

DRAFT

EDGEWATER PARK SEWERAGE  
AUTHORITY  
RULES AND REGULATIONS

Dated: September 30, 2021

RULES AND REGULATIONS  
EDGEWATER PARK SEWERAGE AUTHORITY

# TABLE OF CONTENTS

## APPLICATION FOR SERVICE

### ARTICLE I

Page

#### DEFINITIONS

Section 1.01. Definitions..... 9

### ARTICLE II

#### WRITTEN APPLICATION BY OWNER

Section 2.01. Written Application by Owner or Tenant... 11

Section 2.02. Complete Application for Sewer Construction  
Plans..... 11

Section 2.03. Amended Application for Non-Compliance 13

Section 2.04. Payment Of All Arrears and Charges..... 13

Section 2.05. Application For Service Subject to Existing  
Mains..... 14

Section 2.06. Application For New or Existing Service 14

Section 2.07. Owner’s Responsibility for Payment Of

	Sewer Bills.....	14
Section 2.08.	Industrial And Commercial Applications	14
Section 2.09.	Extension Of A Sewer Main.....	15
Section 2.10.	NJDEP Form M-7200.....	15

**ARTICAL III**

FEES

Section 3.01. After The Preliminary Review The Authority’s Engineer Will Provide An Estimate Of Total Fees To Be Paid Before Approval Of The Application. These Fees Are Based On The Following:

1. Advanced Review Fees..... 16
2. Review Fee..... 16
3. Inspection Fee During Construction 16
4. Special Review Fees..... 16
5. Connection Fees..... 16
6. Performance and Maintenance Bonds16

**ARTICLE IV**

APPROVAL OF APPLICATION AND PLANS BY THE AUTHORITY

Section 4.01. Review Of Proposed Application and Plans By Authority’s Solicitor And Engineer

With Recommendations for Modifications As May Be Required, Final Approval Of Application And Plans by the Authority...	28
--	----

**ARTICLE V**

**COMPLETION OF CONSTRUCTION**

Section 5.01. Completion of Construction of Proposed Sanitary Sewer Improvements and Acceptance by The Authority with Whatever Conditions Are Appropriate To the Particular Project.....	29
--	----

**ARTICLE VI**

**LATERAL REPLACEMENT**

Section 6.01. Lateral Replacement.....	30
--	----

**ARTICLE VII**

**DISPUTED BILL**

Section 7.01 Disputed Bill	31
----------------------------	----

**ARTICLE VIII**

**DISCONTINUANCE OF SERVICE BY CUSTOMERS**

Section 8.01. Discontinuance of Service by Customers...	32
Section 8.02. Turnoff Without Authority Approval.....	32
Section 8.03. Due To Emergency.....	32
Section 8.04. Renewal Of Service After Discontinuance.	32

**ARTICLE IX**

**RESERVE CAPACITY**

Section 9.01. Reserve Capacity.....	33
-------------------------------------	----

**ARTICLE X**

**RESPONSIBILITY FOR SERVICE**

Section 10.01. No Responsibility..... 34

**ARTICLE XI**

**BILLS AND PAYMENTS**

Section 11.01. Place of Payment..... 35  
Section 11.02. Bills Rendered and Due..... 35  
Section 11.03. Time of Charges and Payments..... 35  
  
Section 11.04. Delinquent Bills..... 35  
Section 11.05. Abatement..... 36  
Section 11.06. Fair Share Obligation Payment..... 36  
Section 11.07. Professional Escrows for Sewer Development... 36

**ARTICLE XII**

**MAIN EXTENSIONS**

Section 12.01. General Provisions..... 38  
Section 12.02. Extensions To Serve Individuals..... 39  
Section 12.03. Extensions To Serve Subdivisions, Tracts,  
Housing Projects, Industrial Developments  
Or Organized Service Districts..... 39  
Section 12.04. Recapture..... 40  
Section 12.05. Complaints..... 40  
Section 12.06. Reasonable Access..... 40  
Section 12.07. Prohibited Acts..... 41  
Section 12.08. No Oral Agreements..... 41  
Section 12.09. Damage Claims..... 41

Section 12.10. Changing Of Rules and Regulations.....	41
---	----

### **ARTICLE XIII**

#### **CONNECTION AND CONNECTION FEES**

Section 13.01. Mandatory Connections.....	42
Section 13.02. Connection Fees.....	42
Section 13.03. Condominiums.....	44
Section 13.04. Time of Connection.....	44
Section 13.05. Size And Kind of Service Lateral.....	44
Section 13.06. Separate Trench.....	44
Section 13.07. Renewal Of Service Lateral.....	45
Section 13.08. Maintenance By Customer.....	45
Section 13.09. Authority Not Responsible.....	45
Section 13.10. Property Served by Single Service Lateral.....	45
Section 13.11. Single Service Lateral with Two Or More Customers.....	45
Section 13.12. Prohibited Connections.....	46
Section 13.13. Grease Traps.....	46
Section 13.14. Special Connections.....	48
Section 13.15. Special Precautions In Wet Ground.....	48
Section 13.16. Backwater Valves.....	48
Section 13.17. Pipe specifications.....	48
Section 13.18. Compliance with manufacturer's manual required	49

### **ARTICLE XIV**

#### **INDUSTRIAL WASTES**

Section 14.01. Non-Domestic, Industrial and Hazardous Waste Into Sanitary Sewerage System...(Purpose).....	50
Section 14.02. Definitions and Word Usage	51
Section 14.03. Abbreviations	

Section 14.04. General Discharge Prohibitions	62
Section 14.05. Federal and State Requirements	68
Section 14.06. Stricter Federal Standards	69
Section 14.07. Modification Standards	69
Section 14.08. Specific Discharge Limitations	69
Section 14.09. Right of Revision	72
Section 14.10. Dilution of Waste not a Substitute for Treatment	72
Section 14.11. Accidental Discharges	72
Section 14.12. Telephone Notice	72
Section 14.13. Written Notice	73
Section 14.14. Notice to Employees	73
Section 14.15. Fees	73
Section 14.16. Reimbursement of Cost	74
Section 14.17. Permit Required for Discharge	74
Section 14.18. Permits and Licenses	74
Section 14.19. Annual Fee	87
Section 14.20. Administrative Fee	87
Section 14.21. Enforcement	88
Section 14.22. Emergency Response	89
Section 14.23. Administrative Fee	89
Section 14.24. Civil Penalties	90
Section 14.25. Criminal Penalties	90
Section 14.26. Suspension of Permit; Discontinuance of Service	91
Section 14.27. Revocation of Permit	92

## **ARTICLE XV**

### **ENFORCEMENT PROCEDURES**

Section 15.01. Notification Of Violation.....	93
Section 15.02. Violations and Penalties	93
Section 15.03. Termination Of Service.....	93
Section 15.04. Hearing Process.....	94
Section 15.05. Legal Action.....	95
Section 15.06. Falsifying Information.....	95

## **ARTICLE XVI**



PUBLIC COMMENT AND NOTICE PROCEDURES

Section 16.01. When Required.....	96
Section 16.02. Scope Of Notice.....	96
Section 16.03. Timing.....	96
Section 16.04. Methods.....	96
Section 16.05. Results Of Public Notice or Comment.....	96
Section 16.06. Waiver Of Public Comment and Notice Procedures.....	97
Section 16.07. Confidential Information.....	97

**ARTICLE XVII**

EMERGENCY EXPENSES

Section 17.01. Immediate Health and Safety Concerns.....	98
--	----

APPLICATION FOR SERVICE

**ARTICLE I**

DEFINITIONS

Sections 1.01. Definitions. As used herein, the following terms shall have the following meanings unless a different meaning clearly appears from the context:

“Authority” shall mean the Edgewater Park Sewerage Authority, also called the Control Authority (“EPSA”).

“Commercial Industrial Units” shall mean equivalent units based on estimated sewage flow. The estimated sewage flow in gallons per day (GPD) for a commercial/industrial building shall be determined by multiplying the building square footage by 0.125 for areas designated for office, commercial or industrial use and by 0.036 for areas designated for warehouse use. The estimated sewage flow (GPD) shall then be divided by three hundred (300) and rounded up to the next whole number to determine the number of equivalent units for the building.

“Customer” or “Owner” shall mean the applicant for sewerage service at one household or business.

“Domestic sewage” shall mean the normal waterborne fluid wastes from residences, commercial establishments, institutions and industrial establishments, limited to the wastes from kitchens, bathrooms, water closets, lavatories and laundries.

“EDU” or “Equivalent Dwelling Unit” shall mean the sewage quality and quantity generated at a typical residential dwelling unit and have a biochemical oxygen demand of 200mg/1, a suspended solids concentration of 250 mg/1 and an average daily flow of 300 gallons per day.

“Industrial wastes” shall mean the liquid wastes from industrial processes as distinct from domestic sewage.

“Main” shall mean the Authority owned or leased piping and appurtenances, in or along public highways and streets, or along privately owned right-of-way, used for the transmission or distribution of water to or for the collection of domestic sewage or industrial wastes from its customers.

“Other than residential user” shall mean all users and connections other than residential, including but not limited to business, commercial, industry, restaurants, taverns, theaters, camps, churches, schools, etc., users.

“Residential user” shall mean:

- a. Single-Family: A building on a lot, designed and occupied exclusively as a residence for one family.
- b. Two-Family: A building on a lot, designed and occupied exclusively as a residence for two families.
- c. Three-Family: A building on a lot, designed and occupied exclusively as a residence for three families.
- d. Multiple-Family: A building on a lot, designed and occupied exclusively as a residence for four or more families.
- e. Garden, High-Rise, Trailer Camps, and Multiple Type: A multiple dwelling or group of multiple dwelling on a lot which is held and is designed to be held in single ownership on which common yards and other common facilities and services may be provided, however, each dwelling unit shall have individual kitchen and bathroom facilities.
- f. Boarding House, Lodging House, Nursing Home, Hotel, Or Motel: A dwelling having a common kitchen and used for the purpose of providing lodging, or both lodging and meals for pay or for compensation of any kind, whether computed by day, week, or month, to persons occupying such dwelling other than members of a family.

## ARTICLE II

### WRITTEN APPLICATOIN BY OWNER

#### Section 2.01. Written Application by Owner Or Tenant.

Sewerage service connections will be considered after a written complete application is signed at the Authority office by the Property owner or his properly authorized agent. Blank forms for furnished by the Authority, and all applications must receive the approval of the Authority before connection is made, or either class of service furnished.

Section 2.02. Complete Application for Sewer Construction Plans. As used in this Resolution, “complete applications” for sewer construction plans shall include and be defined as the following:

a. A fully completed S-1 or S-1NR “Application for Sewerage Service” which shall be submitted in triplicate, which shall have attached six (6) copies of all conceptual engineering plans, and which shall be accompanied by an application fee and a conceptual review fee for each equivalent dwelling unit receiving sewer services. The conceptual engineering plans which are required to be submitted with the S-1 or S-1NR Application shall be in accordance with, and must comply in every respect to, the rules, regulations, and specifications of any Federal, State and/or Local agency asserting jurisdiction over sanitary sewage services. The S-1 or S-1NR Application must be approved by the Consulting Engineer to the Authority and by the Authority itself as a condition precedent to the preparation of an S-2 or S-2NR “Service Agreement” to the Authority.

b. A fully completed and executed S-2 or S-2NR “Service Agreement” and compliance with each and every term, condition and stipulation contained within the executed S-2 or S-2NR Service Agreement includes, but is not limited to compliance with EPSA rules, regulations and specifications, posting of performance guarantees and payment of all fees in compliance therewith.

c. An application for construction for a sewage disposal plant or other facilities for the collection, treatment or disposal of sewage shall be submitted on an S-3 “Application for Approval of Sewer Construction Plans”. The S-3 application shall be fully completed and shall have accompanying it sufficient initial escrow fees as well as six (6) copies of the sewer construction plans and supporting reports and information. The escrow

fees shall be posted according to the schedule included in the Authority's Schedule of Rates for Furnishing Sanitary Sewerage Service.

d. The Fully completed S-3 Application with accompanying plans and fees shall be submitted to the EPSA office no later than fourteen (14) days prior to the regular monthly meeting of the Authority. If said completed S-3 Application or accompanying plans or fees is not submitted less than fourteen (14) days prior to the regular meeting, it shall be placed on the agenda for the regular meeting of the following month. If the Authority, at the regular meeting determines that the S-3 application accompanying the plans and fees as well as all conditions precedent, appear to be completed, then the application for the construction of the sewage disposal system shall be certified as complete as of the date of the meeting at which action is taken, for the purposes of the commencement of the time for the action by the Authority. Applications determined to be incomplete shall be immediately returned to the applicant.

e. From the date that the application for construction is certified as completed, excluding industrial users, the EPSA shall have ninety (90) days within which to approve or disapprove the application. The EPSA reserves the right to extend the period for approval or disapproval for up to an additional sixty (60) days by resolution. Notwithstanding that the application may have been certified as complete, the EPSA reserves the right to reject the application for being incomplete, should that be discovered during the course of review.

f. Failure of the EPSA to approve or disapprove of the application for construction within such time, excluding industrial users, shall constitute approval of the application and consent of the Authority to

the construction of the plant or facility. In the event that the Authority fails to approve or disapprove the application within the aforesaid time, said application shall be marked “Approved Because of Failure to Act Within the Time Limitations Imposed by Law”. In the further event of approval because of failure to act within the time limitations imposed, such approval shall not be binding upon State or Federal agencies which may assert jurisdiction over the review of plans for the construction of sewage disposal plants or other facilities for the collection, treatment or disposal of sewage.

Section 2.03. Amended Application for Non-Compliance. In the event that the application for the aforesaid construction of facilities is rejected by any State or Federal agency asserting jurisdiction for non-compliance with the rules, regulations or specifications of that agency, and said application is returned as disapproved, the applicant shall submit an amended S-3 Application to the EPSA containing the changes, modifications or corrections requested by the Federal or State agency for review and approval by the EPSA of the amended S-3 Application shall begin again, upon certification of the Application as complete by the EPSA, pursuant to the provisions contained herein.

Section 2.04. Conditions For Acceptance of Applications. The Authority shall not entertain any application from any residential or industrial waste discharger that seeks to construct sanitary sewer improvements which will connect or discharge into the Authority’s collection system unless the Authority receives with said application a letter from the Edgewater Park Township Tax Collector certifying that the real property taxes for the property in question are current at the time said application is made. Furthermore, no application will be accepted by the Authority until all escrow payments established by the Authority’s Secretary/Treasurer and Consulting Engineer have been established and paid on account for said residential or industrial waste applicant.

Section 2.05. Application For Service Subject to Existing Mains.

Applications for service connections may be accepted subject to there being existing mains in streets or rights-of-way abutting the premises to be served.

Section 2.06. Application For New or Existing Service. When a prospective

customer has made application for a new service.

Section 2.07. Owner's Responsibility for Payment Of Sewer Bills. Although

property may be occupied or leased to a tenant and the tenant may have paid the sewer bills, the owner of the property is responsible for payment of any sewer bills not paid by the tenant.

Section 2.08. Industrial and Commercial Applications. Industrial and

commercial establishments making application for sanitary sewerage service, in addition to making written application for such services, shall furnish a detailed description of the type of size of buildings, the nature of the business to be conducted in each structure, the number of and type of fixtures to be served, and the type, volume and chemical characteristics of the waste to be discharged. Such applicants shall also furnish the Authority six (6) copies of plans showing:

- (a) The boundaries of the property;
- (b) The location within the property boundaries of the structure(s) to be served;
- (c) The Location and profile, with respect to finished grade, of the services;
- (d) Details of the proposed connections to the sewerage system, and arrangements and detail of the meter installation (when required). (Refer to Section XVII with respect to admissibility of industrial wastes);
- (e) Design details and location of grease traps.

(Design shall be in accordance with the current edition of the USEPA Design Manual for On-Site Wastewater Treatment and Disposal Systems)

Section 2.09. Extension Of a Sewer Main. Where the applicant has requested the extension of a sewer main or sewer mains they will be required to submit to the State of New Jersey, Department of Environmental Protection, the applicable applications, with attachments, which applications must be executed by the Chairperson of the Authority.

Section 2.10. Planning Board Applications. Where the applicant before the Authority is required to obtain approvals of the Edgewater Park Planning Board with respect to the property, which is subject of the within application, there shall be submitted resolutions of approval.



## ARTICLE III

### FEES

Section 3.01. After the Preliminary Review the Authority's Engineer Will Provide an Estimate of Total Fees to be Paid Before Approval of the Application. These Fees Are Based on the Following:

1. Application Fee: This fee shall be for the preliminary review to determine the nature of the project, general feasibility, e.g., capacity, and to determine the level of review necessary. These fees shall be submitted with the application and are non-refundable:

A). For any single or double residential unit, i.e., E.D.U., \$50.00 per unit for application and inspection.

B). All residential of three units or greater and any application classified as non-residential there shall be a minimum fee of \$500.00. If this is insufficient to cover the costs, time of staff, and expenses incurred by the Authority, the applicant shall pay to the Authority the excess above \$500.00 prior to any final approval.

C). All applications must be submitted completed in full and with three (3) full and complete sets of plans, plans as well as any other documents, data, or engineering reports required by the Authority.

2. Review Fees – Initial: The fees to be charged for review and involvement of professionals shall be calculated by the Authority and may be up to an additional ten percent (10%) of the engineer's estimated cost of construction of any sanitary sewer improvements involved with the project, as well as any associated improvements, whether on-or-off site, on private or public property. The fees paid to the Authority under this provision shall be placed in an escrow account under the Authority's control in accordance with the Authority's approved escrow agreement terms. The application shall be required to supplement to the amount in the account from time to time at the discretion of the Authority. These fees shall be available to the Authority for any and all engineering, legal or professional fees necessary to the review and processing of the application, including but not limited to the calculation of cost of connection fees and the preparation of any including but not limited to the

calculation of cost or claims by the Authority. Any unused funds in the escrow account shall be returned to the applicant after final approval and in accordance with the terms of the escrow agreement.

3. Special Review Fees: In the event the application for sewer services presents an unusual or special commercial or industrial sewage demand requiring additional review and re-review procedures then the applicant shall be required to pay actual engineering and legal review fees upon presentation by the Authority, which fees will be paid to an escrowed by the Authority as their review proceeds and drawn against as needed.

4. Connection Fees: The connection fees for all users shall be as determined by the Authority from time to time and as approved by Authority resolution. See attached Article III Appendix.

5. Performance Bonds: Prior to the commencement of work, the applicant shall provide the Authority with a Performance Bond posted in one hundred twenty percent (120%) of the Authority's estimated cost of construction for all sanitary sewer and related improvements including costs of any additional expenses such as street opening and closing, etc., occasioned by the project.

6. Inspection Fee During Construction: \$25 for single residential units. For all other than single residential units, six percent (6%) x 1.2 x the Authority Engineer's estimated cost of construction and final and official verification of "asbuilt" data to be supplied by the applicant in preparation of formal records.

7. Maintenance Bonds: After the completion of all work and prior to the acceptance of the lines and appurtenances by the Authority, the developer must post a two (2) year maintenance bond in the amount of ten percent (10%) of the value of the work to be accepted for projects in excess of \$10,000.00 and in the amount of fifteen percent (15%) of the value of the work to be done accepted or \$1,000.00, whichever is less, for projects less than \$10,000.00.

8. Expiration of Applications: If, after one year, the applicant-owner has not shown proof of connection, the connection permit will be deemed invalid, and the fees will be returned by the Authority. The applicant may, however, renew his application for a period of one year evidenced by submittal of new application. If, however, a new application is submitted at any time, the new application shall be at

the prevailing fees at the time of submitting the new application. This section shall be strictly adhered to.

## ARTICLE III – APPENDIX

### CONNECTIONS & FEES

A. The connection application and supporting data shall be analyzed for compliance with the EPSA engineering standards including provision for the protection of the system and long-term maintenance and for orderly growth.

B. The Final condition of any Approval will be a mutual agreement between the applicant and the EPSA regarding the Authority's rules and regulations, terms and conditions for providing service. Application and receipt of approval shall be deemed consent and approval of same.

C. Connection Fees: The current Connection Fees are outlined below and are periodically recalculated to conform to NJDEP Rules and Regulations based upon capital expenditures and total connections to the system.

#### 1. Residential

A) The residential fee shall be \$3,577.00 for each residential unit. This shall include all apartment buildings and boarding houses and the calculation of the fee shall be based on individual living units, i.e., separate rooms or apartments.

B) Motels and Hotels – The Fee shall be the greater of projected consumption at residential rate or cost per unit x residential per unit fee.

C) Nursing Homes – Based on projected consumption at residential rate.

#### 2. Non-Residential Fees

All non-residential users shall be required to escrow an amount as specified by the engineer for the Authority for the purposes of evaluating the connection fee to be applied. Estimated E.D.U.s for non-residential shall be based upon the Authority's projected average annual consumption and assuming normal household waste. The Authority may revise that projection to accord with actual use or variance in the

nature of waste and may in its discretion measure same and adjust the connection fee due at any time over a five-year period from the date the project is fully complete and operational, as defined in its use as supplied to the Authority.

Minimum \$3,577.00  
and/or \$6.94064/gallon

3. All connection fees shall be paid to the EPSA in accordance with the rules of the Authority and its schedule of fees as determined by the EPSA, staff and it's professionals.

4. The Connection Fee shall be paid at the start of construction. In cases where the fee exceeds \$25,000.00, the fee may be paid in two parts provided that the first payment is at least 50% of the total fee and that the second payment is made within twelve (12) months of the first payment or prior to the issuance of any certificates of occupancy, whichever is earlier.

**EDGEWATER PARK SEWERAGE AUTHORITY**  
**ESCROW AGREEMENT FOR APPLICATION**  
**REVIEW FEES**

THIS AGREEMENT made this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_,

between \_\_\_\_\_

\_\_\_\_\_, applicant for the \_\_\_\_\_  
project

(hereinafter referred to as “Applicant”) and the Edgewater Park Sewerage Authority (hereinafter referred to as “EPSA”).

WHEREAS, the EPSA Rules and Regulations require the Applicant to establish an escrow whereby work required to be performed by professionals employed by EPSA will be paid for by the Applicant as required under the provisions of the EPSA Rules and Regulations cited above, and

WHEREAS, an Escrow Agreement is specifically authorized under said EPSA Rules and Regulations, and

WHEREAS, both parties feel that it is appropriate to reduce this understanding to written form.

WITNESSETH

***IT IS*** mutually agreed by and between the parties herein that:

Section 1. PURPOSE

The EPSA has connection and engineering fees established by formula which both parties acknowledge and consent to, and the structure of which are agreed to by the parties, hereby waiving any challenge to same.

The EPSA authorized its professionals and/or its administrative staff to review, inspect, report and study all plans, documents, statements, improvements, and provisions made by the Applicant. The EPSA directs its professionals and administrative staff to make all oral and/or written reports/communications to the EPSA of its conclusions and findings derived from the review, study, investigation and like or similar duties performed as elsewhere authorized, including professional time allocated to such application at the EPSA's regular and special meeting. The Applicant agrees to pay all professional and administrative fees incurred by the EPSA for the performance of the duties outlined above.

## Section 2. ESCROW ESTABLISHED

In the event the escrow fund to be established is for an amount which is \$5,000 or less, the Applicant and EPSA, in accordance with the provisions of this Agreement and the EPSA's Rules and Regulations, hereby agree to create and establish the escrow with the designated Financial Officer of the EPSA.

A. In the event the escrow to be established is for an amount which exceeds \$5,000, the Applicant and EPSA, in accordance with the provisions of this

Agreement and the EPSA Rules and Regulations, hereby agree to create and establish the escrow as follows:

1. The EPSA shall deposit the escrow fund in a banking institution or savings and loan association in the State of New Jersey insured by an agency of the Federal Government, or in any other fund or depository approved for such by the State of New Jersey, in an account bearing interest at a minimum at the rate currently paid the institution or depository on time or savings deposits;
2. The EPSA shall notify the Applicant in writing of the name and address of the institution or depository in which the deposit is made and the amount of the deposit;
3. The EPSA shall not be required to refund any amount of interest paid on a deposit which does not exceed \$100.00, and if that interest is not required to pay the EPSA cost/expenses, then that entire amount shall belong to the person and shall be refunded to him, her or it by the EPSA annually or at the time the deposit is repaid or applied to the purposes for which it was deposited, as the case may be; except that, in addition, the EPSA may retain for administrative expenses a sum equivalent to no more than 33 1/3% of that entire amount, which shall be in lieu of all other administrative and custodial expenses.

### Section 3. ESCROW FUNDED

Applicant, by execution of this Agreement, shall pay to the EPSA to be deposited as described in Section 2, such sums as are required by the EPSA's Rules and Regulations for each and every Agreement entered into by the parties.

### Section 4. INCREASE IN ESCROW FUND



If during the existence of this Escrow Agreement the funds held by the escrow holder shall be insufficient to cover any voucher or bill submitted by the professionals or staff and reviewed and approved by the EPSA, then the Applicant shall, within fourteen (14) days from the date of receipt of written notice

by the EPSA, deposit additional sums, not less than \$4,500.00, with the escrow holder to cover the amount of the deficit inclusive of 25% reserved. The written notice referred to in this paragraph shall be sent to \_\_\_\_\_, and unless otherwise shown, receipt shall be presumed to have occurred three (3) days after mailing. In order for any work to continue on the development or application, the Applicant shall, within a reasonable time, post an additional deposit to the account in an amount estimated to accomplish completion of the review and all necessary inspections. (But see N.J.S.A. 40:14A-43(d).)

Section 5. BOARD OF REVIEW

The designated Financial Officer of the EPSA shall review the vouchers submitted by the professionals to determine whether the services have been performed in the manner and to the degree required by this Agreement. Upon making a determination that said services have been performed properly, said official shall process said vouchers in the same manner and under the same terms as are normally employed for vouchers submitted for work performed on behalf of the EPSA. At the conclusion

of this processing, the amount specified in said vouchers shall be deducted by the escrow holder from the escrow established pursuant to this Agreement and EPSA Rules and Regulations.

Section 6. CONTEST OF REASONABLENESS

Applicant agrees that the reasonableness of any item of professional services fees or charge which is charged against this may be challenged by appropriate action brought within ten (10) business days from the date that the Applicant's escrow deposit balance is returned, or ten (10) days from the date that the applicant receives notice that additional payments are requested to pay charges and fees not covered by the escrow deposits. If the Applicant disputes any charges, then such items shall be specifically outlined in correspondence to the Chief Financial Officer of the EPSA. Said specifics shall include the specific dates, times and personnel in dispute. Thereafter, the EPSA Chief Financial Officer shall within a reasonable amount of time attempt to remediate any disputed charges.

Applicant understands and agrees that the aforesaid procedure shall be the sole and exclusive method of challenging the reasonableness of charges and fees and hereby waives any longer statute of limitations.

Section 7. COLLECTION

Should the Applicant fail to pay any sum required to be paid hereunder when due, the EPSA shall be entitled to pursue all remedies at law or equity. Interest shall

accrue at the rate of 18% per annum simple interest on all sums unpaid after the due date. The EPSA may collect reasonable attorneys, administrative and engineering fees, which shall not be less than \$300.00 and costs and expenses should litigation for the purpose of collecting any sum be commenced. The EPSA may collect reasonable attorneys' fees, administrative and engineering fees, costs and expenses it incurs for the purpose of collecting any sum.

Section 8. INTEREST ALLOCATIONS

Any and all interest which would result from or arise out of the deposits being made and held in escrow by the Applicant shall revert to the use and enjoyment of the escrow holder as compensation for the services rendered in connection with this Escrow Agreement, unless otherwise specified in Section 2 pertaining to the escrow funds exceeding \$5,000.00.

Section 9. GUARANTEE

In the event that the Applicant fails to comply with all of the terms and conditions of this Agreement, the EPSA is authorized to pursue all of the remedies established in Section 7 against the guarantors to this Agreement as if the guarantors were, in fact, the Applicant. The guarantors agree to be bound by all of the terms and conditions of the agreement. The Guarantors further agree to provide to the EPSA, at its discretion, sufficient financial information to assure the EPSA that the guarantors can satisfy the financial obligations of the Applicant should they be in

default. The guarantors shall be the principals, partners or corporate officers, as well as the spouses of the Applicant, or such other parties as the EPSA deems appropriate.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the date first written above.

\_\_\_\_\_  
Applicant

WITNESS:

\_\_\_\_\_

\_\_\_\_\_  
Address

**EDGEWATER PARK SEWERAGE AUTHORITY**

By: \_\_\_\_\_

WITNESS: \_\_\_\_\_

**ARTICLE IV**

**APPROVAL OF APPLICATION AND PLANS BY THE AUTHORITY**

Section 4.01. Review Of Proposed Application and Plans By Authority’s Solicitor And Engineer With Recommendations For Modifications As May Be Required; Final Approval Of Application and Plans By the Authority.

The Authority’s solicitor and engineer shall have the authority to review and recommend any modification or change to all proposed applications and plans. No application will be considered for final approval unless the applicant submits proof of approvals of pending applications for such approval from the Department of

Environmental Protection in the event its formal approval is required. The plans which are to be submitted with the “Application for Sewerage Service” shall be in accordance with and must comply in every respect to the rules and regulations of the Edgewater Park Sewerage Authority as well as the rules, regulations and specifications of any State or Federal agency having jurisdiction over sanitary sewer services.

## **ARTICLE V**

### **COMPLETION OF CONSTRUCTION**

Section 5.01. Completion Of Construction of Proposed Sanitary Sewer Improvements and Acceptance By The Authority With Whatever Conditions are Appropriate To The Particular Project.

- a. Notify the Authority as to when construction is to begin (per service agreement).
- b. Notify the Authority at least forty-eight (48) hours in advance as to when inspections may be made by the Authority's representative before work is covered. Failure to do so may require undue expenses on the part of the applicant to excavate for proper inspections to be made.
- c. Provide three (3) sets of "as-built" drawings (per service agreement); upon completion of construction when "as-built" drawings have been received and approved by the Authority's Engineer the Authority will notify the applicant that the performance bond will be released upon receipt of two (2) year maintenance bond in the amount equal to ten (10%) percent of the construction cost, for projects in excess of \$10,000.00 and in the amount of fifteen percent (15%) of the value of the work to be accepted or \$1,000.00, whichever is less, for projects less than \$10,000.00.

## **ARTICLE VI**

### **LATERAL REPLACEMENT**

Section 6.01. Lateral Replacement. A fee of Twenty-Five Dollars (\$25.00) shall be submitted with all S-5 applications, entitled "APPLICATION FOR SEWER CONNECTION PERMIT OR SEWER LATERAL REPLACEMENT APPROVAL TO BE USED ON A STREET WHERE A SEWER MAIN IS IN PLACE", to cover the cost of processing and inspecting replacement laterals.

## **ARTICLE VII**

### **DISPUTED BILL**

Section 7.01. Disputed Bill. The payment of any disputed bill, within the meaning of these rules, shall be made within thirty (30) days following presentation of the bill. Payment of any disputed bill which is withheld beyond the period herein mentioned shall be subject to penalty unless the dispute is terminated substantially in favor of the customer and payment on the agreed amount is made within ten (10) days thereafter.

## ARTICLE VIII

### DISCONTINUANCE OF SERVICE BY CUSTOMERS

Section 8.01. Discontinuance Of Service by Customers. Sewer service will not be considered a service subject to shut-off. Requests for discontinuance of sewer service will be permitted only in cases of demolition, fire, flooding, or by order of the Board of Health for vacation of the building serviced for health reasons. The owner will be responsible for the payment of sewer rental charge at the minimum charge as established by the Authority during the time the property or structure is vacant.

Section 8.02. Turnoff Without Authority Approval. The customer shall not turn off or disconnect or remove the sewage meter or permit its disconnection or removal without the written consent of the Authority.

Section 8.03. Due to Emergency. As necessity may arise in the event of breakdown, emergency, or for any other unavoidable cause, the Authority shall have the right to cut off the sewer service temporarily to make necessary repairs, connections, etc., but the Authority will use all reasonable and practical measures to notify the customer of such discontinuance of service. In such case, the Authority shall not be liable for any damage or inconvenience experienced by the customer; or any claim against it at any time for interruption in service. When the service is to be temporarily interrupted, notice will be given, when practicable, to all customers affected by the temporary interruption of service, stating the probable duration of the interruption, and the purpose of the interruption.

Section 8.04. Renewal Of Service After Discontinuance. Sewer service will be renewed, under a proper application, when the conditions under which such service was discontinued have been corrected, and upon the payment of all proper charges or amounts provided in the schedule of rates or rules of the Authority due from the applicant. If service is discontinued for any reason mentioned in Section 8.01 and the Owner refuses to pay the yearly sewerage fee during the period of discontinuation, the Authority will require that a new connection fee be paid.

## ARTICLE IX



## RESERVE CAPACITY

Section 9.01. Reserve Capacity. The Authority shall have the right to reserve sufficient capacity in its facilities to adequately collect and treat sewage from all existing and contracted customers. The Authority may further restrict or regulate the quantity of wastewater discharge by the customer in case of scarcity of capacity, or whenever the public welfare may so require.

## **ARTICLE X**

### **REPONSIBILITY FOR SERVICE**

Section 10.01. No Responsibility. It is agreed by the parties receiving service that the Authority does not assume any liability as insurer of property or person, and that the Authority does not guarantee any special service, capacity, or facility other than is permitted by the ordinary and changing operating conditions of the Authority, as the same exists from day to day. It is agreed by the parties receiving service that the Authority shall be free and exempt from any and all claims for injury to any persons or property by reason of failure to provide collection or treatment capacity.

## ARTICLE XI

### BILLS AND PAYMENTS

Section 11.01. Definitions. The following words, when used in this Code, shall be deemed to have the meanings herein specified:

House Connection. The sewer line running from a building to the property line and connecting with the service connection.

Person. Any person, firm, association, or corporation.

Service Connection. The sewer line extended from the property line to the main or lateral in the street.

Section 11.02. Places Of Payment. Bills are payable at any office or pay agency of the Authority.

Section 11.03. Bills Rendered and Due. Regular meter readings received from private water or sewage meters or from the public water agency will be used to compute sewer charges. Bills will be rendered as soon as practicable after the reading of the respective meters. All bills are due and payable on presentation or delivery. Only commercial properties are billed by water readings. Residential properties will be billed a flat fee.

All customers shall be notified, at least annually, in conjunction with a regular bill, of the portion of their bill which is attributable to plant operation and maintenance, including replacement.

Section 11.04. Time of Charges and Payments. The charges for the use of the sewerage system as established by the Authority shall cover a quarterly *t* period be due and payable on the last day of the first month of each quarter. In the case of a new installation or connection, the charge shall be due and payable in advance upon installation or connection, the charge shall be due and payable in advance upon the date of the making of such connection.

In the event of nonpayment of the service charges or rentals when due, such service charges shall bear interest from their due date at the rate of 1 1/2% per month after 30 days from the time when they become due and shall be and remain a lien on the premises which such sewer is connected in the same manner in which taxes are a lien on real estate, and the Authority shall have the same remedies for the enforcement of the lien of such service charges as the municipality has for the enforcement of the lien of taxes upon real estate. In the event of nonpayment of the service charges for a period of 30 days, the Authority may cause the sewer connection of such person to be disconnected, and such person may not again use the facilities of the system until the defaulting user pays all arrears, plus a new connection fee.

Section 11.05. Delinquent Bills. If a bill remains unpaid for a period of thirty (30) days after presentation, it shall be classified as delinquent and will be assessed a penalty equal to the maximum allowed by law. Payments made by mail will be credited on the date received. If a delinquent sewage bill remains outstanding for a period of time greater than one (1) year, the Authority shall proceed with the appropriate legal steps to recoup the delinquent payment by public tax sale.

Section 11.06. Violations and Penalties. Any person found to have violated an order of the Authority, or who will fully or negligently failed to comply with any provision of this chapter, shall be subject to all penalties allowed by law for each offense. For each violation of this chapter, the Authority may assess a monetary penalty of up to \$500 per offense. In addition to the penalties provided herein, the Authority may recover reasonable Authority's fees, court cost, and cost of litigation by appropriate suit at law against the person found to have violated the provisions of this chapter.

Section 11.05. Abatement. No abatement on meter bills will be made for leaks, or for water wasted by damaged fixtures.

Section 11.06. Fair share obligation payment. From time to time, the Authority may establish that, in addition to the rates, fees and charges established and set forth in this chapter, there shall be an additional fair share obligation payment. The fair share obligation payment shall be established by the Authority to offset the costs of capital improvements needed to increase the size/infrastructure

of the Authority's collection system due to the added wastewater proposed to be discharged by the developer (payer of the fair share obligation) in question.

Section 11.07. Professional escrows for sewer development. Any developer who has previously obtained from the Edgewater Park Township Planning/ Zoning Board an approval for either a minor or major subdivision or a final site plan approval and who proposes to construct a sewerage collection system on the lots or site plan shall, as previously required within this Code, submit to the Authority a comprehensive plan of the proposed sewerage development. In addition, the developer shall deposit with the Secretary of the Authority a professional escrow which shall be held by the Authority in an interest-bearing account in the name of the particular developer until the project is reviewed, inspected and deemed complete by the Authority's consulting professionals. The Authority will, on a monthly basis, provide to the developer who has established an escrow account an account statement as to the activity within the particular account during the preceding month. In the event, at any time during the course of the development, the initial amount established in the escrow account is deemed insufficient, the developer shall, within 15 days' notice, replenish the escrow in an amount established by the Authority to complete the necessary professional review. In the event that a sewer development escrow account is not replenished, the Authority's consulting professionals shall have no further obligation to review, inspect or approve a proposed sewer development. A sewer development escrow account shall be funded by the developer in accordance with the following escrow calculation formula: For any minor subdivision, the developer shall establish an initial escrow of \$100 per lot for the first 50 lots and \$50 per lot for each lot thereafter. For any approved site plan, the developer shall deposit with the Authority an initial escrow of \$5,000.

## **ARTICLE XII**

## MAIN EXTENSIONS

Section 12.01. General Provisions. Applications for new extensions and the determination of the time when such extension may be installed shall be granted, refused or fixed in the fair and reasonable exercise of the Authority's discretion, governed by the following standards uniformly applied to all applicants of each class hereinafter mentioned:

- A. The Authority shall consider whether or not the extension is necessary to discharge its prime purpose of relieving waters from pollution and reducing and abating the menace to the public health, resulting from such pollution, or otherwise necessary to protect the public health.
- B. It shall give weight to the relative urgency or necessity in such respect of the new extension compared to the urgency and necessity of extension compared to the urgency and necessity of extensions in other portions of the district then on the Authority's extension schedule in the event its funds are not sufficient to do both.
- C. It shall give weight to the economic and practical feasibility of providing the extension or providing it at the time requested in view of available funds, the cost of the extension in comparison with the revenue to be derived from it and the effect of any deficiency on the Authority's overall revenues; the adequacy of other means of sewerage disposal permitted and the number of persons to be benefited in comparison with the number to be benefited by the same cash outlay on its existing commitments when its revenue is insufficient to do both.
- D. The certainty and immediacy or speculative character of the need for the extension to the area or structures to be served, considering whether or not the structures are in existence or occupied or are to be constructed and occupied in the future.

The applicant shall be afforded a hearing and the Authority shall take testimony, recorded by a stenographer, in making its determination, based on the foregoing consideration.

The applicant shall be notified in writing of the Authority's decision, its findings and reasons for decision.

The Authority shall treat applications as of two (2) classes:

- (a) Class I Applications shall be those applications for extensions to serve existing structures with occupancy of permanent and established character.
- (b) Class II Applications shall be applications to serve structures not yet built or where erection or occupancy of the structures to be served is speculative and which includes new subdivisions, tracts of ground to be developed, new housing projects, industrial development or organized service districts and the like.

Section 12.02. Extensions To Serve Individuals. The Authority may, depending upon its financial ability, extend its mains to serve new bona fide customers, at its own expense, other than to serve subdivisions, tracts, housing projects, industrial developments or organized service districts, when the required total length of main extension from the nearest sanitary sewer main is not in excess of sixty-five feet (65') per service connection applied for, the applicant or applicants for such service shall be required to advance to the Authority, before construction is commenced, that portion of the reasonable estimated reasonable cost of sixty five feet (65') of the main extension per service connection, including the cost of service connections and the cost of increasing the size or capacity of the Authority's existing mains, or any other facilities used or necessary for supplying the proposed extension.

Section 12.03. Extensions To Serve Subdivisions, Tracts, Housing Projects, Industrial Developments or Organized Service Districts. An applicant for main extensions to serve a new subdivision, tract, housing project, industrial development or organized service district shall be required to advance to the Authority, before construction is commenced, the estimated reasonable cost of installation of the

mains, from the nearest existing main at least equal in size to the main required to serve such development, including necessary service stubs or service pipelines, fittings, valves and housings therefore, manholes and other appurtenances.

If, in the opinion of the Authority, additional facilities are required specifically to provide additional treatment or collection capacity, as a result of the service requested, the cost of such facilities may be included in the advance.

The money so advanced will be subject to refund by the Authority, without interest, to the party or parties entitled thereto to the extent that the advance exceeds the actual cost of construction, engineering, legal and contingencies.

The Authority may, at its option, permit the developer to contract directly for the performance of all work by reliable established contractors. Prior to the commencement of work, the names of all contractors and subcontractors to be employed must be approved by the Authority and a performance bond posted in the full amount of the Authority Engineer's estimate of cost. After the completion of all work and prior to the acceptance of lines and appurtenances by the Authority, the developer shall reimburse the Authority for all legal and engineering fees charged by its consultants in the preparation of contracts, bonds, plans, specifications, supervision, resident inspection, and all work incidental to the construction engaged in by the developer.

Section 12.04. Recapture. The sum so advanced shall be repaid by the Authority out of annual sewerage service revenue derived from the extension at the rate of one-third (1/3) of the gross annual revenue until the sum advanced is repaid or until ten (10) years have elapsed from completion, whichever first occurs.

Section 12.05. Complaints. Complaints with respect to the character of the service furnished, or the reading of the meters or of the bills rendered, must be made at the Authority's office either orally, or in writing, and a record of such complaint will be kept by the Authority, noting the name and address of the complainant, the date, the nature of the complaint, and the remedy.

Section 12.06. Reasonable Access. The properly identified authorized agents of the Authority shall have the right of access to the premises served, at all reasonable hours, for the purposes of reading meters, examining fixtures and pipes, observing



the manner of use and discharge of water, and for any other purpose which is proper and necessary in the conduct of the Authority's business.

Section 12.07. Prohibited Acts. No plumber, owner, tenant or other unauthorized person shall disconnect or remove the sewer connection without the written consent of the Authority.

Section 12.08. No Oral Agreements: No agent or employee of the Authority has authorization to bind it by any promise, agreement or representation not provided for in these rules. The Authority reserves the right to change, take from or add to the foregoing rules and regulations.

Section 12.09. Damage Claims. In all contracts for general or special sewer service, it is expressly understood and agreed that no claims will be made against the Authority for damage to life or property, by reason of the breaking of any service pipe or appliance within the customer's premises, unless caused by the negligence of the Authority or its employees, nor for any damage done due to the failure of the sewerage capacity for any cause beyond the Authority's control.

No service will be furnished to any premises where any possibility exists of the mingling of storm water and sanitary waste; nor will the Authority permit its mains or service pipes to be connected in any way to any piping, tank or other apparatus containing liquids, chemical, or any other matter which may flow back into the Authority's service pipes or mains, and consequently endanger the treatment process or the condition of the Authority's equipment.

Section 12.10. Changing Of Rules and Regulations. The Authority reserves the right to change or amend, from time to time, these rules and regulations, and the rates for sewer service.

## ARTICLE XIII

### CONNECTION AND CONNECTION FEES

Section 13.01. Mandatory Connections. Whenever a sewer line is made available to an improved property by the Authority, a hook-up shall be made by the property owner within a period of ninety (90) days from the date that the line is installed and placed in operation.

Mandatory hook-up or connection and payment of the fees shall be paid in accordance with the connection fee schedule within the above specified time unless application for waiver is made to the Authority prior to the time limitations set forth in above. The Authority shall consider the waiver and advise the property owner within thirty (30) days of receipt of the request. The Authority shall provide the appropriate forms for a waiver at the Authority office.

For the purposes of this section, made available, shall mean the availability of a gravity main in any public road or public easement fronting any of the sides of a building lot or within sixty-five feet (65') of any point of their property.

Section 13.02. Connection Fees. New connections to existing sewer mains will be at the expense of the Applicant, including tapping (if approved by the Authority), fittings, pipe, labor and related materials. New laterals from the main to the curb line shall be installed by a licensed plumber at the expense of the property owner. The Authority will inspect all sewer connections prior to any backfilling, otherwise inspection will not be provided and any facilities not inspected will be removed at the property owner's expense. Connections to the sewer mains from the main to the building shall be maintained by the property owner, including the curb vent. Any work performed on any portion of the lateral between the main and the building served or to be served shall be performed by a New Jersey licensed plumber who shall provide a bond or certified check in the amount set forth by the Authority guaranteeing any defects in materials and workmanship. All road opening permits shall be secured as required from the state, county or township. In the event that a building is considered for abandonment or demolition, the Authority will require a proper application to be submitted setting forth the method

of disconnecting lines in accordance with Authority specifications. This work will be at the property owner's expense.

Connections to the existing sanitary sewer, unless otherwise approved by the Authority, shall be made with saddles or wyes. Under no condition will projections be permitted inside the main. Where the size of the connection is eight inches or more, a manhole will be required.

Connections made below groundwater shall be inspected by the Authority, and the inspection shall be continuous at the expense of the owner. There shall be no direct payment made for this inspection service for the first four hours, if made during regular work hours of the Authority. Thereafter, the rate shall be \$20 per hour up to the normal end of the working day for the Authority, and at a rate of 1 1/2 times that for any time thereafter, paid for by the plumber.

No plumber or any other person shall perform any work on any sewer or connection without the consent of the Authority or its authorized representative. The plumber or other person, prior to commencing any work on the connection between the main and the applicant's building, shall submit an application on a form prescribed by the Authority. If the application in the Authority's opinion is satisfactory, a permit will be issued. There shall be a fee of \$50 per lateral for the permit for residential and commercial connections. Industrial connection shall pay the permit fee as required by the Authority, and as may be amended or supplemented from time to time.

Any person proposing to add a sewer extension or lateral to connection to the Authority's collection system shall design the same in accordance with the provisions of N.J.A.C. 5:21 et seq and the Authority's Master Plan. The proposed sewer extension or lateral plan proposed shall be subject to an application review and approval by the Authority and any and all other controlling governmental boards or bodies having jurisdiction over the same.

The initial fees for the right to connect directly or indirectly to the Authority's sanitary sewerage system shall include a connection charge or fee per unit, as well as fees for application, review, and inspection of work to be accomplished by the applicant in keeping with the Authority's Rules and Regulations. Connection fees and other related fees are listed in Article III, entitled fees.

Section 13.03. Condominiums. In cases of condominium ownership, each unit, whether residential or other than residential, shall be considered as separate entities for connection fee purposes.

Section 13.04. Time of Connection. Any connection must be made within one (1) month of the date the fee is paid and permit issued. The permit will become void at that time but can be renewed for additional periods of one (1) month each upon payment of any increase in the amount of the connection fee over the fee paid at the time of the issuance of the original permit and compliance with any change in the regulations governing connections.

Section 13.05. Size And Kind of Service Lateral. The Authority reserves the right to determine the size and kind of service lateral from the main to the curb line, from the curb line to the property or building(s) to be served, or from the main in a right-of-way to the property or building(s) to be served. Laterals of all sizes from the main to the curb line shall be constructed of ductile iron soil pipe, or PVC sewer pipe. Ductile iron soil pipe, PVC sewer pipe, or clay sewer pipe may be used on the owner's property. Each material specified must meet designated specifications to the satisfaction of the Authority. Special attention must be given to level and quality of trench base to prevent dips in the line.

The service lateral from the curb to the property, including the sewer vent, shall be furnished, installed, and shall be laid in a straight line from the point of connection to the main where the main is in a right-of-way from the end of the Authority-constructed service lateral to the structure to be served, and shall have a cleanout at least every 75 feet and at all bends. All lines must be in a good workmanlike manner and laid to the proper grad. All portions of the service lateral and sewer vent installed are to be maintained by the property owner.

The vent shall be a vertical riser and cap to be located no less than one foot and no more than four feet from the property line toward the structure to be served.

Section 13.06. Separate Trench. No service lateral shall be laid in the same trench with any gas pipe, water service, or any other facility of any public service company, nor within three feet (3') of any open excavation, vault, meter pit; nor shall the location be in conflict with any sidewalk or driveway. All service shall comply with the latest rules and regulations of the State of New Jersey Department of Environmental Protection.

Section 13.07. Renewal Of Service Lateral. Where the renewal of the service lateral from the main to the structure is found to be necessary, the Owner will renew the service in the location as previously used unless approved by the Authority.

Section 13.08. Maintenance By Customer. All connections, service laterals, sewer vents and fixtures furnished shall be maintained by the customer in good order and all piping and connections furnished and owned by the Authority and on the property of the customer shall be protected properly and cared for by the customer. All leaks in the service lateral or any other pipe fixture in or upon the premises served must be repaired immediately by the owner or occupant of the premises. The customer shall be responsible for acquiring a permit and notifying the Authority of the party engaged by said customer to do any maintenance work in the customer's service lateral prior to work being commenced, and said party shall not backfill any trench until the work has been inspected and approved by the Authority's representative. Any work not acceptable shall be immediately removed and replaced by work which is acceptable. All laterals shall be maintained by the customer/property owner.

Section 13.09. Authority Not Responsible. The Authority shall in no way be responsible for maintaining any portion of the service lateral or for damage done by sewage escaping therefrom; and the customer shall at all times comply with applicable municipal regulation with respect thereto, and make changes therein, required by reason of changes of grade, relocation of mains or otherwise.

Section 13.10. Property Served by Single Service Lateral. A service lateral shall not serve more than one property, but any such property, upon proper application of the Owner, may be served by two or more service laterals, each of which, for billing purposes, shall be considered as being one customer account.

Section 13.11. Single Service Lateral with Two Or More Customers. Where two or more customers are now served through a single service lateral, any violation of the rules of the Authority, with respect to either or any of said customers, shall be deemed a violation as to all, and unless said violation is corrected after reasonable notice, the Authority may take such action as may be taken for a single customer, except that such action will not be taken until an innocent customer, who has not violated the Authority's rules, has been given a reasonable opportunity to connect his pipe to a separately controlled service lateral.

Section 13.12. Prohibited Connections. Under no circumstances will any of the following be connected to the sanitary sewers, either directly or indirectly:

- A. Foundation underdrains;
- B. Floor drain, area drain or yard drain;
- C. Rain conductor or downspout;
- D. Grease pit;
- E. Air conditioning equipment, except condensate air conditioning equipment units less than 1 ½ tons' capacity;
- F. Storm water inlets or catch basins;
- G. Drains from a piece of equipment or manufacturing process, except when specifically authorized under the provisions of these rules and regulations;
- H. Sump pump discharges.

Section 13.13. Grease Traps. Grease traps shall be provided at apartment complexes or buildings larger than 4 units, motels, cafeterias, restaurants, hospitals, schools convenience stores and other institutions having large volumes of kitchen wastewaters. Grease traps shall be located as close to the source of the wastewater as possible. Grease traps shall be sized as follows:

1. Restaurants

Size of grease trap (1) =  $D \times GL \times ST \times 2 \times \underline{HR} \times LF$

Where D = Number of seats in the dining area

GL = Gallons of wastewater per meal, 5 gallons

ST = Storage capacity factor = 2.5

HR = Number of hours open

LF = Loading factor, 1.25 interstate freeway

1.00 other freeway

1.00 recreational area

0.80 main highway

0.50 other highway

## 2. Hospitals, Nursing Homes, Other Commercial Kitchens With Varied Seating Capacity

Size of grease traps (1) =  $M \times GL \times ST \times 2.5 \times LF$

Where M = Meals per day

GL = Gallons of wastewater per meal; 4.5 gallons

ST = Storage capacity factor = 2.5

LF = Loading factor; 1.25 garbage disposal and dishwasher

1.00 dishwasher only

0.75 garbage disposal only

0.50 no dishwasher or garbage disposal

(1) Minimum size grease trap = 750 gallons

Grease trap specifications for all other establishments shall be outlined by the Authority engineer for proper compliance.

The grease trap shall be cleaned after seventy-five percent (75%) of the unit's grease retention capacity has been reached, where grease retention capacity is defined as the amount of grease (pounds) that the trap can hold before its average efficiency drops below ninety percent (90%).

Section 13.14. Special Connections. Service laterals to public buildings, churches, apartment houses, commercial establishments and industrial establishments shall be installed to conform to detailed plans and specifications as approved by the Authority applicant must submit five (5) copies of said plans. Plans must be two (2) feet by three (3) feet, and a scale no less than one (1) inch equals 100 feet.

Section 13.15. Special Precautions In Wet Ground. Where groundwater is normally above the invert elevation of the service lateral, "Tyton" joints, or approved equal, shall be used in construction of service laterals. Where the bottom is soft and yields, the Authority reserves the right to require that the service be laid in six (6) inches of  $\frac{3}{4}$ " stone based to 12" above the top of pipe. Junctions of two different types of pipe shall, at the option of the Authority, be required to use an approved transition coupling as approved by the Authority as part of a shop drawing submittal.

Section 13.16. Backwater Valves. The following provisions regarding backwater valves are from the National Plumbing Code and are required for all connections to the Authority's system:

Where Required. a. Fixtures and/or drain inlets subject to backflow and flooding from blocked or restricted public sewers shall be protected by a backwater valve. Such situations include those where fixtures and/or drains are located above the crown level of the public sewer at the point of connection thereto, but are below the level of the curb at the point where the building sewer crosses under the curb at the property line. b. Backwater valves shall be installed in branches of the drainage system which receive flow only from fixtures and/or drains subject to backflow from the public sewer. Other portions of the drainage system not subject to backflow shall drain directly to the public sewer.



Material Standard and Accessibility. Backwater valves shall conform to the standard listed in Section 702 of the International Plumbing Code and shall be installed so that their internal working parts are accessible for periodic cleaning, repair or replacement.

Section 13.17. Pipe specifications.

Type: polyvinyl chloride sewer pipe and fittings.

Materials. Polyvinyl Chloride Pipe (PVC) pipe and fittings shall be circular plastic gravity sewer pipe, type PSM SDR-35 in accordance with ASTM D3034. Pipes shall be furnished in maximum lengths of 20 feet. Joints for PVC sewer pipe shall be bell and spigot formed in pipe sections with elastomeric seals, in accordance with ASTM D3212. Installation shall be made in strict accordance with the manufacturer's manual and recommendations. Before material will be permitted to be used, the manufacturer's manual, describing the material and method of installation, must be filed with the Authority for approval.

Type: ductile iron sewer pipe.

Pipe shall be centrifugally cast metal or sand lined molds to ANSI/AWWA C151/A21.11 or flanged joints that comply with ANSI/AWWA CI 15/A21.15. Pipe shall be a minimum of Class 50. The outside diameter of the pipe shall be coated with a uniform thickness of hot applied asphalt coating. The inside of the pipe shall be epoxy lined "Protecto 401" to protect the interior from hydrogen sulfide corrosion.

Section 13.18 Compliance with manufacturer's manual required.

Installations must be made in strict accordance with manufacturer's manual. Before material will be permitted to be used, the manufacturer's manual, describing material and method of installation, must be filed with the Authority for approval.

Section 13.19 Sewer Main Construction. In the case of sewer main extensions, the Applicant or their designated contractor shall be responsible for all construction which shall be subject to inspection by the Authority Engineer or their representative.

- A. After installations, sanitary sewer infiltration tests shall be made. An air test of 3.5 PSI for 5 minutes shall be conducted, with an allowable loss of .5 PSI in the 5 minute time frame. The tests shall be made between

manholes on the sewer main and all related pipe, and fittings. Any and all leaks will be repaired by the Applicant or their Contractor at their own expense.

- B. The sewer main shall be checked to verify straightness and consisted diameter by either a “go-no-go” mandril or lamping from manhole to manhole. This shall be performed by the Contractor and witnessed by the Engineer or their representative. Any and deflection in the sewer mains deemed unacceptable by the Engineer or their representative, shall be repaired by the Applicant or their Contractor at their own expense.
- C. Full as-built drawings of the sewer extension shall be submitted to the Engineer for review and approval and if deemed acceptable inclusion in the Authority’s record.
- D. The cleaning and televising of the sanitary sewer lines of a development, with video and written reports submitted for review and determination of acceptance by an authorized Authority representative, is required, at the sole cost of the developer, at the time of the transfer from performance bond to maintenance bond and prior to the acceptance of the line.

## **ARTICLE XIV**

### **NON-DOMESTIC, INDUSTRIAL, AND HAZARDOUS WASTES**

Section 14.01. Purpose. This Article sets forth uniform requirements for dischargers into the wastewater collection and treatment system (POTW) and enables the Authority to comply with all applicable state and federal laws required by the Clean Water Act of 1977 as amended and the General Pretreatment Regulations contained in (40 CFR403).

- A. The objectives of this section are to:
  - I) Prevent the introduction of pollutants into the municipal wastewater collection and treatment system (POTW), which will interfere with the operation of the POTW or contaminate the resulting sludge.

- 2) Prevent the introduction of pollutants into the POTW, which will pass through the municipal wastewater treatment system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system.
  - 3) Improve the opportunity to recycle and reclaim wash waters and sludge from the system.
  - 4) Provide for the equitable distribution of the cost to operate and maintain POTW.
  - 5) Prevent the discharge of wastes that could injure or kill the public or Authority personnel.
- B. This Article provides for the regulation of direct and indirect dischargers to the POTW through the issuance of permits to certain non-domestic users and through enforcement of general requirements for all other users, authorizes monitoring and enforcement activities, requires user reporting and provides for fees for the equitable distribution of the costs resulting from the program established herein.
- C. This Article shall apply to all persons who discharge to or utilize the Authority's POTW.

Section 14.02. Definitions and word usage.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Article, shall have the meanings hereinafter designated:

**ACT or THE ACT**

The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, 33 U.S.C. § 1251 et seq.

### **APPROVAL AUTHORITY**

The Director of the New Jersey Department of Environmental Protection, Division of Water Resources or his/her authorized representatives.

### **AUTHORITY**

The Edgewater Park Sewerage Authority or its authorized representative(s).

### **AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER**

- 4) A principal executive officer of at least the level of vice president, if the industrial user is a corporation.
- 5) A general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively.
- 6) 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.

### **BASELINE MONITORING REPORT**

Shall refer to the report required in 40 CFR Part 403.12, to be submitted by all industrial users subject to national categorical pretreatment standards.

### **BIOCHEMICAL OXYGEN DEMAND (BOD)**

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure five days at 20° C., expressed in terms of weight and concentration [milligrams per liter (mg/l)].

## **BUILDING SEWER**

A pipe conveying wastewater from the structure or premises of a user to the POTW.

## **CATEGORICAL INDUSTRIAL USER**

Any industrial user subject to a national categorical pretreatment standard.

## **CATEGORICAL STANDARDS**

See "National Categorical Pretreatment Standards" or "Pretreatment Standard."

## **COMMISSIONER**

The Commissioner of the Department of Environmental Protection or his/her authorized representatives.

## **COMPATIBLE POLLUTANT**

Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria and such additional pollutants as are now or may be in the future specified and controlled in the receiving Authority's NJPDES permit, where the POTW is designed to treat such pollutants and, in fact, does treat such pollutants to the degree required by the NJPDES permit.

## **COMPOSITE SAMPLE**

Shall mean a sample consisting of a combination of individual samples that are either time- or flow-proportioned or both, obtained at regular intervals over a period of time and shall reasonably reflect the actual wastewater or waste discharge conditions for that period of time.

### **CONTROL AUTHORITY**

Refers to the approval Authority defined hereinabove; or the Authority if it has an approved pretreatment program under the provisions of 40 CFR 403.1 l.

### **COOLING WATER**

Any water used for the purpose of carrying away excess heat and which may contain biocides used to control biological growth.

### **COLOR**

Color of a waste shall mean the color of the light transmitted by the waste solution after removing the suspended material, including the pseudocolloidal particles.

### **DEPARTMENT**

The New Jersey Department of Environmental Protection.

### **DIRECT DISCHARGE**

The discharge of treated or untreated wastewater directly to the waters of the State of New Jersey.

### **DISSOLVED SOLIDS**

Shall mean that concentration of matter in a waste consisting of colloidal particulate matter, and both organic and inorganic molecules and ions present in solution that pass through a standard filter according to the approved procedures outlined in 40 CFR Part 136 or amendments thereto, or outlined in any other procedure approved by EPA.

## **DOMESTIC USER**

Any connected user discharging only sanitary sewage, typically discharged from residential dwellings.

## **DOMESTIC WASTEWATER**

The liquid waste or liquid-borne waste resulting from the noncommercial preparation, cooking and handling of food and/or consisting of human excrement and similar wastes from sanitary conveniences and wash water. This discharge shall not exceed an average daily total suspended solids concentration of two hundred fifty (250) milligrams per liter (mg/L) and an average daily BOD concentration of two hundred fifty (250) milligrams per liter (mg/L).

## **EPA**

The United States Environmental Protection Agency.

## **GARBAGE**

Solid wastes from the domestic and commercial preparation, cooking,

dispensing, handling, storage and/or sale of food.

## **GRAB SAMPLE**

A sample that is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

## **HOLDING TANK WASTE**

Any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump trucks.

### **INCOMPATIBLE POLLUTANT**

Any pollutant which is not a compatible pollutant, as defined in this section.

### **INDIRECT DISCHARGE**

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. § 131 7) into the POTW, including holding tank waste discharged into the collection system.

### **INDUSTRIAL USER**

A source of discharge which does not constitute a discharge of pollutants under regulations issued pursuant to Section 402 of the Act (33 U.S.C. § 1342). Typically, a nondomestic discharger.

### **INTERFERENCE**

- 1) Inhibiting or disrupting a domestic POTW or its treatment process or operation so as to contribute to or cause a violation of any condition of a state or federal permit under which the POTW operates.
- 2) Discharging industrial process wastewater which, in combination with existing domestic flows is of such volume and/or strength as to exceed the treatment process design capacity.



- 3) Preventing the use or disposal of sludge produced by the POTW in accordance with Section 405 of the Federal Clean Water Act of 1977 (33 U.S.C. § 1251 et seq.) and the New Jersey Guidelines for the Utilization and Disposal of Municipal and Industrial Sludge 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. § 3251 et seq.), the Federal Clean Air Act (42 U.S.C. § 7401 et seq.) and the Federal Toxic Substances Control Act (15 U.S.C. § 2601 et seq.).
- 4) Pursuant to 40 CFR 403.3(h), pollutants in the effluent from an industrial user shall not be considered to cause "interference" where the industrial user is in compliance with specific prohibitions or standards developed by federal, state or local governments.

**NATIONAL CATEGORICAL PRETREATMENT  
STANDARD or PRETREATMENT STANDARD**

Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1347) which applies to a specific category of industrial users.

**NEW JERSEY POLLUTANT DISCHARGE ELIMINATION  
SYSTEM (NJPDES)**

The New Jersey system for the issuing, modifying, Suspending, revoking and reissuing, terminating, monitoring and enforcing of discharge permits pursuant to the state act. The term also includes discharge permits (NPDES) issued pursuant to Section 402 of the Clean Water Act of 1977 (33 U.S.C. § 1251 et seq.).

**NEW SOURCE**

Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. § 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a "new source" means any source, the construction of which is commenced after the date of promulgation of the standard.

### **OBJECTIONABLE WASTE**

Any wastes that can, in the Authority's judgment: harm either the sewer system or treatment plant process or equipment; have an adverse effect on the receiving stream; endanger life, health or property; or which constitutes a public nuisance.

### **PERSON**

Any 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.

### **pH**

The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions in grams 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.

### **POLLUTANT**

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.

### **PRETREATMENT or TREATMENT**

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 process wastewater prior to discharging such wastewater into the POTW.

### **PRETREATMENT STANDARDS**

All applicable federal or state rules and regulations implementing Section 307 of the Clean Water Act of 1977 (33 U.S.C. § 1251 et seq.) or N.J.S.A. 58:11-49, as well as any non-conflicting state or local standards. In cases of conflicting standards or regulations, the more stringent thereof shall be applied.

### **PUBLICLY OWNED TREATMENT WORKS (POTW)**

A POTW, as defined by Section 212 of the Act (33 U.S.C. § 1292), which is owned in this instance by the receiving Authority. For the purposes of this Section, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the Authority who are by contract or agreement with the Authority are users of the POTW.

### **REGIONAL ADMINISTRATOR**

The Administrator of Region II of the United States Environmental Protection Agency or his/her authorized representative.

### **SIGNIFICANT INDUSTRIAL USER**

Any user who discharges into the Authority and ultimately the receiving Authority POTW works industrial process wastewater which either:

- I) Exceeds 25,000 gallons per day;
- 2) Exceeds the mass equivalent of 25,000 gallons per day of domestic waste of the Authority and ultimately the receiving Authority POTW based on its design values as filed with the Department for any one of the following parameters: BOD, COD or suspended solids;
- 3) Exceeds 5% of the **average** daily flow of the POTW; or
- 4) Contributes 5% or more of the daily mass loading of any of the pollutants listed that are entering the receiving Authority POTW. BOD, COD and suspended solids are defined in the latest edition of Standard Methods for the Examination of Water and Wastewater. Where the design values for BOD, COD or suspended solids have not been filed with the Department, the POTW may use the influent BOD, COD or suspended solids for the purpose of these calculations.

### **STANDARD INDUSTRIAL CLASSIFICATION (SIQ)**

A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

### **STATE**

The State of New Jersey.

### **STATE ACT**

The New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.

## **STORMWATER**

Any flow occurring during or immediately following any form of natural precipitation and resulting there from.

## **SUSPENDED SOLIDS**

The total non-filterable residue, as defined in the latest edition of Standard

Methods for the Examination of Water and Wastewater.

## **TOXIC POLLUTANT**

Those pollutants or combinations of pollutants, including diseasecausing agents, which, after discharge into the environment in sufficient quantities and upon exposure, ingestion, inhalation or assimilation into any organism, either directly or indirectly by ingestion through food chains, will, on the basis of information available to the Commissioner, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformation in such organisms of their offspring.

## **TREATMENT WORKS**

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 intercepting sewers, outfall sewers, sewage collection systems, cooling towers and ponds, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply, such as standby treatment units and clear well facilities; any other works, including sites for the treatment process 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 stormwater runoff, or industrial waste in combined or separate stormwater and sanitary sewer systems.

### **TREATMENT PLANT**

That portion of the POTW designed to provide treatment to wastewater.

### **UNPOLLUTED WATER**

Water not containing any pollutants limited or prohibited by the effluent standard in effect and/or water whose discharge will not cause any violation of receiving water quality standards or interference with their designated uses.

Any person, who discharges, causes or permits the discharge of industrial process wastewater into the POTW.

### **USER CLASSIFICATION**

A classification of users based on the 1972 (or subsequent) Edition of the Standard Industrial Classification (SIC) Manual prepared by the Federal Office of Management and Budget.

### **WASTEWATER**

The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is discharged into or permitted to enter the POTW.

### **WASTEWATER DISCHARGE**

The release of wastewater from the premises or dwelling of the user into the POTW.

Terms not otherwise defined herein shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation; the Federal Guidelines for State and Local Pretreatment Programs, EPA-43 0/9-76-01 7a, Volume 1, 1977, or the latest revision thereof; the Clean Water Act; N.J.S.A. 58:IOA-1 et seq.; or N.J.S.A. 58-11-49 et seq., 1972.

Section 14.03. Abbreviations.

The following abbreviations shall have the designated meanings:

BOD - Biochemical oxygen demand.

CFR- Code of Federal Regulations  
COD - Chemical oxygen demand. EPA - Environmental Protection Agency. l- Liter. mg - Milligrams. mg/l - Milligrams per liter.

N.J.A.C. - New Jersey Administrative Code.

NJPDES - New Jersey Pollutant Discharge Elimination System.

N.J.S.A - New Jersey Statutes Annotated.

NPDES - National Pollutant Discharge Elimination System.

SIC - Standard industrial classification.

TSS - Total suspended solids.

USC - United States Code.

Section 14.04. General discharge prohibitions

- A. No user shall be discharge or cause to be discharged, directly or indirectly, any pollutants or wastewater that will interfere with the operation or performance of the receiving Authority POTW. These general prohibitions apply to all such users of the receiving Authority POTW, whether or not the user is subject to the national categorical pretreatment standards or any other national, state or local pretreatment standard or requirements.

A user may not discharge the following substances to the receiving Authority POTW:

1 and grease, including petroleum and animal/vegetable oil

Oil and grease from industrial facilities in concentrations or amounts violating pretreatment standards (100 mg per liter for unknown or petroleum based wastes) or (200 mg per liter for animal or vegetable based wastes); this includes petroleum based hydrocarbons as determined by silica gel absorption. In addition, discharge of petroleum oil, non- biodegradable cutting oil, or products of mineral oil origin in amounts causing interference or pass through at the treatment plant is prohibited.

Wastewater from industrial facilities containing floatable fats, wax, grease or oil.

No person shall discharge to the public sanitary sewage system any grease, oils or grease interceptor wastes capable of being disposed of by any means other than discharge into the public sanitary sewage system, except under such conditions as may be authorized in a permit issued by the Authority pursuant to this resolution. Total fats, wax, grease or oil concentration of more than 100 mg/l, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between thirtytwo degrees and one hundred fifty degrees Fahrenheit (32° and 150° F.) [Zero degrees and sixty-five degrees Celsius (0° and 65° C.)] at the point of discharge into the receiving Authority POTW.

Grease, Oil, and Sand Separators

Grease, oil and sand interceptors or retainers shall be installed by the user at his own expense when, in the opinion of the Authority and ultimately the receiving Authority, such are necessary for the



proper handling of liquid wastes containing grease, oil or sand in excessive amounts, and of such other harmful ingredients. Such interceptors shall be of a type and capacity approved by the Authority and ultimately the receiving Authority and shall be located as to be readily and easily accessible for cleaning by the user and for inspection by the Authority and ultimately the receiving Authority.

#### Interceptor or Retainer Maintenance

Where installed, all grease, oil and sand interceptors shall be maintained by the user in accordance with the manufacturer's recommendations, at the owner's expense, and shall be kept in continuous and efficient operation at all times.

#### 2) Explosive and/or Flammable Mixtures.

Liquids, solids or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the Authority and ultimately the receiving Authority POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the Authority and ultimately the receiving Authority POTW, be more than 5% nor any single reading over 10% of the lower explosive limit (LEL) of the meter. Such materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

#### 3) Noxious Material

Pollutants which, either singly or by interaction with other wastes, are malodorous, are capable of creating a public nuisance or hazard to life or health or are present in sufficient concentrations to prevent entry into the Authority and ultimately the receiving Authority POTW for its maintenance and repair.

4) Improperly Shredded Garbage.

The discharge of any improperly shredded garbage by any user is prohibited. Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the Authority and ultimately the receiving Authority POTW and no particles greater than one-half ( 1/2) inch in any dimension;

5) Radioactive wastes.

Radioactive wastes of any type and in any concentration.

6) Solid or Viscous Wastes.

Solid or viscous wastes which will or may cause obstruction to the flow in a sewer or otherwise interfere with the proper operation of the Authority and ultimately the receiving Authority POTW. Prohibited materials include, but are not limited to, grease, improperly shredded garbage, animal tissues, diseased human organs or tissue fluids, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil and similar substances.

7) Excessive Discharges.

Any substance that will cause the Authority and ultimately the receiving Authority POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the Authority and ultimately the receiving Authority POTW. In no case shall a slug load have a flow rate or contain a concentration or qualities of pollutants that exceed, for any time

period longer than 15 minutes, more than five times the average twenty-four-hour concentration, quantities or flow during normal operation. Any wastewater that causes a hazard to human life or creates a public nuisance.

8) Toxic Pollutants.

Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the Authority and ultimately the receiving Authority POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.

9) Stormwater

Discharge of stormwater, including surface and ground water from sump pumps, cellar drains and roof downspouts or similar sources into the Authority and ultimately the receiving Authority POTW.

10) Discolored Materials

Wastes with color not removable by the Authority and ultimately the receiving Authority POTW, and all wastes containing more than 100 APUH color units.

11) Substances Interfering With Sludge Reuse.

Any substance which may cause the receiving Authority POTW's sludge to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the Authority and ultimately the receiving Authority POTW cause the receiving Authority POTW to be in

noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste

Disposal Act, the 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.

12) Corrosive Wastes

Any waste which will cause corrosion or deterioration of the Authority and ultimately the receiving Authority POTW. All wastes discharged to the receiving Authority POTW must have a pH value in the range of (5.0) to (9.0) standard units. Prohibited materials include, but are not limited to, acids, alkalies, sulfides, concentrated chloride and fluoride compounds and substances which will react with water to form acidic or alkaline products.

13) Heat.

Heat in amounts which will inhibit biological activity in the Authority and ultimately the receiving Authority POTW, resulting in interference or causing damage, but in no case heat in such quantities that the discharge temperature exceeds 65° C. (150° F.).

14) Odorous Gases

Wastes containing more than 10 mg per liter of hydrogen sulfide, sulfur dioxide or nitrous oxide as determined by the method referenced in 40 CFR part 136 and amendments thereto or any method approved by EPA.

B. When the Authority determines that a user(s) is contributing to the Authority and ultimately the receiving Authority POTW any

of the above-enumerated substances in such amounts as to interfere with the operation of the Authority and ultimately the receiving Authority POTW, the Authority and ultimately the receiving Authority shall advise the user(s) of the impact of the discharge on the Authority and ultimately the receiving Authority POTW, develop effluent limitation(s) for such user to correct the interference with the Authority and ultimately the receiving Authority POTW and advise the user or companies  
AUTHORIZED REPRESENTATIVE OF INDUSTRIAL  
USER of the users violation.

Section 14.05. Federal and State Requirements.

- a) Primacy of State and Federal Requirements. Nothing in this section shall be construed to provide lesser discharge standards than are presently or may hereafter be imposed and required by the EPA or DEP.
- b) National Categorical Pretreatment Standards. The National Categorical Pretreatment Standards, as defined in Section 1.2 (relating to definitions) and promulgated by the EPA as of May 9, 1994, and the National Prohibitive Discharge Standards, as defined in Section 14.02 and promulgated by the EPA as of May 9, 1994, are specifically incorporated herein by reference. A National Categorical Pretreatment Standard or a National Prohibitive Discharge Standard and Pretreatment Standard, as defined in Section 1.2, and promulgated by the EPA subsequent to May 9, 1994 is specifically incorporated by reference upon publication in the Federal Register as final rulemaking. Any EPA standard as defined above which is more stringent than that imposed under this resolution shall immediately supersede the less stringent requirement upon incorporation by reference as provided herein.
- c) New Jersey State Standards. Upon the promulgation of any New Jersey (DEP) standards or requirements, the DEP standards or requirements shall immediately supersede the limitations imposed under this resolution if the DEP standards are more

stringent than federal limitations or requirements or the limitations and requirements imposed under this resolution.

- d) All dischargers proposing to discharge more than 25,000 gallons per day must obtain a permit from the New Jersey DEP.

Section 14.06. Stricter Federal Standards to Apply: Notification of Users.

Upon the effective date of the federal categorical pretreatment standard for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this Section for sources in that subcategory, shall immediately supersede the limitations imposed under this Section. The Authority shall notify all affected users of the applicable reporting requirements under 40 CFR403.12.

Section 14.07. Modification of Standards.

Where the Authority and ultimately the receiving Authority POTW achieves consistent removal of pollutants limited by federal pretreatment standards, the Authority may apply to the approval Authority for modification of specific limits in the federal pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system 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 403) promulgated pursuant to the Act. The Authority may modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR 403.7 are fulfilled and prior approval from the approval Authority is

obtained.

Section 14.08. Specific Discharge Limitations

No waste shall be permitted to be discharged into the Authority and ultimately the receiving Authority POTW which contains physical, chemical and biological characteristics in concentrations in excess of those in domestic sewage. These specific limitations include, but are not limited to, the following;

<b>Substance</b>	<b>Concentration</b>
Total suspended solids	300 mg/l
Total solids	1000 ppm
Biochemical oxygen demand (5 days, 20° C.)	250 mg/l
Total organic carbon	250 mg/l
Chemical oxygen demand	600 mg/l
Total nitrogen, as N	40 mg/l
Total phosphorus, as P	50 mg/l
Oil and grease	<del>100 mg/l</del>
pH	5.5 - 9.0 SU
Temperature (not to exceed)	65° C.
Phenols	.0005 ppm
Arsenic	0.05 mg/l
Boron	0.1 ppm
Cadmium	0.01 mg/l
Copper	1.0 mg/l
Cyanide	0.2 mg/l
Iron	5.0 ppm
Lead	0.05 mg/l
Manganese	1.0 ppm
Mercury	0.002 mg/l
Nickel	1.0 ppm
Silver	0.05 mg/l
Total chromium	1.0
Zinc	2.0 ppm
Surfactants	0.5 mg/l
Total identifiable chlorinated hydrocarbons	10.0 mg/l



- A. In the event that any user exceeds the discharge limitations set forth above for BOD, suspended solids, total nitrogen and oil and grease, a surcharge shall be imposed until such time as the excessive discharge is corrected. Any excessive discharge shall be treated as a violation of the wastewater discharge permit.
- B. In no instance shall concentrations in excess of 1,200 mg/l for COD, 600 mg/l for BOD and TSS, 80 mg/l for total nitrogen and 100 mg/l for oil and grease be permitted.

C. Surcharge

- 1) The surcharge shall be calculated as 115% of the applicable volume charge for each 100 mg/l or portion thereof by which the total waste discharge is in excess of 250 mg/l for BOD or 300 mg/l for TSS. A surcharge of 104% of the applicable volume charge shall be calculated for each 10 mg/l or portion thereof by which the waste discharge exceeds 40 mg/l for total nitrogen or 100 mg/l for oil and grease. The surcharge shall be applied independently for each of the above-listed parameters and in addition to the applicable volumetric charge.
- 2) The surcharge factor shall be calculated as follows:

$$\begin{aligned}
 \text{Surcharge} = & \quad (1.15) \exp (BODs - 250)/100 \\
 & \quad + \\
 & \quad (1.15) \exp (SS - 300)/100 \\
 & \quad + \\
 & \quad (1.04) \exp (\text{total nitrogen} - 40)/10
 \end{aligned}$$

$$+ \\ (1.04) \exp (\text{oil and grease} - \\ 100)/10$$

3) For typical domestic sewage, the surcharge shall be equal to zero.

D. Dischargers shall use best available technology to minimize or eliminate all total toxic organics.

Section 14.09. Right of Revision.

The Authority and ultimately the receiving Authority reserves the right to establish more stringent limitations or requirements on discharges to the Authority and ultimately the receiving Authority POTW if deemed necessary.

Section 14.10. Dilution of Waste Not a Substitute for Treatment.

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 contained in the federal categorical pretreatment standards or in any other pollutant-specific limitation developed by the Authority and ultimately the receiving Authority or state.

Section 14.11. Accidental Discharges.

Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Article of the rules and regulations. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Authority for review and shall be approved by him/her prior to construction of the facility. All existing users shall complete such a plan by May 1, 1986. No user who commences discharge to the Authority and ultimately the receiving Authority POTW after the effective date of Section of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Authority and ultimately the receiving

Authority. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility of modifying his/her facility as necessary to meet the requirements of this Section.

Section 14.12. Telephone Notice.

In the case of an accidental discharge or, if for any reason a user does not comply or will be unable to comply with any prohibition or limitation in this Section, the user responsible for such discharge shall immediately telephone and notify the Authority and ultimately the receiving Authority POTW of the incident. The notification shall include location of the discharge, type of waste, concentration and volume.

Furthermore, such user shall take immediate action to prevent interference with the treatment process and/or damage to the Authority and ultimately the receiving Authority POTW.

Section 14.13. Written Notice

Within five days following an accidental or non-complying discharge, the user shall submit to the Authority and ultimately the receiving Authority a detailed written report describing the date, time and cause of the discharge, the quantity and characteristics of the discharge and corrective action taken at the time of the discharge and the measures to be taken by the user to prevent similar future occurrences. 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 Authority and ultimately the receiving Authority POTW, 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 Section or other applicable law.

Section 14.14. 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 ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

Section 14.15. Fees.

11 It is the purpose of this section to provide for the recovery of costs from users of the Authority's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the receiving Authority's Schedule of Charges and Fees.

12 Charges and fees. The receiving Authority may adopt charges and fees which include:

- I) Fees for reimbursement of costs of setting up and operating the receiving Authority's pretreatment program.
  - A. Fees for monitoring, inspections and surveillance procedures.
  - B. Fees for reviewing accidental discharge procedures and construction.
  - C. Fees for permit applications.

- D. Fees for filing appeals.
- E. Fees for consistent removal of pollutants otherwise subject to federal pretreatment standards.
- F. Other fees as the receiving Authority may deem necessary to carry out the requirements these rules and regulations.

13 These fees relate solely to the matters covered by this Article and are separate from all other fees chargeable by the receiving Authority.

#### Section 14.16. Reimbursement of Cost.

All users shall be responsible for the reimbursement of costs incurred by the Authority including but not limited to monitoring, sampling, and repair of damaged Authority property or remediation associated with the violation. The costs assessed will be based upon the charges then in effect at the time of the violation. These costs will include but not be limited to charges by subcontractors, the Authority and ultimately the receiving Authority labor and equipment.

#### Section 14.17. Permit Required for Discharge.

The Authority and ultimately the receiving Authority may require a permit for the discharge of any non-DOMESTIC WASTEWATER

#### Section 14.18. Permits and Licenses.

##### Permits and Licenses Required

No sanitary sewage, industrial waste, trucked industrial waste, holding tank waste or septage shall be discharged to the treatment plant from any significant industrial user, significant waste generator other than that for which the following permits or licenses have been issued:

##### Commercial Discharge Permits

When determined by the Authority and ultimately the receiving Authority a commercial establishment may be required to obtain a commercial discharge permit.

##### Permit and License Applications

All industrial users and waste generators proposing to discharge to the Authority and ultimately the receiving Authority POTW shall make application for a permit or license according to parts (a) and (b) of this section. All existing significant industrial users, significant waste generators contributing to the treatment plant at the time of the adoption of this resolution shall apply for a permit or license within thirty (30) days after the adoption of this resolution, and shall obtain a permit or license within ninety (90) days after the effective date of this resolution. Any user required to apply for a permit or license shall complete and file an application form approved by the Authority and ultimately the receiving Authority, accompanied by a nonreturnable processing fee to be set by the Authority. Proposed new industrial users shall apply at least ninety (90) days prior to connecting to or contributing to the treatment plant. In support of the application for an industrial waste discharge permit, commercial discharge permit, waste permit the user may be required to submit, in units and terms appropriate for evaluation, any of the following information, including, but not limited to:

Name, address, location, phone number;

Standard Industrial Classification (SIC) number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1987;

Names of responsible individuals;

Waste constituents and characteristics, before and after pretreatment, as determined by a reliable analytical laboratory;

Time and duration of contribution;

Average daily waste flow rates and/or estimated or required daily discharge volumes and frequency, including daily, monthly and seasonal variations, if any;

Site plans, plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;

Description of activities and plant processes on the premises including all materials which are or could be discharged;

Description of waste to be discharged;

Where known, the nature and concentration of any pollutants in the discharge which are limited by the Authority and ultimately the receiving Authority,

state or federal pretreatment standards, and a statement reviewed by an authorized representative of the user (as defined in Section 14.02 of this Article) and certified to by a qualified professional, indicating whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional pretreatment is required for the user to meet applicable pretreatment standards;

If additional pretreatment and/or operation and maintenance (O&M) will be required to meet pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard;

Make, model, year, capacity and vehicle registration number of all vehicles to be used for transportation and discharge at the treatment plant;

Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system; and,

Any other information as may be deemed by the Authority and ultimately the receiving Authority to be necessary to evaluate the permit application.

The Authority and ultimately the receiving Authority shall also have at its discretion, the right to inspect the premises, equipment and material, and laboratory testing facilities of the applicant. The completed application shall be signed by the user's responsible individuals. The Authority and ultimately the receiving Authority will evaluate the data furnished by the user for completeness and may require additional information. After evaluation and acceptance of the data furnished as a complete application, the Authority may for cause shown either refuse to issue or may issue a permit or license subject to terms and conditions provided herein.

If the application for a permit or license is denied by the Authority and ultimately the receiving Authority, or if the discharge indicated from the application is not in accordance with the requirements of this resolution, the user may have the Authority and ultimately the receiving Authority review the denial, provided the user shall give written notice of his request within thirty (30) days after receiving the denial. The Authority and ultimately the receiving Authority shall review the permit application, the written denial, and such other evidence and matters as the applicant shall present at a public hearing following receipt of request for its review, and the decision of the Authority and ultimately the receiving Authority rendered publicly shall be final.

5 Terms and Conditions of Permits and Licenses.

Permits and licenses may include any of the following terms and conditions, including, but not limited to:

- 5.5 Maximum discharge flow rate;
- 5.6 Term of permit;
- 5.7 Definitions;
- 5.8 General limitations;
- 5.9 Specific limitations;
- 5.10 Special conditions;
- 5.11 Self monitoring requirements (including sampling, reporting, notification and record keeping);
- 5.12 Reopener clause;
- 5.13 Compliance schedules (if required);
- 5.14 Statements of applicable civil and criminal penalties; or,
- 5.15 Statement of non-transferability.

6 Industrial Waste Discharge Permit and Commercial Discharge Permit

Industrial waste discharge permits and commercial discharge permits shall be issued for a specified time period, not to exceed five (5) years. The user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the user's existing permit accompanied by a nonreturnable processing fee to be set from time to time by resolution of the Authority and ultimately the receiving Authority. The terms and conditions of the permit may be subject to modification by the Authority and ultimately the receiving Authority during the term of the permit to accommodate changing conditions and as local, state and federal laws, rules and regulations are modified or amended, or other just cause exists. The user shall be informed of any proposed changes in his permit at least sixty (60) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance, including a comment



period, which shall be the first thirty (30) days of the sixty (60) day period prior to the effective date of change.

## 7 Permit and License Transfer

Permits and licenses are issued to a specific person. No permit or license shall be assigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the prior approval of the Authority and ultimately the receiving Authority upon written application therefore accompanied by a nonreturnable processing fee to be set from time to time by resolution of the Authority and ultimately the receiving Authority. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit or license.

## 8 Revocation of Permits and Licenses

All permits and licenses are subject to revocation according to the provisions outlined herein.

In the event that any discharge of material to a sewer shall materially and substantially differ in type or volume from that shown in the application or permit, the person and user shall immediately cease and desist from such discharge.

The Authority and ultimately the receiving Authority may suspend any permit, license, and/or waste treatment service when such suspension is necessary, in the judgment of the Authority and ultimately the receiving Authority, in order to stop a discharge which presents a hazard to the public health, safety, or welfare, to the environment or operations at the Authority and ultimately the receiving Authority's treatment plant or upon a finding that the discharger has violated any provisions of this resolution. Any discharger notified of such a suspension shall immediately stop the discharge of all wastes into the system.

The Authority and ultimately the receiving Authority may reinstate the permit or license upon proof of satisfactory compliance with all discharge requirements of this resolution and all other requirements of the Authority and ultimately the receiving Authority.

In the event of a failure of a person to comply voluntarily with the suspension order, the Authority and ultimately the receiving Authority may take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the system or endangerment to any individuals. The Authority and ultimately the receiving Authority may reinstate the permit, license and/or the waste treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Authority and ultimately the receiving Authority within fifteen (15) days of the date of the occurrence.

Permit/License Revocation Causes for Revocation.

Causes for Revocation. An industrial waste discharge permit or a hauler license or a waste permit or a commercial discharge permit may be revoked by the Authority and ultimately the receiving Authority for, including, but not limited to, the following causes.

- 8.5 Failure of a permittee or licensee to accurately report his wastewater characteristics;
- 8.6 Failure of a permittee to report significant changes in operations which affect wastewater characteristics;
- 8.7 Refusal of access to the permittee's premises for the purpose of inspection or monitoring;
- 8.8 Any violation of any condition of any permit or license or this resolution;
- 8.9 Falsification of self monitoring reports;
- 8.10 Application falsification;
- 8.11 Tampering with monitoring equipment; or,
- 8.12 Failure to meet compliance schedule.

Compliance Schedules

51. Compliance Schedules Required: If additional pretreatment and/or operation and maintenance procedures are required for a permittee to meet all applicable regulations contained herein, the shortest schedule by which the permittee can provide such additional pretreatment and/or operation and maintenance procedures may be issued by the Authority and ultimately the receiving Authority or submitted by the permittee to the Authority and ultimately the receiving Authority for review and approval. The completion date for this schedule shall not be later than the compliance date established for applicable pretreatment standards. The Authority and ultimately the receiving Authority shall have the right to deny or to require the modification of proposed compliance schedules.

Compliance Schedule Increments of Progress. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment

required for the permittee to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

Time Limits for Increments of Progress. No increment of progress shall exceed nine (9) months.

Compliance Schedule Compliance Reports. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Authority and ultimately the receiving Authority including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which the user expects to comply with this increment of progress, the reason for delay, and the steps being taken by the permittee to return to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Authority and ultimately the receiving Authority. Failure to meet required milestone dates shall constitute a violation of this resolution.

#### Record Maintenance

A. Record Retention Requirements. All users shall maintain and retain records relating to wastewater discharged for a period of not less than three (3) years and shall afford the Authority and ultimately the receiving Authority access thereto at all reasonable times. This period of retention shall be extended during the course of any unresolved litigation. Such records shall include for all samples:

- 1) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
- 6) The date(s) and time(s) the analyses were performed;
- 7) Who performed the analyses;
- 8) The analytical techniques/methods used; and
- 9) The results of such analyses.

B. Availability of Records. All records maintained by users relating to compliance with pretreatment standards shall be made available to officials of the EPA, DEP and the

Authority and ultimately the receiving Authority for inspection and copying upon request.

#### Industrial Agreements Required.

Industrial Agreements Required. As a condition precedent to the issuance of an industrial waste discharge permit, the Authority and ultimately the receiving Authority shall require industrial users to enter into agreements with the Authority and ultimately the receiving Authority containing such provisions as the Authority and ultimately the receiving Authority deems appropriate in furtherance of its effort to comply with regulations promulgated by the EPA in 40 CFR Part 403. Industrial users shall comply with federal, state and local statutes, ordinance rules and regulations, and with the provisions of such agreements; and in the event of conflict between provisions, shall comply with whichever provision on a particular matter is most stringent or stricter.

#### Pretreatment and Handling of Industrial Wastes

General. Users shall provide necessary pretreatment as required to comply with this resolution and shall achieve compliance with all national categorical pretreatment standards within time limitations as specified in 40 CFR Part 403 and amendments thereto. Any facilities required to pre-treat 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 and ultimately the receiving Authority for review and shall be acceptable to the Authority and ultimately the receiving Authority before construction of the facility. The review of such plans and operating procedures and approval of such plans as required by this Article shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Authority and ultimately the receiving Authority under the provisions of this resolution. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Authority and ultimately the receiving Authority prior to the user's initiation of the changes.

Purposes and Pretreatment. The Authority and ultimately the receiving Authority may require the owner of an improved property to construct, operate and maintain at his expense a pretreatment facility when, in the opinion of the Authority and ultimately the receiving Authority, such facility is necessary to reduce quantities and/or concentrations of pollutants or flows to:

\*Decrease the concentration levels of pollutants in the wastewater discharge to comply with the maximum limits specified in Section 2 of this resolution;

\*Prevent excessive quantities of flow; or

\*Prevent discharges (flow or concentration) of pollutants from the user that may cause interference or pass through at the Authority and ultimately the receiving Authority's treatment plant.

Review and Approval of Pretreatment Facilities. If required by the Authority and ultimately the receiving Authority, no pretreatment plant and facilities shall be constructed or operated unless all plans, specifications, technical operating data, and other information pertinent to its proposed operation and maintenance are reviewed by the Authority and ultimately the receiving Authority and found by the Authority and ultimately the receiving Authority to conform to all Authority and ultimately the receiving Authority regulations; and unless written approval of the plans, specifications, technical operating data and biosolids disposal methods has been obtained by the Authority and ultimately the receiving Authority from the EPA, New Jersey, and any other local, state or federal agency having regulatory authority with respect thereto, providing such approval is required by those agencies.

Pretreatment Facility Maintenance Requirement. All such pretreatment facilities as required by this resolution shall be maintained continuously in satisfactory and effective operating conditions by the user or person operating and maintaining the facility served thereby, and at the user's expense. The Authority shall have access to such facilities at all reasonable times for purposes of inspection and testing.

Rejection of Waste if Not Adequately Pretreated. The Authority and ultimately the receiving Authority reserves the right to reject discharges to the Authority and ultimately the receiving Authority POTW of any waste harmful to the Authority and ultimately the receiving Authority POTW or to the receiving stream, to compel discontinuance of use of the public sanitary sewage system or to compel pretreatment of industrial wastes in order to prevent discharges deemed harmful to or having a deleterious effect upon any portion of the Authority and ultimately the receiving Authority POTW or receiving stream.

#### Sampling Procedures and Reporting Criteria for Industrial Users

##### Self-Monitoring Reports.

All significant industrial users shall submit at least quarterly to the Authority a self monitoring report on a form approved by the Authority and ultimately the receiving Authority indicating the nature and concentration of pollutants in the waste discharged to the Authority and ultimately the receiving Authority POTW which are of particular concern to the Authority and ultimately the receiving Authority and which are limited by this resolution. The waste characteristics to be measured and reported shall be determined by the Authority and ultimately the receiving Authority and specified in the industrial waste discharge permit or waste permit. All wastewater samples must be representative of the user's discharge. If an industrial user monitors any pollutant more frequently than required by the Authority and ultimately the receiving Authority, using the procedures prescribed in 40 CFR Part 403.12 (g) (4), the results of this monitoring shall be included in the report. In addition, this report shall include flow information for the reporting period, and shall be signed by the user's responsible individuals. This report shall be received by the Authority and ultimately the receiving Authority no later than the thirtieth (30th) day of the month following the quarter for which the report is required.

All categorical industrial users and categorical waste generators shall submit at least twice annually to the Authority and ultimately the receiving Authority a self-monitoring report on a form approved by the Authority and ultimately the receiving Authority indicating the nature and concentration of pollutants in the waste discharged to the Authority and ultimately the receiving Authority treatment plant which are of particular concern to the Authority and ultimately the receiving Authority and which are limited by this resolution. The waste characteristics to be measured and reported shall be determined by the Authority and ultimately the receiving Authority and specified in the industrial waste discharge permit or waste permit. All wastewater samples must be representative of the user's discharge. If a categorical industrial user or categorical waste generator monitors any pollutant more frequently than required by the Authority and ultimately the receiving Authority, using the procedures prescribed in 40 CFR Part 403.12 (g) (4), the results of this monitoring shall be included in the report. In addition, this report shall include flow information for the reporting period and shall be signed by the user's responsible individuals. This report shall be received by the Authority and ultimately the receiving Authority no later than the thirtieth (30th) day of the month following the period for which the report is required.

All significant waste generators shall submit at least annually to the Authority and ultimately the receiving Authority a self monitoring report on a form approved by the Authority and ultimately the receiving Authority indicating the nature and concentration of pollutants in the waste discharged

to the Authority and ultimately the receiving Authority treatment plant which are of particular concern to the Authority and ultimately the receiving Authority and which are limited by this resolution. The waste characteristics to be measured and reported shall be determined by the Authority and ultimately the receiving Authority and specified in the industrial waste discharge permit or waste permit. All wastewater samples must be representative of the user's discharge. If a significant waste generator monitors any pollutant more frequently than required by the Authority and ultimately the receiving Authority, using the procedures prescribed in 40 CFR Part 403.12 (g) (4), the results of this monitoring shall be included in the report. In addition, this report shall include flow information for the reporting period, and shall be signed by the user's responsible individuals. This report shall be received by the Authority and ultimately the receiving Authority no later than the thirtieth (30th) day of the month following the period for which the report is required.

Responsible Individuals. All significant industrial users, significant waste generators, and industrial users issued commercial discharge permits shall designate responsible individuals as described by these rules and regulations.

Signatory Requirements. All reports submitted pursuant to requirements outlined in this resolution, including but not limited to the "Baseline Monitoring Report", the "Self Monitoring Report" and the "Report on Compliance with National Categorical Pretreatment Standards or Ninety (90) day compliance Report" shall be signed by the user's responsible individuals.

Certification Requirements. All reports referenced in this Article, as well as industrial waste discharge permit applications, waste permit applications submitted pursuant to this Article, shall include the following statement:

*I certify, under penalty of law, that this document and all attachments, were prepared under my direction or supervision in accordance with a system designed to assure that quality 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.*

Monitoring Manholes. Whenever required by the Authority and ultimately the receiving Authority, the owner of any property served by a building sewer carrying wastewater and material shall install a large manhole or sampling

chamber, flow metering chamber, flow monitoring equipment, pH monitoring equipment and other appurtenances in the building sewer to facilitate the observation, sampling and measurement of the combined flow of wastes from the user's premises into the public sanitary sewage system. These monitoring facilities shall be constructed in accordance with plans and specifications approved by the Authority and ultimately the receiving Authority and installed and maintained at all times at the user's expense. There shall be ample room in each sampling chamber to accurately sample and composite samples for analysis. The chamber shall be safely and easily and independently (of other premises and buildings of users) accessible to authorized representatives of the Authority and ultimately the receiving Authority at all times. When construction of a sampling chamber and monitoring facilities are not economically or otherwise feasible in the opinion of the Authority, alternative arrangements for sampling and monitoring may be made at the discretion of the Authority and ultimately the receiving Authority.

Flow Monitoring and Recording. Each flow measuring chamber shall contain a Parshall flume, weir or similar device with a recording and totalizing register for measuring liquid quantity, or the metered water supply to the industrial plant may be used as a measure of liquid quantity where it is substantiated by the Authority and ultimately the receiving Authority that the metered water supply and waste quantities are approximately equal or where a measurable adjustment agreed to by the Authority and ultimately the receiving Authority is made in the metered water supply to determine the liquid waste quantity.

Sampling by Authority and ultimately the receiving Authority. Samples shall be taken as deemed appropriate by the Authority and ultimately the receiving Authority. All significant industrial users shall be sampled by the Authority and ultimately the receiving Authority at least once per year. Such sampling shall be done as prescribed by the Authority to insure that the compliance of the user is determined with a reasonable degree of certainty for the entire reporting period. Samples shall be taken at the manhole or metering chamber referred to in Section 4.8 (e) of this resolution, or in the absence of such manhole or metering chamber, at such place as the Authority and ultimately the receiving Authority shall determine will provide a representative sample of the discharge and shall represent the entire flows from the significant industrial user.

Inspection and Verification of Sampling and Testing. The sampling frequency, sampling device, sampling methods, and analyses of samples shall



be subject, at any time, to inspection and verification by the Authority and ultimately the receiving Authority.

Sampling and Testing Methods. All sampling measurements, tests and analyses of the characteristics of waters and wastes shall be determined in accordance with procedures contained in 40 CFR Part 136, and amendments hereto or any other method approved by the EPA.

Confidentiality of Information. The Authority and ultimately the receiving Authority shall consider all information regarding an industrial user's or waste generator's effluent characteristics as being non-confidential and may make all such information available to the public without restriction, unless the user specifically requests and is able to demonstrate to the satisfaction of the Authority and ultimately the receiving Authority that the release of such information would divulge information of processes or methods of production entitled to protection as trade secrets of the user.

Upon written request, at the time of submission of the data by the industrial user or waste generator furnishing a report, permit application or answering a questionnaire, those portions of any document which might disclose trade secrets or secret processes shall not be disclosed to any person other than to duly authorized representatives of EPA or DEP. Any effluent data of a user's waste will not be recognized as confidential information or as a trade secret.

Sampling and Testing Costs. When the Authority and ultimately the receiving Authority conducts its own sampling and/or analyses of wastes discharged by any user, the Authority and ultimately the receiving Authority may make or have made any such tests, and the user shall reimburse the Authority for the full cost thereof. Such costs shall be established by resolution annually.

Ninety-Day Compliance Reports. Within ninety (90) days following the date for final compliance with applicable national categorical pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the treatment plant, any industrial user or waste generator subject to national categorical pretreatment standards and requirements shall submit to the Authority and ultimately the receiving Authority a report containing the information listed in 40 CFR Part 403.12 (b) (4) through (6) indicating the nature and concentration for all pollutants in the discharge from the regulated process which are limited by the national categorical pretreatment standards and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards. Industrial users or waste generators subject to equivalent mass or concentration limits established in accordance with 40 CFR

Part 403.6 (c), must include in the report a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.

The report shall indicate the compliance status of the user with the applicable pretreatment standards as listed in 40 CFR 403.12 (b) and (d), whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance with all applicable pretreatment standards. This statement shall be signed by the user's responsible individuals.

Baseline Monitoring Reports. All industrial users and waste generators subject to national categorical pretreatment standards shall submit to the Authority and ultimately the receiving Authority, within one hundred eighty (180) days after the effective date of a categorical standard or the final administrative decision on a category determination under 40 CFR 403.6 (a) (4), whichever is later, a report (Baseline Monitoring Report) which indicates the compliance status of the user with the applicable national categorical pretreatment standards as listed in 40 CFR 403.12 (b).

New or Increased Contributions. All industrial users or waste generators shall promptly notify the Authority and ultimately the receiving Authority prior to any changes in the volume or character of their waste discharge or in the operation of their pretreatment processes that may result in interference or pass through at the treatment plant. The Authority and ultimately the receiving Authority reserves the right to deny the admission of or to require the pretreatment of all discharges to the public sanitary sewage system.

Mass Limitations. The Authority and ultimately the receiving Authority may impose mass limitations on users which, in the opinion of the Authority and ultimately the receiving Authority are using dilution to meet applicable pretreatment standards or requirements or in other cases where the impositions of mass limitations are appropriate. In such cases, the report required by subparagraph (I) of this paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where required by the Authority, of pollutants contained herein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in accordance with procedures established by EPA pursuant to Section 304 (g) of the CWA and contained in 40 CFR Part 136, and amendments thereto, or with any other test procedures approved by EPA.

5) Notice of Violation/Re-sampling Requirement. If sampling performed by an industrial user or significant waste generator indicates a violation, the industrial user or significant waste generator shall notify the Authority and ultimately the receiving Authority within twenty-four (24) hours of becoming aware of the violation. The industrial user or significant waste generator shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Authority and ultimately the receiving Authority within thirty (30) days after becoming aware of the violation pursuant to 40 CFR Part 403.12 (g).

Section 14.19 Annual Fee.

All permitted industrial users shall be subject to an annual fee to defray the cost of administration of this resolution. The annual fee shall be set from time to time by resolution of the Authority and ultimately the receiving Authority.

Section 14.20 Administrative fee.

All connected and non-connected users utilizing the services of the Authority and ultimately the receiving Authority under this resolution shall be subject to an administrative fee to defray the cost of processing invoices, bills and other charges and fees for such services. The administrative fee shall be set from time to time by resolution of the Authority and ultimately the receiving Authority.

Section 14.21 Enforcement

C. Inspection Rights

Any duly authorized employee or agent of the Authority and ultimately the receiving Authority bearing credentials which so identify them shall be permitted at any reasonable time to enter upon all properties served by the treatment plant or all properties generating trucked industrial wastes that are permitted for discharge to the treatment plant by the Authority and ultimately the receiving Authority, or licensed vehicles transporting waste for the purpose of discharge at the treatment plant, for the purpose of inspecting, observing, measuring, sampling and testing, as may be required in pursuance of the implementation and enforcement of the terms and provisions of this resolution. Any records of monitoring activities or results maintained by any user shall be made available for inspection and copying by the Authority and ultimately the receiving Authority and/or the DEP and/or the EPA. Users may be required by the Authority and ultimately the receiving Authority to install monitoring equipment, as per 40 CFR 403.8 (f) (1) (v).

All significant industrial users and all significant waste generators shall be inspected by the Authority and ultimately the receiving Authority at least once per year.

#### D. Injunctive Relief

The Authority and ultimately the receiving Authority reserves the right to seek injunctive relief for noncompliance by any industrial user or waste generator with any pretreatment standard or pretreatment requirement, or for noncompliance by any person with any provision of this Article.

The Authority and ultimately the receiving Authority, through counsel, may petition the court for the issuance of a preliminary or permanent injunction (or both, as may be appropriate), which restrains or compels the activities on the part of the industrial user, waste generator, or person, including a prayer for payment of costs and attorney's fees as may be authorized by law. In addition, the Authority and ultimately the receiving Authority shall have such remedies to collect all fees incurred by the Authority and ultimately the receiving Authority as a result of this petition as it has to collect other sewer service charges.

#### E. Show Cause Hearing

The Authority and ultimately the receiving Authority may order any industrial user that causes or contributes to a violation of this resolution or industrial waste discharge permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the industrial user specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken.

The notice of the meeting shall be served personally or by registered or certified mail to any principal executive, general partner, corporate officer or owner of the industrial user at least ten (10) days prior to the hearing. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued.

#### Section 14.22. Emergency Response

The Authority and ultimately the receiving Authority may suspend the water or wastewater treatment service and/or industrial waste discharge permit, waste permit, or commercial discharge permit whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the public sanitary sewage system or the environment.

Any user notified of a suspension of the waste treatment service and/or industrial waste discharge permit, waste permit, or commercial discharge permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply

voluntarily with the suspension order, the Authority and ultimately the receiving Authority shall take such steps as deemed necessary, including the immediate severance of the sewer connection, to prevent or minimize damage to the treatment plant, its receiving stream, or endangerment to any individuals. The Authority and ultimately the receiving Authority may allow the user to recommence its discharge when the endangerment has passed, unless the permit revocation proceedings set forth in Section 14.27 of this Article are initiated against the user.

Any industrial user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Authority and ultimately the receiving Authority prior to the date of a show cause hearing as described in Section 14.21 of this Article.

#### Section 14.23 Administrative Fine

A. Notwithstanding any other section of this resolution, any user, industrial user or waste generator who is found to have violated any provision of this resolution, or commercial discharge permit or industrial waste discharge permit, or waste permit or hauler license or order issued hereunder, shall be fined in an amount up to one thousand dollars (\$1,0000) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. All fine money shall be made payable to the Authority and ultimately the receiving Authority. The Authority and ultimately the receiving Authority shall have such other collection remedies as it has to collect other service charges. Unpaid charges, fines and penalties shall constitute a lien against the individual user's property.

B Users who desire to dispute such fines must file a request before the Authority and ultimately the receiving Authority to reconsider the fine within ten (10) working days of being notified of the fine.

#### Section 14.24 Civil Penalties

Any person who violates any substantive or procedural provision of this Article or any term or condition of any industrial waste discharge permit, commercial discharge permit or waste permit shall be subject to a civil penalty not to exceed twenty-five thousand dollars (\$25,000) per day for each violation. Each violation for each separate day shall constitute a separate and distinct violation.

Notwithstanding the foregoing, a single operational upset which gives rise to simultaneous violations shall be treated as a single violation.

Users who desire to dispute such fines must file a request before the Authority and ultimately the receiving Authority to reconsider the fine within ten (10) working days of being notified of the fine.

#### Section 14.25 Criminal Penalties

- 15) Any person who willfully or negligently violates any provision of **these** rules and regulations, or who violates any condition of an industrial waste discharge permit, a waste permit, a hauler license, a commercial discharge permit or an order issued pursuant to rules and regulations, is guilty of a summary offense, and, following institution of a summary proceeding by the Authority and ultimately the receiving Authority and, upon conviction, such person shall be subject to a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each separate offense, and, in default of the payment of such a fine, a person shall be imprisoned for a period of thirty (30) days.
- 16) If such person violating the provisions of this resolution shall be a partnership, then the members thereof, or if such person be a corporation or association, then the officers, members, agents, servants, or employees thereof shall, in default of payment of any fine levied under this section, be imprisoned in the county prison.
- 17) Each day of continued violation of any provision of this Article and incorporating ordinance shall constitute a separate offense.
- 18) All fine money assessed through suit or summary proceedings before any court, pursuant to this Article, shall be transferred to the Authority and ultimately the receiving Authority instituting the summary proceeding for the use and benefit of the Authority and ultimately the receiving Authority.

Section 14.26. Suspension of Permit: Discontinuance of Service.

- e) The Authority and ultimately the receiving Authority may suspend the wastewater service and/or the wastewater discharge permit when such suspension is necessary, in the opinion of the Authority and ultimately the receiving Authority, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, causes interference to the Authority and ultimately the receiving Authority POTW or causes the Authority and ultimately the receiving Authority to violate any condition of its NPDES permit.

f) Any person notified of a suspension of the wastewater service and/or the wastewater discharge permit shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the Authority and ultimately the receiving

Authority shall take such steps as are deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the Authority and ultimately the receiving Authority POTW system or endangerment to any individuals. The Authority and ultimately the receiving Authority shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. 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 and ultimately the receiving Authority within 15 days of the date of occurrence.

#### Section 14.27. Revocation of Permit.

Any user, who violates the following conditions of this Article, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures contained herein.

- E. Failure to report the wastewater constituents and characteristics of their discharge;
- F. Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
- G. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- H. Violation of conditions of the permit.

## **ARTICLE XV**

### **ENFORCEMENT PROCEDURES**

Section 15.01. Notification of Violation. Whenever the authority or its agent finds that any person has violated or is violating their Rules and Regulations, or any prohibition, limitation or requirement contained herein, it may serve upon such person a written notice stating the nature of the violation and providing a reasonable time, not to exceed thirty (30) days for the satisfactory correction thereof.

Section 15.02. Violations and penalties. Any person found to have violated an order of the Authority, or who willfully or negligently failed to comply with any provision of this chapter, shall be subject to all penalties allowed by law for each offense. For each violation of this chapter, the Authority may assess a monetary penalty of up to \$500 per offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Authority may recover reasonable Authority's fees, court cost, and cost of litigation by appropriate suit at law against the person found to have violated the provisions of this chapter.



Section 15.03. Termination of Service. Any user who violates the following conditions of these Rules and Regulations, or applicable State and Federal regulations, is subject to having his service terminated in accordance with the procedure hereof:

- A. Misrepresentation in applications submitted to the Authority.
- B. Failure of a user to factually report the wastewater constituents and Characteristics of his discharge.
- C. Failure of the user to report significant changes in operations, or wastewater constituents and characteristics.
- D. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.
- E. Discharging detrimental wastewater into the tributary collection systems and appurtenances or wastewater treatment facilities.
- F. Discharges of wastewater from any property, facility or structure or for purposes other than described in any application approved by the Authority.
- G. Neglecting to make or renew deposits, or for nonpayment of any charges accruing under any application to the Authority.
- H. Making, or refusing the sever, any cross connection between a pipe or fixture carrying metered water, and a pipe or fixture, carrying water from any other source.
- I. Violations of any Federal, State or local pretreatment standards.
- J. Violations of the provisions of these Rules and Regulations.

Section 15.04. Hearing Process. If a violation is not corrected by timely compliance, the Authority or its agent may order any person who causes or allows an unauthorized discharge to show cause before the Authority why service should not be terminated. A notice shall be served on the offending party, specifying the time and place of the hearing to be held by the Authority and directing the offending party to show cause before the Authority why an order should not be made directing the termination of service.

The Notice of Hearing shall be served personally or by registered or certified mail, at least thirty (30) days prior to the hearing; except in cases of emergency, in the sole discretion of the Authority, this time period may be shortened. Service may be made on any agent or officer of a corporation.

The Authority may, itself, conduct the hearing and take evidence or may designate any of its members or any officer or employee of the Authority to:

1. Issue in the name of the Authority Notice of Hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearings;
2. Take the evidence;
3. Transmit a report of the evidence and hearing, including transcripts/ records and any other evidence, together with the recommendations to the Authority for action thereon.

At any public hearing, testimony taken before the Authority or any person designated by it, must be under oath and recorded either by the hearing officer in a summary manner or recorded by a stenographer. In the latter case, the transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the cost therefor.

After the Authority has reviewed the evidence, it may issue an order to the party responsible for the discharge, directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, device, or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated, and such further orders and directives as are necessary and appropriate.

Section 15.05. Legal Action. Any discharges and violation of the substantive provisions of these Rules and Regulations shall be considered for legal action. If any person discharges sewage, industrial waste or other wastes into the sewage system, contrary to the substantive provisions of the Rules and Regulations, the Authority may in addition to the proceedings set forth in these Rules and Regulations, commence an action for injunctive relief and appropriate legal damages in the Superior Court or a court of competent jurisdiction in this county.

Section 15.06. Falsifying Information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to these Rules and Regulations, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device of sampling methodology required under these Rules and Regulations, shall, upon conviction, be punished to the fullest extent allowed by law.

## ARTICLE XVI

### PUBLIC COMMENT AND NOTICE PROCEDURES

Section 16.01. When Required. The Authority shall provide notice of the following actions:

1. Significant non-compliance violations have occurred;
2. Enforcement actions have been taken;
3. Hearings have been scheduled;
4. Authority public meetings.

Section 16.02. Scope of Notice. Each Public Notice issued under Section 16.01. shall include the following:

1. Purpose of the notice.
2. Name and address of the Authority Official responsible for the purpose of receipt of any comment or request for additional information.
3. Name and address of affected parties, if any.
4. Action, intended or having occurred, which necessitates the Public Notice.
5. The time and place any scheduled hearing will occur.
6. Any additional information considered necessary or proper.

Section 16.03. Timing. Public Notices of significant non-compliance violations shall be published annually within ninety (90) days of the close of preceding calendar year. All other public notices shall be published, where possible, at least thirty (30) days prior to the date of the intended action.

Section 16.04. Methods. Public Notice shall be given by the following method

1. Publication of the Notice in the Official Authority Newspaper.

Mailing of the notice to:

1. Industrial User Agreement applicant or Non-Compliance Violator.
2. NJDEP
3. USEPA
4. DVRPC
5. Municipal governing body of the applicant's or violator's location.
6. Burlington County Board of Chosen Freeholders.
7. Any individual, corporation, etc. who has submitted a request for such notices.

Posting of the notice at the Authority's office.

Section 16.05. Resulting of Public Notice or Comment. The Authority shall maintain and shall make available for review or reproduction, at cost of preparation thereof, the following information:

1. Any and all copies of notices;
2. Any and all comments reviewed in response to aforesaid notice;
3. Tapes or transcripts of any hearing held by the Authority;
4. Written materials submitted at any hearing;
5. Final action taken by the Authority for which a notice was given.

Section 16.06. Waiver of Public Comment And Notice Procedures: The Authority reserves the right to waive the aforesaid Public Comment and Notice Procedures for the following activities:

1. Request for changes in ownership of a given facility or discharge.
2. Any activity where the Authority has received a determination from its solicitor that such activity need not require the formality of such Public Comment and Notice Procedures.

Section 16.07. Confidential Information: Information and data on a user obtained from reports, questionnaires, hearings, (applications, agreements, etc.) and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Authority that the release of such information would divulge information, processes or methods of productions entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available for inspection by the public but shall be made available upon written request to the EPA and/or the New Jersey Department of Environmental Protection for uses related to these Rules and Regulations, the New Jersey Pollutant Discharge Elimination System (NJPDDES) 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 (10) day notification is given to the user.

## **ARTICLE XVII**

### **EMERGENCY EXPENSES**

Section 17.01. Immediate Health and Safety Concerns: In the event that the Executive Director determines, there has been damage or a malfunction to equipment or the system which poses a health or safety concern, the Executive Director shall immediately notify and the appropriate Federal, State and/or Local agency(ies) who have jurisdiction over the situation as well as the Chairperson of the Authority and take necessary steps to resolved the situation to avoid further damage and/or injury to persons or property.

The Executive Director shall take steps to purchase the necessary equipment or tools to correct the issue, however, in the event the cost of procuring that necessary to resolve the matter shall cost in more than seventeen thousand five hundred dollars (\$17,500.00), Board approval shall be obtained as soon as practicable under the corcumstances.

**APPENDIX A**

EDGEWATER PARK SEWERAGE AUTHORITY

CONFINED SPACE ENTRY PROGRAM