

Town of Secaucus
CONSENT AGENDA – 3/10/20

THIS AGENDA IS FOR DISCUSSION PURPOSES AND IS SUBJECT TO CHANGE.

ITEMS MAY BE ADDED OR REMOVED AS DETERMINED BY THE TOWN COUNCIL.

- 1) A resolution on behalf of the Town of Secaucus authorizing execution of an Agreement for Municipal Services for City Homes at Creekside Manor
- 2) A resolution on behalf of the Town of Secaucus authorizing execution of an Agreement for Municipal Services for Riverside Court at Secaucus
- 3) Resolution appointing Michelle Jamsek to the Regular Part-Time Fitness Instructor position in the Recreation Center, effective March 10, 2020 at the rate of \$40.00 per class and rehiring Israel Vega to the Regular Part-Time Counselor position in the Teen Center at the hourly rate of \$11.00
- 4) Resolution appointing Ramon Velez and Joseph Tomaszewski to the Replacement Full-Time Positions of Laborer/Driver (CDL) in the Public Works Department, pending the successful completion of background checks and physical examinations, including drug screening, effective March 10, 2020, each with an annual salary of \$35,000.00
- 5) Resolution appointing Police Officers Michael Simone, Michael Torres and Kimberly Elphick to the rank of Lieutenant and Dominick Manderano, Mark Valentino and Marc Schoch to the rank of Sergeant, effective March 10, 2020

TOWN OF SECAUCUS
MAYOR AND COUNCIL MEETING - MARCH 10, 2020
CAUCUS/EXECUTIVE SESSION 4:30 PM
MEETING TO COMMENCE 7:00 PM

The town does not provide agenda for Council Meetings; however, below is a list of matters scheduled to be discussed which is intended to be a worksheet or reference sheet only for the Mayor and Council Members. No person shall rely on this sheet because scheduled items may be deleted and new items may be added, and Council Members may raise issues during the meeting and take action with respect to the same which are not listed herein.

PLEDGE OF ALLEGIANCE

OPEN PUBLIC MEETINGS ACT

ROLL CALL

ORDINANCES FOR PUBLIC HEARING

Ordinance No. 2020-3: An ordinance repealing and replacing the Code of the Town of Secaucus, Chapter A163 Sewer Use Rules and Regulations

RESOLUTIONS (CONSENT AGENDA)

PLEASE SEE CONSENT AGENDA FOR LIST OF RESOLUTIONS

BINGO/RAFFLE APPLICATIONS

- 1) Application for an Off-Premise 50/50 to be held on May 16, 2020, sponsored by PTSA Secaucus High School
- 2) Application for an On-Premise Draw Raffle to be held on May 16, 2020, sponsored by PTSA Secaucus High School
- 3) Application for an On-Premise 50/50 to be held on April 4, 2020, sponsored by PTSA Secaucus High School

COMMUNICATIONS REQUIRING ACTION BY MAYOR AND COUNCIL

- 1) Request by Leslie Sonkin of Northern New Jersey Council BSA to use the Recreation Center Basketball Courts on April 4 for their annual Pinewood Derby
- 2) Request by Erin Petrosino of the Rutherford Recreation Department to use the Secaucus Swim Club on various dates in June, July and August for their summer camp
- 3) Request by Anthony Cassese for the Secaucus High School Senior Class of 2020 to use the Secaucus Swim Club on June 8 for the Senior Class Pool Day
- 4) Request by the Miss Yvonne Swim School to use the Recreation Center from April 6 to April 10 and April 13 to April 17 for Swim Camp
- 5) Request by Chawon Williams of the Manhattan Country School to use the Swim Club on July 10, 17 and 24 for their summer camp

REMARKS OF CITIZENS

ADJOURNMENT

**AN ORDINANCE OF
THE TOWN OF SECAUCUS, NEW JERSEY**

ORDINANCE NO. 2020-3

**AN ORDINANCE REPEALING AND REPLACING THE CODE OF THE TOWN OF
SECAUCUS, CHAPTER A163 SEWER USE RULES AND REGULATIONS**

WHEREAS, the Town previously adopted Chapter A163 of the Code of the Town of Secaucus entitled “Sewer Use Rules and Regulations”; and

WHEREAS, the review of the Secaucus Municipal Utilities Authority (SMUA) and the advice of Counsel on the current state of the rules and regulations governing the requirements of discharges into the wastewater treatment collection and treatment system in the Town of Secaucus have necessitated that Chapter A163 be modified to reflect current SMUA rules and regulations, which are updated regularly by the SMUA and comply with current federal and state laws and regulations.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Secaucus, County of Hudson, State of New Jersey, based on the above review, as follows:

1. Any and all Ordinance provisions in conflict, preempted or superseded by current Secaucus Municipal Utilities Authority (SMUA) Rules and Regulations, most recently updated and adopted by the Authority on November 12, 2019, shall be repealed, including but not limited to Chapter A163 of the Code of the Town of Secaucus, adopted December 7, 1981.
2. Chapter A163 of the Code of the Town of Secaucus shall now read as follows:

Secaucus Municipal Utilities Authority (SMUA) Rules and Regulations and any amendments to such, as updated by the Secaucus Municipal Utilities Authority, shall be recognized as the “Sewer Use Rules and Regulations” for the Town of Secaucus and govern the requirements of discharges into the wastewater treatment collection and treatment system, enforcement and violations. A copy of current Secaucus Municipal Utilities Authority (SMUA) Rules and Regulations shall be kept on file at the Secaucus Municipal Utilities Authority Office and at the Secaucus Town Clerk’s Office.

3. This repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed.
4. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to that section, subdivision, clause or

provision so adjudged and the remainder of this Ordinance shall be deemed to be valid and effective.

5. This shall take effect immediately upon passage and publication in accordance with law.

I, Michael Marra, Town Clerk of the Town of Secaucus, County of Hudson, do hereby certify that the above is a true copy of an ordinance introduced and passed on first reading on February 11, 2020 and finally adopted by the Mayor and Council on March 10, 2020.

Town Clerk Mayor

Introduction 2-11-20

Motion: RC	Yes	No	Abstain	Absent
Second: JC				
Councilman Costantino	✓			
Councilman McKeever	✓			
Councilman Clancy	✓			
Councilman Dehnert				✓
Councilman Gerbasio	✓			
Councilwoman Tringali	✓			
Mayor Gonnelli	✓			

Adoption 3-10-20

Motion:	Yes	No	Abstain	Absent
Second:				
Councilman Costantino				
Councilman McKeever				
Councilman Clancy				
Councilman Dehnert				
Councilman Gerbasio				
Councilwoman Tringali				
Mayor Gonnelli				

**SECAUCUS MUNICIPAL
UTILITIES AUTHORITY**

**SEWER USE RULES
AND REGULATIONS**

**ADOPTED
DECEMBER 07, 1981**

**REVISED & ADOPTED
SEPTEMBER 08, 1997 & JULY 12, 2004**

**REVISED & ADOPTED
AUGUST 07, 2006 & MARCH 07, 2011**

**REVISED & ADOPTED
NOVEMBER 12, 2019**

SECAUCUS MUNICIPAL UTILITIES AUTHORITY

SEWER USE RULES and REGULATIONS

2019-11-12b

Rules and Regulations governing the discharge of wastewaters into the Secaucus Municipal Utilities Authority's Wastewater Treatment Plant and all sewers tributary thereto.

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., and the New Jersey "Pretreatment Standards for Sewage, etc.", N.J.S.A. 58:11-49 et. seq., 1972 have resulted in a program of management and cleaning up waters of the nation;

WHEREAS, the Secaucus Municipal Utilities Authority has already made and will continue to make a substantial financial investment in its wastewater treatment plant to achieve the goal of the acts; and

WHEREAS, the Secaucus Municipal Utilities Authority seeks to provide for the use of its Wastewater Treatment Plant by its users served by it without any physical damage to the facilities, without impairment of their normal function of collecting, treating, discharging and management of the domestic wastewater, and without violation of any discharge pollutant limitations and other conditions by its Wastewater Treatment Plant which is regulated under the New Jersey Pollutant Discharge Elimination System (NJPDES) permit and the applicable rules of all governmental authorities with jurisdiction over such discharges.

NOW, THEREFORE, be it ordained and enacted by the Secaucus Municipal Utilities Authority, County of Hudson, State of New Jersey as follows: (include entire text of Sewer Use Rules and Regulations)

**RESOLUTION ADOPTING
AMENDED SEWER USE RULES AND REGULATIONS**

WHEREAS, the SECAUCUS MUNICIPAL UTILITIES AUTHORITY (hereinafter "Authority") is a public body, duly formed under the Municipal and County utilities Authority Law, constituting Chapter 183 of the Laws of 1957, as amended (Chapter 148 of Title 40 of the New Jersey Statutes Annotated) and possesses the powers set forth therein; and

WHEREAS, by previous Resolution, the Authority adopted Sewer Use Rules and Regulations for the Town of Secaucus; and

WHEREAS, the Federal General Pretreatment Standards under 40 CFR 403 were amended; and

WHEREAS, the Authority wishes to amend these Rules and Regulations to conform with current Environmental Standards; and

WHEREAS, these amendments result in the need for the Authority to modify the definition of Significant Indirect User (SIU) and Significant Non-Compliance in its Sewer Use Rules and Regulations.

NOW, THEREFORE BE IT RESOLVED, that the Authority hereby modifies its Sewer Use Rules and Regulations as follows:

- 1) The definition of "Significant Indirect User" shall have the meaning as set forth in N.J.A.C. 7:14A-1.2.
- 2) The definition of "Significant Non-Compliance" shall have the meaning as set forth in 40 CFR 403.8(f)(2)(viii).
- 3) Paragraph A 163-33 is replaced with the following: "The Authority shall require that any person discharging or proposing to discharge non-domestic wastewater, or to significantly modify or propose to modify its activities resulting in a change of 20% or more from the previous report, into a community sewer to file a discharge report. The discharge report shall include, but not be limited to; nature of process, volume, rates of flow, mass emissions, production quantities, hours of operation, personnel, or other information that relates to the generation of waste, including substances and concentrations in the wastewater discharge. Such reports shall also include the chemical constituents and quantities of liquid or gaseous materials stored on site, even though they may not normally be discharged. In addition to discharge reports, the Authority may require information in the form of Wastewater Discharge Permit Applications and self-monitoring reports."

Dated: August 7, 2006

**RESOLUTION ESTABLISHING RULES AND REGULATIONS FOR THE DISCHARGE OF
WASTEWATER INTO THE TREATMENT WORKS OF THE
SECAUCUS MUNICIPAL UTILITIES AUTHORITY**

WHEREAS, the SECAUCUS MUNICIPAL UTILITIES AUTHORITY (hereinafter "Authority") is a public body, duly formed under the Municipal and County utilities Authority Law, constituting Chapter 183 of the Laws of 1957, as amended (Chapter 148 of Title 40 of the New Jersey Statutes Annotated) and possesses the powers set forth therein; and

WHEREAS, the federal "Clean Water Act Amendments of 1977," as amended, 33 U.S.C. 1251 et seq. (1986), the New Jersey "Water Pollution Control Act," N.J.S.A. 58:10A-1 et seq. (West 1982) ; and the New Jersey "Pretreatment Standards for Sewerage, etc.," "N.J.S.A. 58:11-49 et seq. (West 1982), have resulted in a program of cleaning up our nation's water; and

WHEREAS, the Town of Secaucus through the auspices of the Authority has already made and will continue to make a substantial financial investment in their wastewater treatment system to achieve the goals of the Acts; and

WHEREAS, the Authority seeks to provide for the use of its Treatment Works by industries served by it without impairment of their normal function of collecting, treating and discharging domestic Wastewater, and without the discharge by the Authority Treatment Works of pollutants which would violate the discharge allowed under its New Jersey Pollutant Discharge Elimination System (NJDES) permit and the applicable rules of any governmental authorities with jurisdiction over such discharges; and

WHEREAS, the Authority has adopted on December 7, 1981 Sewer Use Rules and Regulations which had been incorporated into the Town of Secaucus Code section A163-43; and

WHEREAS, the Authority's Engineers have prepared revised Sewer Use Rules and Regulations adopted by the Authority on September 8, 1997; and

WHEREAS, the Authority and the Authority's Engineers have reviewed and updated the Sewer Use Rules and Regulations as required, and have submitted the documents to the New Jersey Department of Environmental Protection for approval; and

WHEREAS, the New Jersey Department of Environmental Protection has accepted the updated Sewer Use Rules and Regulations.

NOW, THEREFORE, BE IT RESOLVED that the Authority has adopted the revised Sewer Use Rules and Regulations as approved.

Dated: July 12, 2004

**RESOLUTION ESTABLISHING RULES AND REGULATIONS FOR THE DISCHARGE OF
WASTEWATER INTO THE TREATMENT WORKS OF THE
SECAUCUS MUNICIPAL UTILITIES AUTHORITY**

WHEREAS, the SECAUCUS MUNICIPAL UTILITIES AUTHORITY (hereinafter "Authority") is a public body, duly formed under the Municipal and County utilities Authority Law, constituting Chapter 183 of the Laws of 1957, as amended (Chapter 148 of Title 40 of the New Jersey Statutes Annotated) and possesses the powers set forth therein; and

WHEREAS, the federal "Clean Water Act Amendments of 1977," as amended, 33 U.S.C. 1251 et seq. (1986), the New Jersey "Water Pollution Control Act," N.J.S.A. 58:10A-1 et seq. (West 1982), and the New Jersey "Pretreatment Standards for Sewerage, etc.," N.J.S.A. 58:11-49 et seq. (West 1982), have resulted in a program of cleaning up our nation's water; and

WHEREAS, the Town of Secaucus through the auspices of the Authority has already made and will continue to make a substantial financial investment in their wastewater treatment system to achieve the goals of the Acts; and

WHEREAS, the Authority seeks to provide for the use of its Treatment Works by industries served by it without impairment of their normal function of collecting, treating and discharging domestic Wastewater, and without the discharge by the Authority Treatment Works of pollutants which would violate the discharge allowed under its New Jersey Pollutant Discharge Elimination System (NJDES) permit and the applicable rules of any governmental authorities with jurisdiction over such discharges; and

WHEREAS, the Authority has adopted on December 7, 1981 Sewer Use Rules and Regulations which had been incorporated into the Town of Secaucus Code section A163-43; and

WHEREAS, such December 7, 1981 Sewer Use Rules and Regulations are in need of revision to bring the same into compliance with changed federal and state laws and regulations; and

WHEREAS, the Authority's Engineers have prepared revised Sewer Use Rules and Regulations to comply with existing law and regulation; and

WHEREAS, the Authority has made the new Sewer Use Rules and Regulations available to the Town of Secaucus for its comments.

NOW, THEREFORE, BE IT RESOLVED that the Authority adopt Sewer Use Rules and Regulations of the form as attached hereto, replacing all prior rules and regulations for sewer use heretofore adopted by the Authority.

Dated: September 8, 1997

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SECTION I: GENERAL PROVISIONS

1.1 PURPOSE

Rules and Regulations set forth uniform requirements for all discharges into the Secaucus Municipal Utilities Authority (hereafter the Authority) wastewater treatment plant and all sewers tributary thereto; and enables the Authority to comply with all applicable State and Federal rules and regulations pertaining to wastewater treatment and Industrial Pretreatment Program (IPP). The objectives of these rules and regulations are:

- (a) To prevent the introduction of pollutants into the Authority's wastewater treatment plant and all sewers tributary thereto, which will interfere with the operation of the treatment plant, including interference with the use or disposal of the municipal sludge;
- (b) To prevent the introduction of pollutants into the Authority's wastewater treatment plant and all sewers tributary thereto, which will pass through the system, inadequately treated, into receiving waters or the atmosphere, or otherwise be incompatible with the system;
- (c) To improve opportunities to recycle and reclaim municipal and industrial wastewater and sludges;
- (d) To control/regulate volume of wastewater discharged to the Authority's wastewater treatment plant;
- (e) To develop, implement and recover sewer charges, sewer surcharges, Industrial Pretreatment Program (IPP) fees and/or other costs necessary to maintain proper operation of the Authority's wastewater treatment plant.

1.2 APPLICABILITY

These rules and regulations shall apply to persons who, by contract or agreement, discharge wastewater to the Authority's wastewater treatment plant and all sewers tributary thereto. These rules and regulations shall replace the previous sewer regulations.

1.3 ADMINISTRATION

Except as otherwise provided herein, the Authority's Executive Director shall administer, implement and enforce these Rules and Regulations. Any powers granted to or duties imposed upon the Authority's Executive Director may be delegated by him to persons acting in the beneficial interest of the Authority.

These rules and regulations authorize monitoring and enforcement activities, require reporting by Industrial Users and provide for regulation of discharges to the Authority's wastewater treatment plant through enforcement of general requirements for all Users, consistent with the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1, et seq., and the regulations promulgated pursuant thereto, as well as, the New Jersey's Act concerning Pretreatment of Industrial Wastewater, which establishes standards for sewage, etc., set forth at N.J.S.A. 58:11-49 et seq.

SECTION II: DEFINITION / ABBREVIATIONS

Authority: See the Secaucus Municipal Utilities Authority.

Average Limitation (Weekly or Monthly): The highest allowable average of "daily discharges" over a time period (weekly or monthly) calculated as a sum of all daily discharges measured during the period (weekly or monthly) divided by the number of daily discharges measured during the time period (weekly or monthly).

Best Management Practices (BMP's): Schedules of activities, prohibitions of practices, maintenance procedures and other management procedures to prevent or reduce the pollution of "Waters of the State". BMP's also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material, product or waste storage.

Best Professional Judgment (BPJ) (Limitations): A limitation determined or a condition imposed on a case-by-case basis on any pollutant, combination of pollutants, or practice(s) which is determined necessary to carry out the provisions of the Federal and State Acts.-(Such limitations are specifically authorized by Section 402(a)(1) of the Federal Act and Section 6 of the State Act).

Biochemical Oxygen Demand (BOD₅): The quantity of oxygen utilized in the biochemical oxidation of organic matter for five (5) days at 20°C expressed in terms of milligrams per liter (mg/L) in accordance with an approved test procedure.

Bypass: The anticipated or unanticipated intentional diversion of waste streams from any portion of a treatment system or the normal discharge route.

Carbonaceous Biochemical Oxygen Demand (CBOD₅): The quantity of oxygen utilized in the biochemical oxidation of the carbonaceous organic matter for five (5) days at 20°C expressed in terms of milligrams per liter (mg/L) in accordance with an approved test procedure.

Categorical Industrial User (CIU): A User subject to categorical standards in accordance with the EPA General Pretreatment Standards (40 CFR Part 403) and other industry specific standards codified in 40 CFR Chapter I, Subchapter N (in 40 CFR 404 through 40 CFR 699).

Categorical Standards: Pretreatment Standards as codified in 40 CFR, Chapter I, Subchapter N specifying quantities, 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.

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

Chlorine Demand: The difference between the amounts of Chlorine added to water, sewage or industrial wastes and the amount of Residual Chlorine remaining at the end of a 20-minute contact period at room temperature.

Clean Water Enforcement Act (CWEA): The New Jersey Clean Water Enforcement Act as implemented on July 1, 1991, under New Jersey Water Pollution Control Act N.J.S.A. 58:10A-1 et seq., and thereafter.

Combined Sewer: A sewer system that is designed to carry sanitary sewage at all times and that also is designed to collect and transport storm water and surface runoff.

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

Composite Sample: A sample consisting of several portions of a discharge collected during a specified time period and combined to make a representative sample in accordance with an approved procedure.

Confidentiality Claim: A claim or allegation that information is entitled to confidential treatment because such information constitutes a trade secret or proprietary information.

Consistent Removal: A uniform 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 to a harmless state, as measured according to the procedures set forth in 40 CFR 403.7 of the "General Pretreatment Regulations for Existing and New Sources of Pollution".

Contaminant: Any physical, chemical, biological or radiological substance or matter in water.

Control Authority: The agency responsible for regulating dischargers to the sewer system, including (i) NJDEP for dischargers who fall under the definition of Significant or Categorical Industrial Users (SIU or CIU); or (ii) the SMUA for dischargers who fall under the definition of "Other Dischargers" and are not SIU or CIU.

Continuous Discharge: A discharge which occurs without interruption throughout the operating hours of the facility, except for infrequent shutdowns for maintenance, process changes or other similar activities.

Conventional Pollutant: Those pollutants designated under the authority of Section 304(b)(4) of the Federal Act.

Cooling Water: Any water used for the purpose of carrying away excess heat and which may or may not contain biocides or other chemicals used to control biological growth or other additives to protect the system against corrosion, scaling, or the like.

Daily Discharge (Limitation): Discharge of pollutant measured during a calendar day or 24 hour period that reasonably represents the calendar day for the purpose of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of pollutant discharged over the day. For pollutants with limitations expressed in units of measurement (concentration), the "daily discharge" is calculated as the average measurement (concentration) of pollutant discharged over the day.

Discharge: An intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying or dumping of a pollutant into the sewer system, into the waters of the State or onto the land or into wells from which the pollutant might flow or drain into the waters of the nation.

Discharge Monitoring Report (DMR): A report form approved by the NJDEP or the Authority and used for the reporting of self monitoring results by a permittee for information generated on the regulated discharge point sources. a.k.a. Self Monitoring Report (SMR) or Periodic Monitoring Report.

Domestic (Sanitary) Wastewater: The liquid wastes or liquid-borne wastes (i) arising from the non-commercial preparation; cooking, and handling of food, home laundries; and/or (ii) containing human excrement or similar matter from sanitary conveniences (toilet, bathrooms) of dwellings, commercial buildings, industrial facilities and/or institutions.

Effluent Data: Information with reference to any source of discharge of any pollutant, as defined below:

- (1) Information necessary to determine the identity, amount, frequency, concentration, temperature, or other characteristics (to the extent related to the water quality) of any pollutant which has been discharged by the source (or any pollutant resulting from any discharge from the source) or any combination of foregoing; and
- (2) Information necessary to determine the identity, amount, frequency, concentration, temperature, or other characteristics (to the extent related to the water quality) of the pollutants which, under an applicable standard or limitation, the source was authorized to discharge (including to the extent necessary for such purpose, a description of the manner or rate of operation of the source); and
- (3) A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source); and
- (4) Notwithstanding the above, the following information shall be considered to be "effluent data", only to the extent necessary to allow the Authority to disclose publicly that a source is (or is not) in compliance with an applicable standard or limitation, or to allow the Authority to demonstrate the feasibility, practicability, or attainability (or lack thereof) of an existing or proposed standard or limitation:
 - (i) Information concerning research, or the results of research, or installation (or any component thereof) which was produced, developed, installed or used only for research purposes;
 - (ii) Information concerning any material, product, method, device, or installation (or any component thereof) designed and intended to be marketed or used commercially but not yet so marketed or used.

Effluent Limitation: Any restriction on quantities, quality, discharge rates or concentration of chemical, physical, thermal, biological and other constituents of pollutants established by a permit, or imposed as an interim enforcement limit pursuant to an Administrative Order or Consent Order.

Emergency: A situation which, in the opinion of the Executive Director or delegated representative, may cause interference and/or pass through, damage to the sewer system or present a health hazard to the personnel, the general public, or the environment.

EPA (USEPA): The United States Environmental Protection Agency.

Executive Director: The Executive Director of the Secaucus Municipal Utilities Authority. Any powers granted to or duties imposed upon the Authority's Executive Director may be delegated by him to persons acting in the beneficial interest of the Authority.

Existing User or Existing Source: A User discharging to the Authority Sewer System prior to effective date of these regulations and who is not classified as a "New Source", including existing discharges which are not currently permitted.

Flow Rate: The volume per time unit given to the flow of a fluid which emerges from an orifice, pump, or

turbine, or passes along a conduit or channel.

Garbage: Solid waste from the domestic and commercial preparation, cooking, dispensing, handling, storage and/or sale of food.

Grab Sample: An individual sample taken from a waste stream without regard to flow or time, over a period of time not exceeding 15 minutes.

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

Hazardous Substance: Any substance designated under 40 CFR Part 116 pursuant to Section 311 of the Federal Act, the "Spill Compensation and Control Act" NJSA 58: 10-23.11 et. seq., or Section 4 of the State Act.

Hazardous Waste: Any waste that is defined or identified as a hazardous waste pursuant to the "Solid Waste Management Act", NJSA 13:IE-1 et seq. in NJAC 7:26-8 or pursuant to 40 CFR Part 261.

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

Incompatible Pollutant: Any pollutant which is not a "compatible pollutant", as defined above or which may adversely effect or interfere with the normal efficient wastewater treatment.

Industrial Pollutants: Non-domestic pollutants, including but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Act.

Industrial Pretreatment Program (IPP): A program to regulate/control discharge of industrial wastewaters into a POTW to protect a POTW and environment from any adverse impact, including any pass-through to a stream, incompatible discharge, and/or interference with POTW operation and sludge management practices. The program is based upon the Clean Water Act, specifically Federal General Pretreatment Regulations (40 CFR 403). The IPP may be delegated by USEPA to the State and from State to a local agency.

Industrial User: Any person or User who discharges non-domestic wastewater (with or without domestic wastewater) via municipal (sewer) collection systems into a Publicly Owned Treatment System.

Industrial Wastewater: See "Process Wastewater".

Industrial Wastewater Discharge Permit (IWDP): A permit duly issued by the Authority to an Industrial User in accordance with its rules and regulations. Such permit may establish discharge limitations, monitoring and reporting obligations, and other requirements based upon applicable Federal, State and the Authority's rules and regulations.

Interference: The term "interference" means, a discharge which, alone or in conjunction with a discharge, or discharges from other sources:

- (i) Inhibits or disrupts the POTW, its treatment processes or operation, or its sludge processes, use or disposal;
- (ii) Causes the POTW to exceed the treatment process design capacity (volume or strength); or
- (iii) Is a cause of a violation of any requirement of the POTW's NPDES/NJPDES permit (including an increase in the magnitude or duration of a violation) or prevents sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solids Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State Regulations contained in any State Sludge Management Plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Maximum Daily Discharge Limitation: - The highest allowable daily discharge concentration or loading based upon a 24 hour or working hour period, unless defined otherwise in the IWDP.

Modification: An alteration, expansion, equipment replacement, or other change which may reasonably be expected to affect the quantity of the flow or the quality of the effluent discharged to a POTW or Waters of the State.

NJDEP: The New Jersey Department of Environmental Protection.

National Pretreatment Standards or Pretreatment Standards: Any limitation on quantity, quality, rates and/or concentrations of pollutants discharged into a POTW imposed on a User pursuant to Section 307 of the Clean Water Act of 1977 (33 U.S.C. 1251 j, N.J.S.A. 58:11-49 or the Authority Regulations. In cases of conflicting standards or regulations, the more stringent standards shall apply.

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 Source: Any building, structure, facility or installation from which there is or may be a discharge of pollutants, or the construction of which commenced after the adoption the Authority's regulations. (See the USEPA definition of New Source as listed in 40 CFR 403.3(k)).

Non-Contact Cooling Water (NCCW): Water used for cooling purposes (which may or may not contain biocides or other chemicals used to control biological growth or other additives to protect the system against corrosion and/or scaling) which does not come in direct contact with any raw material, intermediate product, waste product or finished product.

Non-Domestic Wastewater: Wastewater which is not classified as domestic wastewater as defined herein and may have generated from, but not limited to, industrial production, industrial/commercial processes, service industries, research and development, cleaning/washing, contaminated groundwater, leaching, etc.

North American Industrial Classification (NAIC) Code: A classification pursuant to the North American Industrial Classification (NAIC) Manual, issued by the Executive Office of the President, Office of Management and Budget.

"Other" Permitted Discharger/User: A user who does not qualify as a Significant Indirect User or

Categorical Discharger, but discharges non-domestic or industrial wastewater and is permitted by the Authority.

Pass-through: A discharge which exits the POTW into the waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Authority's NJPDES permit or other regulations (including an increase in the magnitude or duration of a violation).

Permit: See Industrial Wastewater Discharge Permit (IWDP) or Significant Indirect User (SIU) Permit.

Permit-By-Rule Discharger: A discharger to the Authority's Sewer System who is not a Significant Industrial User, Categorical Discharger, "Other" permitted User or permitted by the Authority by means of an individual discharge permit, but is subject to compliance with prohibitions, discharge limitations and other requirements of the Authority's rules and regulations.

Permittee or Permitted Industrial User: Any User who discharges non-domestic wastewater into the sewer system which is regulated by means of an individual Industrial Wastewater Discharge Permit (as an SIU, Categorical Discharger or "other" permitted User) by the Authority or NJDEP.

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 agent or employee thereto. Person shall also mean any responsible facility or corporate official for the purpose of enforcement under Section 10 of the State Act.

pH: The logarithm (Base 10) of the reciprocal of the concentration of Hydrogen ions in moles per liter of solution. Solutions with a pH greater than 7 are said to be basic (alkaline); solutions with a pH less than 7 are said to be acidic; pH equal to 7 is considered neutral.

Pollutant (includes both hazardous and non-hazardous pollutants): Any dredged spoil, solid waste, holding tank waste, incinerator residue, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal or agricultural waste or other substance discharged directly or indirectly (via POTW) into waters of the State.

Pretreatment: The application of physical, chemical and/or biological processes to reduce the amount of pollutants in, or alter the nature of the polluting properties of wastewater prior to discharging such wastewater into the Authority's treatment plant or all sewers tributary thereto.

Pretreatment Act: The "Pretreatment Standards for Sewerage", NJSA 58:11-49 et seq.

Pretreatment Requirements: Any substantive or procedural requirements (including but not limited to application of physical, chemical and/or biological processes) imposed on a User to reduce the amount of pollutants in the discharge in order to comply with the applicable Federal Categorical Standards, Federal and State Pretreatment Standards and/or discharge limitations imposed under the Authority's rules and regulations.

Pretreatment Standards: See National Pretreatment Standards.

Priority Pollutants: Those pollutants listed pursuant to Section 307(a)(1) of the Federal Act and Section 4 and 6 of the State Act, and/or as listed in Appendix-B of the Authority's regulations.

Process Wastewater: Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or

waste product. Process wastewater includes, but is not limited to, wastewater from research, production, storage, cleaning/washing, cooling water (other than non-contact cooling water), leachate, etc.

Properly Shredded Garbage: The garbage that has been shredded to such a degree that all particles will be carried freely under the flow in the sewer system.

Public Hearing: A legislative type hearing before representatives of the Authority providing the opportunity for public comment but which does not include cross examination.

Publicly Owned Treatment Works (POTW): Any device or system used in the treatment (including recycling and reclamation) of municipal sewage and/or industrial waste of a liquid nature which is owned and/or operated by a State or Municipality. e.g. the Authority's Wastewater Treatment Plant.

Sanitary Sewer: A sewer which carries domestic and non-domestic wastewater from residential, commercial and industrial facilities together with small quantities of storm, ground and surface waters that are not admitted intentionally.

Scavenger Wastes: The sanitary sewage waste collected from privies, septic tanks, cesspools and/or chemical toilets.

Self Monitoring Report: A report form developed or approved by the Authority and/or NJDEP used for the reporting of self monitoring results by permittee for information generated on the regulated discharge location. a.k.a. Discharge Monitoring Report (DMR) or Periodic Monitoring Report.

Sepage: The combination of liquid and solid residues resulting from the treatment of waterborne domestic waste in individual subsurface sewage disposal system.

Serious Violation: An exceedance, at a discharge point source, of an effluent limitation for, set forth in a permit, administrative order, consent order or agreement, including interim enforcement limits, as follows:

- (1) For effluent limitations for pollutants that are measured by concentration or mass:
 - (a) Violations of an effluent limitation that is expressed as a monthly average:
 - (i) By 20 percent or more for a hazardous pollutant;
 - (ii) By 40 percent or more for a nonhazardous pollutant;
 - (b) Violations of an effluent limitation that is expressed as a daily maximum or daily minimum without a monthly average:
 - (i) By 20 percent or more of the average of all of the daily maximum or minimum values for a hazardous pollutant;
 - (ii) By 40 percent or more of the average of all of the daily maximum or minimum for a nonhazardous pollutant;
- (2) The greatest violation of a pH effluent range in any calendar day with violation deviates from the midpoint of the limitation range by at least 40 percent. This excludes any excursions specifically allowed by a permit for the continuous pH monitoring.

Example: In case of the Authority's pH effluent limitation range of 5.0 to 9.5 SU, the midpoint of the

range will be 7.25 SU. Forty percent of 7.25 is 2.9; therefore, if the greatest violation of a pH effluent range for a calendar day has a pH of 4.35 or less or a pH of 10.15 or greater, the violation would be a "Serious Violation";

- (3) Notwithstanding the above, the Authority may utilize, on a case-by-case basis, a more stringent factor for exceedance to determine a serious violation, if the Authority states specific reasons thereof, which may include the potential for harm to human health or the environment; or the conduct, extent or frequency of the violations.

Sewage (Typical Sewage): The liquid wastes or liquid-borne wastes (i) arising from the noncommercial preparation, cooking, and handling of food, home laundries, or (ii) containing human excrement or similar matter from sanitary conveniences (toilet, bathrooms) of dwellings, commercial buildings, industrial facilities and/or institutions.

Sewer System: The Wastewater Treatment Plant of the Authority and all sewers tributary thereto.

Shall: Shall is mandatory, Will is mandatory, May is permissive.

Significant Indirect (Industrial) User (SIU): Any User who meets any one of the following criteria:

- (1) The User who is subject to the Federal Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N;
- (2) The volume of industrial process wastewater exceeds 25,000 gallons per day, for any single day;
- (3) The amount of CBOD₅, Suspended Solids, NH₃ and/or TKN in the industrial process wastewater discharge exceeds the mass equivalent of 25,000 gallons per day of typical domestic waste to the Authority;
- (4) The volume of industrial process wastewater in the discharge exceeds five (5%) percent of the average daily flow to the Authority's Treatment Plant;
- (5) The discharge of industrial process waste contributes, prior to any pretreatment, five (5%) percent or more of the total daily mass loadings to the POTW of any pollutant listed in Appendix-B or Appendix-C of the Authority's regulations;
- (6) The User is determined to be a Hazardous Waste Facility under N.J.A.C. 7:26-12;
- (7) The discharge consists of significant quantities of landfill leachate (pure or diluted) and/or polluted groundwater;
- (8) The User is designated as an SIU by the Authority and/or NJDEP on the basis that the User has a reasonable potential for affecting the Authority's operation or the discharge is of concern to the Authority;
- (9) The User has been found by the Authority and/or the NJDEP to be in violation of any Federal, State or Local discharge or pretreatment standard or requirement, including but not limited to, significant noncompliance as defined in 40 CFR 403.8(f)(2)(viii) or State regulations;
- (10) The Authority and/or the NJDEP determine it would be consistent with the intent of the Pretreatment Act or State Act to require a permit for the discharger.

Significant Indirect User Permit (SIU Permit): A permit duly issued by the NJDEP to an Industrial User in accordance with its rules and regulations. Such permit may establish discharge limitations, monitoring and reporting obligations, and other requirements based upon applicable Federal, State and the Authority's rules and regulations.

Significant Non-Compliance (USEPA Criteria): Any person who commits any of the violations described below, as defined in 40 CFR 403 General Pretreatment Regulations (a more stringent NJ CWEA's SNC criteria may also be used):

- (1) Chronic violations of wastewater discharge limitations, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six-month period exceed the daily maximum limitation or average limitation for the same pollutant by any amount;
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six month period equals or exceeds the product of daily maximum limitation or average limitation multiplied by the applicable criteria. (1.4 for CBOD5, TSS, Oil & Grease, other nonhazardous parameters; and 1.2 for other hazardous pollutant parameters except pH);
- (3) Any other discharge violation that the Authority and/or NJDEP believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of the Authority personnel and/or general public);
- (4) Any discharge of pollutants that the Authority and/or NJDEP believes has caused, alone or in combination with other discharges, imminent endangerment to the public or the environment or has resulted in the exercise of emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order, for starting construction, completing construction, or attaining final compliance.
- (6) Failure to provide within 30 days after the due date, any required reports, including Baseline Monitoring Reports (BMR), 90 days compliance reports, periodic self monitoring reports, and reports on compliance with compliance schedule;
- (7) Failure to accurately report noncompliance;
- (8) Any other violation(s) which the Authority and/or NJDEP determine will adversely affect the operation or implementation of the pretreatment program.

Significant Non-Complier (NJ CWEA Criteria): Any person who commits any of the violations described below, unless the Authority and/or the NJDEP uses more stringent criteria on a case-by-case basis to determine a Significant Non-Compliance and states specific reasons thereof, which may include the potential for harm to human health or the environment:

- (1) A serious violation for the same pollutant (hazardous or non-hazardous) at the same discharge point source, in any two months of any consecutive six month period;
- (2) 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;

- (3) For pollutant for which the effluent limitation is not expressed as a monthly average, exceedance of the monthly average of the daily maximums of 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;
- (4) Any exceedance of an effluent limitation for pH by any amount, excluding the excursions specifically allowed by the permit for the continuous pH monitoring, at the same discharge point source in any four months of any consecutive six month period;
- (5) Failure to submit a completed Discharge (periodic or self) Monitoring Report in any two months of any consecutive six month period;
- (6) Any other violation of an effluent limit that the Authority determines has caused, alone or in combination with other discharges, pass-through or interference at the treatment system; or has caused endangerment to human health, the environment or Authority personnel.

Sludge: The solid residue and associated liquid resulting from physical, chemical and/or biological treatment of wastewater.

Slug: Any discharge of water, wastewater, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flow during the normal (average) operation.

Source: Any facility or event from which there is or may be a discharge of pollutants.

Spill: Discharge of unpermitted waste, wastewater, product or other material (intentional or un-intentional) to the sanitary sewer, surface water and/or groundwater.

State: The State of New Jersey.

State Act: The New Jersey Water Pollution Control Act, NJSA 58:10A-1 et. seq. and any amendments thereto.

Standard Industrial Classification (SIC) Code: 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.

Storm Drain or Storm Sewer: A sewer which is designed to carry and transport storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted water and/or cooling water.

Storm Water: Any flow occurring during or immediately following any form of natural precipitation and resulting therefrom.

Superintendent: The superintendent of the Wastewater Treatment Plant of the Authority or his/her daily appointed representative.

Surcharge: The charges assessed against a User whose discharge exceeds typical domestic concentrations for specified constituents (e.g. CBOD₅, TSS, NH₃, TKN, etc.). The User is specifically authorized by the Authority to discharge these constituents in higher concentrations for a payment of the charges. The surcharge rate represents the Authority's average cost of treatment of the excess load discharged by the User.

Suspended Solids: Shall mean solids that either float on the surface or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering in accordance with an approved test procedure.

Total Toxic Organics (TTO): A list of volatile organics, acid extractable organics, base/neutral organics, Pesticides and PCB's as listed in Appendix-B of the Authority's regulations and Table-II of Appendix-A of NJPDES regulations 7:14A-4, unless specified otherwise under the Federal Categorical Standards and/or by the Authority.

Toxic Pollutant: Any pollutant identified pursuant to the Federal Act, or any pollutant or combination 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 Authority/NJDEP, 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 the pollutants designated under Section 307 of the Federal Act or Section 4 of the State Act.

Trade Secret: The whole or any portion of any scientific, technical or otherwise "proprietary information", on design, process, procedure, formula or improvement which is used in one's business and is secret and of value; and a trade secret shall be presumed to be secret when the owner takes measures to prevent it from becoming available to persons other than selected by the owner to have access thereto for limited purposes. A "Trade Secret" shall not apply to "effluent data" as provided in Section 9(c) of the State Act and as defined in this section.

Treatment Works: Any device or system, whether public or private, used, in collections, transportation, storage, treatment, recycling, or reclamation of municipal or industrial waste of a liquid nature, including: intercepting sewers, outfall sewers, sewage collection system, 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. Additionally, "treatment works" means any method or system for prevention, abating, reducing, storing, treating, separating, or disposing of pollutants. Any physical, chemical, biological or other method which alters the characteristics of the wastewater.

Unpolluted Water: Water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving Water Quality Standards, including, but not limited to, potable water, stormwater, uncontaminated non-contact cooling water, uncontaminated groundwater or any other uncontaminated water or wastewater.

Upset: An exceptional incident in which there is unintentional and temporary non-compliance with an effluent limitation or condition because of an event beyond the reasonable control of the permittee, including fire, riot, sabotage, 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 Authority or the State. An "Upset" does not include noncompliance to the extent caused by operational error, improperly designed facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

USEPA (EPA): United State Environmental Protection Agency.

User: Any person who discharges, causes or permits the discharge of wastewater into the Authority treatment plant and all sewers tributary thereto.

User Classification: The classification of non-residential Users based upon the 1972 or subsequent addition of the Standard Industrial Classification (SIC) Manual or North American Industrial Classification (NAIC) codes

published by the Federal Office of Management and Budget.

Variance: Any mechanism or provision under Section 301 or 306 of the Act, under 40 CFR 125, in the applicable effluent limitations guidelines, or in the Authority regulations which allows modifications to or waiver of the generally applicable effluent limitations, conditions, or time deadlines.

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

Wastewater Treatment Plant (WTP): The portion of the Authority Sewer System designed to provide treatment of wastewater, also known as Sewage Treatment Plant (STP) and Publicly Owned Treatment Plant. The WTP term refers to the existing wastewater treatment plant of the Authority.

ABBREVIATIONS

BOD ₅	Biochemical Oxygen Demand (5 days)
CBOD ₅	Carbonaceous Biochemical Oxygen Demand (5 days)
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
CWA	(Federal) Clean Water Act
CWEA	Clean Water Enforcement Act (of New Jersey)
GPD	Gallons per day
IPP	Industrial Pretreatment Program
IWDP	Industrial Wastewater Discharge Permit (of the Authority)
MGD	Million gallons per day
mg/L	Milligrams per liter
NAIC	North American Industrial Classification code
N.J.A.C.	New Jersey Administrative Code
NJDEP	New Jersey Department of Environmental Protection
NJPDES	New Jersey Pollutant Discharge Elimination System
N.J.S.A.	New Jersey Statutes Annotated
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
ppb	Parts per billion
pm	Parts per million
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SMUA	Secaucus Municipal Utilities Authority
STP	Sewage Treatment Plant
TDS	Total Dissolved Solids
TKN	Total Kjeldahl Nitrogen
TSS	Total Suspended Solids
TTO	Total Toxic Organics
US EPA (EPA)	United State Environmental Protection Agency
ug/L	Microgram per liter
WTP	Wastewater Treatment Plant

SECTION III: ADMINISTRATION

3.1 INDUSTRIAL/NON-DOMESTIC WASTEWATER DISCHARGES

No person shall discharge any non-domestic waste or wastewater, directly or indirectly, into the Authority Wastewater Treatment Plant and all sewers tributary thereto, without properly securing an approval from the Authority and/or NJDEP, as outlined herein. The person shall demonstrate that the waste or wastewater discharge will comply with the Authority Rules and Regulations promulgated herein and other applicable Federal and State pretreatment regulations.

The use of Authority's treatment plant and all sewers tributary thereto, shall be strictly limited and restricted to receiving and accepting the sewage and industrial wastewater and other wastes generated and discharged from, real property lying within the boundaries of the Authority's service area. However, sewage, industrial wastewater, sewage treatment plant sludge and other wastes generated outside the Authority's service area may be received and accepted under conditions and duration as may be established by the Authority.

Sewage, industrial wastewater and other wastes will be accepted into the Authority Sewer System at point(s) of connection and under conditions approved by the Authority.

3.2 EXISTING INDUSTRIAL/NON-DOMESTIC DISCHARGER

A User currently regulated by the NJDEP and/or by the Authority for its discharge to the Authority Sewer System, shall comply with its existing permit limits and requirements. Non-permitted existing dischargers shall also comply with all requirements of these rules and regulations under the Permit-By-Rule provisions

3.3 NEW INDUSTRIAL/NON-DOMESTIC DISCHARGER

Any building, structure, facility or installation, from which there is or may be a discharge of pollutants which may be classified as non-domestic, or the construction which commenced after the promulgation of the Authority Rules and Regulations (and/or which meets the USEPA definition of a New Source as defined in 40 CFR 403 regulations), shall secure an approval from the Authority and/or the NJDEP prior to commencement of the discharge. The person shall demonstrate that the all necessary steps are being taken to ensure that the proposed discharge will be in compliance with the Authority Rules & Regulations and the proposed discharge will meet the discharge limitations and other requirements, within the shortest feasible time but no later than ninety (90) days of commencement of the discharge.

3.4 DISCHARGE CATEGORIES

For the purpose of simplification and management of discharges to the Authority sewer system, all discharges have been divided into three categories:

(i) Category 1: Industrial/Commercial Discharge:

This discharge category is composed of a discharge from an industrial or commercial facility which contains non-domestic discharge, with or without domestic discharge. Based on quantity and quality of the discharge, the User will be subject to acquiring a SIU Permit from NJDEP or an individual permit (TWDP)

from the Authority. All industrial/commercial facilities shall submit a permit application at least 90 days prior to commencement of the discharge to NJDEP, with a copy to the Authority. Based upon the submitted information (and any additional subsequent information), the NJDEP and the Authority shall decide whether a permit shall be issued for the discharge. A user which falls under the classification of Significant or Categorical (SIU or CIU) Discharger shall be regulated by the NJDEP. The Authority has an option to regulate and/or monitor the SIU or CIU for compliance assessment, in addition to the NJDEP. Industrial and commercial dischargers classified as "Other Dischargers" shall be regulated or monitored by the Authority.

(i) Category 2: Permit-By-Rule Discharge:

A person who discharges non-domestic wastewater to the Authority sewer system in such a quantity and quality which, in the sole decision of the Authority, currently is not of concern to the Authority and does not require an individual IWDP, shall be regulated under the Permit-By-Rule provisions. Under the Permit-By-Rule category, neither the NJDEP nor the Authority will issue an individual permit (SIU or IWDP) to such a User, and no periodic analysis or reporting will be required. However, a Permit-By-Rule discharger shall comply with all prohibitions, discharge limits and other conditions of the Authority's regulations.

The Authority has listed the threshold concentrations in Section 6.3 the regulations to trigger issuance of a discharge permit (IWDP) by the Authority if effluent sampling data collected by the discharger and/or the Authority shows the discharge exceeding any of the threshold concentration. The Authority may require a discharger to collect effluent sample and submit data, without issuing an IWDP by the Authority, if the effluent data continue to show the discharge quality below the threshold concentrations listed in Section 6.3. If the discharge quality exceeds any threshold concentration, the discharger shall be required to apply for and secure an IWDP from the Authority.

(ii) Category 3: Domestic Discharge:

This category is applicable to persons whose discharge is limited to domestic wastewater only (e.g. household discharges). A person who falls under this category will not be subject to any regular sampling, discharge limitations or other permit requirements. If by random check or other means, the Authority determines that the User or the discharge is not in compliance with the Authority's regulations or other applicable environmental regulations or the discharge is of concern to the Authority, the User may be required to apply for and secure a permit from the Authority.

3.5 PERMIT-BY-RULE CRITERIA

All non-domestic dischargers who are not required by the Authority to acquire a permit based on their wastewater quality or quantity, shall be regulated by Permit-By-Rule. Under Permit-By-Rule criteria, the User will not be issued a permit. However, the User shall comply with prohibitions, discharge limitations and other requirements of the Authority Rules and Regulations and other applicable State and Federal pretreatment regulations. If by random check or other means, the Authority determines that the User or the discharge is not in compliance with the Authority's regulations or other applicable environmental regulations or the discharge is of concern to the Authority, the User may be required to apply for and secure an individual SIU from NJDEP or IWDP from the Authority. The Authority has Right to require industrial dischargers to monitor the discharge from the site.

3.6 INDEMNIFICATION

A non-domestic User may be required by the Authority to indemnify and save harmless the Authority for any

expense, loss or damage occasioned upon the Authority, by actions of the Permittee. Those costs include, but are not limited to the following:

- (1) Any cost incurred by the Authority in treating, removing, correcting, preventing or terminating any adverse effects upon the treatment process or operations;
- (2) Any increase in the cost of sludge processing or disposal due to the discharge;
- (3) Any fines or penalties assessed against the Authority for such violations of its permits which primarily results from discharges from the User;
- (4) Reasonable costs of any investigation, inspection, monitoring or survey which leads to the establishment of a violation of the IWDP or SIU permit and reasonable costs of preparing and litigating any action successfully concluded against the User for such violation;
- (5) Any other actual or compensatory damages to the Authority resulting from the discharge.

3.7 CONFIDENTIAL INFORMATION AND PUBLIC ACCESS

Information and data collected in the records of the Authority or under the Industrial Pretreatment Program, including the Industrial User's permits, permit application, actual and proposed discharges, effluent data, inspection reports, monitoring data, and any other data not classified as confidential by the Authority, shall be made available to the public, upon request, for inspection and duplication, for a nominal charge.

The Authority shall protect from disclosure any information, upon demonstration by any person or User, that the information if made public would divulge information, processes or methods entitled to protection as trade secrets or due to reasons of business confidentiality as that term is defined and applied in 40 CFR Part 2. The Authority's decision on the claim of confidentiality shall be made in accordance with the State Regulations discussed under the New Jersey Pollutant Discharge Elimination System, N.J.A.C. 7:14A-11 seq. and other applicable regulations.

3.8 OTHER REGULATORY REQUIREMENTS

Nothing in these regulations or the SIU Permit issued by NJDEP or the IWDP issued by the Authority shall be construed to relieve the person from compliance with rules and regulations of any other governmental agency or authority having jurisdiction on the person, including but not limited to, USEPA, NJDEP, the Authority and Hudson County.

SECTION IV: NEW SEWER & SEWER EXTENSION

4.1 COMBINED SEWERS:

The Authority prohibits the construction and use of new combined sewers or extensions to the existing combined sewers tributary to the Authority Sewer System.

4.2 NEW SEWERS & SEWER EXTENSIONS:

All new sewers, sewer extensions and appurtenances tributary to the Authority Sewer System shall be properly designed, constructed and tested in accordance with the appropriate and latest standards as set forth by the Authority and NJDEP.

4.3 APPROVAL OF SEWERS & APPURTENANCES:

Plans and Specifications for new sewers, sewer extensions and appurtenances, except building sewers, shall be approved in writing by the Authority prior to start of construction. The construction shall be performed in accordance with the plans and specifications approved by the Authority. Results of leakage tests shall be submitted to the Authority during construction. Furthermore, any new sewer or sewer extension shall comply with all applicable requirements of the Authority and NJDEP regulations regarding the sewer connection, sewer extension and treatment work approval permits. The owner shall be responsible for the installation, and maintenance of the sewer lateral from the building structure to the connection to the Authority's interceptor or sewer main.

4.4 PROHIBITED CONNECTIONS:

No down-spout, leader, gutter or pipe, drain or channel which may at any time carry cooling water, storm water, surface water, groundwater or other uncontaminated water; nor any drain from any catch basin, lake, swamp, pond, or swimming pool, shall be connected to the Authority Sewer System.

SECTION V: PROHIBITED DISCHARGES

5.1 GENERAL PROHIBITIONS

A User shall not introduce into the Authority Wastewater Treatment Plant and/or any sewers tributary thereto, any pollutant(s) which cause pass-through and/or interference. The general prohibition and specific prohibitions listed in the following sections apply to User introducing pollutants into the Authority Sewer System whether or not the User is subject to National Pretreatment Standards or any other Federal, State or Authority's pretreatment regulations.

5.2 AFFIRMATIVE DEFENSES

A User shall have an Affirmative Defense in any action brought against it alleging a violation of the general prohibitions established in Section 5.1 above, where the User can demonstrate that: _____

- (1) It did not know or have reason to know that its discharge, alone or in conjunction with other discharges from other sources, would cause Pass-through or Interference; and
- (2) (a) A local limit designed to prevent Pass-through and/or Interference as the case may be, was developed in accordance with the approved USEPA and/or State pretreatment procedures and public participation criteria was complied with; and the User was in compliance with each such local limit directly prior to and during the Pass-through and interference; or

(b) The User's discharge directly or indirectly prior to or during Pass-through or Interference did not change substantially in nature or constituents from the User's prior discharge activity when the Authority's treatment plant was regularly in compliance with its NJPDES Permit requirements and, in case of Interference, applicable requirements for sewage sludge use or disposal.

5.3 SPECIFIC PROHIBITIONS

No person shall discharge, deposit, cause or allow to be discharged or deposited into the Authority Wastewater Treatment Plant and/or any sewers tributary thereto, any waste or wastewater which causes pass-through, or interference or in anyway contributes to a violation of any of the pollutant parameters regulated under the NJPDES permit or Water Quality Standards; or which contains any of the following:

- (1) Color Materials - wastes with color not readily removable by the treatment plant and/or which may cause, or potentially cause or contribute to causing the treatment plant to exceed Water Quality Standards for the color parameter and/or may cause release of visible color to the surface waters.
- (2) Corrosive Wastes - any waste which will cause corrosion or deterioration of the treatment works or sewer system. Any waste discharged to the Authority Sewer System shall not have a pH value lower than 5.0 or greater than 9.5 Standards Units (SU) at the connection to the Authority Sewer System. Prohibited materials include, but are not limited to, concentrated acids, alkalines, sulfides, chloride and fluoride compounds, and substances which will react with water to form acidic or alkaline products which have a pH value that does not fall within the range stated herein.
- (3) Dilution Water - any water added for the purpose of diluting wastes which would otherwise exceed applicable discharge limit(s).

- (4) Excessive Discharge - wastewater at a flow rate or containing concentrations or quantities of pollutant(s) (e.g. CBOD₅, TSS, NH₃) that, in the judgment of the Executive Director or his/her representative, may cause a treatment process upset, interference or loss of treatment efficiency at the Authority's treatment plant.
- (5) Explosive and/or Flammable Mixtures - liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosive condition in any part of the sewer collection or treatment system 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, xylenes, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

A potentially explosive condition is defined as wastestream with a closed cup Flash-Point of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test method specified in 40 CFR 261.21 and/or any atmosphere in which combustible gases or vapors are at a concentration of 10% or more of the Lower-Explosive-Limit (LEL).

- (6) Hazardous Substance or Hazardous Waste - discharge of any hazardous substance or hazardous waste is prohibited, without a written authorization or a permit (SIU Permit or IWDP) which may contain the maximum allowable concentration limits for the specific hazardous or toxic pollutant.
- (7) Heat - heat in the amounts which will inhibit biological activity in the treatment plant resulting in interferences or causing damage, but in no case heat in such quantities that the temperature of wastewater exceeds 65°C (150°F) at the sewer connection and/or 40°C (104°F) at the Authority Wastewater Treatment Plant influent.
- (8) Improperly Shredded Garbage - garbage that has not been grounded, comminuted or shredded to a such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the Authority Sewer System, with no particle size greater than half (1/2) inch in any dimension.
- (9) Medical Wastes - any medical waste or pollutants unless otherwise specifically authorized under the applicable regulations and/or approved by the Executive Director.
- (10) Noxious Materials - pollutants which, either singly or by interaction with other wastes, are malodorous, are capable of creating a public nuisance or hazard to life or health, or are present in sufficient concentrations to prevent entry into the Authority Sewer System for its maintenance and repair.
- (11) Oil & Grease - total oil and grease including petroleum hydrocarbons, cutting oil, mineral oils, fats, wax, grease and/or other oils, whether soluble or emulsified, in excess of 100 mg/L concentration; or containing substances which may solidify or become viscous at temperature between 32°F and 150°F (0°C and 65°C) in the sewer system.
- (12) Radioactive Wastes - radioactive wastes or isotopes of such half life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and discharge, and/or which will, or may, cause damage or hazards to the treatment plant or personnel operating the system.
- (13) Sludge Interfering Substances - any substance which may cause the treatment plant'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 into the sewer system cause the treatment plant to be in noncompliance with sludge use or management criteria, guidelines or

regulations developed under Section 405 of the Act or 40 CFR 503; any criteria, guidelines, or regulations affecting sludge use or management developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or the New Jersey Sludge Management Regulations, or the New Jersey Statewide Sludge Management Plan.

- (14) Solid or Viscous Wastes - solid or viscous wastes which will or may cause obstruction to the flow in a sewer, or otherwise interfere with the proper operation of the treatment works. Prohibited materials include, but are not limited to: excess oil/grease, improperly shredded garbage, animal guts or tissues, diseased human organs or tissue fluids, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances. Other specific materials may be prohibited at the discretion of the Executive Director.
- (15) Stormwater/Groundwater - collected stormwater from precipitation, including surface water and/or groundwater from sump pumps, cellar drains and/or other sources, except as specifically authorized by the Executive Director.
- (16) Toxic Discharge - waters or wastes containing objectionable or toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to result in the presence of toxic gases, vapors or fumes within the sewer system in a quantity that may cause worker health or safety problems, to constitute a hazard to humans/animals or environment, to create a toxic effect in the receiving waters of the POTW, to result in pass through, to cause interference with the treatment works plant, or to exceed standards promulgated by the EPA pursuant to Section 307 (a),(b) or (c) of the Act or the NJDEP pursuant to Section 4 of the State Act including, but not limited to, toxic substances listed on Tables II through V in Appendix-A of the NJPDES Regulations, NJAC 7:14A-4.
- (17) Trucked Waste - no trucked or hauled waste, including but not limited to, septic waste, sludge, residual waste/wastewater or other waste shall be discharged directly at the treatment plant or at any discharge point within the sewer system, unless specifically authorized by the Executive Director.
- (18) Unpolluted Wastes - any unpolluted water including, but not limited to, cooling water, unpolluted industrial process water, uncontaminated stormwater, pond/pool water, or potable water, which increases the hydraulic load on the treatment plant, except as specifically authorized by the Executive Director.
- (19) Any waste or wastewater which may cause a hazard to human life or the environment or creates a public nuisance.
- (20) Any other waste which the Executive Director believes may cause Pass-through and/or Interference in the Authority Sewer System and/or is of concern to the Authority.

SECTION VI: DISCHARGE LIMITATIONS & CONDITIONS

6.1 NET/GROSS CALCULATIONS

The permit limitations imposed on an Industrial User, based upon the Authority Rules and Regulations, State Regulations and/or Federal Categorical Standards, may be adjusted to reflect the presence of pollutants in the User's intake water (public potable water supply).

The permittee/industrial User shall submit, to the Executive Director, all data, calculations and other information in support of the request for the adjustment of the permit limitation(s) for the background (intake) concentration. The Executive Director may require additional analysis on the intake water and shall review the treatment plant performance and permit requirements prior to any approval of an allowance for the background concentration. The Authority shall retain the right to deny such an allowance based upon a review of the submitted information, treatment plant performance and/or other circumstances.

6.2 DISCHARGE LIMITATIONS

Any person who discharges, deposits, causes or allows wastewater/waste to be discharged or deposited to the Authority Wastewater Treatment Plant and/or any sewers tributary thereto, and is regulated by the Authority or NJDEP under an SIU permit, IWDP by the Authority or Permit-By-Rule shall comply with the provisions of Prohibited Discharges as stated in Section V. In addition, all dischargers shall also comply with the maximum permissible concentrations established by the Authority on some of the conventional, non-conventional and toxic pollutants that are inhibitory or otherwise of concern to the Authority's Wastewater Treatment Plant or its wastewater/sludge management plan. The maximum discharge limitations for some conventional, non-conventional and toxic pollutants have been established as listed below:

<u>Daily Maximum Permissible Concentrations</u>	
<u>Pollutant</u>	<u>Daily Maximum (1)(2)</u>
BOD	500
CBOD ₅	500 (3)
Total Suspended Solids (TSS)	500 (3)
Oil and Grease (Total)	75
Temperature (in Celsius)	60
pH (in S.U.) (Daily Minimum)	6
pH (in S.U.) (Daily Maximum)	9
Copper (Total)	10.5 micrograms per liter
Lead (Total)	30.0 micro grams per liter
Mercury (Total)	10.0 micro grams per liter
Nickel (Total)	100 micro grams per liter
Zinc (Total)	150 micro grams per liter
Phenols (Total)	.20

- Note (1) All units in mg/L, unless otherwise specified.
- (2) The daily maximum limits are based on a composite sample for the 24 hour or working hour period as approved by the Executive Director and/or NJDEP. However, if the sample collected is a grab type or continuous monitoring, then the daily maximum limit shall become the instantaneous maximum limit for the day.
- (3) Dischargers exceeding CBOD₅, TSS, NH₃, and/or TKN limitations as stated above could request a variance from the Authority, along with concentration and loading data. Based upon the

submitted data and the available treatment plant loadings, the Authority may allow discharge of wastewater with the concentration(s) greater than the limits imposed above, for a payment of sewer surcharges. However, the Authority and/or NJDEP will impose an upper cut-off concentration limit based upon available POTW data and loadings.

With respect to effluent limitations listed in IWDPs, the Executive Director, based upon the information received from the User and/or other sources may grant an allowance for the background potable water concentration to the Industrial User as stated in Section 6.1. In addition, the Executive Director may approve a specific allowance (i.e. mg/L concentration) for background (intake potable) water for the pollutant(s) on a uniform basis for all Users in the Authority Sewer System, if sufficient information on the treatment plant and background (intake potable) water is available to justify such an allowance.

6.3 THRESHOLD CONCENTRATIONS (TRIGGER FOR AN IWDP)

All industrial and commercial dischargers shall comply with the SMUA discharge limits listed under Section 6.2. The Authority may use the threshold concentrations listed below to trigger issuance of the Authority permit (IWDP), if any effluent sampling data collected by the discharger and/or the Authority shows the discharger exceeding any of the threshold concentration. The Authority may require a discharger to collect effluent sample and submit data, without issuing an IWDP by the Authority, if the effluent data continue to show discharge quality below the threshold concentrations as listed here (All units in mg/L, unless otherwise specified):

<u>Threshold Concentrations</u>	
<u>Pollutant</u>	<u>Daily Maximum Threshold</u>
CBOD ₅	280
Total Suspended Solids (TSS)	315
Ammonia (NH ₃ -N)	24
Oil and Grease (Total)	100
Temperature (in Degree-Celsius)	65
pH (in S.U.) (Daily Minimum)	5.0
pH (in S.U.) (Daily Maximum)	9.0
Copper (Total)	1.14
Lead (Total)	0.92
Mercury (Total)	0.005
Nickel (Total)	2.00
Zinc (Total)	0.70

6.4 SURCHARGE PROVISION FOR CONVENTIONAL POLLUTANTS

The Executive Director, based on the performance of the Authority Wastewater Treatment Plant and its effluent quality, may allow relaxation of some conventional pollutant discharge limitations, including but not limited to, CBOD₅, BOD and TSS. The relaxation or waiver may include a surcharge fee and/or other restrictions, as necessary. However, no person shall discharge any non-domestic waste or wastewater exceeding the discharge limitations listed in Section 6.2 of these regulations, prior to securing a written variance for these discharge limitations. The surcharge fee schedule shall be established by the Authority on yearly basis or as deemed necessary.

6.5 EXCEPTION, EXEMPTION & SPECIAL AGREEMENT

The local (discharge) limits developed and imposed by the Authority are based upon a "Uniform Concentration Limit Procedure." The Uniform Concentration Procedure uses the most stringent criteria applicable to the Authority's treatment plant and allocates equally the total waste loading that can be handled by its treatment plant among its Industrial Users (after a safety factor) by imposing the uniform concentration limits. However, all Industrial Users do not discharge all pollutants to the maximum allowable levels, thus normally some excess loading may be available for some pollutants. Therefore, the Authority, in consultation with NJDEP if appropriate, may consider an alternate limit(s) for pollutants than imposed in Section 6.2 of these regulations as an exceptional case, under a special agreement. The following issues shall be reviewed by the Authority regarding a request for a variance/exemption from any local limit:

- (1) Based upon review of the Authority treatment plant influent, effluent and sludge data, allowing the exemption will not violate any NJPDES Permit or other regulatory requirements;
- (2) The applicant has considered and exhausted pretreatment options, technical feasibility, operation & maintenance improvements and other control options to comply with the Authority's existing discharge limit(s);
- (3) The applicant is not able to achieve the Authority's existing discharge limit(s) even after implementation of the Best Available Technology (BAT) or the limit(s) are at or below the Method Detection Level (MDL) or Recommended Quantitation Level (RQL) proposed by NJDEP;
- (4) The cost of compliance and/or pretreatment will be very burdensome or fatal to economic survival of the User;
- (5) The exemption will not create any unsafe conditions for the Authority Sewer System or Authority personnel;
- (6) The exemption will comply with the applicable Federal Categorical Standards and any other requirements imposed by NJDEP;
- (7) The User has provided all the supporting document and information requested by the Authority and other information necessary to make determination regarding the exemption;
- (8) The applicant has agreed to any or all costs incur for review, negotiation and approval (or denial) of the exemption by the Authority, its technical consultants and/or by its legal counsel;
- (9) The applicant has agreed to any or all special conditions and requirements imposed by the Authority and/or NJDEP in connection with granting of an exemption including, but not limited to, denial of the exemption in the future if deemed necessary by the Authority.

6.6 ALLOWABLE DISCHARGE FLOW

The Executive Director may impose a discharge flow limitation on a User. Any flow limitation may be based upon the design capacity and treatment capability of the Authority wastewater treatment plant, effluent characteristics of the non-domestic discharge and requirements of the participating municipalities. The flow limitation on a non-domestic discharge may include additional requirements for isolation of uncontaminated stormwater, unpolluted process wastewater and/or other conditions as necessary.

6.7 COMPLIANCE WITH FEDERAL PRETREATMENT REGULATIONS

Industrial Users shall comply with all limitations and other conditions imposed under the Federal "General Pretreatment Regulations" listed under 40 CFR 403. The General Pretreatment Regulations, 40 CFR 403 is hereby incorporated by reference, including all future amendments and supplements thereto.

6.8 COMPLIANCE WITH FEDERAL CATEGORICAL STANDARDS

Upon the effective date of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under these regulations for sources in that subcategory, shall supersede the limitations imposed under these regulations. Affected Users shall comply with such standards within the stated compliance deadline. The Authority and/or State shall attempt to notify affected Industrial Users of the applicable reporting requirements under 40 CFR 403.12, but failure to notify does not relieve such Industrial Users of the obligation to comply with any limits, reporting and/or other requirements. Applicable categories and the Federal Categorical Standard are listed in 40 CFR Chapter I, Subchapter N (including 40 CFR 404 through 40 CFR 699). 40 CFR Chapter I, Subchapter N is hereby incorporated by reference, including all future amendments and supplements thereto.

6.9 FEDERAL AND STATE REQUIREMENTS

Compliance with these regulations does not exempt a User from compliance with any other Federal, State and Local discharge limitations, conditions and other requirements applicable to its operations.

6.10 RIGHT TO REVISE LOCAL LIMITS

The Authority reserves the right to establish by regulation more or less stringent limitations or other requirements on discharges to the Authority Sewer System as deemed necessary to comply with purposes, intent and policies of the Authority.

6.11 NO DISCHARGE DILUTION

No User shall ever increase the use of process water, cooling water or in any other way dilute a discharge as a partial or complete substitution for adequate treatment to achieve compliance with Federal Categorical Pretreatment Standards, State limitations and/or any other discharge limitations or restrictions contained in these regulations.

6.12 BYPASS

- (1) Bypass for Maintenance: A User may allow any bypass to occur which does not cause any effluent limitations or other limitations in these regulations to be exceeded, but only if it is for essential maintenance to assure efficient operation(s).
- (2) Anticipated Bypass: If a User knows in advance of the need for a bypass, the Executive Director shall be notified at least ten (10) days prior to the date of the bypass.
- (3) Unanticipated Bypass: A User shall inform the Executive Director of an unanticipated bypass, as soon as possible, but no later than twenty-four (24) hours of becoming aware of the bypass. A written notice containing information regarding the bypass and actions taken to limit the damage and avoid future occurrence, shall be submitted within five (5) days of becoming aware of the bypass. The notice,

however, shall not be considered a waiver from any penalties assessed for violations associated with the bypass. The Authority may be contacted by telephone at (201) 330-2089 or via Fax at (201) 617-5910 (or as updated). See additional requirements under a Spill/Slug discharge, if applicable.

- (4) The discharger shall comply with all other Federal and State (NJDEP) applicable notification requirements, related to a bypass.

6.13 SLUG/SPILL DISCHARGE

An Industrial User shall immediately, but no later than two (2) hours of becoming aware of the occurrence, notify the Authority via telephone at (201) 330-2089 and/or via Fax at (201) 617-5910 (or as updated) of any spill or slug loading discharge which may cause a pass through or interference at the treatment plant, cause injury to person(s), damage to the environment or pose a threat to human health. Within twenty-four (24) hours thereof (of becoming aware of the occurrence), of a spill, slug discharge, discharge of toxic/prohibited wastes and/or any exceedance of discharge limitation, the User shall provide the Authority and other appropriate authorities with such additional information as estimated volume(s), estimated danger to human(s) and environment and the measures taken or being taken to remediate the problem and to avoid a repetition of the problem. A written report shall follow within five (5) days of the incident or of becoming aware of the incident. These notifications shall not be considered a waiver from any penalties assessed for any violation or clean up cost associated with such discharge(s). The User shall also comply with all other applicable reporting and conditions of the Federal, State and other regulatory agencies regarding the spill/slug discharge.

SECTION VII: DISCHARGE CONDITIONS & PERMIT

A person who discharges non-domestic/industrial wastes or wastewater, directly or indirectly, to the Authority Sewer System shall comply with these rules and regulations. Any User, at the sole discretion of the Executive Director, may be required to submit a permit application. Based upon provisions of these regulations and information provided by the User regarding its discharge, type of industry, flow, wastewater characteristics, etc., the Executive Director and/or the NJDEP shall determine whether the User is to be regulated by a SIU permit, an individual IWDP or Permit-By-Rule provisions. A User who does not comply with the Permit-By-Rule provisions may be required by the Executive Director and/or NJDEP to apply and secure an individual IWDP or SIU Permit. A User classified as a significant or categorical discharger (SIU or CIU) shall be regulated by the NJDEP under its NJPDES rules and regulations. However, the Authority reserves the Right to monitor discharge, review reports and files, and impose fees and additional conditions as necessary.

7.1 EXISTING USERS

A person discharging, directly or indirectly, non-domestic/industrial wastewater to the Authority Wastewater Treatment Plant prior to the effective date of these regulations and who does not meet the criteria of a New Source, as indicated in Section 7.2 below, shall be considered an existing discharger. Within thirty (30) days (unless extended by the Executive Director and/or NJDEP) of the effective date of these regulations, an existing User who is not in compliance with any limitation or condition of these regulations, shall submit a plan and compliance schedule to comply with these regulations.

7.2 NEW SOURCE (NEW USER)

A person who discharges or has proposed to discharge non-domestic wastewater after the effective date of these

regulations and/or who is considered a New Source as defined in Federal Pretreatment Regulations, 40 CFR 403.3(k) shall be considered a new discharger (new User).

The following construction (part of) criteria for a New Source have been adopted from the Federal General Pretreatment Standards, 40 CFR 403.3(k), a construction by a User may be classified as a new source if:

- (1) The construction is carried out at a site at which no other source is located.
- (2) The construction totally replaces the process or production equipment that causes the discharge of pollutants at an existing source.
- (3) The production or wastewater generating processes of the constructed facility are substantially independent of an existing source at the same site.

Any construction at the site of an existing facility that does not meet the above criteria shall not be considered a New Source.

A New Source (new User) shall install all pollution control equipment as necessary to ensure compliance with the effluent limitations as stated in these rules and regulations. A New Source shall achieve compliance with the Authority's effluent limitations and other applicable standards within the shortest time frame possible, but not to exceed 90 days after commencement of the discharge. Interim discharge limitations may be established by the Executive Director and/or the NJDEP for the start-up period, if necessary.

7.3 PERMITTING PROCEDURES

- (1) The Municipality shall require a User in its jurisdiction to obtain approval from the Authority as prerequisite to issuance of a Certificate-Of-Occupancy to a non-residential establishment connected or connecting to the Authority Sewer System. A new Certificate-Of-Occupancy shall be required for changes in the user's non-domestic discharges.
- (2) It shall be unlawful for a User to discharge non-domestic wastewater to the Authority Sewer System except in accordance with limitations, conditions and other requirements established by the Authority.
- (3) A person discharging non-domestic wastewater to the Authority Sewer System shall submit an IWDP application to the Executive Director, as well as, a Supplemental Non-Domestic Sewer Use Information form – SMUA Forms C and D. The permit application forms are available from the Authority and are contained herein. Based on the information submitted by the User, the Executive Director shall determine whether the User shall require an individual permit (SIU or IWDP) or be regulated by Permit-By-Rule provisions. Issuance of an individual permit (SIU or IWDP) may be based upon a determination by the Executive Director that the User is a SIU, CIU, "Other" permitted discharger or that the discharge is in any manner a concern to the Authority.
- (4) An existing non-domestic User shall apply for a permit (SIU or IWDP) within 30 days (unless extended by the NJDEP or Executive Director respectively) after the effective date of these regulations, unless a permit is already in place. The Authority may modify an existing permit issued to a User to comply with requirements of these rules and regulations.
- (5) A new non-domestic User (New Source) may not connect or discharge to the Authority Sewer System unless an SIU permit or IWDP or a discharge approval has been obtained from the NJDEP or the Authority. A New Source shall apply for the permit at least 180 days prior to the proposed date of

commencement of the discharge. The new User (New Source) shall plan and/or install all necessary pollution control equipment to comply with the discharge limitations and requirements of these regulations and the permit, within the shortest time frame possible but no later than 90 days after commencement of the discharge. Interim discharge limits may be established by the NJDEP or Executive Director, as applicable, for the start-up period on a case-by-case basis, if necessary.

- (6) A User required to obtain a permit shall complete and file with the Authority, an application on the forms prescribed by the NJDEP and/or the Authority, along with the fee and other requirements. After acceptance and evaluation of the permit application data and any supplemental information furnished by the User, the Authority may issue an IWDP subject to terms and conditions provided herein.
- (7) Within sixty (60) days of receipt of the permit application, the Authority shall report its decision regarding the acceptance or denial of discharge to the Sewer System. If the Authority intends to issue an individual permit (IWDP) to the User, the User shall be classified as an SIU, CIU or "Other" permitted discharger. SIU permittees shall be referred to NJDEP for further action and other permits shall be issued within 180 days of receipt of the permit application.
- (8) A permit (IWDP) issued by the Authority shall contain, but not limited to, discharge limitations, sampling & reporting requirements and other permit conditions listed in Section 7.6 herein. The permit shall contain information regarding the Authority right to assess civil penalties for violation of the permit and/or the Authority's rules and regulations.
- (9) The Authority shall provide an opportunity to the User and general public to comment on the proposed (draft) permit issued by the Authority, by issuing a public notice.
- (10) The Authority shall also provide the User an opportunity to adjudicate the permit and/or to request a hearing, after issuance of the final permit. If any terms or conditions of the final permits are not acceptable, the User within thirty (30) days of the issuance of the final permit shall adjudicate the permit, request stay of the permit condition(s) and/or submit a hearing request to the Authority, along with all supporting data and information. A hearing may be scheduled within 45 days of the receipt of the User's request. A Stay of the permit shall be limited to the permit limits or conditions adjudicated by the User, not the entire permit. Any permit adjudication, stay and/or hearing request will be processed in accordance with the NJDEP (NJPDES) regulations and guidelines.

7.4 WASTEWATER DISCHARGE DATA DISCLOSURE

A non-residential User who discharges, or proposes to discharge domestic, industrial and/or other wastes/wastewater to the Authority Sewer System shall complete and file with the Executive Director a disclosure declaration in the (application) forms prescribed by the Authority. An existing User (with no existing permit or approval from the Authority) may be required to submit the disclosure forms prescribed by the Authority within thirty (30) days or a time frame as established by the Authority after the effective date of these regulations. A New Source (new User) shall submit the disclosure forms at least 180 days prior to proposed commencement of the discharge on the disclosure forms prescribed by the Authority.

7.5 PERMIT APPLICATION & DATA SUBMISSION

The Authority, after review of information submitted under Section 7.4 above, may require a User to complete and submit a permit (SIU) application prescribed by the NJDEP directly to the NJDEP. An existing User (with no existing permit or approval from the Authority) may be required to submit the application form within thirty

(30) days (unless extended by the NJDEP) after the effective date of these regulations. A New Source (new User) shall submit the permit application at least 180 days prior to proposed commencement of the discharge.

7.6 TERMS & CONDITIONS OF AN INDUSTRIAL WASTEWATER DISCHARGE PERMIT

An IWDP issued by the Authority shall be expressly subject to all provisions of these regulations and other applicable regulations; User charges and fees which are in effect or which may be established by the Authority. An IWDP may include, but not limited to, the following provisions and terms:

1. Limitations on the characteristics and quantities of wastes and the rate of flow permitted from the premises. The limits shall be based upon the SMUA, Federal General Pretreatment or Categorical and/or State regulations;
2. Requirements regarding duration of the permit, permit modifications, permit renewal, non-transferability of the permit.
3. Installation and maintenance by the permittee at his own expense of: facilities or equipment for intermittent or continuous measurement of sewage, industrial wastes or other wastes discharged; detention tanks or other facilities or equipment for reducing the maximum rate of discharge; pretreatment and flow control facilities; sampling manhole(s); grease, oil and sand interceptors, separators or traps, etc.;
4. Submission to and approval by the Authority of plans & specifications for any of the facilities or equipment required to be installed and maintained by the permittee, and compliance schedules for the installation and maintenance of these facilities;
5. Maintenance and retention of appropriate records of all measurements made by the permittee of sewage, industrial wastes or other wastes as specified by the Authority and affording the Authority access thereto;
6. Submission to the Authority of periodic reports setting forth adequate data upon which the acceptability of the sewage, industrial wastes or other wastes may be determined subsequent to the commencement of operation of any pretreatment or flow control facilities;
7. Specifications for monitoring programs which may include sampling locations, regulated pollutants, sampling frequencies, type of sample & test, and reporting schedules;
8. Requirements for notification to the Authority of any change in its operation, introduction of any new wastewater constituent/pollutant, any substantial change in the wastewater volume or quality being discharged into the Authority Sewer System;
9. Schedules for operational changes, modifications to existing pretreatment equipment, or the installation of new pretreatment equipment, so as to achieve compliance with the conditions of the permit;
10. Requirements for notification of accidental or slug discharges. Development of Slug/Spill Control Plan for the site if determined necessary for the site by the Authority.
11. Payments to cover the added costs of handling and treating the waters or wastes, which are not covered by existing sewer charges;

12. Payments to cover the costs of permit administration, the Authority Industrial Pretreatment Program, etc.
13. Other reporting requirements to comply with the applicable Federal, State and the Authority Regulations (including Section VIII);
14. Applicability and payment of fines and penalties for IWDP violations including but not limited to civil penalties assessment and enforcement actions;
15. In accordance with N.J.S.A. 58:10A-6.k, no applicant or permit holder will be issued a permit renewal, or modification if he/she has not paid all fees, penalties or fines due.
16. Such other terms and conditions as may be necessary to protect the Authority Wastewater Treatment Plant and to carry out the intent and provisions of these rules and regulations,

Any permittee who violates any condition of the permit, these regulations or the applicable Federal and State regulations shall be subject to appropriate enforcement actions, including but not limited to, penalties and permit revocation. The permit terms and conditions may be subject to modification during the life of the permit by the Authority and/or at the request of the permittee.

7.7 DEVELOPMENT OF SLUG/SPILL CONTROL PLAN

In order to protect the Authority's treatment plant from any interference and/or pass-through, the Authority or the NJDEP may require a User to develop and implement a Slug/Spill Control Plan to control any slug, spill or accidental discharge from the site to the Authority Sewer System. The Authority and/or the NJDEP will review User's discharge practices and determine the need for the detailed Slug/Spill Control Plan. If the Authority or NJDEP determines that a Slug/Spill Control Plan is needed, issues, format and content to be covered under the plan will be provided by the Authority and/or NJDEP.

7.8 SIGNATORY FOR PERMIT

The permit application, report and/or other documents submitted by a corporation shall be signed by a corporate officer, at least of Vice President Level or other executive officer so designated. The permit application, document and/or correspondence signed by an individual (authorized representative) other than a corporate officer shall include a letter (approved under corporate procedures) granting the individual the authority to sign and submit such submissions on behalf of the corporation. The permit application, report and/or other documents submitted by a User other than a corporation shall be signed by the proprietor, general partner or principal official or its duly authorized representative. An authorized representative may be an individual responsible and familiar with operations of the facility, like plant manager, environmental engineer/specialist, plant engineer/supervisor, project engineer, etc.

7.9 CERTIFICATION REQUIREMENTS:

Any person signing and submitting a document to the Authority regarding matters dealing with the discharge to the Authority Sewer System including, but not limited to, application forms, monitoring reports, compliance reports, design reports, other data or reports as required herein, any data submittal, and/or any correspondence/document submission, shall include and is subject to the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my

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

7.10 PERMIT COMMENT PERIOD & PUBLIC NOTICE:

The Authority shall provide the User and general public an opportunity to comment on an IWDP proposed by the Authority. A thirty (30) day comment period shall be provided to the User and general public to comment on the proposed (draft) permit issued by the Authority. Based upon a request and justifiable reason(s), the thirty (30) day permit comment period may be extended by the Executive Director to provide additional time to the User, or general public to review and submit comments on the proposed permit.

7.11 ADJUDICATION OF PERMIT AND STAY OF CONDITIONS

Any request for Adjudicatory Hearing and Stay of Conditions will be addressed in accordance with New Jersey NJPDES regulations. N.J.S.A. 58:10A-7 and N.J.A.C. 7:14A-17 regulations dealing with Adjudicatory Hearing and Stay of conditions are incorporated herein by reference. A discharge subject to SIU permit from NJDEP shall comply with the adjudicatory hearing request submission requirements as stated in its SIU permit and shall submit the request directly to NJDEP.

- (1) Within 30 days of issuance of the final permit (IWDP) by the Authority, the User may submit a written request to the Authority for an adjudicatory hearing to contest condition(s) of the permit. The User shall include the following information along with the request:
 - (a) Information about the facility, including but not limited to, location, telephone, authorized signatory, contact personnel for the hearing, etc.;
 - (b) A list of the specific contested permit conditions;
 - (c) The legal and/or factual questions at issue under each contested permit condition;
 - (d) The technical, economical and/or legal basis, supporting data and information, in support of each-contested condition;
 - (e) Suggested revised or alternative permit conditions;
 - (f) An estimate of the amount of time required for the hearing.
- (2) The Executive Director, under the circumstance, may extend the 30-day response period for an adjudicatory hearing request.
- (3) The Executive Director may grant an adjudicatory hearing based upon the information received by him.
- (4) Stay of Permit Conditions: In case the Executive Director grants an adjudicatory hearing for the contested permit condition, the Executive Director may also grant a Stay of Permit Conditions. Only the permit conditions which have been granted a stay (not necessarily all contested permit conditions) by the Executive Director, shall be excluded from any enforcement and penalties provisions, until such time as the permit conditions are negotiated and finalized. All other permit conditions and requirements shall be

in effect and full force from the effective date of the permit.

- (5) The Executive Director, based on the information gathered during the Adjudicatory Hearing, may modify the permit issued to the User.

7.12 DURATION OF IWDP

An IWDP shall be issued for a specified time period, not to exceed five (5) years. The existing permit limitations and conditions shall remain in full force and effect until such time as a renewal permit is issued or unless the permit is modified or revoked by the Authority in accordance with these rules and regulations.

7.13 RENEWAL OF IWDP

An IWDP shall be issued for a specified time period, not to exceed five (5) years. The permittee shall submit such information; permit application forms, fees and other information as required by the Authority for renewal of the permit, no later than 180 days prior to the expiration date of the existing permit.

7.14 MODIFICATION OF IWDP

The terms and conditions of an IWDP issued by the Authority may be subject to modification and change by the Authority or at the request of the permittee, during the life of the permit. The permittee shall be informed of any proposed changes in the permit at least thirty (30) days prior to the effective date of change(s). Any change or new condition(s) in the permit shall include a reasonable time schedule for compliance as determined by the Authority. A User proposing any significant change in its operations, discharge volume or discharge quality shall apply for the permit modification at least ninety (90) days before making any changes. The permittee may request, by certified mail, a Show Cause hearing or meeting to demonstrate why a permit should or should not be modified.

7.15 REVOCATION OF IWDP

The Executive Director may revoke a User's permit issued by the Authority for any reason deemed necessary by the Executive Director to protect the Authority's treatment plant and any tributary sewers thereto, and to carry out the intent and provisions of these regulations.

7.16 TRANSFER OF IWDP

An IWDP issued by the Authority is developed for a specific User and specific types of operations. An IWDP shall not be reassigned, transferred from old to a new owner/User, to different premises or to a new or changed operation.

SECTION VIII: MONITORING & REPORTING REQUIREMENTS

8.1 MONITORING CHAMBER

When required by the Authority, the owner of any property serviced by the Authority Sewer System shall install a suitable control meter chamber together with such necessary meters and other appurtenances in the connecting sewer as shall, in the opinion of the Authority, facilitate observation, sampling and measurement of the wastes. Such meter chamber shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Authority. In addition to flow measurement equipment, the User shall install a flow proportional type composite sampler, if required by the Authority. The meter chamber shall be installed on a suitably sized lot by the User at its expense. Free access to the meter chamber at all times shall be reserved to the Authority.

8.2 FLOW MEASUREMENTS

The industrial discharge flow shall be recorded and/or totalized continuously. Information on the location and installation of flow measuring device shall be submitted to and approved by the Authority. The Executive Director may waive requirements for installation of flow measuring devices upon written request by the Industrial User. The request shall include reason(s) for the waiver and flow discharge data from the affected area(s) or facility(ies) based upon an approximation or estimation, along with such calculations as are necessary to clearly establish methods used for flow determination.

A User may be required to install more than one flow measuring device for measurement of its industrial flow, domestic flow and/or total discharge to the Authority Sewer System. A User shall be required to calibrate its flow measuring devices on annual or more frequent basis as determined necessary by the Authority and shall submit the calibration data and certifications to the Authority, if requested.

8.3 SAMPLING LOCATION(S)

The User shall obtain approval from the Authority regarding selection of the sampling location or locations where the permit discharge limitations shall apply and samples be collected. In the event where no sampling location has been identified by the User, the Authority may select a sampling location(s) which, in the Authority's opinion, represents the User's discharge, for the compliance evaluation purposes.

8.4 SAMPLING TECHNIQUES

Reporting requirements and compliance determination with respect to discharge limitations shall be on the basis of either composite sampling, instantaneous grab samples and/or continuous sampling at the regulated outfall(s) as determined by the Executive Director or, with respect to SIU permits, NJDEP. USEPA and NJDEP sampling techniques and guidelines including, but not limited to, sample types, collection procedures, sample preservation, sample storage, transport, record keeping (Chain-of-Custody forms), sample holding time, shall be adopted by the User.

A composite sample may be taken over a 24 hour period, the working hours or a time span as determined by the Authority, or with respect to SIU Permits by NJDEP, to meet the needs of specific circumstances. Based on circumstances, the sampling techniques may be revised by the appropriate regulatory agency from composite sampling to grab, multiple grabs, instantaneous or continuous sampling and vice versa. However, the sample shall be representative of the typical discharge for the sampling period. The sample type for each regulated pollutant shall be specified in a letter or in the User's permit.

The sampling frequency shall be specified in the User's permit or in a letter. The sampling frequency may vary from User to User or pollutant to pollutant based upon the type of industry, type and duration of discharge, discharge volume and quality, available discharge data base and compliance history.

8.5 SAMPLING AND ANALYSIS

A User who discharges or proposes to discharge non-domestic wastewater may be required to sample and analyze its wastewater at the discharge location or locations selected by the Executive Director or for SIU permittees by the NJDEP. The User's compliance with its permit and the Authority regulations shall be determined upon the sampling analysis and other information/data submitted by the User. The Authority and/or NJDEP may also conduct unscheduled sampling to determine compliance with these regulations and/or the permit. Any cost associated with any sampling conducted by the User, NJDEP or the Authority for the permit or Industrial Pretreatment Program compliance purposes, shall be the responsibility of the User.

All sampling, measurements, tests, analyses and calculations regarding characteristics of water and wastewater by an industrial discharger shall be determined in accordance with 40 CFR 136 and/or the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, et. al., "Methods for Chemical Analysis of Water and Waste" published by the U.S. Environmental Protection Agency, or the "Annual Book of Standards, Part 23, Water, Atmospheric Analysis" published by the American Society for Testing and Materials, and shall be based upon samples collected from the sampling location(s) designated/approved by the Executive Director or NJDEP as applicable.

8.6 CERTIFIED LABORATORY ANALYSIS

All Users shall perform each sample analysis in accordance with the analytical test procedures approved under 40 CFR Part 136, or by NJDEP or the Authority. The laboratory performing the analyses for the compliance determination must be approved and certified by NJDEP for the analyses of those specific parameters.

The analyses for the minimum sampling required per period for permit compliance determination must be performed by a NJDEP certified laboratory. A permitted industrial User shall submit all sample analyses performed on the regulated (outfall) effluent, irrespective of whether the sampling was performed for the permit compliance determination or other purposes. The Authority and NJDEP may not consider the analyses performed by a non-certified laboratory for the permit compliance determination and may request additional sampling, if necessary.

The Executive Director, under special circumstances, may accept effluent sampling analyses by a non-certified laboratory and/or analyses performed by using a non-approved test method. These circumstances may include lab method currently not approved/certified by NJDEP, pollutant parameter not approved by NJDEP, or as other reason approved by the Authority. However, additional requirements or conditions may be imposed regarding quality control, calibration, frequency, etc., if analyses performed using a non-approved method or using a non-certified laboratory is accepted by the Authority. These exceptions may be subject to approval from NJDEP and shall be specified in the User's discharge permit.

8.7 CALCULATION OF AVERAGE SAMPLING VALUES

The calculations and reporting of average values (weekly, monthly, quarterly or yearly) shall be based upon the monitoring/sampling data obtained during the period covered by the report and on the number of samples required or analyzed during the period. In addition, it is required that the results of any additional monitoring/sampling, beyond the minimum required in the permit, shall be included in the Discharge Monitoring Report and for averaging purposes. However, only those analyses performed by a NJDEP certified

laboratory shall be included in these calculations. NJDEP guidelines and instructions regarding data calculations and reporting shall be adopted by Users.

8.8 MAINTAINING OF RECORDS

A User shall retain and properly maintain records of all monitoring information, including all calibration and maintenance records, all original strip chart and recordings for continuous monitoring instruments, copies of all reports required by the discharge permit, records of all data used to complete application for the permit, all correspondence regarding the industrial discharge, all relevant laboratory reports, any pretreatment construction and compliance records, any enforcement or other requirements by the Authority and other agency or group, and any other information related to the discharge, for a period of at least five (5) years from the date of occurrence. This period may be extended by the Authority at any time, as deemed necessary. All such records and data shall be made available to the Authority or its authorized representative upon request by the Authority. An Industrial User shall provide copies of records upon request by the Authority. These records shall be made available for review during any inspection of the facility by the Authority or its representative.

8.9 REPORTING REQUIREMENTS

A User is subject to, but not limited to, the following reporting requirements under these rules and regulations. However, submission of any of the following reports shall not be considered a waiver from any penalties or enforcement actions the Authority, State or USEPA may impose for violations.

8.9.1 BASELINE MONITORING REPORT (BMR):

Within 180 days of the effective date of a Federal Categorical Pretreatment Standard, existing Industrial Users subject to such Categorical Pretreatment Standards and currently discharging or scheduled to discharge to the Sewer System shall submit a Baseline Monitoring Report (BMR) to the NJDEP and the Authority. The BMR shall include information required under 40 CFR 403.12(b) including, but not limited to, facility information, permits held, description of operations, flow measurements, measurement of pollutants, certification and compliance schedule. Additional details and/or any BMR forms shall be obtained from the NJDEP.

A New Source subject to such Categorical Pretreatment Standards shall submit the Baseline Monitoring Report (BMR) to the NJDEP and the Authority at least ninety (90) days prior to commencement of the discharge. The BMR shall include information required under 40 CFR 403.12(b) including, but not limited to, facility information, permits held, description of operations, flow measurements, measurement of pollutants. The New Source may use projected or estimated data for the report. The New Source shall include information on pretreatment and/or other method(s) of control to demonstrate that the discharge will be in compliance with the Categorical Standards (and Authority's discharge limitations and conditions), within a shortest time frame but no later than 90 days after the commencement of the discharge.

8.9.2 COMPLIANCE SCHEDULE PROGRESS REPORT:

An Industrial User subject to the Authority's discharge standards and/or Federal Categorical Pretreatment Standards and under a compliance schedule to meet these standards shall submit a periodic report to document and demonstrate the progress. A compliance schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of pretreatment required to meet the applicable Authority's and/or Federal Categorical Pretreatment Standards. No increment (date) shall exceed a nine (9) month period. Within 14 days of each increment date, the Industrial User shall submit a progress report to the NJDEP and the Authority including, at the minimum, whether or not the User complied with the compliance date and if not reason(s) for delay, steps taken by the User and the date to meet the compliance increment date.

8.9.3 COMPLIANCE REPORT:

Within ninety (90) days following the date of final compliance with applicable Federal Categorical Pretreatment Standards or the Authority discharge standards; or in case of a New Source following commencement of the introduction of wastewater to the Sewer System, an Industrial User subject to these Standards shall submit a Compliance Report to the NJDEP and/or Authority. The Compliance Report shall include information required under 40 CFR 403.12(d) including, but not limited to, facility information, flow measurements, measurement of pollutants and certification. For Industrial Users subject to equivalent mass or concentration limitations, information on the long term production rates, discharges and other data as required by the NJDEP, or the Authority, shall also be submitted.

8.9.4 DISCHARGE MONITORING REPORT (DMR):

All Industrial Users permitted by the Authority shall be required to file DMR's (a.k.a. Self Monitoring Reports (SMR) or Periodic Monitoring Reports (PMR)). All SIU's and CIU's shall submit DMR's to the NJDEP with copies to the Authority. The Authority may establish a different reporting frequency for other Users. A DMR submitted to the NJDEP shall be reported on forms as prescribed by the NJDEP. A DMR submitted to the Authority shall be reported on forms prescribed by the Authority. Unless specified otherwise by the Executive Director, a DMR shall include:

- (a) Name, address, contact telephone number of the facility;
- (b) The date and time of sampling;
- (c) The sampling location and sample type for each regulated parameter;
- (d) The individual(s) who collected the samples;
- (e) The date(s) analysis were performed and name of the certified lab;
- (f) The results of sampling analyses with proper units as specified in the permit, including the discharge volume;
- (g) If the permittee is under any compliance schedule, a progress report regarding the compliance and/or construction of any pretreatment work shall be included along with the DMR;
- (h) Any other information as required by the Authority, State or EPA; and
- (i) The signature and certification by the User's authorized representative.

An Industrial User shall store at its site and make available at the Authority's request all lab reports on the sampling performed on its regulated effluent. In addition to the above reporting requirements, a User shall be required to submit any other effluent data collected by the User regarding any special or additional sampling conducted by the User or as requested by the Authority. In addition, a User shall comply with other reporting requirements under applicable Federal and State Pretreatment regulations.

8.9.5 24-HOUR REPORT FOR VIOLATION & RESAMPLING:

Within 24 hours of becoming aware of any permit discharge limit violation, a User shall report the violation to the Authority and to the NJDEP if regulated by NJDEP. The User shall also make arrangements to re-sample the regulated effluent for the violated parameter(s) and submit results of re-sampling to the Authority and/or NJDEP, no later than thirty (30) days of becoming aware of the violation. The User shall also comply with all other noncompliance reporting requirements listed in these regulations and as required by the other regulatory agencies.

8.9.6 NONCOMPLIANCE REPORT:

If an Industrial User detects a violation of any regulated permit limit or condition, a report of noncompliance shall be submitted to the Authority and/or NJDEP, no later than 30 days of becoming aware of the violation (or within a time frame as specified by the Authority). This report shall be in addition to any other report filed with any agency having jurisdiction. A noncompliance report shall, at the minimum, include:

- (a) A short description of the noncompliance;
- (b) A description of any actions taken or proposed by the permittee to comply with the requirement without further delay;
- (c) A description of any factors which tend to explain or mitigate the noncompliance;
- (d) An estimate of the date the permittee will comply with the permit requirement and an assessment of the probability that the permittee will meet the requirement in the future; and
- (e) Submission of the re-sampling data of the violated pollutant parameter, within thirty (30) days of becoming aware of the violation. If the lab results are not available within thirty (30) days, the Authority may accept the lab Chain-Of-Custody form or other proof of sampling until the results are submitted.

8.9.7 REPORT ON SPILL/SLUG DISCHARGE:

A User shall report to the Authority (Telephone 973-696-4494) and other appropriate regulatory agencies any spill, slug discharge, discharge of toxic/prohibited wastes and/or any exceedance of discharge limitations which may cause injury to person, damage to the environment or pose a threat to human health or environment, immediately but no more than within two (2) hours of its occurrence or of becoming aware of the occurrence.

Within twenty-four (24) hours thereof (or of becoming aware of the occurrence), of a spill, slug discharge, discharge of toxic/prohibited wastes and/or any exceedance of discharge limitation, the User shall provide the Authority and other appropriate authorities with such additional information as estimated volume(s), estimated danger to human and environment and the measures taken or being taken to remediate the problem and to avoid a repetition of the problem.

A written report shall follow within five (5) days of the incident or of becoming aware of the incident. The notification regarding any spill, slug discharge, discharge of toxic/prohibited wastes and/or any exceedance of discharge limitations which may cause injury to person, damage to the environment or pose a threat to human health or environment shall not be considered a waiver from any penalties assessed or enforcement actions taken for any violation or any clean up cost associated with such discharge(s).

8.9.8 REPORT FOR CHANGED CONDITIONS:

Each User shall promptly notify the Authority and/or NJDEP of any planned significant changes to the User's operation or system which may alter the quality and/or quantity of its wastewater, so the Authority can review

and make a determination for approval or disapproval of the change in a timely manner. A significant change is defined, but not limited to, as follows:

- (a) A 20% variation in the monthly average operation or process of the User;
- (b) A 20% variation in the monthly average quality/quantity of the wastewater;
- (c) Introduction of a new product or raw material in significant quantity;
- (d) Discharge or potential discharge of any new toxic, hazardous, or incompatible pollutant;
- (e) Change in authorized representative or contact person;
- (f) Any significant and relevant operations, processes or other wastewater/discharge related activities previously not reported to the Authority.

8.9.9 REPORT FOR CHANGES IN PRETREATMENT:

A User shall promptly notify the Authority of any planned or proposed modifications to the existing pretreatment system or installation of any new or additional pretreatment system. No construction of new pretreatment system/unit or modification to the existing pretreatment system shall be initiated without securing an approval from the Authority (and NJDEP if applicable). The User shall comply with the Authority's Treatment Works Approval requirements as stated in Section X of these regulations and any other approval requirements under the State/USEPA regulations.

8.9.10 REPORT ON HAZARDOUS WASTE DISCHARGE:

- (a) Any User discharging or proposing to discharge a hazardous waste shall notify the Authority, USEPA Regional Waste Management Division Director and NJDEP Hazardous Waste Division, of any discharge substance which, if disposed of, would be a hazardous waste under 40 CFR 261. Such notification must include hazardous waste as set forth in 40 CFR 261, the USEPA hazardous waste number and the type of discharge (continuous, batch or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the Authority, the notification shall also contain the following information to the extent such information is known and readily available to the 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 the calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. The notification requirement in this section does not apply to pollutants already reported by Users subject to these regulations and other Pretreatment Standards, under the periodic Discharge Monitoring Report requirements
- (b) Discharges are exempt from the requirements of item (a) above, during a calendar month in which the User discharges no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are "Acute Hazardous Waste" as specified in 40 CFR 261.30 (d) and 261.33 (e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month or any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste, the Authority will require additional notification.
- (c) In the case of any new regulations under Section 3001 of Resource Conservation and Recovery Act (RCRA) identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Authority, the USEPA Regional Waste Management Division Director and NJDEP Hazardous Waste Division of the discharge of such substance within ninety (90) days of the effective date of such regulations.

- (d) In the case of any notification made under this section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by these rules and regulations, a permit issued thereunder, or any applicable Federal or State Law.

8.9.11 REPORT ON BYPASS:

- (a) **Bypass for Maintenance:** A User may allow any bypass to occur which does not cause an exceedance of any effluent limitations or other conditions in these regulations, but only if it is for essential maintenance to assure efficient operation(s).
- (b) **Anticipated Bypass:** If a User knows in advance of the need for a bypass, the Authority (and NJDEP as applicable) shall be notified at least ten (10) days prior to the date of the bypass and the User shall secure a verbal and/or written approval from the Authority prior to any such bypass.
- (c) **Unanticipated Bypass:** A User shall inform the Executive Director (and NJDEP as applicable) of an unanticipated bypass, as soon as possible, but no later than twenty-four (24) hours of becoming aware of the bypass. A written notice containing information regarding the bypass and actions taken to limit the damage and avoid future occurrence, shall be submitted within five (5) days of becoming aware of the bypass. The notice, however, shall not be considered a waiver from any penalties assessed for violations associated with the bypass. The Authority may be contacted by telephone at (973)-696-4494 or via Fax at (973)-305-1764 (or as updated). The reporting requirements under applicable USEPA, NJDEP and the other agencies shall also be followed. See additional requirements under a Spill/Slug discharge, if applicable.

8.9.12 REPORT FOR SERIOUS / SIGNIFICANT NON-COMPLIANCE:

Any violation by a User identified as a "Serious" and/or "Significant Non-Compliance (SNC)" violation based upon definitions stated in the USEPA, State and/or Authority Regulations, shall comply with all additional monitoring and reporting requirements as imposed by the Authority or other agencies. These requirements may include, but not be limited to, additional or more frequent sampling, frequent reporting, additional site inspection, implementation of control measures, assessment of penalties and other enforcement actions. The reporting relating to "Serious" and "SNC" shall be submitted on the forms and at the frequency prescribed by the Authority and to NJDEP if applicable. A User identified as a "Serious" and/or "Significant Non-Complier (SNC)" shall conduct, at a minimum, six (6) consecutive months of sampling (and reporting).

8.9.13 REPORT BY UNPERMITTED USERS:

All Users not required to obtain a discharge permit or a User regulated by Permit-By-Rule provisions by the Authority shall provide any information required by the Authority. In addition, an unpermitted User or a User regulated under Permit-By-Rule shall also comply with the reporting requirements regarding spill, slug, accidental or other discharge which may violate any condition of these Rules and Regulations and/or may have any adverse impact on the public health, environment or operation of the Authority's Treatment Plant.

The Authority has listed the threshold concentrations in Section 6.3 the regulations to trigger issuance of a discharge permit (IWDP) by the Authority if effluent sampling data collected by the discharger and/or the

Authority shows the discharge exceeding any of the threshold concentration. The Authority may require a discharger to collect effluent sample and submit data, without issuing an IWDP by the Authority, if the effluent data continue to show the discharge quality below the threshold concentrations listed in Section 6.3. If the discharge quality exceeds any threshold concentration, the discharger shall be required to apply for and secure an IWDP from the Authority.

8.10 PROVISIONS GOVERNING FRAUD & FALSE STATEMENTS

The reports and other documents required to be submitted or maintained under the Authority's rules and regulations shall be subject to:

- (a) The provisions of 18 U.S.C. Section 1001 relating to fraud and false statements;
- (b) The provisions of Section 309(c)(4) of the Act, as amended, governing statements, representation and certification; and
- (c) The provisions of Section 309(c)(6) of the Act, regarding responsible corporate officers.

SECTION IX: PERMIT-BY-RULE

9.1 ELIGIBILITY AND REQUIREMENTS

All dischargers of wastewater to the Authority Sewer System shall comply with the prohibited discharges, discharge limitations and/or other requirements of these regulations. An individual IWDP shall be issued to a User who does not meet the definition of SIU or CIU as determined by the Executive Director. All other Users who discharge to the Authority Sewer System and are not regulated by an individual Permit (IWDP) or regulated by NJDEP as a SIU, shall be deemed to possess a Permit-By-Rule and shall comply with the requirements specified below:

- (1) The discharge flow, loadings and other characteristics shall not be changed such that the User can be defined as a SIU or subject to Authority's IWDP;
- (2) The discharge shall be in consistent compliance with these regulations including, but not limited to, Prohibited Discharges and discharge limitations as stated in Section V and VI of these regulations;
- (3) The facility is not now and is not anticipating to be an industry which is regulated by any USEPA Federal Categorical Pretreatment Standards;
- (4) The discharge shall not interfere with the Authority Sludge Management Plan or with the operation of the treatment plant;
- (5) The discharge shall not cause a pass-through or interference at the Authority Treatment Plant;
- (6) The discharge shall comply with all other applicable standards promulgated by the Authority, State and USEPA.

9.2 TERMINATION OF ELIGIBILITY FOR PERMIT-BY-RULE

The Authority has listed the threshold concentrations in Section 6.3 the regulations to trigger issuance of a discharge permit (IWDP) by the Authority if effluent sampling data collected by the discharger and/or the Authority shows the discharge exceeding any of the threshold concentration. The Authority may require a discharger to collect effluent sample and submit data, without issuing an IWDP by the Authority, if the effluent data continue to show the discharge quality below the threshold concentrations listed in Section 6.3. If the discharge quality exceeds any threshold concentration, the discharger shall be required to apply for and secure an IWDP from the Authority.

Based upon noncompliance with any condition stated above, the Authority may terminate eligibility of a User for the Permit-By-Rule. Where eligibility for the Permit-By-Rule has been terminated by the Authority, the User shall apply for and obtain an individual permit (IWDP) from the Authority or a SIU permit from the NJDEP, as applicable.

SECTION X: PRETREATMENT REQUIREMENTS

10.1 PRETREATMENT OF WASTEWATER

In order to comply with the discharge limitations, a User may construct and operate a pretreatment system (a.k.a. treatment works) to control or treat its wastewater prior to discharge to the Authority Sewer System. A pretreatment system may consist of any physical, chemical and/or biological processes used prior to discharge to the Authority Sewer System, which may alter the characteristics of the wastewater. In case of noncompliance of any discharge limitation, the Authority or NJDEP may require a User to install treatment works to comply with the discharge limitations. Increase in water use or dilution to meet the permit discharge limitation(s) shall not be used or considered as a substitute for pretreatment.

10.2 SUBMISSION OF TREATMENT WORKS / PRETREATMENT PLANS

The Authority and/or NJDEP may require submission of plans for any existing pretreatment system, constructed prior to the effective date of these regulations. However, for any modification to the existing pretreatment system and/or any proposed treatment works, the User shall submit to the Authority (and NJDEP if applicable) for review and/or approval plans, specifications and pertinent data/information relating to such plans prior to beginning of construction of any treatment works. The submission requirements may be based upon or similar to the NJDEP's Treatment Works Approval (TWA) regulations, as stated in NJAC 7:14A-22.1 et seq. An approval of such a treatment works, from the Authority, shall not exempt the User from compliance with the Authority's requirements and/or approval from the State, USEPA or other agencies. Any subsequent alteration or additions to the pretreatment facility or treatment works shall not be made without due notice to and prior approval of the Authority. The Authority may require the Industrial User to submit progress reports regarding the construction of the treatment works, until such time the construction is completed and the treatment works are operational.

10.3 PRETREATMENT FACILITY OPERATION

If a pretreatment facility is constructed to treat the wastewater prior to discharge to the Authority, the facility shall be maintained in good working condition and operated as efficiently as possible by the owner or operator at its own cost and expenses. The Authority reserves the right to require that the treatment works or pretreatment system be supervised or operated by a New Jersey licensed operator of the classification determined by the Authority. The operation of such a facility may be subject to additional requirements by the Authority and/or NJDEP.

10.4 GREASE, OIL & SAND INTERCEPTORS

Grease, oil and/or sand interceptors shall be installed when, in the opinion of the Authority, they are necessary for the proper handling of the waste or wastewater containing grease in excessive amounts, any flammable wastes, sand or other harmful ingredients. These installations may be required of any discharger (User) to the Authority Sewer System.

All interceptors shall be of the type and capacity approved by the Authority. These interceptors shall be located as to be ready and easily accessible for regular cleaning and/or any inspection by the Authority.

SECTION XI: COMPLIANCE ENFORCEMENT & PENALTIES

11.1 COMPLIANCE DETERMINATION

Compliance determinations with respect to any permit limitations, conditions or other requirements of the Authority, State and/or USEPA regulations may be based upon the following, but not limited to, items:

- (a) Discharge Monitoring Reports submitted by the Industrial User to the Authority, State, and/or USEPA;
- (b) An inspection conducted by the Authority or other regulatory agency;
- (c) Periodic, unscheduled or any other effluent sampling conducted by the Authority or other regulatory agency;
- (d) Any complaints, inquiries or investigation made by the public or a person and substantiated by the Authority;
- (e) Any non-reporting, delay in reporting or no sampling condition as per requirements of these regulations or the User's Permit; or
- (f) Any other information/data collected or received by the Authority.

With regard to compliance with the permit discharge limitations for the regulated parameters, the regulated User shall include the results of any additional monitoring (and analyzed by a NJDEP certified laboratory), beyond the required minimum for the averaging calculations and reporting purposes (within the period covered by the report). Any analyses conducted on the regulated effluent, whether for reporting purposes or for any internal study or investigation by the User, shall be reported to the Authority and/or NJDEP along with an explanation.

In case a sample analysis indicates a violation of any permit limitation or the Authority Regulations, the regulated User shall immediately repeat the sampling and submit the results to the Authority within thirty (30) days. This sampling and analysis shall be in addition to any regular/periodic scheduled sampling required by the Authority.

11.2 ENFORCEMENT RESPONSE

Section 11.3 of these regulations lists enforcement actions which may be taken by the Authority against a User for violations of these regulations or the User's IWDP requirements. The Authority may take any additional action as deemed necessary to protect its treatment plant and any tributary sewers thereto, and to carry out the intent and provisions of these regulations. The User may also be subject to additional enforcement actions by NJDEP, as applicable.

11.3 ENFORCEMENT ACTIONS

Whenever the Authority and/or NJDEP determines a User has violated or continues to violate a permit limitation or condition, or any provision of these Rules and Regulations, or an Order issued hereunder, or any other Pretreatment Standard or requirement, the Authority and/or NJDEP shall take one or more of the following enforcement actions. Nothing in this section shall limit the Authority to take one or more enforcement actions independent of others, as determined necessary by the Authority and/or NJDEP.

- (a) Issue a Notice of Violation
- (b) Have a Show Cause Hearing
- (c) Issue a Compliance Order & Schedule
- (d) Issue a Consent Order

- (e) Take Civil Action
- (f) Emergency Actions
- (g) Issue a Cease & Desist Order
- (h) Suspend Discharge/Permit
- (i) Terminate Discharge/Permit
- (j) Issue Summons
- (k) Criminal Prosecution against the User
- (l) Issue a Public Notification
- (m) Require Pretreatment

11.4 NOTICE OF VIOLATION (NOV)

When the Authority finds that a User has violated or continues to violate any provision of discharge prohibitions, its IWDP, these Regulations, an Order issued hereunder, or any other Pretreatment Standard or requirement, the Authority may serve upon the User a written Notice of Violation. A Notice of Violation shall state the nature and details of the violation, permit/regulation requirements and response required.

Within twenty (20) days of the receipt of the notice (unless a different time period is established by the Authority), an explanation of the violation and a plan for the satisfactory correction and prevention thereof to include specific required actions, shall be submitted by the User to the Authority. Submission of this plan or response in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority to take additional actions, including emergency actions or any other enforcement actions, without first issuing a Notice of Violation. The Notice of Violation shall not be considered as a waiver from any applicable civil or criminal penalties and/or other enforcement actions. Depending on the nature and severity of the violation, the Executive Director may follow other enforcement actions rather than serving a Notice of Violation, including suspension of operation, suspension or termination of sewer services, pretreatment of waste, collection and hauling waste off-site, civil and/or criminal penalties, etc.

11.5 SHOW CAUSE HEARING

The Authority may order a User which has violated or continues to violate any provision of the IWDP, these Rules and Regulations or an Order issued thereunder, or any other Pretreatment Standards, to appear before the Authority and Show Cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User Show Cause why the proposed enforcement actions should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least thirty (30) days prior to the hearing. Such notice may be served on the authorized representative of the User. A Show Cause Hearing shall not be a bar against, or prerequisite for taking any other enforcement actions against the User.

11.6 COMPLIANCE ORDER

Whenever the Authority finds that a User is in violation of any provision of these Rules and Regulations, it may issue a Compliance Order which may include, but not be limited to:

- (a) The provision or provisions of the Authority and other Rules and Regulations, effluent limitation, pretreatment standards or permit conditions of which the User is in violation;
- (b) The action which caused such violation;
- (c) Conditions requiring compliance with such provision or provisions, including actions/steps to be taken by the User and a time schedule;

- (d) Any penalty assessed by the Authority for the violation(s); and
- (e) Providing notice to the User of its right to a hearing on the issues contained in the order.

11.7 COMPLIANCE SCHEDULE

- (a) A compliance schedule shall require the permittee to demonstrate to the Authority the financial assurance, including the posting of a bond or other security approved by the Authority, necessary to carry out the remedial measures required by the schedule of compliance.
- (b) The Authority shall afford an opportunity to the User and/or public to comment on a proposed Consent Order prior to final adoption if the Administrative Order would establish interim enforcement limits that would relax effluent limitations established in a permit or a prior Order. The Authority shall provide public notice of the proposed Consent Order, and announce the length of the comment period, which shall be not less than 30 days, commencing from the date of publication of the notice. A notice shall include a summary statement describing the nature of the violation necessitating the proposed Consent Order and its terms and conditions, how additional information may be obtained, and to whom written comments 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 violation occurred, and to any other persons who have expressed an interest in the public notice, including any other governing agencies.

The Authority shall consider the written comments received during the comment period prior to final adoption of the Consent Order. No later than the date that final action is taken on the proposed Order, the Authority shall notify each person or group having submitted written comments of the main provisions of the approved Administrative Order and respond to the comments received therefrom.

- (c) The Authority, on its own initiative or at the request of any person submitting written comments pursuant to this subsection, may hold a Public Hearing on a proposed Consent Order prior to final adoption if the Order would establish interim enforcement limits that would relax for more than 24 months effluent limitations established in a permit or a prior Order. A public notice for the Public Hearing to be held pursuant to this subsection shall be published not less than 15 days but not more than 30 days prior to the holding of the hearing. The hearing shall be held at the Authority's site or in the municipality in which the violation, necessitating the Order, occurred. The Authority may recover all reasonable costs directly incurred in scheduling and holding the Public Hearing from the person requesting or requiring the interim enforcement limits and/or other permit changes, in accordance with the Authority, State and Federal regulations.

11.8 CONSENT ORDER

The Authority may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with a User responsible for noncompliance. Such documents will include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall be enforced as provided by the Law. Prior to issuance of a Consent Order, the Authority shall provide public notice as stated above and pursuant to N.J.S.A. 58:10A-6.1 (b) and (c) to comply with public participation requirements.

11.9 CIVIL ACTION

The Authority is authorized to commence a civil action in the Superior Court for appropriate relief for any violation of these Rules and Regulations or of a permit issued hereunder. The User may be subject to additional enforcement action by NJDEP, as applicable. Such relief may include, singly or in combination:

- (a) A temporary or permanent injunction.
- (b) Assessment of the violator, for the reasonable costs of any investigation, inspection or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and litigating the case under this subsection;
- (c) Assessment of the violator for any reasonable cost incurred by the State or Authority in removing, correcting or terminating the adverse effects upon water quality resulting from any unauthorized discharge of pollutants for which the action under this subsection may have been brought;
- (d) Assessment against the violator of compensatory damages for any loss or destruction of wildlife, fish or aquatic life, other natural resources or treatment plant process and for any other actual damages caused by an unauthorized discharge;
- (e) 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 non-capital 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.
- (f) **Assessment of a Civil Penalty:** The Authority adopts by reference the penalty provisions of N.J.A.C. 7:14-1 et seq. and are incorporated herein. However, the Authority specifically does not adopt any provision which limits the Authority's ability to compromise and settle the assessed penalty.

Assessments under paragraph (d) of this subsection may be paid to the State Treasurer, except that compensatory damages shall be paid by specific Order of the court to any persons who have been aggrieved by the unauthorized discharge.

11.10 EMERGENCY ACTIONS

The Authority and/or NJDEP may immediately suspend a User's discharge (after informal notice to the User) whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of public and/or environment. The Authority and/or NJDEP may also immediately suspend a User's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the Authority, or which presents or may present an endangerment to the environment.

- (a) Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the Suspension Order, the Authority shall take such steps as deemed necessary, including immediate severance of the sewer connection (in accordance with N.J.S.A. 58:11-56), to prevent or minimize damage to the Authority Sewer System, State receiving stream, or endangerment to public or environment. The Authority and/or NJDEP shall allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Authority that the period of endangerment has passed, unless the termination proceedings in these regulations are initiated against the User.
- (b) A User responsible, entirely or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Authority prior to the date of any Show Cause or Termination Hearing under these rules and regulations.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency action by the Authority.

11.11 CEASE & DESIST ORDER

When the Authority and/or NJDEP finds that a User has violated or continues to violate any provision of any permit, Authority's rules and regulations, an Order issued hereunder, or any other Pretreatment Standards, or that the User's past violations are likely to recur, the Authority and/or NJDEP may issue an Order to the User directing it to cease and desist all such violations and directing the User to:

- (a) Immediately comply with all requirements; and
- (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for taking any other action against the User.

11.12 SUSPENSION OF PERMIT/DISCHARGE

Based upon severity of violation and other available information, the Executive Director and/or NJDEP may suspend the User's IWDP or the operation (partial or completely) at the User's site for protection of the sewer system, environment and/or public health. The duration of any suspension of operation may depend on the severity of violation and/or corrective actions taken to control the problem. The User may request a Show Cause hearing regarding the suspension and provide supporting documents to the Authority demonstrating compliance with the User's permit and the Authority regulations prior to restoration of its operation or sewer services.

11.13 TERMINATION OF PERMIT/DISCHARGE

In addition to the other enforcement provisions in Section 11 of these Rules and Regulations, any User that violates the following conditions is subject to termination of its discharge:

- (a) Violation of permit conditions or USEPA/NJDEP Pretreatment regulations;
- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge and/or to submit report in timely manners as required by the Authority;
- (c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
- (d) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring or sampling; or
- (e) Falsification of reports or information submitted to the Authority;
- (f) Failure to pay sewer fee, IFP fee, other charges or penalties assessed by the Authority;
- (g) Failure to respond to any directives issued by the Authority.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity for a Show Cause hearing under this Section of these rules and regulations why the proposed action should not be taken. Exercise of this option by the Authority shall not be a bar to, or a prerequisite for taking any other enforcement action against the User.

11.14 CRIMINAL PROSECUTION

The Authority may petition the County Prosecutor or the State Attorney General for Criminal Prosecution as required by N.J.S.A. 58: 10A-6.i for any of the following:

- (a) (1) Any person who purposely, knowingly, or recklessly violates these Rules and Regulations, and the violation causes a significant adverse environmental effect or treatment plant upset, shall, upon

conviction, be guilty of a crime of the second degree, and shall, notwithstanding the provisions of subsection a. of N.J.S.A. 2C:43-3, be subject to a fine of not less than \$25,000 nor more than \$250,000 per day of violation, or by imprisonment, or by both.

(2) As used in this paragraph, a significant adverse environmental effect exists when an action or omission of the defendant causes: serious harm or damage to treatment plant process, wildlife, freshwater or saltwater 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 harm or damage to, or degradation of, the lands or waters of the State, including ocean waters subject to its jurisdiction pursuant to P.L.1988, c.61 (N.J.S.A. 58:10A-47 et seq.).

- (b) Any person who purposely, knowingly, or recklessly violates these Rules and Regulations, including making a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under these Rules and Regulations, or by falsifying, tampering with, or rendering inaccurate any monitoring device or method required to be maintained pursuant to this Section, or by failing to submit a monitoring report, or any portion thereof, required pursuant to these Rules and Regulations, shall, upon conviction, be guilty of a crime of the third degree, and shall, notwithstanding the provisions of subsection b. of N.J.S.A. 2C:43-3, be subject to a fine of not less than \$5,000 nor more than \$75,000 per day of violation, or by imprisonment, or by both.
- (c) Any person who negligently violates these Rules and Regulations, including making a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under these Rules and Regulations, or by falsifying, tampering with, or rendering inaccurate any monitoring device or method required to be maintained pursuant to these Rules and Regulations, or by failing to submit a Discharge Monitoring Report, or any portion thereof, required pursuant to these Rules and Regulations, shall, upon conviction, be guilty of a crime of the fourth degree and shall, notwithstanding the provisions of subsection b. of N.J.S.A. 2C:43-3, be subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment, or by both.
- (d) Any person who purposely or knowingly violates an effluent limitation, Pretreatment Standard 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, as defined in subsection b. of N.J.S.A. 2C:11-1, shall, upon conviction, be guilty of a crime of the first degree, and shall, notwithstanding the provisions of subsection a. of N.J.S.A. 2C:43-3, 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.
- (e) As used in this subsection, "purposely," "knowingly," "recklessly," and "negligent" shall have the same meaning as defined in N.J.S.A. 2C:2-2.

11.15 WASTEWATER PRETREATMENT REQUIREMENTS

In the event that the Executive Director determines that an industrial discharger is in violation and/or not in consistent compliance with the permit or these regulations, the industrial discharger may be required to install an appropriate pretreatment system to control the discharge. The Executive Director may approve the shortest possible compliance schedule for installation or construction of such pretreatment system. Any violation during construction of the pretreatment may not be subject to an automatic waiver from any applicable civil or criminal penalties, and/or other enforcement actions. A pretreatment system installation/construction may be subject to additional approval(s) from the Authority, State and other regulatory agencies.

11.16 VIOLATION OF THE STATE WATER POLLUTION CONTROL ACT

The Authority will report to the NJDEP any information the Authority obtains which indicates a person was deliberately or neglectfully violating any Pretreatment Standard, or provision of the New Jersey "Water Pollution Control Act", N.J.S.A. 58:10A-1 or the regulations promulgated thereunder and will institute a civil action or injunctive suit against the violator(s).

The Authority shall report to the NJDEP any information the Authority obtains which indicates a person knowingly made a false statement, representation or certification in an application, record or other document filed or required to be maintained by any Pretreatment Standard, any provision of the New Jersey "Water Pollution Control Act", N.J.S.A. 58:10A-1 q., or any regulations promulgated thereunder, or who falsifies, tampers with, or knowingly renders inaccurate, any monitoring devices or method required to be maintained pursuant to the State Act.

11.17 REMEDIES NONEXCLUSIVE

The provisions made throughout Section 11 of these Rules and Regulations are not exclusive remedies. The Authority reserves the right to take any, all, or any combination of these actions against a User in noncompliance. The Authority reserves the right to take other action against any User when the circumstances warrant. Furthermore, the Authority is empowered to take more than one enforcement action against any User in noncompliance. These actions may be taken concurrently.

11.18 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

11.18.1 AFFIRMATIVE DEFENSES FOR A PENALTY:

A person may be entitled to an Affirmative Defense to liability for a penalty assessed pursuant to Section 11 or other applicable Sections of these regulations for a violation of an effluent limitation occurring as a result of an Upset, or an Anticipated/Unanticipated Bypass, or a testing/laboratory error. A person shall be entitled to an Affirmative Defense only if, in the determination of the Authority, the person satisfies one of the following provisions of this Section:

11.18.1(a) Upset:

A person asserting an Upset as an Affirmative Defense pursuant to this section, except in the case of an approved maintenance operation, shall notify the Authority of an Upset within 24 hours of the occurrence, or of becoming aware of the occurrence, and, within five days thereof, shall submit written documentation, including properly signed, contemporaneous operating logs, or other relevant evidence, on the circumstances of the violation, and demonstrating, as applicable, that:

- (i) The Upset occurred, including the cause of the Upset and as necessary the identity of the person causing the Upset.
- (ii) The permitted facility was at the time being properly operated.
- (iii) The person submitted notice of the Upset as required pursuant to this section, or, in the case of an Upset resulting from the performance by the permittee of maintenance operations, the permittee provided prior notice and received an approval therefore from the Authority.
- (iv) The person complied with any remedial measures required by the Authority.

11.18.1(b) Unanticipated Bypass:

A person asserting an Unanticipated Bypass as an Affirmative Defense pursuant to this section shall notify the Authority of the Unanticipated Bypass within 24 hours of its occurrence, and, within five days thereof, shall submit written documentation, including properly signed, contemporaneous operating logs, or other relevant evidence, on the circumstances of the violation, and demonstrating that:

- (i) The Unanticipated Bypass occurred, including the circumstances leading to the Bypass;
- (ii) The permitted facility was at the time being properly operated;
- (iii) The person submitted notice of the bypass as required pursuant to this section;
- (iv) The person complied with remedial measures required by the Authority;
- (v) The Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
- (vi) There was no feasible alternative to the Bypass such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of downtime, except that the provisions of this paragraph shall not apply to a Bypass occurring during normal periods of equipment downtime or preventive maintenance if, on the basis of the reasonable engineering judgment of the Authority, back-up equipment should have been installed to avoid the need for a Bypass.

Nothing contained in subsection 11.20.1(a) or 11.20.1(b) of this section shall be construed to limit the requirement to comply with the provisions of paragraph (8) of subsection (f) of Section 6 of P.L.1977, c. 74 (N.J.S.A. 58:10A-6).

11.18.1(c) Anticipated Bypass:

A person may assert an Anticipated Bypass as an Affirmative Defense pursuant to this section only if the person provided prior notice to the Authority, at least ten (10) days prior to the date of the Bypass, and the Authority approved the Bypass, and if the person is able to demonstrate that:

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

11.18.1(d) Testing/Laboratory Error:

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 serious violation involving the exceedance of an effluent limitation was the result of unanticipated test interference's, sample contamination, analytical defects, or procedural deficiencies in sampling or other similar circumstances beyond the control of the permittee.

A determination by the Authority on a claim that a violation of an effluent limitation was caused by an Upset, or a Bypass, or a testing/laboratory error shall be considered final Authority action on the matter for the purposes of the "Administrative Procedure Act," P.L. 1968, c.410 (N.J.S.A. 52: 14B-1 et seq.), and shall be subject only to review by a court of competent jurisdiction.

An assertion of an Upset, a Bypass or a testing/laboratory error as an Affirmative Defense pursuant to this subsection may not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

11.19 OTHER AFFIRMATIVE DEFENSES FOR DISCHARGES:

An Industrial User shall have an affirmative defense in any action brought against it alleging a violation of the Discharge Prohibitions or limitations established in Sections V (Prohibited Dischargers) and VI (Discharge Limitations and Conditions) of these regulations, if the Industrial User can demonstrate that:

- (a) It did not know or have reason to know that its discharge, alone or in conjunction with other discharge(s) from other sources, would cause Pass-through or interference; and
- (b) (i) A local-limit designed to prevent Pass-through and/or Interference, as the case may be, was developed for each pollutant in the Users Discharge that caused pass-through or interference, and the Industrial User was in compliance with each such local limit directly prior to and during the pass-through or interference; or

(ii) If a local limit designed to prevent pass-through and/or interference, as the case may be, has not been developed for the pollutant(s) that caused the pass-through or interference, the Users Discharge directly prior to and during the pass-through or interference did not change substantially in nature or constituents from the Industrial User's prior discharge activity when the Authority was regularly in compliance with its NJPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

11.20 NEGOTIATIONS AND COMPROMISE OF PENALTY

The Authority may, in its discretion, adjust the amount of penalties determined pursuant to these regulations on the basis of the following factors:

- (i) The compliance history of the violator;
- (ii) The number, frequency and severity of the violation(s);
- (iii) The measures taken by violator to mitigate the effects of the current violation or to prevent future violations;
- (iv) The deterrent effect of the penalty and/or the severity of penalties on survival;
- (v) The mitigating or extenuating circumstances not considered in the original assessment;
- (vi) The measures proposed or undertaken by the violator to cleanup, reverse or repair environmental damages caused by the violation and/or implementation of pollution prevention/waste reduction measures; and/or
- (vii) Any other terms or conditions acceptable to the Executive Director or his/her authorized representatives.

SECTION XII: RIGHT OF ENTRY & INSPECTION

12.1 RIGHT OF ENTRY & INSPECTION

In addition to the rights provided by the law (N.J.S.A. 40: 14B-1, et. seq.), by acceptance of the permit or permit-by-rule, the User shall agree, consent and authorize the Administrator and/or any representative of the Executive Director to:

1. Enter upon the permittees premises where a discharge source is or might be located in which monitoring equipment or records required by the permit are kept, for purposes of inspection, sampling, copying or photographing. Photography shall be allowed as related to the discharge;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
3. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit;
4. Sample or monitor, at reasonable times, for the purpose of assuring permit compliance or any substances or parameters at any location; and
5. Be waived from any civil or criminal act of trespass filed by the industrial discharger when they enter the premises occupied by the industrial discharger for the permit related inquiries or investigations.

12.2 SEARCH WARRANT

If the Authority or its representative has been refused access to a User's building, structure, property, record or any part thereto, dealing with these regulations or the User's permit, and the Authority is able to demonstrate probable cause that there may be a violation of these regulations, or that there is a need to inspect and/or sample as a part of routine inspection and sampling programs of the Authority designed to verify compliance with these regulations or any permit or an Order thereunder, or to protect the environment or public health, safety, welfare of the community, then the Executive Director may seek issuance of a Search Warrant from the municipal court or other appropriate courts having jurisdiction.

SECTION XIII: SEVERABILITY

If any provision, paragraph, word, section or article of these regulations is invalidated by a court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and articles shall not be affected and shall continue to remain in full force and effect.

SECTION XIV: REVISIONS

The Authority reserves the right to revise these Rules and Regulations or to adopt additional Rules and Regulations from time to time as it shall deem necessary for the operation, maintenance, protection of the Authority Sewer System, public health or environment, or for meeting any revised standards of influent or effluent quality of any regulatory agencies or for any other reason the Authority deems is desirable or necessary for performing its functions properly.

SECTION XV: CONFLICT

All other regulations and parts of other regulations inconsistent or in conflict with any part of these regulations are hereby repealed to the extent of such inconsistency or conflict.

SECTION XVI: DAMAGES AND COSTS

In addition to the charges, surcharges and penalties provided herein, in the event any User shall violate an order of the Authority or willfully or negligently fail to comply with any provisions of these Rules and Regulations, the Authority may institute an appropriate action against such person to recover the damages caused to its sewer and treatment system as well as the costs incurred to rectify any treatment process difficulties as may have occurred as a result of such violation, together with reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation. The Authority may use Federal General Pretreatment Regulations under 40 CFR 403.8(f)(1)(vi) and applicable Federal and State Water Pollution Control Acts to recover these damages, costs and expenses.

SECTION XVII: FEES AND CHARGES

17.1 FEES & CHARGES

Applicable Federal, State and Authority's regulations require that each User of a Publicly Owned Treatment Works (POTW) shall pay a fair and equitable amount of the operation and maintenance of the system. A POTW is designed to treat domestic wastewater, while non-domestic wastewater may require variable treatment or may have different impact on a POTW and its operation than that of domestic wastewater.

A user is subject to sewer use charges in accordance with regulations of the Authority. It is also purpose of these regulations to establish fees for Users of the Authority's sanitary sewer system for activities not included in the Authority's annual operating expenses and budget. The applicable charges and/or fees shall be set forth by Resolution of the Authority. A User may be subject to the following fees and charges:

- (1) Fees for reviewing accidental discharge procedures, construction and/or incident.
- (2) Fees for disposal of sludge and scavenger wastes.
- (3) Fees for filing appeals and/or contesting Authority's regulations/guidelines.
- (4) Fees for development, implementation and management of the Authority's Industrial Pretreatment Program; and fees for consistent removal by the Authority of pollutants otherwise subject to Federal Pretreatment Standards;
- (5) Connection Fees
- (6) Other fees as the Authority may deem necessary to carry out the requirements contained herein.

17.2 SURCHARGES

The Authority hereby establishes a schedule for surcharges for industrial/non-domestic Users. The Authority's pollutant discharge limitations as stated in Section 6.2 of these regulations are in effect. However, a written approval from the Executive Director for authorization of the surcharge provisions shall be required prior to a discharge of any wastewater concentrations higher than those listed in Section 6.2 of these regulations. Such an approval will avoid any penalties and/or enforcement actions for exceedance of the Authority's discharge limitations in Section 6.2. however, the surcharge option is not available for all pollutant parameter, but only for limited conventional pollutants for which the treatment plant is designed, as determined by the Authority.

The surcharges and/or surcharge provision may be amended from time to time in accordance with the State and Federal guidelines and/or based upon experience and/or difficulties encountered at the Authority Wastewater Treatment Facilities. The surcharge fee may reflect the cost associated with treatment of the excessive discharge of the pollutant by the discharger compared to the average discharge (limitations) as specified in Section-VI of these regulations.

The annual operation and maintenance costs of the Authority attributable to the pollutant parameters subject to the surcharge provision shall be available with the Authority for review and shall be revised annually or as deemed necessary by the Authority. The Executive Director reserves the right to substitute unit surcharge cost/rate of a pollutant parameter for another pollutant parameter if data is not available for the pollutant, including but not limited to, Biochemical Oxygen Demand for Chemical Oxygen Demand, etc.

For purpose of this Section, the term "Average" shall be an arithmetic means of all values from analyses of effluent samples which were performed during the reporting period under consideration. The Executive Director may not accept sample analysis performed by a non-certified laboratory for the Sewer Surcharge calculations.

The monthly (or periodic) surcharges assessed for a User shall be calculated in accordance with the formula established by the Authority.

17.3 FEE SCHEDULE

The Authority shall revise and/or update its charges, rates and fee schedules annually or as deemed necessary.

NONRESIDENTIAL SEWER USE APPLICATION

SMUA Form C

BY APPLICANT

BY SEWERAGE AUTHORITY

1. Applicant: _____
Property Owner (if different): _____
2. Street: _____
3. Town: _____
4. Post Office Box: _____
5. Tax Block: _____
6. Telephone No.: _____
7. Contact Person (Name/Title): _____
8. Described Business: _____
9. Will a garbage grinder with a motor of ¼ horsepower or greater be installed? _____
Will a grease trap be installed? _____ If yes, please state volume: _____ gallons.
10. Will any liquid product, process, or waste be present on the premises in quantities greater than 1,000 gallons? _____ If yes, please identify: _____
11. Will discharge consist only of Domestic Wastewater?* _____ If no, please complete and submit Form D, Supplemental Non-Domestic Sewer Use Information.

The Authority will utilize the information furnished in this application in forming its opinion as to allow or restrict by issuance a permit, or prohibit the proposed discharge.

In consideration of the filing of this application, the undersigned agrees:

1. To furnish any additional information relating to the use of the Public Sewerage System for which this application is made as may be requested by the Authority.
2. To accept and abide by all provisions of the Rules and Regulations of the Authority, and of all amendments that may be adopted in the future. (Available for inspection and/or purchase at the Authority offices).
3. To operate and maintain any waste pretreatment facilities, as may be required as a condition of the acceptance into the Public Sewerage System of the wastes involved, in an efficient manner at all times, and at no expense to the Authority.
4. To allow the Authority access to the facilities and records at reasonable times and to cooperate at all times with the Authority in their inspecting, sampling, and study of the discharge and any facilities provided for pre-treatment.
5. To notify the Authority immediately in the event of any accident or other occurrence that occasionally discharges to the Public Sewerage System of any wastewater or substances prohibited or not covered by this permit.

The signature presented below shall certify that to the best knowledge and belief of the Applicant, or duly Authorized Representative** of the Applicant, the information furnished in this application is true, complete and accurate.

(signature)

(position)

(date)

*Domestic Wastewater is the liquid waste or liquid borne waste: (1) resulting from preparation, cooking and handling of food and/or consisting of human excrement and similar wastes from sanitary conveniences.

**Authorized Representative means: (1) a principal executive officer of at least the level of vice president, if the applicant is a corporation; (2) a general partner or proprietor if the applicant is a partnership or proprietorship, respectively; (3) a duly authorized representative of the individual designed above if such representative is responsible for the overall operation of the facilities from which the discharge will originate.

SUPPLEMENTAL NON-DOMESTIC SEWER USE INFORMATION

SMUA Form D

BY APPLICANT

BY SEWERAGE AUTHORITY

1. Name: _____
2. Products and Average Production: _____

3. Type of Operation:
Continuous: _____ Batch: _____
Scheduled Shutdown: _____
If yes, when: _____
4. SIC Code: _____
5. Description of Non-domestic
Wastewater Discharge: _____

- Parameters exceeding 5% of Plant Capacity: _____

- Subject to USEPA Categorical
Pretreatment Std. for _____
(40CFR _____)
- NJDEP Significant Industrial User: _____
- Self Monitoring: _____
- Reviewed By/Date: _____
- Approved By/Date: _____
- Entered By/Date: _____
- Permit No.: _____
- Effective Date: _____
- Expiration Date: _____

6. Described any waste treatment process or devices provided prior to discharge: _____

7. Attach schematic diagram indicating discharge points and any waste treatment facilities.
8. Wastewater discharge from each process stream and other sources:

Stream	Average Daily (gpd)	Maximum Daily (gpd)	Peak (gpm)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

9. Discharges are (measured, estimated). If estimated, why? _____
How: _____
10. Based upon knowledge or materials and operations used at the facility, could the discharge contain any pollutant regulated by Article V of the Authority Rules and Regulations? _____
11. If yes, please attach a list of such pollutants and the concentrations of each representative of Normal work cycles and expected discharge. Indicate the time, date, and methods of analysis. Estimated values may be supplied for new facilities. Confirmation testing may be required in this instance.

Certificate of Compliance/Noncompliance**

To the best of my knowledge and belief, that the prohibitions and restrictions of Article V of the Authority's Rules and Regulations (are/are not) being met on a consistent basis.

(signature)

(position)

(date)

Certification by Applicant*

The information and certification contained in or attached to this application and familiar to me and to the best of my knowledge and belief, they are true, complete, and accurate.

(signature)

(position)

(date)

*Same as Form C

** By qualified professional familiar with the discharge and the Authority Rules and Regulations.

Industrial Pretreatment Program

INDUSTRIAL WASTEWATER DISCHARGE PERMIT APPLICATION

The following information must be reported. Incomplete Applications will be returned. Please print clearly or type in space provided. If additional space is required, attach a separate sheet and reference accordingly.

A. GENERAL INFORMATION

Facility Name: _____

Street Address: _____

Mailing Address: _____

Facility Representative: _____
Title: _____
Phone Number: _____

Primary SIC Code: _____ Description: _____

Secondary SIC Code: _____ Description: _____

Please describe the nature of the business and the various processes of operations incorporated which produce wastewater:

Is this facility subject to any Categorical Pretreatment Standards:
_____ YES _____ NO

If yes, list all industrial categorical classifications and any subcategories applicable: _____

B. FACILITY OPERATIONAL CHARACTERISTICS

Discharge Status: ☐ Proposed
☐ Existing
☐ Modified

If proposed, estimate the date when the industrial user desires to commence operation:

Describe briefly the product(s) manufactured, or the service(s) provided:

Number of Employees: Full Time: _____ Part Time: _____

Average number of employees per shift: _____ 1st _____ 2nd _____ 3rd
Shift start times: _____ 1st _____ 2nd _____ 3rd
Shifts normally worked each day: _____ 1st _____ 2nd _____ 3rd

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
1 st							
2 nd							
3 rd							

C. WATER DATA

1. Raw Water Source(s):

Is meter reading available?

Units of Measure

Public _____
Private Well _____
Surface Water _____
Other _____

2. Water Received: Year _____

	Public Supply	Well Water	Surface Water	Other Source	Total Water
1 st Quarter					
2 nd Quarter					
3 rd Quarter					
4 th Quarter					
Totals					

If the water source is not metered, indicate the method used for determining volume or rate of consumption: _____

3. WATER DISTRIBUTION:	YEAR: _____ (REPORT VOLUME IN GALLONS PER YEAR)
a. Sanitary Domestic Use	_____
b. Process Operation	_____
c. Groundwater Treatment System	_____
d. Storm Sewer	_____
e. Water Contained in Product	_____
f. Evaporation	_____
g. Waste Haulers	_____
h. Sprinkler System	_____
i. Other	_____
TOTAL	_____

D. PROCESS WASTEWATER DISCHARGE:

Type of Discharge: _____ Continuous
_____ Batch

If Continuous Discharge:

Average Daily Discharge:	_____	Gallons per Day
Maximum Daily Discharge:	_____	Gallons per Day
Instantaneous Peak Discharge:	_____	Gallons per Day

If Batch Discharge:

Average Number of Batch Discharges per Day:	_____	
Average Volume of Discharge per Batch:	_____	Gallons
Total Process Wastewater Volume per Day:	_____	Gallons

Is there a schedule facility shutdown?
If Yes, When?

_____ YES

_____ NO

Attach a site plan and floor plan indicating all existing or proposed sewer and drain lines, outlets to a storm sewer, river, or other. Detail all points of connection to the municipalities and to SMUA collection system and the representative sampling point for each discharge.

Describe any seasonal variations including dates, flow volumes, hours of operation etc. Include any variations which affect the characteristics of the wastewater:

Describe any wastewater pretreatment systems planned or in use:

Provide schematic diagram of wastewater treatment system. Include a copy of the treatment system Standard Operating Procedures (SOP) including all maintenance schedules, residuals management plans, Licensed Operator requirements, or other relative information.

Provide a listing of all material known to be present or suspected to be present in the wastewater prior to treatment along with the known or estimated concentration(s).

E. ANALYSIS OF WASTEWATER DISCHARGE SAMPLING :

The collection of samples for laboratory analysis should be supervised by a person experienced in the collection of industrial wastewater samples. Any specific requirements contained in the applicable analytical methods should be followed for sample containers, sample preservation, holding times, collection of duplicate samples, etc. The time of sampling should be representative of normal operation, to the extent feasible, with all processes which contribute wastewater in normal operation. Samples shall be taken immediately downstream from pretreatment facilities or regulated process wastestream(s) prior to connection with domestic waste sources.

Grab and Composite Samples are defined as follows:

- 1. GRAB SAMPLE: An individual sample of at least 100 milliliters collected over no more than any fifteen (15) minute period.

- 2. COMPOSITE SAMPLE: A combination of no less than eight (8) individual sample aliquots of at least 100 milliliters, collected at periodic intervals during the normal operation of the processes intended to be monitored.

ANALYSIS:

All sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CER part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling and analytical techniques for the pollutant in question, sampling and analysis shall be performed using validated analytical methods or any other applicable sampling and analytical procedures approved by the SMUA.

For proposed (new) discharges, in which the actual wastestream is unavailable for sampling, estimated concentration for all pollutants anticipated to be discharged shall be provided. The estimated values must be verified by sampling and analysis of the wastestream(s) no later than ten (10) days following commencement of discharge.

All wastestreams are required to be analyzed for the parameters checked off in Table 1. Composite samples shall be used for all analysis except for pH, Temperature, Cyanide, Phenol, Oil & Grease, and Volatile Organic Compounds, all of which shall be collected as discrete grab samples.

Samples Collected By:	_____	Date:	_____
Samples Analyzed By:	_____	Date:	_____
Laboratory Name:	_____		
Address:	_____		

N.J. Certification #: _____

List all processes in operation at the time of sample collection:

F. PREPARER INFORMATION

In consideration of the granting of this permit, the undersigned agrees with the following:

1. To furnish any additional information relating to the installation or use of the sewer for which this permit is sought as may be requested by the Authority.
2. To accept and abide by all of the provisions of the Title 40 Code, of Federal Regulations part 403 et. seq., The New Jersey Clean Water Enforcement Act, the SMUA Rules, Regulations, and Standards, and any other pertinent Rules and Regulations, ordinances, or requirements that may be adopted in the future.
3. To operate and maintain any waste pretreatment facilities, as may be required as a condition of the acceptance into the public sewer of the industrial waste involved, in an efficient manner at all times and at no expense to the Authority.
4. To cooperate at all times with the Authority and its representatives in their inspecting, sampling, and study of the industrial wastes, pretreatment facilities, process areas, and relevant records.
5. To notify the Authority immediately in the event of any accident caused by negligence or any other occurrence that occasions discharge to the public sewer of any wastes or process waters which are inconsistent with the normal operating procedures or wastewater composition.
6. To notify the Authority of any changes to the use of the facility or to the process operations including all changes of occupancy, process wastewater discharge, wastewater constituents, flow volumes, or any other change of information which is covered by this application or the permit (TWDP).
7. To be responsible for all costs incurred by the Authority in the review of this application, any engineering fees, legal fees, or any other costs incurred to correct or remedy the violation of any provision of the Authority TWDP, Rules and Regulations, or other ordinance.
8. Agree with 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 these are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations"

Failure to abide by any of the above requirements or for any other reason including, but not limited to the following : Falsifying self-monitoring reports; Tampering with monitoring equipment; Refusing to allow timely access to the facility premises and records; Failure to meet effluent Discharge Limitations; Failure to pay fines; Failure to pay Sewer charges; Failure to meet compliance schedules; Obtaining a permit by misrepresentation or failure to disclose relevant facts; or Failure to abide by the Rules, Regulations, And Standards of the Authority will be cause for the revocation of the Industrial Wastewater Discharge Permit at the sole discretion of the Authority.

Signature of Official: _____ Date: _____

Type or Print Name and Title: _____

Notary Seal:

G. MUNICIPALITY ACKNOWLEDGMENT

The Municipality of _____

hereby acknowledges that _____

is applying for a permit to use or install an Industrial Sewer Connection to discharge wastewater to the municipal collection system and the Secaucus Municipal Utilities Authority.

Property located at: _____

(Lot/Block # - Address)

Name of owner or official responsible at said location is: _____

The type of business is: _____

The municipality understands its obligation, and agrees to notify the SMUA of any changes to in the Certificate of Occupancy, use, or ownership of the above property.

Date

Signature of Borough Clerk or Administrator

NOTE: *This application will not be processed without an Acknowledgment from the respective Municipality.*

Return completed Application and all other correspondence to:

Secaucus Municipal Utilities Authority
1100 Koelle Boulevard
Secaucus, NJ 07094
Attn.: **Brian Bigler, Executive Director**

TABLE I

RESULTS

Parameter (Units in mg/L unless otherwise noted)	Analysis Required	Discharge Point #	Discharge Point #	Discharge Point #
CBOD - Carbonaceous Biochemical Oxygen Demand	X			
COD - Chemical Oxygen Demand				
TOC - Total Organic Carbon				
TSS - Total Suspended Solids	X			
TDS - Total Dissolved Solids				
Ammonia (as Nitrogen)	X			
Total Kjeldahl Nitrogen (TKN)	X			
Temperature (°C)	X			
pH	X			
Color (Standard Units)	X			
Oil & Grease - Petroleum Hydrocarbons	X			
Oil & Grease - Non-Petroleum Origin	X			
Phosphorus, Total (as P)	X			
Sulfide, Total				
Cyanide, Total	X			
Phenol, Total	X			
Antimony, Total				
Arsenic, Total	X			
Beryllium, Total	X			
Boron, Total				
Cadmium, Total	X			
Chromium, Total	X			
Copper, Total	X			
Iron, Total				
Lead, Total	X			
Manganese, Total				
Mercury, Total	X			
Nickel, Total	X			
Selenium, Total				
Silver, Total	X			
Thallium, Total				
Zinc, Total	X			
<i>Attach a separate listing for the following:</i>				
Total Volatile Organics - EPA Method 624	X			
Semi-Volatile Organics - EPA Method 625				
Pesticides - EPA Method 608				
PCB's EPA Method 608				

Resolution No. _____

**TOWN OF SECAUCUS
COUNTY OF HUDSON, STATE OF NEW JERSEY**

**A RESOLUTION ON BEHALF OF THE TOWN OF SECAUCUS
AUTHORIZING EXECUTION OF AN AGREEMENT FOR MUNICIPAL SERVICES FOR CITY
HOMES AT CREEKSIDE MANOR**

WHEREAS, pursuant to the Municipal Services Act, N.J.S.A. 40:67-23.2 *et seq.* and amendments (collectively the “Act”), qualified private communities within the Town’s boundaries are entitled to receive specified municipal services; and

WHEREAS, it is necessary for the Town to enter into a Municipal Services Agreement with City Homes at Creekside Manor located within the Town of Secaucus under the Act which sets forth the municipal services that the Town will be responsible for and will reimburse for, namely the lighting of qualified streets and roadways and the removal of snow and ice from qualified roadways for the periods 2020 through 2024.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council for the Town of Secaucus, County of Hudson, in the State of New Jersey, that approval is given for the Mayor, Town Administrator or his designee to execute an Agreement for Municipal Services with the qualified private community, City Homes at Creekside Manor, for the period of 2020 to 2024 with reimbursement for 2019 PSE&G upon Association submittal.

BE IT FURTHER RESOLVED, that the Mayor and/or Town Administrator or his designee is hereby authorized to take any action or execute any Agreements necessary to effectuate said purpose and intent.

I, Michael Marra, Town Clerk of the Town of Secaucus, County of Hudson, do hereby certify that the above is a true copy of a resolution approved by the Mayor and Council on February 25, 2020.

Adopted: March 10, 2020

Town Clerk	Mayor			
Motion:	Yes	No	Abstain	Absent
Second:				
Councilman Costantino				
Councilman McKeever				
Councilman Clancy				
Councilman Dehnert				
Councilman Gerbasio				
Councilwoman Tringali				
Mayor Gonnelli				

**MUNICIPAL SERVICES REIMBURSEMENT AGREEMENT
FOR CITY HOMES AT CREEKSIDE MANOR**

This Municipal Services Reimbursement Agreement (from now on called the "Agreement") is being entered for the period of January 1, 2020 to December 31, 2024, by and between **THE TOWN OF SECAUCUS**, Hudson County, New Jersey, a political subdivision of the State of New Jersey, having its principal office at Municipal Government Center, 1203 Paterson Plank Road, Secaucus, New Jersey 07094 (from now on called the "Municipality") and **CITY HOMES AT CREEKSIDE MANOR**, a non-profit corporation formed under the laws of the State of New Jersey, having its principal office at 2200 Koelle Blvd., Secaucus, New Jersey 07094 (hereinafter "Association").

BACKGROUND RECITALS:

- A. Pursuant to the New Jersey Municipal Services Law, N.J.S.A. 40:67-23.2 et. seq., as amended by P.L. 1996, C.6 (from now on collectively called the "Municipal Services Law"), the Municipality is obligated to either: (i) reimburse qualified private communities (as defined by the Municipal Services Law) located within its boundaries for certain services specified by the Municipal Services Law or (ii) provide the specified services within a qualified private community in the same fashion as the Municipality provides such services on public roads and streets within its boundaries. N.J.S.A. 40:67-23.3a.
- B. The specified services governed by the Municipal Services Law are:
 - (1) Removal of snow, ice and other obstructions from the roads and streets;
 - (2) Lighting of the roads and streets, to the extent of payment for the electricity required, but not including the installation or maintenance of lamps, standards, wiring or other equipment; and
 - (3) Collection of leaves and recyclable materials along the roads and streets and the collection or disposal of solid waste along the roads and streets.
- C. The Municipal Services Law vests the Municipality with the authority to determine whether it will provide the mandated services or reimburse for same, permits the Municipality to choose to reimburse for some services and provide others and vice versa, and permits the Municipality to vary its choice of reimbursement for services or provision of services from local budget year to local budget year.
- D. To the extent the Municipality opts to reimburse rather than provide some or all of the mandated services, the Municipal Service Law provides that the Municipality shall enter into

a written agreement to annually reimburse a qualified private community in an amount not to exceed the cost that would be incurred by the Municipality in providing that (those) services(s) directly. It is the intent of the Municipality and the Association that this Agreement be and is the written reimbursement agreement between them for the Municipality's 2020 through 2024 local budget years (i.e. January 1 through December 31) governing those services covered by the Municipal Services Law that the Municipality has opted to reimburse for rather than provide for the Municipality's local budget years.

- E. For the Municipality's 2020 through 2024 budget years (i.e. January 1 through December 31 of each year), the Municipality has opted to provide reimbursement to the Association for the following services mandated by the Municipal Services Law rather than provide the service for same to the Association: (i) removal of snow and ice from the roads and streets; and (ii) lighting of the roads and streets, to the extent of electricity required.
- F. The Municipal Services Law mandates that any amount reimbursed by the Municipality to the Association be used by the Association for the mandated service not provided and that such amount be the actual cost to the Association of providing that service, but not to exceed the amount the Municipality would have expended on that service if it were provided directly by the Municipality to the Association.
- G. The Municipal Services Law also mandates that any municipal services agreement entered into by and between the Municipality and the Association provide for an accounting by the Association of the use of the money paid over to it by the Municipality as reimbursements and for the refunding to the Municipality of any reimbursement payments in excess of the amounts actually expended or contractually committed by the Association during the accounting period in order to provide the services for which the Municipality has opted to reimburse rather than provide.
- H. Collection of leaves (offerred) and recyclable materials along the roads and streets and the collection and disposal of solid waste is currently being provided by the Municipality, and the Municipality shall continue to provide those services to the Association in a manner consistent with such collections throughout the Municipality.

AGREEMENT:

Based upon the background recited above, the Municipality and the Association agree upon the following:

ARTICLE I

DEFINITIONS

1.01. **General.** The definitions set forth in the Municipal Services Law, N.J.S.A. 40:67-23.2, are hereby incorporated by reference as part of this Agreement as if same were more fully set forth herein.

1.02. **"Association"** as used herein shall mean the Qualified Private Community commonly known as City Homes at Creekside Manor.

1.03. **"Budget Year"** as used herein shall mean the period from January 1 through December 31 inclusive for each of the years covered by this Agreement.

1.04. **"Qualified Private Community"** as used herein shall mean City Homes at Creekside Manor.

1.05. **"Winter Season"** as used herein shall mean the period of months currently from October through April.

ARTICLE II

ELECTRICITY FOR LIGHTING OF ROADS AND STREETS

2.01. **Election of Reimbursement Option.** The Municipality hereby elects and agrees to reimburse the Association for the cost of street lighting for twenty (20) street lights on the private roads and streets of the Qualified Private Community for which the Association is responsible; however, in no event shall the amount of such reimbursement exceed the monetary obligation that the Association actually incurs for that budget period for lighting the private roads and streets within the Qualified Private Community for which the Association is responsible.

2.02. **Municipal Standard.** The Municipality and the Association acknowledge and agree that the Municipality's obligation to provide reimbursement for electricity for lighting of the Qualified Private Community's private roads and streets is in the same fashion as the Municipality provides electricity for lighting of the Municipality's public roads and streets during the same Budget period for which reimbursement is sought. It is agreed that the Municipality will reimburse the Association for the cost of electricity to twenty (20) street lights at the same rate charged by PSE&G to the Municipality for normal residential usage along public streets.

2.03. **Calculation of Maximum Reimbursement.** Based upon the Municipality's standard for lighting public residential streets and its application to the Qualified Private Community administered by the Association as set forth in the preceding Subsection 2.02, the reimbursements

to which the Association shall be entitled shall be determined by calculating the Association's entitlement in calendar components for each calendar month of the Municipality's Budget year pursuant to the following formula:

The normal monthly electrical charge by PSE&G to the Municipality for twenty (20) residential street fixtures for each month during the budget period shall be added together to determine the reimbursement for the budget period.

Provided, however, that in the event the amount so calculated is greater than the amount that the Association actually incurs for the cost of electricity for lighting the private roads and streets within the Qualified Private Community for which the Association is responsible, the Municipality's reimbursement obligation shall be equal to the lesser of the two amounts.

2.04. **Administration of Reimbursement**. The administration of the reimbursement for the cost of electricity for lighting roads and streets shall be in accordance with Article IV of this Agreement.

ARTICLE III **CLEARING OF SNOW AND ICE FROM ROADS AND STREETS**

3.01. **Election of Reimbursement Option**. The Municipality hereby elects and agrees to reimburse the Association for the cost to clear snow and ice from the private roads and streets located within the Qualified Private Community for which the Association is responsible in the same fashion as the Municipality provides such service along public roads and streets within the Municipality; however, in no event shall the amount of such reimbursement exceed the monetary obligation that the Association actually incurs for that budget period for clearing snow and ice from the private roads and streets within the Qualified Private Community for which the Association is responsible.

3.02. **Municipal Standard**. The Municipality and the Association acknowledge and agree that the Municipality's obligation to provide reimbursement for clearing snow and ice from the private roads and streets within the Qualified Private Community for which the Association is responsible is in the same fashion as the Municipality provides clearing of snow and ice from the Municipality's public roads and streets during the same Budget period for which reimbursement is sought. The Municipality and the Association acknowledge and agree that the Municipality's standard for dispatching equipment for the clearing of snow and ice from public residential streets within the Municipality is based upon the accumulation of two (2) or more inches of snow. The Association also acknowledges that at times the Municipality may dispatch equipment to salt and sand certain problematic or potentially problematic areas of public streets within the Municipality such as, but not limited to, the intersections of public streets before there has been an accumulation of two (2) or more inches of snow. Under such circumstances the Association shall not be entitled to any reimbursement for the costs of such services under the terms of this Agreement unless the

Municipality has provided such services under such circumstances to all public residential streets within the Municipality.

3.03. **Application of Municipal Standard.** The Municipality and the Association acknowledge and agree that the Qualified Private Community administered by the Association has 780.00 of linear feet of roadway subject to the terms of this Agreement relative to reimbursement for the costs of clearing of snow and ice.

3.04. **Calculation of Maximum Reimbursement.** For each Winter Season (currently calculated from October through April), the Town of Secaucus will establish a rate for the clearing of ice and snow from the Town's public roads and streets during typical dispatch events (a) with two inches (2") or more inches of snow, and (b) with less than two (2) inches of snow where the Municipality has provided such services under such circumstances to the majority of the public residential streets within the Municipality. This calculation will include the cost of labor, materials and equipment use. A sample calculation is attached as Exhibit A. Based upon the snowfall events during a winter season, a determination will be made as to the cost to clear snow and ice from the qualified community's private roads and streets that would qualify as a public road, measured to be 780.00 linear feet. Equation factor: Costs Associated with Snow Removal per linear foot of roadway

Provided, however, that in the event the amount so calculated is greater than the amount that the Association actually incurs for clearing snow and ice from the private roads and streets within the Qualified Private Community for which the Association is responsible, the Municipality's reimbursement obligation shall be equal to the lesser of the two amounts.

3.05. **Administration of Reimbursement.** The administration of the reimbursement for the cost of clearing snow and ice from the eligible private roads and streets within the Qualified Private Community for which the Association is responsible shall be in accordance with Article IV of this Agreement.

ARTICLE IV **ADMINISTRATION OF REIMBURSEMENTS**

4.01. **General.** The Association acknowledges and agrees that its obligations with regard to establishing entitlement to the reimbursements governed by the Municipal Services Law and this Agreement shall be determined by its adherence to the administrative procedures established in this Article IV. The Municipality acknowledges and agrees that its obligations with regard to payment to the Association of such reimbursements to which the Association is entitled pursuant to the Municipal Services Law and this Agreement shall be governed by the terms of this Article IV.

4.02. **Reimbursement.** The Association shall be entitled to submit a written request to the Municipality for reimbursement for the costs of electricity for lighting of roads and streets as determined pursuant to Article II of this Agreement and for the costs of clearing snow and ice from roads and streets as determined pursuant to Article III of this Agreement. The Municipality may create a specific form or format for such requests. In the event the Municipality does establish such form or format, it shall so advise the Association in the manner herein provided for giving notices and the Association shall be obligated to use such form or follow such format when submitting requests for reimbursements as long as such form or format is reasonable.

At a minimum, any request for reimbursement must include an affidavit setting forth the specific monetary sum that the Association has actually paid and/or become obligated to pay by virtue of an actual issued bill for electricity for the street lighting and/or snow and ice removal from roadways within the Qualified Private Community administered by the Association. Such affidavit must be accompanied by a certified true copy of the issued bill(s) evidencing such charges. In the event the issued bill(s) reflect(s) other charges and/or is in a format that does not clearly segregate the charges for which reimbursement is sought from other charges, the Association shall have the obligation to secure from the entity issuing the bill such written clarification as shall be necessary to segregate the specific charges for which reimbursement is sought from other charges.

Within twenty (20) business days of its receipt of a request for reimbursement, the Municipality shall make a determination as to whether such request has been submitted in proper form and with all necessary information to be processed for action. If the request is not in proper form or if additional information is required, the Municipality shall give written notice of such circumstances to the Association in the manner herein provided within the aforesaid twenty (20) business day period. Such notice shall specify any deficiencies in the request and/or such additional information as may be required. In the event no notice of deficiency is given to the Association by the Municipality within the aforesaid twenty (20) day period, the request for reimbursement shall be presumed adequate.

Once a proper and complete request for reimbursement has been received by the Municipality, the Municipality shall calculate the Maximum Reimbursement for the service in question to which the Association could be entitled for the Budget period in question in accordance with Sections 2.03 and 3.04 of this Agreement. The Municipality shall then be obligated to pay to the Association and the Association shall be entitled to receive from the Municipality the lesser of the amount reflected in the Association's request for reimbursement or the aforesaid calculated Maximum Reimbursement. Except as otherwise governed by Section 4.03 of this Agreement, the Municipality shall tender a check to the Association for the applicable amount within thirty (30) business days following the regular monthly meeting after the Municipality's receipt of a proper request for reimbursement. Requests for reimbursement shall not be made more often than every three (3) months.

4.03. **Reimbursement for Previous Periods.** Reimbursement for the periods specified below shall be paid by the Municipality to the Association as soon as practicable upon the Municipality's receipt of a proper request for reimbursement and processing of such for payment:

Electrical reimbursement for twenty (20) street lights from January 1, 2019 through December 31, 2019 at the monthly PSE&G reimbursement rate for the Town for that year.

4.04. **Association's Obligation for Accounting.** Pursuant to N.J.S.A. 40:67-23.5(c), the Association shall provide an Accounting of the use of the money paid to it by the Municipality. If the accounting shows that the Reimbursement Amount for any service is in excess of the amounts actually expended or contracted for by the Association, said excess shall be refunded to the Municipality.

4.05. **Book-Keeping, Inspections and Audits.**

A. The Association agrees to maintain records and books with respect to the Reimbursement Services, which show the actual expenses of and payments by the Association for all items of whatever nature for which reimbursement is authorized hereunder and the specific Reimbursement Services performed under this Agreement.

B. If requested, the Association shall cause to be prepared annually, at its sole cost and expense, an accounting statement of expenses for each calendar year that reflects and confirms in detail reasonably satisfactory to the Municipality, the amount of money actually expended by the Association during that calendar year for each of the services covered by this Agreement (but only to the extent such money was paid for services actually provided in that calendar year), and the allocation of the reimbursement payment made by the Municipality to the Association for the specific service in question for each calendar year.

C. The Association Accounting(s) shall be delivered to the Municipality by the Association within sixty (60) calendar days from the date the Association receives its audited financials for the applicable accounting period (i.e. the end of the fiscal year of the Association) or such later date as the Municipality and the Association may deem mutually acceptable.

In the event such accountings shall reflect that the Municipality has reimbursed the Association in excess of the amount to which the Association is entitled under the terms of this Agreement and/or the Municipal Services Law, the Municipality may offset such amount against any then current balance that may be due and owing by the Municipality to the Association for any other service covered by this Agreement. In addition, after any offset as aforesaid, any remaining amount due and owing to the Municipality by the Association shall be paid by the Association to the Municipality within ten (10) business days of the Municipality's notice to the Association of the amount due. Until such balance is paid by the Association to the Municipality, the Municipality shall be entitled, in addition to all other remedies available to it, to recoup such amount by offset against any reimbursement obligations it may have with the Association pursuant to the Municipal Services Law for the calendar year and/or for the Municipality's subsequent Budget Years.

Notwithstanding the provision of Section 4.02 of this Agreement obligating the Municipality to tender reimbursement payment to the Association within thirty (30) business days following the regular business meeting of the Municipality after its receipt of a proper request for reimbursement, in the event such deadline falls within the time frame within which the Association's most recent fiscal year has ended, but the Association has not provided the Municipality with the accounting required by this Section 4.04 for such fiscal year as of the date that the request for reimbursement is made by the Association to the Municipality, the Municipality shall not be obligated to pay to the Association and the Association shall not be entitled to receive from the Municipality any reimbursement payment that appears to be due until ten (10) days following the Municipality's receipt of the accounting statement required by this Section 4.04 and then only if such accounting statement confirms the Association's continued entitlement to such reimbursement.

In the event an accounting required by this Section 4.04 reflects that the amount reimbursed or requested for reimbursement to the Qualified Private Community for any of the services covered by this Agreement has exceeded or will exceed the maximum reimbursement calculated as provided in this Agreement, this Section 4.04 of this Agreement shall govern the respective rights and obligations of the Municipality and the Association with regard to any pending and, if appropriate, future request(s) for reimbursement.

ARTICLE V **MISCELLANEOUS**

5.01. **Notices.** All notices required or permitted by this Agreement (including requests for reimbursement) shall be in writing. Such notices shall be served as follows:

A. Upon the Association to: City Homes at Creekside Manor
c/o Christopher R. Antonacci, Vice President
Association Advisors
19 West Main Street
Freehold NJ, 07728 and:

B. Upon the Municipality to:

Michael Marra, Municipal Clerk
Town of Secaucus Municipal Government Center
1203 Paterson Plank Road
Secaucus, New Jersey 07094

and

Town Administrator Gary Jeffas, Esq.
Town of Secaucus Municipal Government Center
1203 Paterson Plank Road
Secaucus, New Jersey 07094

5.02. **Waiver.** No provision contained in this Agreement shall be deemed to have been abrogated or waived by reason of any failure to enforce same, irrespective of the number of violations or breaches which may occur.

5.03. **Invalidity.** If any portion of this Agreement is determined to be illegal or invalid or unenforceable, the remainder of this Agreement shall remain in effect as written.

5.04. **Conflict.** In the event any portion of this Agreement is determined to be in conflict with the Municipal Services Law, the provision(s) of the Municipal Services Law shall govern, it being the intent of the Municipality and the Association that the Association under this Agreement is entitled to receive that to which it is entitled under the Municipal Services Law, but that the Municipality does intend by this Agreement to provide to the Association any more than that to which the Association is mandated to receive pursuant to the Municipal Services Law.

5.05. **Changes to this Agreement.** This Agreement may not be changed unless the change is in writing and signed by both the Municipality and the Association.

5.06. **Captions.** The captions in this Agreement are for convenience only. The captions are not to be considered when interpreting the meaning of any part of this Agreement.

5.07. **Entire Agreement.** This Agreement contains the entire agreement between the Municipality and the Association. Neither party has made any other agreement or promise which is not contained in this Agreement. This Agreement shall supersede all prior Agreements, representations and understandings, and any prior Agreements shall be without further force or effect.

The Association and the Municipality agree to the terms of this Agreement by signing below. If a party is a corporation, this Agreement is signed by its proper corporate officers and its corporate seal is affixed.

ATTEST:
TOWN OF SECAUCUS

Name:
Title:
Date:

CITY HOMES AT CREEKSIDE MANOR

Name:
Title:
Date:

SNOW	Inches of	HOU # OF	P/ #	GARBA #	DUM #	LOADE #	SAL	SAL	EMPLOYEE	TOTA	
		TRUC	TRUC	TRUC D.	TRUC	LOADE	TRACT	SALT	SPREAD	FROM	COS
			\$ 41. TRUC	\$ 71.	\$ 51.	\$ 28.	\$ 7.5	\$3.4			

11

Resolution No. _____

**TOWN OF SECAUCUS
COUNTY OF HUDSON, STATE OF NEW JERSEY**

**A RESOLUTION ON BEHALF OF THE TOWN OF SECAUCUS
AUTHORIZING EXECUTION OF AN AGREEMENT FOR MUNICIPAL SERVICES FOR
RIVERSIDE COURT AT SECAUCUS**

WHEREAS, pursuant to the Municipal Services Act, N.J.S.A. 40:67-23.2 *et seq.* and amendments (collectively the "Act"), qualified private communities within the Town's boundaries are entitled to receive specified municipal services; and

WHEREAS, it is necessary for the Town to enter into a Municipal Services Agreement with Riverside Court at Secaucus under the Act which sets forth the municipal services that the Town will be responsible for and will reimburse Riverside Court at Secaucus for, namely the lighting of qualified streets and roadways and the removal of snow and ice from qualified roadways for the periods 2020 through 2024.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council for the Town of Secaucus, County of Hudson, in the State of New Jersey, that approval is given for the Mayor, Town Administrator or his designee to execute an Agreement for Municipal Services with the qualified private community, Riverside Court at Secaucus Condominium Association, Inc. for the period of 2020 to 2024 with reimbursement for 2019 PSE&G upon Association submittal; and

BE IT FURTHER RESOLVED, that the Mayor and/or Town Administrator or his designee is hereby authorized to take any action or execute any Agreements necessary to effectuate said purpose and intent.

I, Michael Marra, Town Clerk of the Town of Secaucus, County of Hudson, do hereby certify that the above is a true copy of a resolution approved by the Mayor and Council on February 25, 2020.

Adopted: March 10, 2020

Town Clerk	Mayor			
Motion:	Yes	No	Abstain	Absent
Second:				
Councilman Costantino				
Councilman McKeever				
Councilman Clancy				
Councilman Dehnert				
Councilman Gerbasio				
Councilwoman Tringali				
Mayor Gonnelli				

MUNICIPAL SERVICES REIMBURSEMENT AGREEMENT

FOR RIVERSIDE COURT AT SECAUCUS CONDOMINIUM ASSOCIATION, INC.

This Municipal Services Reimbursement Agreement (from now on called the "Agreement") is being entered for the period of January 1, 2020 to December 31, 2024 by and between **THE TOWN OF SECAUCUS**, Hudson County, New Jersey, a political subdivision of the State of New Jersey, having its principal office at Municipal Government Center, 1203 Paterson Plank Road, Secaucus, New Jersey 07094 (from now on called the "Municipality") and **RIVERSIDE COURT AT SECAUCUS CONDOMINIUM ASSOCIATION, INC.**, a non-profit corporation formed under the laws of the State of New Jersey, having its principal office at c/o Association Advisors, 19 West Main Street, Freehold, New Jersey 07728 (from now on called the "Association").

BACKGROUND RECITALS:

A. Pursuant to the New Jersey Municipal Services Law, N.J.S.A. 40:67-23.2 et. seq., as amended by P.L. 1996, C.6 (from now on collectively called the "Municipal Services Law"), the Municipality is obligated to either: (i) reimburse qualified private communities (as defined by the Municipal Services Law) located within its boundaries for certain services specified by the Municipal Services Law or (ii) provide the specified services within a qualified private community in the same fashion as the Municipality provides such services on public roads and streets within its boundaries. N.J.S.A. 40:67-23.3a.

B. The specified services governed by the Municipal Services Law are:

- (1) Removal of snow, ice and other obstructions from the roads and streets;
- (2) Lighting of the roads and streets, to the extent of payment for the electricity required, but not including the installation or maintenance of lamps, standards, wiring or other equipment; and
- (3) Collection of leaves and recyclable materials along the roads and streets and the collection or disposal of solid waste along the roads and streets.

C. The Municipal Services Law vests the Municipality with the authority to determine whether it will provide the mandated services or reimburse for same, permits the Municipality to choose to reimburse for some services and provide others and vice versa, and permits the Municipality to vary its choice of reimbursement for services or provision of services from local budget year to local budget year.

D. To the extent the Municipality opts to reimburse rather than provide some or all of the mandated services, the Municipal Service Law provides that the Municipality shall enter into a written agreement to annually reimburse a qualified private community in an amount not to exceed

the cost that would be incurred by the Municipality in providing that (those) services(s) directly. It is the intent of the Municipality and the Association that this Agreement be and is the written reimbursement agreement between them for the Municipality's 2020 through 2024 local budget years (i.e. January 1 through December 31) governing those services covered by the Municipal Services Law that the Municipality has opted to reimburse for rather than provide for the Municipality's local budget years.

E. For the Municipality's 2020 through 2024 budget years (i.e. January 1 through December 31 of each year), the Municipality has opted to provide reimbursement to the Association for the following services mandated by the Municipal Services Law rather than provide the service for same to the Association: (i) removal of snow and ice from the roads and streets; and (ii) lighting of the roads and streets, to the extent of electricity required.

F. The Municipal Services Law mandates that any amount reimbursed by the Municipality to the Association be used by the Association for the mandated service not provided and that such amount be the actual cost to the Association of providing that service, but not to exceed the amount the Municipality would have expended on that service if it were provided directly by the Municipality to the Association.

G. The Municipal Services Law also mandates that any municipal services agreement entered into by and between the Municipality and the Association provide for an accounting by the Association of the use of the money paid over to it by the Municipality as reimbursements and for the refunding to the Municipality of any reimbursement payments in excess of the amounts actually expended or contractually committed by the Association during the accounting period in order to provide the services for which the Municipality has opted to reimburse rather than provide.

H. Collection of leaves (offered) and recyclable materials along the roads and streets and the collection and disposal of solid waste is currently being provided by the Municipality, and the Municipality shall continue to provide those services to the Association in a manner consistent with such collections throughout the Municipality.

AGREEMENT:

Based upon the background recited above, the Municipality and the Association agree upon the following:

ARTICLE I **DEFINITIONS**

1.01. **General.** The definitions set forth in the Municipal Services Law, N.J.S.A. 40:67-23.2, are hereby incorporated by reference as part of this Agreement as if same were more fully set forth herein.

1.02. **"Association"** as used herein shall mean the Qualified Private Community commonly

known as Riverside Court at Secaucus Condominium Association, Inc.

1.03. "**Budget Year**" as used herein shall mean the period from January 1 through December 31 inclusive for each of the years covered by this Agreement.

1.04. "**Qualified Private Community**" as used herein shall mean Riverside Court at Secaucus Condominium Association, Inc.

1.05. "**Winter Season**" as used herein shall mean the period of months currently from October through April.

ARTICLE II

ELECTRICITY FOR LIGHTING OF ROADS AND STREETS

2.01. **Election of Reimbursement Option.** The Municipality hereby elects and agrees to reimburse the Association for the cost of street lighting for thirty-six (36) street lights on the private roads and streets of the Qualified Private Community for which the Association is responsible; however, in no event shall the amount of such reimbursement exceed the monetary obligation that the Association actually incurs for that budget period for lighting the private roads and streets within the Qualified Private Community for which the Association is responsible.

2.02. **Municipal Standard.** The Municipality and the Association acknowledge and agree that the Municipality's obligation to provide reimbursement for electricity for lighting of the Qualified Private Community's private roads and streets is in the same fashion as the Municipality provides electricity for lighting of the Municipality's public roads and streets during the same Budget period for which reimbursement is sought. It is agreed that the Municipality will reimburse the Association for the cost of electricity to thirty-six (36) street lights at the same rate charged by PSE&G to the Municipality for normal residential usage along public streets.

2.03. **Calculation of Maximum Reimbursement.** Based upon the Municipality's standard for lighting public residential streets and its application to the Qualified Private Community administered by the Association as set forth in the preceding Subsection 2.02, the reimbursements to which the Association shall be entitled shall be determined by calculating the Association's entitlement in calendar components for each calendar month of the Municipality's Budget year pursuant to the following formula:

The normal monthly electrical charge by PSE&G to the Municipality for thirty-six (36) residential street fixtures for each month during the budget period shall be added together to determine the reimbursement for the budget period.

Provided, however, that in the event the amount so calculated is greater than the amount that the Association actually incurs for the cost of electricity for lighting the private roads and streets within the Qualified Private Community for which the Association is responsible, the Municipality's

reimbursement obligation shall be equal to the lesser of the two amounts.

2.04. **Administration of Reimbursement.** The administration of the reimbursement for the cost of electricity for lighting roads and streets shall be in accordance with Article IV of this Agreement.

ARTICLE III **CLEARING OF SNOW AND ICE FROM ROADS AND STREETS**

3.01. **Election of Reimbursement Option.** The Municipality hereby elects and agrees to reimburse the Association for the cost to clear snow and ice from the private roads and streets located within the Qualified Private Community for which the Association is responsible in the same fashion as the Municipality provides such service along public roads and streets within the Municipality; however, in no event shall the amount of such reimbursement exceed the monetary obligation that the Association actually incurs for that budget period for clearing snow and ice from the private roads and streets within the Qualified Private Community for which the Association is responsible.

3.02. **Municipal Standard.** The Municipality and the Association acknowledge and agree that the Municipality's obligation to provide reimbursement for clearing snow and ice from the private roads and streets within the Qualified Private Community for which the Association is responsible is in the same fashion as the Municipality provides clearing of snow and ice from the Municipality's public roads and streets during the same Budget period for which reimbursement is sought. The Municipality and the Association acknowledge and agree that the Municipality's standard for dispatching equipment for the clearing of snow and ice from public residential streets within the Municipality is based upon the accumulation of two (2) or more inches of snow. The Association also acknowledges that at times the Municipality may dispatch equipment to salt and sand certain problematic or potentially problematic areas of public streets within the Municipality such as, but not limited to, the intersections of public streets before there has been an accumulation of two (2) or more inches of snow. Under such circumstances the Association shall not be entitled to any reimbursement for the costs of such services under the terms of this Agreement unless the Municipality has provided such services under such circumstances to all public residential streets within the Municipality.

3.03. **Application of Municipal Standard.** The Municipality and the Association acknowledge and agree that the Qualified Private Community administered by the Association has 4,355.00 of linear feet of roadway subject to the terms of this Agreement relative to reimbursement for the costs of clearing of snow and ice.

3.04. **Calculation of Maximum Reimbursement.** For each Winter Season (currently calculated from October through April), the Town of Secaucus will establish a rate for the clearing of ice and snow from the Town's public roads and streets during typical dispatch events (a) with two inches (2") or more inches of snow, and (b) with less than two (2) inches of snow where the Municipality has provided such services under such circumstances to the majority of the public residential streets within the Municipality. This calculation will include the cost of labor, materials and

equipment use. A sample calculation is attached as Exhibit A. Based upon the snowfall events during a winter season, a determination will be made as to the cost to clear snow and ice from the qualified community's private roads and streets that would qualify as a public road, measured to be 4,355.00 linear feet. Equation factor: Costs Associated with Snow Removal per linear foot of roadway

Provided, however, that in the event the amount so calculated is greater than the amount that the Association actually incurs for clearing snow and ice from the private roads and streets within the Qualified Private Community for which the Association is responsible, the Municipality's reimbursement obligation shall be equal to the lesser of the two amounts.

3.05. **Administration of Reimbursement.** The administration of the reimbursement for the cost of clearing snow and ice from the eligible private roads and streets within the Qualified Private Community for which the Association is responsible shall be in accordance with Article IV of this Agreement.

ARTICLE IV **ADMINISTRATION OF REIMBURSEMENTS**

4.01. **General.** The Association acknowledges and agrees that its obligations with regard to establishing entitlement to the reimbursements governed by the Municipal Services Law and this Agreement shall be determined by its adherence to the administrative procedures established in this Article IV. The Municipality acknowledges and agrees that its obligations with regard to payment to the Association of such reimbursements to which the Association is entitled pursuant to the Municipal Services Law and this Agreement shall be governed by the terms of this Article IV.

4.02. **Reimbursement.** The Association shall be entitled to submit a written request to the Municipality for reimbursement for the costs of electricity for lighting of roads and streets as determined pursuant to Article II of this Agreement and for the costs of clearing snow and ice from roads and streets as determined pursuant to Article III of this Agreement. The Municipality may create a specific form or format for such requests. In the event the Municipality does establish such form or format, it shall so advise the Association in the manner herein provided for giving notices and the Association shall be obligated to use such form or follow such format when submitting requests for reimbursements as long as such form or format is reasonable.

At a minimum, any request for reimbursement must include an affidavit setting forth the specific monetary sum that the Association has actually paid and/or become obligated to pay by virtue of an actual issued bill for electricity for the street lighting and/or snow and ice removal from roadways within the Qualified Private Community administered by the Association. Such affidavit must be accompanied by a certified true copy of the issued bill(s) evidencing such charges. In the event the issued bill(s) reflect(s) other charges and/or is in a format that does not clearly segregate the charges for which reimbursement is sought from other charges, the Association shall have the obligation to secure from the entity issuing the bill such written clarification as shall be necessary

to segregate the specific charges for which reimbursement is sought from other charges.

Within twenty (20) business days of its receipt of a request for reimbursement, the Municipality shall make a determination as to whether such request has been submitted in proper form and with all necessary information to be processed for action. If the request is not in proper form or if additional information is required, the Municipality shall give written notice of such circumstances to the Association in the manner herein provided within the aforesaid twenty (20) business day period. Such notice shall specify any deficiencies in the request and/or such additional information as may be required. In the event no notice of deficiency is given to the Association by the Municipality within the aforesaid twenty (20) day period, the request for reimbursement shall be presumed adequate.

Once a proper and complete request for reimbursement has been received by the Municipality, the Municipality shall calculate the Maximum Reimbursement for the service in question to which the Association could be entitled for the Budget period in question in accordance with Sections 2.03 and 3.04 of this Agreement. The Municipality shall then be obligated to pay to the Association and the Association shall be entitled to receive from the Municipality the lesser of the amount reflected in the Association's request for reimbursement or the aforesaid calculated Maximum Reimbursement. Except as otherwise governed by Section 4.03 of this Agreement, the Municipality shall tender a check to the Association for the applicable amount within thirty (30) business days following the regular monthly meeting after the Municipality's receipt of a proper request for reimbursement. Requests for reimbursement shall not be made more often than every three (3) months.

4.03. Reimbursement for Previous Periods. Reimbursement for the periods specified below shall be paid by the Municipality to the Association as soon as practicable upon the Municipality's receipt of a proper request for reimbursement and processing of such for payment:

Electrical reimbursement for thirty-six (36) residential street fixtures from January 1, 2019 through December 31, 2019 at the monthly PSE&G reimbursement rate for the Town for that year.

4.04. Association's Obligation for Accounting. Pursuant to N.J.S.A. 40:67-23.5(c), the Association shall provide an Accounting of the use of the money paid to it by the Municipality. If the accounting shows that the Reimbursement Amount for any service is in excess of the amounts actually expended or contracted for by the Association, said excess shall be refunded to the Municipality.

4.05. Book-Keeping, Inspections and Audits.

A. The Association agrees to maintain records and books with respect to the Reimbursement Services, which show the actual expenses of and payments by the Association for all items of whatever nature for which reimbursement is authorized hereunder and the specific Reimbursement Services performed under this Agreement.

B. If requested, the Association shall cause to be prepared annually, at its sole cost and expense, an accounting statement of expenses for each calendar year that reflects and confirms in detail reasonably satisfactory to the Municipality, the amount of money actually expended by the Association during that calendar year for each of the services covered by this Agreement (but only to the extent such money was paid for services actually provided in that calendar year), and the allocation of the reimbursement payment made by the Municipality to the Association for the specific service in question for each calendar year.

C. The Association Accounting(s) shall be delivered to the Municipality by the Association within sixty (60) calendar days from the date the Association receives its audited financials for the applicable accounting period (i.e. the end of the fiscal year of the Association) or such later date as the Municipality and the Association may deem mutually acceptable.

In the event such accountings shall reflect that the Municipality has reimbursed the Association in excess of the amount to which the Association is entitled under the terms of this Agreement and/or the Municipal Services Law, the Municipality may offset such amount against any then current balance that may be due and owing by the Municipality to the Association for any other service covered by this Agreement. In addition, after any offset as aforesaid, any remaining amount due and owing to the Municipality by the Association shall be paid by the Association to the Municipality within ten (10) business days of the Municipality's notice to the Association of the amount due. Until such balance is paid by the Association to the Municipality, the Municipality shall be entitled, in addition to all other remedies available to it, to recoup such amount by offset against any reimbursement obligations it may have with the Association pursuant to the Municipal Services Law for the calendar year and/or for the Municipality's subsequent Budget Years.

Notwithstanding the provision of Section 4.02 of this Agreement obligating the Municipality to tender reimbursement payment to the Association within thirty (30) business days following the regular business meeting of the Municipality after its receipt of a proper request for reimbursement, in the event such deadline falls within the time frame within which the Association's most recent fiscal year has ended, but the Association has not provided the Municipality with the accounting required by this Section 4.04 for such fiscal year as of the date that the request for reimbursement is made by the Association to the Municipality, the Municipality shall not be obligated to pay to the Association and the Association shall not be entitled to receive from the Municipality any reimbursement payment that appears to be due until ten (10) days following the Municipality's receipt of the accounting statement required by this Section 4.04 and then only if such accounting statement confirms the Association's continued entitlement to such reimbursement.

In the event an accounting required by this Section 4.04 reflects that the amount reimbursed or requested for reimbursement to the Qualified Private Community for any of the services covered by this Agreement has exceeded or will exceed the maximum reimbursement calculated as provided in this Agreement, this Section 4.04 of this Agreement shall govern the respective rights and obligations of the Municipality and the Association with regard to any pending and, if appropriate, future request(s) for reimbursement.

ARTICLE V
MISCELLANEOUS

5.01. **Notices.** All notices required or permitted by this Agreement (including requests for reimbursement) shall be in writing. Such notices shall be served as follows:

A. Upon the Association to:

Riverside Court at Secaucus Condominium Association, Inc.
c/o Christopher R. Antonacci, Vice President
Association Advisors
19 West Main Street
Freehold NJ, 07728

and

Arnold J. Calabrese, Esq.
Becker & Poliakoff, LLP
1776 on the Green
67 East Park Place, Suite 800
Morristown, New Jersey 07960

and:

B. Upon the Municipality to:

Michael Marra, Municipal Clerk
Town of Secaucus Municipal Government Center
1203 Paterson Plank Road
Secaucus, New Jersey 07094

and

Town Administrator Gary Jeffas, Esq.
Town of Secaucus Municipal Government Center
1203 Paterson Plank Road
Secaucus, New Jersey 07094

5.02. **Waiver.** No provision contained in this Agreement shall be deemed to have been abrogated or waived by reason of any failure to enforce same, irrespective of the number of violations or breaches which may occur.

5.03. **Invalidity.** If any portion of this Agreement is determined to be illegal or invalid or unenforceable, the remainder of this Agreement shall remain in effect as written.

5.04. **Conflict.** In the event any portion of this Agreement is determined to be in conflict with the Municipal Services Law, the provision(s) of the Municipal Services Law shall govern, it being the intent of the Municipality and the Association that the Association under this Agreement is entitled to receive that to which it is entitled under the Municipal Services Law, but that the Municipality does intend by this Agreement to provide to the Association any more than that to which the Association is mandated to receive pursuant to the Municipal Services Law.

5.05. **Changes to this Agreement.** This Agreement may not be changed unless the change is in writing and signed by both the Municipality and the Association.

5.06. **Captions.** The captions in this Agreement are for convenience only. The captions are not to be considered when interpreting the meaning of any part of this Agreement.

5.07. **Entire Agreement.** This Agreement contains the entire agreement between the Municipality and the Association. Neither party has made any other agreement or promise which is not contained in this Agreement. This Agreement shall supersede all prior Agreements, representations and understandings, and any prior Agreements shall be without further force or effect.

The Association and the Municipality agree to the terms of this Agreement by signing below. If a party is a corporation, this Agreement is signed by its proper corporate officers and its corporate seal is affixed.

ATTEST:
TOWN OF SECAUCUS

Name:
Title:
Date:

**RIVERSIDE COURT AT SECAUCUS
CONDOMINIUM ASSOCIATION, INC.**

Name:
Title:
Date:

EXHIBIT A

CALCULATION OF ACTUAL COSTS FOR SNOW															
SNOW DATE	Inches of Snow	HOURS	# OF P/U TRUCKS	P/U TRUCKS	# OF GB	GARBAGE TRUCKS	# OF D. TRUCKS	DUMP TRUCKS	# OF LOADERS	LOADER/ TRACTOR	# OF SALT SPDR	SALT SPREADER	SALT	EMPLOYEE COSTS FROM PAYROLL	TOTAL COST
				\$ 41.00	TRUCKS	\$ 71.00		\$ 51.00		\$ 28.75		\$ 7.50	\$3,494		

RESOLUTION: _____

**TOWN OF SECAUCUS
COUNTY OF HUDSON
STATE OF NEW JERSEY**

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus, County of Hudson, State of New Jersey, pursuant to the recommendation of Michael Pero Superintendent Recreation, the below person is hereby appointed to regular part time Fitness Instructor position in the Rec Center (**#85000**) effective March 10, 2020 as follows:

Jamsek, Michelle (start 3/3/20) \$40.00 / per class

BE IT FURTHER RESOLVED, the below person is rehired to the regular part time Counselor position in the Teen Center (**#81011**) as follows:

Vega, Israel #5456 \$11.00 / Hour

I, Michael Marra, Town Clerk of the Town of Secaucus, County of Hudson, do hereby certify that the above is a true copy of a resolution approved by the Mayor and Council on March 10, 2020.

Town Clerk

Mayor

Motion:	Yes	No	Abstain	Absent
Second:				
Councilman Costantino				
Councilman McKeever				
Councilman Clancy				
Councilman Dehnert				
Councilman Gerbasio				
Councilwoman Tringali				
Mayor Gonnelli				

RESOLUTION: _____

**TOWN OF SECAUCUS
COUNTY OF HUDSON
STATE OF NEW JERSEY**

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus, County of Hudson, State of New Jersey, pursuant to the recommendation of Kevin O'Connor, Superintendent Public Works that pending the successfully completion of background checks and physical examinations, including drug screening the below persons are hereby appointed to the replacement full time positions of Laborer / Driver (CDL) in the Public Work Department (**#50000**) effective March 10, 2020 as follows:

Velez, Ramon - start 3/16/20	\$35,000.00 / annum
Tomaszewski, Joseph – start 3/16/20	\$35,000.00 / annum

I, Michael Marra, Town Clerk of the Town of Secaucus, County of Hudson, do hereby certify that the above is a true copy of a resolution approved by the Mayor and Council on March 10, 2020.

Town Clerk		Mayor			
Motion:	Yes	No	Abstain	Absent	
Second:					
Councilman Costantino					
Councilman McKeever					
Councilman Clancy					
Councilman Dehnert					
Councilman Gerbasio					
Councilwoman Tringali					
Mayor Gonneill					

RESOLUTION: _____

**TOWN OF SECAUCUS
COUNTY OF HUDSON
STATE OF NEW JERSEY**

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus, County of Hudson, and State of New Jersey, pursuant to the recommendation of Dennis Miller, Police Chief and the Police Committee, the listed officers are hereby appointed to the below ranks with a salary commensurate with the collective bargaining agreement effective March 10, 2020 as follows:

Lieutenant

Simone, Michael
Torres, Michael
Elphick, Kimberly

Sergeant

Manderano, Dominick
Valentino, Mark
Schoch, Marc

I, Michael Marra, Town Clerk of the Town of Secaucus, County of Hudson, do hereby certify that the above is a true copy of a resolution approved by the Mayor and Council on March 10, 2020.

Town Clerk

Mayor

Motion:	Yes	No	Abstain	Absent
Second:				
Councilman Costantino				
Councilman McKeever				
Councilman Clancy				
Councilman Dehnert				
Councilman Gerbasio				
Councilwoman Tringali				
Mayor Gonnelli				