

Township of Lawrence
County of Mercer

Ordinance No. 2313-18

SEWER USE ORDINANCE
OF THE
EWING-LAWRENCE SEWERAGE AUTHORITY
600 WHITEHEAD ROAD
LAWRENCEVILLE, NEW JERSEY 08648

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1.0 GENERAL CONDITIONS

This Sewer Use Ordinance (SUO) is hereby adopted to replace in its entirety, the existing Ordinance of the Ewing-Lawrence Sewerage Authority, hereby referred to as the Authority.

For the purpose of this SUO, unless otherwise specified, the term "industrial" shall be applicable to all classes of non-domestic dischargers.

1.1 PURPOSE AND POLICY

This SUO sets forth requirements for discharges into the wastewater collection system by any person or discharger that is discharging or proposes to discharge into the treatment works owned by the Ewing-Lawrence Sewerage Authority (ELSA). This SUO is intended to comply with Federal, State and Local laws and regulations pertaining to wastewater treatment. The objectives of this SUO are as follows:

- A. To prevent the introduction of pollutants into the treatment works, which will interfere with the operation of the treatment works or contaminate the resulting sludge;
- B. To prevent the introduction of pollutants into the treatment works that will pass through the treatment works or otherwise be incompatible with the treatment works;
- C. To improve the opportunity to recycle and reclaim wastewater and sludge from the treatment works;
- D. To ensure that the quality of the treatment plant sludge is maintained at a level that allows its use and disposal in compliance with applicable statutes and regulations, including composting for land application;
- E. To protect the treatment work's personnel who may be affected by wastewater and sludge in the course of their employment, as well as to protect the general public;
- F. To address conditions which would interfere with the attainment of effluent limitations contained in the ELSA NJPDES permit, sludge use and disposal requirements/contracts and any other Federal or State laws to which the treatment works is subject.

This SUO authorizes monitoring and enforcement activities and provides for the regulation of industrial users of the POTW through enforcement of general requirements for all non-domestic dischargers. Except as otherwise provided, the Executive Director of the Ewing-Lawrence Sewerage Authority shall administer, implement, and enforce this SUO.

1.2 DEFINITIONS

Unless the context specifically indicates otherwise, the terms listed below shall have the following meanings:

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

Affirmative Defense - A person may be entitled to an affirmative defense against legal action by the Authority for a violation of an effluent limitation occurring as a result of an upset, an anticipated or unanticipated bypass, or a testing or laboratory error.

Approval Authority - The Chief of the NJDEP Division of Water Resources, Compliance and Enforcement or his/her authorized representatives.

Approved Test Procedure - All analysis shall be performed in accordance with the analytical test procedures approved under 40 CFR Part 136, including all supplements and amendments thereto.

Authority - The Ewing-Lawrence Sewerage Authority (ELSA).

Authorized Representative - This is the highest-ranking official having day-to-day managerial and operational responsibilities for the discharging facility. This may include authorizing capital expenditures or hiring personnel. In his/her absence, this person may authorize another responsible high ranking official.

Biochemical Oxygen Demand (BOD5) - The quantity of oxygen utilized in the biochemical oxidation of organic and inorganic matter for five (5) days at 20 degrees C in accordance with an approved test procedure.

Bypass - The anticipated or unanticipated intentional diversion of waste streams from any portion of a treatment works.

Categorical Industrial User (CIU) - An industrial user subject to categorical standards in accordance with the EPA General Pretreatment Standards (40 CFR Part 403).

Certified Laboratory - A laboratory certified by the NJDEP Office of Quality Assurance, to conduct wastewater analyses by approved test procedures.

Chemical Oxygen Demand (COD) - A measure of the oxygen equivalent of the organic matter present in a sample that is susceptible to oxidation by a strong chemical oxidant in accordance with an approved test procedure.

Commercial User (CU) - Any person who discharges non-domestic wastewater and who provides a service, engages in recognizable restaurant activities, or engages in the purchase or sale of commodities.

Commissioner - The Commissioner of the New Jersey Department of Environmental Protection (NJDEP) or his/her authorized representative.

Composite Sample - Means a combination of individual (or continuously taken) samples (aliquots) of at least 100 milliliters, collected at periodic intervals over a specified time period. Composites can be either time proportional or flow proportional; either the time interval between each aliquot or the volume of each aliquot should be proportional to either the flow at the time of sampling or the total flow since the collection of the previous aliquot. Aliquots may be collected manually or automatically. For intermittent discharges of less than four (4) hours duration, aliquots shall be taken at intervals not to exceed 15 minutes. For intermittent discharges of four (4) hours or more duration, aliquots shall be taken at intervals not to exceed 30 minutes (NJDEP Field Sampling Procedures Manual [May 1992], p.14).

Conduct of Violator

Major- An intentional, deliberate, knowing and willful violation.

Moderate- An unintentional but foreseeable act, omission or violation.

Minor- any behavior which causes a violation that is not major or moderate in nature.

Construction Rules and Regulations (CRR) - Refers to the ELSA Construction Rules and Regulations: Application, Design Instructions and Standard Details (June 2012) and all amendments or supplements thereto.

Control Authority (CA) - The New Jersey Department of Environmental Protection (NJDEP).

Conventional Pollutant - Biochemical Oxygen Demand, Total Suspended Solids, pH, fecal coliform bacteria, Oil & Grease (O/G) and such additional pollutants as are (or may in the future be) specified and controlled in the Authority's NJPDES permit, where the POTW is designed to treat such pollutants.

Corporate Officer - A person who is employed by the corporation, not as a consultant, and has responsibility and direct knowledge of the processes, operations, and wastewater discharges conducted by the permitted facility.

Daily Discharge- The discharge of a pollutant during a calendar day or 24 hour period for the purpose of sampling the average measurement of the pollutant calculated over the day. (For mass units it is calculated as the total mass of the pollutant discharged over the day).

Discharge - Means an intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying, or dumping of a pollutant into the waters of the State, onto land or into wells from which it might flow or drain into said waters, or into waters or onto lands outside the jurisdiction of the State, from which the pollutant enters the waters of the State. "Discharge" includes the release of any pollutant into a municipal treatment works.

Domestic Wastewater - The liquid waste or liquid-borne waste discharged from residential units, normally resulting from the non-commercial preparation, cooking and handling of food and wastes from sanitary conveniences.

ELSA - Shall mean the Ewing-Lawrence Sewerage Authority.

Emergency - A situation, which, in the opinion of the Executive Director or his/her authorized representative, may cause interference and/or pass through, upset, damage to the POTW or present a hazard to personnel, the general public, or the environment.

Executive Director - The Executive Director of the Ewing-Lawrence Sewerage Authority or his designee.

Existing Source -Any Categorical Industrial User contributing wastewater before the proposal of a new Categorical Standard.

Existing Unpermitted Industrial Users - Any Industrial User that would receive a permit from the State of New Jersey but has not yet received an Industrial Wastewater Discharge Permit.

Existing Discharger - Includes all persons or entities discharging wastewater to the treatment works of the Authority at the time this SUO is adopted by the Authority.

Federal Categorical Pretreatment Standards - Pretreatment standards as codified in 40 CFR, Part 403, 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 new Industrial Users in specific industrial subcategories.

Garbage - Solid waste from the domestic and commercial preparation, cooking, dispensing, handling, storage and/or sale of food or biodegradable waste. This includes other types of refuse discharged by a person or entity to the wastewater system.

Grab Sample - An individual sample of at least 100 milliliters collected over a period not exceeding 15 minutes.

Grease - Grease and/or oil of animal and vegetable origin, usually in a viscous or solid state.

Hazardous Pollutant - (1) Any toxic pollutant; (2) Any substance regulated as a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act, Pub. L. 92-516 7 U.S.C.136 et seq.; (3) Any substance the use or manufacture of which is prohibited under the federal Toxic Substances Control Act, Pub.L. 94-469 (15 U.S.C. 2601 § et seq.); (4) Any substance identified as a known carcinogen by the International Agency for Research on Cancer; (5) Any hazardous waste as designated pursuant to section 3 of P.L. 1981, c. 279 (N.J.S.A. 13:1E-51) or the Resource Conservation and Recovery Act, "Pub.L. 94-580 (42 U.S.C. §6901 et seq.); or (6) Any hazardous substance as defined pursuant to section 3 of P.L. 1976, c. 141 (C.58: 10-23.11b).

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

Indirect Discharge - The introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c), or (d) of the Act.

Industrial - All classes of non-domestic discharges.

Industrial Discharge Permit - A permit duly issued by the NJDEP. Such permit may establish discharge limitations, monitoring and reporting obligations, and other requirements.

Industrial Process Wastewater - The liquid waste or liquid borne waste resulting from the processes employed by any party identified by, but not limited to, the Standard Industrial Classification Manual or the North American Industry Classification System and any subsequent approved editions.

Industrial User (IU) - A source of Non-Domestic Discharges.

Interference - (1) Inhibiting or disrupting the operation of a POTW or its treatment processes so as to contribute to, or cause a violation of, any condition of a State, Federal or Local Permit. (2) Discharging process wastewater which, in combination with exiting domestic flows, is of such quantity and/or quality as to exceed the treatment process design capacity; or (3) Preventing the use or disposal of sludge produced by the POTW in accordance with Section 405 of the Federal Act, Sections 2, 4 and 6 of the State Act, and any regulations, criteria, or guidelines developed pursuant thereto, including, but not limited to, N.J.A.C. 7:14A-20, and the Statewide Sludge Management Plan.

Laboratory Error - An unanticipated test interference, sample contamination, analytical defect or procedural deficiency in sampling or other similar circumstances beyond the control of the Non-domestic discharger.

Maximum Daily Discharge Limitation - The highest allowable daily discharge during the report period.

Medical Waste - Means any waste that is generated in the diagnosis, treatment (e.g., provision of medical services), or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals. The term does not include any hazardous waste identified or listed under 40

C.F.R. Part 261 or any household waste generated from home self-care.

National Pretreatment Standard - means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

New Jersey Pollutant Discharge Elimination System (NJPDES) - The New Jersey system for the issuing, modifying, suspending, revoking, reissuing, terminating, monitoring and enforcing discharge permits pursuant to the State Act.

New Discharger -

1. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the occupation and/or construction of which commenced after the adoption of this SUO. This term applies if: (i) the building, structure, facility or installation is constructed at a site at which no other source is located; or (ii) the building structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or (iii) the production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.
2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (1)(ii), or (1)(iii) of this section but otherwise alters, replaces, or adds to existing process or production equipment.
3. Construction of a new source, as defined under this paragraph, has commenced if the owner or operator has: (i) begun, or caused to begin as part of a continuous onsite construction program: (A) Any placement, assembly, or installation of facilities or equipment; or (B) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or (ii)

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

Non-Contact Cooling Water - Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product. This definition applies to closed systems and open systems subject to evaporation from cooling towers, as well as recycling of water.

Non-Conventional Pollutant - Any pollutant, hazardous or non-hazardous, which poses a treatment problem or health threat for conveyance, treatment or disposal in the sewer treatment works.

Non-Domestic Discharger - Any industrial or commercial facility that is not considered a domicile. Industrial or commercial operations that are conducted within a domicile will be considered an industrial or commercial facility. Discharges that are not considered normal domestic waste are included.

Non-Domestic Discharges - Pollutants or wastewater from industrial or commercial sources of a quantity or quality that cannot be discharged directly into the waters of the State. This discharge would include combined stormwater, groundwater remediation activities, industrial waste, waste leachate or other liquid waste.

Non-Hazardous Pollutant - Any conventional pollutant not designated as hazardous, toxic or pathogenic.

Non-Routine Discharges - Those discharges that are in addition to the normal wastewater discharge practices of the user or are of a substantial volume as defined in this SUO or of a nature as to cause upset, pass through or interference to the POTW.

North American Industry Classification System (NAICS) - This is the standard developed by the Office of Management and Budget for the classifying of business establishments.

Oil & Grease (O/G) - Waxy, oily or greasy materials derived from organic and inorganic sources, having a specific gravity of less than one and immiscible in water. Defined as any material

recovered as a substance soluble in a solvent from an approved method.

pH - The negative logarithm of the hydrogen ion concentration. At a given temperature the pH is the intensity of the acidic or basic character of a solution.

Participant - All the municipalities, companies or customers that sign a service agreement that provides for the treatment of sewerage by the Authority's treatment works.

Pass Through - A Discharge which exits the treatment works into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a potential cause of a violation of any requirement of the Treatment Work's NJPDES permit (including an increase in the magnitude or duration of a violation).

Permits, Types OF -

A. Connection Permit - A permit issued by the Authority pursuant to an approved Application for Sewer Connection, and allows the making of a connection of the Authority's lateral or street sewer.

B. Industrial Wastewater Discharge Permit - A permit issued by the NJDEP to an industrial or commercial user, which authorizes the discharge of wastes to the sanitary sewer, subject to the conditions contained therein.

Permitted Industrial User (PIU) - Any participant who discharges wastewater into the ELSA sewer system, which is regulated by means of an Industrial Wastewater Discharge Permit.

Person - Any individual, partnership, co-partnership firm, company, corporation, association, joint stock company, trust, estate, government entity, or any other legal entity; or their legal representatives, agents or assigns. This definition includes all Federal, State, and local governmental entities.

Petroleum Hydrocarbon (PHC) - Non-volatile Oil-based materials derived from inorganic sources, with a specific gravity less than one, immiscible in water, and non-polar in molecular configuration expressed as a pollutant found in wastewater or sludge. Selective removal from wastewater or sludge by partitioning into a solvent, then separation from organic grease fractions by passage through a bed of silicic acid to remove polar compounds, then evaporation of

the solvent or quantification through an approved spectrophotometric method differentiates these compounds as a subset of Oil & Grease (O/G).

Pharmaceutical Waste - Any discharge of a pollutant, raw material or finished product, resulting from test runs, pilot runs, research and development runs and/or regular production runs. This is not intended to include discharges of regular production wash water, rinse water and standard equipment wash downs.

Pollutant - Any dredged spoil, solid waste, holding tank waste, incinerator residue, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, pharmaceutical waste, medical waste, biological materials, radioactive substance, thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal or agricultural waste or other substance, discharged.

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

Pretreatment Requirements - Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

Pretreatment Standards - Means any restriction on quantities, quality, rates, or concentrations of pollutants discharged into municipal or privately owned treatment works adopted pursuant to P.L. 1972, C. 42 (C.58: 11-49 et seq.). In any conflict between standards in this section, the most stringent shall apply.

Publicly Owned Treatment Works (POTW) - Treatment works owned and operated by the Ewing-Lawrence Sewerage Authority.

Qualified Professional - A person licensed to practice Professional Engineering in the State of New Jersey. A person, other than an engineer, who has achieved, through schooling and/or experience, a level of competence that enables that person to effectively carry out all the duties to achieve compliance with this SUO, Federal and State regulations.

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

Sampling Point - A representative point where wastewater is sampled to determine compliance with this Sewer Use Ordinance.

Screening Limit - The limit that will elicit written response from the Authority to require further analysis and possible treatment changes or upgrades.

Septage-Liquid and solid material pumped from a septic tank or cesspool during cleaning. For the purpose of this SUO septage shall be considered as waste from domestic septic tanks only.

Serious Violation (SV) - "Serious violation" means an exceedance of an effluent limitation for a discharge point source set forth in a permit, administrative order, or administrative consent agreement, including interim enforcement limits, by 20 percent or more for a hazardous pollutant, or by 40 percent or more for a nonhazardous pollutant, calculated on the basis of the monthly average for a pollutant for which the effluent limitation is expressed as a monthly average, or, in the case of an effluent limitation expressed as a daily maximum and without a monthly average, on the basis of the monthly average of all maximum daily test results for that pollutant in any month; in the case of an effluent limitation for a pollutant that is not measured by mass or concentration, the State of New Jersey may prescribe an equivalent exceedance factor therefore. The State of New Jersey may utilize, on a case-by-case basis, a more stringent factor of exceedance to determine a serious violation if the State of New Jersey states the specific reasons therefore, which may include the potential for harm to human health or the environment. SV shall not include a violation of a permit limitation for color. For pH, 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 40 percent. The Authority's pH range is 5.5 S.U. to 10.0 S.U.

The midpoint of the range is 7.75 S.U.

Forty percent of 7.75 is 3.1 S.U.

$7.75(\text{midpoint}) - 3.1(40\% \text{ of the midpoint}) = 4.65 \text{ S.U.}$

$7.75(\text{midpoint}) + 3.1(40\% \text{ of the midpoint}) = 10.85 \text{ S.U.}$

If five separate readings of pH during a given month were 4.3, 5.8, 6.5, 6.0, and 6.5, the reading of 4.3 would be a serious violation. The pH range for a serious violation is below 4.65 S.U. and above 10.85 S.U.

Seriousness of Violation -

Major-Exceeding the effluent limitation which is measured by concentration or mass for any discharge as follows:

- 1) By more than 50% for a hazardous pollutant
- 2) By more than 100% for a non-hazardous pollutant
- 3) Has caused or has the potential to cause serious harm to human health or the environment
- 4) Seriously deviates from the requirements of the Water Pollution Control Act or the New Jersey Underground Storage of Hazardous Substances Act and for violations of any rule, water quality standards, effluent limitation, administrative order or permit issued pursuant to; serious deviation shall include, but not be limited to, those violations which are in complete contravention of the requirement, or if some of the requirement is met, which severely impairs or determines the operation or intent of the requirement.

Moderate-Exceeding the effluent limitation which is measured by concentration or mass for any discharge as follows:

- 1) By 20% to 50% for a hazardous pollutant
- 2) By 40% to 100% for a non-hazardous pollutant
- 3) Has caused or has the potential to cause serious harm to human health or the environment
- 4) Seriously deviates from the requirements of the Water Pollution Control Act or the New Jersey Underground Storage of Hazardous Substances Act and for violations of any rule, water quality standards, effluent limitation, administrative order or permit issued pursuant to; serious deviation shall include, but not be limited to, those violations which are in complete contravention of the requirement, or if some of the requirement is met, which severely impairs or determines the operation or intent of the requirement.

Minor-Exceeding the effluent limitation which is measured by concentration or mass for any discharge as follows:

- 1) By less than 20% for a hazardous pollutant
- 2) By less than 40% for a non-hazardous pollutant
- 3) Any violation other than an effluent violation not considered moderate or major.

Sewer Use Ordinance (SUO) - This document, and all amendments thereto.

Sewer User Rules and Regulations - Section 3.02 of the Authority's Service Agreement.

Significant Adverse Environmental Effect - An action or omission of the user causes: serious harm or damage to wildlife, freshwater fish, any other aquatic or marine life, water fowl, or to their habitats, or to livestock, or agricultural crops; serious harm, or degradation of, any ground or surface waters used for drinking, agricultural, navigational, recreational, or industrial purposes; or any other serious articulable harm or damage to, or degradation of, the lands or waters of the State. Further any action or omission of the user that causes the POTW to violate its NJPDES permit and/or cause a significant adverse environmental effect as defined within this section.

Significant Indirect User (SIU) - Any user in the State including, but not limited to, any significant industrial user as defined in 40 CFR 403.3(v) but excluding municipal collection systems, who discharges wastewater into a local agency where:

A.

1. The discharger is subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I Subchapter N;
2. The user's average volume of process wastewater exceeds 25,000 gallons per day;
3. The amount of BOD, COD or Suspended Solids in the industrial process wastewater or discharge exceeds the mass equivalent of 25,000 gallons per day of the domestic waste of the affected local agency;
4. The volume of industrial process wastewater in the discharge exceeds five percent or more of the average daily dry weather flow of the local agency;
5. The user's discharge of process wastewater contributes five percent or more of the daily mass loading of any of the pollutants listed in N.J.A.C. 7:14A-4, Appendix A Tables II through V;

6. The user is designated as an SIU by the control authority on the basis that the user has a reasonable potential for adversely affecting the local agency's operation;
7. The user is designated as an SIU by the control authority on the basis that the user has been in violation of any Federal, State, or local pretreatment standard or requirement, including, but not limited to, significant noncompliance as defined in 40 CFR 403.8(f)(2)(viii); or
8. The control authority determines it would be consistent with the intent of the Pretreatment Act or State Act to require a permit for the indirect user; and

B. Any user in areas of the State in which the Department is the control authority where:

1. The user is determined to be a hazardous waste facility that received a permit in accordance with N.J.A.C. 7:26G-12;
2. The user's discharge consists of landfill leachate, which is either pure, treated, or diluted; or
3. The user's discharge consists of 25,000 gallons per day or more of process wastewater and/or polluted ground water which is pumped from the ground in order to decontaminate an aquifer; however

C. Upon finding that any user in the State has no reasonable potential for adversely affecting the local agency's operation or for violating any Federal, State, or local pretreatment standard or requirement, the control authority may at any time, on its own initiative or in response to a petition received from a user or a local agency, and in accordance with 40 CFR 403.8 (f) (6), determine that any user specified in paragraphs A or B above, unless the user is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N, is not a significant indirect user.

Significant Non-complier - State (N.J.S.A. 58:10A-3(w) and N.J.A.C. 7:14A-1.2)

1. Any person who commits a serious violation for the same pollutant at the same discharge point source, in any two months of any six month period, or
2. Who exceeds the 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, or
3. Who fails to submit a completed discharge monitoring report in any two months of any consecutive six-month period, or

4. Any exceedances of an effluent limitation for pH by any amount, excluding those 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
5. 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.

Any person, except a local agency for an exceedance of an effluent limitation for flow, who commits any of the violations above. The NJDEP may utilize, on a case-by-case basis, a more stringent frequency or factor of exceedance to determine a significant non-complier, if the NJDEP states the specific reasons therefore, which may include the potential for harm to human health or the environment.

Significant Non-complier - Federal (40 CFR 403.8(f) (2) (viii) -

For the purposes of this provision, an industrial user is in "significant noncompliance" if its violation meets one or more of the following criteria:

- A. Chronic violation of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(I);
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for the same pollutant parameter during a six month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(I) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(I) (daily maximum, longer-term average, instantaneous limit, or narrative Standard) that the Control Authority determines has caused, alone or in combination with other discharges, interferences or pass through (including endangering the health of POTW personnel or the general public);

- D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance;
- H. Any other violation or group of violations which may include a violation of Best Management Practices, which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

Slug Discharge - is any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge that could cause a violation of the POTW's NJPDES permit, violate this SUO, or cause Pass Through or Interference.

Standard Industrial Classification (SIC) - A classification pursuant to the Standard Industrial Classification Manual, 1987 (or as revised) issued by the Executive Office of the President, Office of Management and Budget.

State - State of New Jersey

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

Storm Water - Any flow occurring during or following any form of natural precipitation or melting. This shall also include water pumped from sump wells or other areas containing water that has infiltrated a structure. Containment areas are also considered storm water sources for the purposes of this SUO.

Substantial Change - A change in the characteristics of the wastewater discharged to the POTW, including volume and loadings, which amount to a deviation of more than 20% from the six-month average discharge of pollutants.

Substantial Volume - An amount of flow or pollutant loading that causes pass through and/or interference within the POTW. This may be measured in concentration or mass and/or other applicable methods of measurement appropriate to the pollutant in question.

Total Suspended Solids (TSS) - The Total Non-filterable Residue as defined in Manual of Methods for Chemical Analysis of Water and Wastes 18th Edition, and any supplements and amendments thereto, and analyzed in accordance with an approved test procedure.

Total Toxic Organic (TTO) - The list of compounds under N.J.A.C. 7:14A-4, Appendix A, Table II, III, IV, and V.

Toxic Pollutant - Those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly or indirectly by ingestion through food chains, may, on the basis of information available to the Commissioner, cause death, disease, behavioral abnormalities, cancer, genetic mutants, 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.

Treatment Works - Any device or system, whether public or private, used in collection, transportation, storage, treatment, recycling, or reclamation of municipal or industrial waste of a liquid nature, including: intercepting sewers, outfall sewers, sewage collection systems, cooling towers and ponds, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; any other works including sites for the treatment process or ultimate disposal of residues resulting from such treatment.

Treatment Works Plant - That portion of the treatment works designed to provide treatment to wastewater.

Upset - Means an exceptional incident in which there is unintentional and temporary noncompliance with an effluent limitation because of an event beyond the reasonable control of the permittee, including fire, riot, sabotage, or a flood, storm event, natural cause, or other act of God, or other similar circumstance, which is the cause of the violation. "Upset" also includes noncompliance consequent to the performance of

maintenance operations for which a prior exception has been granted by the department or a delegated local agency.

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

Terms not otherwise defined herein shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Environment 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, 33 U.S.C. 1251 et seq.; the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et. seq.; or "Pretreatment Standards for Sewerage, etc.", N.J.S.A. 58:11-49 et seq., 1972.

1.3 ABBREVIATIONS

The following abbreviations shall have the following meanings:

CA - Control Authority

CFR - Code of Federal Regulations

CIU - Categorical Industrial User

COD - Chemical Oxygen Demand

CRR - Construction Rules and Regulations

CWEA - Clean Water Enforcement Act

EPA - United States Environmental Protection Agency

ELSA - Ewing Lawrence Sewerage Authority

IU - Industrial User

L - Liter

Mg - Milligrams

mg/L - Milligrams per liter

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

NJDEP - New Jersey Department of Environmental Protection

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

NJPDES - New Jersey Pollutant Discharge Elimination System

NODI - No Discharge

NOV - Notice of Violation

NSIU - Non-Significant Indirect User

ORP - Oxidation-Reduction Potential

PHC - Petroleum Hydrocarbon

PIU - Permitted Industrial User

POTW - Publicly Owned Treatment Works

SIC - Standard Industrial Classification

SIU - Significant Industrial or Indirect User
SNC - Significant Non-Compliance (State and Federal)
SUO - Sewer Use Ordinance
SV - Serious Violation
TRC - Technical Review Criteria
TSD - Treatment Storage and Disposal
TSS – Total Suspended Solids
TTO - Total Toxic Organics
USC - United States Code

1.4 ELSA CONSTRUCTION RULES AND REGULATIONS

The ELSA Construction Rules and Regulations: Application, Design Instructions, and Standard Details (2012) are hereby adopted by reference, including all future amendments and supplements thereto.

2.0 PROHIBITIONS AND LIMITATIONS ON WASTEWATER DISCHARGES

2.1 PROHIBITIONS ON WASTEWATER DISCHARGES

A. No person may discharge, or allow to be discharged, into the treatment works of the Authority, any wastewater which causes pass-through or interference, upset to the treatment works or contributes to a violation of any parameter in the Authority's NJPDES Permit or to a violation of this sewer use ordinance, or which contains any of the following: (pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.)

1. Corrosive Wastes - Any waste that may cause corrosion or deterioration of the treatment works. All wastes discharged to the treatment works must not have a pH value lower than 5.5 or greater than 10.0 standard units. Prohibited materials include, but are not limited to: concentrated acids, alkalis, sulfides, chloride and fluoride compounds, and substances which will react with water to form acidic or alkaline products which have a pH value outside the range of 5.5 to 10.0 standard units.
2. Discolored Materials - Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable

tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the Authority's NJPDES permit.

3. Excessive Discharge - Wastewater at a flow rate during a period longer than fifteen (15) minutes that exceeds more than five (5) times the average daily flow rate of the discharger during normal operation. This includes wastewater containing such concentrations or quantities of pollutants, single or by interaction with other pollutants, which may in the judgment of the Executive Director cause a treatment process upset, interference or significant loss of treatment efficiency.
4. Explosive and/or Flammable Mixtures - Liquids, solids or gases in wastewater causing two readings on an explosion hazard meter, at the point of discharge into the POTW, or at any point in the POTW, of more than 10 percent (10%) or any single reading over 25 percent (25%) of the Lower Explosive Limit of the meter. Those materials, by reason of their nature or quantity may, either alone or by interaction with other substances, cause fire or explosion or be injurious in any other way to the treatment works or to the operation of the works. Such materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides. Also wastestreams with a closed cup flashpoint of less than 140°F or 60°C using the test methods specified in 40 CFR 261.21.
5. Foaming Agents - Non-Biodegradable detergents, surface-active agents, or other substances, which may cause excessive foaming in the POTW or final effluent.
6. Heat - Heat in amounts that will inhibit biological activity in the treatment works, resulting in interference or causing damage. In no case heat in such quantities that the temperature exceeds 65°C (150°F) at the sewer connection sampling point and 40°C (104°F) at the treatment works plant.
7. Improperly Shredded Garbage - Garbage that has not been ground or comminuted to such a degree that all particles will be floating or carried freely in

suspension under flow conditions normally prevailing in the treatment works. No particle shall be greater than one-half (1/2) inch [0.7 cm] in any dimension, except that this prohibition does not apply to garbage disposal units in private dwellings whose only discharge is domestic wastewater.

8. Medical Waste - Undisinfected tissue fluid, diseased human or animal organ tissue, undisinfected whole blood, or other contaminated solid waste related to the transmission of disease from human or veterinary hospitals, medical facilities, pharmaceutical/research institutions, mortuaries, morgues, funeral parlors, animal shelters or related licensed facilities.
9. Noxious Materials - Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or prevent entry into the sewers for maintenance or repair.
10. Oil and Grease - Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through. Substances which may solidify or become viscous at temperatures between 32° and 150° F (0° and 65°C) are also prohibited.
11. Oxidation Reduction Potential (ORP) - Any discharge with an ORP of less than -50 millivolts. Any discharge containing approved reducing agents which result in an ORP of less than -50 millivolts will be excluded.
12. Pollutants Resulting in Toxic Gases - Pollutants that result in the presence of toxic gases, vapor, or fumes, within the POTW, in a quantity that may cause acute worker health and safety problems.
13. Radioactive Wastes - Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations.
14. Reject Product- Any non-accidental slug discharge that in itself will not meet the discharge limitations listed in Table I this SUO. Please note dilution in order to meet discharge limitation is prohibited.

15. Solid or Viscous Wastes - Solid or viscous wastes which may cause obstruction to the flow in a sewer or otherwise interfere with proper operation of the treatment works. Such materials include, but are not limited to: grease, improperly shredded garbage, animal guts or tissues, human organs, paunch manure, bones, hair, hides or fleshings, entrails, feathers, ashes, cinders, iron oxide sludge, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances.
16. Storm Water - Discharge into the treatment works of storm water, sump water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, unless specifically authorized by the Authority.
17. Substances Interfering with Sludge Management - Any substance which may cause the POTW's sludge to be unsuitable for reclamation, reuse, or disposal. 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 40 CFR Section 503 (Federal Sludge Regulations), 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, to the extent practicable, the "New Jersey Guidelines for the Utilization and Disposal of Municipal and Industrial Sludges and Septage," statewide sludge management criteria for land application, the ELSA NJPDES permit, or any other applicable regulation.
18. Toxic Pollutants - Any toxic pollutant exceeding; (1) standards promulgated by the Administrator of the EPA pursuant to Section 307(a) of the Clean Water Act of 1977 (as amended); (2) standards promulgated pursuant to N.J.S.A. 58:10A-1 et seq.; or wastewater causing, alone or in conjunction with other sources, the

treatment plant's effluent to fail a toxicity (bioassay) test.

19. Trucked and Hauled Wastes - Any discharge of trucked or hauled pollutants. All trucked waste must be accompanied by a Township Permit from the township the waste originated. All trucks must check in with Authority laboratory personnel before dumping the contents of their truck. Duly authorized Authority personnel shall sample all trucks.
 20. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause Interference, Pass Through or Upset at the POTW.
- B.** A discharger shall have an affirmative defense in any action brought against it alleging a violation of the prohibitions established above and specific prohibitions (6), (10), (11), (12), (15), (18), and (20) above where the discharger can demonstrate that:
1. It did not have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause Pass Through, Upset or Interference; and
 2. A local limit designed to prevent Pass Through and/or Interference for each pollutant in the User's discharge that caused Pass Through or Interference, and the User was in compliance with each such local limit directly prior to and during the Pass Through or Interference; or
 3. If a local limit designed to prevent Pass Through and/or Interference has not been developed for the pollutant(s) that caused the Pass Through or Interference, the User's Discharge directly prior to, and during the Pass Through or Interference did not change substantially in nature or constituents from the User's prior discharge activity when the POTW was regularly in compliance with the POTW's NJPDES permit requirements and, in the case of Interference, applicable requirements for sewage sludge use or disposal.

2.2 SPECIFIC LIMITATIONS ON WASTEWATER DISCHARGES

- A.** Table I represents the maximum concentrations of specific pollutants for wastewater discharges to the treatment head works by any person. This was done in accordance with the **Guidance Manual on the Development and Implementation of Local Discharge Limitations under the Pretreatment Program (USEPA)** including all supplements and amendments thereto. Dilution of any wastewater discharge for the purpose of satisfying these requirements is a violation of this SUO. No user shall discharge wastewater with pollutant levels exceeding the concentrations in Table I, at any point in time during their connection to the sewer system.
- B.** The environmental protection criteria, where applicable, used for the limits in Table I are as follows:
1. Numerical effluent limitations in the Authority's NJPDES permit;
 2. Authority's process inhibition and upset criteria;
 3. Authority's worker health and safety protection criteria;
 4. Authority's sludge quality criteria based on the method of sludge management; and
- C.** The Authority must comply with the public notice and hearing requirements under N.J.A.C. 7:14A-19.10(a) when proposing and adopting local limitations under Table I.

2.3 STATE REQUIREMENTS

State requirements and limitations on discharges shall apply where they are more stringent than this SUO.

2.4 DILUTION OF DISCHARGE

No industrial user shall intentionally, deliberately, knowingly or willingly increase the use of process water or in any way otherwise dilute a discharge as a substitute for adequate treatment to comply with the Federal Categorical Pretreatment Standards or any other pollutant or concentration-specific limitation developed by the Authority, the State or the USEPA. Dilution of any wastewater discharge for the purpose of satisfying these requirements is a

violation of this SUO. The State of New Jersey may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.

2.5 AUTHORITY'S RIGHT OF REVISION

The Authority reserves the right to establish more stringent limitations or requirements on discharges to the treatment works than are contained in this SUO for the protection of the environment, human health, human safety or the treatment works.

2.6 LOCAL REQUIREMENTS

Where local requirements impose stricter discharge limitations upon the industrial user than Federal or State limitations, the stricter limitation shall be applied.

3.0 WASTE CONTROL

3.1 PRETREATMENT FACILITIES

Dischargers shall provide wastewater pretreatment, if required, to comply with this SUO and shall achieve compliance with Federal, State and Local requirements. Pretreatment facilities, where required, shall be provided for and operated efficiently by the owner or operator at his/her own cost and shall be maintained in good working order subject to the requirements of this SUO and all other applicable federal, state or local statutes, regulations, or ordinances.

3.2 PETROLEUM HYDROCARBONS, FATS, OILS, AND GREASE

Dischargers with the potential to discharge oil and/or grease shall install, at the owners expense, properly sized grease traps or oil/water separators to prevent such discharges from occurring. These traps and/or separators must meet local plumbing codes and ELSA requirements. Grease traps and/or oil/water separators must be cleaned and maintained regularly by the owner. The owner shall maintain manifests or cleaning receipts to demonstrate compliance with regular cleaning of the required pretreatment mechanisms.

Waste oil from a Non-Domestic Discharger shall not be discharged or hauled to the Authority without prior approval. Dischargers who use a waste hauler for the clean out of their oil/water separator must inform their respective township health department and the Authority of this action. Additionally, the discharger must provide the name, contact information, the amount removed and the date this action was completed.

3.3 SUBMISSION OF PLANS

Where pretreatment of pollutants, separation of wastes or equalization of wastewater flows are required, plans, specifications, operating procedures, and other pertinent data and information shall be submitted by the discharger to the Executive Director and the Authority Engineer for review and comment. The review of such plans and operating procedures does not relieve the discharger from the responsibility of modifying the facility as necessary, to produce acceptable wastewater characteristics. Any subsequent modifications to such pretreatment (including changes in any method of operation) affecting the discharge shall not be made without prior approval of the Authority. Prior to the commencement of operation of any pretreatment, separation or flow control facilities, the Authority has the right to require adequate data to determine the acceptability of the sewage, process wastes or other wastes generated.

3.4 ACCIDENTAL DISCHARGES

A. Each Non-Domestic Discharger, if required, shall provide protection from accidental discharge of prohibited materials or the "slug loading" of other substances regulated by this SUO. If required by the Executive Director, facilities shall make provisions to prevent the accidental discharge of prohibited materials at the owner's or industrial user's own cost and expense. Upon request, of the Executive Director, the Authority shall be provided detailed plans showing facilities and operating procedures to provide this protection. These plans shall be submitted to the Executive Director for review and comment, prior to construction. All existing Non-Domestic Dischargers, where required, shall complete such a plan within 120 days of being notified by the Authority of the need for such a plan. No industrial user who commences discharge to the POTW, after the effective date of this SUO, shall be permitted to introduce pollutants into the system until the

Executive Director has reviewed accidental discharge prevention procedures. Review of such plans and operating procedures shall not relieve the industrial user from the responsibility of modifying his/her facility, as necessary, to meet the requirements of this SUO.

- 1. Telephone Notice:** In the case of an accidental discharge of prohibited materials or any other substances listed under this SUO, the Non-Domestic Discharger responsible for such discharge shall immediately telephone and notify the Authority within 24 hours of the occurrence or becoming aware of the occurrence. The notification shall include location of discharge, type of waste, concentration and volume. During evening hours (after 4:30pm), weekends, or holidays, in the event of an accidental discharge or any type of emergency, please notify the Authority immediately at (609) 587-4061. During regular working hours (7:00am to 4:30pm, Monday through Friday), please call (609) 587-4061. Furthermore, such Non-Domestic Discharger shall take immediate action to contain and minimize the accidental discharge to the POTW so as to prevent Interference, Upset or Pass Through with the treatment process and/or damage to the treatment works.
- 2. Written Notice:** Within five (5) working days following an accidental or noncomplying discharge under this section, the Non-Domestic Discharger shall submit to the Executive Director or his designee, a detailed written report describing the date, time and cause of the discharge, the quantity and characteristics of the discharge, corrective action taken at the time of the discharge, and the measures to be taken by the Non-Domestic Discharger to prevent similar future occurrences. Such notification shall not necessarily relieve the Non-Domestic Discharger of any expenses, loss, damage, or other liability that may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the Non-Domestic Discharger of any liability which may be imposed.
- 3. Notice to Employees:** All Non-Domestic Dischargers shall develop emergency notification procedure(s). It shall advise employees of the responsible individual to notify in the event of an accidental or noncomplying discharge. Employers shall ensure that all employees who may cause

such a discharge are advised of the emergency notification procedures.

4. Bypass and Upset Conditions: Any Non-Domestic Discharger reporting a bypass or an upset condition shall submit the following information, pertinent to the event asserted, to the Authority within five (5) working days following the event:

a. UNANTICIPATED BYPASS: For an unanticipated bypass, the information listed below must be submitted to the Authority;

- i.** All properly signed, contemporaneous operating logs, or other relevant evidence, on the circumstances of the noncompliance;
- ii.** The reasons that the unanticipated bypass occurred, including the circumstances leading to the unanticipated bypass;
- iii.** Evidence that the Non-Domestic Discharger was properly operating the facility at the time;
- iv.** Evidence that the Non-Domestic Discharger provided telephone and submitted written notice of the unanticipated bypass as required above;
- v.** Evidence that the Non-Domestic Discharger complied with all remedial measures the Authority required;
- vi.** The Non-Domestic Dischargers rationale for and all supporting documentation that the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage, including the name, title, address, and telephone number of the individual that made the determination and any other information the Authority requests;
- vii.** Evidence that there was no feasible alternative to the unanticipated bypass, including but not limited to the used of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of downtime; and

- viii. Evidence that the unanticipated bypass did not occur during normal periods of equipment downtime or preventative maintenance when back-up equipment should have been installed to avoid the unanticipated bypass.
- b. **UPSET:** For an upset, the information listed below must be submitted to the Authority within five-days;
 - i. All properly signed, contemporaneous operating logs, or other relevant evidence, on the circumstances of the noncompliance;
 - ii. The reasons that the upset occurred, including the cause of the upset and the identity of the person causing the upset, as necessary, except that, in the case of a treatment works, the local agency may certify that despite a good faith effort it was unable to identify the cause of the upset or the person causing the upset;
 - iii. Evidence that the Non-Domestic Discharger was properly operating the facility at the time;
 - iv. In the case of an upset resulting from the performance by the Non-Domestic Discharger of maintenance operations, the Non-Domestic Discharger provided prior notice and received prior written approval from the Authority, including the name, title, address, and telephone number of the individual who satisfied this requirement, the date and specific time the individual notified the Authority for the Non-Domestic Discharger, the specific method that the individual used to notify the Authority, and the name and title of the individual within the Authority to whom the Non-Domestic Discharger gave such notice;
 - v. Evidence that the Non-Domestic Discharger complied with all remedial measures the Authority required.

3.5 NOTIFICATION OF HAZARDOUS WASTE DISCHARGES

- A.** All Non-Domestic Discharger shall notify the POTW, the EPA Regional Waste Management Division Director, and State Hazardous Waste Authorities, in writing, of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Non-Domestic Discharger 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 Non-Domestic Discharger: 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 constituents in the wastestream expected to be discharged during the following twelve months. Non-Domestic Dischargers who commence discharging after the effective date of this SUO shall provide the notification no later than 30 days after the discharge of the hazardous waste.
- B.** Non-Domestic Dischargers are exempt from the above requirements during a calendar month in which they discharge no more than fifteen kilograms of hazardous waste, unless the waste(s) are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of non-acute hazardous waste in a calendar month or of any quantity of acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e), requires a one time notification. Subsequent months during which the Non-Domestic Discharger discharges additional quantities of such hazardous waste do not require additional notification. In the case of new regulations under section 3001 of RCRA, identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Non-Domestic Discharger must notify the POTW, the EPA Regional Waste Management Division Director, and the State hazardous waste authorities, of the discharge of such substance within 90 days of the effective date of these regulations. In the case of any notification made under this rule, the industrial user shall certify that it has a program in

place to reduce the volume and toxicity of hazardous waste generated.

3.6 CHANGE IN CONDITIONS

An NJDEP Permitted Non-Domestic Discharger or unpermitted Non-Domestic Discharger proposing to make any substantial change in its wastewater discharge shall notify the Authority at least sixty (60) days before the change is implemented. An NJDEP Permitted Non-Domestic Discharger must apply for a permit modification with the NJDEP.

4.0 INDUSTRIAL WASTEWATER DISCHARGE PERMITS

4.1 NON-DOMESTIC DISCHARGERS REQUIRING PERMITS

The following Non-Domestic Dischargers must apply for an NJDEP Industrial Wastewater Discharge Permit:

- A.** Dischargers subject to Federal Categorical Pretreatment Limitations and/or defined as "Categorical Industrial Users";
- B.** Dischargers that are defined as "Significant Indirect Users";

4.2 EXISTING UNPERMITTED NON-DOMESTIC DISCHARGERS

Existing unpermitted dischargers, subject to federal regulation, state regulation or deemed a threat by the Executive Director to the proper operation of the ELSA treatment works, shall apply at the NJDEP for an Industrial Wastewater Discharge Permit.

4.3 NEW NON-DOMESTIC DISCHARGERS

New Non-Domestic Dischargers may not connect to the treatment works of the Authority, unless approved by the Authority. Such users must submit an ELSA Discharge Permit Application (see Table II) at least 180 calendar days before connecting to such treatment works. In the event the Non-Domestic Discharger, the NJDEP and the Authority cannot agree as to the classification, under a particular industrial, commercial, categorical or subcategorical classification, for purposes of industrial pretreatment standards, a written

certification from the appropriate federal regulatory agencies as to whether the applicant is included within a particular industrial, commercial, categorical or subcategorical classification for purposes of industrial pretreatment standards, may be obtained.

4.4 EXISTING CATEGORICAL INDUSTRIAL USERS

Within ninety (90) calendar days after the promulgation by the EPA of a categorical pretreatment standard, existing industrial users subject to such standards shall apply to the NJDEP for an Industrial Discharge Permit. The Executive Director, or his designee, shall review the NJDEP Industrial Wastewater Discharge Draft Permit and submit any comments concerning the information in this document to the NJDEP.

4.5 RESERVED AUTHORITY PERMIT POWER

At the Authority's recommendation the following requirements may be contained within a discharger's Industrial Wastewater Discharge Permit:

1. A limitation upon the volume of flow and the rate of flow discharged from the industrial user;
2. The following may be installed and maintained by the Non-Domestic Discharger, at their own expense: facilities or equipment for intermittent or continuous measurement of flow, pH, process wastes and other wastes discharged; retention tanks or other equipment for holding or reducing the maximum rates of discharge; pretreatment and flow control facilities; grease traps for removal of oil and grease originating from animal or vegetable origin; and oil/water separators to remove petroleum oil or products of mineral oil origin;
3. A waste minimization plan for the reduction of pollutant loadings discharged into the POTW treatment system;
4. The submittal to, and approval by, the Authority of plans and specifications for any of the facilities and equipment required to meet pretreatment standards and requirements;
5. The development of a slug/spill control plan or other special conditions, management practices necessary to

adequately prevent accidental, unanticipated, or nonroutine discharges;

6. Requirement for the installation of proper inspection and sampling points, facilities, and/or equipment;
7. Any other terms, conditions, facilities, equipment, or treatment(s) as may be necessary, to protect the Authority's Treatment Works and to carry out the intent and provisions of this SUO.

4.6 TRANSFER OF PERMIT

NJDEP Industrial Discharge Permits are not transferable. The Permitted Non-Domestic Discharger shall notify the Executive Director, or his designee, no later than sixty (60) days before any proposed change in ownership. The new owner is responsible for obtaining a permit by applying to the NJDEP.

5.0 INDUSTRIAL WASTEWATER MONITORING AND REPORTS

5.1 PERMITTED NON-DOMESTIC DISCHARGER REPORTING

A. Permitted Non-Domestic Dischargers must submit a copy to the Executive Director or his designee, at the frequency approved by the NJDEP, on dates specified in the Permittees Industrial Wastewater Discharge Permit, a description of the nature, concentration and flow of the pollutants discharged to the ELSA sanitary sewer system. The report shall be based on sampling analysis performed in the period covered by the report. All reporting shall be in compliance with N.J.S.A 58:10A-1 et seq. and N.J.A.C. 7:14 et seq. and regulations developed there under. The discharger shall report all sample results on the NJDEP Industrial Discharge Monitoring Report. If a permitted discharger is at zero discharge or not actively discharging wastewater to the ELSA treatment works, the permitted discharger is required to continue to submit NJDEP Industrial Wastewater Discharge Monitoring Report forms to the Authority, clearly specifying "No Industrial Discharge" (NODI).

B. All reports shall include the following certification statement: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure

that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The appropriate corporate officer must sign each report as follows:

1. By a responsible corporate officer, if the permitted discharger submitting the report is a corporation. For the purpose of this paragraph, a responsible corporate officer means (a) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any person who performs similar policy or decision making functions for the corporation, or (b) the manager of one or more manufacturing, production or operation facilities employing more than 250 persons with gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. By a general partner or proprietor if the Non-Domestic Discharger submitting the reports is a partnership or sole proprietorship respectively.
3. By a duly authorized representative of the this individual designated in paragraph (1) or (2) of section if: (a) the authorization is made in writing by the individual described in paragraph (1) or (2); (b) the authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(c) the written authorization is submitted to the NJDEP.

4. If an authorization under paragraph (3) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (3) of this section must be submitted to the NJDEP and the Authority prior to or together with any reports to be signed by an authorized representative.

C. Where the NJDEP has imposed mass limitations on the discharger the report required by the paragraphs above shall indicate the mass pollutants regulated by the NJDEP Industrial Wastewater Discharge Permit. The report required by the paragraphs above shall contain a reasonable measure of the discharger's long-term production rate. For all other dischargers subject to categorical Pretreatment Standards expressed only in terms of allowable pollutant discharger per unit of production (or other measure of operation), the report required by the paragraphs above shall include the User's actual average production rate for the reporting period.

5.2 RECORDS AND MONITORING

- A. Permitted Non-Domestic Dischargers discharging or proposing to discharge wastewater to the treatment works shall maintain the following : (1) record of production, (2) water consumption and discharge flow records, (3) complete monitoring records, (4) process monitoring records, (5) incident reports, (6) waste handling records, and any other records necessary to demonstrate compliance with this SUO.
- B. Such records shall be made available to the Authority, upon request, by the Executive Director or his designee.
- C. Permitted Non-Domestic Dischargers shall install (at his/her own cost) monitoring equipment approved by the NJDEP and the Authority to facilitate the accurate observation, sampling and measurement of wastes as required by the permit. Such equipment shall be in working order and

kept safe and accessible at all times. Alternatively, the Authority may choose to install such equipment at its expense and seek compensation from the Industrial User.

- D. Whether constructed on public or private property, such monitoring facilities shall be constructed according to requirements of the Authority and other applicable construction standards and specifications. Plans and specifications for such work shall be submitted to the Executive Director or his designee, for review and comments before construction.

5.3 **ADMISSION TO PROPERTY, INSPECTION, SAMPLING AND ANALYSIS**

- A. **Admission to Property** - The Executive Director, or his designees, upon the presentation of credentials, may enter upon the premises of any discharger at any time for the purpose of inspection, copying any records required to be kept under this SUO, Federal and/or State regulations, investigation, installing monitoring equipment, to conduct measuring, sampling, or testing of wastewater that is discharged to the treatment works. Any attempt to delay and/or deny the Authority from entering the property is a direct violation this SUO.
- B. **Representative Sampling Point** - Non-Domestic Dischargers proposing to connect to, or continue discharging to, any part of the Authority's treatment works, must make available, upon request of the Executive Director or his designee, a sampling point representative of the discharge. Such sampling points shall be approved by the Executive Director or his designee, and shall be located on public property, if requested by the Executive Director or his designee. The cost for installing and maintaining such representative sampling point(s) shall be borne by the Non-Domestic Discharger. Access to the point shall be available at all times to the Authority for the purposes of conducting sampling, inspections, compliance monitoring, and metering operations.
- C. **Compliance Determination** - The Authority has the right to inspect, conduct surveillance, and monitoring independent of the information submitted by the discharger. Compliance determination by the Executive Director or his designee shall be made on the basis of either instantaneous grab

samples or representative composite samples of wastewater, or as otherwise may be determined by the Authority.

D. Sampling and Analysis of Industrial Wastewater - All sampling and preservation of industrial wastewater samples shall be in accordance with the NJDEP field sampling procedures manual, including all supplements and amendments thereto. Laboratory analysis of industrial wastewater samples shall be performed in accordance with 40 CFR 136 or an NJDEP approved test procedure in a laboratory certified by NJDEP to perform said analysis.

E. Sampling Frequency - Sampling of industrial wastewater for the purpose of compliance determination shall be done at such intervals as the NJDEP may designate or as recommended by the Authority.

5.4 CONFIDENTIAL INFORMATION AND PUBLIC ACCESS TO RECORDS

Except as otherwise provided in section 3 of P.L.1963, c.73 (C.47: 1A-3), any records, reports, or other information obtained by the Authority pursuant to this section or section 5 of P.L.1972, c.42 (C.58: 11-53), including any correspondence relating thereto, shall be available to the public; however, upon a showing satisfactory to the Executive Director by any person that the making public of any record, report, or information, or a part thereof, other than effluent data, would divulge methods or processes entitled to protection as trade secrets, the Authority shall consider such record, report, or information, or part thereof, to be confidential, and access thereto shall be limited to authorized officers or employees of the Authority, the NJDEP, and the Federal Government.

Information and data provided to the Authority pursuant to this SUO, which is effluent data, shall be available to the public without restriction.

All other information, which is submitted to the Authority, shall be available to the public at least to the extent provided by 40 CFR 2.302. Any such claim must be asserted at the time of submission by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, the Authority may make the information available to the

public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR part 2 (Public Information).

6.0 ENFORCEMENT

6.1 REGULATORY ACTIONS

If wastewaters violating the restrictions imposed under this SUO are discharged into the treatment works, the Executive Director may take any of the following actions:

- A.** Prohibit/condition the discharge of such wastewaters.
- B.** Require each discharger to install technology enabling them to meet applicable wastewater standards and prohibitions.
- C.** Require a discharger to demonstrate that onsite modifications will reduce or eliminate the discharge so as to be in conformance with this SUO.
- D.** Require pretreatment, including storage facilities or flow equalization, necessary to ensure compliance with this SUO.
- E.** Commence legal action to require the discharger to pay the costs, incurred by the Authority, shown to be resulting from a violation of this SUO, for any damages including engineering, legal, and administrative costs.
- F.** Take such other remedial action, including discontinuation of service and/or court action for injunctive relief, as may be desirable or necessary.
- G.** Require the discharger to create an accidental discharge/slug load plan for NJDEP and Authority approval. An accidental discharge/slug control plan shall address, at a minimum, the following:
 - 1.** Description of discharge practices, including non-routine batch discharges;
 - 2.** An inventory of stored chemicals;
 - 3.** Procedures for immediately notifying the Authority of any accidental or slug discharge;

4. Procedures to prevent adverse impact from any accidental or slug discharge;
 - a. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response; and

H. Take such other action as is deemed necessary, including referral to the NJDEP, county prosecutor and the State's Attorney General for further action.

6.2 HARMFUL CONTRIBUTIONS

The Authority may suspend wastewater treatment service, when necessary, in the opinion of the Executive Director, or his designee, to stop an actual or threatening discharge that presents or may present any imminent and substantial endangerment to the health or welfare of persons or the environment, to the POTW treatment system, or in violation of an Authority wastewater discharge limitation or any provision within this SUO.

A discharger notified of the suspension of wastewater treatment service shall immediately cease and desist the contribution of wastewater to the Authority's treatment system. If such person fails to comply with the suspension notification, the Authority shall take necessary steps, including but not limited to, immediate severance of the sewer connection pursuant to this SUO to prevent or minimize damage to treatment works or endangerment to individuals or the environment. The Authority may reinstate wastewater treatment service upon proof of the elimination of the noncompliant discharge.

For the purposes of this section, the Authority requires the discharger to submit within ten (10) calendar days from the date of the occurrence, a detailed written statement containing the following:

- A.** Describing the cause of the contribution;
- B.** The measures taken to prevent any future occurrences;

The type and amount of pollutant(s) discharged during the event(s); and

- C. The signature of the highest-ranking officer responsible for the operation of the facility.

6.3 **TERMINATION OF SERVICES**

In addition to termination under Subsections 6.1 and 6.2, any participant violating the following conditions, and/or applicable state statutes or regulations, may have service terminated.

- A. Failure of a discharger to accurately report the wastewater constituents and characteristics of their discharge.
- B. Failure of a discharger to report significant changes in operations or wastewater constituents and characteristics.
- C. Refusal of access to the industrial user's premises for the purpose of inspection or monitoring.
- D. Any failure to comply with any of the provisions of this SUO.

6.4 **LEGAL ACTION**

Whenever the Executive Director or his designee finds any participant who has violated or is violating any of the provision of this SUO the Executive Director or his designee may take any of applicable enforcement actions under this SUO.

- A. **Notice of Violation (NOV)** - The Executive Director or his designee may issue a Notice of Violation (NOV). The NOV shall be sent certified mail, return receipt requested to the violator. The violator will be directed to show why the Authority should not take an enforcement action. A copy of this NOV may be sent to the NJDEP for further enforcement.
- B. **Civil Action** - The Authority may pursue the following legal remedies. Such relief may include, singly or in combination:

1. A temporary or permanent injunction;
 2. Assessment of the violator for the 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;
 3. Assessment of the violator for any cost incurred by the Authority in removing, correcting or terminating the adverse effects upon water quality resulting from any discharge of pollutants for which the action under this subsection may have been brought;
- C. Penalty** - The Authority may pursue a penalty against any person who violates this SUO or a court order or fails to make a payment pursuant to a payment schedule entered into with the Authority. This penalty may include, but not limited to, the costs of prosecution, interest charges, and other costs incurred by the Authority.
- D. Criminal Action** - The Authority may petition the County Prosecutor or State Attorney General to bring a criminal action seeking fines and imprisonment against any person who violates this SUO.
- E. Constraints on Discharges** - No discharge will be permitted until the applicant, permit holder, or violator, as the case may be, has paid all fees, penalties or fines due and owing or has entered into an agreement with the Authority establishing a payment schedule therefore; except that if a penalty or fine is contested.

6.5 **FALSIFICATION OF INFORMATION**

Any person who knowingly makes a false statement, representation or certification in any application, record, or other document filed or required to be maintained under this SUO, or any regulations promulgated there under, or who falsifies, tampers with, dilutes waste streams, or knowingly renders inaccurate any monitoring device or method required to be maintained pursuant to this SUO, will be reported to the appropriate officials for prosecution.

6.6 ILLEGAL CONNECTIONS

Connection of any conveyance to the ELSA sewer system for the discharge of materials, chemicals, wastes, pollutants, wastewater, ground water or storm water from a domestic or non-domestic source without the approval of ELSA will be deemed an illegal connection and may be subject to enforcement by the Authority.

The connection of sump pumps and roof drains to the ELSA sewer system will be subject to a \$1,000 (one thousand dollar) penalty and \$100 (one hundred dollars) per day if not disconnected after a 30 day grace period. Movable, temporary, or hose connections are not acceptable for compliance with this SUO. The removal and reconnection of a sump pump or roof drain connection to the ELSA sewer system will be treated as a separate and distinct violation.

6.7 REMOVAL AND VANDALISM

The removal, destruction, or vandalism of the Authority's manhole covers, treatment system, equipment, treatment works or pump stations is illegal and shall be subject to enforcement under this SUO. This does not preclude the Authority from referring the action to the County Prosecutor and/or the State of New Jersey Attorney General for further prosecution.

7.0 FEES

7.1 CHARGES AND FEES

The Authority may adopt reasonable charges and fees that may include:

A. Professional fees for reviewing plans and construction.

B. Discharger Fees:

1. Fees as the Authority may deem necessary to carry out the requirements contained herein which may include but not limited to, emergency incident response, supplies and materials, contractor cost, cost of personnel, overtime/emergency rates and equipment.

2. Fees related to the cost of printing, reproduction, or mailing at a rate set by the Authority.
3. Fees related to the connection of any conveyance, pipe or other means of discharge to the wastewater treatment system.

These fees relate solely to the matters covered by this SUO and are separate from all other charges and fees chargeable by the Authority.

8.0 SEVERABILITY

If any court of competent jurisdiction invalidates any provision, word, section, or article of this SUO, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect.

9.0 CONFLICT

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this SUO are hereby repealed to the extent of such inconsistency or conflict.

10.0 EFFECTIVE DATE

This ordinance shall take effect 20 days after adoption and publication thereof as provided by law.

Adopted: October 16, 2018

RECORD OF VOTE

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Kownacki	X						
Ms. Lewis	X						X
Dr. Maffei	X						
Mr. Powers	X					X	
Mayor Bobbitt	X						

ATTACHMENTS

TABLE I: Specific Pollutant Limits

TABLE II: Wastewater Discharge Application

TABLE I: SPECIFIC POLLUTANT LIMITS

Maximum Daily Discharge Limitations (mg/L)

Monthly Average Limitations (mg/L)

<u>Parameter</u>	<u>Maximum Daily</u>	<u>Monthly Average</u>
Biochemical Oxygen Demand (BOD5)		22,480 mg/L
Total Suspended Solids (TSS)		22,342 mg/L
Nitrogen-Ammonia (as N)	23 mg/L	
Fats, Oil and Grease (FOG)	59 mg/L	
Arsenic, Total (As, Total)	0.29 mg/L	
Cadmium, Total (Cd, Total)	0.18 mg/L	
Chromium Total (Cr, Total)	0.62 mg/L	
Lead, Total (Pb, Total)	5.36 mg/L	
Mercury, Total (Hg, Total)	0.12 mg/L	
Nickel, Total (Ni, Total)	2.7 mg/L	
pH	5.5 – 10.0 s.u.	