



## **SEWER USE RULES AND REGULATIONS**

**THE CUMBERLAND COUNTY UTILITIES AUTHORITY  
333 WATER STREET  
BRIDGETON, NEW JERSEY 08302**

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*NOTE: This on-line version is provided for information only, and may not reflect the most recent changes to the Sewer Use Rules and Regulations. Always check with the Authority before taking any action based on the information contained herein.*

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## ARTICLE I

### GENERAL PROVISIONS

**Section 1.1 Authority.** Under authority of P. L. 1977, Chapter 384 (N.J.S.A. 40:14B-1 (et seq) and pursuant to Article V, Section 502 of its Service Agreement, the following rules and regulation are hereby promulgated by the Cumberland County Utilities Authority pertaining to the discharge of storm, well, river or groundwater, sewage, industrial or other wastes into the Cohansey River Basin Sewer System. These rules and regulations provide for the regulation of direct and indirect contributors to the Cohansey Sewer River Basin System through the issuance of permits to certain non-domestic users and through enforcement of General Requirements for the other users. The rules and regulations also authorize monitoring and enforcement activities, require user reporting, assumes that the existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the programs established herein. These rules and regulations apply to persons who are serviced by the Cumberland County Utilities Authority (CCUA) by contract or agreement. Except as otherwise provided herein, the Executive Director shall administer, implement, and enforce the provisions of these rules and regulations.

#### **Section 1.2 Pretreatment Statutory/Regulatory Background**

WHEREAS, The Federal Water Pollution Control Act of 1972, Section #307 required the United States Environmental Protection Agency to develop pretreatment standards designed to prevent the discharge to Publicly Owned Treatment Works of pollutants "which interfere with, pass through or are otherwise incompatible with such works"; and

WHEREAS, The Federal Water Pollution Control Act as amended in 1977, added more pretreatment requirements to Section 402 and required Publicly Owned Treatment Works to establish local pretreatment programs to ensure compliance with the Pretreatment Standards; and

WHEREAS, The Environmental Protection Agency developed the General Pretreatment Regulations (40 CFR Part 403) to implement the requirements of Section 402; and

WHEREAS, the Federal Clean Water Act Amendments of 1977, as amended, 33 U.S.C. 1251 et seq., the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., the New Jersey Pretreatment Act, N.J.S.A. 58:11-49 et seq., 1972 have resulted in a program of cleaning up our Nation's waters; and

WHEREAS, the Cumberland County Utilities Authority has and will continue to make a substantial financial investment in its wastewater collection and treatment system to achieve the goals of the Acts; and

WHEREAS, the Cumberland County Utilities Authority seeks to provide for the use of its wastewater treatment facilities by industries served by it without damage to the physical facilities, without impairment of their normal function of collecting, treating and discharging domestic wastewater, and without the discharge by the Cumberland County Utilities Authority's treatment facilities of pollutants which would violate the discharges allowed under its New Jersey Pollutant Discharge Elimination System (NJPDES) permit and the applicable rules of all governmental authorities with jurisdiction over such discharges and the disposal of wastewater treatment plant sludges;

Therefore the following Rules and Regulations are promulgated to set forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Cohansey River Basin in the County of Cumberland, New Jersey and enable the Cumberland County Utilities Authority to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR Part 403).

### **Section 1.3 Objectives**

The objectives of these rules and regulations are:

- A. To prevent the introduction of pollutants into the Cohansey River Basin Sewer System which will interfere with the operation of the system or contaminate the resulting sludge;
- B. To prevent the introduction of pollutants into the Cohansey River Basin Sewer System which will pass through the system inadequately treated, into receiving waters or into the atmosphere, or otherwise be incompatible with the system;
- C. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- D. To provide for equitable distribution of the cost of the regional wastewater treatment system.

## ARTICLE II

### DEFINITIONS AND ABBREVIATIONS

#### A. Definitions

The following definitions are established and unless the context specifically indicates otherwise, the following terms and phrases, as used in these rules and regulations and associated federal, state and local laws and regulations, shall have the meanings hereinafter designated:

Section 2.0.3 **Act or "the Act"**, The Federal Water Pollution Control Act, Known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

Section 2.0.5 **Approval Authority**, The Director of the Division of Water Resources of the Department of Environmental Protection for the State of New Jersey or his/her authorized representative.

Section 2.0.8 **Approved POTW pretreatment program**, means a program administered by a Publicly Owned Treatment Works (POTW) that complies with national pretreatment standards and that has received approval from the EPA regional administrator or state director in an NPDES state.

Section 2.0.9 **Approved Test Procedures** of the characteristics of waters and wastes to which reference is made in these rules and regulations shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" as prepared, approved and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation or other reference source as specified by Regulatory Agency requirements such as " Methods for Chemical Analysis of Water and Wastes" published by the U.S.E.P.A. published in the Federal Register, Vol. 41, No. 232, 2/1/76 and subsequent revisions. Analysis of those pollutants not covered by the publications referred to above shall be performed in accordance with procedure approved by the NJDEP.

Section 2.1.0 **Authority**, or alternatively C.C.U.A., shall mean the Cumberland County Utilities Authority.

Section 2.1.4 **Authorized Representative:** authorized representative of an industrial user may be:

- (1) A principal executive officer of at least the level of vice president, if the industrial use is a corporation;
- (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or
- (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
- (4) Must include the licensed individual responsibly in charge of any pretreatment facility.

Section 2.1.6 **Average Domestic Sewage.** Analyses by the CCUA showing not more than the following:

- BOD - concentrations of 250 milligrams per liter (mg/l),
- Chlorine Demand- concentrations of 15 mg/l,
- Ph - not less than 5.5 nor more than 9.0
- Suspended Solids - concentrations of 250 mg/l,

Section 2.2.0 **Biochemical Oxygen Demand** or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at 20 degrees Centigrade expressed in terms of weight (kilograms per day (kg/d)) and concentration (milligrams per liter (mg/l)).

Section 2.2.3 **Categorical Standards,** Pretreatment standards as defined in 40 CFR Chapter I, Subchapter N specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced to a POTW by existing or industrial users in specific industrial subcategories as defined and amended by the United States Environmental Protection Agency.

Section 2.3.0 **Chlorine Demand,** expressed in milligrams per liter, shall mean the difference between the amount of chlorine added to wastewater and the amount of residual chlorine remaining at the end of a thirty (30) minute contact period.

Section 2.4.0 **Chemical Oxygen Demand** or COD. A measure of the oxygen-consuming capacity of organic and inorganic matter present in water or wastewater expressed as the amount of oxygen consumed by a chemical oxidant in accordance with an approved test procedure.

Section 2.5.0 **Combined Waste,** shall mean a wastewater containing surface or storm water.

- Section 2.5.5 **Commissioner.** The Commissioner of the New Jersey Department of Environmental Protection or his/her authorized representative.
- Section 2.5.6 **Community Potable Water System.** A water system with at least 15 service connections used by year round residents, or which regularly serves at least 25 year-round residents.
- Section 2.6.0 **Compatible Pollutant.** Biochemical oxygen demand, suspended solid, Ph and fecal coliform bacteria, oil and grease, and such additional pollutants as are now or may be in the future specified as controlled in the CCUA's NJPDES permit, where the POTW is designed to treat such pollutants and, in fact, does treat such pollutants to the degree required by the NJPDES permit.
- Section 2.6.4 **Composite Sample.** A sample consisting of several portions collected from a waste stream during a specific time period and combined to make a representative sample.
- Section 2.6.8 **Control Authority,** means a POTW with an approved pretreatment program or the Approval Authority. Refers to the "Approval Authority" defined herein above; or the Executive Director the CCUA when the CCUA has an approved pretreatment program under the provisions of 40 CFR 403.11.
- Section 2.7.0 **Cooling Water.** Any water used for the purpose of carrying away excess heat, and which may contain biocides used to control biological growth, or additives to protect the system against corrosion, freezing, scaling and the like. It shall contain no polluting substances which would produce BOD, SS or toxic substances.
- Section 2.8.0 **Cohansey River Basin Sewer System,** shall mean all sewer lines owned and operated by the Cumberland County Utilities Authority discharging to intercepting sewers, pumping stations, force mains, wastewater plants, and appurtenances thereto within the Cohansey River Basin.
- Section 2.8.2 **Customer.** Any federal, state, county or municipal government agency, public or private corporation, or private individual under a service agreement or service contract with the Authority.
- Section 2.8.4 **Director,** means the chief administrative officer of a state or interstate water pollution control agency with an approved NPDES permit program and an approved state pretreatment program.
- Section 2.8.6 **Domestic Wastewater.** The liquid waste or liquid borne waste:

- (1) resulting from the non-commercial preparation, cooking and handling of food and/or
- (2) consisting of human excrement and similar wastes from sanitary conveniences.

Section 2.8.8 **EPA.** The United States Environmental Protection Agency.

Section 2.9.0 **Effluent,** shall mean wastewater after some degree of treatment, flowing out of any treatment device or facilities.

Section 2.10.0 **Executive Director.** The Executive Director of the CCUA or his/her fully appointed deputy, agent or representative.

Section 2.10.3 **Force Main,** shall mean a pipe line carrying flow under pressure.

Section 2.10.5 **Grab Sample.** A representative sample which is taken from a waste stream on a one time basis with no regard to the flow in the waste stream and without consideration of time.

Section 2.10.6 **Grace Period** means the period of time afforded under NJSA 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 otherwise be applicable for such violation.

Section 2.10.7 **Gravity Main,** shall mean a pipe line carrying flow by gravity or operating under atmospheric pressures.

Section 2.11.0 **Grease or Oil,** shall mean any material which is extractable from an acidified sample of a waste by hexane or other designated solvent.

Section 2.11.3 **Hazardous Pollutant** means any toxic pollutant, any substance identified as a known carcinogen by the International Agency for Research on Cancer, or any substance listed or regulated under any of the following acts:

- a) Section 3, PL 1976, c.141 (NJSA 58:10-23.11b)
- b) 7 USC 136 et seq (FIFRA)
- c) 15 USC 2601 et seq (TCPA, PL 94-469)
- d) 42 USC 6901 et seq (RCRA, PL 194-580)
- e) Section 3, PL 1981, c.279 (NJSA 13:1E-51)

Section 2.11.7 **Holding Tank Waste.** Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.

Section 2.12.0 **Incompatible Pollutant.** Any pollutant which is not a "compatible pollutant" as defined in Section 2.6.0.

Section 2.12.3 **Indirect Discharge.** The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b), (c) or (d) of the Clean Water Act. (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

Section 2.12.5 **Industrial Wastewater.** The liquid waste or liquid borne waste resulting from the processes employed by any user or users identified in the Standard Industrial Classification (SIC) Manual 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

- Division A: Agriculture, Forestry and Fishing
- Division B: Mining
- Division D: Manufacturing
- Division E: Transportation, Communications, Electric, Gas and Sanitary Services.
- Division I: Services

Section 2.13.0 **"Industrial User"** means a source of Indirect Discharge as defined at section 2.12.3 of the Sewer Use Rules and Regulations.

Section 2.14.0 **Industrial Wastes** shall mean any liquid, gaseous or solid substances or a combination thereof resulting from any process of Industry, manufacturing, trade or business or from the development or recovery of any natural resource, as distinct from sanitary wastes.

Section 2.15.0 **Infiltration** shall mean water entering the Cohansey River Basin Sewer System from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include, and is distinguished from, inflow.

Section 2.16.0 **Inflow** shall mean water discharged into the Cohansey River Basin Sewer System from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, storms waters, surface run-off, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

Section 2.17.0 **Influent** shall mean wastewater, raw or partly treated, flowing into a wastewater treatment device or facilities.

Section 2.18.0 **Intercepting Sewer** shall mean an Authority owned sewer which receives flow from a local sewer collection system.

Section 2.18.3 **Interference** means,

- (i) inhibiting or disrupting a POTW system or its treatment processes or operation so as to contribute to, or cause a violation of any condition of a State or Federal permit under which the POTW operates, or
- (ii) discharging industrial process wastewater which, in combination with existing domestic flows are of such volume and/or strength as to exceed the treatment process design capacity; or
- (iii) preventing the use or disposal of sludge produced by the POTW in accordance with Section 405 of the Federal Clean Water Act of 1977 (33 U.S.C. 1251 et seq.), the New Jersey Statewide Sludge Management Plan, or any criteria or guidelines developed pursuant to any related state or federal rules or regulations.

Section 2.18.4 **Maximum Allowable Headworks Concentrations** shall be regulations containing pollutant discharge limits developed by the Authority in order to meet the objectives of these regulations and those of the Clean Water Act.

Section 2.19.0 **Local Sewer** shall mean any sewer or system of sewers which is connected to the Cohansey River Basin Sewer System and owned and/or operated by any person (as defined in Section 2.21.0) other than the Authority.

Section 2.19.5 **"May"** is defined as permissive.

Section 2.20.0 **National Pollutant Discharge Elimination System** (NPDES) shall mean the program 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 PL 92-500 and its amendments.

Section 2.20.3 **"National Pretreatment Standard," "pretreatment standard," or "standard"** means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Clean Water Act that applies to industrial users. Included are the prohibited discharge limits established by Section 403.5

Section 2.20.5 **"New source"** means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which began after the publication of proposed pretreatment standards which will be applicable to a source if standards are promulgated, providing that: the building, structure, facility, or installation is constructed at a site at which no other source is located; or the building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge at any existing source; or the

production or wastewater generating process of the building, structure, facility, or installation are independent of an existing source at the same site. In determining whether they are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered. The term new source also applies if the new owner or operator has begun a continuous onsite construction program (placement, assembly, or installation of facilities or equipment; or significant site preparation, such as clearing, excavation, or removal of existing buildings or structures, or facilities. The term new source also applies if the owner or operator 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 that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation.

Section 2.20.7 **NJDEP.** The New Jersey Department of Environmental Protection .

Section 2.20.8 **NJPDES.** The New Jersey Pollution Discharge Elimination System, is the New Jersey system for the issuing, modifying, suspending, revoking and reissuing, terminating, monitoring and enforcing, of discharge permits pursuant to the State Act. The term also includes discharge permits (NPDES) issued pursuant to Section 402 of the Clean Water Act of 1977 (33 U.S.C. 1251 et seq.).

Section 2.20.11 **Normal Sewage.** As defined in Section 2.1.6 as Average Domestic Sewage.

Section 2.20.15 **"NPDES state"** means a state or interstate water pollution control agency with an approved NPDES permit program.

Section 2.20.17 **"Pass through"** means a discharge from the POTW into U.S. waters in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, causes the POTW to violate its NPDES permit. Violations include, but are not limited to, increases in the degree or duration of noncompliance.

Section 2.20.18 **"Permit" - "Permitted User"** Any authorization, approval, or equivalent control document issued by the EPA, State Approval Authority, or the Cumberland County Utilities Authority to restrict, control, or otherwise regulate the quantity and/or quality of wastewater discharged to the Cohansey River Basin Sewer System by a user. A user who is discharging into the Cohansey River Basin System under authority of a permit is known as "permitted user."

Section 2.21.0 **Person.** Any individual, firm, company, partnership, corporation, association, group or society, including the State of New Jersey, and agencies, districts, commissions, and political subdivisions, created by or pursuant to State law, and Federal agencies, departments or instrumentalities, or agents or employees thereof. Person shall also mean any responsible corporate official for the purpose of enforcement action under these rules.

Section 2.22.0 **Ph.** The logarithm (base 10) of the reciprocal of the hydrogen ion concentration in moles per liter of solution. Solutions with a pH less than 7 are said to be acidic, pH equal to 7 are considered neutral, and pH greater than 7 are said to be alkaline.

Section 2.23.0 **Pollutant** shall mean substances which may be present in wastewater, whether gaseous, liquid or solid, the amount of which may contain soluble or insoluble solids of organic or inorganic nature which may deplete the dissolved oxygen content of natural waters, contribute solids, contain oil, grease, or floating solids which may cause unsightly appearances on the surface of such waters, or contain materials detrimental to aquatic life including but not limited to: any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, grease, sewage sludge, substance, thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal or agricultural waste or other residue discharged into receiving waters.

Section 2.23.5 **"POTW treatment plant"** means that portion of the POTW that is designed to provide treatment (including recycling and reclamation of municipal sewage and industrial waste.)

Section 2.24.0 **Premises** shall mean any parcel of real property including land, improvements, or appurtenances, such as buildings, ground, etc.

Section 2.25.0 **Pretreatment.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except by dilution as prohibited by 40 CFR 403.6. 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 the POTW.

Section 2.26.0 **Pretreatment Standards.** All applicable federal and state rules and regulations implementing Section 307 of the Clean Water Act of 1977 (33 U.S.C. 1251 et seq) or N.J.S.A. 58:11-49, as well as any non-conflicting standards or regulations, the more stringent thereof shall be applied.

Section 2.26.3 "**Pretreatment requirements**" means any procedural or substantive requirement related to pretreatment, other than a national pretreatment standard, that is imposed on an industrial user.

Section 2.26.7 **Publicly Owned Treatment Works (POTW)**. A treatment works as defined by Section 212 of the Act, (33 U.S.C. 2392) which is maintained in this instance by the Cumberland County Utilities Authority . For the purpose of these rules and regulations, "POTW" shall also include any sewer lines that convey wastewaters to the POTW from persons outside the CCUA's service area who are, by contract or agreement with the CCUA, users of the CCUA's POTW and any devices and systems used to store, treat, recycle, and reclaim municipal sewage or industrial wastes of a liquid nature. The term also means the municipal discharges to and the discharges from such a treatment works.

Section 2.27.0 **Pumping Station** shall mean a facility in which waste water is conveyed from a lower hydraulic elevation to a higher hydraulic elevation using mechanical or pneumatic devices.

Section 2.28.0 **Regulatory Agency** shall mean agencies such as, but not limited to, the New Jersey Department of Environmental Protection and the United States Environmental Protection Agency which have authority over the operation of and/or discharges from the Authority's wastewater treatment plant.

Section 2.29.0 **Reserved Capacity** shall mean any portion of the Cohansey River Basin Sewer System which has been exclusively reserved by and for a user through a formal, written agreement between the user and the Authority.

Section 2.29.5 **Regional Administrator**. The Administrator of Region II of the United States Environmental Protection Agency or his/her authorized representative.

Section 2.30.0 **Sanitary Waste** shall mean wash water, culinary wastes, and liquid waste containing only human excreta and similar matter, flowing in or from a building drainage system or sewer originating in a dwelling, business or office building, factory or institution. For the purposes of these Articles, sanitary waste shall be characterized as Normal Sewage.

Section 2.30.1 **Serious Violation** means an exceedance of a limit, as set forth in a permit or enforcement order or agreement, as follows:

- i) For effluent limitations for pollutants measured by concentration or mass expressed as a monthly average:
  - 1) By 20% or more for a hazardous pollutant
  - 2) By 40% or more for a nonhazardous pollutant

- ii) For effluent limitations for pollutants measured by concentration or mass expressed as a daily maximum or daily minimum without a monthly average:
  - 1) By 20% or more of the average of all daily maximum or minimum values for a hazardous pollutant
  - 2) By 40% or more of the average of all daily maximum or minimum values for a nonhazardous pollutant
- iii) The greatest violation of a pH effluent range in any one calendar day which deviates from the midpoint of the range by at least 40% of the midpoint of the range excluding any excursions specifically excepted by a permittee with continuous pH monitoring.

Section 2.31.0 **Sewer** shall mean a pipe or conduit, generally closed, for carrying wastewater.

Section 2.31.5 "**Shall**" is defined as mandatory.

Section 2.32.0 **Shredded Garbage** shall mean garbage shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle having a dimension greater than 1/2 inch in any direction excluding household garbage wastes.

Section 2.32.3 **Significant Industrial User (SIU).**

- (i) Any user who discharges into the POTW industrial process wastewaters from industries defined by the EPA as Categorical Industries and subject to Categorical Standards.
- (ii) Any non-categorical user discharging non-domestic wastewater that:
  - (a) exceeds 25,000 gallons per day, or
  - (b) exceeds the mass equivalent of 25,000 gallons per day of the domestic wastes of the POTW based on the values for Normal sewage as defined herein above, or
  - (c) exceeds five percent (5%) of the average daily flow of the POTW, or
  - (d) contributes five percent (5%) or more of the daily mass loading of any of the pollutants listed in Table I which are entering the POTW, or
- (iii) Any discharger of backwash from filters or other devices that are intended to remove naturally occurring radioactive materials from drinking water in community potable water systems; or
- (iv) Has a reasonable potential, in the opinion of the Control or Approval Authority, to adversely affect the POTW treatment plant (inhibition, pass-through of pollutants, sludge contamination, or endangerment of POTW workers).

Section 2.32.4 **Significant Noncomplier** or "SNC" A discharger is subject to SNC status for violations of either federal pretreatment regulations (40 CFR 403.8(f) or state regulations (NJAC 7:14-8.2) as follows:

- A. Federal Noncompliance. For the purposes of this provision, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:
- i. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter (40 CFR 403.8(f)(2)(vii)(A));
  - ii. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH (40 CFR 403.8(f)(2)(vii)(B)).
  - iii. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public (40 CFR 403.8(f)(2)(vii)(C));
  - iv. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge (40 CFR 403.8(f)(2)(vii)(D));
  - v. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance (40 CFR 403.8(f)(2)(vii)(E));
  - vi. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules (40 CFR 403.8(f)(2)(vii)(F));
  - vii. Failure to accurately report noncompliance (40 CFR 403.8(f)(2)(vii)(G));
  - viii. Any other violation or group of violations which the Authority determines will adversely affect the operation or implementation of the local pretreatment program (40 CFR 403.8(f)(2)(vii)(H)).

- B. State Violations which cause a person to become or remain in SNC include:
- i. A serious violation for the same pollutant, at the same discharge point source, in any two months of any consecutive six month period;
  - ii. 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;
  - iii. If there is not an effluent limitation for a particular pollutant expressed as a monthly average, exceedance of the monthly average of the daily maximums 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;
  - iv. 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
  - v. Failure to submit a completed discharge monitoring report in any two months of any consecutive six month period.

Section 2.32.5 **Standard Industrial Classification (SIC)**.- A classification pursuant to the Standard Industrial Classification Manual, 1972 (as revised) issued by the Executive Office of the President, Office of Management and Budget.

Section 2.33.0 **Suspended Solids** shall mean the laboratory determination of the dry weight expressed in milligrams per liter of solids that either float on the surface, are in suspension, or are settleable and can be removed from wastewater by filtering through a Gooch crucible.

Section 2.33.3 **State**. The State of New Jersey.

Section 2.33.5 **State Act**. The New Jersey "Water Pollution Control Act", N.J.S.A. 58:10A-1 et seq.

Section 2.34.0 **Storm Water** shall mean the excess water running off from the surface of a drainage area or building during or immediately following a period of rain or snow melt.

Section 2.35.3 **"Submission"** means a request by a POTW for approval of a pretreatment program to the EPA or a state director, a request by a POTW to the EPA or state director for authority to revise the discharge limits in categorical pretreatment standards to reflect POTW pollutant removals, or a request to the EPA by an NPDES state for approval of its state pretreatment program.

Section 2.35.7 **Toxic Pollutants** - those pollutants, or combination of pollutants, including disease-causing agents, which after discharge into the environment in sufficient quantities and upon exposure, ingestion, inhalation or assimilation into any organism either directly or indirectly by ingestion through food chains, will, on the basis of information available to the Commissioner, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformation, in such organisms or their offspring. Toxic pollutants shall include but not be limited to those pollutants designated under Section 307 of the Federal Act or Section 4 of the State Act.

Section 2.36.0 **Toxic Substances** shall mean any substance or combination of substances whether gaseous, liquid or solid which when discharged to the sewer system in sufficient quantities may tend to interfere with any treatment process, constitute a hazard to recreation in the receiving waters of the effluent from the wastewater treatment plant, pose a hazard to workers in the sewer system, or constitute a hazard to fish or animal life.

Section 2.36.3 **Treatment Works.** Any device or system, whether public or private, used in the storage, treatment, recycling, or reclamation of municipal or industrial waste of a liquid nature, including: intercepting sewers, outfall sewer, sewage collection systems, cooling towers and ponds, pumping, power and other equipment and their appurtenances; extension, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; any other works including sites for the treatment process or the ultimate disposal of residues resulting from such treatment. Additionally "treatment works" means any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of pollutants, including storm water runoff, or industrial waste in combined or separate storm water and sanitary sewer systems.

Section 2.36.5 **Treatment Works Plant.** That portion of the treatment works designed to provide treatment to wastewater.

Section 2.36.7 **Unpolluted Water.** Water not containing any pollutants limited or prohibited by the effluent standard in effect, and/or water whose discharge will not cause any violation of receiving water quality standards or interference with their designated uses.

Section 2.37.0 **Unshredded Garbage** shall mean solid waste from the preparation, cooking and dispensing of food or food products and from the handling, storing and sale of produce, excluding household garbage wastes.

Section 2.38.0 **User.** Any person who discharges, causes, or permits the discharge of any wastewater into the treatment works.

Section 2.38.5 **User Classification.** A classification of users based on the 1972 (or subsequent) edition of the Standard Industrial Classification (SIC) Manual prepared by the Federal Office of Management and Budget.

Section 2.39 **Wastewater.** The liquid or water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the CCUA treatment works.

Section 2.39.5 **Water Management Division Director,** means one of the directors of the EPA Enforcement Divisions within the EPA's regional offices.

Terms not otherwise defined herein shall be as adopted in the latest edition of "Standard methods for Examination of Water and Wastewater," published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation; the Federal Guidelines for State and Local Pretreatment Programs, EPA-430/9-76-017a, Volume 1, 1977; or the latest revision thereof; the Clean Water Act N.J.S.A. 58:10A-1 et seq; or N.J.S.A. 58:11-49 et seq., 1972.

## **B. Abbreviations**

The following abbreviations shall have the designated meanings:

BOD <sub>5</sub> :	Biochemical Oxygen Demand, 5 day.
CCUA:	Cumberland County Utilities Authority.
CFR:	Code of Federal Regulations.
COD:	Chemical Oxygen Demand.
EPA:	United States Environmental Protection Agency.
l:	Liter.
MGD:	Million gallons per day.
mg:	Milligrams.
mg/l:	Milligrams per liter.

N.J.A.C.:	New Jersey Administrative Code.
N.J.S.A.:	New Jersey Statutes Annotated.
NJPDES:	New Jersey Pollutant Discharge Elimination System.
NPDES:	Nation Pollutant Discharge Elimination System.
pCi/L:	Picocuries per Liter
POTW:	Publicly Owned Treatment Works.
SIC:	Standard Industrial Classification.
USC:	United States Code.
TSS:	Total Suspended Solids.
SIU:	Significant Industrial User
CIU:	Categorical Industrial User
CRBWTP:	Cohansey River Basin Wastewater Treatment Plant
ug/l:	Micrograms Per Liter
kg/l:	Kilograms Per Liter
TS:	Total Solids
TTO:	Total Toxic Organics

## **ARTICLE III**

### **PROHIBITIONS AND LIMITATIONS ON WASTEWATER DISCHARGES**

Section 3.1: No person shall discharge directly or indirectly, deposit, cause or allow to be discharged or deposited into the Cohansey River Basin Sewer System or CCUA treatment works any wastewater which interferes with treatment, or passes through, or significantly contributes to a violation of any of the parameters in the Water Quality Standards of the CCUA, increases in magnitude or duration a violation of the Water Quality Standards of the CCUA, prevents sewage sludge use or disposal in compliance with federal, state or local regulations or, does not conform to the concentration limits as regulated by the general or specific prohibitions contained in the EPA's General Pretreatment Regulations (40 CFR Part 403 et seq, hereby incorporated by reference including all supplements and amendments thereto) or does not conform to the local concentration limits set forth in this document.

Section 3.2: Specific Prohibitions - No person shall discharge or permit the discharge or infiltration into the Cohansey River Basin Sewer System of any of the following:

- a) Heat - heat in amounts which will inhibit biological activity in the treatment works, resulting in interference or causing damage, but in no case heat in such quantities that the temperature exceeds 65 degrees C (150 degrees F) at the connection to the CCUA's system or increases the wastewater temperature entering the treatment works to above 40 degrees C (104 degrees F).
- b) Oil and Grease - any liquid containing fats, wax, grease, or oils whether emulsified or not, in excess of 140 mg/l of solvent soluble materials or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees F; any liquid containing petroleum based hydrocarbons whether emulsified or not, in excess of 25 mg/l of solvent soluble materials or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees F; wastewater from industrial facilities containing floatable fats, wax, grease, or oil.
- c) Any wastewater that contains more than two (2) parts per million by weight of the following gases:
  - (1) Hydrogen Sulfide
  - (2) Sulfur Dioxide
  - (3) Oxides of Nitrogen
- d) Any residues from petroleum storage, refining, or processing; waste fuels, lubricants or solvents.
- e) Explosive and/or Flammable Mixtures - liquids, solids or gases with a closed cup flashpoint of less than 140 degrees F or which by reason of

their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the treatment works or to the operation of the works; at no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the treatment works, be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (L.E.L.) of the meter with the meter calibrated to propane; such material include, but are not limited to: Gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

- f) Solid or viscous Wastes. - solid or viscous wastes which will or may cause obstruction to the flow in a sewer or with the proper operation of the Sewer System or Treatment Plant. Such wastes may include but are not limited to ashes, cinders, mud, sand, straw, metal, rags, glass, grease, tar, plastics, plastic containers, wood or shavings, feathers, whole blood, hair, and fleshings, and may be whole or ground by garbage grinders. Specific materials may be prohibited at the discretion of the Executive Director.
- g) Hazardous Wastes - any waste or substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261.
- h) Garbage - any garbage not properly shredded.
- i) Corrosive Wastes. Any waste which will, or is capable of causing corrosion, deterioration, damage or hazard to structures, equipment , and personnel of the Authority's treatment works. Prohibited materials may include, but are not limited to: acids, alkalies, sulfides, concentrated chloride and fluoride compounds, and substances which will react with water to form acidic or alkaline products.
- j) Any radioactive wastes of any type in any concentration except in compliance with applicable state or federal regulations.
- k) Any waste containing noxious or malodorous solids, liquids or gases. Pollutants which, either singly or by interaction with other wastes, are capable of creating a hazard to life and health, a public nuisance, or are present in sufficient concentrations to prevent entry into the treatment works for its maintenance and repair.
- l) Any material which exerts or causes:
  - (1) Unusual concentration of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  - (2) Discolored Materials - wastes with color which would cause the treatment works to exceed water quality standards.
  - (3) Unusual BOD, COD, or Chlorine requirements in such quantities as to constitute an unacceptable load on the wastewater treatment works.

(4) Excessive Discharge - wastewater at a flow rate or containing such concentrations or quantities or pollutants that, in the judgement of the Executive Director would cause interference with the POTW; Any unusual concentration or flow of any given constituent which for any period of duration longer than fifteen (15) minutes or exceeds more than five (5) times the permitted average twenty-four hour concentration or flow rates during normal operation.

- m) Any active surface agents or synthetic detergents except those of an approved type with a high degree of biodegradability.
- n) Any pathogenic bacteria (viable) other than those normal to domestic sewage.
- o) Any waste which would create conditions of excessive reactivity or fume toxicity alone or in combination with other wastes, in a quantity that may cause acute worker health and safety problems.

Section 3.3 No person shall discharge trucked or hauled wastes from any source other than normal domestic septage without prior permitted approval of the Executive Director, and at such time and discharge point as may be designated.

Section 3.4 No person shall discharge or cause to be discharged any new source of inflow into the Cohansey River Basin Sewer System including the discharge of stormwater, surface water and ground water from sump pumps and cellar drains, into the treatment works from any new source.

Section 3.5 No person shall uncover, make any connections with or opening into, use, alter or disturb any element of the Cohansey River River Basin Sewer System without first obtaining the written approval of the Executive Director.

Section 3.6 Connections to the Cohansey River Basin Sewer System shall be designed and constructed to conform to the requirements and/or procedures set forth in Water Pollution Control Federation Manual of Practice No. 9 and all applicable state and local building and plumbing codes. All such connections shall be made gas tight and water tight and shall be subject to the inspection and approval of the Cumberland County Utilities Authority.

Section 3.7 Toxic Pollutants - any toxic substance in amounts exceeding standards promulgated by these rules and regulations and/or the Administrator of the EPA pursuant to Section 307 of the Federal Act or Section 4 of the State Act, including, but not limited to, those listed in Table I, or any materials which may interfere with the biological processes or the efficiency of the treatment works or which will pass through the system.

Section 3.8: All users are limited by Maximum Allowable Headworks Concentrations as listed in the following table 3-1 which is periodically reviewed and revised as necessary to respond to changes in federal or state regulations, environmental protection criteria, plant design and operational criteria and the nature of industrial contributions to POTW influent. These reviews are conducted when there are changes in: (1) the limiting criteria on which maximum allowable headworks concentrations are based, and/or (2) the flow rate and characteristics of industrial contributions (including connection of additional industrial users). Examples of potential changes that affect criteria used in deriving maximum allowable headworks concentrations include:

- Changes in NJPDES permit limits to include additional or more restrictive toxic pollutant limits, including organic pollutants.
- Changes in water quality limits including toxicity requirements.
- Changes in sludge disposal standards or POTW disposal methods.
- Modifications to the treatment plant which cause changes in process removal efficiencies and tolerance to inhibition from pollutants.
- Availability of additional site-specific data pertaining to pollutant removal efficiencies and/or process inhibition.

Potential changes in industrial contributions include:

- Connection to the POTW of new industrial users.
- Addition of new processes at existing industrial users.
- Shutdown of industrial users or discontinuation of process discharges.
- Changes to existing industrial user processes, including chemical substitutions, expected to alter pollutant characteristics and loadings to the POTW.
- Alteration of pretreatment operations.

The industrial waste survey is reviewed periodically to determine if any of the above factors have substantially changed. Upon conducting such a review, the POTW updates its existing maximum allowable headworks concentrations as necessary and/or develops new maximum allowable headworks concentrations to cover additional pollutants. Any such changes in maximum allowable headworks concentrations are considered to be a modification of the POTW's pretreatment program, and as such are submitted to, and approved by, the Approval Authority.

The characteristics, per sample, of sewage and wastes discharged into the headworks shall not exceed the standards in Table 3-1. At no time shall any waste containing concentrations in excess of five (5) times the permissible concentration or having a pH outside the range of six (6) to nine (9) be permitted to be discharged to the Cohansey River Basin Sewer System.

- Section 3.9: All users are limited by restrictions and prohibitions set forth in applicable state and federal regulations, including Federal Categorical Pretreatment Standards (40 CFR chapter 1, subchapter N, hereby incorporated by reference including all supplements and amendments thereto) as promulgated. Upon the effective date of the Federal Categorical Pretreatment Standard for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under these Rules and Regulations for sources in that subcategory, shall immediately supersede the limitations imposed under these rules and regulations. The Executive Director shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12 but failure to notify does not relieve such industries of the obligation to comply with such reporting requirements.
- Section 3.9.3 Where the CCUA wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the CCUA may apply to the Approval Authority for Modification of specific limits in the Federal Pretreatment Standards. "Consistent Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system as measured according to the current procedures set forth in Section 403.7 (c)(2) of the "General Pretreatment Regulations for Existing and New Sources of Pollution" (40 CFR, Part 403) promulgated pursuant to the Act and as may be amended. The CCUA may modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained therein are fulfilled and prior approval from the Approval Authority is obtained.
- Section 3.10 The admission into the Cohansey River Basin Sewer System of any waters or wastes having the following characteristics shall be subject to the review and approval of the Cumberland County Utilities Authority.
- a) A five-day BOD concentration greater than two hundred fifty (250) parts per million, or
  - b) A suspended solids concentration in excess of two hundred fifty (250) parts per million, by weight, or
  - c) Incompatible pollutants, as defined within these Rules and Regulations, or
  - d) Pollutants subject to pretreatment standards, of Federal and State government, or
  - e) An average daily discharge in excess of 25,000 gallons.
- Section 3.11 Substances Interfering with Sludge Management. Any substance which may cause the POTW's sludge to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a

reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or the New Jersey Sludge Management Regulations, and the New Jersey Statewide Sludge Management Plan.

**Section 3.12 Prohibition Against Dilution as Treatment.** No user shall increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement.

## Cumberland County Utilities Authority

### SEWER USE RULES & REGULATIONS

**Table 3-1**  
**MAXIMUM ALLOWABLE DISCHARGE CONCENTRATIONS**

Substance	Local Discharge Limit (mg/l)
COD	3,000 <sup>a</sup>
BOD <sup>5</sup>	1,000 <sup>a</sup>
Suspended Solids	800
Ammonia	325
Sulfide	25
Phenols (total)	100
Arsenic (total)	0.12
Cadmium (total)	0.08
Cyanide (total)	0.40
Chromium (total)	2.90
Copper (total)	1.50
Lead (total)	0.50
Mercury (total)	0.03
Molybdenum (total)	0.15
Nickel (total)	1.0
Selenium (total)	0.10
Silver (total)	1.50
Zinc (total)	2.50
pH	5 - 10.5 <sup>b</sup>
TTO	2.13 <sup>c</sup>
Fats, oils & grease (total)	150
Petroleum oil & grease	25

NOTES:

- a. Limits are normally established for either BOD or COD, depending upon the nature of the discharge.
- b. pH limits establish minimum/maximum range for allowable instantaneous discharge.
- c. TTO, total toxic organics, is the summation of all values exceeding 10 ug/l for NJDEP listed toxic organic compounds.

## ARTICLE IV

### CONTROL OF PROHIBITED WASTES

Section 4.1 **Regulatory Actions.** If wastewaters containing any substances prohibited, exceeding prescribed limits, or violating restrictions imposed by these Rules and Regulations, are discharged into the treatment works of the CCUA, the Executive Director shall take all actions necessary to:

- a) Prohibit the discharge of such wastewater;
- b) Require a user to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substances so as to be in conformance with these Rules and Regulations;
- c) Require pretreatment; including storage facilities, or flow equalization necessary to ensure complete compliance with these Rules and Regulations;
- d) Require the user making, causing or allowing the discharge to pay all the additional cost or expenses incurred by the CCUA for handling and treating excess loads imposed on the treatment works, or for any damages caused by excess loads imposed on the treatment works;
- e) Take such other remedial action, including discontinuation of service, as may be deemed necessary or desirable to achieve the purpose of these Rules and Regulations.
- f) Require the installation of wastewater monitoring equipment at the users expense.

Section 4.2 **Submission of Plans.** Users shall provide necessary wastewater treatment or flow control facilities as required to comply with these Rules and Regulations and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater or control flow rates to levels acceptable to the CCUA, shall be provided, operated, and maintained at the user's expense. Design reports, detailed plans, specifications and other pertinent data relating to the pretreatment facilities and operating procedures shall be signed by a principal executive officer of the user and also be signed as required by local, state or federal requirements by a New Jersey licensed Professional Engineer and submitted by the user to the CCUA for review. This submittal shall be acceptable to the CCUA before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility from modifying the facility as necessary to produce an effluent acceptable to the CCUA under the provisions of these Rules and Regulations. Any subsequent changes in the

pretreatment facilities or method of operation shall be reported to and be acceptable to the CCUA prior to the user's initiation of the changes.

Section 4.3 **Pretreatment Facilities Operations.** Pretreatment or flow control facilities shall be continuously maintained in satisfactory and effective working order and operated efficiently by the owner or operator at his/her own costs and expense, subject to the requirements of these Rules and Regulations and all other applicable state and federal codes, ordinances, and laws.

Section 4.4 **Admission to Property.** Whenever it shall be necessary for the purpose of these rules and regulations, the Executive Director, the Commissioner and/or the Regional Administrator upon the presentation of credentials, may enter upon any property or premises at reasonable times for the purpose of (a) copying any records required to be kept under the provisions of these Rules and Regulations, (b) inspecting any monitoring equipment or method, and (c) sampling and/or measuring and/or testing any discharge of wastewater to the Cohansey River Basin Sewer System. The Executive Director, and/or his duly appointed deputy, agent or representative may enter upon the property at any hour under emergency conditions.

Section 4.5 **Accidental Discharges and Slug Control Plans.** Each industrial user shall provide protection from accidental or slug discharge of prohibited materials or other substances regulated by these Rules and Regulations. Facilities to prevent such discharge of prohibited materials shall be provided and maintained at the owner's own cost and expense.

For all significant industrial users, the Executive Director shall evaluate at least once every two (2) years whether a formal accidental discharge and slug control plan is needed to be developed or revised. Such plan shall address, at a minimum, the following:

- a. Description of discharge practices, including nonroutine batch discharges;
- b. Description of stored chemicals;
- c. Procedures for immediately notifying the Authority of any accidental or slug discharge and follow-up written notification within 5 days;
- d. Procedures to prevent adverse impact from any accidental or slug discharge. These may include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, and/or measures or equipment for emergency response.

Detailed plans showing facilities and operating procedures to provide this protection shall be prepared by the user, and submitted to the Executive Director for approval. Review and approval of such plans and procedures shall not relieve the industrial user from the responsibility to modify his facility as necessary to meet the requirements of these Rules and Regulations.

**Section 4.5.1 Prevention of Upset or Bypass.** For the purposes of this section, "upset" shall mean an exceptional incident in which there is unintentional and temporary noncompliance with a discharge limitation because of factors beyond the reasonable control of the user. An upset does not include noncompliance caused by operational error, inadequate or improperly designed treatment facilities, lack of maintenance, or careless or improper operation. "Bypass" means the intentional diversion of wastewater from any portion of a user's treatment facility, and may be anticipated or unanticipated.

All users shall develop procedures to minimize the risk of upset or bypass. In order to make an affirmative defense against any resultant enforcement action, all incidents of upset or bypass shall comply with the reporting requirements of Section 4.6. Bypass in general is prohibited unless it is unavoidable to prevent loss of life, personal injury or property damage, or there are no feasible alternatives such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance.

**Section 4.6 Reporting Accidental Discharge, Upset, or Bypass.**

**4.6.1 Upset** - An Industrial User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a) An Upset occurred and the Industrial User can identify the cause(s) of the Upset;
- b) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures;
- c) The Industrial User has submitted the following information to the POTW within 2 hours of becoming aware of the Upset (if this information is provided orally, a written submission must be provided within five days):
  - i. A description of the Indirect Discharge and cause of noncompliance;

- ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
  - iii. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- a) Burden of proof. In any enforcement proceeding the Industrial User seeking to establish the occurrence of an Upset shall have the burden of proof.
  - b) User responsibility in case of upset. The Industrial User shall control production or all Discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.
- 4.6.2 **Bypass** - An Industrial User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (a) and (b) of this section.
- a) If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the Authority, if possible at least ten days before the date of the bypass.
  - b) An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Authority within 2 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Authority may waive the written report on a case-by-case basis if the oral report has been received within 2 hours.

Section 4.7 **Industrial Wastewater Monitoring.** The CCUA employs qualified personnel to conduct scheduled and unscheduled inspections of industrial facilities, review permits, regularly and randomly sample and analyze industrial effluent for compliance, investigate noncompliance and receive and analyze industry submitted reports.

Section 4.8 **Reporting Requirements for Industrial Users.** All industrial users shall, at a minimum, comply with the reporting requirements contained in 40 CFR 403.12 and NJSA 58:10A. Such reports shall be submitted to the Executive Director. All such records relating to compliance with pretreatment standards shall be made available to officials of the NJDEP and/or the EPA upon demand. A summary of such data indicating the user's compliance with these Rules and Regulations shall be prepared and submitted to the Executive Director as provided in Section 4.8.d. All records shall be retained for five years or as required, at the discretion of the Executive Director.

- a) **Baseline Monitoring Report (403.12(b)),** including a compliance schedule, when necessary, for meeting categorical pretreatment standards (403.12 (c)). Within 180 days after the effective date of a category standard or 180 days after a final decision on a category determination submission, whichever is later, an existing industrial user subject to the standard must submit to the Authority a report that indicates whether the industrial user meets the standard. The specific elements of the report are contained in 40 CFR 403.12 (b)(1-7). At least 90 days prior to commencement of discharge, New sources, and sources that become Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall be required to submit to the Authority a report which contains the information referenced above in this section. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards.
- b) **Report on progress in Meeting Compliance Schedules (403.12(c)).** Categorical industrial users who are required to submit compliance schedules in conjunction with their baseline monitoring reports must report their progress to the Authority within 14 days of each date in their schedule.
- c) **Report on Compliance with Categorical Pretreatment Standard Deadline. (403.12(d)).** Within 90 days following the date for final compliance with the applicable categorical standard, the affected industrial user must submit to the Control Authority a report indicating the nature and concentration of all discharges of pollutants limited in the regulation and the average and maximum daily flow for these discharges. The report also must indicate whether the pretreatment standards are being met consistently.
- d) **Periodic Discharge Reports - Report on Continued Compliance (403.12(e)).** Every categorical and significant industrial user shall submit to the Executive Director on a monthly basis a compliance report of the quantity and quality flow into the POTW contributed by that user. Other permitted users shall submit these reports as required in their permit. These reports are to contain information indicating

the nature and concentration of pollutants in the effluent. The discharge report may include, but not be limited to: nature of process, rates of flow, concentrations of pollutants discharged, total mass of each pollutant discharged, hours of operation, and other information which relates to the generation of wastewater and compliance with any applicable discharge standards.

- e) Notice of Slug Loading (403.12(f)). All industrial users must notify the Control Authority immediately of any slug loading. Slug loading is defined as any pollutant released in a discharge at a flow rate or concentration which will cause interference with the operation of the treatment works. Slug loads are defined in Section (3.2.1(4)).
- f) Report of Changed Conditions (403.12(j)). Each user must notify the Executive Director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater discharge at least fourteen (14) calendar days before the change. For purposes of this requirement, a significant change includes but is not limited to a flow increase of 20% or greater or the introduction of previously unreported pollutants.
- g) Notice of Violation / Repeat Sampling. If sampling performed by an Industrial User indicates a violation, the user shall notify the Authority 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 the Authority within 30 days after becoming aware of the violation, except the Industrial User is not required to resample if the Authority 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.
- h) Notice of Discharge of Hazardous Wastes. The Industrial User shall notify the Authority, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, patch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is 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. All notifications must take place 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, unless required as a result of changed discharge. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of any permit or control mechanism issued by the Authority. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify the POTW, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

**Section 4.8.1 Monthly Reporting due to Serious / SNC Violations** Notwithstanding the reporting requirements stipulated in a permit to discharge to the POTW, a permittee shall be required to file monthly reports with the Authority if the permittee:

- a) 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 therefor; or
- b) exceeds an effluent limitation for the same pollutant at the same discharge point source by any amount for four out of six consecutive months.

The Executive Director or his appointee 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.

**Section 4.9 Refusal of Discharge.** Nothing under this Article shall be construed to reduce in any manner the power of the Executive Director to refuse the acceptance of a discharge if in his opinion, there is not compliance with the provisions of any section of these Rules and Regulations.

## ARTICLE V

### METERING, SAMPLING AND MONITORING

Section 5.1 **Determination of Quantity & Quality** - The Authority shall regularly use meters or devices or methods for determining waste quantities (volumes) directly or by differentials or otherwise, and make tests and use other means for determining the quality and other characteristics of all sewage, industrial wastes or other wastes discharged into the Cohansey River Basin Sewer System.

Section 5.1.1 **Metering and Sampling Point** - All permitted users proposing to connect to or continue to discharge to any part of the local collection system or Authority Interceptor System must make available a sampling point which will be representative of all discharges and is acceptable to, and approved by the Executive Director. This point must be available to the Authority, the NJDEP or EPA for purposes of conducting sampling inspections, compliance monitoring and/or metering operations. This metering and sampling point shall consist of a manhole and be made, whenever possible, at a common point into which all volumes from an industry are combined. Such manhole shall be constructed by the owner of such premises, at his own expense, when directed by order of the Executive Director. Whenever the installation of such a common manhole is impossible or impractical, the owner of such premises shall construct and maintain at his own expense, in lieu of the common manhole, two or more manholes as required by order of the Executive Director, for accurate measurement and sampling of all volumes discharged from such premises into the sewer system; in the event that no common manhole has been required, measurements shall be taken at a point or points to be selected by the Executive Director. Installation of such sampling point does not relieve the user of the need for additional sampling points as may be needed to comply with discharge limitations or pretreatment standards that may be process specific.

Section 5.2 **Analytical Requirements.** All sampling techniques, measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in these Rules and Regulations shall be determined in accordance with the techniques prescribed in 40 CFR Part 136 unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytic techniques for the pollutant in question, sampling and analysis must be performed in accordance with procedures approved by EPA, NJDEP, or other appropriate regulatory agency. All sample analysis must be performed by a laboratory certified by the NJDEP to perform that analysis. Volume

determination shall be conducted in accordance with sound engineering practice.

**Section 5.3 Determination of Waste Volumes:**

- a) In determining the volume of wastewater contributed to the Cohansey River Basin Sewer System or a local sewer, the Authority shall utilize measurements as taken by continuously recording metering devices. Such meters, recorders and appurtenances shall be installed, calibrated, operated and maintained by the Discharger with the approval of the Authority. Measurements shall be made at the location of the connection of the local sewer with the Cohansey River Basin Sewer System.
- b) In determining the volume of wastewater contributed to the Cohansey River Basin Sewer System by an industry, the Authority may use as a representative value:
  - (1) The amount of water supplied to the premises as shown upon the water meter, if the premises are metered, or
  - (2) The volume of wastewater discharged into the local sewer by the industry as determined by measurements made by the Industry, or
  - (3) An allowance for each employee on the premises, or
  - (4) A figure determined by the Authority by any combination of the foregoing or any other equitable method.

**Section 5.4 Pollutant Concentration and Compliance Determination:** The pollutant concentration of any wastewater as determined with respect to Article 3, prohibitions and limitations, shall be made on the basis of representative samples taken at the point of volume determinations provided for in Section 5.1.1 of this Article for any period or time, or in such duration and in such manner as determined necessary by the Executive Director. The intent of any sampling procedure is to establish the pollutant concentration in the wastewater discharge during an average or typical day. This concentration may be derived, according to the best judgment of the Executive Director, by combining repeated sub-samplings during one day, by combination of a series of such days or by combination of a number of multiple series of such days.

**Section 5.5 Disputed Volumes and/or Pollutant Concentrations.** In the event that the volume and/or Pollutant concentration of the waste discharged to the Cohansey River Basin Sewer System as determined by the Authority under Sections 5.3 and 5.4 of this Article is disputed by a user, a program of re-sampling and gauging with subsequent chemical determination may be instituted as follows:

- a) The user may submit a written request for re-sampling and gauging of the waste to the Executive Director. Upon receipt of such request, the Authority may conduct the necessary test at the user's expense. The user shall confer with representatives of the Authority in order that agreement may be reached as to the various factors which must be considered in a new sampling program, or
- b) The user may, at his own expense, employ a consultant or agency of recognized professional standing to conduct a re-sampling and reanalysis program, under the direction of the Executive Director and for a period of time to be specified by the Executive Director.

The results of the re-sampling and the reanalysis will be averaged with the disputed analysis of the user's waste.

Section 5.6 **Monitoring Frequencies** - The CCUA will establish monitoring frequencies for industrial users and list these requirements in the industry's permit based on the following:

- a) Compliance history of the industrial user.
- b) The ability to verify the compliance of the industrial user with pretreatment standards.
- c) Impact on the operation of the treatment works, including sludge disposal options.
- d) Water quality impact on the receiving stream.
- e) Industrial user discharge flow rates.
- f) Monitoring expense to both the industrial user and the Control Authority.
- g) The CCUA may require the industrial user to self monitor (in addition to the Authority's monitoring) and therefore require industrial users to install at his/her own cost and expense suitable monitoring equipment to facilitate the accurate observation, sampling and measurement of wastes. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.
- h) Federal or state frequency monitoring requirements.

Section 5.7 **Confidential Information** Information and data on a user obtained from reports, questionnaires, applications, permits, and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the CCUA that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made

available for inspection by the public but shall be made available upon written request to the EPA and/or the NJDEP and/or representative of the State or Federal Pretreatment Program: provided however, that such portions of a report shall be available for use by the State for judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the CCUA as confidential shall not be transmitted to any governmental agency by the CCUA until and unless a ten (10) day advance notification is given to the user.

## ARTICLE VI

### INDUSTRIAL DISCHARGE PERMIT SYSTEM

Section 6.1 **Wastewater Discharge Permits Required.** The CCUA shall periodically update a list of industrial users and notify such users of their status and of applicable discharge permit and pretreatment requirements as a result of such status. All industrial users so notified must obtain an Industrial Waste Discharge Permit within ninety (90) days of notification. All new industrial users proposing to discharge to the Cohansey River Basin Sewer System shall first obtain an Industrial Waste Discharge Permit prior to any connection or discharge.

Section 6.1.1 **Category Determination Request.** Within 60 days after the effective date of a Pretreatment Standard for a subcategory under which the User may be included, the Industrial User (or the CCUA) may request that the Water Management Division Director, or Director, as appropriate, provide written certification on whether the Industrial User falls within that particular subcategory. If an existing Industrial User adds or changes a process or operation which may be included in a subcategory, the existing Industrial User must request this certification prior to commencing discharge from the added or changed processes or operation. A New Source must request this certification prior to commencing discharge. Where a request for certification is submitted by the CCUA, the CCUA shall notify any affected Industrial User of such submission. The Industrial User may provide written comments on the CCUA's submission to the Water Management Division Director or Director, as appropriate, within 30 days of notification. Each request for a Category Determination shall contain a statement:

- a) Describing which subcategories might be applicable; and
- b) Citing evidence and reasons why a particular subcategory is applicable and why others are not applicable. All applications must contain a certification of accuracy as indicated in 40 CFR 403.6(a)(2)(ii).

Only written requests for determinations that contain all of the information required will be acted upon. Notification of deficiency will be sent to the person requesting the determination and unless the time period is extended, will be given 30 days to correct the deficiency. The final written determination of the applicable subcategory will be made by the Water Management Director or Director. The statement will also indicate the reasons for the determination.

Section 6.2 **Permit Application.** Users seeking Industrial Waste Discharge Permits shall complete and file an application with the Executive Director, on the form prescribed by the Executive Director, accompanied by the applicable fee. In support of this application, the user shall submit the following information:

- a) Name, address, the SIC number of applicant.
- b) Volume of wastewater to be discharged.
- c) Wastewater constituents and characteristics including, but not limited to those set forth in Article III of these Rules and Regulations as determined by an analytical laboratory of recognized professional standing and certified by NJDEP for those analyses.
- d) Time and duration of discharge.
- e) Average and heavy peak wastewater flow rates including daily, monthly and seasonal variations, if any.
- f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation.
- g) Description of activities, facilities and plant processes on the premises including all materials and types of materials which are, or could be, discharged.
- h) Each product produced by type, amount, and rate of production.
- i) Number and type of employees, and hours of work.
- j) Certification that no discharge of hazardous waste will occur.
- k) Any other information as may be deemed necessary by the Executive Director to properly determine the nature of the waste to be discharged.

The Executive Director will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Executive Director may issue an Industrial Waste Discharge Permit subject to terms and conditions provided herein. Where pretreatment is required, design reports, detailed plans, specifications and other pertinent data relating to the pretreatment facilities and operating procedures shall be signed by a principal executive officer of the user and also be signed as required by local, state or federal requirements by a New Jersey licensed Professional Engineer.

Section 6.3 **Permit Conditions.** Wastewater discharge permits shall be expressly subject to all provisions of these Rules and Regulations and any other applicable regulations established by the Authority, the NJDEP or the EPA; permit conditions shall be uniformly enforced in accordance with these Rules. Permit conditions shall address at a minimum the following:

- a) The duration of the permit, not to exceed five (5) years.
- b) A statement on non-transferability.

- c) Requirements for self monitoring, sampling, reporting, notification, and record keeping. These shall include identification of pollutants to be monitored, sampling location(s) and frequency, and sample type based on applicable law. If sampling performed by an Industrial User indicates a violation, the user shall notify the Authority 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 the Authority within 30 days after becoming aware of the violation, except the Industrial User is not required to resample if the Authority 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.
- d) Effluent limits based on applicable pretreatment standards as may be required by Federal, State, or local pretreatment standards, limits, or law.
- e) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule in conformance with Federal, State, or local law. Any compliance schedule shall not the compliance date beyond applicable federal deadlines.
- f) Duty to pay any fines or penalties assessed as a result of violation of conditions of the permit.
- g) Duty to provide notice of potential problems, including slug loading or change in discharge. All Industrial Users shall notify the POTW of all discharges that could cause problems to the POTW, including any slug loading, in accordance with section 4.6 of the Sewer Use Rules and Regulations. All Industrial Users shall promptly notify the POTW 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.
- h) Duty to maintain in good working order at all times, and operate as effectively as possible, any facilities or systems of control installed to achieve compliance with the terms and conditions of the permit
- i) Notwithstanding the reporting requirements stipulated in a permit for discharge to the CCUA, a permittee shall be required to file monthly reports with the Authority if the permittee:
  - (i) 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 therefor; or
  - (ii) exceeds an effluent limitation for the same pollutant at the same discharge point source by any amount for four out of six consecutive months.

The Authority 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;

- j) To report to the Authority 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 .
- k) To provide notice of hazardous waste discharge in accordance with section 4.8h of these rules and regulations and 40 CFR part 261. In the event of any notification of discharge made under these requirements, 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.

Wastewater discharge permits may also contain any other conditions that, in the opinion of the Executive Director, are needed to comply with the intent of the Sewer Use Rules and Regulations and the protection of workers, the sewer system, and the environment.

Section 6.4 **Duration of Permit.** Permits shall be issued for a period not to exceed five (5) years.

Section 6.4.5 **Modification of Permit.** The terms and conditions of the permit may be subject to modification and change by the Executive Director during the life of the permit, as limitations or requirements as identified in Article III are modified. A user shall be notified of proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Section 6.5 **Transfer of Permit.** Permits are non-transferable and are issued to a specific user for a specific operation. An Industrial Waste Discharge Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.

Section 6.6 **Revocation of Permit.** Any user who violates the conditions of his permit or of these Rules and Regulations or of applicable state and federal regulations, is subject to having his permit revoked. Violations subjecting a user to possible revocation of his permit include, but are not limited to, the following:

- a) Failure of a user to accurately report the wastewater constituents and characteristics of his discharge;

- b) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
- c) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,
- d) Violation of conditions of the permit.

Section 6.7 **Renewal of Permit.** Users seeking to renew a discharge permit must reapply within 180 days of expiration of the existing permit. Users seeking to renew a permit shall be required to re-certify that there have been no process changes that would result in a discharge of hazardous wastes to the sewer system.

Section 6.8 **Appeals.** A permittee (or person who seeks and qualifies to be considered a party to a permit action in accordance with NJAC 7:14A-17.3) may submit to the Authority a written request, by certified mail or other means which provides verification of date of delivery, for a hearing before the state Office of Administrative Law (OAL) to contest a final permit decision of the Authority which may include issuance of new permits, permit modifications, permit renewals, permit denials, suspension, or revocations. Such request shall be submitted in accordance with the requirements below within 30 days following receipt of the Authority's notification of a final permit decision; copies of the request shall be provided to any other person named on the permit. If the appeal is determined to be acceptable and complete, the Authority will grant the hearing request and forward all pertinent information to the OAL for disposition.

A request for an adjudicatory hearing shall be submitted to the Authority at the address listed below:

Cumberland County Utilities Authority  
333 Water Street  
Bridgeton, NJ 08302

The request for an adjudicatory hearing shall contain the following information:

- a) The facility name permit number;
- b) The date that the notification of the final permit decision was received by the permittee or person making the request;
- c) The name, mailing address and telephone number of the person making the request(s), and whom they represent;
- d) A statement setting forth:
  - i) Each legal or factual question alleged to be at issue;

- ii) Whether the legal or factual issue was raised by that person during the public comment period in accordance with the provisions of NJAC 7:14A-15.13;
- iii) The relevance of the legal or factual issue to the permit decision, together with a designation of the specific factual areas to be adjudicated;
- iv) A statement that, upon motion by any party granted by the OAL judge, or upon order of the OAL judge's initiative the appellant shall make all persons represented, including officers, directors, employees, consultants, and agents, available to appear and testify at the administrative hearing, if granted; and
- v) An estimate of the amount of time required for the hearing;
- e) Suggested revised or alternative permit conditions and how they meet the requirements of the Sewer Use Rules and Regulations or appropriate State or Federal Act(s);
- f) Information supporting the request or other written documents relied upon to support the request, including identification of the basis for any objection to the application of control or treatment technologies, if identified in the basis or fact sheets, and the alternative technologies which, in the judgment of the person making the hearing request are necessary to satisfy the requirements of the Sewer Use Rules and Regulations unless this information is already in the administrative record (in which case, such information shall be specifically referenced in the request).
- g) A clear indication of any willingness to negotiate a settlement with the Authority prior to the processing of the hearing request to the OAL;
- h) A request, if necessary, for a barrier-free hearing location for disabled persons;
- i) A person other than the permittee and is seeking consideration as a party to the action shall include a clear and concise factual statement of the nature and scope of the interest of the requester which meets the criteria set forth at N.J.A.C. 7:14A-17.3(c)4.

Section 6.9 **Application Signatories and Certification.** All industrial discharge permit applications and any user reports submitted as a condition of any existing permit must be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge

and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**Section 6.10 Record Keeping Requirements.** All records or reports required to be submitted by the user as a condition of permit application or issuance are required to be kept by the user for a minimum duration of 5 years.

**Section 6.11 Public Notice** For all permit actions, including both new permits and modifications, renewals, revocations of existing permits, whether initiated by the Authority or the discharger, the Authority shall provide notice by publication in the newspaper of record of the Authority in order to afford the public the opportunity to comment or request a public hearing. Public notice shall be in conformance with the requirements of NJAC 7:14A-19.10, and shall provide a comment period of not less than 30 days from the date of publication of notice. Public notice shall also be afforded for all administrative consent orders prior to final adoption that would relax effluent limitations established in a permit or prior administrative order.

A notice shall include a summary statement describing the nature of the permit action or order, its terms and conditions; specify how additional information may be obtained; and 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 public notice shall be mailed to the mayor and governing body of the municipality and county in which the discharge is/will be located, and to any other persons who have expressed an interest in the public notice, including any other governmental agencies. The Authority shall consider the written comments received during the comment period prior to final adoption of the permit or administrative consent order, and, not later than the date any final action is taken, shall notify each person or group having submitted written comments on the main provisions of the action or order and respond to the comments received therefrom.

The Authority, on its own initiative or at the request of any person submitting written comments pursuant to this section, may hold a public hearing on the proposed permit action or order prior to final adoption. Public notice for the public hearing 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 discharge is located.

## ARTICLE VII

### DISCHARGE BY WASTE HAULERS

#### Section 7.0 **GENERAL**

No septage or hauled wastewater shall be discharged to the Authority's facility for treatment and disposal unless specifically authorized by the Executive Director. Wastewater transported to the Authority for treatment and disposal shall comply with all applicable requirements of the Authority's Sewer Use Rules and Regulations. The Authority shall hold both the hauler and the generator responsible for compliance as applicable.

#### Section 7.1 **REQUIREMENTS FOR WASTE HAULERS USING THE AUTHORITY'S FACILITIES**

Section 7.1.1 **Waste Hauler Registration.** All waste haulers must display a current NJDEP solid waste transporter certification for each vehicle used. A waste hauler, prior to discharge to the Authority, must be registered with the Authority. A Hauler Registration Form for each vehicle used for delivery of wastewater must be completed (Exhibit D attached hereto), including proof of insurance and licensing with NJDEP. Upon approval, the Authority shall affix a gate opening transmitter to each vehicle so registered. A deposit of \$100 shall be made by the hauler for each transmitter affixed, refundable upon return of the transmitter unless damaged by the hauler.

Section 7.1.2 **Compatible Equipment** All vehicles used for hauling shall be equipped with hoses or other devices so as to allow a closed connection with the septage receiving ports. Under no circumstance shall septage be permitted to discharge onto the ground.

If a hauler wishes to dispose of and be billed for half loads, there must be a visible sight glass mounted on the tank of the truck to allow verification of each half load delivered.

#### Section 7.2 **CLASSIFICATION OF WASTEWATER**

The Authority has established a classification system for hauled wastewater for billing and wastewater planning purposes. Unless prior classification has been made by the Authority, it shall be the hauler's responsibility to accurately report the waste delivered according to one of the following types:

- (1) **Domestic Household Waste.** Wastes generated by single or multifamily residential dwelling units. This category shall include wastewater generated by church and school facilities.
- (2) **Commercial/Industrial Waste.** Waste generated by restaurants, fast food establishments, office buildings, motels, factories, or similar commercial facilities. All septage from industrial sources requires pre-approval.
- (3) **Treatment Plant Waste.** Residual waste generated by a domestic wastewater treatment or industrial pretreatment plant. All treatment plant wastes from any source requires pre-approval.
- (4) **Landfill Leachate** - Wastewater collected from leachate collection systems at a sanitary landfill. All leachate from any source requires pre-approval.
- (5) **Grease Traps.** Waste from any device used to collect fats and greases that may be present in the sanitary sewage from a domestic or commercial food preparation discharge located in Cumberland County. Grease traps shall require pre-approval prior to disposal.
- (6) **Volume Waste Generator.** A generator of hauled wastewater providing a minimum volume of 300,000 gallons per year of waste material from a single source. The material contained in holding tanks used exclusively for the deposit of human and/or food wastes resulting from domestic activity shall not have undergone any settling process in the nature of septic tank operation or treatment. A Volume Waste Generator Agreement (Exhibit G) must be executed with the CCUA. Waste strength cannot exceed ten (10) times the concentrations of Average Domestic Sewage as defined in Section 2.1.6.
- (7) **Volume Waste Hauler.** A hauler delivering a guaranteed minimum volume of 1,000,000 gallons per year of Type 1, 2, or 5 wastes from multiple sources and for which a Volume Waste Hauler Agreement (Exhibit H) has been executed with the CCUA. Such wastewater shall not contain any regulated industrial process wastes, or include wastewater delivered under a Volume Waste Generator agreement.

Section 7.3 **RULES AND REGULATIONS FOR DISPOSAL OF WASTEWATER HAULED TO THE AUTHORITY**

Section 7.3.1 **Disposal Point.** All approved hauled wastewater shall be disposed of at the Septage Receiving Station, at the Authority's Cohansey River Basin treatment facility, located at 333 Water Street, Bridgeton.

Section 7.3.2 **Record Keeping.** The Authority shall provide all approved waste haulers with appropriate 4-part waste hauler certification forms (Exhibit E attached hereto). No wastewater shall be accepted unless it is accompanied by a fully completed Hauler Certification form. The top two copies of this form shall be delivered to the Authority at the time of discharge. Failure to provide the disposal forms or the waste classification code shall result in classification as "Class 3" loads by the Authority for billing purposes. If a half load is delivered, the hauler must obtain the signature of a responsible CCUA employee on the hauler certification form prior to disposal or full load charges will apply.

Section 7.3.3 **Sampling.** All wastewater delivered shall be accompanied by a representative sample which fills the container provided by the Authority for that purpose. Samples shall be placed in the Septage Station Monitoring Building by the Hauler at the time of discharge. Sample identification number on container must be listed on the hauler certification form for that load.

Section 7.4 **PROHIBITED WASTES AND PRACTICES**

Section 7.4.1 All wastewater, regardless of source, shall not contain hazardous, toxic, or inhibitory constituents that would pose a hazard or threat to Authority personnel, treatment processes, or facilities.

Section 7.4.2 Any non-domestic wastewater shall not be brought to or disposed at an Authority facility without prior approval of the Authority.

Section 7.4.3 Any waste hauler who does not display a current NJDEP registration decal shall be prohibited from utilizing the Authority facilities.

Section 7.4.4 No waste hauler shall knowingly provide false information regarding the origin of and/or type of waste being hauled to the Authority on the Hauler Certification Form.

Section 7.4.5 No "Class 3" wastewater as defined in Section 7.2 shall be delivered from another domestic treatment works without first submitting to the Authority a current suitability determination for land application issued by the NJDEP.

Section 7.5 **REQUIREMENTS FOR DISCHARGE OF INDUSTRIAL WASTEWATER**

No industrial wastewater shall be hauled to the Authority facilities unless said wastewater has received prior written approval for delivery from the Executive Director or his/her designee.

Section 7.5.1 All industrial wastewater proposed to be disposed of at the Authority facilities shall be subject to sampling and analysis prior to any delivery. The type of sampling and analysis required will be determined by the Authority and shall be performed at the generator's and/or hauler's expense.

Section 7.5.2 The Authority may, at its discretion, require a generator to apply for and receive a formal discharge permit from the Authority. Such permit may establish limits, conditions of discharge, and/or monitoring requirements. The hauler and/or generator shall be required to comply with the applicable conditions of such permit as it may affect the delivery of hauled wastewater.

Section 7.5.3 **Specific limitations and prohibitions**

- a) Any commercial or industrial waste that may cause pass through of pollutants or interference with the wastewater treatment plant operation or that violates Federal, State, or Local restrictions shall not be discharged to the treatment plant.
- b) Any waste transported from an industry subject to Categorical Pretreatment Standards must meet the applicable Federal Categorical Standards. Prior review and authorization by the Authority must be obtained before delivery.
- c) The generator and/or hauler is prohibited from discharging wastes with the following characteristics:
  - 1) Volatile organic compounds, unless prior approval has been issued.
  - 2) Containing oils or greases of petroleum origin, whether emulsified or not, in excess of 100 mg/l.
  - 3) Containing any gasoline, benzene, naphtha, antifreeze, fuel oil, or other flammable or explosive liquids, solids, or gases.
  - 4) Material considered a hazardous waste under the Resource Conservation and Recovery Act (RCRA).
- d) The generator and/or hauler is prohibited from discharging any waste stream which does not have prior approval of the Authority.

Section 7.6 **FEES FOR DISPOSAL**

The Authority shall develop and review annually disposal fees for various classification(s) of hauled wastewater. These fees shall reflect the labor, operating, capital, and debt service costs for treatment and disposal of the waste delivered and residuals generated by the treatment processes and are contained in Article IX.

Section 7.7 **PENALTIES FOR HAULERS AND/OR GENERATORS VIOLATING DISCHARGE RULES AND REGULATIONS**

The discharge of any hauled waste in violation of these rules or of any discharge requirements established for a specific source or generator shall be subject to penalty assessment in accordance with Article VIII (Enforcement Provisions) and Exhibit F (Enforcement Response Plan) of the Sewer Use Rules and Regulations.

**ARTICLE VIII**  
**ENFORCEMENT PROVISIONS**

Section 8.0 **Remedies for Non-compliance.** In order to enforce the provisions of these Sewer Use Rules & Regulations and any applicable State or Federal regulation referenced therein the Executive Director shall have the authority to employ the appropriate measures as contained in Article VIII to achieve compliance. Any actions taken shall be in conformance with the Water Pollution Control Act (NJSA 58:10A-1 et seq) and the Cumberland County Utilities Authority Enforcement Response Plan, adopted herein as Exhibit F, which establishes the minimum acceptable response of the Authority for a particular violation.

Section 8.1 **Suspension or Termination for Harmful Discharge.** CCUA may suspend wastewater treatment service when necessary in the opinion of the Executive Director to stop any actual or threatened discharge which presents or may present an imminent and substantial endangerment to the health or welfare of persons or the environment, or cause interference to the POTW.

A person notified of the suspension of wastewater treatment service shall immediately stop or eliminate the contribution of wastewater. If such person fails to comply with the suspension notification, the CCUA shall take necessary steps, including immediate severance of the sewer connection pursuant to N.J.S.A. 58:11-56, to prevent or minimize damage to the treatment works, or endangerment to individuals, or the environment. The CCUA may reinstate wastewater treatment service at cost to the user upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the discharger describing the cause of the harmful contribution and the measures taken to prevent any future occurrence, shall be submitted to the CCUA within fifteen (15) calendar days of the date of occurrence.

Section 8.2 **Termination of Services.** - In addition to termination under subsection 8.1, any ongoing or repeated discharge or violation of these Sewer Use Rules and Regulations, the following conditions, or applicable state and federal statutes or regulations, may have service terminated in accordance with N.J.S.A. 58:11-56. Such action may be independent of any legal action under Section 8.4 of these Rules and Regulations.

Section 8.3 **Issuance of Orders** - The Executive Director or his designee shall have authority to issue orders or directives to users found to be in violation of these Rules and Regulations. These may include, but are not limited to, the following:

- a) **Notification of Violation (NOV)** Whenever the Executive Director finds that any person has violated, or is violating these Rules and Regulations, or the conditions of an Industrial User Permit issued in

accordance with these Rules and Regulations, he may serve upon such person a written notice stating the nature of the violation and providing a reasonable time, not to exceed thirty (30) days, for the satisfactory correction thereof. Such notice of violation is not a condition precedent to legal action under Section 8.4 8.3 of these Rules and Regulations.

- b) **Consent Orders** – Administrative or Judicial     The Executive Director may enter into a Consent Order or similar document establishing a mutual agreement with the User responsible for noncompliance. Such document will include specific action to be taken by the user to correct the noncompliance within a specified time period, the terms of which shall be enforceable. Such an order is not a condition precedent to legal action under Section 8.4 of these Rules and Regulations.
- c) **Compliance Order**     When the Executive Director finds a user has violated, or continues to violate, the Sewer Use Rules & Regulations the Director may issue an order unilaterally directing the user to achieve compliance within a specified time. A compliance order may contain requirements to address the noncompliance, including additional self-monitoring, management practices, or plans designed to minimize the discharge of pollutants. A compliance order may not extend the deadline for compliance with a pretreatment standard, nor does it relieve the user of liability for any violation or continuing violation. Such an order is not a condition precedent to legal action under Section 8.4 of these Rules and Regulations.
- d) **Show Cause Order**     The Executive Director may order any user who has violated, or continues to violate, any provision of the Sewer Use Rules & Regulations, a discharge permit, or order issued hereunder, to appear before the Authority at a hearing and show cause why a proposed enforcement action, including termination of service, should not be taken. The notice of the hearing shall be served personally, or by registered or certified mail (return receipt requested), at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation. Such hearing is not a condition precedent to legal action under Section 8.4 of these Rules and Regulations.
  - i.     A hearing officer designated by the Executive Director shall conduct the hearing and take the evidence. The officer is empowered to request the attendance and testimony of witnesses, and the production of evidence relevant to any matter involved in such hearings; and transmit to the Executive Director a report of the evidence and hearing, including transcripts and/or records, together with recommendations for action thereon.

- ii. At any public hearing testimony must be under oath and recorded either by the hearing officer in summary manner, or stenographical. In the latter case, the transcript, so recorded, will be made available to any member of the public, or any party to the hearing, upon payment of the usual charges therefore.

Section 8.4 **Legal Action** - The Executive Director shall be empowered to initiate legal action in civil or criminal court as may be needed in order to enforce compliance with these Rules and Regulations or applicable state or federal laws. Such action may be taken to seek the following remedies.

a) **Criminal Penalties.**

- i. A person who purposely, knowingly, or recklessly violates this act, and the violation causes a significant adverse environmental effect, shall, upon conviction, be guilty of a crime of the second degree, and shall be subject to a fine of not less than \$25,000 nor more than \$250,000 per day of violation, or by imprisonment, or by both.
- ii. A person who purposely, knowingly, or recklessly violates this act, including making a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under this act, or by falsifying, tampering with, or rendering inaccurate any monitoring device or method required to be maintained pursuant to this act, or by failing to submit a monitoring report, or any portion thereof, required pursuant to this act, shall, upon conviction, be guilty of a crime of the third degree, and shall be subject to a fine of not less than \$5,000 nor more than \$75,000 per day of violation, or by imprisonment, or by both.
- iii. A person who negligently violates this act, including making a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under this act, or by falsifying, tampering with, or rendering inaccurate any monitoring device or method required to be maintained pursuant to this act, or by failing to submit a discharge monitoring report, or any portion thereof, required pursuant to this act, shall, upon conviction, be guilty of a crime of the fourth degree, and shall be subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment, or by both.

- iv. A person who purposely or knowingly violates an effluent limitation or other condition of a permit, or who discharges without a permit, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury shall, upon conviction, be guilty of a crime of the first degree, and shall be subject of a fine of not less than \$50,000 nor more than \$250,000, or, in the case of a corporation, a fine of not less than \$200,000 nor more than \$1,000,000, or by imprisonment or by both.
- b) **Injunctive Relief.** The Authority is authorized to commence a civil action in Superior Court for appropriate relief for any violation of these Rules or of a permit issued hereunder. Such relief may include, singly or in combination:
- i. A temporary or permanent injunction;
  - ii. Assessment of the violator for the reasonable costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and litigating the case under this subsection;
  - iii. Assessment of the violator for any reasonable cost incurred by the Authority in removing, correcting or terminating the adverse effects upon water quality resulting from any unauthorized discharge of pollutants for which the action under this subsection may have been brought;
  - iv. Assessment against a violator of the actual amount of any economic benefits accruing to the violator from a violation. Economic benefits may include the amount of any savings realized from avoided capital or noncapital costs resulting from the violation; the return earned or that may be earned on the amount of avoided costs; any benefits accruing to the violator as a result of a competitive market advantage enjoyed by reason of the violation; or any other benefits resulting from the violation.
- c) **Issuance of summons.** The Authority may issue a summons for a violation of any rule, regulation or pretreatment standard adopted pursuant to the Sewer Use Rules & Regulations if the amount of the civil penalty assessed is \$5,000 or less. The summons shall be enforceable, in accordance with the "penalty enforcement law," N.J.S.2A:58-1 et seq., in the municipal court of the jurisdiction in which the violation occurred. The summons shall be signed and issued by any person authorized to enforce the provisions of

P.L.1977, c.74 (C.58:10A-1 et seq.). Proceedings before, and appeals from a decision of, a municipal court shall be in accordance with the Rules Governing the Court of the State of New Jersey. Of the penalty amount collected pursuant to an action brought in a municipal court pursuant to this section, 10% shall be paid to the municipality or municipalities in which the court retains jurisdiction for use for court purposes, with the remainder to be retained by the Authority.

- d) **Additional Costs.** In addition to the penalties provided herein, the CCUA may recover reasonable attorneys fees, court costs, court reporter fees, and other expenses of litigation by appropriate suit at law against the person found to have violated these Rules and Regulations issued hereunder.

Section 8.4.1 **Penalty for submitting inaccurate or false information, failing to properly conduct monitoring or sampling activities, or to submit discharge monitoring reports or other required reports** – The Authority may assess a civil administrative penalty pursuant to this section against each violator who fails to conduct required monitoring or sampling activities, submit required reports, or 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 these Rules any provisions of the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq, or any rule, water quality standard, effluent limitation, administrative order or permit issued pursuant thereto. Each day, from the day of first submittal by the violator of the false or inaccurate information to the Authority to the day of receipt by the Authority of a written correction by the violator shall be an additional, separate, and distinct violation. Penalties shall be determined in compliance with the applicable requirements of NJAC 7:14 subchapter 8, “Civil Administrative Penalties and Requests for Adjudicatory Hearings”, and the CCUA Enforcement Response Plan, appended herein as Exhibits G and F respectively.

Section 8.5 **Fines, Civil Administrative Penalties, and Expenses** Any person who is found to have violated an Order of the CCUA or otherwise who willfully or negligently failed to comply with any provision of these Rules and Regulations, or who is in serious violation or is a significant non-complier with effluent limitations contained in a discharge permit or control mechanism issued by the Authority, shall, after consultation with a compliance officer designated by the department, be assessed a fine or civil administrative penalty in accordance with the provisions of the Water Pollution Control Act (N.J.S.A. 58:10 A-1 et seq.) and these Rules and Regulations for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

Minimum mandatory civil administrative penalties shall be not less than \$1,000 for each serious violation as defined in Section 2 of these rules and

not less than \$5,000 for each violation that causes a discharger to be, or continue to be, a significant non-complier as defined in Section 2 of these rules. In addition to the penalties provided herein, the treatment works may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated these Rules and Regulations.

**Section 8.5a Hearings & Appeals** Notice of the penalty or assessment shall be given to the violator in writing by the Authority, and payment of the penalty or assessment shall be due and payable, unless a hearing is requested in writing by the violator, within 20 days of receipt of notice.

If a hearing is requested, the penalty or assessment shall be deemed a contested case and submitted to the Office of Administrative Law for an administrative hearing. Upon conclusion of an administrative hearing held pursuant to section 2 of P.L.1991, c.8 (C.58:10A-10.5), the administrative law judge shall prepare and transmit a recommended report and decision on the case to the head of the Authority and to each party of record. The head of the Authority shall afford each party of record an opportunity to file exceptions, objections and replies thereto, and to present arguments, either orally or in writing, as required by the Authority. After reviewing the record of the administrative law judge, and any filings received thereon, but not later than 45 days after receipt of the record and decision, the head of the Authority shall adopt, reject, or modify the recommended report and decision. If the head of the Authority fails to modify or reject the report within the 45-day period, the decision of the administrative law judge shall be deemed adopted as the final decision of the head of the Authority, and the recommended report and decision shall be made a part of the record in the case. For good cause shown, and upon certification by the Director of the Office of Administrative Law and the head of the Authority, the time limits established herein may be extended.

**Section 8.5b Final Decisions** A final decision or order of the Authority shall be in writing or stated in the record. A final decision shall include separately stated findings of fact and conclusions of law, based upon the evidence of record at the hearing of the administrative law judge. Findings of fact shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. A final decision or order may incorporate by reference any or all recommendations of the administrative law judge. Parties of record shall be notified either by personal service or by mail of any final decision or order. Upon request, a copy of the decision or order shall be delivered or mailed forthwith

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

**Section 8.5.1 Assessment of Penalties** In establishing an administrative penalty, the Authority may, in its discretion, move from the midpoint of the penalty range to an amount not greater than the maximum amount nor less than the minimum amount in the range on the basis the following factors:

- a) The compliance history of the violator;
- b) The number, frequency, and severity of the violations;
- c) Measures taken by the violator to mitigate the effects of the current violation and prevent future occurrences;
- d) Any unusual costs or impacts, direct or indirect, to public health or welfare, the treatment processes, or the environment;

Any other specific circumstances or conditions relating to the violator or the violation found acceptable to the Authority, or as may be detailed at NJAC 7:14-8.16(i). A penalty shall be assessed within the matrix range of penalties listed below:

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

8.5.1.1 The **seriousness** of the violation shall be classified as major, moderate or minor as set forth in 8.5.1.1(a) through (c).

- a) Violations of major seriousness shall include:
  - i. Any violation of any effluent limitation that is measured by concentration or mass for any discharge exceeding the effluent limitation as follows:

- (a) By more than 50 percent for a hazardous pollutant;
  - (b) By more than 100 percent for a non-hazardous pollutant, or
  - (c) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or the environment; or
- ii. The greatest violation of a pH effluent range in any one calendar day which violation deviates from the midpoint of the range by more than 50 percent of the midpoint of the range, excluding the excursions specifically excepted by a permit with continuous pH monitoring; or
  - iii. Any violation that seriously deviates from the terms or requirements of any rule, standard, order, or permit issued under these Rules and Regulations so as to severely undermine or impair the operation or intent of the requirement.
- b) Violations of moderate seriousness shall include:
- i. Violation of any effluent limitation measured by concentration or mass of any discharge exceeding an effluent limitation by 20 to 50% for a hazardous pollutant or by 40 to 100% for a non-hazardous pollutant;
  - ii. 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 permit issued with continuous pH monitoring;
  - iii. Any violation, other than an effluent limitation noted above, that substantially deviates from the terms or requirements of any rule, standard, order, or permit issued under these Rules and Regulations so as to substantially undermine or impair the operation or intent of the requirement.
  - iv. Any violation not identified as major that has caused, or has the potential to cause, substantial harm to human health or the environment.
- c) Violations of minor seriousness shall include:
- i. Any violation, other than an effluent violation not identified in (c)ii or iii below or not included in (a) or (b) above;
  - ii. Violation of any effluent limitation measured by concentration or mass for any discharge exceeding the effluent limitation by less than 20% for a hazardous pollutant or by less than 40% for a non-hazardous pollutant;
  - iii. The greatest violation of a pH effluent range in any one calendar day which violation deviates from the midpoint of the range by less than 40 percent of the midpoint of the range excluding the

excursions specifically excepted by a permit issued with continuous pH monitoring;

8.5.1.2 The **conduct** of the violation shall be classified as major, moderate or minor as set forth in 8.5.1.2(a) through (c). Conduct of a violator shall be determined 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;
- c) Minor shall include any other conduct not included in (a)1 or 2 above.

8.5.2 In **settling an administrative penalty**, the Authority may, in its discretion, reduce the penalty up to 50% provided the penalty as reduced is not less than any mandatory minimum amount as set forth at NJAC 7:14-8.5(a) or 8.9(e). provided there is no reduction in the amount of any component of a penalty which may represent the economic benefit gained by the violator from the violation. The Authority may consider the following factors in deciding to reduce the penalty:

- a) Mitigating or extenuating circumstances not considered in the notice of civil administrative penalty assessment;
- b) Implementation by the violator of pollution prevention and/or abatement measures in addition to those minimally required by applicable statute or rule;
- c) Implementation by the violator of measure to clean up, reverse, or repair environmental damage previously caused by the violation;
- d) Full payment by the violator of a specified portion of a penalty assessment within a specified time period established the Authority in an administrative order or notice of civil administrative penalty assessment provided the violator waives the right to request an adjudicatory hearing on the civil administrative penalty; or
- e) Any other terms or conditions that may be acceptable to the Authority.

8.5.3 **Appeal of civil administrative penalty, collection, interest charged**

- a) If a civil administrative penalty or assessment is upheld on appeal in whole or in part, the Authority shall be entitled to a daily interest charge on the amount of the penalty or assessment from the date of judgment until that amount is paid in full. The rate of interest shall be that established by the New Jersey Supreme Court for interest rates on judgments, as set forth in the Rules Governing the Courts of the State of New Jersey.

- b) Any person who violates these Rules or an administrative or court order issued pursuant to them, or who fails to pay a civil administrative penalty in full or to make a payment pursuant to a payment schedule entered into with the Authority, shall be subject upon order of a court to a civil penalty not to exceed \$50,000.00 per day of such violation, and each day's continuance of the violation shall constitute a separate violation. Any penalty incurred under this subsection may be recovered with costs, and, if applicable, interest charges, in a summary proceeding pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.). In addition to any civil penalties, costs or interest charges, the court may assess against a violator the amount of any actual economic benefits accruing to the violator from the violation. The Superior Court shall have jurisdiction to enforce "the penalty enforcement law" in conjunction with this act.

**Section 8.6 Disbursement of Penalty Monies**

- a) Ten (10) per cent of any penalty money awarded as a result of summons issued in a court of local jurisdiction, in accordance with Article 8 of the Sewer Use Rules & Regulations, will be awarded to the municipality in which the court is located.
- b) Ten (10) per cent of any penalty money awarded as a result of an administrative penalty levied by the Authority in accordance with Article 8 of the Sewer Use Rules & Regulations will be paid into the Wastewater Treatment Operators' Training Account maintained by the NJDEP.

**Section 8.7 Annual Public Notification.** The CCUA shall annually publish in a newspaper of wide general circulation in the service area (currently the Bridgeton Evening News) a list of the significant indirect users which, at any time during the period covered by the delegated local agency's 40 CFR Part 403 Annual Report, were in significant non-compliance (as defined by 40 CFR 403.8(f)(2)(vii) with applicable Categorical Pretreatment Standards or other pretreatment requirements. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months, and shall be published no later than 60 days after the 40 CFR 403 Annual Report due date. For the purposes of this section, an industrial user is in significant noncompliance if its violations meet one or more of the following criteria:

- a) Chronic violation of wastewater discharge limits, defined as those in which 66% or more of all measurements taken during a 6-month period exceed, by any magnitude, the permit limit for the same pollutant parameter;
- b) Technical Review Criteria (TRC) violations, defined as those in which 33% or more of all measurements for each pollutant parameter taken during a 6-month period equal or exceed the product of the

permit limit and the applicable TRC value (1.4 for BOD, TSS, and oil & grease; 1.2 for all others except pH).

- c) Any other violation of a pretreatment effluent limit that the CCUA determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW workers or the general public);
- d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or the environment or has resulted in the POTW's exercise of enforcement authority to halt or prevent such discharge;
- e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or order for starting construction, completing construction, or attaining final compliance;
- f) Failure to provide, within 30 days after the due date, required reports;
- g) Failure to accurately report noncompliance;
- h) Any other violation or group of violations which the CCUA determines will adversely affect the operation or implementation of the pretreatment program.

Section 8.8 **Administrative Procedures.** The administrative procedures to be employed by the CCUA for implementation of Article VIII of the Sewer Use Rules and Regulations, including the fines and/or penalties assessed thereunder, shall be established in an "Enforcement Response Plan," incorporated herein by reference. This plan shall be corrected and updated periodically to comply with applicable state and federal regulations.

Section 8.9 **Affirmative Defense** - A user shall have an affirmative defense to an enforcement action brought against it for violation of the general prohibitions in Article 3 of the Sewer Use Rules & Regulations, or for noncompliance with a discharge standard or specific limitation contained in an industrial discharge permit issued in accordance with Article 4, if it can prove that the violation was due to an upset, bypass, or laboratory error and that the user was in compliance with all permit conditions prior to the occurrence and properly complied with conditions and provisions for notification pertaining to upset or bypass contained in Article 4 at the time of occurrence. A person asserting a testing or laboratory error as an affirmative defense pursuant to this section shall have the burden to demonstrate, to the satisfaction of the Authority, that a 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 8.10 **Grace period applicability** - A user shall have a “grace period” for correction of certain violations in accordance with the following procedures:

- a) Each violation identified in table 1 at section 8.11 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 table 1 at section 8.11 by an "NM" in the Type of Violation column is a non-minor violation and is not subject to a grace period.
- c) The Authority shall provide a grace period for any violation identified as minor under this section, provided the following conditions are met:
  1. The violation is not the result of the purposeful, knowing, reckless or criminally negligent conduct of the person responsible for the violation;
  2. The violation poses minimal risk to the public health, safety and natural resources;
  3. The violation does not materially and substantially undermine or impair the goals of the regulatory program;
  4. The activity or condition constituting the violation is capable of being corrected and compliance achieved within the time prescribed by the Authority;
  5. The activity or condition constituting the violation has existed for less than 12 months prior to the date of discovery by the Authority;
  6. In the case of a violation that involves a permit, the person responsible for the violation has not been identified in a previous enforcement action by the Authority as responsible for a violation of the same requirement of the same permit within the preceding 12-month period;
  7. In the case of a violation that does not involve a permit, the person responsible for the violation has not been notified in a previous enforcement action by the Authority as responsible for the same or a substantially similar violation at the same facility within the preceding 12-month period; and
  8. In the case of any violation, the person responsible for the violation has not been identified by the Authority as responsible for the same or substantially similar violations at any time that reasonably indicate a pattern of illegal conduct and not isolated incidents on the part of said person.

- d) For a violation determined to be minor under (c) above, the following provisions apply:
1. The Authority shall issue a notice of violation to the person responsible for the minor violation that:
    - 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, the Authority shall not impose a penalty for the violation.
  3. The person responsible for a violation shall submit to the Authority before the end of the specified grace period, written information certified to be true and signed by the person responsible for the minor violation, detailing the corrective action taken or compliance achieved.
  4. If the person responsible for the minor violation seeks additional time beyond the specified grace period to achieve compliance, the person shall request an extension of the specified grace period. The request shall be made in writing, be certified to be true and signed by the person responsible for the minor violation, and received by the Authority no later than one week before the end of the specified grace period. The request shall include the anticipated time needed to achieve compliance, the specific cause or causes of the delay, and any measures taken or to be taken to minimize the time needed to achieve compliance. The Authority may, at its discretion, approve in writing an extension, which shall not exceed 90 days, to accommodate the anticipated delay in achieving compliance. In exercising its discretion to approve a request for an extension, the Authority may consider the following:
    - i Whether the violator has taken reasonable measures to achieve compliance in a timely manner;
    - ii Whether the delay has been caused by circumstances beyond the control of the violator;
    - iii Whether the delay will pose a risk to the public health, safety, and natural resources, and

- iv Whether the delay will materially or substantially undermine or impair the goals of the regulatory program,
5. If the person responsible for the minor violation fails to demonstrate to the Authority that the violation has been corrected and compliance achieved within the specified grace period or within the approved extension, if any, the Authority may, in accordance with the provisions of 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.

**Section 8.11 Table of minor and non-minor violations and grace periods**

- a) Table 1 below identifies particular violations of the Authority's Sewer Use Rules and Regulations (SURR) as minor or non-minor for purposes of a grace period, and identifies the duration of the grace period for minor violations. The descriptions of the violations set forth in the table in this section are provided for informational purposes only. In the event that there is a conflict between a violation description in the table and the rule to which the violation description corresponds, the rule shall govern.
- b) The Authority may assess a civil administrative penalty for a violation of the SURR and/or for a violation of any rule, consent agreement or administrative order adopted or issued pursuant thereto, that is not listed in Table 1, following the procedure under (c) below.
- c) For violations not listed in Table 1, the Authority shall determine whether the violation is a minor violation and subject to a grace period or whether the violation is non-minor and not subject to a grace period as follows:
  1. If, pursuant to (d) below, the violation is comparable to a violation listed in Table 1 and the comparable violation in Table 1 is minor, then the violation under this section is also minor, provided the criteria at section 8.10 are also met. The minor violation shall be subject to the grace period set forth in Table 1 for the comparable violation.
  2. If the violation is not comparable to a violation listed in Table 1 and the violation meets all of the criteria at section 8.10 then the violation under this section is minor. The minor violation shall be subject to a grace period of 30 days.
  3. If, pursuant to (d) below, the violation is comparable to a violation listed in Table 1 and the comparable violation in

Table 1 is non-minor, then the violation under this section is also non-minor and the penalty shall be assessed in accordance with the procedures under section 8.5 of the SURR.

4. If the violation is not comparable to a violation listed in Table 1 and the violation does not meet the requirements of section 8.10 above, the violation is non-minor and the penalty shall be assessed in accordance with the procedures under section 8.5 of the SURR.
  - d) Comparability of a violation under (c) above with a violation listed in Table 1 is based upon the nature of the violation (for example, a violation of record keeping, permit limitation, or monitoring).

**Table 1- Minor and non-minor violations and grace periods**

Rule Citation	Description of Violation	Type of Violation (minor / non-minor)	Grace Period
SURR 3.2, 3.7, 3.11, 7.4	Discharge of prohibited wastes, toxic wastes, or wastes that interfere with plant processes or sludge management	NM	
SURR 3.3, 7.1, 7.3, 7.5	Discharge of hauled wastes without approval or at unauthorized discharge points	NM	
SURR 3.1, 3.4, 3.5	Building, installing, modifying, or operating any facility for the collection, treatment, or discharge of any pollutant except in conformance with the SURR or applicable NJDEP regulations; introduction of new sources or making connections to the sewer system without prior approval	NM	
SURR 3.12	Dilution of waste stream in order to achieve compliance with discharge limits	NM	
SURR 4.2	Failure to develop & submit plans for wastewater treatment or control as required to comply with the Sewer Use Rules and Regulations.	NM	
SURR 4.3, 6.3	Failure to properly install, use, and maintain monitoring equipment or methods, or to monitor in accordance with conditions of an industrial discharge permit	NM	

SURR 4.4	Failure to allow an authorized representative of the Authority to enter upon a premise for the purpose of inspection, sampling, copying, or photographing, or to access any records that must be kept under the conditions of an industrial discharge permit	NM	
SURR 4.5	Failure to develop and implement a plan to prevent accidental or slug discharge when directed by the Authority.	NM	
SURR 4.6	Failure to provide notification of slug discharge or bypass	NM	
SURR 4.8, 8.3	Failure to provide information in a form and manner as prescribed by the Authority	NM	
SURR 4.8(f)	Failure to provide notification of changes in production or other conditions that would alter the quantity or quality of wastewater discharge	NM	
SURR 5.1.1	Failure to provide a metering or sampling point for the accurate measurement, monitoring, and sampling of a wastewater discharge	NM	
SURR 5.2	Failure to conduct required measurement and analyses in accordance with methods specified in 40 CFR 136 or as otherwise specified.	NM	
SURR 6.1	Discharge of a pollutant except in conformity with a valid industrial discharge permit issued by the Authority, or unless otherwise specifically exempted.	NM	
SURR 6.2	Failure to submit relevant facts previously omitted in permit application, or submit corrected information for a permit application or any report within 10 days of becoming aware of the correct information.	M	30 days
SURR 6.3	Failure to comply with any general conditions applicable to all industrial user permits	NM	
SURR 6.3	Failure to report instances of noncompliance	NM	
SURR 6.7	Failure to submit an application for industrial discharge permit renewal within the required time period.	NM	

SURR 6.9	Failure to have permit applications or reports, other than an industrial monitoring report, signed or certified by an authorized representative	M	30 days
SURR 6.10	Failure to maintain records or reports required as a condition of a permit application or issuance for a minimum duration of 5 years	NM	
SURR 7.11	Failure to comply with waste hauler registration requirements	NM	
SURR 8.1	Failure to halt or prevent a discharge which causes or may cause imminent danger to human health, welfare, or the environment	NM	
SURR 8.3	Failure to comply with a schedule of compliance in a permit or administrative order, including interim deadlines or reports of progress towards achieving compliance.	NM	
SURR 8.4.1	Failure to report results of all wastewater samples analyzed during a report period, or monitor for all parameters required in an industrial discharge permit..	NM	
SURR 9.12	Failure of a permittee to submit payment within 30 days of assessment of the permit fee.	NM	

## ARTICLE IX

### USER CHARGES AND FEES

Section 9.1 That each customer be assessed an Annual Operating Charge to be computed in accordance with the following formula:

$$OC = OM \times \left[ \{VOL\% \times (VOL_U / VOL_T)\} + \{COD\% \times (COD_U / COD_T)\} + \{TSS\% \times (TSS_U / TSS_T)\} + \{CLD\% \times (CLD_U / CLD_T)\} \right]$$

Where:

OC = Amount of Customer's annual Operating Charge in Dollars.

OM = Annual operating, maintenance and repair costs for the Regional System in dollars, less projected revenues other than user charges attributed to these costs.

VOL% = Operating, maintenance and repair costs allocated to the flow parameter for the second preceding year divided by total operating, maintenance and repair costs for the second preceding year.

VOLU = Customer's projected annual volume to be contributed to the Regional System, in gallons including inflow and infiltration, said volume to be equal to or greater than that of the preceding year.

VOLT = Total projected annual volume delivered to the Regional System, in gallons including inflow and infiltration, said volume to be equal to or greater than that of the preceding year.

COD% = Operating, maintenance and repair costs allocated to the Chemical Oxygen Demand parameter for the second preceding year divided by total operating, maintenance and repair costs for the second preceding year.

CODU = Customer's projected annual contribution of Chemical Oxygen Demand to the Regional System, in Pounds.

CODT = Total projected annual amount of Chemical Oxygen Demand delivered to the Regional System, in Pounds.

TSS% = Operating, maintenance and repair costs allocated to the Total Suspended Solids parameter for the second preceding year divided by total operating, maintenance and repair costs for the second preceding year.

TSSU = Customer's projected annual contribution of Total Suspended Solids to the Regional System, in Pounds.

TSST = Total projected annual contribution of Total Suspended Solids to the Regional System, in Pounds.

CLD% = Operating, maintenance and repair costs allocated to the Chlorine Demand parameter for the second preceding year divided by total operating, maintenance and repair costs for the second preceding year.

CLDU = Customer's projected annual contribution of Chlorine Demand to the Regional System, in Pounds.

CLDT = Total projected annual amount of Chlorine Demand to the Regional System, in Pounds.

Section 9.2 That each customer shall be assessed an Annual General Charge to be computed in accordance with the following formula:

$$GC = DSCO \times \left[ \{0.359 \times (VOL_U / VOL_T)\} + \{0.322 \times (COD_U / COD_T)\} + \{0.257 \times (TSS_U / TSS_T)\} + \{0.062 \times (CLD_U / CLD_T)\} \right]$$

Where:

GC = Amount of Customer's annual General Charge in Dollars.

DSCO = Annual Debt Service (Principal and Interest costs), plus Budgeted Capital Outlays including Deposits to Replacement Funds associated with the Regional System in Dollars.

VOLU = Customer's projected annual volume to be contributed to the Regional System, in gallons including inflow and infiltration, said volume to be equal to or greater than that of the preceding year.

VOLT = Total projected annual volume delivered to the Regional System, in gallons including inflow and infiltration, said volume to be equal to or greater than that of the preceding year.

CODU = Customer's projected annual contribution of Chemical Oxygen Demand to the Regional System, in Pounds.

CODT = Total projected annual amount of Chemical Oxygen Demand to the Regional System, in Pounds.

TSSU = Customer's projected annual contribution of Total Suspended Solids to the Regional System, in Pounds.

TSST = Total projected annual contribution of Total Suspended Solids to the Regional System, in Pounds.

CLDU = Customer's projected annual contribution of Chlorine Demand to the Regional System, in Pounds.

CLDT = Total projected annual contribution of Chlorine Demand to the Regional System, in Pounds.

- Section 9.3 That the Authority shall, on or before the 17th day of January each year, inform the Customer of the amount of the actual annual sewer treatment charge for the preceding year, which charge shall adjust upward or downward the original estimated annual treatment charge as computed under the provisions of Section 9.1 and 9.2.
- The difference between the actual charge and the original estimated charge shall be called the **ADJUSTED CHARGE**. This adjusted charge shall be debited or credited to Customer's account and shall be considered a part of the Customer's annual billing for the current year. The Customer's adjusted charge shall be paid by the Customer or credited to the Customer in accordance with the Customer's regular payment schedule as prescribed in the Authority's Service Agreement. In the event the Adjusted Charge results in a credit to the Customer which exceeds the estimated annual billing for the current year, the Customer will receive a refund or the excess in accordance with the Customers' regular payment schedule referred to above.
- Section 9.4 That the data required for the computation of the Operating Charge, General Charge and Adjusted Charge shall be acquired and recorded by the Cumberland County Utilities Authority in accordance with the Service Agreement with the Participants.
- Section 9.5 That any payment or part thereof due to the Authority from any Participant remaining unpaid for thirty days following its due date shall be subject to an interest penalty of one percent (1%) over the maximum interest rate on any outstanding Authority bonds.
- Section 9.6 Basis of Computation. The basis for the computation of the Operating Charge, General Charge and Adjusted Charge shall be quality and quantity determinations as provided for in Article V of these Rules and Regulations.
- Section 9.7 Notification of Annual Charge. The Authority shall make known in writing to each Participant the amount of the Annual Charge in accordance with the procedure prescribed in the Authority's Service Agreement.

- Section 9.8            Payment of Annual Charge. Each Participant shall pay to the Authority the amount of the Annual Charge in accordance with the schedule prescribed in the Authority's Service Agreement.
- Section 9.9            Revisions to Annual Charge. The Authority shall periodically, but not less than once annually, review and, if necessary, revise the Annual Charge in accordance with the procedure prescribed in the Authority's Service Agreement.
- Where, in the opinion of the Authority, the presence of toxic or hazardous pollutants in the delivered wastewater causes an identifiable increase in the Authority's annual cost of operation, the Authority may amend the Annual Operating Charge and Annual General Charge formulas to include additional charge factors. The purpose of the additional factors will be the recovery of additional costs from the source Participants.
- Section 9.10.0        Connection Permit Policy and Fees. The Customer is charged with the responsibility of administering the Connection Permit Policy and collecting Connection Permit Fees in the manner hereinafter provided.
- Section 9.10.1        No Customer shall allow or cause to be allowed a connection to the Cohansey River Basin Sewer System in the Customer's service area unless and until a Connection Permit shall have been duly issued.
- Section 9.10.2        A Connection Permit Fee in accordance with the Authority's Connection Permit Fee Schedule herein attached as Exhibit A shall be collected by the Customer on behalf of the Authority and said fee, less administrative expense paid at time of physical connection, based on the Connection Permit Fee Schedule, shall be forwarded to the Authority.
- Section 9.10.3        The Customer shall not issue or cause to allow to be issued a building permit, plumbing permit, a certificate of occupancy, or other municipal approval until such time as the appropriate fees have been collected and a duly issued connection permit has been received.
- Section 9.10.4        A connection means any physical or operational change to the collection system or to the plumbing or piping of any building, project facility, or other structure either proposed or existing which connects directly or indirectly to any portion of the Sewer System.
- Section 9.10.5        No connection shall be made to the sewer system unless the manner in which the connection is made and the materials and workmanship employed in effecting such connection shall have prior approval of the Authority and comply with the requirements of the Sewer Use Rules and Regulations of the Authority, the Ordinances of the local

municipality, applicable requirements of other regulatory agencies, and any special requirements imposed by this Article. Approval of the Authority may be waived in the event such approval is not required for permitting purposes.

Section 9.10.6 No person, firm, or corporation who has obtained a permit and made a connection to the Sewer System shall connect or cause to allow to be connected to the sewer lateral for which a permit has been issued, another building sewer for the service of other properties or property. It is the intention of this Section to require a separate and distinct Connection Permit for each individual building or house whether constructed as a single-detached unit, a duplex, or as one of a complex of townhouses or buildings. A single connection may be permitted to serve a school, a factory, an apartment house or other permanent multiple-unit structure where the entire property served through a single connection and could not under prevailing circumstances be split into two or more separate and sole ownerships. A single connection may also be permitted where the Authority determines it to be impractical to provide separate connections.

Section 9.10.7 The Connection Permit Fee for multi-family dwellings or apartment buildings will be based on the number of units contained in the structure and as outlined in this Article. The total Connection Permit Fee to be paid is computed by multiplying the number of units in the dwelling or structure by the Connection Permit Fee for each unit. The Connection Permit Fee for multi-use residential, commercial, or industrial buildings or any combination thereof, will be based upon estimates supplied by the owner of the building and approved by the Authority. Example I: the entire building is to be occupied by the owner for his business purposes; his Connection Permit Fee shall be based upon DCU's assigned to his building in turn based upon his estimates as to number of personnel and other criteria established by CCUA. Example II: the owner may or may not occupy part of the building and lease out other parts of same to other business entities; his Connection Permit Fee shall be based upon the owner estimated sum of all DCU values assigned to all business uses in the building. In all cases, the Connection Permit Fee shall be subject to adjustment in the form of a Supplemental Connection Fee based upon DCU's actually developed in the occupation of the buildings. All calculations are subject to Cumberland County Utilities Authority's review and approval.

Section 9.10.8 Construction and use of a new connection to the sewer system will not be permitted until a Connection Permit Fee has been obtained from the Authority, and the sewer lateral inspected, tested, and approved in accordance with the Authority's and Customer's procedures.

- Section 9.10.9 No repairs, alterations, or additions to any connection to the Authority sewer system may be made until a Sewer Connection Permit has been granted. Application for a building permit for construction or alterations involving plumbing or the service connection requires that the Authority be notified for review of plans. A Connection Permit must also be issued by the Authority before the local municipality shall issue a building permit, plumbing permit, certificate of occupancy or other municipal approval.
- If a previously connected structure changes owners, and no repairs, alterations, or additions are performed, and there is no change in use or increase in the volume or strength of wastewater discharged to the Authority, then the existing Connection Permit is transferred to the new owner and a resubmission of a Connection Permit Application is not required. Otherwise, a new connection permit must be obtained from the Authority.
- When an owner applies for a Connection Permit for a property where a previous connection has been capped, the owner shall be subject to the Connection Permit Fee in accordance with the schedule herein attached.
- Section 9.10.10 Upon written request from a property owner, the Authority may consider the use of the existing sewer lateral in lieu of the construction of a new sewer lateral provided, however, that the existing sewer lateral be located such that it would be acceptable for use and that it meet and pass all applicable requirements. When an existing sewer lateral has met these requirements and is allowed in lieu of a new building sewer lateral, it shall be so noted on the Connection Permit. The sewer lateral is generally the sewer line between the Customer's main in the street and the curb line.
- Section 9.10.11 Whenever, in the opinion of the Authority Executive Director or other duly authorized representative of the Authority, special conditions require additional safeguards or more stringent specifications to be observed, then, and in that event notwithstanding any other provisions of this Article or requirements of the Sewer Use Rules and Regulations of the Authority and the Ordinances of the local municipality, the Authority specifically reserves the right to refuse a permit for a connection to be made to its sewer system until such special requirements or specifications as may be stipulated by the Authority or its Consulting Engineer have been satisfied.
- Section 9.10.12 Notwithstanding any other provisions or implications of this Article to the contrary, the Authority reserves the right at all times to refuse to render or to continue to render service to any property connected to the sewer system which has been improperly made or whenever it appears

there has been a violation of the Sewer Use Rules and Regulations of the Authority with respect to the installation of the building sewer line. In the event that the Authority shall elect to discontinue service to any user connected to a Customer's lines, the Authority shall give ten (10) days written notice by Certified Mail to the Customer and to the user prior to disconnecting the property from the sewer system.

Section 9.10.13 For the purpose of enforcing the Sewer Use Rules and Regulations of the Authority and advancing and protecting the public health, the Authority reserves the right to enter upon the premises of any person, firm or corporation connected to the sewer system for the purpose of inspecting the sewer facilities located thereon and for the purpose of determining compliance with the requirements of the Authority. In the event that the Authority's duly authorized representatives are denied access to any customer's premises for these purposes, the Authority reserves the right to discontinue sewer service to such premises until inspection is permitted and compliance with the requirements of the Authority has been determined.

Section 9.10.14 The CCUA shall annually recompute the maximum Connection Permit Fee and may revise the Connection Permit Fee Schedule after a public hearing is held in the manner prescribed in Section 23 of PL 1957, c.183 (C40:14B-23).

Section 9.10.15 The maximum Connection Permit Fee per Domestic Consumer Unit shall be computed annually in accordance with the following formula:

$$\frac{(\text{Capital} + \text{Debt}) - \text{Contributions}}{\text{Domestic Consumer Units}}$$

Where:

Capital - Capital Expenditures made by the Authority, not funded by a bond ordinance or debt, for the development of the Cohansey River Basin System as of the end of the preceding fiscal year of the Authority.

Debt - The amount representing all debt service, including but not limited to sinking funds, reserve funds, the principal and interest on bonds, and the amount of any loans and the interest thereon paid by the Authority to defray the capital cost of developing the system as of the end of the preceding fiscal year of the Authority.

Contributions - Any gifts, contributions or subsidies to the Authority received from, and not reimbursed or reimbursable to, any federal, state, county or municipal government or agency or any private person.

Domestic Consumer Units - Total equivalent number of domestic consumer units serviced by the Authority at the end of the preceding fiscal year of the Authority. Domestic Consumer Units shall be determined by dividing the annual average daily flow to the Authority by the average daily flow of sewage from the average single family residence in the Authority's district.

- Section 9.11.0 Waste Treatment Charges for Discharge by Waste Haulers. The Authority has established waste treatment classifications as outlined in Article 7, Section 7.2.
- Section 9.11.1 The Authority has established charges for said classifications which are attached hereto and made a part hereof as Exhibit "C."
- Section 9.11.2 The Authority shall periodically, but not less than once annually, review and, if necessary, revise said charges after a public meeting is held in the manner prescribed by law.
- Section 9.11.3 Notification of Monthly Charges. The Authority shall bill each hauler on or about the first day of each month the amount of waste treatment charges accumulated from the first to the last day of the previous month. All charges shall be due and payable as of the date of billing.
- Section 9.11.4 Payment of the Monthly Charges. Each hauler shall pay to the Authority the total amount due on or before the last day of the month of the billing to avoid an assessment of interest.
- Section 9.11.5 Interest. On or about the first day of each month, an interest penalty at a rate of one and one-half percent (1½%) per month shall be assessed on any balance due to the Authority remaining unpaid on the last day of the prior month.
- Section 9.11.6 Suspension of Privileges for Non-Payment. The Authority reserves the right to suspend dumping privileges of any hauler, to notify NJDEP and other area Authorities in the event accumulated charges remain unpaid 60 days beyond the due date, and to refer such delinquent accounts to legal counsel for collection. All outstanding balances shall be paid in full before disposal privilege is re-instated.
- Section 9.11.7 Application of Payment. The Authority reserves the right to apply payments in the following order:
- a. Penalties
  - b. Interest and/or Returned Check Charges
  - c. Delinquent Balance
  - d. Current Balance
- Section 9.11.8 Payment by Load. The Authority reserves the right to require new users and users determined by the Authority to be a poor credit risk to make payment for each load before the load is discharged at the receiving station. At its option, the Authority may accept a deposit equal to one month's anticipated charges but not less than \$1000, in lieu of a per load payment.

- Section 9.11.9 Returned Checks. The Authority shall assess the hauler a Returned Check Charge of up to \$25 per check for any check returned by the bank for insufficient funds. Additionally, the Authority may require the hauler to render a cash payment to satisfy the check.
- Section 9.12 Fees - It is the purpose of this section to establish fees for users of the CCUA wastewater disposal system for activities not included in the CCUA annual operating budget. The applicable charges or fees shall be set forth in the CCUA schedules of charges and fees. The CCUA may adopt charges and fees which may include:
- a. permit application fees
  - b. fees for reviewing accidental discharge procedures and construction and the resolution or elimination thereof;
  - c. fees for filing appeals;
  - d. fees for consistent removal (by the POTW) of pollutants otherwise subject to Federal Pretreatment Standards;
  - e. Other fees as the CCUA may deem necessary to carry out the requirements contained herein.
- These fees relate solely to the matters covered by these Rules and Regulations and are separate from all other fees chargeable by the CCUA.
- Section 9.12.1 Industrial Discharge Permit Fees - All permitted Industrial Users shall be assessed an annual permit fee. This fee shall be \$3,500 for significant or categorical industrial users, and \$2,500 for other permitted users. This fee may be higher based on the additional monitoring expenses that may be incurred by the Authority on a case by case basis.
- Section 9.12.2 Termination of Service for Non-payment. Failure to pay a discharge permit fee by the date specified shall result in termination of sewer service and revocation of discharge permit.
- Section 9.13 Other Fees - Nothing in this Article shall preclude the Authority from charging other fees, as it deems necessary and appropriate.
- Section 9.13.1 Treatment Works Review Fee – a fee of \$250 shall be charged for review and certification of all applications that require NJDEP treatment works approval.

## **ARTICLE X**

### **VALIDITY**

- Section 10.1** All resolutions or parts of resolutions in conflict with these Rules and Regulations are hereby amended to be consistent with these Rules and Regulations.
- Section 10.2** The invalidity of any section, clause, sentence, or provision of these Rules and Regulation shall not affect the validity of any other part of these Rules and Regulation which can be given effect without such invalid part or parts.
- Section 10.3** If any provisions, paragraph, word, section or article of these Rules and Regulations is invalidated by any court of competent jurisdiction, the remaining provision, paragraphs, words, section and articles shall not be affected and shall continue in full force and effect.

## **ARTICLE XI**

### **EFFECTIVE DATE**

- Section 11.0** These rules and regulations shall be in full force and effect immediately after adoption by the Cumberland County Utilities Authority.