3. Any user discharging industrial wastewater into the treatment works shall install at the user's own cost and expense suitable monitoring equipment to facilitate the accurate observation, sampling, and measurement of the industrial wastewater, as is required. Such equipment shall be maintained in proper working order and kept safe and accessible at all times. The Authority shall determine what, if any, equipment is required.
4. Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with Authority requirements and all applicable construction standards and specifications. Plans and specifications for all such work will be submitted to the Authority for approval prior to construction.

Section 9.03 Inspection, Sampling and Analysis

1. Representative Sampling Point: All users proposing to discharge or intending to continue to discharge industrial wastewater to the treatment works must make available a sampling point representative of the discharge which is acceptable to, and approved by, the Authority. This point must be available to the EPA, the Department, and/or the Authority for purposes of conducting sampling inspections, compliance monitoring and/or metering operations.
2. Compliance Determination: Compliance determinations by the Authority, the Commissioner, and/or the Regional Administrator, with respect to Article VI of these Rules and Regulations, shall be made on the basis of either instantaneous grab samples or 24 hour composite samples of the industrial wastewater or as otherwise may be determined by the Authority, the Commissioner, and/or the Regional Administrator.

3. Sampling of Industrial Wastewaters: 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 Users 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.

For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 9.01 (A) and (B), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil & grease, sulfide and volatile organic compounds for which facilities which the 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 Section 9.01(5) and 9.01(7), the Authority shall require the number of grab samples necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements.

4. Analysis of Industrial Wastewaters: Laboratory analyses of industrial wastewater samples shall be performed by a New Jersey state certified laboratory in accordance with the latest edition of 40 CFR, Part 136 "Guidelines Establishing Test Procedures for the Analysis of Pollutants." Analysis of those pollutants not covered by the publications referred to therein shall be performed in accordance with procedures approved by the Authority.
5. Sampling Frequency: Sampling of industrial wastewater for the purpose of compliance determinations with respect to Article VI of these Sewer Use Rules and Regulations will be done at such intervals as the Authority, the Commissioner, and/or the Regional Administrator may designate. However, it is the intention of the Authority to conduct compliance sampling or to cause such sampling to be conducted for all significant industrial users at least twice in every one year period.
6. Signature Requirement: Discharge monitoring reports and all other required reports noted in these Rules and Regulations, shall be signed as follows:
 - A. By a responsible corporate officer, if the Industrial User submitting the reports is a corporation. For the purpose of this paragraph, a responsible corporate officer means:
 1. A president, secretary, treasurer, or vice-president of the corporation in charge of a principle business function, or any other person who performs similar policy or decision making functions for the corporation, or
 2. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make a management decision 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.

- B. By a general partner or proprietor if the Industrial User submitting the reports is a partnership or sole proprietorship respectively.
- C. By a duly authorized representative of the individual designated in paragraph (A)(1) or (A)(2) of this section if:
 - 1. The Authorization is made in writing by the individual described in paragraph (A)(1) or (A)(2);
 - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - 3. The written authorization is submitted to the Authority.
- D. If an Authorization under paragraph (C) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (C) of this section must be submitted to the Authority prior to or together with any reports to be signed by an authorized representative.

The filing of amendments to a monitoring report in accordance with this paragraph shall not be considered a late filing of a report for purposes of N.J.S.A. 58:10A-10.1, or for purposes of determining a significant non-complier.

Section 9.04 Pretreatment

Users shall provide necessary wastewater pretreatment as required to comply with these Sewer Use Rules and Regulations and shall achieve compliance with all Categorical Pretreatment Standards by the compliance dates indicated in the applicable published regulations. Any facilities required to pretreat wastewater to a level acceptable to the Authority shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Authority for review, and shall be acceptable to the Authority before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Authority under the provisions of these Sewer Use Rules and Regulations. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Authority prior to the user's initiation of the changes.

Section 9.05 **Confidential Information**

Information and data on a user obtained from reports, questionnaires, permit applications, Discharge Permits and monitoring programs and from inspections shall be available to the public or other governmental agencies 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. Industrial Users submitting confidential information shall stamp “confidential business information” on each page.

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 for inspection by the public, but shall be made available upon written request to the EPA and/or the Department for uses related to these Sewer Use Rules and Regulations, the New Jersey Pollutant Discharge Elimination System (NJPDES) and/or the State or Federal Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State 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 by the Authority until and unless a ten day notification is given to the user.

Non-confidential information on both users and the IPP program are available for public inspection during normal business hours (9:00 a.m. to 4:00 p.m.) at the Authority's office located at 501 Hickory Lane, Bayville, New Jersey. Advanced arrangement to review the files is required. All requests to review or obtain nonconfidential information shall be in writing and addressed to the Custodian of Records, The Ocean County Utilities Authority, P.O. Box P, Bayville, NJ 08721. Charges for any copies will be at the rates set by the Authority.

ARTICLE X

VIOLATIONS AND ENFORCEMENT PROCEDURES

The Industrial Pretreatment Program “Enforcement Response Plan” (ERP), Article XVI, shall be used as the guide for enforcement actions. This ERP has been developed to provide fair, equitable and consistent enforcement with all industrial / non-domestic users of the POTWs and collection system. This plan covers effluent limit violations, reporting violations as outlined in N.J.A.C. 7:14-8.6, and monitoring / sampling violations as outlined in N.J.A.C. 7:14-8.9. This plan was developed using the guidance outlined in N.J.A.C. 7:14-8.16, and 7:14A-19. This plan contains the penalty matrix to be used for assessing civil administrative penalties.

Section 10.01 **Notice of Violation**

1. If the Authority determines by measurements at any selected point for a particular person or user that it is in violation of any provisions of Article VI of these Sewer Use Rules and

Regulations or where applicable its Discharge Permit issued pursuant to Article VIII hereof, the Authority shall serve written notice to the person or user stating the nature of the violation and provide a time limit for the satisfactory correction thereof. The person or user shall, within the period of time stated in such notice, cause the correction of all violations.

2. Whenever the Authority finds that any person or user has violated or is violating these Sewer Use Rules and Regulations, or any prohibition, limitation or requirement contained herein, the Authority may serve upon such person or user a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.
3. Copies of any "Notice of Violation" shall be sent to the Participant.
4. Show Cause Hearing. The Authority may order a user which has violated or continues to violate any provision of these Sewer Use Rules and Regulations, a Wastewater Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Authority and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user 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 authorized representative of the user. A show cause Hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

Section 10.02 Termination of Service or Revocation of Discharge Permit

Any notice of violation will state the nature of its violation and the corrective measures required. Failure to correct the violation within the time specified in the notice from the Authority to the person or user, or within a reasonable time if no time limit is specified, may subject a person or user to the termination of its wastewater treatment service and/or the revocation of its Discharge Permit. The Participant shall receive copies of any correspondence relating to the termination of service or the revocation of a Discharge Permit of a user within its jurisdiction.

Section 10.03 Fines, Penalties and Other Enforcement Provisions

In addition to the remedy set forth in Section 10.02, the Authority shall also have the following powers:

1. Whenever the Authority finds that any person is in violation of any provision of the these Sewer Use Rules and Regulations or the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1, et seq., the Authority may issue an Order (1) specifying the provision or provisions of these Regulations or the Act or the Rule, Regulation, Effluent Limitation, or Permit of which the person is in violation, (2) citing the action which caused such violation, (3) requiring compliance with such provision or provisions, and (4) giving notice to the person of their right to a Hearing on the matters contained in the Order.
2. The Authority may issue a Summons for a violation of any provision of N.J.S.A. 58:10A-1, et seq., including a violation of these Sewer Use Rules and Regulations 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.A. 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 any person authorized to enforce the provisions of N.J.S.A. 58:10A-1, et seq. 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.

3. The Authority may assess a civil administrative penalty of not more than \$50,000 for any violation of the provisions of N.J.S.A. 58:10A-1, et seq., including a violation of any of these Sewer Use Rules and Regulations, or assess, by Civil Administrative Order, any costs recoverable pursuant to N.J.S.A. 58:10A-10(c), including the reasonable costs of investigation and inspection, and preparing and litigating the case before an Administrative Law Judge pursuant to this Section, except assessments for compensatory damages and economic benefits. Each day during which any violation continues shall constitute an additional, separate, and distinct offense. Notice of the penalty or assessment shall be given to the violator in writing by the Authority, and payment of the penalty or assessment shall be due and payable, unless a Hearing is requested by the violator, within twenty (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 N.J.S.A. 52:14B-9 and N.J.S.A. 52:14B-10.
 - A. The Authority shall assess a mandatory minimum penalty of not less than \$1,000.00 for each serious violation as defined in Section 3.01.
 - B. The Authority shall assess a mandatory minimum penalty of not less than \$5,000.00 for each violation that causes a violator to be, or continue to be, a significant non-complier as defined in Section 3.01.
 - C. The Authority may reduce the civil administrative penalty up to 50 percent provided that the penalty as reduced is not less than the applicable amount set forth in the Enforcement Response Plan and 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. In settling a civil administrative penalty, the Authority may consider the following:
 1. Mitigating or extenuating circumstances not considered in the notice of civil administrative penalty assessment;
 2. The implementation by the violator of pollution prevention and/or abatement measures in addition to those minimally required by applicable rule;
 3. The implementation by the violator of measures to clean up, reverse or repair environmental damage previously caused by the violation;
 4. The full payment by the violator of a specified part of the civil administrative penalty assessed if made within a time period established by the Authority in an administrative order and/or a notice of civil administrative penalty assessment and provided that the violator waives the right to request an adjudicatory hearing on the civil administrative penalty; or
 5. Any other terms or condition acceptable to the Authority.

4. In accordance with N.J.S.A 58:10A-6(i), the Authority shall petition the county prosecutor or Attorney General for criminal prosecution for violations of limits for heavy metals, pesticides, organic chemicals and other contaminants in industrial wastewater discharges based upon the attainment of land-based sludge management criteria established by the Department in the Statewide Sludge Management Plan adopted pursuant to the “Solid Waste Management Act.”

In accordance with N.J.S.A. 58:10A-10a(5), the Authority may petition the Attorney General to bring criminal action against:

- A. Any person who purposely, knowingly, or recklessly violates the State Act and the violation causes a significant adverse environmental effect. Said person, upon conviction, shall be guilty of a crime of the second degree, and shall, notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, be subject to a fine of not less than \$25,000 nor more than \$250,000 per day of violation, or by imprisonment, or both. A significant adverse environmental effect exists when an action or omission of the defendant causes: serious harm or damage to wildlife, freshwater or saltwater fish, any other aquatic or marine life, water fowl, or their habitats, or to livestock, or agricultural crops; serious harm, or degradation of, any ground or surface waters used for drinking, agricultural, navigational, recreational, or industrial purposes; or any other serious articulable harm or damage to, or degradation of, the lands of waters of the State.
- B. Any person who purposely, knowingly, or recklessly violates the State Act, including making a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under the State Act, or by falsifying, tampering with, or rendering inaccurate any monitoring device or method required to be maintained pursuant to the State Act, or by failing to submit a monitoring report, or any portion thereof, required pursuant to the State Act, shall upon conviction, be guilty of a crime of the third degree, and shall, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, be subject to a fine of not less than \$5,000 nor more than \$75,000 per day of violation, or by imprisonment, or by both.
- C. Any person who negligently violates the State Act, including making a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under the State Act, or by falsifying, tampering with, or rendering inaccurate any monitoring device or method required to be maintained pursuant to the State Act, or by failing to submit a discharge monitoring report, or any portion thereof, required pursuant to the State Act, shall, upon conviction, be guilty of a crime of the fourth degree, and shall, notwithstanding the provisions of subsection b. N.J.S.2C:43-3, be subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment, or by both.
- D. Any person who purposely or knowingly violates an effluent limitation or other condition of a permit, or who discharges without a permit, and who knows at the time that he thereby places another person in imminent danger of death or serious bodily injury, as defined in subsection b. of N.J.S.2C:11-1, shall, upon conviction, be guilty of a crime of the first degree, and shall, notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, be subject to a fine of not less than \$50,000 nor more than \$250,000, or, in the case of

a corporation, a fine of not less than \$200,000 nor more than \$1,000,000, or by imprisonment or by both.

5. In accordance with N.J.S.A. 58:10A-10a(4), any person who violates the State Act, or an administrative order, or a court order, or who fails to pay a civil administrative penalty in full, or fails to make a payment pursuant to a payment schedule entered into with the Authority, shall be subject upon order of a court to a civil penalty not to exceed \$50,000 per day of such violation, and each day's continuance of the violation shall constitute a separate violation. Any penalty incurred under this subsection may be recovered with costs, and, if applicable, interest charges, in a summary proceeding pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.). In addition to any civil penalties, costs or interest charges, the court, in accordance with N.J.A.C. 58:10-10c(5), may assess against the violator the amount of any actual economic benefits accruing to the violator from the violation. The Superior Court shall have jurisdiction to enforce "the penalty enforcement law" in conjunction with the State Act.
6. The Authority may commence a Civil Action in Superior Court for appropriate relief of any violation of N.J.S.A. 58:10A-1, et seq. or a Permit issued thereunder. Such relief may include, singly or in combination:
 - A. A temporary or permanent injunction;
 - B. 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 under this subsection;
 - C. Assessment of the violator for any reasonable costs 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 subsection may have been brought;
 - D. Assessment against the violator of compensatory damages for any loss or destruction of wildlife, fish or aquatic life, or other natural resources, and for any other actual damages caused by an unauthorized discharge; and
 - E. Assessment against the violator of the actual amount of any economic benefits accruing to the violator from the violation. Economic benefits may include the amount of any savings realized from avoided capital or non-capital costs resulting from the violation; the return earned or that may be earned on the amount of avoided cost; 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.
 - F. 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 therefor, shall be subject to the civil penalty provisions of subsection (e) of N.J.S.A. 58:10A-10.
7. No assessment shall be levied by the Authority pursuant to this Section until after the Discharger has been notified by certified mail or personal service. The notice shall include a reference to the section of the statute, Regulation, Order or Permit condition violated; a

concise statement of facts alleged to constitute a violation, a statement of the amount of the civil penalties to be imposed; and a statement of the party's right to a Hearing. The ordered party shall have twenty (20) days from the receipt of the notice within which to deliver to the Authority a written request for a Hearing. After the Hearing and upon finding that a violation has occurred, the Authority may issue a final Order after assessing the amount of the fine specified in the notice. If no hearing is requested, then the notice shall become a final Order after the expiration of the twenty (20) day period. Payment of the assessment is due when a final Order is issued or the notice becomes a final Order.

Upon conclusion of an administrative hearing held pursuant to section 2 of P.L. 1991, c.8 (N.J.S.A.58:10A-10.5) the administrative law judge shall prepare and transmit a recommended report and decision on the case to the head of the delegated local agency and to each party of record, as prescribed in subsection c. section 10 P.L. 1968, c.410 (N.J.S.A.52:14B-10). The head of the delegated local agency shall afford each party of the record an opportunity to file exceptions, objections and replies thereto, and to present arguments, either orally or in writing, as required by the delegated local agency. After reviewing the record of the administrative law judge, and any filings received thereon, but not later than forty five (45) days after the receipt of the record and decision, the head of the delegated local agency shall adopt, reject, or modify the recommended report and decision. If the head of the delegated local agency fails to modify or reject the report within the forty five (45) day period, the decision of the administrative law judge shall be deemed adopted as the final decision of the head of the delegated local agency, 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 the Administrative Law and the head of the delegated local agency, the time limits established herein may be extended.

Section 10.04 Grace Period Applicability

- A. Each violation identified in Table 1 in the ERP as "minor" in the Type of Violation column and for which the conditions in (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 Table 1 in the ERP as "non-minor" in the Type of Violation column is a non-minor violation and is not subject to a grace period.
- C. The Authority shall provide a grace period for any violation identified as minor under this section, provided the following conditions are met;
 2. The violation is not a result of the purposeful, knowing, reckless or criminally negligent conduct of the person responsible for the violation;
 3. The violation poses minimal risk to the public health, safety and natural resources;
 4. The violation does not materially and substantially undermine or impair the goals of the regulatory program;
 5. The activity or condition constituting the violation is capable of being corrected and compliance achieved within the time prescribed by the Authority;

6. The activity or condition constituting the violation has existed for less than 12 months prior to the date of discovery by the Authority;
7. 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 Authority as responsible for a violation of the same requirement of the same permit within the preceding 12-month period.
8. In the case of a violation that does not involve a permit, the person responsible for the violation has not been identified in a previous enforcement action by the Authority as responsible for the same or a substantially similar violation at the same facility within the preceding 12-month period; and
9. In the case of any violation, the person responsible for the violation has not been identified by the Authority 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 person responsible.

D. For a violation determined to be minor under (C) above, the following provisions apply;

1. The Authority shall issue a notice of violation to the person responsible for the minor violation that:
 - a. Identifies the condition or activity that constitutes the violation and the specific statutory and regulatory provision or other requirement violated; and
 - b. Specifies that a penalty may be imposed unless the minor violation is corrected and compliance is achieved within the specified 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 Authority shall not impose a penalty for the violation.
3. The person responsible for the minor violation shall submit to the Authority, 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 Authority 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 for the delay, and any measures taken or to be taken to minimize the time needed to achieve compliance. In exercising its

discretion to approve a request for an extension, the Authority may consider the following;

- a. Whether the violator has taken reasonable measures to achieve compliance in a timely manner;
 - b. Whether the delay has been caused by circumstances beyond the control of the violator;
 - c. Whether the delay will pose a risk to the public health, safety and natural resources; and
 - d. 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 Authority that the violation has been corrected and compliance achieved within the specified grace period or within the approved extension, if any, the Authority may, in accordance with the provisions of the 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.

Section 10.05 Wastewater Treatment Operator’s Training Account

Of the amount of any penalty assessed and collected by the Authority, ten (10) percent shall be deposited into the “Wastewater Operators’ Training Account” and will be used to finance the cost of training operators of municipal treatment works.

Section 10.06 Municipality Percentages

In accordance with N.J.A.C. 7:14A-19.3(b)12, ten (10) percent of the penalty amount collected pursuant to action brought in a municipal court shall be paid to the municipality in which the court retains jurisdiction for use for court purposes.

Section 10.07 Administrative Consent Orders

The Authority may enter into an Administrative Consent Order (ACO) under N.J.S.A. 58:10A-1 et seq. with a permitted industrial user which shall contain a compliance schedule to remedy the non-compliance. The ACO shall contain a finding of facts and an order section, which may contain a compliance schedule and interim discharge limits.

The Authority shall afford an opportunity to the public to comment on a proposed ACO prior to final adoption if the ACO establishes interim enforcement limits that would relax effluent limitations established in a permit or a prior administrative order. The Authority shall post notice to the public in the largest local newspaper for a thirty (30) day comment period. The notice shall include a summary statement describing the nature of the violation necessitating the ACO and its terms and conditions. It shall specify how additional information on the ACO may be obtained and shall identify to whom written comments are to be submitted. At least three (3) days prior to publication of the notice, a written notice containing the same information to be

provided in the public notice shall be mailed to the mayor and governing body of the municipality and county in which the violation occurred and to any other persons who have expressed an interest in the public notice, including any other environmental agencies. The Authority shall consider the written comments received during the comment period prior to final adoption of the ACO. Not later than the date the final action is taken on the proposed order, the Authority shall notify each person or group having submitted written comments on the main provisions of the approved ACO and respond to the comments received therefrom.

The Authority may on its own initiative or at the request of any person submitting written comments, may hold a public hearing on the proposed administrative order or ACO, prior to final adoption if the administrative order or ACO would establish interim enforcement limits that would relax for more than 24 months effluent limitations established in a permit or prior administrative order or ACO. Public notice of the public hearing to be held pursuant to this section shall be published no more than thirty (30) and not less than fifteen (15) days prior to the hearing. The hearing shall be held in the municipality in which the violation necessitating the order occurred.

Section 10.08 Suspension of Service or Discharge Permit

1. The Authority may suspend the wastewater treatment service and/or Discharge Permit of a user where:
 - A. In the opinion of the Authority it is necessary to stop an actual or threatened discharge which:
 - 1) presents, or may present, an imminent or substantial endangerment to the health, safety or welfare of any person, including Authority personnel, any property, or to the environment;
 - 2) causes any interference to the POTW; or
 - 3) causes, or would cause, the Authority to violate any condition of its NPDES or NJPDES permit.
 - B. The user fails to factually report the wastewater constituents and characteristics of its discharge;
 - C. The user fails to report significant changes in its operations, or wastewater constituents and characteristics;
 - D. The user fails to provide reasonable access to its premises for the purpose of inspection or monitoring; or,
 - E. There is a violation of provisions of these Sewer Use Rules and Regulations or applicable Federal or State regulations pertaining to the reporting, discharging, treating or pretreating of wastewater.
2. Any user notified of a suspension of its wastewater treatment service and/or the Discharge Permit shall immediately stop or eliminate the endangering discharge or otherwise correct the violation which prompted the suspension. In the event of a failure of a person to comply voluntarily to correct the violation, the Authority shall take such steps as deemed necessary,

including immediate severance of the sewer connection, to prevent or minimize damage to the treatment works or endangerment to the health, safety or welfare of any individuals. The Authority shall reinstate the Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge and payment of all costs, fines, and penalties which may be imposed by the Authority. A detailed written statement submitted by the user describing the causes of the harmful discharge and the measures taken to prevent any future occurrence shall be submitted to the Authority for approval within fifteen (15) days of the date of occurrence. This shall be submitted to the Authority's Industrial Pretreatment Program Coordinator.

Section 10.09 Public Notice of Significant Non-Compliance

Pursuant to Federal Regulation 40 CFR 403.8(f)(2)(viii), the Authority shall annually publish in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the Authority a list of the users which, at any time during the previous twelve (12) months, were in Significant Non-Compliance (as defined in Article III, Section 3.01 of the Sewer Use Rules and Regulations). The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months.

Should the cause arise which requires the user to be advertised in this public notice, the user shall reimburse the Authority for the cost of the public notice.

Section 10.10 Legal Action

A person who is assessed a civil administrative penalty and fails to contest or pay the penalty or assessment, or fails to enter into a payment schedule with the Authority within thirty (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 judgements, as set forth in the Rules Governing the Courts of the State of New Jersey.

A civil administrative penalty or assessment imposed pursuant to a final Order (a) may be collected or enforced by summary proceeding in a Court of competent jurisdiction in accordance with the "Penalty Enforcement Law," N.J.S.A. 2A:58-1, et seq. or (b) 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.A. 2A:16-1.

ARTICLE XI

PROTECTION FROM DAMAGE

Section 11.01 Damage

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the regional sewerage system. The Authority will take appropriate action against any person violating this provision.

Section 11.02 **Emergency Termination of Service**

If a violation consists of the discharge of an explosive or flammable material or any other material which is highly toxic or creates a toxic gas so that there is imminent danger to the personnel, property or treatment process of the Authority, then the Director shall take whatever action is necessary to halt service and to protect life and property.

ARTICLE XII

SEPTAGE MANAGEMENT

Section 12.01 **Septage Management**

The Authority has constructed facilities for the acceptance of domestic septage. The use of these septage facilities and the material which may be discharged is set forth in agreements that the Authority has with the individual septage haulers. All trucked in wastewater to the Authority septage facilities shall be accompanied by a completed manifest.

ARTICLE XIII

FEES

Section 13.01 **Purpose**

It is the purpose of this section to establish fees for users of the Authority's regional sewerage system for activities not included in the Authority's normal operations and maintenance costs. The applicable charges or fees shall be for the activities set forth in Section 13.02.

Section 13.02 **Charges and Fees**

The Authority will establish charges and fees:

1. For reviewing accidental discharge procedures and construction;
2. For reviewing Discharge Permit applications and issuing Discharge Permits;
3. For other work performed by the Authority necessary to carry out the requirements contained herein;

These fees relate solely to the matters covered by these Sewer Use Rules and Regulations and are separate from all other fees chargeable by the Authority.

ARTICLE XIV

AUTHORITY SURCHARGES

Section 14.01 Surcharges

Any Participants or users discharging wastewater into the treatment works whose CBOD and/or suspended solids concentrations exceed 300 ppm when measured at the Participants' metering station(s) or at the users' monitoring location, shall be subject to a surcharge for the treatment of such wastewater. For those discharges that cannot be measured directly, estimates of their waste characteristics will be made using historical records, data from similar users, or other sources. The surcharge for the treatment of this wastewater shall be in addition to any other billings charged to the Participant or user for the treatment of their wastewater.

ARTICLE XV

MISCELLANEOUS

Section 15.01 Amendments

The Authority reserves the right to amend these Sewer Use Rules and Regulations or to adopt additional rules and regulations from time to time as it shall deem necessary for the operation, maintenance and protection of the regional sewerage system, for meeting revised standards of influent or effluent quality of any regulatory agencies having jurisdiction in this regard, or for any other reason the Authority deems is desirable or necessary for performing its functions. Any such amendments or additions shall become effective within fifteen (15) days of their adoption by the Authority or as may specifically be required by any Federal and/or State regulatory agency having jurisdiction.

Section 15.02 Savings Clause

In the event that any provisions, section, sentence, clause or part of these Sewer Use Rules and Regulations shall be held to be invalid, such invalidity shall not affect or impair any remaining provisions, section, sentence, clause or part of these Sewer Use Rules and Regulations, it being the intent of the Authority that such remainder shall be and shall remain in full force and effect.

ARTICLE XVI

**Industrial Pretreatment Program
Enforcement Response Plan**

Section 16.01 Introduction and Purpose

The Enforcement Response Plan, found on Table 2, page 73, has been developed to provide fair, equitable and consistent enforcement with all industrial / non-domestic users of the Authority’s collection system, and is a part of the Sewer Use Rules and Regulations.

This plan covers effluent limit violations, reporting violations as outlined in N.J.A.C. 7:14-8.6, and monitoring / sampling violations as outlined in N.J.A.C. 7:14-8.9.

This plan was developed using the guidance outlined in N.J.A.C. 7:14-8.16, and 7:14A-19.

To assess a civil administrative penalty pursuant to this plan, the Authority shall:

1. Identify the penalty range within the penalty matrix below by:
 - (A) Determining the seriousness of the violation, using the following guidelines; and
 - (B) Determining the conduct of the violator, using the following guidelines.
2. Assess the penalty at the midpoint of the range within the penalty matrix below, unless adjusted pursuant to the following guidelines.
3. Penalties issued under the guidance of N.J.A.C. 7:14-8.6, “Civil administrative penalty for submitting inaccurate or false information,” shall follow the requirements of that section.
4. Penalties issued under the guidance of N.J.A.C. 7:14-8.9, “Civil administrative penalty for failure to properly conduct monitoring or sampling under the Water Pollution Control Act or the New Jersey Underground Storage of Hazardous Substance Act,” shall follow the requirements of that section.

Penalty Matrix

		Seriousness		
		Major	Moderate	Minor
Conduct	Major	\$10,000 - \$50,000	\$5,000 - \$25,000	\$2,000 - \$13,000
	Moderate	\$5,000 - \$10,000	\$2,500 - \$5,000	\$500 - \$3,000
	Minor	\$500 - \$7,500	\$500 - \$2,500	\$250 - \$1,240

Section 16.02

Civil Administrative Penalty Determination for Indirect Dischargers

1. The Authority may assess a civil administrative penalty against any indirect discharger of not more than \$50,000, for each violation of each provision of the Water Pollution Control Act and for each violation of any rule, pretreatment standard, effluent limitation, administrative order or permit issued pursuant thereto. The Authority shall assess a minimum mandatory civil administrative penalty in an amount:
 - (A) Not less than \$1,000 for each serious violation as defined under N.J.A.C. 7:14-8.2;
and
 - (B) Not less than \$5,000 for each violation that causes a violator to be, or continue to be, a significant noncomplier as defined under N.J.A.C. 7:14-8.2.
2. Each violation of any provision of the Water Pollution Control Act or any rule, pretreatment standard, effluent limitation, administrative order or permit issued by the Authority, shall constitute an additional, separate and distinct violation. In addition, the unpermitted discharge of each separate pollutant shall constitute an additional, separate and distinct violation.
3. Each day during which a violation as set forth in (2) above continues shall constitute an additional, separate and distinct violation.
4. Unless the Authority assesses a civil administrative penalty as set forth in N.J.A.C. 7:14-8.6 through 7:14-8.12, the Authority may assess a civil administrative penalty for violations described in this section as described in (5) below, including any applicable grace period in accordance with Section 16.05, Table 1.
5. To assess a civil administrative penalty pursuant to this section, the Authority shall:
 - (A) Identify the penalty range within the matrix by:
 - i. Determining the seriousness of the violation pursuant to the guidelines below; and
 - ii. Determining the conduct of the violator pursuant to the guidelines below; and
 - (B) Assess the penalty at the midpoint of the range within the matrix above, unless adjusted pursuant to the guidelines outlined under the section titled Penalty Assessment.

Seriousness of the Violation

The Authority shall determine the seriousness of the violation as major, moderate or minor.

1. Major shall include:

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

- (A) Any violation, other than a violation of an effluent limitation identified in 2(B) or 2(C) below, which has caused or has the potential to cause substantial harm to human health or the environment;
- (B) Any violation of an effluent limitation which is measured by concentration or mass of any discharge exceeding the effluent limitation as follows:
 - i. By 20 to 50 percent for a hazardous pollutant; or
 - ii. By 40 to 100 percent for a non-hazardous pollutant;
- (C) The greatest violation of a pH effluent range in any one calendar day in which a violation deviates from the midpoint of the range by at least 40 percent but no more than 50 percent of the midpoint of the range excluding the excursions specifically excepted by a NJPDES / SIU or Authority issued permit with continuous pH monitoring; or

(D) Any violation, other than a violation of an effluent limitation, identified in 2(B) or 2 (C) above, which substantially deviates from the requirements of the Water Pollution Control Act or of any rule, pretreatment standards, effluent limitation, administrative 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:

(A) Any violation, other than a violation of an effluent limitation identified in 3(B) or 3(C) below, not included in 1 or 2 above;

(B) Any violation of an effluent limitation which is measured by concentration or mass for any discharge exceeding the effluent limitation as follows:

- i. By less than 20 percent for a hazardous pollutant; or
- ii. By less than 40 percent for a non-hazardous pollutant; or

(C) The greatest violation of a pH effluent range in any one calendar day in which a violation deviates from the midpoint of the range by less than 40 percent of the midpoint of the range excluding the excursions specifically excepted by a NJPDES/SIU or Authority issued permit with continuous pH monitoring.

Conduct of the Violator

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;
3. Minor shall include any other conduct not included in 1 or 2 above.

Penalty Assessment

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;
 - (A) 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 percent of the midpoint.

- (B) No serious or fewer than four 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 a reduction equal to 10 percent reduction of the midpoint.
 - (C) 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 percent of the midpoint.
 - (D) Any violation(s) which caused a person to become or remain in significant 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 a 25 percent 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 Authority.
 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 stress upon the aquatic biota, or impairment of receiving water uses, such as for recreational or drinking water supply, resulting from the violation; and
 5. Other specific circumstances of the violator or violation.

Section 16.03 Civil administrative penalty for submitting inaccurate or false information

The Authority may assess a civil administrative penalty pursuant to this section (N.J.A.C. 7:14-8.6), against each violator who submits inaccurate information or who makes a false statement, representation, or 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 any rule, water quality standard, effluent limitation, administrative order or permit issued pursuant thereto.

1. 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.
2. 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 (3) below:
 - (A) For each intentional, deliberate, purposeful knowing or willful act or omission by the violator, the civil administrative penalty shall be in an amount up to \$50,000 per act or omission;

- (B) For each other violation not identified pursuant to (2)(A) 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 up to \$30,000; and
 - (C) For each other violation not identified pursuant to (2)(A) above for which the violator corrects the violation within 10 days after becoming aware of the violation, the civil administrative penalty shall be in an amount up to \$1,000.
3. The Authority may, in its discretion, adjust the amount determined pursuant to (2) 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 on the basis of the following factors:
- (A) The compliance history of the violator;
 - (B) The number, frequency and severity of the violations;
 - (C) The measures taken by the violator to mitigate the effects of the current violation or to prevent future violations;
 - (D) The deterrent effect of the penalty;
 - (E) The cooperation of the violator in correcting the violation, remedying any environmental damage caused by the violation and ensuring that the violation does not reoccur;
 - (F) Any unusual or extraordinary costs or impacts directly or indirectly imposed on the public or the environment as a result of the violation;
 - (G) Any impacts on the receiving water, including stress upon the aquatic biota, or impairment or receiving water uses, such as for recreational or drinking water supply, resulting from the violation; and
 - (H) Other specific circumstances of the violator or violation.
4. A violation under this section is non-minor and, therefore, not subject to a grace period.

Section 16.04

Civil administrative penalty for failure to properly conduct monitoring or sampling under the Water Pollution Control Act

The Authority may assess a civil administrative penalty pursuant to this section (N.J.A.C. 7:14-8.9), against each violator who fails to carry out monitoring or sampling activities or to submit discharge monitoring reports, self-monitoring reports, baseline monitoring reports, monitoring report forms or sludge quality assurance reports required by the Water Pollution Control Act or any rule, water quality standard, effluent limitation, administrative order or permit issued pursuant thereto.

- 1. 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 a violation continues shall constitute an additional, separate and distinct violation.

2. Except as provided in (4) 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 (3) below:
 - (A) For any intentional, deliberate, purposeful, knowing or willful act or omission by the violator, the civil administrative penalty shall be in an amount up to \$50,000;
 - (B) For any unintentional but foreseeable act or omission by the violator, the civil administrative penalty shall be in an amount up to \$40,000; or
 - (C) For any other violations the civil administrative penalty shall be in an amount up to \$20,000.
3. The Authority may, in its discretion, adjust the amount determined pursuant to (2) 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 on the basis of the following factors:
 - (A) The compliance history of the violator;
 - (B) The number, frequency and severity of the violation(s);
 - (C) The measures taken by the violator to mitigate the effects of the current violation or to prevent future violations;
 - (D) The deterrent effect of the penalty;
 - (E) The cooperation of the violator in correcting the violation, remedying the damage caused by the violation and ensuring that the violation does not reoccur;
 - (F) Any unusual or extraordinary costs or impacts directly or indirectly imposed on the public or the environment as a result of the violation;
 - (G) Any impacts on the receiving water, including stress upon the aquatic biota, or impairment of receiving water uses, such as for recreational or drinking water supply, resulting from the violation; and
 - (H) Other specific circumstances of the violator or violation.
4. For any person's failure to submit a complete discharge monitoring report, the Authority shall assess a minimum mandatory civil administrative penalty of not less than \$100.00 for each effluent parameter omitted on a discharge monitoring report, nor greater than \$50,000 per month for any one discharge monitoring report.
 - (A) The civil administrative penalty assessed pursuant to (4) above shall begin to accrue on the fifth day after the date on which the discharge monitoring report was due and shall continue to accrue at least for 30 days if the violation is not corrected.

- (B) The Authority may continue to assess civil administrative penalties for the failure to submit a complete discharge monitoring report beyond the 30-day period referenced in (4)(A) above until the violation is corrected.
- (C) To contest a civil administrative penalty assessed 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 discharge monitoring report, or portion thereof, 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 the required information within this 30-day period, the violator shall have waived its right to contest the civil administrative penalty in this manner and be barred from doing so.
- (D) A violator will not be subject to a civil administrative penalty for the inadvertent omission of one or more effluent parameters in a discharge monitoring report if both of the following conditions are met:
 - i. The violator submits the omitted information to the Authority within 10 days after receipt by the violator 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 civil administrative penalty was due to an inadvertent omission by the violator of one or more effluent parameters.

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

Section 16.05 Table of minor and non-minor violations; grace periods

- 1. Table 1 below identifies particular violations of the Authority’s Sewer Use Rules and 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 Table 1 are provided for information 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.
- 2. The Authority may assess a civil administrative penalty for a violation of these Rules and 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 (3) below.
- 3. For violations not listed in Table 1, the Authority 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:
 - A. If, pursuant to (4) below, the violation is comparable to a violation listed in Table 1 and the comparable violation in Table 1 is minor, then the violation under this section is also minor, provided the criteria in Section 10.04 are met. The minor violation shall be subject to the grace period set forth in Table 1 for the comparable violation.

- B. If the violation is not comparable to a violation listed in Table 1 and the violation meets all of the criteria in Section 10.04, then the violation under this section is minor. The minor violation shall be subject to a grace period of 30 days.
- C. If, pursuant to (4) 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 is also non-minor and the penalty shall be assessed in accordance with Section 10.03.
- D. If the violation is not comparable to a violation listed in Table 1 and the violation does not meet the requirements of Section 10.04, the violation is non-minor and the penalty shall be assessed in accordance with Section 10.03.
4. Comparability of a violation under (3) 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

Section	Description of Violation	Type of Violation	Grace Period
6.01	Discharge of prohibited wastes	Non-Minor	
6.02	Exceedence of a sulfide limitation	Non-Minor	
6.03	Exceedence of a local limit; daily or monthly non-serious violation	Non-Minor	
6.03	Exceedence of a local limit; serious violation	Non-Minor	
6.04	Exceedence of a categorical limitation	Non-Minor	
6.08	Dilution of wastewater to achieve compliance	Non-Minor	
7.02	Failure to allow admission to property	Non-Minor	
7.04	Failure to install a required control manhole	Non-Minor	
7.06	Failure to submit required plans of pretreatment devices	Minor	30 days
7.07	Failure to properly maintain Pretreatment facilities	Non-Minor	
7.08	Failure to properly notify the Authority of any discharges that if disposed otherwise would be considered hazardous waste	Non-Minor	
8.01	Discharging without a permit where a permit would normally be required.	Non-Minor	
8.02	Failure of a new industrial user to apply for an industrial discharge permit prior to commencing discharge.	Non-Minor	
8.03	Failure of existing, unpermitted facilities discharging industrial wastewater to apply for a permit within 60 days of the effective date of the Sewer Use Rules and Regulations.	Non-Minor	
8.07	Failure to properly notify the Authority of any substantial change in the volume or character of pollutants in their discharge	Non-Minor	
8.08	Transferring a permit without proper notification to the Authority	Non-Minor	
8.09	Failure to submit a renewal application prior to 180 days of expiration of current permit	Non-Minor	
8.09	Failure to submit a renewal application continues after notice by POTW.	Non-Minor	
8.10	Failure to fully disclose all relevant facts when obtaining a permit	Minor	30 days
9.01 (1)	Failure to submit a baseline monitoring report	Non-Minor	
9.01 (2)	Failure to submit a 90 day compliance report	Non-Minor	
9.01 (3)	Failure to include data accuracy statement on reports submitted to the Authority	Minor	30 days
9.01 (4)	Failure to develop a compliance schedule	Minor	30 days
9.01 (4)	Failure to comply with the requirements in a compliance schedule	Non-Minor	
9.01 (5)	Failure to submit required reports within 5 days of the deadline	Non-Minor	

Section	Description of Violation	Type of Violation	Grace Period
9.01 (5)	Failure to submit required reports within 31 days of the deadline	Non-Minor	
9.01 (6)(A)	Failure to immediately report non-compliance	Non-Minor	
9.01 (6)(B)	Failure to submit a written report within five days following an accidental or non-complying discharge	Non-Minor	
9.01 (6)(C)	Failure to post a notice to employees regarding who to call in the event of a dangerous discharge	Minor	30 days
9.01 (6)(D)	Failure to develop a slug control plan when required	Minor	30 days
9.01 (6)(D)	Failure to comply with the provisions of slug control plan	Non-Minor	
9.01 (7)(A)	Failure to report within two (2) hours of its occurrence, exceedences of effluent limitations that causes injury to persons, damage to the environment, or poses a threat to human health or the environment.	Non-Minor	
9.01 (7)(B)	Failure to resample within thirty (30) days of a violation.	Non-Minor	
9.01 (7)(B)	Failure to provide notification within 24 hours of a violation	Non-Minor	
9.01 (7)(C)	Failure to perform additional monitoring within ten (10) days of becoming aware that required effluent data will be unavailable	Non-Minor	
9.01 (7)(D)	Failure to perform additional monitoring following a serious violation or a violation that causes the permittee to enter significant non-complier status.	Non-Minor	
9.02 (1)	Failure to comply with record keeping requirements	Non-Minor	
9.02 (2)	Failure to make records available upon request	Non-Minor	
9.03 (1)	Failure to provide a representative sampling point	Non-Minor	
9.03 (3)	Failure of a permittee to perform all analyses in accordance with the analytical test procedures specified in 40 CFR 136	Non-Minor	
9.03 (5)	Failure to properly sign self-monitoring reports and all other reports required by the Authority.	Minor	30 days

Table 2: Enforcement Response Plan

Unauthorized Discharges

Noncompliance	Nature of the Violation	Enforcement Response	Time Frame	Personnel	Type of viol. & grace period (if any)
1. Discharge without a permit where a permit would normally be required.	No harm to POTW / environment.	NOV with application form, if needed.	60 days.	Senior Director, O&M and/or his designee	Non-Minor
	Harm to POTW / environment. (IU meets SNC criteria under 40CFR Part 403.8(f)(2)(vii))	Take action to halt activity.	2 days.	Senior Director, O&M and/or his designee	Non-Minor
	Noncompliance with order to submit application.	Seek penalty.	6 months.	Senior Director, O&M and/or his designee	Non-Minor
2. Failure to renew.	Failure to submit application prior to 180 days of expiration of current permit.	NOV.	60 days.	Senior Director, O&M and/or his designee	Non-Minor
	Failure to apply continues after notice by the POTW.	Seek penalty.	6 months.	Senior Director, O&M and/or his designee	Non-Minor
3. Discharge outside scope of application / permit.	Failure to notify in advance of new introductions of pollutants or significant change in existing pollutants.	NOV with permit application to modify permit.	60 days.	Senior Director, O&M and/or his designee	Non-Minor

Discharge Limit Violation

Noncompliance	Nature of the Violation	Enforcement Response	Time Frame	Personnel	Type of viol. & grace period (if any)
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.	Senior Director, O&M and/or his designee	Non-Minor
	Serious violation (individual or monthly).	Seek at least the mandatory minimum penalty in accordance with N.J.A.C. 7:14-8.16.	NOV within 60 days. Penalty within 6 months.	Senior Director, O&M and/or his designee	Non-Minor
2. Exceedance of local or Federal standard (permit limit)	Significant noncompliance (IU meets SNC criteria under 40 CFR Part 403).	Public Notice	Annually, but not later than 60 days after 403 annual report submitted to NJDEP.	Senior Director, O&M and/or his designee	Non-Minor
	Significant noncompliance (IU meets SNC criteria in NJWPCA, under NJSA 58:10A-3w).	Seek at least the mandatory minimum penalty in accordance with N.J.A.C. 7:14-8.16.	6 months.	Senior Director, O&M and/or his designee	Non-Minor

Monitoring and Reporting Violations

Noncompliance	Nature of the Violation	Enforcement Response	Time Frame	Personnel	Type of viol. & grace period (if any)
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 N.J.A.C. 7:14-8.9 (note: Penalty waived if complete report is received within 10 days of receipt of NOV).	NOV within 60 days. Penalty within 6 months.	Senior Director, O&M and/or his designee	Non-Minor
	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 N.J.A.C. 7:14-8.9 (note: Penalty waived if complete report is received within 10 days of receipt of NOV).	Public notice in accordance with approved program. Penalty within 6 months.	Senior Director, O&M and/or his designee	Non-Minor
	Incomplete for effluent parameter omission	Seek at least a mandatory minimum penalty in accordance with NAJC 7:14-8.9.	6 months.	Senior Director, O&M and/or his designee	Non-Minor
	Incomplete for data omission (IU meets SNC criteria under 40CFR Part 403).	Public Notice	Annually.	Senior Director, O&M and/or his designee	Non-Minor

Noncompliance	Nature of the Violation	Enforcement Response	Time Frame	Personnel	Type of viol. & grace period (if any)
	Incomplete for effluent parameter omission (IU meets SNC criteria under NJWPCA).	Public notice and seek at least mandatory minimum penalty in accordance with N.J.A.C. 7:14-8.9 and N.J.A.C. 7:14-8.16(a).	Public notice in accordance with approved program. Penalty within 6 months.	Senior Director, O&M and/or his designee	Non-Minor
	Incomplete for other omissions (IU meets SNC criteria under NJWPCA).	Public notice and seek at least the mandatory minimum penalty in accordance with N.J.A.C. 7:14-8.16	Public notice in accordance with approved program. Penalty within 6 months.	Senior Director, O&M and/or his designee	Non-Minor
	Incomplete for other omissions.	NOV	60 days	Senior Director, O&M and/or his designee	Minor 10 days
	Falsification	Seek Penalty or refer to county prosecutor.	60 days	Senior Director, O&M and/or his designee	Non-Minor
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).	NOV within 60 days. Penalty within 6 months.	Senior Director, O&M and/or his designee	Non-Minor
	Missed milestone by more than 30 days (IU meets SNC criteria under 40 CFR Part 403).	NOV, seek penalty, Public Notice (note: penalty may be waived if final compliance is met by due date).	NOV within 60 days. Penalty within 6 months.	Senior Director, O&M and/or his designee	Non-Minor
	Failure to meet final compliance date.	NOV, seek penalty.	NOV within 60 days. Penalty within 6 months.	Senior Director, O&M and/or his designee	Non-Minor

Noncompliance	Nature of the Violation	Enforcement Response	Time Frame	Personnel	Type of viol. & grace period (if any)
3. Failure to notify.	Failure to report spill or changed discharge.	NOV; seek penalty where necessary.	NOV within 60 days of discovery; penalty no later than 6 months of discovery.	Senior Director, O&M and/or his designee	Non-Minor
4. Failure to monitor correctly.	Incorrect sample location, incorrect sample type, incorrect sample collection techniques, or incorrect sample analysis.	NOV, with proper resampling, including sample analysis.	60 days.	Senior Director, O&M and/or his designee	Non-Minor
4. Failure to report additional monitoring.	POTW inspection finds additional files.	NOV with request to submit additional monitoring data.	60 days	Senior Director, O&M and/or his designee	Non-Minor

Other Permit Violations

Noncompliance	Nature of the Violation	Enforcement Response	Time Frame	Personnel	Type of viol. & grace period (if any)
1. Wastestreams are diluted to achieve discharge limits.	Dilution.	NOV, seek penalty.	NOV -- 60 days; penalty -- 6 months.	Senior Director, O&M and/or his designee	Non-Minor
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 40CFR 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.	Senior Director, O&M and/or his designee	Non-Minor
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.	Senior Director, O&M and/or his designee	Non-Minor
4. Entry denial.	Entry denied or consent withdrawn. Copies of records denied.	NOV, seek penalty.	NOV within 60 days. Penalty within 6 months.	Senior Director, O&M and/or his designee	Non-Minor
5. Inadequate record keeping.	POTW inspector finds files incomplete or missing.	NOV	60 days.	Senior Director, O&M and/or his designee	Non-Minor

APPENDIX A-1
PROHIBITED POLLUTANTS**

<u>CAS No. *</u>	
83329	acenaphthene
208968	acenaphthylene
107028	acrolein
79061	acrylamide
107131	acrylonitrile
309002	aldrin
1321115	aminobenzoic acid
61825	amitrole
71410	amyl alcohols
62533	aniline
142041	aniline hydrochloride
100663	anisole
120127	anthracene
7440360	antimony (total)
7440382	arsenic (total)
2465272	auramine
56553	1,2 - benzanthracene
71432	benzene
92875	benzidine
205992	3,4 - benzofluoranthene
207089	11,12 - benzofluoranthene
191242	1,12 - benzoperylene
50328	3,4 - benzopyrene (benzo(a)pyrene)
98077	benzotrichloride
100469	benzylamine
7440417	beryllium (total)
319846	alpha BHC
319857	beta BHC
58899	gamma BHC (Lindane)
319868	delta BHC
111911	bis (2 - chloroethoxy) methane
111444	bis (2 - chloroethyl) ether
39638329	bis (2 - chloroisopropyl) ether
75252	bromoform (tribromoethane)
101553	4 - bromophenyl phenyl ether
7440439	cadmium (total)
56235	carbon tetrachloride (tetrachloromethane)
57749	chlordane (technical mixture and metabolites)
95512	2 - chloroaniline
108429	3 - chloroaniline
106478	4 - chloroaniline
108907	chlorobenzene
124481	chlorodibromomethane

<u>CAS No.</u>	
110753	2 - chloroethyl vinyl ether (mixed)
67663	chloroform (trichloromethane)
91587	- chloronaphthalene
88733	2 - chloronitrobenzene
100005	4 - chloronitrobenzene
25167800	2 - chlorophenol
7005723	4 - chlorophenyl phenyl ether
126998	chloroprene
7440473	chromium (total)
218019	chrysene
532821	chrysolidine
7440508	copper (total)
98828	cumene
57125	cyanide (total)
72548	p,p' - DDD (p,p' - TDE)
72559	p,p' - DDE (p,p' - DDX)
50293	p,p' - DDT
541026	decamethylcyclopentasiloxane (D5)
53703	1,2,5,6 - dibenzanthracene (dibenzo(ah)anthracene)
608275	2,3 - dichloroaniline
554007	2,4 - dichloroaniline
95829	2,5 - dichloroaniline
95761	3,4 - dichloroaniline
626437	3,5 - dichloroaniline
95501	1,2 - dichlorobenzene
541731	1,3 - dichlorobenzene
106467	1,4 - dichlorobenzene
91941	3,3' - dichlorobenzidine
75274	dichlorobromomethane
75343	1,1 - dichloroethane
107062	1,2 - dichloroethane
156592	1,2 - dichloroethylene (trans)
75092	dichloromethane (methylene chloride)
120832	2,4 - dichlorophenol
78875	1,2 - dichloropropane
542756	1,3 - dichloropropene
60571	dieldrin
84662	diethyl phthalate
117817	bis (2 - ethylhexyl) phthalate
85687	butyl benzyl phthalate
131113	dimethyl phthalate
84742	di - n - butyl phthalate
117840	di - n - octyl phthalate
119904	3,3' - dimethoxybenzidine
121697	dimethylaniline
119937	3,3' - dimethylbenzidine

<u>CAS No.</u>	
57147	1,1 - dimethylhydrazine
105679	2,4 - dimethylphenol
534521	4,6 - dinitrol - o - cresol
51285	2,4 - dinitrophenol
121142	2,4 - dinitrotoluene
606202	2,6 - dinitrotoluene
123911	1,4 - dioxane (1,4 - diethylene dioxide)
122394	diphenylamine
122667	1,2 - diphenylhydrazine
959988	endosulfan - I
33213659	endosulfan - II
1031078	endosulfan sulfate
72208	endrin
7421934	endrin aldehyde
53494705	endrin ketone
100414	ethylbenzene
106934	ethylene dibromide
151564	ethyleneimine (Aziridine)
206440	fluoranthene
86737	fluorene
76448	heptachlor
1024573	heptachlor epoxide
118741	hexachlorobenzene
87683	hexachlorobutadiene
77474	hexachlorocyclopentadiene
67721	hexachloroethane
302012	hydrazine
193395	indeno (1,2,3-C,D) pyrene
78591	isophorone
7439921	lead (total)
7439976	mercury (total)
101144	4,4' - methylene bis (2-chloraniline)
101789	4,4' - methylene dianiline
108101	methylisobutyl ketone
91203	naphthalene
123327	alpha naphthylamine
91598	beta naphthylamine
7440020	nickel (total)
98953	nitrobenzene
88755	2 - nitrophenol
100027	4 - nitrophenol
1321126	nitrotoluene
100618	N - methylaniline
62759	N - nitrosodimethylamine
621647	N - nitrosodi - n - propylamine

<u>CAS No.</u>	
86306	N – nitrosodiphenylamine
556672	Octamethylcyclotetrasiloxane (D4)
59507	parachlorometacresol
12674112	PCB - 1016 (Aroclor 1016)
11104282	PCB - 1221 (Aroclor 1221)
11141165	PCB - 1232 (Aroclor 1232)
53469219	PCB - 1242 (Aroclor 1242)
12672296	PCB - 1248 (Aroclor 1248)
11097691	PCB - 1254 (Aroclor 1254)
11096825	PCB - 1260 (Aroclor 1260)
87865	pentachlorophenol
85018	phenanthrene
108952	phenol
95545	1,2 - phenylenediamine
108452	1,3 - phenylenediamine
106503	1,4 - phenylenediamine
129000	pyrene
7782492	selenium (total)
7440224	silver (total)
842079	sudan I (solvent yellow 14)
1746016	2,3,7,8 - tetrachloradibenzo-p-dioxin (TCDD)
79345	1,1,2,2 - tetrachloroethane
17184	tetrachloroethylene
7440280	thallium (total)
62566	thiourea
108883	toluene
104154	toluene sulfonic acids
26915128	toluidines
8001352	toxaphene
120821	1,2,4 - trichlorobenzene
71556	1,1,1 - trichloroethane
79005	1,1,2 - trichloroethane
79016	trichloroethylene
88062	2,4,6 - trichlorophenol
1300716	xilenols
1300738	xylidines
7440666	zinc (total)

*Chemical Abstracts Service Number

**These compounds are prohibited from being discharged to the sanitary sewer unless specifically permitted by the Authority on a case-by-case basis.

APPENDIX A-2

POLLUTANTS THAT ARE INHIBITORY TO BIOLOGICAL TREATMENT PROCESSES

CAS No.

INORGANIC POLLUTANTS

14213979	Borate (Boron)
7440473	Chromium
7439965	Manganese
7440622	Vanadium

ORGANIC POLLUTANTS

107186	Allyl alcohol
57067	Allyl isothiocyanate
141435	2-Aminoethanol (mono ethanolamine)
538283	Benzyl thiuronium chloride
4170303	Crotonaldehyde
97234	Dichlorophen
591355	3,5 - dichlorophenol
138896	Dimethylparanitrosoaniline
86566	N,N-dimethyl-1-naphthylamine
593851	Guanidine carbonate
124094	Hexamethylenediamine
148243	8 - hydroxyquinoline
556616	Methyl isothiocyanate
867447	Methyl thiuronium sulphate
107197	Propargyl alcohol
83341	Skatole
128041	Sodium dimethyl dithiocarbamate
137428	Sodium methyl dithiocarbamate
137268	Tetramethyl thiuram disulphide
97745	Tetramethyl thiuram monosulphide
79196	Thiosemicarbazide