



Rules and Regulations
Concerning Discharges to the
Passaic Valley Sewerage Commission
Treatment Works

Revised July 1, 2023

Record of Changes

Rules and Regulations Concerning Discharges to the PVSC Treatment Works

<u>Change #</u>	<u>Effective Date</u>	<u>Significantly-Affected Sections</u>
1	April 28, 1983	Reporting (316.4)
2	April 12, 1984	User Charge (404.2)
3	Sept. 13, 1984	pH (312.1)
4	Oct. 11, 1984	LEL (318.1, B201 etc.)
5	Feb. 14, 1985	40 CFR 425 (B-301 etc.)
6	Feb. 20, 1986	(316), (317), (319), (B201) etc.
7	June 26, 1990	(102), (501) etc., (502) etc. (503), (504), (505), Appendices A and C
8	Sept. 30, 1994	(301), (305), (308), (309), (311), (312), (313), (314), (316), (317), (318), (321), (322), (502), Appendices A, B, and C
9	Sept. 19, 1996	(104), (312), (316), (403), (404), (405), (502), Appendix A
9A	July 10, 1997	(104), (105), (108), (502)
10	June 18, 1998	(101), (104), (New Part IV) (504), (602), Appendix A and C and Table C4
10	June 30, 1998	Tables B1 and B2
10	July 23, 1998	(301), (307), (309), (312), (313), (314), (316), (317), (318), (320), (321), (323), Table C3
11	May 19, 2004	(101), (104), (107), (301), (304), (306), (309), (310), (311), (312), (313), (316), (317), (318), (321), New Section (323), New Section (324), New Section (325), (401), New Section (405), New Section (406), (501), (503), (504), New Section (505), Former Section 505 (506) (602), Appendices A & C, Tables C-1 and C-3, New Section C-302
12	October 16, 2008	(301), (308), (309), (310), (311), (312), (314), (316), (323), (324), (602), (C-302), (C-303)
12A	October 16, 2008	(310), (C-301), (C-302)

Record of Changes

Rules and Regulations Concerning Discharges to the PVSC Treatment Works

<u>Change #</u>	<u>Effective Date</u>	<u>Significantly-Affected Sections</u>
13	January 14, 2010	(202), (303), (306), (309), (312), (313), (316), (318), (322), (323), (324), (505), (602), Appendices A, B, & C.
14	August 1, 2012	(202), (303) (Appendix B)
15	July 1, 2013	(406), (602)
16	April 1, 2017	(312), (601), (Appendices A & B)
17	July 1, 2023	(312), (602), (Appendix B)

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SECTION 101 – Purpose, Policy & Applicability

101.1

These Rules and Regulations of the Passaic Valley Sewerage Commission (PVSC) set forth uniform requirements applicable to any and all discharges to the PVSC Treatment Works (whether via sewer or hauled to PVSC) as well as Users located within the PVSC Treatment District who discharge or may discharge to the PVSC Treatment Works. PVSC promulgates and enforces these Rules and Regulations in conformity with all applicable State and Federal laws for the purpose of enabling PVSC to protect public health, safety, and welfare. The objectives of these Rules and Regulations include:

- (a) to prohibit the introduction of pollutants into the PVSC Treatment Works, which will interfere with the normal operation of the Treatment Works or contaminate the resulting sludge;
- (b) to prohibit the introduction of pollutants into the Publicly Owned Treatment Works (POTW) which do not receive satisfactory treatment by the POTW, or which cause Pass-through the system into receiving waters or the atmosphere or otherwise be incompatible with the POTW;
- (c) to improve the opportunity to recycle and reclaim wastewater and sludge produced by the treatment processes;
- (d) to improve the quality of the wastewater through the implementation of Pollution Prevention (P2) procedures;
- (e) to protect the public health and safety from exposure to hazardous materials; and
- (f) to cooperate with federal, state, and local agencies in their enforcement of air, water, solid waste, wastewater, and worker safety regulations.

These Rules and Regulations provide for the regulation of discharges into the PVSC Treatment Works through the issuance of Sewer Use Permits and other control mechanisms, as well as the use of Best Management Practices (BMP) Plans.

SECTION 102 – Administration

102.1

Except as otherwise provided herein, the Chief Executive Officer of the PVSC shall administer, implement, and enforce the provisions of these Rules and Regulations. Any powers granted or duties imposed upon the Chief Executive Officer may be delegated by the Chief Executive Officer to the Persons acting in the beneficial interest of or in the employ of the PVSC. The position of Hearing Officer is created to conduct informal proceedings prior to referral to the Commissioners. Conclusions and recommendations reached by the Hearing Officer are subject to review by the Commissioners.

102.2

A User that fails to submit any periodic monitoring report as specified in Section 316 of the Rules and Regulations shall have the option of requesting that the matter be submitted to the Hearing Officer for an informal hearing. An informal hearing is in place of, and not in addition

to, the Reconsideration and Appeal process set forth in Section 107 of these Rules & Regulations. The decision of the Hearing Officer with regard to any matter submitted for informal hearing shall be final and the User shall waive any and all rights to further review by PVSC or in any court of competent jurisdiction. The User shall pay any applicable fine stipulated, assessed, or sustained by the Hearing Officer. Failure to pay the fines assessed will result in the matter being referred to the Commissioners for further action. Minimum fines are listed in Appendix C.

SECTION 103 – Notice

103.1

Unless otherwise provided herein, any notice required to be given under these Rules and Regulations shall be in writing and served in person or by certified mail. If served by mail, the notice shall be sent to the last address known to the Chief Executive Officer.

Where the address is unknown, service may be made upon the owner of record of the property upon which the alleged violation occurred. If the written notice served in person or by certified mail is not accepted, then said notice shall be posted in a conspicuous location by or on the property upon which the alleged violation occurred.

103.2

Notice shall be deemed to have been given at the time of deposit, postage prepaid, in a facility regularly serviced by the United States Postal Service. A dated, signed receipt shall be the determinant for the acknowledgment of such notice and the start of any time limitation.

SECTION 104 – Inspections

104.1

Whenever it shall be necessary for the purpose of these Rules and Regulations, the Chief Executive Officer, upon presentation of credentials, may enter upon property or premises for the purpose of (a) copying any records required to be kept under the provisions of these Rules and Regulations, Sewer Use Permits, or Best Management Practices (BMP); (b) copying any records required to be kept under the provisions of a federal or state regulation; (c) copying any records that document compliance with federal, state or local regulations or Sewer Use Permits or BMP; (d) taking photographs; (e) inspecting the plant facilities or any monitoring equipment; (f) sampling any discharge of wastewater to the treatment works and (g) inspecting and/or sampling RCRA or other type waste or substances.

104.2

Whenever it shall be necessary for the purpose of these Rules and Regulations, and/or any federal or state statute or regulation which may be applicable to the PVSC, the Chief Executive Officer may require any Person within the jurisdiction of the PVSC to:

- (a) File on such forms as are prescribed by the Chief Executive Officer, a statement or report concerning any discharge to the PVSC system.

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- (b) Respond to any reasonable request for information and/or data concerning any discharge to the PVSC system, in the timeframe directed; or
 - (c) Respond to any PVSC-issued correspondence or Notice of Violation as directed therein.

104.3

Authorized personnel of the PVSC shall be provided Immediate Access to all the facilities directly or indirectly connected to the PVSC Treatment Works during normal working hours and at such other times as may be necessary during emergencies as determined by PVSC. All Users shall provide easy access to the sewerage facility to be inspected and shall promptly remove any permanent or temporary obstruction at the verbal or written request of the Chief Executive Officer.

104.4

No Person shall interfere with, delay, resist or refuse entrance to an authorized PVSC Inspector attempting to inspect any facility involved directly or indirectly with a discharge of wastewater to the PVSC Treatment Works.

SECTION 105 – Changes

105.1

PVSC reserves the right to promulgate changes to these Rules and Regulations in order to conform to changes in USEPA or NJDEP regulations, or when deemed necessary to comply with the objectives set forth in Section 101. Prior to adopting any such changes to these Rules and Regulation, the PVSC shall conduct a Public Hearing which shall conform to the following minimum requirements.

- (a) Notice of each public hearing shall be placed with newspapers designated by PVSC as official newspapers of record and shall be published on PVSC’s website, <https://www.nj.gov/pvsc>. Notice shall be published at least forty-five (45) days in advance of such hearing and shall contain the time, date, and location of the public hearing. Upon publication of the notice of public hearing, the text of the proposed change to the Rules and Regulations, together with a factual summary or explanation of the proposed change, shall be available for review on PVSC’s website and copies or inspection of the same shall be made available upon request in accordance with applicable law.

SECTION 106 – Trade Secrets

106.1

Any Person required to furnish information to PVSC for any purpose may request that such information or any part thereof be classified as "Trade Secrets." In the event that such request is granted, the designated material shall be treated as proprietary information and shall not be made available for public inspection. PVSC shall have the right to forward such request to an appropriate State or Federal agency for a determination as to whether the information submitted is in fact a "trade secret." All information shall be held confidential until a determination is made

by an appropriate Federal and/or State agency. Also, all determinations of confidentiality will be on an item-by-item basis such that a determination of one part of a submittal to be public information will not open up the whole submittal. In no event, however, shall the physical or chemical characteristics of a User's industrial waste be classified as a "trade secret."

106.2

The Industrial User or its representative shall have the right to require that anyone not directly employed by PVSC sign a confidentially agreement approved by PVSC. This agreement shall not include information concerning pretreatment facilities or discharge monitoring.

SECTION 107 – Reconsideration and Appeal

107.1

Any Person adversely affected by any decision, action or determination made by, or on behalf of, PVSC in implementing any of the provisions of these Rules and Regulations, may request a reconsideration of such action or determination. Such request shall be in writing addressed to the Chief Executive Officer and shall be filed with the Clerk of the PVSC within ten days of the action in dispute.

The request shall set forth the action being appealed, the reasons for the appeal and the proposed alternative to such action. The Chief Executive Officer shall review the request for reconsideration and shall grant or deny the request within ten days of its receipt. The Chief Executive Officer shall notify all parties of record within ten days of his/her decision. In the event that the Chief Executive Officer fails to act within ten days, the request shall be deemed to be denied.

107.2

Any Person adversely affected by any action of the Chief Executive Officer in implementing any of the provisions of these Rules and Regulations may appeal said action by filing a written notice of appeal with the Clerk directed to the Chairman of the PVSC. Said notice shall be filed within ten days of the action being challenged. It shall set forth fully the action being challenged, the grounds for the appeal and the proposed alternative action requested. Said appeal shall be accompanied by a fee of \$200.00, which shall be refunded, in the event that the appeal is granted. The Chairman, or any Commissioner so designated by him/her, shall conduct a public hearing within thirty days of the filing of the request for appeal. The burden of proof shall be on the appellant, who may appear personally or through counsel and who shall have the right to present evidence and cross examine witnesses. All affected member municipalities shall be given fifteen days written notice of the hearing and shall have the right to participate therein. Public notice of said hearing shall also be published as is required by law.

107.3

The Chairman or the Commissioner so designated by him/her shall issue a report of said hearing and a recommendation to the Commissioners for action on the appeal within fourteen days after the completion of the public hearing. Said report and recommendations shall be acted upon by the Commissioners within thirty days thereafter. Such action shall be considered a final ruling on

the appeal. No decision, action or determination of the Chief Executive Officer shall be stayed by the appeal procedure authorized under this Section.

107.4

PVSC has the right to assess civil administrative penalties in accordance with N.J.S.A. 58:10A-10.5. Any Person adversely affected by such action may request an administrative hearing pursuant to N.J.S.A. 58:10A-10.5 and N.J.A.C. 7:14-8.4. Notice of a request for an administrative hearing shall be directed to the Chief Executive Officer.

107.5

Upon conclusion of the administrative hearing, the Chief Executive Officer will grant the party of record the opportunity to file exceptions, objections and replies to the recommended report and decision of the administrative law judge in accordance with N.J.S.A. 58:10A-10.6. Each party may present oral or written arguments on their behalf. The Chief Executive Officer shall adopt, reject, or modify the recommended report and decision. If the Chief Executive Officer fails to modify or reject the report within 45 days, the decision of the administrative law judge shall be deemed adopted as the final decision of the Chief Executive Officer. The time limits established herein may be extended for good cause shown, and upon certification by the Director of the Office of Administrative Law and the Chief Executive Officer.

107.6

A final decision of the Chief Executive Officer shall be in writing or stated in the record. It shall include separately stated findings of fact and conclusions of law, in accordance with N.J.S.A. 58:190A-10.7. Parties of record shall be notified, and a copy of the decision or order shall be supplied upon request, both in accordance with N.J.S.A. 58:10A-10.7. A final decision or order shall be effective on the date of delivery or mailing, whichever is sooner, to the party or parties of record, or shall be effective on any date thereafter as deemed by the Chief Executive Officer in the decision or order. A final decision or order shall be considered a final agency action and shall be appealable in the same manner as a final agency action of a State department or agency.

107.7

Any appeal of a civil administrative penalty or assessment levied by the Chief Executive Officer shall be subject to all the terms and conditions of including but not limited to the payment of interest and the collection of civil administrative penalties.

107.8

PVSC may settle any civil administrative penalty assessment in accordance with N.J.A.C. 7:14-8.3 (e).

SECTION 108 – Publication of Enforcement Actions

108.1

In addition to any other public participation requirements contained in Section 105 of these Rules and Regulations, PVSC shall publish at least annually, a list of the Industrial Users which, during the previous twelve months, significantly violated applicable Pretreatment Standards or other pretreatment requirements. The list shall be published in those large daily newspapers with sufficient scope to cover the entire PVSC sewer district.

108.2

For the purpose of this provision, a User is in Significant Non-Compliance if it violated the provisions contained in Section 322 of the Rules and Regulations, or any subsequent modifications promulgated by USEPA.

SECTION 201 – Approval of Plans for Construction of Connections

201.1 Direct Connection to PVSC Facility

No Person, other than employees of the PVSC or Persons contracted to do work for the PVSC shall connect directly to or cause to be connected directly to, or alter or cause to be altered, any PVSC-owned sewer, sewage pumping station or other facility without first filing an application to construct a connection and obtaining approval of the construction plans from the Chief Executive Officer. This written PVSC approval must be presented to the local Construction Official before local Uniform Construction Code Building Permits can be issued for any project. The application for a connection is in addition to the Sewer Use Application required in Section 308.

201.2 Connection to Municipally Owned Collection Systems

No Person shall connect to or cause to be connected to, or alter or cause to be altered, any municipally owned sewer, sewage pumping plant or other facility without first filing an application to construct a connection and obtaining approval of the construction plans from the Chief Executive Officer. This written PVSC approval must be presented to the local Construction Official before local Uniform Construction Code Building Permits can be issued for any project. A PVSC Sewer Use Application shall be submitted as required by Section 308.

SECTION 202 –Change in Use

202.1

If a Person that is not an Industrial User contemplates a modification to the use of an existing sanitary sewer such that the user intends to introduce industrial wastes or discharge more than the equivalent of 25,000 gallons per day of sanitary waste, a Sewer Use Application shall be submitted to PVSC and, if required, a Permit issued prior to the commencement of the discharge. The discharge of industrial or sanitary wastes without a Sewer Use Permit, as stated in this Section, constitutes a violation of these Rules and Regulations.

202.2

If a Person contemplates a modification to the use or operation of an existing sanitary sewer such that the User intends to change the operation that generated the wastewater from an existing sewer connection or intends to change the intensity of use in an existing sewer connection, that Person shall submit a PVSC Connection Application as required by Section 602.6.

202.3

The use of any chemical, physical or biological product or waste as a treatment agent (e.g., a degreasing agent) in a sewer, wet well, pump station, etc. located in or connecting to PVSC's Treatment District without the express, prior written approval of PVSC is strictly prohibited. Any Person desiring to use any such treatment agent shall obtain PVSC approval prior to use.

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PVSC may assess a review fee in accordance with Section 602 of these Rules & Regulations in connection with granting or denying such approval.

SUBPART 1 – Sewer Use Permits

SECTION 301 – Sewer Use Permits

301.1

Except as provided in Sections 301.2, and 301.3, no User shall discharge or cause to be discharged any wastes either directly or indirectly into the PVSC Treatment Works without first obtaining an appropriate Permit issued by PVSC, or paying any applicable fees as provided in Section 602. Unauthorized discharges are strictly prohibited.

301.2

The Chief Executive Officer may issue a Temporary Permit in lieu of a Sewer Use Permit. A Temporary Permit shall be issued for a period not to exceed one year and may be renewed for one additional period until either the effective date of a Sewer Use Permit or a period not to exceed one year, whichever is less.

301.3

The Chief Executive Officer may issue a Letter of Authorization in lieu of a Sewer Use Permit. A Letter of Authorization carries the same duties and responsibilities as a Sewer Use Permit except that it is issued for a specific purpose of short duration.

301.4

It shall be a violation of these Rules and Regulations for any person to violate any term or condition set forth in any Sewer Use Permit, Temporary Permit or Letter of Authorization.

301.5

No Sewer Use Permit may be issued, renewed, or modified by PVSC so as to relax any effluent limitation unless the applicant, has paid all fees, penalties or fines, and/or Supplemental User Charges due and owing pursuant to P.L. 1977, c. 74, or has entered into an agreement with PVSC establishing a payment schedule therefore. If a penalty or fine is contested, the applicant shall satisfy the provisions of this Section by posting financial security as required pursuant to paragraph (5) of Subsection d. of Section 10 of P.L. 1977, c. 74 (N.J.S.A. 58:10A-10). The provisions of this Subsection with respect to penalties or fines shall not apply to a local agency contesting a penalty or fine.

SECTION 302 – New Industrial Users

302.1

New Industrial Users who desire to locate into the PVSC sewer district or existing Industrial Users who desire to commence operations at a new facility within the PVSC sewer district, shall apply for and receive a Sewer Use Permit, Temporary Permit or Letter of Authorization, as the case may be, prior to the commencement of operations at the new facility. Although a Sewer

Use Application may be submitted to PVSC at any time, PVSC shall issue a Permit only after the User either procures title to the property or signs a lease agreement with the property owner.

SECTION 303 – Liquid Waste Acceptance Permits

303.1

A User desiring to deliver hauled wastewater directly to PVSC shall file a Liquid Waste Acceptance Program application on forms provided. If PVSC deems that the User's discharge qualifies the User as a Significant Industrial User, then the User shall file a Liquid Waste Acceptance Permit application with PVSC. For existing Liquid Waste Acceptance Program Permittees, the Permittee shall apply for a renewal of its Liquid Waste Acceptance Permit no later than six months prior to the expiration date of the Permit then in force. A Liquid Waste Acceptance Permit Fee shall apply pursuant to Section 602.2.

303.2

The discharge or attempted discharge of any unapproved wastes to PVSC is strictly prohibited, regardless of whether such waste is from one source or multiple sources. Approved wastes shall not be mixed with any unapproved wastes, nor shall wastes with separate approvals be mixed. Such dissimilar wastes must have separate approvals in order for discharge to PVSC, as the discharge points and/or compliance determinations may vary.

302.3

Trucked or Hauled Waste Users shall not discharge hazardous waste as set forth in 40 CFR 261.

303.4

Sources of grease trap wastes must obtain a Fats, Oil and Grease (FOG) approval number from the PVSC Pollution Prevention program, before discharging the grease to PVSC.

303.5

Any Person seeking to dispose of hauled waste shall, upon arrival at PVSC, provide a sample of said waste to PVSC upon request.

SECTION 304 – Renewal and Continuation of Permits

304.1

If a Permittee wishes to continue discharging to the PVSC Treatment Works, it shall apply for a renewal of its Sewer Use Permit no later than six months prior to the expiration date of the Permit then in force. The application shall be contained in a form prepared by PVSC, which will be mailed to the User no less than nine months before the expiration date. Renewal of the Permit shall be contingent upon the Permittee having complied with the terms and conditions of the expired Permit.

304.2

The conditions of an expired Permit are continued in force until the effective date of a new Permit or until the effective date of denial of a Permit Application, if:

- (a) The Permittee submits a timely and complete application, or submits a request for renewal as provided in Section 304.1; and
- (b) PVSC, without fault on the part of the Permittee, fails to issue a new Permit with an effective date on or before the expiration date of the previous Permit.

304.3

Permits continued under this Section remain fully effective and enforceable.

304.4

When the Permittee is not in compliance with the conditions of the continued Permit, the PVSC will take one or more of the following actions:

- (a) Initiate enforcement action;
- (b) Suspend or revoke the Permit in accordance with Sections 310 and 311, respectively. If the Permit is suspended or revoked, the Permittee shall cease the activities that were previously authorized by the suspended or revoked Permit. Otherwise the Permittee shall be considered to be operating without a Permit, and be subject to appropriate enforcement action;
- (c) Issue a new Permit with appropriate conditions; or
- (d) Take other appropriate actions authorized by these Rules and Regulations.

304.5

In the event that the Permittee fails to submit a timely and complete application for renewal, all discharges of pollutants from the Permittee's facility shall cease and the Permit shall be administratively expired, unless PVSC determines that termination of the discharge will have widespread social or economic impact.

304.6

A Permittee with an administratively expired Permit that continues discharging pollutants after the expiration date is operating without a Permit from the time of expiration of the old Permit to the effective date of any new Permit and is subject to enforcement action in accordance with these Rules and Regulations. In any new Permit or approval, the PVSC may require the submittal of any additional information, specifying a date for its submittal.

SECTION 305 – Duration of Permits

305.1

Permits shall normally be issued for a period of five years. A Permit may be issued for a period of less than five years if the Chief Executive Officer determines that a five-year Permit is not needed.

305.2

A Letter of Authorization shall be issued for a period not to exceed one year from the commencement of discharge. Prior to the expiration of this period, the User shall notify PVSC if authorization is required beyond the one year authorized. The Chief Executive Officer may reissue the Letter of Authorization for a period not to exceed one additional year. At the end of this second period, the discharge shall either cease or be subject to a Sewer Use Permit.

SECTION 306 – Changes to Permits

306.1

An Industrial User that proposes to make any Significant Changes as defined herein in its facility or processing that affects its discharge to the PVSC Treatment Works, shall submit a request for a Permit modification to PVSC at least 90 days prior to the date it expects to implement the change. The User shall comply with any federal, state or PVSC rule or regulation applicable to this discharge, and shall not commence the discharge until it receives the authorization from PVSC.

306.2

Each User shall comply with all federal, categorical, state, or local regulations applicable to any discharge resulting from a Significant Change in its discharge. The omission of an applicable effluent limit from the Permit shall not exempt the User from its obligation to comply nor from enforcement.

306.3

PVSC shall notify the Permittee if the Application for Permit modification is Administratively Complete within 30 days of receipt. PVSC shall respond within 90 days of receipt of a completed Application. In the event of a denial by PVSC of said Application, PVSC shall set forth the reasons for said denial. The Permittee may appeal said denial in accordance with these regulations.

306.4

Upon review of an Application for Permit modification, upon any request to utilize a new pretreatment additive, or upon a request to discharge wastewater resulting from a new process or product, the Chief Executive Officer may determine that the discharge of any given pollutant

requires evaluation by a consultant to assess compatibility with the PVSC Treatment Works. When this is deemed necessary, the Chief Executive Officer may require the User to reimburse PVSC for such expense, as per Section 602.3.

SECTION 307 – Transfer of Permits

307.1

Sewer Use Permits, Temporary Permits or Letters of Authorization are issued to a specific User for a specific operation and are not transferable. A Permit shall not be reassigned or transferred or sold to a new owner, new Industrial User, or a new or changed operation. The Permittee shall notify the Chief Executive Officer within fourteen days of any change in ownership or corporate structure, where such change affects responsibility for compliance with these Rules and Regulations.

307.2

The new owner shall also submit a new Sewer Use Application to the Chief Executive Officer within fourteen days of the transfer of ownership if there is no change in the operation, or at least six months prior to startup if there is a change in the operation. The User shall comply with the PVSC Rules and Regulations, even if a Sewer Use Permit has not been issued.

SECTION 308 – Procedure for Obtaining A Sewer Use Permit

308.1

All Persons who desire a Sewer Use Permit or who PVSC, in its sole discretion, may require to obtain a Sewer Use Permit in order to discharge either directly or indirectly to PVSC's Treatment Works, shall complete a PVSC application form and forward it to PVSC within 35 days of receipt. Persons desiring a Temporary Permit or Letter of Authorization shall supply all information requested by PVSC. Upon receipt of all required information, the Sewer Use Application or request shall be processed, and if required and upon approval, a Sewer Use Permit, Temporary Permit or Letter of Authorization shall be issued.

308.2

The application shall be approved if the applicant has complied with all applicable requirements of these Rules and Regulations and furnished to the Chief Executive Officer all requested information, and if the Chief Executive Officer determines that the expected discharge will not interfere with the treatment process, pass through the treatment process inadequately treated or contaminate the sludge produced, and that there is adequate capacity in the PVSC Treatment Works to convey, treat and dispose of the industrial wastes. The Chief Executive Officer shall make a determination within ninety days of receipt of all required information.

308.3

An application or request submitted by a corporation shall be signed by a corporate officer or other executive officer so designated. An application or request signed by an individual other than a corporate officer shall include a corporate Resolution granting the individual the authority

to make the application or request on behalf of the corporation. An application or request submitted by a User other than a corporation shall be signed by a proprietor or general partner.

308.4

PVSC shall provide public notice and may hold a public hearing for any proposed new Sewer Use Permits, proposed renewed Sewer Use Permits, proposed revocations of any Sewer Use Permits, or proposed Substantial Modification of a Permit (defined herein).

308.5

PVSC shall issue a response-to-comments document at the time that a final Sewer Use Permit is issued. The response-to-comments document shall:

- (a) State the action PVSC has taken on the final Sewer Use Permit;
- (b) Specify which provisions, if any, of the draft Sewer Use Permit have been changed in the final Sewer Use Permit, and the reasons for any such change; and
- (c) Briefly describe and respond to all relevant comments on the draft Sewer Use Permits raised during the public comment period, or during the public hearing, if any.

SECTION 309 – PERMIT CONDITIONS

309.1

In addition to any other conditions and requirements deemed proper or necessary by PVSC on a case-by-case basis, the following minimum conditions and requirements shall be applicable to all Permits issued by PVSC:

- (a) Monitoring requirements for User Charge;
- (b) Monitoring requirements for Pretreatment;
- (c) Prohibitions and Limitations on industrial waste discharged to the sanitary sewer;
- (d) Compliance schedules;
- (e) Reporting requirements;
- (f) Management requirements and responsibilities;
- (g) Special conditions applicable to Industrial Users on a case-by-case basis;
- (h) Applicable civil and criminal penalties for violation of pretreatment standards and requirements;
- (i) The Permittee shall, at all times, maintain in good working order and operate as effectively as possible, any facilities or systems of control installed to achieve compliance with the terms and conditions of their Sewer Use Permit;
- (j) The Permittee shall install, use, and maintain such monitoring equipment and methods, to sample in accordance with such methods, to maintain and retain such records of information from monitoring activities, and to submit to PVSC, reports of monitoring results as may be stipulated in the Sewer Use Permit, or required by PVSC pursuant to paragraph (k) of this Subsection. Significant Industrial Users shall report their monitoring

results for discharges monthly to PVSC. Discharge monitoring reports shall be signed by the highest ranking official having day-to-day managerial and operational responsibilities for the discharging facility, who may, in his/her absence, authorize another responsible high ranking official to sign a monthly monitoring report if a report is required to be filed during that period of time. The highest-ranking official shall, however, be liable in all instances for the accuracy of all the information provided in the monitoring report; provided, however, that the highest-ranking official may file, within seven days of his/her return, amendments to the monitoring report to which he/she was not a signatory. The filing of amendments to a monitoring report in accordance with this paragraph shall not be considered a late filing of a report for purposes of Subsection d. of Section 6 of P.L.1990, c. 28 (C.58:10A-10.1), or for purposes of determining a significant noncomplier;

- (k) The Permittee shall report to PVSC, as appropriate, any exceedance of an effluent limitation that causes injury to Persons, or damage to the environment, or poses a threat to human health or the environment, within two hours of its occurrence, or of the Permittee becoming aware of the occurrence. Within 24 hours thereof, or of an exceedance, or of becoming aware of an exceedance, of an effluent limitation for a toxic pollutant, a Permittee shall provide PVSC with such additional information on the discharge as may be required by PVSC, including an estimate of the danger posed by the discharge to the environment, whether the discharge is continuing, and the measures taken, or being taken, to remediate the problem and any damage to the environment, and to avoid a repetition of the problem. All Industrial Users shall notify PVSC immediately of all discharges that could cause problems to PVSC, including any Slug loadings, as defined by 40 CFR 403.5(b), by the Industrial User;
- (l) Notwithstanding the reporting requirements stipulated in a Sewer Use Permit, a Permittee shall be required to file monthly reports with PVSC if the Permittee: (1) in any month commits a Serious Violation or fails to submit a completed discharge monitoring report and does not contest, or unsuccessfully contests, the assessment of a civil administrative penalty therefore; or (2) exceeds an effluent limitation for the same pollutant at the same discharge point source by any amount for four out of six consecutive months. PVSC may restore the reporting requirements stipulated in the Sewer Use Permit if the Permittee has not committed any of the violations identified in this paragraph for six consecutive months;
- (m) The Permittee shall report to PVSC, as appropriate, any Serious Violation within 30 days of the violation, together with a statement indicating that the Permittee understands the civil administrative penalties required to be assessed for Serious Violations, and explaining the nature of the Serious Violation and the measures taken to remedy the cause or prevent a recurrence of the Serious Violation;
- (n) The Permittee shall submit an application for a new Sewer Use Permit in the event of any contemplated facility expansion or process modification that would result in new or increased discharges or, if these would not violate effluent limitations or other restrictions specified in the Sewer Use Permit, to notify PVSC, of such new or increased discharges. All Industrial Users shall promptly notify PVSC in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or

characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR 403.12(p);

(o)

- (1) Except in the case of Non-Significant Categorical Users, the reports required in 40 CFR 403.12(b), (d), (e), and (h) shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by PVSC, of pollutants contained therein which are limited by the applicable Pretreatment Standards. This sampling and analysis may be performed by PVSC in lieu of the Industrial User. Where PVSC performs the required sampling and analysis in lieu of the Industrial User, the User will not be required to submit the compliance certification required under 40 CFR 403.12(b) and 40 CFR 403.12(d). In addition, where PVSC itself collects all the information required for the report, including flow data, the Industrial User will not be required to submit the report.
- (2) If sampling performed by an Industrial User indicates a violation, the User shall notify PVSC within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to PVSC within 30 days after becoming aware of the violation. Where PVSC has performed the sampling and analysis in lieu of the Industrial User, PVSC must perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat analysis. Resampling is not required if:
 - (i) PVSC performs sampling at the Industrial User at a frequency of at least once per month, or
 - (ii) PVSC performs sampling at the User between the time when the initial sampling was conducted and the time when the User or PVSC receives the results of this sampling.
- (3) The reports required in 40 CFR 403.12(b), (d), (e) and (h) must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which analysis and data are representative of discharges occurring during normal production or operations in the reporting period. PVSC shall require that frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by PVSC. Where time-proportional composite sampling or grab sampling is authorized by PVSC, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing

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- procedures as documented in approved EPA methodologies may be authorized by PVSC, as appropriate.
- (4) For sampling required in support of Baseline Monitoring and 90-day Compliance Reports required in 40 CFR 403.12 (b) and (d), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, PVSC may authorize a lower minimum. For the reports required by 40 CFR 403.12 (e) and (h), PVSC shall require the number of grab samples necessary to assess and assure compliance by Industrial Users with Applicable Pretreatment Standards and Requirements.
 - (5) All analyses shall be performed in accordance with procedures established by the United States Environmental Protection Agency (“USEPA”) pursuant to Section 304(h) of the Act and contained in 40 CFR part 136 and amendments thereto or with any other test procedures approved by the USEPA. (See 40 CFR 136.4 and 40 CFR 136.5.) Sampling shall be performed in accordance with the techniques approved by the USEPA. Where 40 CFR 136 does not include sampling or analytical techniques for the pollutants in question, or where the USEPA determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by PVSC or other parties, approved by the USEPA.
 - (6) If an Industrial User subject to the reporting requirement in 40 CFR 403.12(e) or (h) monitors any regulated pollutant at the appropriate sampling location more frequently than required by PVSC, using the procedures prescribed in paragraph (5) of this Section, the results of this monitoring shall be included in the report; and
- (p)
- (1) The Industrial User shall notify PVSC, the EPA Regional Waste Management Division Director, and N.J. State hazardous waste authorities in writing of any discharge into the PVSC system of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to PVSC, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. Industrial Users shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12 (j). The notification requirement in this Section

does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12 (b), (d), and (e).

- (2) Dischargers are exempt from the requirements of paragraph (p)(1) of this Section during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification. (3) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify PVSC, the EPA Regional Waste Management Waste Division Director, and N.J. State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations. (4) In the case of any notification made under paragraph (p) of this Section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

309.2

Temporary Permits or Letters of Authorization may contain the conditions listed in Subsection 309.1 but shall be established to safeguard the treatment plant and prevent violations of any Permit issued to or condition imposed upon PVSC.

309.3

The terms and conditions of any Permit may be subject to modifications and change by the Chief Executive Officer during the life of any Permit, as limitations or requirements identified in Section 312 and 313 are modified and changed. The Industrial User shall be informed of any proposed changes in its Permit at least thirty days prior to the effective date of change. Any changes or new conditions in any Permit shall include a reasonable time schedule for compliance. Any Permittee regulated under an approved effluent trade established under Section B-104 shall also be given a schedule for compliance if the trade ceases and if PVSC determines that the Permittee exercised good faith efforts in entering into the trade.

309.4

Control mechanisms issued by PVSC are enforceable, and will contain, at a minimum, the following conditions:

- (a) Statement of duration (in no case more than five years);
- (b) Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;
- (c) Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards in 40 CFR 403, categorical Pretreatment Standards, local limits, and State and local law;

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- (d) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the discharge in accordance with 40 CFR 403.12(e)(2), or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in 40 CFR 403, categorical Pretreatment Standards, local limits, and State and local law. The following language shall be included in the control mechanisms for any Categorical Industrial User unless a sampling waiver has previously been granted:

“The permittee has been identified as subject to 40 CFR 4XX.XX, the Federal Categorical Pretreatment Standards for Existing sources under the _____ Point Source Category. The Permittee may, in accordance with 40 CFR 403.12(e)(2), seek to forego sampling of a pollutant regulated under the applicable categorical standard provided that it meets the conditions noted in the PVSC Rules and Regulations under Section 318.5.”;

- (e) Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines; and
- (f) Requirements to control Slug Discharges, if determined by PVSC to be necessary.

Section 310 – Suspension of Any Permit

310.1

The Chief Executive Officer may, without notice, suspend any Permit (or other regulatory control mechanism) for a period not to exceed forty-five days when such suspension is deemed by PVSC to be necessary to stop a discharge which reasonably appears to present an imminent or substantial hazard to the public health, safety, or welfare. A Permittee whose Permit is suspended pursuant to this Section 310.1 shall be entitled to appeal such suspension in accordance with the expedited appeals procedure set forth in Section 310.4 of these Rules and Regulations.

310.2

The Chief Executive Officer may, upon service of notice on the Permittee, suspend any Permit (or other regulatory control mechanism) for a period not to exceed forty-five days when such suspension is deemed by PVSC to be necessary to stop a discharge which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the PVSC Treatment Works. A Permittee whose Permit is suspended pursuant to this Section 310.2 shall be entitled to appeal such suspension in accordance with the expedited appeals procedure set forth in Section 310.4 of these Rules and Regulations. All notices issued pursuant to this Section 310.2 shall be served in accordance with Section 103 of these Rules and Regulations and shall set forth the expedited appeals procedure set forth in Section 310.4 of these Rules and Regulations.

310.3

Any User notified of a suspension of its Permit shall immediately cease and desist the discharge of all wastes regulated by that Permit. In the event that a User fails to immediately comply with an order of the Chief Executive Officer and immediately cease all discharge, the Chief Executive Officer shall take such steps as are reasonably necessary to ensure compliance.

310.4

A User whose Permit (or other regulatory control mechanism) is suspended pursuant to Section 310.1 or 310.2 of these Rules and Regulations may request a hearing before the Commissioners. All such hearing requests must be filed with the Chief Executive Officer. The filing of a request for hearing shall not stay the suspension of the Permit. The Commissioners shall hold a hearing on the suspension within fourteen days of receipt of the request by the Chief Executive Officer, and PVSC shall give notice of the hearing in accordance with Section 103 of these Rules and Regulations. The suspended User shall have the right to be represented by counsel at the user's cost, the right to present testimony and/or other evidence, and the right to cross-examine witnesses. The Commissioners shall render a determination on the matter within 72 hours after the close of the hearing.

310.5

In the event that the Commissioners fail to meet within the time set forth above or fail to make a determination within seventy-two hours after the close of the hearing, the order of suspension shall be stayed until a determination is made either confirming or revoking the action of the Chief Executive Officer.

310.6

The Chief Executive Officer may indefinitely suspend the Permit (or other regulatory control mechanism) of any User who has failed to pay any applicable fee or User Charge for six months. The suspended User shall be given notice as called for under Section 103 of these Rules and Regulations. The appeal of any suspension under this Section 310.6 shall be processed in accordance with the procedure set forth in Section 107 of these Rules and Regulations.

310.7

The Chief Executive Officer shall reinstate a Permit suspended pursuant to Section 310 of these Rules and Regulations upon proof of satisfactory compliance with all discharge requirements and payment in full of all fees and/or User Charges due and owing. The Chief Executive Officer may direct counsel to commence and prosecute such legal actions as may be appropriate to enforce the provisions of this Section.

310.8

Reserved.

310.9

Reserved.

SECTION 311 – Revocation of A Permit

311.1

The Commissioners may revoke any Permit upon a finding that the User has demonstrated a refusal, inability, or failure to take reasonable steps to comply with any of the provisions of these Rules and Regulations. No revocation shall be ordered until a hearing has been held by the Commissioners, where the User shall have the right to be represented by counsel, cross examine witnesses and present evidence on its own behalf. Notice of the hearing shall be given to the User and to the municipality wherein the User is located, in accordance with Section 103 at least fifteen days prior to the date of the hearing.

311.2

Any User whose Permit has been revoked shall immediately cease and desist all discharge of wastes regulated by that Permit. The Chief Executive Officer may disconnect or permanently block from the public sewer, the connection of any User whose Permit has been revoked if such action is necessary to insure compliance with the order or revocation.

311.3

Before the discharge of wastes may be commenced by the User, the User must apply for and receive a new Permit, pay all charges, penalties and such other sums as may be owed, and comply with the conditions contained in any signed Consent Order or Judgment. Costs incurred by the PVSC and Municipality in revoking the Permit and disconnecting the connection shall be paid by the User before a new Permit is issued.

311.4

Notice of every proposed suspension, revocation or renewal, or substantial modification of a Permit and opportunity for public hearing thereupon, shall be afforded in the same manner as with respect to original Permit applications as provided for in these Rules and Regulations.

SUBPART 2 – Pretreatment Regulations

SECTION 312 – Prohibited Industrial Wastes

312.1

No Person shall discharge or deposit or cause or allow to be discharged or deposited into the Treatment Works or public sewer, the following:

- (a) **Explosive Wastes** - Wastes in such quantity which may create a fire or explosion hazard to the Treatment Works, collection system or to the operation of the system, including but not limited to, wastewater with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21. Additional quantitative limitations on explosive wastes are specified in Appendix B.
- (b) **Corrosive Wastes** - Wastes in such quantity which may cause corrosion or deterioration of the Treatment Works. Unless a higher limit is otherwise stated in the Sewer Use Permit issued to a User, all wastes shall have a pH not less than 5.0 Standard Units (S.U.) for any length of time. Unless otherwise stated in the Sewer Use Permit, all wastes shall have a pH not more than 11.0 S.U., with the following exceptions: a User may exceed 11.0 S.U. up to a maximum of 1% of the calendar month, and for not longer than one hour during any given exceedance, if PVSC requires the installation of a continuous pH recorder. Prohibited materials include, but are not limited to, concentrated acids, sulfides, and chloride or fluoride compounds, which result in a violation of these pH limits.
- (c) **Solids or Viscous Wastes** - Solids or viscous wastes in amounts which may cause obstruction to the flow in a sewer, or otherwise interfere with the proper operation of the Treatment Works. Prohibited materials include, but are not limited to, Sludge unauthorized by PVSC for discharge, uncomminuted garbage, bones, hides, or fleshings, cinders, sand, stone or marble dust, glass, etc.
- (d) **Floatable Pollutants** - (1) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass-through, (2) any wastes containing floatable fats, wax, grease, oils, or any other floatable pollutants, (3) any industrial wastes containing more than 150 mg/l of petroleum-based oil or grease in any single sample, and any wastes containing more than an average monthly concentration of 100 mg/l.
- (e) **Noxious Materials** - (1) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems, (2) noxious liquids, or gases, which in sufficient quantity either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair.
- (f) **Radioactive Wastes** - Radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and which will, or may, cause damage or hazards to the Treatment Works or personnel operating the system.
- (g) **Interference/Pass-through** - Any waste, including discharges of oxygen demanding wastes (BOD, etc.) released or discharged at a flow rate and/or pollutant concentration

which causes or threatens to cause an Upset at the PVSC Treatment Works, or which causes or threatens to cause a violation of the PVSC's NJPDES Permit conditions.

- (h) **Excessive Discharge Rate** - Industrial wastes discharged in a slug or such volume or strength so as to cause a surcharge in a downstream sewer line or cause a treatment process upset and subsequent loss of treatment efficiency.
- (i) **Heat** - (1) Any discharge in excess of 150°F (65°C). (2) Heat in amounts which would inhibit biological activity in the PVSC Treatment Works resulting in a treatment process upset and subsequent loss of treatment efficiency.
- (j) **Unpolluted Waters** - Any unpolluted water including, but not limited to, cooling water and uncontaminated storm water, which will increase the hydraulic load on the Treatment System, unless specifically authorized by PVSC in accordance with Sections 301, 303, 602 of these Rules and Regulations.
- (k) **Dilution** - Increase in the use of process water, or an attempt in any other way, to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or effluent limit.
- (l) **Violations** - Wastes which cause the PVSC treatment plant to violate its NJPDES Permit, applicable receiving water standards, Permit regulating sludge which is produced during treatment, or any other Permit issued to PVSC.
- (m) **Hazardous Wastes** - Those wastes designated by EPA as hazardous under 40 CFR 261.
- (n) **Hauled Wastes** - Any trucked or hauled wastes, except at discharge points inside the PVSC Treatment Plant designated by the Chief Executive Officer, and only after approval is issued by PVSC.
- (o) **Ground Water** - Any ground water, whether contaminated or uncontaminated, unless specifically authorized by PVSC in accordance with Sections 301, 303, and 602 of these Rules and Regulations.
- (p) **Stormwater** - Any stormwater, whether contaminated or uncontaminated, unless specifically authorized by PVSC in accordance with Sections 301, 303 and 602 of these Rules and Regulations.
- (q) **Bypassed Wastes** – Any wastewaters which would normally be monitored or pretreated, but are discharged to the sanitary sewer without being monitored or pretreated, unless specifically authorized by PVSC.
- (r) **Excess Heel Material** – Any quantity of trucked or hauled material meeting the definition as contained herein, unless authorized by PVSC.
- (s) **Mobile Vehicle-Washing Wastewaters** – Any wastewaters discharged to the sewer system resulting from the power washing (or other cleaning method) of trucks, buses or other vehicles which are performed outside the company's facility or at any location on a sidewalk or street.
- (t) **Diverted Wastewaters** - Any wastewaters diverted to, or discharged from, any User to a sidewalk or street or any other surface leading to discharge into a street sewer (sanitary or combined sewer, or storm sewer leading to the Passaic River).

312.2

Authorization to discharge groundwater, stormwater, and non-contact cooling water, whether or not contaminated, will not be granted unless the Person seeking such authorization demonstrates that there are no reasonable alternative means of disposing of the same, including, but not limited to, by directly discharging such wastes to surface waters. Any authorization to discharge shall be contingent on the User paying the applicable fee as described in Section 602. Authorization to discharge such waste types shall also be denied if the Chief Executive Officer determines that the addition of such wastes will cause, or will threaten to cause, the PVSC to violate its NJPDES Permit or to otherwise interfere with the Treatment Works.

312.3

Where deemed necessary by the Chief Executive Officer, the discharges of approved construction water, groundwater, stored stormwater or containment area stormwater, shall be conducted only during dry weather, so as to minimize the impact on Combined Sewer Overflows. Affected Users shall make provisions to store such flows during Wet Weather events. Significant Industrial Users (especially but not limited to batch or non-continuous dischargers) shall restrict discharges to the extent practical during Wet Weather periods.

312.4

Upon written instruction to do so, Significant Industrial Users shall investigate ways to minimize their discharges during Wet Weather and report their findings to PVSC.

312.5

PVSC may develop Best Management Practices (BMPs) to implement the local limits noted in Sections 312.1 and B-103.3. Such BMPs shall be considered local limits and Pretreatment Standards for the purposes of this part and Section 307(d) of the Act.

Section 313 – Pretreatment Standards

313.1

No Person shall discharge, deposit or cause or allow to be discharged or deposited into the Treatment Works or public sewer, any waste which violates any General Pretreatment Standard, Federal Categorical Standard, or other pretreatment standard. PVSC hereby incorporates 40 CFR 403.1 et seq. by reference, including all supplements and amendments thereto. PVSC hereby incorporates the Federal Categorical Standards 40 CFR Chapter I Subchapter N, by reference, including all supplements and amendments thereto. When PVSC adopts a local limit that affects the discharge from any User, that limitation shall apply to the affected User. The failure of PVSC to modify the applicable Permit prior to its listed expiration date, shall not exempt the User from compliance.

313.2

In addition, a User shall comply with any more stringent standards or limits as determined by PVSC, NJDEP or USEPA. PVSC may impose case-by-case limitations on individual Permittees

using its Best Professional Judgment when necessary to prevent the Upset or Interference with the PVSC treatment process or Pass-through of pollutants which may impair its ability to meet effluent, sludge, or air pollution limits, or to protect treatment plant worker health and safety. PVSC may also adjust the local limits to permit effluent trading as described in Appendix B Section 104, and to allow for relaxed, interim local limit(s) on a case-by-case basis where warranted, under the terms of a Judicial or Administrative Consent Order, and using Best Professional Judgment.

313.3

When PVSC local pretreatment limits become effective, except as modified herein, all affected Users shall submit Baseline Monitoring Reports, Compliance Schedules and Compliance Reports as described in the Federal General Pretreatment Regulations, 40 CFR 403.12 and Appendix B. All affected Users shall submit a Baseline Monitoring Report as defined in 40 CFR 403.12(b) and (c), except that this report shall be submitted to PVSC within 90 days of the effective date. This includes the development of a compliance schedule for the installation of technology required to meet applicable pretreatment standards and requirements. PVSC may, for a compelling reason, modify the requirements contained in the Federal Regulations on a case-by-case basis, in order to address an individual situation. Local pretreatment limitations established by PVSC shall be contained in Appendix B.

As per 40 CFR 403.12(b)(5)(ii), the User filing the Baseline Monitoring Report shall identify the Pretreatment Standards applicable to each regulated process. In addition, the User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or PVSC) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by PVSC or the applicable Standards to determine compliance with the Standard.

As per 40 CFR 403.12(b)(5)(iii), a User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of that paragraph and this Section (313.3) herein.

313.4

PVSC may convert the mass limits of the categorical Pretreatment Standards at 40 CFR parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. When converting such limits to concentration limits, PVSC will use the concentrations listed in the applicable Subparts of 40 CFR parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by 40 CFR 403.6(d) or Section 312.1(k) herein.

313.5

When the limits in a categorical Pretreatment Standard are expressed only in terms of pollutant concentrations, an Industrial User may request that PVSC convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of

PVSC. PVSC may establish equivalent mass limits only if the Industrial User meets all the following conditions in paragraph (a)(1) through (a)(5) of this Section.

- (a) To be eligible for equivalent mass limits, the Industrial User must:
- (1) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its control mechanism;
 - (2) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
 - (3) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and long-term average production rate must be representative of current operating conditions;
 - (4) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
 - (5) Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
- (b) An Industrial User subject to equivalent mass limits must:
- (1) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 - (2) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
 - (3) Continue to record the facility's production rates and notify PVSC whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph (a)(3) of this section. Upon notification of a revised production rate, PVSC will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
 - (4) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraph (a)(1) of this Section so long as it discharges under an equivalent mass limit.
- (c) Where PVSC chooses to establish equivalent mass limits, it will:
- (1) Calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based daily maximum and monthly average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
 - (2) When notified of a revised production rate, reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
 - (3) Retain the same equivalent mass limit in subsequent control mechanism terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment

pursuant to Section 312.1(k) herein. The Industrial User must also be in compliance with 403.17 (regarding the prohibition of bypass).

- (d) PVSC may not express limits in terms of mass for pollutants such as pH, temperature, radiation, or other pollutants which cannot appropriately be expressed as mass.

313.6

- (a) Pollutant discharge limits in categorical Pretreatment Standards will be expressed either as concentration or mass limits. Wherever possible, where concentration limits are specified in standards, equivalent mass limits will be provided so that local, State or Federal authorities responsible for enforcement may use either concentration or mass limits. Limits in categorical Pretreatment Standards shall apply to the effluent of the process regulated by the Standard, or as otherwise specified by the standard.
- (b) When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, PVSC may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
- (c) PVSC, calculating equivalent mass-per-day limitations under paragraph (b) of this Section, shall calculate such limitations by multiplying the limits in the Standard by the Industrial User's average rate of production. This average rate of production shall be based not upon the designed production capacity but rather upon a reasonable measure of the Industrial User's actual long-term daily production, such as the average daily production during a representative year. For new sources, actual production shall be estimated using projected production.
- (d) PVSC, calculating equivalent concentration limitations under paragraph (b) of this Section, shall calculate such limitations by dividing the mass limitations derived under paragraph (c) of this Section by the average daily flow rate of the Industrial User's regulated process wastewater. This average daily flow rate shall be based upon a reasonable measure of the Industrial User's actual long-term average flow rate, such as the average daily flow rate during the representative year.

313.7

Equivalent limitations calculated in accordance with Sections 313.4 and 313.5 respectively, are deemed Pretreatment Standards for the purposes of section 307(d) of the Act and this part. Once incorporated into its control mechanism, the Industrial User must comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

313.8

Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

313.9

Any Industrial User operating under a control mechanism incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify PVSC within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying PVSC of such anticipated change will be required to meet the mass or concentration limits in its control mechanism that were based on the original estimate of the long term average production rate.

313.10

PVSC may determine that an Industrial User subject to categorical Pretreatment Standards under 403.6 and 40 CFR chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

- (a) The Industrial User, prior to PVSC’s finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
- (b) The Industrial User annually submits the certification statement required by 40 CFR 403.12(q), together with any additional information necessary to support the certification statement; and
- (c) The Industrial User never discharges any untreated concentrated wastewater.

313.11

Where PVSC has determined that an Industrial User meets the criteria for classification as a Non-Significant Categorical Industrial User, PVSC will evaluate, at least once per year, whether an Industrial User continues to meet the criteria in Section 313.10.

313.12

An Industrial User determined to be a Non-Significant Categorical Industrial User (NSCIU) pursuant to Section 313.10 must annually submit the following certification statement, signed in accordance with the signatory requirements in 40 CFR 403.12(l). This certification must accompany any alternative report required by PVSC:

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

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certification is based upon the following information:_____.”

The User shall submit the certification to PVSC for each calendar year, by January 15th of the following year. The correspondence must also list the PVSC User or Permit Number, and the facility’s location. This letter shall be deemed the MR-1 equivalent, and PVSC, in its sole discretion, may subject late submissions to the same penalty matrix for late reports, as provided for in Section C-101 of these Rules & Regulations.

An Industrial User determined to be a Zero-Regulated Discharger must annually submit the following certification statement, signed in accordance with the signatory requirements in 40 CFR 403.12(l). This certification must accompany any alternative report required by PVSC:

“Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR _____, I certify that, to the best of my knowledge and belief that during the period from _____, to _____, _____ [month, days, year]:(a) The facility described as _____ [facility name] met the definition of a Zero-Regulated Discharger; (b) the facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged any gallons of categorical wastewater on any given day during this reporting period. This compliance certification is based upon the following information:_____.”

PVSC may issue a Sewer Use Permit for any categorical discharge from a Zero-Regulated Discharger. The User shall submit the certification to PVSC for each calendar year, by January 15th of the following year. The correspondence must also list the PVSC User or Permit Number, and the facility’s location. This letter shall be deemed the MR-1 equivalent, and PVSC, in its sole discretion, may subject late submissions to the same penalty matrix for late reports, as provided for in Section C-101 of these Rules & Regulations.

313.13

Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to PVSC. Upon request of the Industrial User, the applicable Standard will be calculated on a “net” basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (a) of this Section are met.

(a) Criteria.

(1) Either:

- (i) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or
- (ii) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.

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- (2) Credit for generic pollutants such as Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), and Oil and Grease will not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
 - (3) Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.
 - (4) Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which PVSC discharges. PVSC may waive this requirement if it finds that no environmental degradation will result.

SECTION 314 – Affirmative Defenses

314.1

If for any reason, the discharge from a User does not comply with or will be unable to comply with any requirements, prohibitions or limitations contained in these Rules and Regulations, Municipal Ordinance or the Permit, the User shall notify the Chief Executive Officer within two hours after becoming aware of the incident so that corrective action may be taken to protect the treatment works.

314.2

An Upset shall constitute an affirmative defense to an action brought for non-compliance if the following requirements are met. A User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that

- (1) an Upset occurred and the User can identify the cause(s) of the Upset;
- (2) the facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operations and maintenance procedures; and
- (3) the User has submitted the following information to PVSC within 24 hours of becoming aware of the Upset, except that a written submission must be provided within five days if the information is provided verbally:
 - (a) a description of the indirect discharge and cause of the non-compliance;
 - (b) the period of non-compliance including exact dates and time or, if not corrected, the anticipated time the non-compliance is expected to continue; and
 - (c) steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.

314.3

The Industrial User seeking to establish the occurrence of an Upset shall have the burden of proof. The User shall control production on all discharges to the extent necessary to maintain compliance with the prohibitions or limitations upon reduction, loss or failure of its pretreatment facility until it is restored, or an alternative method of treatment is provided. This requirement shall apply to the situation where among, other things, the primary source of power to the pretreatment facility is reduced, lost or fails.

314.4

A User shall have an affirmative defense in any action brought against it by PVSC alleging a violation of the prohibition of causing Interference or Pass-through, contained in the following Subsections: 312.1(c), Solids or Viscous wastes, (d) (1) and (d) (3), petroleum-based oils and grease, (e), Noxious Materials; (g), Interference/Pass-through, or (i) Heat, where the User can demonstrate that:

- (i) it did not know or have reason to know that its discharge alone, or in conjunction with a discharge or discharges from other sources, would cause Interference or Pass-through; and
- (ii) it was in compliance with each applicable local limit directly prior to and during the Interference or Pass-through, or if there was no applicable local limit at the time of the Interference or Pass-through, the User's discharge was substantially the same as when there was no Interference or Pass-through.

314.5

A Person may be entitled to an affirmative defense to liability for a mandatory assessment of a civil administrative penalty pursuant to Section 6 of P.L.1990, c. 28 (C.58:10A-10.1) for a violation of an effluent limitation occurring as a result of an Upset, an anticipated or unanticipated bypass, or a testing or laboratory error. A Person shall be entitled to an affirmative defense only if, in the determination of PVSC, the Person satisfies the provisions, as applicable, of this Section.

314.6

A Person asserting an unanticipated bypass as an affirmative defense pursuant to this Section shall notify PVSC of the unanticipated bypass within 24 hours of its occurrence, and, within five days thereof, shall submit written documentation, including properly signed, contemporaneous operating logs, or other relevant evidence, on the circumstances of the violation, and demonstrating that:

- (a) the unanticipated bypass occurred, including the circumstances leading to the bypass;
- (b) the permitted facility was at the time being properly operated;
- (c) the Person submitted notice of the Upset as required pursuant to this Section;
- (d) the Person complied with any remedial measures required by PVSC;
- (e) the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
- (f) there was no feasible alternative to the bypass such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of

downtime, except that the provisions of this paragraph shall not apply to a bypass occurring during normal periods of equipment downtime or preventive maintenance if, on the basis of the reasonable engineering judgment of PVSC, back-up equipment should have been installed to avoid the need for a bypass.

314.7

A Person may assert an anticipated bypass as an affirmative defense pursuant to this Section only if the Person provided prior notice to PVSC, if possible, at least 10 days prior to the date of the bypass, and PVSC approved the bypass, and if the Person is able to demonstrate that:

- (a) the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
- (b) there was no feasible alternative to the bypass such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of downtime, except that the provisions of this paragraph shall not apply to a bypass occurring during normal periods of equipment downtime or preventive maintenance if, on the basis of the reasonable engineering judgment of PVSC, back-up equipment should have been installed to avoid the need for a bypass.

314.8

A Person asserting a testing or laboratory error as an affirmative defense pursuant to this Section shall have the burden to demonstrate, to the satisfaction of PVSC, that a Serious Violation involving the exceedance of an effluent limitation was the result of unanticipated test interferences, sample contamination, analytical defects, or procedural deficiencies in sampling or other similar circumstances beyond the control of the Permittee.

SECTION 315 – Pretreatment Facilities

315.1

A pretreatment facility or device may be required by the Chief Executive Officer to treat or monitor industrial wastes prior to discharge to the public sewer or PVSC Treatment Works. Where pretreatment or construction necessary to control or monitor wastes is required, prior to the issuance of, or as prescribed in the Permit, schematics, detailed plans and specifications, process descriptions and other pertinent data or information relating to such pretreatment facility or device shall first be filed with the Chief Executive Officer. Such filing shall not exempt the User nor the facility from compliance with any applicable code, ordinance, rule, regulation, or order of any governmental authority or from these Rules and Regulations. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without notice to PVSC and, where required, submission of detailed plans and specifications.

315.2

It shall be considered a violation of these Rules & Regulations if inspection of pretreatment facilities and devices by authorized personnel of PVSC reveals such systems are not installed or

operating in conformance with the plans and procedures submitted to PVSC, are not operating in compliance with the effluent limitations required by PVSC, or are not operating in accordance with their intended use. The Industrial User shall make those modifications necessary to meet those requirements. All pretreatment systems judged by the Chief Executive Officer to require engineering design shall have plans prepared and signed by an engineer of suitable discipline. If pretreatment or control of waste flows is required, such facilities shall be maintained in good working order and operated as efficiently as possible by the owner or operator at its own cost and expense, subject to the requirements of these Rules and Regulations and all other applicable codes, ordinances and laws.

SECTION 316 – Industrial Waste Reporting

316.1

Unless a different schedule is specified in the Permit, each affected User shall submit an MR-2 User Charge Self-Monitoring Report monthly on forms provided or specified by PVSC. Each MR-2 report covers a calendar month, and shall be due 21 days after the reporting period ends. If the 21st day falls on a Saturday, Sunday, or PVSC holiday, then the report shall be due on the next PVSC workday following. An MR-2 report shall be submitted for each outlet as specified in the Permit.

316.2

If a User fails to submit an MR-2 User Charge Self-Monitoring Report as required by its Permit, or fails to submit the analytical portion, or PVSC determines that the User submitted unrepresentative sample results, the Chief Executive Officer shall estimate the use for that monthly period. If, in accordance with this Section the Chief Executive Officer estimates the usage for that monthly period, this estimate shall become the current year actual usage for that period, and no adjustment shall be made.

316.3

Regarding Periodic reports on continued compliance, any Industrial User subject to a categorical Pretreatment Standard (except a Non-Significant Categorical User as defined in 40 CFR 403.3(v)(2)), after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge to PVSC, shall submit to PVSC during each month, unless required more frequently in the Pretreatment Standard, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in 40 CFR 403.12(b)(4) except that PVSC may require more detailed reporting of flows. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the User shall submit documentation required by PVSC or the Pretreatment Standard necessary to determine the compliance status of the User. At the discretion of PVSC and in consideration of such factors as local high or low flow rates, holidays,

budget cycles, etc., PVSC may modify the months during which the above reports are to be submitted.

Each User whose Permit requires it to do so shall submit a periodic (monthly) MR-1 Pretreatment Discharge Monitoring Report on forms provided or specified by PVSC. These reports, which cover calendar months, are due 35 days after the reporting period ends. If the 35th day falls on a Saturday, Sunday or PVSC holiday, then the report shall be due on the next PVSC workday following. An MR-1 Pretreatment Discharge Monitoring Report shall be submitted for each outlet as specified in the Permit. The annual Silver BMP Certification Report (MR-4) pursuant to Section 404 and the annual Oil and Grease Control form pursuant to Section 406 shall be due in the same timeframe outlined in this Section.

316.4

The MR-1 Pretreatment Discharge Monitoring Report may include, but at the discretion of the Chief Executive Officer, shall not be limited to nature of processes, volume, rates of flow, mass discharge emission rate, production quantities, hours or days of operation, concentrations of pollutants, or other information necessary to demonstrate compliance with applicable pretreatment limitations.

316.5

Appendix B contains a provision whereby PVSC may authorize Users to certify for non-use for pollutants identified in Table B-2. Users wishing to participate shall submit a request on a form provided by PVSC. PVSC shall review the application and if it is acceptable shall approve the request. If PVSC denies the request, the User shall monitor for all pollutants as required in its Permit.

316.6

Users who are authorized to certify for non-use shall submit an MR-3 Non-Use Report on forms provided by PVSC. Each MR-3 report covers a calendar month, and shall be due 35 days after the reporting period ends. If the 35th day falls on a Saturday, Sunday or PVSC holiday, then the report shall be due on the next PVSC workday following. An MR-3 report shall be submitted for each outlet approved by PVSC.

316.7

The MR-1 Pretreatment Discharge Monitoring Report form shall be used to report all regulated pollutants. The MR-3 Non-Use Report shall be used to report only those pollutants PVSC has approved for non-use certification. The User shall not report pollutants that it is approved to certify for non-use on the MR-1.

316.8

In addition to the requirements listed in Section 309.1(k) through (p) of these Rules & Regulations, all Industrial Users shall, at a minimum, comply with the reporting requirements contained in 40 CFR 403.12 and subsequent revisions, including, but not limited to, Baseline

Monitoring Reports, Compliance Progress Reports, Compliance Date Reports, Periodic Self-Monitoring Reports and Hazardous Waste Notification.

Such requirements include signatory requirements for Industrial User reports. The reports required by 40 CFR 403.12(b), (d), and (e) shall include the certification statement as set forth in 40 CFR 403.6(a)(2)(ii), and shall be signed as follows:

- (a) By a Responsible Corporate Officer (defined in Appendix A), if the Industrial User submitting the reports required by paragraphs 40 CFR 403.12(b), (d), and (e) is a corporation.
- (b) By a general partner or proprietor if the Industrial User submitting the reports required by 40 CFR 403.12(b), (d), and (e) is a partnership, or sole proprietorship respectively.
- (c) By a duly authorized representative of the individual designated in 40 CFR 403.12(l)(1) or (l)(2) if:
 - (i) The authorization is made in writing by the individual described in paragraph (l)(1) or (l)(2);
 - (ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of Plant Manager, operator of a well, or well field Superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - (iii) the written authorization is submitted to PVSC.
- (d) If an authorization under paragraph 40 CFR 403.12(l)(3) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph 40 CFR 403.12(l)(3) must be submitted to PVSC prior to or together with any reports to be signed by an authorized representative.

316.9

Individual analytical results for BOD, TSS, or any other parameter as required by the Permit shall be reported on the date that the sample was removed from the sampling device for analysis. (For example, if a sampling device drew a sample from 8:00 a.m. Monday to 8:00 a.m. Tuesday and it was removed on Tuesday for analysis, then the sample would be dated Tuesday).

316.10

Any User may meet the due date requirement for submission of a report by submitting the document via hard copy, facsimile, or electronic data submission provided the document is received at PVSC on any date up to and including the due date.

316.11

The following procedures shall be used when reporting analytical results.

- (a) The pollutant limit will define the precision, or number of digits to the right or left of the decimal point, to be reported. However, if the rounding of any analytical data as instructed in this Section results in, for example, <0.0 mg/L, the Permittee shall report the

analytical result as is stated on the laboratory report, and in that case may utilize more digit(s) than the number of digits in the pollutant limit.

- (b) Calculated results shall be rounded off to the same precision as defined for that pollutant in the limit.
- (c) Zeros in the pollutant limit are included in order to determine the precision. The following procedure shall be followed when rounding off results:
 - 1. Round off by dropping digits that are irrelevant. If the digit 6, 7, 8 or 9 is to be dropped, increase the preceding digit by one unit.
 - 2. If the digit 0,1,2,3 or 4 is to be dropped, do not alter the preceding digit.
 - 3. If the digit 5 is to be dropped, round off the preceding digit to the nearest even number (2.25 becomes 2.2 while 2.35 becomes 2.4).
- (d) The reporting of ND (*non-detectable*) is not permissible. If the laboratory reports that the pollutant is at the ND level, the User shall report less than (<) the analytical detection level which the laboratory reported for that analysis. The less than (<) value reported must be below the corresponding limit(s) for any given analyte in order to demonstrate compliance with such limit(s).
- (e) Where required, the average result shall be reported as the least sensitive (largest) value when more than one sample for a specific parameter is taken in a given reporting month, and when they are all *detected but not quantified* or *non-detectable*.
- (f) Where required the average result shall be determined as follows when more than one sample for a specific parameter is taken in a given reporting month, and when they are in combination of both *detected and quantified*, or *detected but not quantified* or *non-detectable* values:
 - 1. Substitute one-half the analytical detection level for all values reported as less than the laboratory's reported analytical detection level, and then report the calculated arithmetic average.
- (g) For the reporting of mass or production-based values, the procedures described in this Section shall apply, and mass values must be calculated for each individual sampling occurrence before daily maximum and monthly average values can be calculated and reported.
- (h) For reporting a parameter that requires several analytes to be totaled, the User should substitute zero for the *non-detectable* values and substitute one-half the analytical detection limit for the *detected but not quantified* values, and add them to the *detected and quantified* values to calculate the total.
- (i) In cases where a *detected but not quantified* or *non-detectable* value exceeds any applicable maximum or average limit, the User shall submit with the MR-1 Report the following data in support of a claim of compliance:
 - 1. Method number of the base method used for the measurement.
 - 2. A detailed narrative discussing the problems with the analysis, corrective actions taken, and the changes made to the base method identified.
 - 3. A summary level report on data reporting forms giving the pollutants for which analyses were conducted and the concentrations detected. For the pollutants that were non-detectable the detection limits must be provided.

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4. A summary of all quality control results required by the base method.
 5. Raw data that will allow an independent reviewer to validate each determination and calculation performed by the laboratory.
 6. Example calculations that will allow the data reviewer to determine how the laboratory used the raw data to arrive at the final results.
 7. For GC/MS and other instruments involving data systems, the User should be prepared to submit raw data on magnetic tape or disk.
 8. The names, titles, addresses, and telephone numbers of the analysts who performed the analyses and of the quality control officer who will verify the analyses.

316.12

On a periodic basis, PVSC may by Resolution, define key fields on various periodic report forms. These key fields must be accurate at the time the report is received at PVSC. Errors or omissions in any key field may subject the Permittee to mandatory minimum fines. This fine is in addition to any other fine to which the Permittee may be subject. If PVSC returns an incomplete report to a Permittee with a request that it be completed and resubmitted to PVSC, the Permittee shall be subject to a fine for a late report as defined in Appendix C if the corrected report is not received within the time period specified. Appendix C contains the fine schedule.

316.13

Notwithstanding the reporting requirements stipulated in a Permit for discharges to the sanitary sewer, a Permittee shall be required to file monthly reports with PVSC if the Permittee: (1) in any month commits a Serious Violation or fails to submit a completed discharge monitoring report and does not contest, or unsuccessfully contests, the assignment of a civil administrative penalty therefore; or (2) exceeds an effluent limitation for the same pollutant at the same discharge point source by any amount for four out of six consecutive months. PVSC may restore the reporting requirements stipulated in the Permit if the Permittee has not committed any of the violations identified in this paragraph for six consecutive months.

316.14

Industrial Users shall report to PVSC, as appropriate, any Serious Violation within 30 days of the violation, together with a statement indicating that the User understands the civil administrative penalties required to be assessed for Serious Violations, and explaining the nature of the Serious Violation and the measures taken to remedy the cause or prevent a recurrence of the Serious Violation.

316.15

For any Upsets or unanticipated bypasses not otherwise covered in N.J.A.C. 7:14A-6.10(a)1 or 2, or for any anticipated bypasses, an Industrial User shall ensure that the Chief Executive Officer receives the information listed below:

- (a) All properly signed, contemporaneous operating logs, or other relevant evidence, on the circumstances of the non-compliance;
- (b) For an unanticipated bypass, the reasons that the unanticipated bypass occurred,

including the circumstances leading to the unanticipated bypass;

- (c) For an Upset, the reasons that the Upset occurred, including the cause of the Upset and the identity of the Person causing the Upset, as necessary, except that, in the case of a treatment works, the local agency may certify that despite a good faith effort it was unable to identify the cause of the Upset or the Person causing the Upset;
- (d) Evidence that the Industrial User was properly operating the facility at the time;
- (e) Evidence that the Industrial User submitted notice of the unanticipated bypass as required by this Section, or, in the case of an Upset resulting from the performance by the Industrial User of maintenance operations, the Industrial User provided prior notice and received prior written approval from PVSC, including the name, title, address and telephone number of the individual who satisfied this requirement, the date and specific time the individual notified PVSC for the Industrial User, the specific method that the individual used to notify PVSC, and the name and title of the individual within PVSC to whom the Industrial User gave such notice;
- (f) Evidence that the Industrial User complied with all remedial measures PVSC required;
- (g) For an unanticipated bypass, the Industrial User rationale for and all supporting documentation that the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage, including the name, title, address and telephone number of the individual that made the determination for the Industrial User, the data and information upon which that individual made the determination and any other information PVSC requests;
- (h) For an unanticipated bypass, evidence that there was no feasible alternative to the unanticipated bypass, including but not limited to the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of downtime; and
- (i) For an unanticipated bypass, evidence that the unanticipated bypass did not occur during normal periods of equipment downtime or preventive maintenance when back-up equipment should have been installed to avoid the unanticipated bypass as part of the written submission required pursuant to N.J.A.C. 7:14A-6.10(e), if not previously submitted, as follows:
 - 1. For an unanticipated bypass, the information listed at N.J.A.C. 7:14A-6.10(f)4i through ii and iv through ix.
 - 2. For an Upset, the information listed at N.J.A.C. 7:14A-6.10(f)4i and iii through vi as applicable, is submitted to PVSC, within the five-day period.

316.16

PVSC requires appropriate reporting from those Industrial Users with discharges that are not subject to categorical Pretreatment Standards. Significant Non-categorical Industrial Users must submit to PVSC each month a description of the nature, concentration, and flow of the pollutants required to be reported by PVSC. In cases where a local limit requires compliance with a Best Management Practice or Pollution Prevention alternative, the User must submit documentation required by PVSC to determine the compliance status of the User. These reports must be based on sampling and analysis performed in the period covered by the report, and in accordance with the techniques described in 40 CFR 136 and amendments thereto. This sampling and analysis may be performed by PVSC in lieu of the Significant Non-categorical Industrial User, but only if

the User receives written confirmation of such by PVSC. Short of such written confirmation, the responsibility to sample and analyze as required by this paragraph is with the User.

316.17

Any Industrial User subject to the reporting requirements established in Section 312.4 shall maintain records of all information resulting from any monitoring activities required by this Section, including documentation associated with BMPs. Such records shall include for all samples:

- (a) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
- (b) The dates analyses were performed;
- (c) Who performed the analyses;
- (d) The analytical techniques/methods used; and
- (e) The results of such analyses.

Additionally, any Industrial User subject to the reporting requirements established in this Section (including documentation associated with BMPs) shall be required to retain for a minimum of 5 years any records of monitoring activities and results (whether or not such monitoring activities are required by this Section) and shall make such records available for inspection and copying by the USEPA Director and the Regional Administrator, as well as PVSC. This period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User or when requested by the Director or the Regional Administrator.

SECTION 317 Industrial Waste Monitoring

317.1

All Industrial Users who discharge or propose to discharge waste to the PVSC Treatment Works shall maintain such records as are necessary to demonstrate compliance with the requirements of these Rules and Regulations, any Permit and any applicable State or Federal pretreatment standards or requirements. All such records shall be maintained for review by PVSC for a period of at least five (5) years.

317.2

Such records shall be made available upon request by the Chief Executive Officer. All such records relating to compliance with pretreatment standards shall be made available to officials of NJDEP and officials of the USEPA upon demand. A summary of such data indicating the Industrial User's compliance with these Rules and Regulations shall be prepared and submitted to the Chief Executive Officer as designated in the Permit, utilizing any forms applicable and provided by PVSC.

317.3

Each designated Industrial User is required to accurately monitor its discharge(s), and where PVSC deems necessary, shall install, at its own cost and expense, suitable monitoring equipment to facilitate the accurate observation, sampling, and measurement of industrial wastes. The equipment shall provide for a continuous recorder as defined herein. Such equipment shall be kept safe, secured from unauthorized entry, or tampering and accessible at all times. Except as provided for in Subsection 317.5, monitoring equipment shall be calibrated as recommended by the manufacturer, except that LEL recorders shall be calibrated daily and pH recorders shall be calibrated at least weekly, whichever is more frequent. Upon request by a PVSC Inspector, Users shall perform or demonstrate a calibration of the pH and/or LEL monitor in the Inspector's presence. For pH monitors, at a minimum a two-point calibration must be conducted. The pH monitor must also be accurate and reproducible to within 0.1 S.U. Suitable notations shall be made on the recorded tapes or charts whenever the device is calibrated, citing the date, time and the individual making the calibration. The tapes or charts shall also be initialed and dated each business day to ensure that the monitoring system is operating properly. If PVSC requires a User to continuously monitor the effluent for pH or LEL, the recorder may not be turned off or the probe removed from the waste stream, even during periods when the User is not operating nor discharging to the sewer, unless specifically authorized in advance by PVSC. Any User required to continuously record the pH of its discharge shall have such recording equipment certified by the NJDEP's Office of Quality Assurance, as required under the "Regulations Governing Laboratory Certifications and Standards of Performance" under N.J.A.C. 7:18-1.1 et.seq.

Users subject to continuous pH monitoring are required to have a spare, fully functional probe on-site in order to facilitate immediate resumption of monitoring should the probe currently in use become inoperable or inaccurate. Should a monitoring device become inoperable or when there no spare probe is available, the User shall take hourly readings during discharge and record such readings in writing in order to demonstrate compliance until the monitoring device is repaired or replaced. Monthly pH, LEL or other tapes or charts required by each User's Sewer Use Permit or other control mechanism shall be changed on the first of the month, or the next business day following the first of the month. Weekly charts may be changed on a schedule determined by the User, but at a minimum shall be changed each seven days (so as to avoid overlapping recordings). All chart recordings shall be reflective of the actual day they are intended to measure. Recorders which drift with respect to time must be adjusted to the appropriate date and time. Chart recorder pens which run out of ink must be replaced within one (1) business day. Users subject to continuous pH monitoring may also petition PVSC for approval to utilize digital recording devices in place of paper charting, so long as each recording is 30 seconds apart or less, and so long as compliance status at any time may be demonstrated to the PVSC Inspector.

Any facility required to monitor its pH continuously may be considered to be in Significant Non-compliance (SNC) of its pH limits if it incurs chronic violations as defined in Section 322.1. Specifically, this would occur if 66 percent or more of the total days during the SNC assessment period (i.e., total days monitored) were Violation Days (as defined herein). A facility could also be in SNC if an exceedance results in a pH below 5.0 S.U. at the PVSC treatment works at any time during a calendar day, if the exceedance results in a pH outside a categorical pretreatment standard at any time during a calendar day, or if the exceedance causes interference, worker health or safety concerns, and/or corrosive structural damage to the PVSC treatment works.

317.4

Notwithstanding the requirements of Section 314 and 315, a User shall notify PVSC as soon as possible, but in no case later than 2 hours from becoming aware of it, if a sampling, monitoring, or recording device required in accordance with these Rules and Regulations becomes inoperable. A User shall also notify PVSC if a pretreatment system becomes inoperable or taken offline whether the system was required by PVSC or installed at the User's own discretion. Unless modified by PVSC, the User shall submit a written report to PVSC, attention Industrial and Pollution Control Department, within 5 working days of the occurrence detailing what occurred, why it happened, what will be done to correct the problem and a date when the problem will be corrected. If corrective action is expected to take more than two months from the date of the occurrence, the User shall submit monthly progress reports until such times as the problem is corrected. This provision shall not apply during flow meter calibration or to other instrument calibrations that do not exceed 30 minutes. The Chief Executive Officer may require a User to obtain and utilize a loaned or rented pH or LEL recorder during such times as the meter(s) remain inoperable for more than one calendar week.

317.5

All Industrial Users shall provide PVSC with accurate discharge volumes for each outlet, in a method approved by and/or determined by the Chief Executive Officer. This includes the installation and use of flowmeters where/when directed. This also applies to, but is not limited to, any Industrial User which claims a lower discharge volume than is indicated by its water consumption due to retention of water in its product, discharge to a storm sewer, river or ditch, a higher evaporation rate than is allowed by PVSC, or other reasons. Unless this requirement is modified by the individual Permit, flow measuring devices, used in determination of effluent volumes and which are required to be installed, shall be calibrated annually or more frequently if recommended by the manufacturer. Each User required to calibrate any flow meter shall notify PVSC at least 5 days prior to the flow meter calibration. The User shall calibrate the flow meter only if PVSC is present and shall perform a Volumetric Calibration Verification when deemed necessary by PVSC, and within the prescribed timeframe. All flow meters applicable to this part must have a non-resettable totalizer.

317.6

When more than one Industrial User can discharge into a common sewer, the Chief Executive Officer may require installation of separate monitoring equipment for each Industrial User. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single Industrial User, the Chief Executive Officer may require that separate monitoring facilities be installed for each separate discharge.

317.7

Reserved.

317.8

PVSC shall have the right to install its own equipment to monitor the volume or to sample the effluent or vapor space of any User's effluent in order to determine compliance with any

regulation limits and/or the PVSC Rules & Regulations. Users shall not interfere or tamper with any equipment or take any action to affect its function. Such equipment shall be kept safe, secured from unauthorized entry or tampering by others and the User shall be responsible for reimbursing PVSC for all costs to repair or replace damaged PVSC equipment.

SECTION 318 Compliance Determination

318.1

Compliance determinations with respect to any Permit Prohibitions and Limitations may be made by PVSC on the basis of instantaneous grab samples, sequential samples, or composite samples of the waste stream or on vapors emanating from the wastestream. Sequential or composite samples may be taken over a 24-hour period, or even a longer or shorter time span, as deemed necessary by the Chief Executive Officer, to meet the needs of specific circumstances.

318.2

PVSC may inspect the monitoring facilities of an Industrial User at any time to determine compliance with the requirements of these Rules and Regulations as specified in Section 104. In any event, PVSC shall conduct at least one inspection and sampling visit per calendar year at each Permittee excluding those Users issued a Temporary Permit or Letter of Authorization.

318.3

An Industrial User may demonstrate compliance with a categorical pretreatment limit by certifying non-use only if permitted in the applicable regulation. Pursuant to 40 CFR 403.12 etc. this certification statement shall also be submitted with Baseline Monitoring Reports, 90-Day compliance Reports and Periodic Reports. Prior to claiming non-use, the User shall analyze at least three (3) separate, daily composite samples for the regulated pollutants over a two-week period. The User shall then submit the result of the analyses with the following statement in its next required report.

The statement shall read:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the Persons who manage the system, or those Persons directly responsible for gathering the information, the information submitted, to the best of my knowledge, and belief is 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. 403.6(a) (2)(ii) revised by 53 FR 40610, October 17, 1988.”

The Industrial User shall continue to submit this certification for each subsequent monitoring period during which it applies, using the wording as described above.

318.4

PVSC may authorize Users to certify non-use for pollutants regulated by Local Limits. Interested Industrial Users shall complete the necessary forms and submit them to PVSC. PVSC will review the submission and notify the User of its decision. The Industrial User shall continue to monitor each month until such time as PVSC approves the request. Once approved to certify for non-use, the User shall report all analytical results on the MR-3 form in March and September, and comply with the requirements contained in Section B-103. Failure to comply will result in PVSC revoking its approval to certify for non-use. Users shall monitor each month for all pollutants for which they are not authorized to certify non-use, and report the analytical results on an MR-1 form.

318.5

Regarding sampling waivers for categorical pollutants, PVSC may authorize the Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:

- (a) PVSC may authorize a waiver where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.
- (b) The monitoring waiver is valid only for the duration of the effective period of the Permit or other equivalent individual control mechanism, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent control mechanism.
- (c) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

The request for a monitoring waiver must be signed in accordance with 40 CFR 403.12(l), Signatory requirements for Indirect User reports, and include the certification statement in 40 CFR 403.6(a)(2)(ii). Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

- (d) Any grant of the monitoring waiver by PVSC must be included as a condition in the User's control mechanism. The reasons supporting the waiver and any information submitted by the User in its request for the waiver will be maintained by PVSC for 5 years after expiration of the waiver.
- (e) Upon approval of the monitoring waiver and revision of the User's control mechanism by the Industrial User must certify on each report with the statement below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User:

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

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

SECTION 319 Analyses of Industrial Wastes

319.1

Laboratory analysis of industrial waste samples shall be performed by laboratories certified by the NJDEP in wastewater analyses for the parameters to be analyzed. Test procedures identified in 40 CFR 136, Test Procedures for the Analysis of Pollutants, shall be utilized for all analyses.

319.2

All laboratory procedures, other than those Permitted by 40 CFR 136, shall be considered as alternate procedures. The Chief Executive Officer may permit an Industrial User to substitute an alternate procedure provided that the USEPA had previously approved use of the method by the laboratory performing the analysis and a suitable application had been submitted to PVSC. Acceptable comparability data shall be included in the application. Users may not average same-day split samples that were analyzed using different test procedures for the same parameter, nor when re-analyzing at a later time, a retained Aliquot of this sample.

319.3

Sample collection, handling and preservation techniques contained in 40 CFR 136 shall be followed for all parameters. Samples shall be maintained within the range of 1°C to 5°C while being collected, after collection and during transport to the laboratory for analysis. Suitable logs and/or records shall be maintained at the monitoring station and at the analyzing laboratory to demonstrate proper temperature control.

The volume of each sample shall be proportional to the discharge flow rates unless specifically modified by PVSC. For a 24-hour continuous discharge, a minimum of 24 individual samples shall be collected at equal intervals and at least once per hour. For a continuous discharge of less than 12 hours, individual samples shall be taken at least once every 30 minutes. For discharges which are not continuous, individual samples shall be taken such that they will be representative of the plant waste water discharge.

SECTION 320 Frequency of Sampling and Analyses

320.1

Industrial wastes shall be sampled and analyzed by the User for User Charge and where required, Pretreatment. The frequency of sampling and analysis shall be specified in the Permit. Pretreatment sampling shall be based on the strictest frequency contained in Federal, State and Local Regulations. The frequency of User Charge sampling shall be based on the amount of annual User Charge dollars expected to be incurred by an Industrial User during the Permit time span. That amount will fall within a grid of various ranges of User Charge dollars incurred by other Industrial Users, and the corresponding frequency determined. The grid shall be maintained and updated as necessary by the Inspection & Compliance Bureau. The Chief Executive Officer may increase the frequency on a temporary basis if deemed necessary to verify data submitted by the User or to aid in determining the User's compliance with these Rules and Regulations.

320.2

If a Permittee analyzes its industrial wastes for parameters not required in the Permit or at a greater frequency than specified in the Permit, these results shall also be included in the periodic monitoring reports submitted to PVSC.

320.3

If sampling performed by an Industrial User indicates a violation, the User shall notify PVSC within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to PVSC within 30 days after becoming aware of the violation, except the Industrial User is not required to resample if:

- (a) PVSC performs sampling at the Industrial User at a frequency of at least once per month, or
- (b) PVSC performs sampling at the User between the time when the User performs its initial sampling and the time when the User receives the results of this sampling.

SECTION 321 Enforcement Response Plans

321.1

In order to fulfill its responsibilities under Federal and State Laws and Regulations, PVSC shall develop and implement an Enforcement Response Plan (ERP) hereinafter referred to as the "Plan." The Plan shall be incorporated into the PVSC Rules and Regulations by a Resolution of the Commissioners and shall be subject to modification as needed in order to keep it consistent with Federal and/or State Laws and Regulations. This Plan shall contain detailed procedures indicating how PVSC will investigate and respond to instances of User non-compliance. Tables C-3 and C-4 in Appendix C contain the detailed information.

321.2

At a minimum, the Plan shall:

- (a) Describe how PVSC will investigate instances of non-compliance;
- (b) Describe the types of escalating enforcement responses PVSC will take in response to all anticipated types of User violations and the time periods within which response will take place;
- (c) Identify by title the official (s) responsible for implementing each type of enforcement response; and
- (d) Adequately reflect PVSC's primary responsibility to enforce all applicable pretreatment requirements and standards, as provided in 40 CFR 403.8 (f) (1) and (2), and any subsequent changes.

SECTION 322 Significant Non-Compliance (SNC)

322.1

PVSC shall comply with the public participation requirements of 40 CFR part 25 in the enforcement of National Pretreatment Standards. These procedures shall include provision for at least annual public notification in a newspaper(s) of general circulation that provides meaningful public notice within the area serviced by PVSC of Industrial Users which, at any time during the previous 12 months, were in Significant Non-Compliance (SNC) with applicable Pretreatment requirements. For purposes of this provision, a Significant Industrial User (or any other Industrial User which violates 40 CFR 403.8(f)(2)(viii)(C),(D), or (H)) is in SNC if its violation meets one or more of the following criteria;

- (a) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);
- (b) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- (c) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that PVSC determines caused, alone or in combination with other discharges, Interference or Pass-through (including endangering the health of PVSC personnel or the general public);
- (d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment, or has resulted in PVSC's exercise of its emergency authority under Section 310 of these Rules and Regulations and under 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;

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- (e) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a Permit, Enforcement Order or Consent Order for starting construction, completing construction or attaining final compliance;
 - (f) Failure to provide, within 30 days after the due date, required reports such as Baseline Monitoring Reports, 90 Day Compliance Reports, Periodic Self-Monitoring Reports, reports on compliance with compliance schedules, Sewer Use Applications and other applications, and Slug Discharge Control Plan Questionnaires;
 - (g) Failure to accurately report non-compliance; or
 - (h) Any other violation or group of violations, which may include a violation of Best Management Practices, which PVSC determines will adversely affect the operation or implementation of the local pretreatment program.

A User, who is in SNC as defined in this Subsection, is not necessarily in SNC as defined by New Jersey Statutes or regulations. (PVSC may additionally designate a User as being in SNC if the User also meets the NJ criteria defined herein under “Significant Non-Compliance (SNC)” – “State.”) Conversely, a User may be in SNC by New Jersey Statutes without being in SNC by federal definition. Lastly, a User may be in SNC by both definitions.

SECTION 323 Slug Discharges

323.1

In order to minimize Slug Discharges that could interfere with the Treatment Works or pass through the Treatment Works without adequate treatment, PVSC shall evaluate each Significant Industrial User in order to determine whether each such Industrial User shall be required to have a plan or take other action to control Slug Discharges. The evaluation shall take place within 1 year of designation as a Significant Industrial User. As part of the evaluation process, all Significant Industrial Users are required to complete and submit to PVSC a Slug Discharge Control Plan Questionnaire within thirty days of receipt. Further, all Significant Industrial Users shall immediately notify PVSC of any facilities or process changes that could affect the potential for producing a Slug Discharge.

323.2

If the Chief Executive Officer determines that a Slug Discharge Control Plan is needed, the plan shall contain, at a minimum, the following elements:

- (a) Description of the discharge practices, including non-routine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying PVSC as soon as possible, but in no case later than 2 hours of becoming aware of it, of any Slug Discharges, including any discharge that would violate a prohibition under 40 CFR 403.5 (b) et seq. and Section 312 of these Rules and Regulations;
- (d) Procedures for the filing of a written report to PVSC, attention Inspection & Compliance Bureau, within 5 working days of the occurrence detailing the following:

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- (i) what occurred including a complete description;
 - (ii) why it occurred;
 - (iii) what was done to correct the problem; and
 - (iv) the date and time when the problem will be corrected;
- (e) If necessary, procedures necessary to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

323.3

Industrial Users shall report to PVSC, as appropriate, any exceedance of an effluent limitation that causes injury to Persons, or damage to the environment, or poses a threat to human health or the environment, within two hours of its occurrence, or of the Permittee becoming aware of the occurrence. Within 24 hours thereof, or of an exceedance, or of becoming aware of an exceedance of an effluent limitation for a toxic pollutant, a Permittee shall provide PVSC with such additional information on the discharge as may be required by PVSC, including an estimate of the danger posed by the discharge to the environment, whether the discharge is continuing, and the measures taken, or being taken, to remediate the problem and any damage to the environment, and to avoid a repetition of the problem. All categorical and non-categorical Industrial Users shall notify PVSC immediately of all discharges that could cause problems to PVSC, including any slug loadings, as defined by 40 CFR 403.5(b), by the Industrial User.

SECTION 324 Trucked or Hauled Wastes (On-Site Processing)

324.1

Any User seeking to receive and process trucked or hauled wastes at their own facility, and not operating under a Sewer Use Permit, shall submit an Application to PVSC on forms supplied. The discharge of any wastewaters from such processes is prohibited until such time as PVSC authorizes the discharge. In addition to submitting the Application, the Permittee shall develop and implement appropriate procedures and protocols for acceptance and denial of such wastes, subject to PVSC approval. The Permittee shall maintain accurate records of wastes received, treated, and transferred off site. The Permittee may be required to install a structure that shall provide exclusive access only to PVSC. The Permittee may also be required to install devices for affixing seals on designated equipment that would indicate access. This monitoring station shall accurately measure effluent volume, sample the effluent, continuously record pH and include other means necessary to monitor the effluent quantity and quality. PVSC shall approve the installation and equipment. Where applicable, the User shall comply with the provisions of federal regulation 40 CFR 437.

SECTION 325 Submission of Inaccurate or False Information

325.1

The submission of inaccurate or false information is strictly prohibited. PVSC may assess a civil penalty against each violator who submits inaccurate information or who makes a false statement, representation, or certification in any application, record, or other document required to be submitted or maintained, or who falsifies, tampers with or renders inaccurate any monitoring device or method required to be maintained under the Water Pollution Control Act or any rule, water quality standard, effluent limitation, judicial order or Permit issued pursuant thereto.

325.2

Persons who violate Section 325.1 are subject to penalties in accordance with the provisions contained in NJAC 7:14-8.6 et seq.

SECTION 401 Applicability – Silver Control

401.1

This part shall apply to non-Industrial Users discharging silver-rich solutions directly or indirectly to the PVSC treatment works. Users such as photographic film developers, x-ray laboratories, chiropractors, dentists, physicians, podiatrists, and veterinarians, etc., shall implement the applicable Pollution Prevention (P2) procedures as herein defined. If a User meets any of the criteria requiring it to comply with Part IV, and if it is also designated as an Industrial User requiring a PVSC Permit for a different reason, the User shall still comply with the Pollution Prevention requirements contained herein.

SECTION 402 Classification

402.1

PVSC shall review the operation of each affected User and place it in one of the following categories based on the daily total discharge:

- (a) Category I - a facility that produces 99 gallons or less per working day of total process effluent;
- (b) Category II - a facility that produces between 100 and 999 gallons per working day of total process effluent;
- (c) Category III - a facility that produces between 1,000 and 9,999 gallons per working day of total process effluent;
- (d) Category IV - a facility that produces between 10,000 and 24,999 gallons per working day of total process effluent; and
- (e) Category V – a facility that produces 25,000 gallons per day or more of process effluent is considered a Significant Industrial User and is required to maintain a Permit with PVSC.

SECTION 403 Compliance

403.1

To achieve compliance with these Pollution Prevention (P2) regulations each existing User shall develop, implement, and maintain a Best Management Practice (BMP) Plan. The BMP shall meet the following requirements and each affected User shall submit the proposed BMP to PVSC for approval within 6 months of the effective date of this change.

403.2

Off-site recovery as defined in Appendix A shall meet the following requirements:

- (a) Storing the silver-rich solutions in a container that is compatible with image processing solutions.

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- (b) Complying with all applicable NJDEP hazardous waste and Department of Transportation (DOT) regulations.
 - (c) Keeping records of volumes and types of solutions transferred off-site, on forms provided by PVSC. These records shall also be kept for a period of 5 years.

403.3

Any User subject to this part, that commences operation after the effective date of this part shall comply by submitting its BMP plan to PVSC within 12 months of commencement of operation or notification by PVSC, whichever is earlier.

403.4

Any User whose operation is subject to Section 401.1 shall pay an annual Pollution Prevention Monitoring Fee pursuant to Section 602.8.

SECTION 404 Requirements for Best Management Practices (BMP) Plan

404.1

Based on the determination made by PVSC in Section 402 each designated User shall develop its BMP using the following criteria:

404.2

- (a) Category I – a minimum of 90% of silver from the silver-rich solution shall be recovered using one of the following methods:
 - (i) one chemical recovery cartridge (CRC) shall be used following manufacturer’s specifications, off-site management by a certified waste hauler, or any alternative technology providing a minimum of 90% silver recovery;
- (b) The silver concentration in the influent and effluent shall be checked quarterly using silver test papers or another method of approximating the concentration of silver. This information along with any servicing of equipment shall be recorded in a silver recovery log on forms established by PVSC. Records showing a minimum of 90% recovery by the recovery system shall be retained for 5 years;
- (c) A certification statement (MR-4 Report) shall be signed and submitted annually to PVSC as per Section 316.3.

404.3

- (a) Category II - a minimum of 90% of silver from the silver-rich solution must be recovered using one of the following methods:
 - (i) one or two chemical recovery cartridges (CRC's) with manufacturer-specified flow control, or
 - (ii) electrolytic unit followed by a CRC with manufacturer-specified flow control, or
 - (iii) off-site recovery by a certified waste hauler or any alternative technology providing

a minimum of 90% silver recovery.

- (b) The silver concentration in the influent and effluent shall be checked quarterly using silver test papers or another method of approximating the concentration of silver. This information along with any servicing of equipment shall be recorded in a silver recovery log on forms established by PVSC. Records showing a minimum of 90% recovery by the recovery system shall be retained for 5 years.
- (c) A certification statement (MR-4 Report) shall be signed and submitted annually to PVSC as per Section 316.3.

404.4

- (a) Category III – a minimum of 95% of silver from silver rich solutions shall be recovered using one of the following methods:
 - (i) Electrolytic unit followed by a Chemical Recovery Cartridge (CRC) with manufacturer-specified flow control, or
 - (ii) 2 or more CRCs with manufacturer-specified flow control, or
 - (iii) off-site management by a certified waste hauler, or
 - (iv) any alternative technology providing a minimum of 95% silver recovery.
- (b) Holding tanks and the recovery system shall be maintained in a manner that protects the material from accidental release to the PVSC;
- (c) For batch or continuous operation, the primary unit shall be checked before and after each batch with silver test papers or another method of approximating the concentration of silver. The influent and effluent from the recovery unit shall also be checked in the same manner before discharging to the sewer. This data and all servicing of equipment shall be recorded in a silver recovery log on forms established by PVSC.
- (d) All facilities shall perform a silver analysis on the influent and effluent of the recovery system once every year by a laboratory certified by NJDEP to perform these analyses. The analysis shall be performed on a 24-hour composite sample. Records which certify a minimum of 95% recovery by the system must be retained for a period of 5 years.
- (e) A certification statement (MR-4 Report) shall be signed and submitted annually to PVSC as per Section 316.3.

404.5

- (a) Category IV – a minimum of 99% of silver from silver-rich solution shall be recovered using one of the following methods:
 - (i) electrolytic unit followed by two or more Chemical Recovery Cartridge (CRC) with manufacturer-specified flow control, or
 - (ii) electrolytic unit and precipitation unit, or
 - (iii) off-site management by a certified waste hauler, or
 - (iv) any alternative technology providing a minimum of 99% silver recovery.
- (b) Holding tank and the recovery system must be maintained in a manner that protects the material from accidental release to the POTW. The facility shall have a spill Prevention

Control and Counter Measure (SPCC) Plan that ensures that spills of silver-rich solutions are not accidentally released to the sewer.

- (c) For batch or continuous operation, the primary unit shall be checked before and after each batch with silver test papers or another method of approximating the concentration of silver. The influent and effluent from the recovery unit shall also be checked in the same manner before discharging to the sewer. This data and all servicing of equipment shall be recorded in a silver recovery log on forms established by PVSC.
- (d) In-line electrolytic de-silvering units should be used in processes where this is possible. Squeegees or air knives and low-flow washes should be used on processors where these are possible. Conservation of wash water should be employed wherever possible.
- (e) Analytical and recordkeeping requirements are as follows:
 - (i) All facilities shall have access to analytical testing capability to provide quick evaluations of the recovery units to ensure the units are operating properly. This information shall be recorded in a silver recovery log on forms established by PVSC;
 - (ii) The recovery system and or any holding tanks influent and effluent shall be tested monthly to ensure proper operation. This information must be recorded in a silver recovery log on forms established by PVSC.
 - (iii) All facilities shall perform a silver analysis on the influent and effluent of the recovery system two (2) times a year by a laboratory certified by NJDEP to perform these analyses. The analyses shall be performed on a 24-hour composite sample. Records which certify at least a minimum of 99% percent recovery by the system shall be retained for a period of 5 years.
- (f) A certification statement (MR-4 Report) shall be signed and submitted annually to PVSC as per Section 316.3.

SECTION 405 Applicability – Oil and Grease Control

405.1

This part shall apply to Users discharging liquid wastes containing grease from the preparation of food for commercial purposes directly or indirectly to the PVSC treatment works. Users including but not limited to cafeterias, hospitals, hotels, restaurants, church halls, school kitchen operations, supermarket food processing areas or other non-residential establishments where grease may be introduced into the sanitary sewer system shall implement the applicable Pollution Prevention (P2) procedures herein defined for the removal of grease. In addition to the PVSC Pollution Prevention program the User will still be responsible to meet any and all local, city or town Sewer Use Ordinances regarding oil and grease control and are still subject to any fees and/or fines that apply to the appropriate local Sewer Use Ordinances. If a User meets any of the criteria requiring it to comply with Section 405.1 and if it is also designated as an Industrial User requiring a PVSC Permit for a different reason, the User shall still comply with the Pollution Prevention requirements contained herein.

SECTION 406 Compliance

406.1

To achieve compliance with these Pollution Prevention (P2) regulations each existing User shall develop, implement, and maintain a Best Management Practice (BMP). The BMP shall meet the following requirements:

406.2

Oil and Grease recovered on-site for off-site disposal shall meet the following minimum requirements:

- (a) All solid wastes shall be stored in appropriate containers.
- (b) Compliance with all applicable NJDEP hazardous waste and Department of Transportation (DOT) regulations.
- (c) Users shall maintain records of volumes and types of all wastes generated and must keep same for a period of 5 years.

406.3

Users shall install an adequately sized oil/water separator, grease trap or grease interceptor. The separator traps must comply with all municipal ordinances and state laws, as well as these Rules and Regulations. At a minimum, Users must comply with the provisions of Chapter 12 of the New Jersey Sanitation Code. All equipment must be sized, installed, and maintained in accordance with N.J.A.C. 5:23-1 of the New Jersey Uniform Construction Code. A facility with an existing oil and grease removal system that PVSC determines is inadequate may be directed to modify, improve, or replace the existing equipment. Installation or modification must be completed within thirty days of receipt of written notice from PVSC, unless additional time is authorized by PVSC.

The PVSC requires Users to implement a Best Management Practice (BMP) maintenance schedule for a User's grease removal system as outlined below.

Grease Traps - All grease traps shall be properly installed, maintained, and operated by the discharger at its own expense. All grease traps shall be easily accessible for cleaning and inspection. The grease trap installation shall be in continuous operation at all times and shall be maintained to provide efficient operation. The cleaning shall be done at a minimum of once per month and may be performed by employees or a contractor specializing in this type of service. The facility must keep a maintenance log that includes the time, date and signature of the Person performing the cleaning. If at any time PVSC or a city official determines that the cleaning frequency or the system itself is not sufficient, the cleaning frequency shall be increased, or a larger unit shall be installed.

Grease trap additives are prohibited unless approved by PVSC. PVSC may withdraw any approval should it suspect or determine that the additive is ineffective or is resulting in or contributing to a grease accumulation in any downstream sewer lines or the PVSC Treatment Works. All material removed shall be disposed of in accordance with all state and federal

regulations. All maintenance logs and any manifests shall be made readily available upon request at the time of inspection by PVSC. Failure to allow an inspection is a violation of Section 104 of these Rules and Regulations.

The facility shall keep records of all grease trap cleaning for a minimum of 5 years. These records shall also be made readily available upon request at the time of inspection by PVSC or a city official. Failure to maintain such records is a violation of Section 104 of these Rules and Regulations.

A certification statement shall be signed and submitted annually to PVSC as per Section 316.3.

Grease Interceptors - The discharger shall implement weekly inspections by employees and keep a maintenance log that includes the time, date and signature of the Person performing the inspection. A contractor that specializes in this type of service shall service the interceptor at a minimum of no less than once every two months. If at any time a PVSC or a city official determines that the cleaning frequency or the system itself is not sufficient, the cleaning frequency shall be increased, or a larger unit shall be installed.

Grease interceptor additives are prohibited unless approved by PVSC.

All material removed shall be disposed of in accordance with all state and federal regulations. All maintenance logs and any manifests shall be made readily available upon request at the time of inspection by PVSC. Failure to allow an inspection is a violation of Section 104 of these Rules and Regulations.

The facility shall keep records of all grease interceptor cleaning for a minimum of 5 years. These records shall also be made readily available upon request at the time of inspection by PVSC or a city official. Failure to maintain such records is a violation of Section 104 of these Rules and Regulations.

A certification statement shall be signed and submitted annually to PVSC as per Section 316.3.

406.4

Any User subject to Section 405.1 of these Rules and Regulations shall pay an annual Pollution Prevention Monitoring Fee, as set forth in Section 602.8. The amount of the Monitoring Fee shall be based on the User's potential to discharge oils and grease to the sewer, as follows:

- (a) Category I - no risk. The facility performs no cooking or food preparation on-site.
- (b) Category II – low risk. The facility performs a minimal volume of food preparation or cooking on-site and has sufficient grease-capturing equipment.
- (c) Category III – moderate risk. The facility performs a moderate volume of food preparation or cooking on-site, has a full-service kitchen and sufficient grease-capturing equipment.
- (d) Category IV – high risk. The facility performs a substantial amount of food preparation or cooking on-site, with multiple pieces of high grease-bearing equipment, and sufficient grease-capturing equipment;

PVSC may, in its sole discretion, waive this fee for any organization that is: (1) tax exempt pursuant to Section 501(c)(3) of the Internal Revenue Code of 1989, as amended, and (2) whose

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facility is located within PVSC's Treatment District. Proof of qualification for such waiver shall be required in a form satisfactory to PVSC.

SECTION 501 User Classes

501.1

The following User classes are established in accordance with Federal Regulations; Industrial, Large Commercial, Tax Exempt and Non-Direct Billed. PVSC reserves the right to change the class of any User as condition warrants. See Appendix (A) for specific definitions.

SECTION 502 Billing and Collection Responsibilities

502.1

In order to fulfill its responsibilities under the User Charge System, PVSC shall;

- (a) Collect usage data for Industrial, Large Commercial and Tax Exempt Users and municipalities;
- (b) Determine the total assessment for each municipality including the amounts to be collected through Ad Valorem taxation and direct billing;
- (c) Prepare invoices to bill each municipality for its total assessment;
- (d) Develop and maintain data necessary to calculate charges and prepare invoices for each Industrial, Large Commercial and Tax Exempt User to assist municipalities in their billing and collection;
- (e) Establish procedures for the billing and collection of the total charge from each municipality; and
- (f) Monitor the municipal billing and collection procedures to ensure that User Charges are properly billed and collected.

502.2

In order to fulfill its responsibilities under the User Charge System, each participating municipality shall;

- (a) Include the Ad Valorem portion of the User Charge assessment either in the development of local tax rates, or in its own approved direct billing system;
- (b) Notify PVSC of any new or changes in identification for Industrial, Large Commercial or Tax Exempt Users;
- (c) Establish and implement procedures for the billing and collection of the applicable charges from each Industrial, Large Commercial and Tax Exempt User;
- (d) Permit total municipal assessment to PVSC;
- (e) Submit listing of delinquent Industrial, Large Commercial and Tax Exempt Users to PVSC on a timely basis; and
- (f) Make records available to PVSC for compliance review.

SECTION 503 Calculation of User Charges

503.1

Except for those municipalities that have adopted an alternative method, the User Charge for the Non-Direct Billed Class shall be based on the assessed valuation for the property as maintained in the applicable municipal tax records. Each municipality may, with the prior approval of PVSC, adopt an alternate method, such as direct billing, provided it complies with applicable Federal and State Regulations.

503.2

The User Charge for the Industrial Users shall be based on the User's actual volume and strength contribution to the PVSC Treatment Works during each measurement year. Strength shall be determined by the Total Suspended Solids (TSS) and five-day Biochemical Oxygen Demand (BOD₅) analytical test methods. Where PVSC determines that any User-submitted BOD and/or TSS data in any given calendar month is/are invalid, unrepresentative, or if one or both of these results are missing or have not been analyzed for, PVSC may incorporate any of its own BOD and/or TSS data in the calculation of an Industrial User's User Charges for that calendar month. In the absence of Industrial User BOD and/or TSS data, PVSC may incorporate an average of the Industrial User's previous 12 months of representative data in the calculation of User Charges for any given month or months. Where the Chief Executive Officer determines that an alternative method is necessary, other test methods will be employed to determine the equivalent BOD. A direct-billed User shall also receive a credit for any Ad Valorem tax which may be paid as follows: In those municipalities which collect User Charges from Non-Direct Billed Users through Ad Valorem taxes, Industrial and Large Commercial Users will pay a portion of their user charge through their Ad Valorem taxes. In these municipalities the direct-billed User will receive a credit against the User Charge for payments included in its Ad Valorem taxes.

503.3

The User Charge for the Large Commercial Users shall be based on the User's actual volume discharged during each measurement year, and residential strength standards as determined periodically by the Chief Executive Officer.

503.4

Each non-industrial Tax Exempt User shall be placed in one of at least four classes based on volume for the purpose of determining their User Charge. The User Charge for the largest class shall be based on the User's actual volume discharged, and residential strength standards for BOD and TSS, as determined periodically by the Chief Executive Officer. Actual volume shall be determined by the volume consumed during the measurement year, as closely as can be reasonably determined.

503.5

The User Charge for the remaining tax exempt classes shall be based on the average volume consumed by a representative number of Users within that class. Residential strength standards, as determined periodically by the Chief Executive Officer, shall be used to determine BOD and TSS contribution. All Tax Exempt Users in each of these classes shall receive the same User

Charge. Users shall be moved from one class to another based on the actual volume data as determined by the Chief Executive Officer. The Chief Executive Officer shall review the average volume consumed data every two years and recommend adjustments to the average volume consumed figures for these classes. The Commissioners, shall, by Resolution every two years, set volume standards to apply to each of these classes of non-industrial, Tax Exempt Users.

503.6

The User Charges for the Non-Direct-billed Users shall be calculated as follows:

- (a) The non-direct billed User Charges will be based on average volume, BOD and TSS quantities discharged over the most recent five years (i.e., current year and the four years preceding).

503.7

PVSC may institute an Infiltration and Inflow (I/I) factor on direct-billed customers in order to allocate a portion of the I/I to these Users.

SECTION 504 Payment of User Charges

504.1

PVSC shall calculate the User Charges as follows:

- (a) User Charges will be determined annually and be based on the invoiced year's operating budget less any projected income as determined by PVSC.
- (b) The sum of the actual discharges from the direct-billed Users and the averaged non-direct billed discharges will be used to determine the actual rates.
- (c) If a direct-billed Industrial User ceases discharging to the PVSC, it shall pay a full quarterly User Charge for each quarter or portion thereof that it discharged to PVSC.

504.2

Each quarter PVSC shall prepare and deliver invoices to each municipality. Full payment is due on February first, May first, August first, and November first. The collection from each User within the municipality shall be the responsibility of that municipality. According to New Jersey State Law, interest will be charged at a rate equal to two percentage points over the average prime rate on the unpaid principal.

504.3

Municipalities shall not modify the PVSC portion of the User Charge assessed to an individual User. The Chief Executive Officer shall have the right to review municipal records to insure that proper collections are being made. Records shall be maintained for at least 3 years.

SECTION 505 Supplemental User Charges

505.1

Since PVSC User Charges are calculated retrospectively, new direct-billed Industrial Users that enter the system shall pay a Supplemental User Charge directly to PVSC. These bills will be prepared on a quarterly basis by PVSC and will be due and payable as stated on the invoice. When the User discharges for twelve consecutive months in a measurement year, Supplemental User Charges will cease and the User will be incorporated into the regular User Charge system as described in Section 504.

505.2

Whenever it shall be deemed necessary by the Chief Executive Officer, an Industrial User may be removed from the current User Charge System if PVSC becomes aware that such User will either (a) cease operation, and thus cease discharging sewage to PVSC at some point in the upcoming year; (b) incur a Significant Change (as determined by PVSC) in its discharge as measured by volume and/or strength; or (c) has filed for bankruptcy. In any of the scenarios outlined in this Section, PVSC may bill such Industrial Users on a supplemental, quarterly basis, based on the Industrial User's actual flow and loading as reported to or determined by PVSC.

505.3

When deemed necessary by the Chief Executive Officer, PVSC may require an Industrial User that is being billed via Supplemental User Charge to estimate its volume, BOD, and TSS for up to two quarters in advance, then require the User to remit the resultant, quarterly User Charges prior to the commencement of each quarter, until the User is placed back in the regular User Charge System.

SECTION 506 Change of User Class

506.1

Each municipality shall, on an annual basis, submit the following information on forms supplied by PVSC with respect to each new User discharging industrial wastes into the PVSC system:

- (a) Name and Address;
- (b) Name and Telephone Number of the Contact Official; and
- (c) Lot and block numbers of the property.

SECTION 601 Authority, Violations, Etc.

601.1

These Rules and Regulations are adopted pursuant to N.J.S.A. 58:14-35 and appropriate State Laws and Regulations, Federal Statutes and Municipal Ordinances. N.J.S.A. 58:14-7 adds that, and it is incorporated into this Section of these Rules and Regulations, that “No sewage or other polluting matter shall be discharged, directly or indirectly, into the waters of the Passaic river at any point between the Great falls in the city of Paterson and the mouth of said river at Newark bay, or into the waters of any of the tributaries of said river which empty into it between said points, and the commissioners may enforce the provisions of this chapter over and throughout all municipalities which may, or the inhabitants of which may, directly or indirectly, discharge sewage or other polluting matter into said waters.” N.J.S.A. 58:14-8 also adds that, and it is incorporated into this Section of these Rules and Regulations, that “No sewage, waste matter, article or substance, liquid or solid, of any kind which creates odors, gases or fumes, due to the putrefaction of organic matter or the presence of chemicals, or results in the presence of oil or grease on the surface of the waters of the Passaic river, or its tributaries, shall be placed or discharged, or be permitted to be placed or discharged, into the waters of said river between the points designated in section 58:14-7.”

601.2

Any violation of the Rules and Regulations including the failure to pay any applicable fees and charges imposed, or any conditions or limitation of a Permit issued pursuant thereto shall be subject to such penalties as are provided by law. Said penalties shall be in addition to any sanctions authorized under these Rules and Regulations.

601.3

In addition to such penalties as may be provided by law, PVSC may institute a civil action, including injunctive relief, fines, civil penalties, or criminal prosecution against any Person violating these Rules and Regulations. Such Person shall also be civilly liable for such damages as may result to the PVSC, as a result of said violations.

601.4

Notwithstanding any other provisions of these Rules and Regulations, any User who fails to comply with the Rules and Regulations shall be liable to a fine in an amount not to exceed \$50,000 per day for each day or part thereof that such violation exists. Any User who fails to submit a self-monitoring, compliance or other report when due shall be liable to a fine not less than the amount established in Appendix C.

SECTION 602 Fees and Other Charges

602.1

Upon the effective date of this Subsection, all Users that submit a Sewer Use Application, a request for a Temporary Permit or a request for a Letter of Authorization, shall pay an Application Fee to PVSC. This fee will offset, in whole or in part, the administrative costs incurred by PVSC to review the application or request. If a determination is made that a Permit of any type is not required, half the Application Fee shall be refunded to the User.

602.2

Upon the effective date of this Subsection, all Users that are issued a Sewer Use Permit or a Liquid Waste Acceptance Permit (for hauled waste directly to PVSC) shall pay an annual Permit Fee which shall be used to offset the costs incurred by PVSC in administrating its Industrial Pretreatment Program. In addition, all Users that are permitted to receive and process trucked or hauled wastes may be required to pay an enhanced Permit Fee, as determined by PVSC on a case-by-case basis. The initial annual Permit Fee shall be due and payable within 45 days of the issuance of the Permit. All subsequent annual Permit Fees shall be due and payable within 30 days of the anniversary date of the Permit issuance. Permittees that submit applications for renewal of existing Permits shall include the annual Permit Fee with the Application Fee for the renewal.

602.3

Each Industrial User or other User of the PVSC Treatment Works shall reimburse PVSC for those costs incurred if a compliance sample is sent to an outside laboratory for an analysis of one or more parameters which PVSC is not certified to perform. This reimbursement provision does not apply if PVSC is certified to perform the analysis but does not. This provision can be invoked no more than two times per year per parameter. Similarly, and in addition to instances (Applications for Permit modifications) noted in Section 306.4, each User shall reimburse PVSC, when deemed applicable, for those costs incurred if a PVSC outside consultant is utilized for a determination of whether a newly-requested, yet-to-be-approved waste, treatment agent, or process discharge (either hauled or via discharge to sewer) is compatible with the PVSC Treatment Works and thus can be approved or disapproved for discharge to PVSC.

602.4

The PVSC may accept truck delivered sludge, septage, dilute wastewaters and gray waters, which comply with all applicable Rules and Regulations of the PVSC. The discharge of such waste shall be subject to a treatment and disposal fee schedule established by PVSC. All Persons seeking permission to discharge or dispose of such wastes shall comply with the following:

- (a) Disposal of truck delivered wastes shall be limited to such discharge locations as established by the Chief Executive Officer.
- (b) The Person transporting such wastes to the PVSC for disposal shall certify, on forms supplied by the PVSC, any information which the Chief Executive Officer deems is necessary to protect the PVSC operation.

602.5

All Users that are authorized by PVSC to discharge Dilute Wastewaters such as groundwater, construction water, leachate, non-contact cooling water, or collected storm water to the sanitary sewer at locations other than the PVSC receiving sites for trucked-in wastes, shall pay a Treatment Fee to PVSC, in replacement of any applicable User Charge. The Treatment Fee shall be based on the volume discharged and the Chief Executive Officer may require the installation of suitable devices to measure the volume. PVSC may require the User to discharge under an Agreement, in which case the User will be considered a Contractual Indirect Discharger (CID), subject to local or any other applicable pretreatment limits. When deemed necessary by the Chief Executive Officer, PVSC may require a CID to estimate its volume, BOD, and TSS for up to two quarters in advance, then require the CID to remit the resultant, quarterly Treatment Fee prior to the commencement of each quarter.

602.6

- (a) Except as listed herein, any Person seeking to: (1) construct a connection to a municipal sewer; (2) change the operation that generated the wastewater from an existing sewer connection; or (3) change the intensity of use in an existing sewer connection shall pay a connection fee to the PVSC. For connection fees charged due to a change in operation or a change in intensity of use, PVSC shall issue a credit for the portion of any connection fees previously collected on a particular connection, if any, which fees had previously been allocated to debt service. For purposes of this Section, a “change in intensity of use” shall mean any expansion or intensification of the average daily flow to PVSC which causes or results in an increase in the number of service units assigned to any existing sewer connection. For the purposes of this definition, the increase in the number of service units must be equal to or greater than one and must occur subsequent to the construction of the existing sewer connection.
- (b) A connection fee may be charged to and collected from any Person contracting for such connection or use of PVSC’s Treatment Works or from the owner or occupant, or both of them, of any real property which directly or indirectly is or has been connected to the PVSC Treatment Works or from or on which originates or has originated sewage or other wastes which directly or indirectly have entered or may enter the PVSC Treatment Works.
- (c) The Connection Application along with any subsequent fees shall be submitted to and approved by the Chief Executive Officer before the local Construction Official can issue Building Permits, Certificates of Occupancy, Certificates of Continued Occupancy, or any other occupancy-related certificate resulting from all new connections or changes to existing sewer connections expected or requested to be made. If any of these local approvals were granted prior to the approval of the Chief Executive Officer, whether in error or due to any other reason, the applicant is still responsible for submitting the required application and any fees due and owing PVSC. Such connection fee shall be uniform within each class of Users, and shall be based upon a fixed administrative fee for processing such application, plus an additional variable fee, based upon the estimated flow from the proposed connection, or upon the volume generated from a change in operation, representing a payment towards the previously amortized investment in the PVSC system and facilities. Estimated volumes shall be determined from applicable NJDEP Regulations, or from PVSC’s Best Professional Judgment for those categories

either not defined by NJDEP Regulations, or in cases where the otherwise-assigned flow values are clearly overstated, understated, or outdated. Where applicable, PVSC shall refer to and utilize N.J.A.C. 7:14A-23.3 Projected Flow Criteria as the basis for any assigned fee-related gallonage as either actual or calculated volume.

- (d) PVSC shall defer the connection fee for those communities that construct collector or trunk sewers through which no wastewater is being discharged. Any Person desiring to connect to or use these dry lines shall be subject to a connection fee.
- (e) PVSC reserves the right to recalculate the connection fee if the factors used to calculate the fee change from the time the connection was approved to the time the connection is constructed. PVSC further reserves the right to recalculate the connection fee if the actual monthly average volume discharged to the PVSC during any measurement year is more than 20 percent higher than the estimated volume used to calculate the prior connection fee if any.
- (f) Sewer connection fees shall not be collected from governmental entities seeking to construct new public facilities in the PVSC District, or remodel and/or refurbish existing public facilities in the PVSC District, which construction projects are funded by municipal, county, and/or state tax funds. This exemption shall apply only to facilities used exclusively to provide government services and/or public education. This exemption shall not apply to publicly-funded facilities used for private ventures and/or joint public-private ventures. PVSC shall, in its sole discretion, decide whether or not an exemption is warranted for any particular construction project, and the applicant shall bear the burden of proof with regard to its qualifications for such an exemption. Governmental entities shall also be exempt from any administrative review fee.
- (g) For any connection fee assessed pursuant to Section 602.6(a) to an organization that is:
 - (1) Tax exempt pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and
 - (2) locally-based, *i.e.* whose principal place of business is located within PVSC's treatment district, as defined by N.J.S.A. 58:14-1, et seq., PVSC may, in its discretion, waive up to \$2,000 of such connection fee. The Administrative Review Fee would still apply. Proof of qualification for such waiver shall be required from the organization in a form satisfactory to PVSC.
- (h) PVSC may, in its sole discretion, grant a 50% reduction in the connection fee assessed for new connections which are to be charged to public housing authorities or non-profit organizations building affordable housing projects. For units previously connected to the sewerage system that were demolished or refurbished to allow for new affordable housing units and for which a connection fee was already paid, PVSC may, in its sole discretion, grant a credit against the connection fee to be assessed to public housing authorities or non-profit organizations building affordable housing projects. The credit shall be in the form of the connected flow rate in gallons per day, established as existing for units previously connected to the sewerage system.

In order to receive the reduced rate of 50% or a credit, whichever is the lesser, towards an impending connection fee payment, the applicant must demonstrate that:

- (i) the housing project consists of buildings or structures to be occupied for residential purposes only.

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- (ii) occupancy of the proposed housing project is limited solely to households of low and moderate income as defined pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., and the project meets items iii and iv of this immediate section.
 - (iii) the owner of the proposed housing project is, or will be, a public entity or a nonprofit corporation or association, including, but not limited to, a mutual housing sponsor as defined at N.J.S.A. 52:27D-59 et seq., and;
 - (iv) the project is receiving, or has a commitment to receive public funding pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. in accordance with all applicable rules adopted by the Council of Affordable Housing at N.J.A.C. 5:91 and 5:92, the Department of Community Affairs at N.J.A.C. 5:14 and/or the New Jersey Housing and Mortgage Finance Agency at N.J.A.C. 5:80; or occupancy of the proposed housing project is limited solely to households of low or moderate income, and the project has been approved by the Council of Affordable Housing as part of a “Regional Contribution Agreement.”
- (i) The connection fee assessed to public housing authorities or non-profit organization, for units previously connected that were demolished or refurbished to allow for new affordable housing units, shall be the lesser of the reduced rate provided for in the first sentence of this section, or the current unreduced rate applicable to other types of housing developments minus the credit provided for herein for which an applicant has satisfied the burden of proof.
 - (j) Regarding Change in Use or Change in Intensity, in order to receive credit towards an impending connection fee payment the applicant must obtain and provide documentation in the form of, but not limited to, the following:
 - (i) A copy of the most recent water bill from the water purveyor for the property in question, which demonstrates a real and active consumption of water (required).
 - (ii) A copy of the “Property Record Card” representing the relevant conditions (required).
 - (iii) A copy of the Resolution concerning a variance, if one was granted from the local municipal, regional or county Planning and/or Zoning Board for the project in question.
 - (iv) A copy of the “Demolition Permit,” if the structure for which the applicant is seeking credit has already been or is scheduled to be demolished by the applicant/present owner. If a structure was demolished by the previous owner and sold to the current owner as vacant land, no credit will be issued.
 - (k) No credit shall be issued for any property that is listed as vacant by the responsible local tax officer (including but not limited to the tax assessor) or has been memorialized as vacant in a Resolution from a local, regional, or county Planning and/or Zoning Board. No credit shall be issued for any property or building that has been declared “Abandoned” (as defined in N.J.S.A. 55:19-81) by the local public officer. No credit shall be issued for any project, specific location, or tenant space which was absent a wastewater discharge or had no physical connection to any sanitary or combined sewer for the previous five years from the date of application. PVSC may award a credit for the gallons representing the use of an existing connection based on N.J.A.C. 7:14A-23.3 – Projected Flow Criteria, to applicants that can satisfactorily demonstrate that the

connection from the property in question was actively being used within the previous five years of application. If the category for which credit is being sought is not defined in the Projected Flow Criteria, estimated volumes shall be determined using PVSC Best Professional Judgment.

Credit may be awarded to a specific project even if the location encompasses multiple lots within the same block, so long as the water usage in the prior five years from the date of application is demonstrated, and the property is not vacant or Abandoned. Where there are multiple units (within the same address/location), credit may only be awarded for those units which are/have been actively generating wastewater during the prior five years from the date of application (using the daily average use).

- (1) For connection fee-related projects which involve temporary (less than five years) hook-ups or discharges (including but not limited to groundwater remediation project wastewater), PVSC may assess prorated connection fees fractionally based on the expected duration (in whole years) divided by five years. Temporary Users discharging for one year would be assessed one-fifth of the calculated connection fee, and so on.

602.7

Each municipality or authority that conveys waste to PVSC for treatment shall establish procedures to notify PVSC of all new or changes to existing connections expected or requested to be made. The notification shall be made on a PVSC Application or Referral Form, and the project or connection must be approved by PVSC in accordance with Section 602.6(c) above. If Permits were issued prior to the promulgation date of this requirement, then the Construction Official shall not issue any occupancy-related certificate until PVSC has provided written notice from the Chief Executive Officer that the construction project is in compliance with Section 602.6.

In the event that any occupancy-related certificates are issued without PVSC prior approval, PVSC may require the municipality or authority to issue a halt work order (or equivalent) or rescind the permanent occupancy-related certificate and replace it with temporary occupancy-related certificate.

602.8

All Permit Application Fees, Annual Permit Fees, Connection Fees and its Administrative Review Fee, Pollution Prevention Monitoring Fees, and Treatment Fees shall be established by Resolution of the PVSC. The PVSC may establish the schedule of fees and rates by Resolution on a periodic basis.

602.9

Unless otherwise required under these Rules and Regulations each User against whom a charge is assessed, shall remit the amount due within 45 days of the date of the PVSC invoice.

SECTION 603 Savings Clause

603.1

If any provision, paragraph, word, Section or article of these Rules and Regulations is invalidated by any court of competent jurisdiction the remaining provisions, paragraphs, words, Sections and articles not affected shall continue in full force and effect.

SECTION 604 Conflict

604.1

All Rules and Regulations and parts thereof inconsistent or conflicting with any part of the Rules and Regulations are hereby repealed to the extent of such inconsistency or conflict.

SECTION 605 Effective Dates

605.1

These Rules and Regulations were initially in full force and effect on the Twelfth Day of August 1982, superseding those Rules and Regulations previously approved by PVSC. A certified copy of the Rules and Regulations was filed with the Municipal Clerk of each participating Municipality. All subsequent revisions (Changes) became effective on the dates listed in the “RECORD OF CHANGES” Section in the beginning of this document, and have similarly been filed with each Municipality.

The definitions given in this part shall be used in the interpretation of the Rules and Regulations, issuance of Permits, the making of charges for service and all other operations of these Rules and Regulations unless another meaning for the word is apparent from the context.

"**ABSOLUTE VALUE**" - means the concentration of a particular combustible substance with 100% being the Lower Explosive Limit (LEL) of that substance.

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

"**ADMINISTRATIVELY COMPLETE**" – means the initial determination that all required information has been submitted. A subsequent detailed review may reveal errors or omissions in a submission that must be corrected before PVSC can determine that the Application contains all required information and is complete.

"**AD VALOREM TAX**" - means the tax levied for the benefit of a Person on the assessed value of property owned.

"**ALIQOT**" - means a small sample removed from a larger sample which is totally representative of that larger sample.

"**ASSESSED VALUE**" - means that portion of the total value of the property upon which individual municipal taxes are levied.

"**BATCH PROCESS (Silver)**" - means the collection of silver-rich solution into a tank or container, for discharge at a later time.

"**BEST MANAGEMENT PRACTICE (BMP)**" – for the purpose of Part IV of these Rules & Regulations (concerning Pollution Prevention), means the use of the best available site-specific plan implemented by the individual processing facility for the purpose of controlling or reducing discharges of silver or Oil and Grease to the POTW (also see Code of Management Practice [CMP]).

"**BEST MANAGEMENT PRACTICES (BMPs)**" – means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b) and Section 312.1 herein. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

"**BIOCHEMICAL OXYGEN DEMAND**" - (5 day) (**BOD₅**) - means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure contained in Standard Methods in five days at 20°C, expressed in terms of weight and concentration (milligrams per liter).

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

"**CHIEF EXECUTIVE OFFICER**" - means the CEO for PVSC or his/her designee.

"**CHEMICAL OXYGEN DEMAND (COD)**" – means the amount of oxygen equivalents consumed in the chemical oxidation of organic matter by a strong oxidant.

"**CHRONIC VIOLATIONS**" - means violations of pretreatment standards in which sixty-six percent or more of all the measurements taken during a six-month period exceed by any magnitude, the daily maximum limit or the average limit for the same pollutant parameter. When a User is providing continuous pH recording, a measurement equals any calendar month. A pH violation occurs when the recorded pH exceeds the alkaline limitations for more than 1 percent per month, or 7 hours 26 minutes, provided that no single excursion exceeds 1 hour in duration.

"**CODE OF MANAGEMENT PRACTICE (CMP)**" - means the site-specific plan implemented by the individual processing facility for the purpose of controlling and reducing discharges of silver to the POTW.

"**COMBINED WASTESTREAM FORMULA**" – means a formula used to adjust the applicable effluent limits when process effluent is combined with wastewater other than those generated by the regulated process, whether prior to or subsequent to treatment. The combined wastestream formula can only be used when the adjusted limit is higher than the minimum detection limit for that parameter, and only if authorized by PVSC. If the combined wastestream formula cannot be used, then compliance shall be determined prior to combining the regulated and non-regulated wastestreams.

"**COMBUSTIBLE**" - means capable of igniting and burning.

"**COMPATIBLE POLLUTANT**" - means biochemical oxygen demand, suspended solids, pH, fecal coliform bacteria, plus additional pollutants identified in PVSC's NJPDES Permit, if the Treatment Works is designed to treat such pollutants and in fact, does remove such wastes to a substantial degree.

"**COMPLETED APPLICATION**" - means that all required information has been received and PVSC is able to issue a determination.

"**COMPLIANCE SAMPLE**" - means a sample taken in order to determine if the discharge is in compliance with a federal, state, or local pretreatment standard.

"**COMPOSITE SAMPLES**" - means those samples that are made up of a series of small individual samples obtained at regular intervals over the entire discharge day. Composite samples may be time proportioned or flow proportioned, and shall be determined by PVSC.

"**CONTACT OFFICIAL**" - means an employee or officer of a User who has knowledge of the facility and who will normally be contacted first regarding matters contained in the Rules and Regulations.

"**CONTINUOUS RECORDER**" – means recording the characteristic 24 hours per day, 7 days per week, regardless of whether or not processing or operation is occurring.

“CONTRACTUAL INDIRECT DISCHARGER” – means an approved discharger of groundwater, construction water, leachate or non-contact cooling water, operating under an Agreement with PVSC, and paying the corresponding Treatment Fee.

"COOLING WATER" - means water used to reduce the temperature for the purpose of cooling, which does not come into direct contact with any raw material, intermediate or final product, and which may contain algaecide or biocides to control the fouling of heat exchangers or other equipment, but not including cooling tower blowdown.

"CRC" - means a chemical recovery cartridge which recovers silver through a process known as metallic replacement.

"DAILY DISCHARGE" - means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for the purpose of sampling. The daily discharge may be based on a composite or grab sample or on continuously recorded data, depending on the pollutant parameter.

"DAILY MAXIMUM LIMIT" - means the highest allowable daily discharges.

“DETECTED AND QUANTIFIED” – The pollutant is present at or equal to a quantifiable level (e.g. – if the laboratory’s analytical detection level equals 10 ug/l, the pollutant is present at 10 ug/l or at some value greater than 10 ug/l).

“DETECTED BUT NOT QUANTIFIED” – The pollutant is detected, but at a level below the laboratory analytical quantification level and therefore cannot be accurately quantified (e.g. – if the laboratory’s analytical detection level is 10 ug/l, laboratories may report the pollutant at “<10 ug/l” or as some estimated value between 1 and 10 ug/l).

"DILUTE WASTEWATER" - means wastewaters generated from other than on going industrial operations, such as ground water, construction water, non-contact cooling water, leachate, etc.

“DIRECT-BILLED USER” – means any User that receives a direct bill prepared by PVSC and includes Industrial, Large Commercial and Tax Exempt Users.

"DISCHARGER" - means any Person that discharges or causes a discharge to a public sewer.

"DOMESTIC SANITARY WASTES" - means liquid wastes, (1) from the non-commercial preparation, cooking and handling of food or (2) containing human excrement and similar matter from sanitary conveniences of dwellings, commercial buildings, industrial facilities and institutions.

"DUE DATE" - means midnight on the date by which the report must be physically delivered to the PVSC Administrative Office, or Security Office, unless the report was submitted by facsimile or electronic data transmission as described in Subsection 316.10. Although, it is not required by this regulation, the use of certified mail or other means to document or guarantee delivery may be advisable if deemed necessary. Postmarks are not valid to demonstrate

compliance with the due date requirement.

"EPA" - means the United States Environmental Protection Agency.

“EXCESS HEEL MATERIAL” – means the quantity of non-hazardous trucked or hauled liquid material that remains in a container after it has been emptied as defined herein:

- (a) for drummed containers 55 gallons or smaller in capacity – one half gallon or more per container
- (b) for drummed containers larger than 55 gallons in capacity – one (1) gallon or 1% of the net volume, whichever is less per container
- (c) for tank truck material five (5) gallons or 0.3% of the net volume, whichever is less, per tank truck.

This definition does not apply to solid or semi-solid materials such as powders, sludges, etc. This definition does not apply to hazardous waste.

"FACILITY" - means the geographically continuous property owned or leased by the User which may be divided by public or private right(s) of way. Geographically non-continuous property owned or leased by the User but connected by a right of way which the User controls and to which the public does not have access, shall be considered as one facility.

"FLAMMABLE" - means easily ignitable and capable of burning with great rapidity.

"GARBAGE" - means solid wastes from the domestic and commercial preparation, cooking and dispensing food, and from the handling, storage, and sale of food.

“GRACE PERIOD” – means the period of time afforded under N.J.S.A. 13:1D-125 et seq., commonly known as the Grace Period Law, for a Person to correct a minor violation in order to avoid imposition of a penalty that would be otherwise applicable for such violation.

"GRAY WATER" - for purposes of hauled wastewater to PVSC, means non-hazardous industrial or site clean-up wastewaters. These non-hazardous wastewaters do not meet the definition of “Sludge” contained herein.

“GREASE INTERCEPTOR” – shall mean a device so constructed as to separate and hold fats, oils and grease from the wastewater in order to reduce the fats, oils and grease entering the sanitary sewer. Under-the-sink grease traps shall not be construed as meeting this definition.

“GREASE TRAP” – shall mean a device primarily used by Food Service Establishments for removal of food solids from a waste stream and placed in the building drain immediately following a sink or wash basin.

"HAZARDOUS WASTE NOTIFICATION" - means a written report submitted to PVSC, EPA Region II Waste Management Division Director, Division of Solid and Hazardous Waste of any discharge into PVSC of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261.

- (1) Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to PVSC, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: (a) an identification of the hazardous constituents contained in the wastes, (b) an estimation of the mass and concentration of such constituents in the wastestream: (c) discharged during that calendar month, and an (d) estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. All notifications shall take place within 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12 (j). The notification requirement in this Section does not apply to pollutants already reported under the self-monitoring requirements contained elsewhere in these Rules and Regulations.
- (2) Dischargers are exempt from the requirements of paragraph (1) above during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.
- (3) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify PVSC, the EPA Region II Waste Management Waste Division Director, and New Jersey Division of Hazardous Waste of the discharge of such substance within 90 days of the effective date of such regulations.
- (4) In the case of any notification made under this Section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous waste generated to the degree it has determined to be economically practical.

“HAZARDOUS POLLUTANT” means:

1. Any toxic pollutant;
2. Any hazardous substance as defined by the New Jersey Spill Compensation and Control Act, N.J.S.A. 58:10-23.11; or
3. Any substance regulated as a pesticide under the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. §136 et seq.; or
4. Any substance the use or manufacture of which is prohibited under the Federal Toxic Substances Control Act, 15 U.S.C. §§2601 et seq.; or
5. Any substance identified as a known carcinogen by the International Agency for Research on Cancer; or

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6. Any hazardous waste designated pursuant to the New Jersey Solid Waste Management Act, N.J.S.A. 13:1 E-1 et seq. or the Federal Resource Conservation and Recovery Act, 42 U.S.C. §§6901 et seq.

"**IMMEDIATE ACCESS**" - means access without delay but in no event beyond 10 minutes from the time the request is made known to any guard or employee of the User.

"**INCOMPATIBLE POLLUTANT**" - means any pollutant which is not a compatible pollutant as defined in this appendix.

"**INDUSTRIAL USER**" - means any non-governmental, non-residential User which is identified in the Standard Industrial Classification Manual under Division A,B,D,E or I, and which is not designated as a Significant Industrial User. It also means any other User that the Chief Executive Officer determines requires a Sewer Use Permit due to the nature of the wastes in its discharge to the sanitary sewer.

"**INDUSTRIAL WASTE**" - means the liquid wastes resulting from the processes employed in industrial, manufacturing, trade, or business establishments, or from the development, recovery, detoxification or processing of natural resources or other wastes as distinct from domestic sanitary wastes.

"**INTERFERENCE**" - means the inhibition or disruption of the PVSC sewer system, treatment process or operation, which causes or significantly contributes to a violation of any requirements of its NJPDES Permit.

"**LARGE COMMERCIAL USER**" - means any non-governmental, non-residential User (except as Industrial or Tax Exempt User) which discharges more than the equivalent of 25,000 gallons per day of domestic sanitary waste.

"**LEL**" - means the lowest concentration of combustible substance in air through which flame, once ignited, will continue to propagate (Lower Explosive Limit).

"**LETTER OF AUTHORIZATION**" - means a written authorization issued by the Chief Executive Office to a User, for a limited period not to exceed one year from the commencement of discharge, for a specific purpose, which authorizes the discharge of wastes to the sanitary sewer.

"**MAXIMUM LIMIT**" - means the highest allowable discharge of a pollutant where the pollutant is measured for more than a calendar day or any 24 hour period, or where at least two daily discharge samples are composited prior to performing the analysis.

"**MEASUREMENT YEAR**" - means for the purpose of calculating User Charges, the period from October 1 of each year through September 30 of the following year.

"**METHOD DETECTION LIMIT (MDL)**" – The minimum concentration of a contaminant that can be measured and reported with a 99% confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.

"MONTHLY AVERAGE VALUE" - means the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during the month. Results may be expressed in mass loadings per day or concentration. The monthly average value does not apply to those parameters that are continuously monitored.

"MUNICIPALITY" - means the local government unit wherein the Industrial User, Large Commercial, small commercial or Tax Exempt User is located.

"NEW JERSEY POLLUTANT DISCHARGE ELIMINATION SYSTEM (NJPDES)" - means the Federal Program, under the Federal Water Pollution Control Act Amendments, Clean Water Act and other acts, for issuing, conditioning and denying Permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone and the oceans, pursuant to Section 402 of the Act.

"NEW SOURCE" – means

- (1) any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307 (c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:
 - (i) the building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (ii) the building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (iii) the production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of paragraphs (1)(ii) or (1)(iii) of this definition, but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined herein has commenced if the owner or operator has:
 - (i) begun, or caused to begin as part of a continuous onsite construction program:
 - (a) Any placement, assembly, or installation of facilities or equipment; or
 - (b) Significant site preparation work including clearing excavation or removal of existing building, structures or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment: or

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- (ii) entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this paragraph.

“**NJDEP**” - means the New Jersey Department of Environmental Protection.

“**NON-DETECTABLE (ND)**” – The pollutant cannot be “seen” by the analytical methodology.

“**NON-DIRECT BILLED USER**” – means any User that does not receive a direct bill prepared by PVSC and includes primarily residential, small commercial or small industrial Users.

“**NON-SIGNIFICANT CATEGORICAL INDUSTRIAL USER (NSCIU)**” – means a Categorical Industrial User which never discharges more than 100 gallons per day of total categorical wastewater, and meets the conditions set forth in Section 313.10 herein.

“**OIL AND GREASE**” – for purposes of Sections 405 and 406, means nonpetroleum –based pollutants of animal and/or vegetable origin.

“**OFF-SITE RECOVERY**” - means the treatment of process wastewater at a facility other than the one of its origin.

“**OVERFLOW**” – means the intentional or unintentional diversion of flow from the PVSC collection system before the PVSC Treatment Works.

“**PASS-THROUGH**” – means a discharge which exits the PVSC treatment works into waters of the United States in quantities or concentrations which alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirements contained in PVSC’s NJPDES Permit.

“**PERMIT**” - means either a Sewer Use Permit, a Temporary Permit or Letter of Authorization, all of which shall require the User to comply with all the PVSC Rules and Regulations.

“**PERSON**” - means a natural person or group of persons, unincorporated association, partnership, corporation, limited liability company, company, truck, business entity or associate, and any agent employee, partner, officer, director, member, stockholder, associate, trustee or legal representative. The term "Person" shall also mean the Federal Government and the State of New Jersey, or any of their political subdivisions and/or agencies.

“**pH**” - means the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

“**POLLUTANT**” – means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011 et seq.), thermal waste, rock, sand, cellar

dirt and industrial, municipal, agricultural and construction waste or runoff or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State or to PVSC. “Pollutant” includes both hazardous and nonhazardous pollutants.

"POLLUTION PREVENTION (P2)" - means any practice that reduces or eliminates waste at the source.

"PRETREATMENT" - means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into PVSC. The reduction or alteration may be obtained by physical, chemical, or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with PVSC. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR 403.6(e).

"PRETREATMENT REQUIREMENT" – means any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

"PRETREATMENT STANDARDS" - means all applicable Federal Rules and Regulations implementing Section 307 of the Act, as well as any non-conflicting State, PVSC or local standards. In cases of conflicting standards or regulations, the more stringent thereof shall be applied.

"PROCESS WASTEWATER" - means any water which, during manufacturing or processing, comes into direct contact with, or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. For the purposes of Connection Fee calculation, process wastewater also includes, but is not limited to, contact cooling water, non-contact cooling water, boiler blowdown, and remediation-related wastewaters.

"PROPERTY OWNER" - means the record title holder of the property wherein the Industrial User is located.

"PUBLIC SEWER" - means any sewer dedicated to public use and whose use is controlled by a public corporation.

"PVSC" - means Passaic Valley Sewerage Commission.

"RCRA" - means the federal Resource Conservation and Recovery Act.

"RESPONSIBLE CORPORATE OFFICER" - means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person

who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

"SEPTAGE" - means the combination of liquid and solid residues resulting from the treatment of water borne domestic waste in individual subsurface sewage disposal systems.

"SEQUENTIAL SAMPLES" - means those samples gathered over an operating day, that are composed of a series of short time period samples, each of which is held in an individual container. Each individual container may itself, however, contain a composite sample.

"SERIOUS VIOLATION (SV)" – means for the purpose of the NJ Clean Water Enforcement Act, an exceedance of an effluent limitation for a discharge point source set forth in a Permit, administrative order, or administrative consent agreement, including interim enforcement limits, by 20 percent or more for a hazardous pollutant, or by 40 percent or more for a non-hazardous pollutant, calculated on the basis of the monthly average, or, in the case of an effluent limitation expressed as a daily maximum and without a monthly average, on the basis of the monthly average of all maximum daily test results for that pollutant in any month; in the case of an effluent limitation for a pollutant that is not measured by mass or concentration, an equivalent exceedance factor must be prescribed . On a case-by-case basis, a more stringent factor of exceedance to determine a Serious Violation may be used if the specific reasons, including the potential for harm to human health or the environment, are stated.

"SEWER USE APPLICATION" - means a long or short form to be filed with the Passaic Valley Sewerage Commission by an Industrial User or other user if requested by the Chief Executive Officer.

"SEWER USE PERMIT" - means a Permit issued by the Chief Executive Officer to an Industrial User, which authorizes the discharge of wastes to the sanitary sewer, subject to the conditions contained therein.

"SHALL" AND "MAY" - "shall" is mandatory and "may" is permissive.

"SIGNIFICANT CHANGE" – means; (a) either a 20 percent or more increase or decrease in the monthly average volume or loading (BOD or TSS) discharged from existing processing or facility equipment; (b) the discharge of any pollutants from the installation of new equipment that does not replace existing equipment; (c) any discharge to the PVSC Treatment Works that was previously directed elsewhere; (d) the discharge of pollutants from a new categorical or non-categorical process, or (e) any change that requires the submission of an NJDEP Treatment Works Approval (TWA).

"SIGNIFICANT INDUSTRIAL USER" - means any Industrial User or any other Person that

- (1) is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N;
- (2) discharges an average of 25,000 gallons per day or more of process wastewater to PVSC;
- (3) discharges process wastewater with an amount of BOD, COD or TSS in excess of the mass equivalent of 25,000 gallons per day of domestic sanitary waste;
- (4) has discharged waste which violated any federal, state, or local pretreatment standard or limitation;
- (5) is designated as such by the PVSC because the User has a reasonable potential to discharge wastes which would adversely affect the PVSC operation or violate a pretreatment standard or limitation;
- (6) meets the definition set forth in 40_C.F.R. 403.3 (t) by contributing a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the PVSC treatment plant.; or
- (7) as determined by the Chief Executive Officer requires a Sewer Use Permit due to the nature of the wastes in its discharge to the sanitary sewer.

"SIGNIFICANT NON COMPLIANCE (SNC)" - **"State"** means, for the purpose of the NJ Clean Water Enforcement Act any of the following violations:

- (a) A Serious Violation for the same pollutant at the same discharge point source, in any two months of any consecutive six-month period;
- (b) Exceedance of an effluent limitation expressed as a monthly average, for the same pollutant, at the same discharge point source, by any amount in any four months of any consecutive six-month period;
- (c) If there is not an effluent limitation for a particular pollutant expressed as a monthly average, exceedance of the monthly average of the daily maximum for the effluent limitation, for the same pollutant, at the same discharge point source, by any amount in any four months of any consecutive six-month period;
- (d) Any exceedance of an effluent limitation for pH by any amount, excluding the excursions specifically excepted by a NJPDES Permit, with continuous pH monitoring at the same discharge point source in any four months of any consecutive six-month period; or;
- (e) Failure to submit a completed discharge monitoring report in any two months of any consecutive six-month period.

"SIGNIFICANT NON COMPLIANCE (SNC)" – **"Federal"** – see definition at Section 322.1 herein.

"SILVER-RICH SOLUTION" – means a solution containing sufficient silver that cost effective recovery could be done either on-site or off-site. Silver rich solutions include fix, bleach fix, stabilizer from washless systems, and low-flow wash.

"SLUDGE" - means the solid residue and associated liquid resulting from the physical, chemical or biological treatment of domestic or industrial wastewaters.

"SLUG DISCHARGE" - means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge, which has a reasonable potential to cause Interference or Pass-through, or in any other way violate the PVSC Rules & Regulations, local limits, or Permit conditions.

"SPILL PREVENTION CONTROL AND COUNTERMEASURE PLAN (SPCC)" - means an approved plan that contains procedures and actions to be taken to prevent oil spills that could reach navigable waters and adjoining shorelines.

"STANDARD METHODS" - means test procedure as contained in the publication "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation.

"SUBSTANTIAL MODIFICATION OF A PERMIT" – means any significant change in any effluent limitation, schedule of compliance, compliance monitoring requirement, or any other provision in any Permit which permits, allows, or requires more or less stringent or more or less timely compliance by the permittee.

"SUPPLEMENTAL USER CHARGE" – means an assessed User Charge based on the User's prior quarter's actual BOD and TSS loadings, as well as the actual volume discharged.

"TAX EXEMPT USER" - means any User (except Large Commercial and Industrial) which pays no Ad Valorem taxes or which received substantial credits in paying such taxes. Publicly owned facilities which perform local governmental functions and discharge solely domestic wastes are excluded.

"TECHNICAL REVIEW CRITERIA" - means a factor equal to 1.4 for BOD, TSS, Fats, Oil and Grease or equal to 1.2 for all other pollutants except pH which is used to determine whether a Technical Review Criteria Violation has occurred.

"TECHNICAL REVIEW CRITERIA VIOLATION" - means a violation in which 33 percent or more of all the measurements for each pollutant parameter, taken during a six-month period, equal or exceed the following number: daily maximum or average limit multiplied by the TRC, used for all pollutants except pH.

"TEMPORARY PERMIT" - means a Permit issued by the Chief Executive Officer to a User, which authorizes the discharge of specific wastes to the sanitary sewer subject to the conditions contained therein.

"TOTAL SUSPENDED SOLIDS (TSS)" - means the insoluble solid matter suspended in wastewater that is separable by laboratory filtration in accordance with the procedure contained in Standard Methods.

"TOXIC POLLUTANT" - means one of the pollutants so designated by USEPA and NJDEP. This list of pollutants is subject to change from time to time by USEPA or NJDEP.

“**TREATMENT FEE**” – means a fee applicable to Contractual Indirect Dischargers, or other approved dischargers of Dilute Wastewaters and Gray Waters, and determined by PVSC on a periodic basis.

“**TREATMENT DISTRICT**” – means the service area designated for PVSC pursuant to N.J.S.A. 58:14-1, et. seq.

"**TREATMENT WORKS**" - means any devices, facilities, structures, equipment or works owned or used by the PVSC for the purpose of the transmission, storage, treatment, recycling and reclamation of industrial and domestic wastes, or necessary to recycle or reuse water including intercepting sewers, outfall sewers, sewage collection systems, 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; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

“**TRUCKED OR HAULED WASTE**” – Any wastes delivered by truck, rail car or vessel.

"**UNCONTAMINATED STORM WATER**" - means flow occurring during or immediately following any form of natural precipitation and resulting therefrom, which does not contain any pollutants limited or prohibited by the effluent standards in effect.

"**UPSET**" - means an exceptional incident in which there is unintentional and temporary non-compliance with an effluent limitation because of an event beyond the reasonable control of the Permittee, including fire, riot, sabotage, or a flood, storm event, natural cause, or other act of God, or other similar circumstance, which is the cause of the violation. “Upset” also includes non-compliance consequent to the performance of maintenance operations for which a prior exception has been granted by the PVSC. It does not include non-compliance to the extent caused by operational error, improperly designed or inadequate pretreatment facilities, lack of preventive maintenance, careless or improper operation.

"**USEPA**" - means the United States Environmental Protection Agency.

"**USER**" - means a Person, as defined herein, who discharges to the PVSC Treatment Works.

"**USER CHARGE**" - means a charge levied on Users of the PVSC Treatment Works, or that portion of the Ad Valorem taxes paid by a User, for the User's proportionate share of the cost of operation and maintenance (including replacement).

“**VIOLATION DAY**” – occurs where the pH value is measured outside the local pH limits for any duration during a calendar day.

“**VOLUMETRIC CALIBRATION VERIFICATION**” - means the verification of the accuracy of a flowmeter by emptying the known, calculated volume of a tank, and discharging those contents through the flowmeter, and subtracting the final totalizer reading from the totalizer reading established before the calibration verification commenced.

"**WASTES**" - means industrial wastes, domestic sewage or sludge, or other liquid residues, including manufactured products, byproducts, or intermediates.

"**WET WEATHER**" – means any time when precipitation and/or snowmelt occur(s) which results in any discharge from any number of combined sewer overflow points in the PVSC drainage district. During these times, the User shall restrict discharges to the extent practical.

"**ZERO-REGULATED DISCHARGER**" – means any Industrial User, which falls under any categorical standard(s), that has zero gallons of daily discharge to the sanitary sewer from any applicable operation generating categorical wastewaters. A Zero Regulated Discharger may operate under a Sewer Use Permit if associated non-categorical operations require one, or may not operate under a Sewer Use Permit if associated non-categorical operations fail to meet Industrial User or Sewer Use Permit criteria.

Pretreatment Limitation #1 Local Limits

Section B-101 Applicability

B-101.1

Except as regulated in SECTION B-103, the Local Limits contained in Pretreatment Limitation #1 are applicable to all Users of the PVSC system unless they are regulated by a different regulation which contains a limit that is stricter. In those cases, the stricter limit shall apply. PVSC may invoke any suspended local limit on a case-by-case basis should protection of the treatment works warrant such.

Section B-102 NEW SOURCE REPORTING REQUIREMENTS

B-102.1

Users subject to any limitation established by Section B-103 shall submit to the Chief Executive Officer a Baseline Monitoring Report. New Sources shall submit the report containing the required information prior to commencement of the discharge. A New Source that expects to commence the discharge of a pollutant regulated by this limitation shall meet the limitations contained herein at the commencement of the regulated discharge.

B-102.2

Any compliance schedule submitted in accordance with Subsection 102.2 shall meet the requirements contained in 40 CFR 403.12 (c).

B-102.3

All reports on continued compliance shall meet the requirements contained in 40 CFR 403.12 (e).

SECTION B-103 LOCAL LIMITS – HEAVY METALS

B-103.1

Users that use or discharge a heavy metal regulated by this local limit shall meet the limit for that metal contained in Table B-1. Users that PVSC determines do not discharge a heavy metal regulated by this Local Limit may certify non-use by incorporating a suitable statement on each periodic self-monitoring report. This certification will exempt the User from self-monitoring for that heavy metal, except as modified by Subsection B-103.2.

B-103.2

Users Permitted by PVSC to certify non-use for a heavy metal regulated by this Local Limit shall analyze a sample in March and September of each year to demonstrate that the discharge is at or below the threshold concentration contained in Table B-2. If any analytical result exceeds this threshold value, but not the Local Limit, the User shall analyze a sample each succeeding month until three successive monthly results are at or below the threshold value contained in Table B-2. Any result which exceeds the Local Limit contained in Table B-1 shall be a violation of these Rules and Regulations.

B-103.3

TABLE B-1
Local Limits (MR-1)*
Daily Maximum Limit (mg/l)

METAL (TOTAL)		CONCENTRATION	STATUS
Arsenic	As	0.20	Suspended
Cadmium	Cd	0.25	Suspended
Chromium	Cr	30.32	Suspended**
Molybdenum	Mo	0.10	Suspended
Selenium	Se	0.40	Suspended

Copper	Cu	4.66	Active
Lead	Pb	2.36	Active
Mercury	Hg	0.16	Active
Nickel	Ni	3.93	Active
Zinc	Zn	4.57	Active

* There is a local limit for total cyanide (CN) of 2.83 mg/l (though not a heavy metal), but it is also suspended.

** PVSC may impose the local total Cr limit on discharges where the Chief Executive Officer deems necessary (e.g., including but not limited to groundwater remediation discharges where Cr is a suspected contaminant).

B-103.3

TABLE B-2
THRESHOLD VALUES (MR-3)*

METAL (TOTAL)		CONCENTRATION (mg/l)
Copper	Cu	0.46
Lead	Pb	0.23
Mercury	Hg	0.016
Nickel	Ni	0.39
Zinc	Zn	0.45

* Threshold values are suspended for As (0.02 mg/l), Cd (0.03 mg/l), Mo (0.001 mg/l), and Se (0.004 mg/l). The threshold value for Cr is 3.00 mg/l, which will be active when the limit is imposed. The calculated threshold value for total CN is 0.28 mg/l and is also suspended. It cannot be used towards certification of non-use.

SECTION B-104 EFFLUENT TRADING

B-104.1

Subject to the restrictions defined in Subsections B104.2 and B104.3, PVSC may permit Users to sell or purchase quantities of heavy metals regulated by the Local Limits. Effluent trading shall not be approved if it results in a User exceeding a categorical limit. The objective of effluent trading is to minimize unnecessary pretreatment and thus reduce the generation of hazardous waste, but on a very limited basis.

B-104.2

A request to participate in effluent trading shall be submitted by both the buyer and the seller. Both Users shall submit documentation acceptable to PVSC that both parties agree to abide by the regulations contained in this Section. PVSC will review the request and at its discretion, will approve or deny the request. A request for effluent trading shall not be permitted to avoid enforcement, but may be included in actions to achieve compliance.

B-104.3

In order for a request to be considered, it must meet all of the following criteria, which apply:

- (a) Minimum purchase or sale – 0.1 lb. per day.
- (b) Minimum increment purchase or sale - 0.05 lb. per day.
- (c) Usable quantity - purchaser shall use only 80% of purchased quantity, the balance being reserved for future needs.
- (d) A buyer may purchase more than one heavy metal, but shall purchase the entire quantity of a particular heavy metal from only one seller.
- (e) A seller shall not sell the same heavy metal to more than ten User sites.
- (f) A buyer may purchase different heavy metals from different sellers.
- (g) The quantities traded shall be converted to average concentration values using the average annual discharge volume from that outlet affected by the trade. PVSC reserves the right to adjust the concentration value based upon its analysis of changes in regulated flow volume.

Pretreatment Limitation #2

The PVSC regulation concerning the discharge of flammable or explosive wastes into the PVSC treatment works is as follows:

B-201.1

All Users are prohibited from discharging wastes which create a fire or explosion hazard in the municipally owned collection system or the PVSC Treatment Works.

B-201.2

This paragraph applies to those Users who use or generate water immiscible flammable or explosive materials in an aqueous medium and during whose operation the aqueous layer, which had previously come in contact with flammable or explosive material, is separated from this material. The aqueous layer, which could contain some flammable or explosive material either below, at or above its solubility, is subsequently discharged to the sewer. This Section applies even if an intermediate separation system is employed to remove or recover these flammable or explosive materials. Users who fall in this category shall install a flame type, or PVSC approved substitute type, Lower Explosive Limit or Lower Flammability Limit (LEL or LFL; hereafter referred to as LEL) instrument with recorder. This device shall measure and record the LEL of the vapors emanating from the wastes, which flow past the sample point which is undiluted with outside air. The instrument shall be connected to an alarm device to warn if the LEL has been exceeded. The recorded LEL of the vapors shall be used to determine compliance with these regulations.

B-201.3

This paragraph applies to those Users who use, store, or handle flammable or explosive materials in such a way that these materials do not normally come in contact with an aqueous medium which is subsequently discharged to the sewer, and whose waste material from these operations, including clean out residues are disposed of in ways other than by discharge to the sewer. Those Users who could inadvertently discharge flammable or explosive materials to the sewer may be required to install an appropriate LEL instrument with recorder. This device shall function as outlined in Section B-201.2 above.

B-201.4

The LEL instrument shall be calibrated at least once each day that the User's manufacturing operations occur unless approval is granted for less frequent calibration by PVSC, according to the manufacturer's recommendations. A written record of these calibrations shall be retained. The instrument shall be calibrated for that flammable material of the known population of flammable materials to which it is exposed, which produces the lowest instrument reading. The instrument and recorder shall be operated and maintained as required by Section 315 of the Rules and Regulations. During plant inspections, the PVSC Inspector can request that the User calibrate its instrument in the presence of the Inspector.

B-201.5

The recorder charts shall be made available to the PVSC as required by Section 317 of the Rules and Regulations. The User shall also furnish a copy of each recorder chart to the PVSC if required in the Sewer Use Permit.

B-201.6

The sample line for the LEL meter shall be placed as close as practicable to the User's connection to the sewer system at a site acceptable to the PVSC. The sample line shall be heated to prevent condensation of flammable vapors before they reach the test instrument.

B-201.7

It shall be considered a violation of these Rules and Regulations if the recorded LEL of the vapors exceeds the local limit of 30 percent Absolute Value at any time except during instrument calibrations as defined in Subsection 317.4. A written report shall be submitted as required in Section 314.

B-201.8

If the recorded LEL of the vapors exceeds 40 percent Absolute Value, an alarm shall be activated, and immediate steps shall be taken to reduce the LEL level in the sewer. A written report as specified in Section 314 shall be prepared if this situation develops. PVSC reserves the right to require immediate notification of the particular User for this situation. If this discharge level persists for more than 10 minutes, or if the recorded LEL of the vapors exceeds 60 percent Absolute Value, the User shall take all steps necessary to immediately isolate and stop the discharge, ceasing operations if required. If either of the latter two situations develops, the User shall also notify the PVSC in accordance with Section 314 of the Rules and Regulations.

B-201.9

PVSC may, in its sole discretion, approve the use of substitute monitoring equipment of a type other than the flame type instrument. A User seeking the use of such substitute equipment shall be responsible for submitting any and all technical data as PVSC may require to demonstrate that such equipment is comparable in accuracy and response to a flame-type instrument.

B-201.10

In order to protect the PVSC Treatment Works from Upset, Interference, or Pass-Through, or to protect the health, safety and/or welfare of its employees, contractors, and/or agents, PVSC may, in its sole discretion, determine and assign to any User an Absolute Value limit that is more restrictive than the local limit specified in Section B-201.7 and/or the action levels specified in Section B-201.8 of these Rules and Regulations. Such determination and assignment may be made on a case-by-case basis and shall be based on PVSC's Best Professional Judgment.

 Pretreatment Limitations #3

Leather Tanning and Finishing Industry Point Source Category

SECTION B-301 Limitation

B-301.1

The following pretreatment limitations are hereby established for all Industrial Users in the Leather Tanning and Finishing Industry Point Source Category as defined in USEPA regulations 40 CFR 425 (FR Vol. 47, No. 226, November 23, 1982, and subsequent revisions).

Parameter	Daily Maximum	Monthly Average
Sulfide	24 mg/L	-----
Total Chromium	12 mg/L	8 mg/L
pH	range from 7.0 to 10.0 S.U.	

ENFORCEMENT

C-101

Table C-1 lists the minimum fine schedule for the late submission of periodic reports. The initial fine for the first offense shall be waived if the report was received at PVSC offices by midnight 10 days after the due date and the User had not submitted a report late within the past 12 months. PVSC shall also waive a fine if required by state statute.

Table C-1

Offense	Up To 15 Days	Up To 30 Days	Each Additional Day beyond 30 days
1st	\$300	\$ 600	\$100/day
2nd	\$750	\$1,500	\$150/day
3rd	\$1,000	\$2,000	\$200/day
4th	\$2,000	\$4,000	\$250/day
5th	\$3,000	\$6,000	\$300/day
6th	\$4,000	\$8,000	\$350/day

The offense is the number of times the report has been filed late in the past six reporting periods.

C-201

Table C-2 lists the minimum fine schedule for periodic reports which are submitted with errors or omissions in key fields as defined by Resolution of the Commissioners.

Table C-2

Offense	Minimum Fine	Offense	Minimum Fine
1st	\$100	4th	\$600
2nd	\$200	5th	\$1,200
3rd	\$300	6th or more	\$2,400

The offense is the number of times the report has been submitted with errors or omissions in key fields in the last twelve reporting periods, beginning ninety days after the effective date of the change.

C-301 Enforcement Response Plan and Grace Period

C-301.1

Tables C-3 and C-4 list the minimum enforcement response that PVSC shall take to the itemized violation, together with the maximum timeframe to commence the response and the Person(s) responsible for the response. Table C-3 applies to all Users not covered by Part IV Pollution Prevention rules. Table C-4 applies only to those Users covered by Part IV, Pollution Prevention.

Table C-3
IU/SIU Enforcement Response Plan
Unauthorized Discharges

Non-compliance	Nature of the Violation	Enforcement Responses	Time frame	Personnel (see note below)	Type of Vio & Grace Period (if any)
1. Discharge without a Permit (Permit required)	No harm to POTW/environment	NOV with application form, if needed	60 days	1	NM
	Harm to POTW/environment [IU meets SNC criteria under 40 CFR Part 403.8(f)(2)(vii)]	Take action to halt activity; Public notice	Action - 2 days, public notice annually, but no later than 60 days after 403 annual report submitted to NJDEP	1, 2, 3	NM
		Seek penalty		1	NM
2. Failure to Renew	Failure to submit application prior to 180 days of expiration of current Permit Failure to apply continues after notice by the POTW	NOV	60 days	1	NM
		Seek Penalty	6 months	1	NM
3. Discharge outside scope of application / Permit	Failure to notify in advance of new introductions of pollutants or Significant Change in existing pollutants	NOV with application/Permit to be modified	60 days	1	NM

Discharge Limit Violation					
1. Exceedance of local or Federal standard (Permit limit)	Individual or monthly non-Serious Violation	NOV compliance response / corrective action plan, if needed.	60 days from receipt	1	<u>NM</u>
	Serious Violation (individual or monthly)	NOV - Seek at least a mandatory minimum penalty in accordance with N.J.A.C. 7:14-8:16*	NOV – 60 days; penalty within 6 months	1	<u>NM</u>
2. Exceedance of local or Federal standard (Permit limit) (continued)	Significant Non Compliance (IU meets SNC criteria under 40 CFR Part 403)	Public Notice	Annually, but not later than 60 days after 403 annual report submitted to NJDEP	1, 3	<u>NM</u>
	Significant Non Compliance (IU meets SNC criteria in NJWPCA, under N.J.S.A. 58:10A-3.w.)	NOV; Seek at least a mandatory minimum penalty in accordance with N.J.A.C. 7:14-8:16*	NOV – 60 days; penalty within 6 months	1, 3	<u>NM</u>

Monitoring and Reporting Violations					
1. Reporting violation	Late 5 or more days after due date (but complete)	NOV, seek penalty, including at least mandatory minimum penalty for overdue effluent parameter information, if any, in accordance with N.J.A.C. 7:14-8.9 (note: Penalty waived once in 12 months if complete report is received within 10 days of receipt of NOV)	NOV – 60 days; penalty within 6 months	1	NM
	Late 31 days or more after due date (but Complete)	Public notice, NOV, and seek penalty, including at least mandatory minimum penalty for overdue effluent parameter information, if any, in accordance with N.J.A.C. 7:14-8.9 (note: Penalty waived if complete report is received within 10 days of receipt of NOV)	Public Notice in accordance with approved program. Penalty within 6 months	1	NM
	Incomplete for effluent parameter omission	Seek at least a mandatory minimum penalty in accordance with N.J.A.C. 7:14-8.9	Penalty within 6 months	1	NM
	Incomplete for data omission (IU meets SNC criteria under 40 CFR Part 403)	Public Notice	Annually	1	NM
	Incomplete for effluent parameter omission (IU meets SNC criteria under NJWPCA)	Public Notice and seek at least a mandatory minimum penalty in accordance with N.J.A.C. 7:14-8.16* & N.J.A.C. 7:14-8.16 (a)*	Public notice in accordance with approved program. Penalty within 6 months	1	NM

Monitoring and Reporting Violations					
	Incomplete for other omissions (IU meets SNC criteria under NJWPCA)	Public notice and seek at least a mandatory minimum penalty in accordance with N.J.A.C. 7:14-8.16*	Public notice in accordance with approved program. Penalty within 6 months	1	NM
	Incomplete for other omissions	NOV	60 days	1	M – 10 days
	Falsification	Seek penalty or refer to county prosecutor	60 days	1, 3	NM
2. Failure to adhere to compliance schedules in control document, (Permit, AO/JCO, letter of agreement)	Missed milestone by less than 30 days	NOV, seek penalty (Note: penalty may be waived if final compliance is met by due date)	NOV – 60 days; penalty within 6 months	1	NM
	Missed milestone by more than 30 days (IU meets SNC criteria under 40 CFR Part 403)	NOV, seek penalty, public notice (note: penalty may be waived if final compliance is met by due date)	NOV – 60 days; penalty within 6 months	1, 3	NM
	Failure to meet final compliance date	NOV, seek penalty	NOV – 60 days; penalty within 6 months	1	NM
3. Failure to notify	Failure to report spill or changed discharge	NOV, seek penalty where necessary	NOV w/in 60 days of discovery; penalty no later than 6 months of discovery	1	NM
4. Failure to monitor correctly	Incorrect sample location, incorrect sample type, incorrect sample collection techniques, or incorrect sample analysis	NOV, with proper re-sampling, including sampling analysis	60 days	1	NM
5. Failure to report additional monitoring	POTW inspection finds additional files	NOV with request to submit additional monitoring data	60 days	1	NM

Other Permit Violations					
1. Wastestreams are diluted to achieve discharge limits	Dilution	NOV, seek penalty	NOV - 60days; penalty within 6 months	1	NM
2. Continuing failure to halt or prevent a discharge which caused or causes imminent endangerment to human health, welfare, or the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B)	Refusal to discontinue activity upon notification	Take physical (effective) action or seek court order to halt discharge	2 days max.	1, 3	NM
3. Failure to maintain in good working order and properly operate, any facilities or systems of control installed to achieve compliance with the terms and conditions of the Permit	Violation of operating requirements	NOV	60 days	1	NM
4. Entry denial	Entry denied or consent withdrawn. Copies of records denied	NOV, seek penalty	6 months	1	NM
5. Inadequate record keeping	PVSC Inspector finds files incomplete or missing	NOV	60 days	1	NM

* PVSC may assess a civil penalty against any indirect discharge of not more than \$50,000, for each violation of each provision of the Water Pollution Control Act and for each violation of any rule, pretreatment standard, effluent limitation, administrative order, or Permit issued pursuant thereto. PVSC may assess a minimum mandatory civil penalty in an amount not less than \$1,000 for each Serious Violation as defined under N.J.A.C. 7:14-8.2; and not less than \$5,000 for each violation that causes a violator to be, or continue to be, a Significant Non Complier (SNC) as defined under N.J.A.C.7:14-8.2. PVSC incorporates within this Enforcement Response Plan by reference all mandatory penalties, settlement restrictions, uniform penalty policies and other requirements applicable to PVSC in accordance with N.J.A.C. 7:14-8.1(f), including, without limitation, the civil administrative penalty determination procedure specified in N.J.A.C. 7:14-8.16.

Personnel Code

1 = Director, Inspection & Compliance Bureau
 2 = Bureau Inspection Personnel
 3 = Commission Attorney

Grace Period Code

NM = Non-Minor
 M = Minor

**TABLE C-4
POLLUTION PREVENTION ENFORCEMENT RESPONSE PLAN**

Non Compliance	Nature of Violation	Enforcement Responses	Time Frame	Personnel	Type of Vio. & Grace Period (if any)
Failure to submit proposed BMP	Within 10 days of due date	NOV	60 Days	1	NM
	>10 days late after notification	NOV	60 Days		NM
	> 60 days late after notification	NOV/Public Notice Annually/Seek Penalty	Annually		NM
Failure to submit any periodic report	Within 10 days of due date	NOV	60 Days	1	NM
	>10 days late after notification	NOV	60 Days		NM
	>60 days late after notification	NOV/Public Notice Annually/Seek Penalty	Annually		NM
Failure to maintain in good working order and properly operate any facilities or systems of control installed to achieve compliance with the terms and conditions of the BMP	Violation of Operating Requirements	NOV	60 Days	1	NM
Entry denial	Entry denied or consent withdrawn – copies or records denied	NOV/Seek Penalty	60 Days	1	NM
Inadequate record keeping	POTW inspector finds files incomplete or missing	NOV	60 Days	1	NM
Consistent Non Compliance (CNC)	6 Violations in the same calendar year	NOV/Public Notice Annually/Seek Penalty	60 Days	1	NM

Personnel Code

1 = Director, Inspection & Compliance Bureau

Grace Period Code

NM = Non-Minor
M = Minor

SECTION C-302 Civil Administrative Penalties

C-302.1

The provisions of this subpart apply only when PVSC imposes civil administrative penalties as provided in N.J.A.C. 7:14 et.seq.

- (a) PVSC may assess a civil administrative penalty against any indirect discharger of not more than \$50,000, for each violation of each provision of the PVSC Rules and Regulations and for each violation of any rule, pretreatment standard, effluent limitation, administrative order, or Permit issued pursuant thereto. PVSC may assess a minimum mandatory civil administrative penalty in an amount:
 1. Not less than \$1,000 for each Serious Violation as defined under N.J.A.C. 7:14-8.2; and
 2. Not less than \$5,000 for each violation that causes a violator to be, or continue to be, a Significant Non Complier as defined under N.J.A.C. 7:14-8.2.
- (b) Each violation of any provision of the PVSC Rules and Regulations or any rule, pretreatment standard, effluent limitation, administrative order, or Permit issued by the PVSC, shall constitute an additional, separate, and distinct violation. In addition, the unpermitted discharge of each separate pollutant shall constitute an additional, separate, and distinct violation. However, in accordance with N.J.S.A. 58:10A-10.1(e), if a violator establishes, to the satisfaction of PVSC, that a single operational occurrence has resulted in the simultaneous violation of more than one pollutant parameter, PVSC may consider, for purposes of calculating the mandatory civil administrative penalties to be assessed pursuant to (a) 1. and (a) 2. of this section, the violation of the interrelated permit parameters to be a single violation.
- (c) Each day during which a violation as set forth in (b) above continues shall constitute an additional, separate, and distinct violation.
- (d) Unless PVSC assesses a civil administrative penalty as set forth in N.J.A.C. 7:14-8.6 through 7:14-8.12, PVSC may assess a civil administrative penalty for violations described in Section C-302.2 below, including any applicable grace period in accordance with N.J.A.C. 7:14-8.18.

C-302.2

- (a) To assess a civil administrative penalty pursuant to this Section, PVSC shall:
 1. Identify the penalty range within the matrix below by:
 - (i) Determining the seriousness of the violation pursuant to Subsection C-302.3 below; and
 - (ii) Determining the conduct of the violator pursuant to Subsection C-302.4 below; and
 2. Assess the penalty at the midpoint of the range within the matrix below, unless adjusted pursuant to Subsection C-302.5.

(b) The matrix of ranges of penalties is as follows:

CONDUCT	SERIOUSNESS		
	Major	Moderate	Minor
Major	\$10,000 \$50,000	\$5,000 \$25,000	\$2,000 \$13,000
Moderate	\$ 5,000 \$10,000	\$ 2,500 \$ 5,000	\$500 \$ 3,000
Minor	\$ 500 \$ 7,500	\$500 \$2,500	\$250 \$ 1,250

C-302.3

PVSC shall determine the seriousness of the violation as major, moderate, or minor as follows:

(a) Major shall include:

1. Any violation of any effluent limitation that is measured by concentration or mass for any discharge exceeding the effluent limitation as follows:
 - (i) By more than 50 percent for a hazardous pollutant;
 - (ii) By more than 100 percent for a non-hazardous pollutant; or
 - (iii) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment; or
2. The greatest violation of a pH effluent range in any one calendar day which violation deviates from the midpoint of the range by more than 50 percent of the midpoint of the range excluding the excursions specifically excepted by a NJPDES/SIU issued Permit with continuous pH monitoring; or
3. Any other violation not included in above which either:
 - (i) Has caused or has the potential to cause serious harm to human health or the environment; or
 - (ii) Seriously deviates from the requirements of the PVSC Rules and Regulations or of any rule, pretreatment standards, effluent limitation, administrative order, or Permit issued pursuant thereto; serious deviation shall include, but not be limited to, those violations that are in complete contravention of the requirement, or if some of the requirement is met, which severely impair or undermine the operation or intent of the requirement.

(b) Moderate shall include:

1. Any violation, other than a violation of an effluent limitation identified in (b)2i or ii below, which has caused or has the potential to cause substantial harm to human health or the environment;
2. Any violation of an effluent limitation which is measured by concentration or mass of any discharge exceeding the effluent limitation as follows:
 - (i) By 20 to 50 percent for a hazardous pollutant; or

-
- (ii) By 40 to 100 percent for a non-hazardous pollutant;
 - 1. The greatest violation of a pH effluent range in any one calendar day which violation deviates from the midpoint of the range by at least 40 percent but no more than 50 percent of the midpoint of the range excluding the excursions specifically excepted by a NJPDES/SIU issued Permit with continuous pH monitoring; or
 - 2. Any violation, other than a violation of an effluent limitation identified in (b)2i or ii above, which substantially deviates from the requirements of the Water Pollution Control Act or of any rule, pretreatment standards, effluent limitation, administrative order or Permit issued pursuant thereto; substantial deviation shall include, but not be limited to, violations that are in substantial contravention of the requirements or which substantially impair or undermine the operation or intent of the requirement.
 - (c) Minor shall include:
 - 1. Any violation, other than a violation of an effluent limitation identified in (c)2i or ii below, not included in (b)1 or 2 above;
 - 2. Any violation of an effluent limitation which is measured by concentration or mass for any discharge exceeding the effluent limitation as follows:
 - (i) By less than 20 percent for a hazardous pollutant; or
 - (ii) By less than 40 percent for a non-hazardous pollutant; or
 - 1. The greatest violation of a pH effluent range in any one calendar day which violation deviates from the midpoint of the range by less than 40 percent of the midpoint of the range excluding the excursions specifically excepted by a NJPDES/SIU issued Permit with continuous pH monitoring.

C-302.4

PVSC shall determine the conduct of the violator as major, moderate, or minor as follows:

- (a) Major shall include any intentional, deliberate, purposeful, knowing, or willful act or omission by the violator;
- (b) Moderate shall include any unintentional but foreseeable act or omission by the violator;
or
- (c) Minor shall include any other conduct not included in (a) or (b) above.

C-302.5

PVSC may move from the midpoint of the range, to an amount not greater than the maximum amount nor less than the minimum amount in the range, on the basis of the following factors:

- (a) The compliance history of the violator;
 - 1. No violations of the same effluent limitation and discharge point at all in the two years immediately preceding the pending violation shall result in a reduction equal to 25 percent of the midpoint.
 - 2. No serious or fewer than four lesser violations of the same effluent limitation and discharge point in the two years immediately preceding the pending violation shall result in a reduction equal to 10 percent reduction of the midpoint.

3. One isolated Serious Violation or four or more lesser violations of the same effluent limitation and discharge point in the two years immediately preceding the date of the pending violation shall result in an increase equal to 10 percent of the midpoint.
4. Any violation(s) which caused a Person to become or remain in Significant Non Compliance or two or more isolated Serious Violations where such violations are of the same effluent limitation and discharge point in the two years immediately preceding the date of the pending violation shall result in a 25 percent increase from the midpoint;
 - (b) Where the nature, timing and effectiveness of any measures taken by the violator to mitigate the effects of the violation for which the penalty is being assessed results in compliance within 30 days of receipt of the notice of violation from PVSC;
 - (c) Any unusual or extraordinary costs or impacts directly or indirectly imposed on the public or the environment as a result of the violation;
 - (d) Any impacts on the receiving water, including stress upon the aquatic biota, or impairment of receiving water uses, such as for recreational or drinking water supply, resulting from the violation; and
 - (e) Other specific circumstances of the violator or violation.

C-302.6

PVSC may assess a penalty for failure to properly conduct monitoring or sampling activities or to submit discharge monitoring reports/self-monitoring reports, or other pretreatment monitoring reports in accordance with N.J.A.C. 7:14-8.9(c), (d) and (e).

C-302.7

Of the amount of any penalty assessed and collected pursuant to an action brought by PVSC in accordance with N.J.S.A. 58:10A-10, ten percent shall be deposited in the Wastewater Treatment Operators' Training Account established in accordance with N.J.S.A. 58:10A-14.5 and used to finance the cost of training operators of municipal treatment works. The remainder shall be used by PVSC solely for enforcement purposes and for upgrading municipal treatment works.

C-302.8

Of the penalty amount collected through the issuance of a summons pursuant to N.J.S.A. 58:10A-10.4, ten percent shall be paid to the municipality or municipalities in which the municipal court retains jurisdiction for use for court purposes, with the remainder to be retained by PVSC.

C-302.9

Grace Period Applicability; Procedures

- (a) Each violation identified in the table at Section C-302.10 by an “M” in the Type of Violation column and for which the conditions at (c) below are satisfied, is a minor violation, and is subject to a grace period, the length of which is indicated in the column with the heading Grace Period.
- (b) Each violation identified in the table at Section C-302.10 by an “NM” in the Type of Violation column is a non-minor violation and is not subject to a grace period.
- (c) PVSC shall provide a grace period for any violation identified as minor under this Section, provided the following conditions are met:

1. The violation is not the result of the purposeful, knowing, reckless or criminally negligent conduct of the Person responsible for the violation;
 2. The violation poses minimal risk to the public health, safety, and natural resources;
 3. The violation does not materially and substantially undermine or impair the goals of the regulatory program;
 4. The activity or condition constituting the violation is capable of being corrected and compliance achieved within the time prescribed by PVSC;
 5. The activity or condition constituting the violation has existed for less than 12 months prior to the date of discovery by PVSC;
 6. In the case of a violation that involves a permit, the Person responsible for the violation has not been identified in a previous enforcement action by PVSC as responsible for a violation of the same requirement of the same permit within the preceding 12-month period;
 7. In the case of a violation that does not involve a Permit, the Person responsible for the violation has not been notified in a previous enforcement action by PVSC as responsible for the same or a substantially similar violation at the same facility within the preceding 12-month period; and
 8. In the case of any violation, the Person responsible for the violation has not been identified by PVSC as responsible for the same or substantially similar violations at any time that reasonably indicate a pattern of illegal conduct and not isolated incidents on the part of the Person responsible.
- (d) For a violation determined to be minor under (c) above, the following provisions apply:
1. PVSC shall issue a notice of violation to the Person responsible for the minor violation that:
 - (i) Identifies the condition or activity that constitutes the violation and the specific statutory and regulatory provision or other requirement violated; and
 - (ii) Specifies that a penalty may be imposed unless the minor violation is corrected, and compliance is achieved within the specified grace period.
 2. If the Person responsible for the minor violation corrects that violation and demonstrates, in accordance with (d)3 below, that compliance has been achieved within the specified grace period, PVSC shall not impose a penalty for the violation.
 3. The Person responsible for a violation shall submit to PVSC, before the end of the specified grace period, written information certified to be true and signed by the Person responsible for the minor violation, detailing the corrective action taken or compliance achieved.
 4. If the Person responsible for the minor violation seeks additional time beyond the specified grace period to achieve compliance, the Person shall request an extension of the specified grace period. The request shall be made in writing, be certified to be true and signed by the Person responsible for the minor violation, and received by PVSC no later than one week before the end of the specified grace period. The request shall include the anticipated time needed to achieve compliance, the specific cause or causes of the delay, and any measures taken or to be taken to minimize the time needed to achieve compliance. PVSC may, at its discretion, approve in writing an extension, which shall not exceed 90 days, to accommodate the anticipated delay in

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- achieving compliance. In exercising its discretion to approve a request for an extension, PVSC may consider the following:
- (i) Whether the violator has taken reasonable measures to achieve compliance in a timely manner;
 - (ii) Whether the delay has been caused by circumstances beyond the control of the violator;
 - (iii) Whether the delay will pose a risk to the public health, safety, and natural resources; and
 - (iv) Whether the delay will materially or substantially undermine or impair the goals of the regulatory program.
5. If the Person responsible for the minor violation fails to demonstrate to PVSC that the violation has been corrected and compliance achieved within the specified grace period or within the approved extension, if any, PVSC may, in accordance with the provisions of this chapter, impose a penalty that is retroactive to the date the notice of violation under (d)1 was issued.
 6. The Person responsible for a minor violation shall not request more than one extension of a grace period specified in a notice of violation.

C-302.10**Table of Minor and Non-Minor Violations; Grace Periods**

- (a) Table C-5 below identifies particular violations of the PVSC Rules and Regulation, as minor or non-minor for purposes of a grace period, and identifies the duration of the grace period for minor violations. The descriptions of the violations set forth in the table in this Section are provided for informational purposes only. In the event that there is a conflict between a violation description in the table and the rule to which the violation description corresponds, the rule shall govern.
- (b) PVSC may assess a civil administrative penalty for a violation of the PVSC Rules and Regulations and/or for a violation of any rule, consent agreement or administrative order adopted or issued pursuant thereto, that is not listed in Table C-5, following the procedure under (c) below.
- (c) For violations not listed in Table C-5, PVSC shall determine whether the violation is a minor violation and subject to a grace period or whether the violation is non-minor and not subject to a grace period as follows:
 - (i) If, pursuant to (d) below, the violation is comparable to a violation listed in Table C-5 and the comparable violation in Table C-5 is minor, then the violation under this Section is also minor, provided the criteria at Section C-302.9(c) above are also met. The minor violation shall be subject to the grace period set forth in Table C-5 for the comparable violation.
 - (ii) If the violation is not comparable to a violation listed in Table 1 and the violation meets all of the criteria at Section C-302.9(c) above, then the violation under this Section is minor. The minor violation shall be subject to a grace period of 30 days.
 - (iii) If, pursuant to (d) below, the violation is comparable to a violation listed in Table C-5 and the comparable violation in Table C-5 is non-minor, then the violation under this Section is also non-minor and the penalty shall be assessed in accordance with Section C-302.2.
 - (iv) If the violation is not comparable to a violation listed in Table C-5 and the violation does not meet the requirements of Section C-302.9(c) above, the violation is non-minor, and the penalty shall be assessed in accordance with Section C-302.2.
- (d) Comparability of a violation under (c) above with a violation listed in Table C-5 is based upon the nature of the violation (for example, a violation of record keeping, permit limitation, or monitoring).

Table C-5

<u>PVSC Rule Section</u>	<u>Description of Violation</u>	<u>Type of Violation</u>	<u>Grace Period</u>
104.1	Failure to accommodate on-site requests for copies of applicable records, and requests for photographs, inspections, and samples	NM	
104.2	Failure to respond to any reasonable request for discharge-related information and/or data, or to respond to PVSC correspondence requiring a reply, or to respond in the timeframe directed.	NM	
104.3	Failure to provide immediate access	NM	
104.4	Failure to provide entrance to an Inspector	NM	
201.1	Failure to file an application for direct connection to PVSC	NM	
201.2	Failure to obtain approval to connect to any municipally owned sewer or facility	NM	
202.1	Failure of a non-Industrial User to submit a Sewer Use Application for wastes in excess of 25,000 gallons per day	NM	
202.2	Failure to submit Connection Application for change in use or intensity	NM	
202.3	Failure to obtain approval for product utilization in the sewer	NM	
301.1	Failure to obtain a Permit before discharge to PVSC	NM	
301.4	Violating any term/condition of any Permit or Letter of Authorization	NM	
302.1	Failure by New Industrial Users to apply for a Permit before commencement of operations	NM	
303.1	Failure of any User desiring to haul wastewater to file an application	NM	
303.2	Hauled Waste Users mixing any unapproved wastes with any approved wastes, or mixing wastes with separate approvals	NM	
303.3	Violating the prohibition against hauled discharges of hazardous waste	NM	
303.4	Failure to obtain an approval number from PVSC for grease discharges	NM	
303.5	Failure of any Person disposing of hauled waste to provide a sample to PVSC upon request.	NM	
304.1	Failure of a Permittee to apply for a renewal of its Permit within 6 months prior to the expiration date of the Permit	NM	
304.5	Failure to cease all discharges in the event that the Permittee fails to submit a timely/complete renewal application	NM	
304.6	Operating with an administratively expired Permit, and therefore operating without a Permit	NM	
305.2	Regarding Letters of Authorization, failure to notify PVSC if authorization is required beyond one year	M	30 days
306.1	Failure to submit request for Permit modification in cases of Significant Changes to its facility or processing	NM	
306.2	Failure to comply with federal, state, or local regulations applicable to discharges resulting from Significant Changes in discharge	NM	
306.4	Failure to reimburse PVSC for consultant's review to evaluate a pollutant's compatibility with the PVSC Treatment Works	M	<u>45 days</u>
307.1	Failure to notify PVSC within 14 days of ownership change	NM	

307.2	Failure to submit new Sewer Use Application for transfer of ownership	NM	
308.1	Failure to complete an application for a Permit	NM	
308.3	Failure of a corporate officer to sign an application	M	30 days
310.2	Discharging with a suspended Permit	NM	
310.3	Failure of a User with a suspended Permit to immediately cease discharge	NM	
311.2, 311.3	Discharging with a revoked Permit	NM	
312.1(a-t)	Discharging prohibited wastes	NM	
312.2	Discharging authorized wastes without paying applicable Treatment Fees	NM	
312.3	Discharging during Wet Weather when a discharge approval stipulated dry weather discharge only, or failing to operate using Best Management Practices when impractical to hold all the discharge.	NM	
312.4	Failure of Significant Industrial Users to investigate ways to minimize their discharges during Wet Weather and report their findings to PVSC	NM	
313.1	Discharging wastes which violate applicable standards	NM	
313.3	Failure to submit required reports and any applicable compliance schedules, when PVSC local pretreatment limits become effective	NM	
313.5	Failure of an IU to meet the conditions for equivalent mass limits	NM	
313.7	Failure of an IU to comply with equivalent limitation(s).	NM	
313.9	Failure to notify PVSC within 2 business days that the production level will significantly change within the next calendar month	M	<u>10 days</u>
313.10	Failure to meet the conditions that qualify a Categorical Industrial User as a Non-Significant Categorical Industrial User	NM	
313.12	Failure of Non-Significant Categorical Industrial User or Zero-Regulated Discharger to annually certify	M	<u>30 days</u>
313.13	An IU taking credit for intake pollutants without making application to PVSC	NM	
314.1	Failure to notify PVSC of non-compliance	NM	
314.3	Failure to control production on all discharges during an Upset condition	NM	
314.6	Failure to timely notify PVSC of an unanticipated bypass	NM	
315.1	Failure to file plans for control or monitoring of wastes	NM	
315.2	Failure to control or monitor wastes in accordance with submitted plans	NM	
316.1	Failure to submit an MR-2 Report, and meet its due date	NM	
316.3	Failure to submit an MR-1 Report, Silver BMP, and Oil and Grease Control form and meet their respective due date	NM	
316.4	Failure in an MR-1, to include flow, production, analytical or other data	NM	
316.5	Failure to use an MR-3 form for non-use of pollutants	M	60 days
316.6	Failure to submit an MR-3 form and meet its due date	NM	
316.7	Failure to use an MR-1 Report form for reporting regulated pollutants	NM	
316.8	Failure to comply with Section 309.1 (k-p) and 40 CFR 403.12	NM	

316.9	Failure to report the proper sample date for Permit-required parameters	NM	
316.11	Failure to adhere to analytical reporting requirements (e.g., rounding, etc.)	M	30 days
316.12	Errors/omissions in key fields of periodic monitoring reports	NM	
316.13	Failure to file monthly reports when a Serious Violation is incurred or when an effluent limitation is exceeded in 4 of 6 consecutive months	NM	
316.14	Failure to report to PVSC any Serious Violation within 30 days	NM	
316.15	Failure to provide Upset or unanticipated bypass information	NM	
316.16	Failure of Industrial Users with discharges that are not subject to categorical Pretreatment Standards, to file appropriate reports	NM	
317.1	Failure to maintain discharge records to demonstrate compliance	NM	
317.2	Failure to make discharge records available upon request	NM	
317.3	Failure to accurately monitor discharge, install suitable monitoring equipment and keep it safe, retain a spare pH probe, take manual readings where applicable, change charts monthly on the first, calibrate a meter upon request, sign/date charts/tapes, or obtain NJDEP certification for a continuous pH recorder	NM	
317.4	Failure to notify PVSC of inoperable sampling, monitoring, or recording device; and/or failure to obtain/utilize a loaned/rented pH or LEL recorder	NM	
317.5	Failure to provide PVSC with an acceptable method for determining discharge volume when claiming a lower volume than indicated by water consumption; and/or failure to perform any applicable volumetric flow meter calibration	NM	
317.6	Failure to install separate monitoring equipment when required (in cases where more than 1 Industrial User discharges into a common sewer)	NM	
317.8	Interfering with PVSC installing its own equipment for monitoring Industrial User's effluent or vapor space	NM	
318.3	Attempting to demonstrate compliance with a categorical limit by certifying non-use when not permitted in the applicable regulation	NM	
318.4	Failure to continue monitoring each month for all pollutants which the Industrial User is not authorized to certify non-use	NM	
318.5	Failure to follow conditions for obtaining a categorical pollutant sampling waiver	NM	
319.1	Failure to utilize an NJDEP-certified laboratory	NM	
319.2	Averaging same-day split samples that were analyzed using different test procedures for the same parameter	M	<u>30 days</u>
319.3	Failure to collect, handle, and preserve samples as per 40 CFR 136, or to proportion a sample to the discharge flow rate	NM	
320.1	Failure to adhere to Permitted sampling frequencies	NM	
320.2	Failure to submit parameter results not required in the Permit, or sampled at a greater frequency	NM	
320.3	Failure to notify PVSC of a violation, and failure to repeat (when applicable) sampling/analysis	NM	

322.1	Industrial User is deemed in federal or NJ Significant Non-Compliance	NM	
323.1	Failure to submit a Slug Discharge Control Plan Questionnaire within 30 days	NM	
323.2	Failure to provide required information in Slug Discharge Control Plan; and/or failure to report any facility modifications that could result in a Slug Discharge	M	30 days
323.3	Failure to report to PVSC any effluent limit exceedance that results in injury, or poses a threat to human health or the environment	NM	
324.1	Failure to submit an application to process hauled waste on-site; discharging such wastes prior to authorization; failure to develop acceptance/denial procedures; and/or failure to maintain records or install monitoring station	NM	
325.1	Submission of inaccurate or false information	NM	
403.1	Failure to develop, implement and maintain a Best Management Practices Plan for silver control	NM	
403.2(a-c)	Failure to properly store silver-rich solutions; failure to comply with applicable NJDEP hazardous waste and DOT regulations; failure to keep records of these solutions transferred off-site	NM	
403.3	Failure to submit a Best Management Practices Plan for silver control within 12 months of commencement of operations	NM	
403.4	Failure of any User to pay an annual Pollution Prevention Monitoring Fee	M	<u>45 days</u>
404.1	Failure to develop a Best Management Practices Plan for silver control using the criteria in Sections 404.2 through 404.5	NM	
406.1	Failure to develop, implement and maintain a Best Management Practices Plan for oil and grease control	NM	
406.2(a-c)	Failure to properly store oil and grease; failure to comply with applicable NJDEP hazardous waste and DOT regulations; failure to keep records	NM	
406.3	Failure to install adequately sized oil/water separators, grease traps, or grease interceptors within 30 days; failure to maintain Best Management Practices for a grease removal system; failure to provide annual certification statement	NM	
406.4	Failure of any User to pay an annual Pollution Prevention Monitoring Fee	M	<u>45 days</u>
502.2	Failure of municipality to fulfill responsibilities under the User Charge System	NM	
505.1	Failure to pay a Supplemental User Charge directly to PVSC	NM	
505.3	Failure to remit quarterly Supplemental User Charges prior to each quarter	NM	
601.1	Discharging polluting matter into the Passaic River or its tributaries	NM	
602.1	Failure to pay an application fee directly to PVSC	NM	
602.2	Failure to pay a Permit Fee directly to PVSC	NM	
602.3	Failure to reimburse PVSC for outside laboratory costs or applicable consultant fees	NM	
602.4(a)	Discharging hauled waste in a location not approved by PVSC	NM	

602.4(b)	Failure of hauled waste transporter to certify any information deemed necessary by PVSC	NM	
602.5	Failure of a User to pay a Treatment Fee for any groundwater, leachate, or non-contact cooling water; failure to discharge under an Agreement	NM	
602.6(a)	Failure to pay an applicable connection fee to PVSC	NM	
602.6(c)	Failure to submit a connection application	M	30 days
602.6(g)	Failure to provide documentation in support of connection fee waiver	M	30 days
602.6(h)	Failure to provide documentation in support of connection fee credit	M	30 days
602.6(k)	Failure to provide documentation in support of connection fee credit regarding change in use or change in intensity	M	30 days
602.7	Issuance of CO by a municipality without project's compliance with 602.6	NM	
602.9	Failure to remit any PVSC charge within 45 days	NM	
B-102.1	Failure of a New User to submit a local limits Baseline Monitoring Report	NM	
B-102.2	Failure of a New User to submit a compliance schedule in accordance with 40 CFR 403.12(c)	M	<u>30 days</u>
B-102.3	Failure to meet the requirements of 40 CFR 403.12(e) regarding submitted reports on continued compliance	NM	
B-103.1	Failure to meet the local limits in Table B-1	NM	
B-103.2	Failure of Users certified for non-use to analyze in March and September each year to demonstrate compliance	NM	
B-104.2	Trading effluent limits without PVSC approval	NM	
B-201.1	Discharging prohibited flammable or explosive wastes	NM	
B-201.2	Failure to install a lower explosive limit meter (Users whose immiscible materials are separated)	NM	
B-201.3	Failure to install a lower explosive limit (LEL) meter (Users that could inadvertently discharge flammable or explosive materials)	NM	
B-201.4	Failure to calibrate/document calibration of a lower explosive limit meter	NM	
B-201.5	Failure to make the lower explosive limit meter charts available	NM	
B-201.6	Failure to place the LEL meter closest to Users connection and/or heat the sample line	NM	
B-201.7	Exceeding the lower explosive limit	NM	
B-201.8	Failure to take necessary steps to control the LEL	NM	
B-301.1	Failure to meet 40 CFR 425 limits for sulfide, chromium, and pH	NM	

SECTION C-303 Enforcement Procedures

C-303.1

PVSC shall have the ability to issue an order in accordance with N.J.S.A. 58:10A-10(a)(1).
Within the order;

- (a) Every schedule of compliance shall require the Industrial User to demonstrate to PVSC the financial assurance, including the posting of a bond or other security approved by PVSC, necessary to carry out the remedial measures required by the schedule of compliance; except that PVSC shall not be required to post financial security as a condition of a schedule of compliance.
- (b) PVSC shall afford an opportunity to the public to comment on a proposed administrative consent order prior to final adoption if the administrative consent order would establish interim enforcement limits that would relax effluent limitations established in a Permit or a prior administrative order. PVSC shall provide public notice of the proposed administrative consent order, and announce the length of the comment period, which shall be not less than 30 days, commencing from the date of publication of the notice. A notice shall also include a summary statement describing the nature of the violation necessitating the administrative consent order and its terms or conditions; shall specify how additional information on the administrative consent order may be obtained; and shall identify to whom written comments are to be submitted. At least three days prior to publication of the notice, a written notice, containing the same information to be provided in the published notice, shall be mailed to the mayor or chief executive officer and governing body of the municipality and county in which the violation occurred, and to any other interested Persons, including any other governmental agencies. PVSC shall consider the written comments received during the comment period prior to final adoption of the administrative consent order. Not later than the date that final action is taken on the proposed order, PVSC shall notify each Person or group having submitted written comments of the main provisions of the approved administrative consent order and respond to the comments received therefrom.
- (c) PVSC, on its own initiative or at the request of any Person submitting written comments pursuant to (b) of this Section, may hold a public hearing on a proposed administrative order or administrative consent order, prior to final adoption if the order would establish interim enforcement limits that would relax for more than 24 months effluent limitations established in a permit or a prior administrative order or administrative consent order. Public notice for the public hearing to be held pursuant to this Subsection shall be published not more than 30 and not less than 15 days prior to the holding of the hearing. The hearing shall be held in the municipality in which the violation, necessitating the order, occurred. PVSC may recover all reasonable costs directly incurred in scheduling and holding the public hearing from the Person requesting or requiring the interim enforcement limits.

C-303.2

PVSC shall have the ability to petition the county prosecutor or Attorney General to bring a criminal action in accordance with N.J.S.A. 58:10A-6.1 and 58:10A-10(a)(5).

C-303.3

PVSC shall have the ability to issue a summons in accordance with N.J.S.A. 58:10A-10.4.