

RULES AND REGULATIONS
FOR
SEWERAGE SERVICE

THE BORDENTOWN SEWERAGE AUTHORITY

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SECTION I. DEFINITIONS

Unless the context specifically indicates otherwise, the following terms and phrases, as used in these Rules and Regulations, will have the following meanings:

"Applicant", "Customer", "Owner" or "User". Any person, corporation or organization applying or contracting for sewer connections or for the use, products or services of the sewerage system, or who uses sewer services or who is the owner or occupant or both of any real property which directly or indirectly has been connected to the sewerage system or to which directly or indirectly has been furnished or supplied the use, products or services of the sewerage system or sewer services, facilities or products. These terms are used interchangeably in these Rules and Regulations.

"Authority". The Bordentown Sewerage Authority.

"Daily Average". A flow proportioned average over a single day period of operation of a facility.

"Discharge". The releasing, spilling, leaking, pumping, pouring, emitting, emptying or dumping of a pollutant into the waters of the State or onto the land or into the wells from which the pollutant might flow or drain into said waters. It includes the releasing, spilling, leaking, pumping, pouring, emitting, emptying or dumping of any pollutant into the Authority's treatment works.

"Domestic Wastewater". Wastewater discharge as defined in the Authority's Wastewater Discharge Regulations.

"EDU". An equivalent dwelling unit equal to a dwelling unit using an average daily wastewater flow of 200 gpd.

"Executive Director". The person appointed as the Executive Director of the Authority, including his or her designee, or in the absence of an Executive Director, such other person as may be designated by the Authority, or in the absence of such designation, the Authority itself.

"Garbage". Solid wastes from the domestic and commercial preparation, cooking, dispensing, handling, storage or sale of food.

"Industrial User". Any person who discharges nondomestic wastewater into the treatment works of the Authority.

"Main". The Authority owned or leased piping and appurtenances, in or along public highways and streets, or along privately owned rights-of-way, used for the collection of domestic sewage or industrial wastes from its customers.

"New Service". Any sewer connection which had not previously been made or which requires a main extension permit from NJDEP.

"NJDEP". The New Jersey Department of Environmental Protection.

"Nondomestic Wastewater". Wastewater other than domestic wastewater, as defined in the Authority's Wastewater Discharge Regulations.

"Nonresidential Customer". A customer other than a residential customer.

"Person". Any individual, firm, company, partnership, corporation, association, group or society, including the United States of America, the State of New Jersey, and agencies, departments, districts, commissions, instrumentalities and political subdivisions created by or pursuant to Federal or State law.

"Pollutant". Any dredged spoil, solid waste, holding tank waste, incinerator residue, sewage, garbage, refuse, oil, grease, sewage sludge, septage, munitions, chemical wastes, biological materials, radioactive substance, thermal waste, wrecked or discarded equipment, reek, sand, cellar dirt and industrial, municipal and agricultural waste or other residue directly or indirectly discharged into the waters of the State.

"Residential Customer". A customer who is provided sewer service to a single family detached dwelling, a single condominium, townhouse, mobile home or apartment unit or a single residential unit designed to house one family unit.

"Rules and Regulations". These Rules and Regulations, along with the Wastewater Discharge Regulations of the Authority, which are incorporated herein.

"Sewage". The water carried wastes created in and carried, or to be carried, away from, or to be processed by on-site wastewater systems, residences, hotels, apartments, schools, hospitals, commercial or industrial establishments, or any other public or private building, together with such surface or groundwater and industrial wastes and leachate as may be present.

"Sewerage System". The plants, structures, on-site wastewater systems and other real and personal property acquired, constructed, maintained or operated or to be acquired, constructed, maintained or operated by the Authority for the purposes of the Authority, including sewers, conduits, pipelines, mains, pumping and ventilating stations, sewage treatment or disposal systems, plants and works, connections, outfalls, compensating reservoirs, and other plants, structures, boats, conveyances, and other real and personal property, and rights therein, and appurtenances necessary or useful and convenient for the collection, treatment, purification or disposal in a sanitary manner of any sewage, liquid or solid wastes, night soil or industrial wastes.

"State". The State of New Jersey.

"Statute". The New Jersey Sewerage Authorities Law, N.J.S.A. 40:14A-1, et seq.

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

"TWA". Treatment works approval issued by NJDEP pursuant to its regulations.

"Wastewater". Sewage, whether treated or untreated, which is discharged into or permitted to enter the Authority's treatment works.

"Wastewater Discharge Regulations". The Wastewater Discharge Regulations adopted by the Authority and which provide uniform requirements, limitations and prohibitions for all discharges into the wastewater collection and treatment system of the Authority, authorize monitoring and enforcement activities, require industrial user reporting and provide for a permit system for industrial users.

SECTION II. APPLICATIONS

201. APPLICATIONS FOR SEWER SERVICE

A. Applications for Service In General

1. An application for service will not be approved by the Authority until the applicant has paid all fees and charges, which were due by the applicant for any prior services.
2. An approved application constitutes a contract between the Authority and the applicant, obligating the applicant to pay to the Authority its rates as established from time to time and to abide by and comply with its Rules and Regulations.
3. Prior to the submission of an application for service, it is the responsibility of the customer to inspect and examine all laterals, pipes, fixtures and treatment works on the customer's property to determine whether they are in good condition. An application for service constitutes a representation by the customer that the inspection has been made and that all such items have been found to be in good condition. The Authority is not liable for any accident, breaks, leakage or damage to the property, which may result from sewerage services supplied to the premises.
4. All nonresidential customers that apply for service must provide the following information to the Authority, in addition to other information required by the various applications:
 - a. Detailed description of the type and size of buildings.
 - b. The nature of the business to be conducted in each building.
 - c. The number and type of fixtures in each building.
 - d. The type, volume and chemical characteristics of the wastewater to be discharged.
 - e. Three (3) copies of plans showing:
 - i. the boundaries of the property;
 - ii. the location within the property of the building to be served;

- iii. the location and profile, with respect to finished grade, of the services; and
 - iv. details of the proposed connections to the sewerage system.
- f. Other information as may be required by the Authority's Wastewater Discharge Regulations.
5. Completed applications for sewer service will be approved on a first-come, first-served basis. The obligation of the Authority to approve completed applications for sewer permits is contingent upon the availability of capacity, both at the plant and in the mains.
6. The Authority will not approve S-4 sewer permit applications until the Authority is in receipt of all necessary approvals from NJDEP or any other municipal, State or Federal agency which may be required (except for a municipal building permit).

B. Applications for New Service

1. All applicants for new service must submit a complete application for service to the Authority. As used in these Rules and Regulations, "a complete application" includes and is defined as the following:
- a. S-1 Application. Preliminary Planning Board approval is required prior to submission of the S-1 application to the Authority. The fully completed S-1 "Application for Sewerage Service" must be submitted in triplicate, and have attached three (3) copies of all conceptual engineering plans and reports and be accompanied by an application fee and a conceptual review fee in the amounts stated in the Rate Schedule for each equivalent dwelling unit receiving sewer service. The conceptual engineering plans and reports which are required to be submitted with the S-1 application are to be in accordance with the Rules, Regulations and Specifications of any State or Federal agency asserting jurisdiction over sewer services. The plans are to be in a minimum scale of one-inch (1") equals forty feet (40'). The S-1 application must be approved by the consulting engineer to the Authority and by the Authority itself as a condition precedent to the submission of an S-2 "Service Agreement" to the Authority.
 - b. S-2 Agreement. The fully completed and executed S-2 "Service Agreement" must be submitted in triplicate. Compliance with each term, condition and stipulation contained in the executed S-2

"Service Agreement" including, but not limited to, compliance with Authority Rules, Regulations and Specifications, and payment of all fees are conditions precedent to the submission or approval of an S-3 "Application for Approval of Sewer Construction Plans". Final Planning Board approval must be obtained prior to the submission of an S-3 application.

- c. S-3 Application. The application for construction of treatment works must be submitted on an S-3 "Application for Approval of Sewer Construction Plans". The engineering plans which are required to be submitted with the S-3 application must be in accordance with the Rules, Regulations and Specifications of any State or Federal agency asserting jurisdiction over sanitary sewer services. All submitted plans are to be in a minimum scale of one inch (1") equals fifty feet (50') and profiles in a minimum scale of five feet (5') vertical to fifty feet (50') horizontal. The S-3 application must be accompanied by sufficient additional escrow fees, as well as three (3) copies of the sewer construction plans and profiles, prior to being determined complete. The plans and profiles must also include all underground utilities and appurtenances such as water and sewer mains, storm sewers, gas and electric as may be applicable. Additional escrow fees must be posted according to the Rate Schedule.
2. Upon submission to the Authority of a completed S-3 application, the Authority will approve or disapprove the application within ninety (90) days of the date that the application is certified as completed. The application will not be considered as complete until all applicable fees and escrow deposits are made.
3. The Authority reserves the right to extend the time for approval or disapproval for a period not to exceed thirty (30) days by adoption of an appropriate resolution.
4. Failure of the Authority to approve or disapprove the application for construction within such time constitutes approval of the application and consent of the Authority to the construction of the treatment works. In the event that the Authority fails to approve or disapprove the application within time, the application will be marked "Approved Because of Failure to Act Within the Time Limitations Imposed by Law". This approval is not binding upon any State or Federal agencies which may assert jurisdiction over the review and approval of plans. In the event that the application is rejected by any State or Federal agency, the applicant must

submit an amended application to the Authority for review and approval containing the changes, modifications or corrections requested by the Federal or State agency. If this occurs, the time limitations for approval by the Authority of the amended application begin again, after the application is certified as complete by the Authority.

5. An application for TWA will not be sent to NJDEP for approval until both the S-3 and TWA application have first been approved by the Authority.
6. The applicant must obtain all S-1, S-2 and S-3 approvals, all TWA from NJDEP, and all other necessary approvals from NJDEP or any other municipal, State or Federal agency which may be required (except for a municipal building permit) before the applicant can submit an application for S-4 connection permits to the Authority.
7. Notwithstanding anything contained in this Rule, in the event that an application for new service is made for sewer service for property which abuts existing sewer mains, and TWA from NJDEP is not necessary, the Authority reserves the right to waive the requirements of the S-1, S-2 or S-3 procedures, including payments of the fees associated with those procedures. In such case, the applicant may proceed with the submission of S-4 applications for permits with payment of appropriate fees.

C. Applications for Additional Capacity

1. An application for additional capacity must be made by an existing nonresidential customer whenever there is any physical or operational change associated with an increase in estimated, projected flow of either water to, or sewer from, any building, facility or structure for which a building permit, site plan, subdivision or other municipal approval is required.
2. If an application for additional capacity does not require that TWA be issued by NJDEP, then the Authority may, in its discretion, waive the S-1 and S-2 procedures and allow the applicant to submit S-3 applications with engineering plans, reports and required fees as a condition precedent to submission of S-4 applications.
3. An additional connection fee will be charged to the applicant based upon the increase in estimated flow associated with the physical or operational change.

D. Application for Service Based Upon Change in Ownership

1. An application for service, which is based solely upon, a change in ownership is to be made by the new owner upon forms prescribed by the Authority and may be made by mail.

E. Applications for Reinstatement of Service

1. An application for reinstatement of service must be made whenever a customer is renewing a previous service that had been abandoned or terminated or when replacing a structure which has been demolished or substantially totally destroyed.
2. In the event that sewer service was terminated by the Authority because of improper construction, maintenance or use of any connections to the Authority's sewer system, the customer must correct the deficiency before service can be reinstated.
3. In the event that an application is made to reinstate a service for a structure that was previously terminated, or abandoned when the prior structure was demolished or substantially totally destroyed, no connection fee will be due provided that the application for service is made within seven (7) years of the date of the prior termination of service. If there will be an increase in the estimated water or sewer usage of the building, then the application will also be considered as an application for additional capacity and an additional connection fee will be due on the amount of the increase in the estimated water or sewer usage.

F. S-4 Sewer Connection Permits

1. An application for an S-4 sewer connection permit must be made whenever there is an application for a new service or for additional capacity or for reinstatement of a service for which a connection fee is due.
2. An S-4 sewer permit which is issued for any residential unit will be valid for a period of twenty-four (24) months from the date of issue, and an S-4 sewer permit which is issued for any industrial or commercial unit will be valid for a period of twenty-four (24) months from the date of issue, unless physical connection is made within the appropriate period. Physical connection means that the sewer facilities within the building for which service is requested are capable of being used and that a sewer use permit has been issued.

3. In the event that physical connection is not made within the appropriate period, the permit will automatically expire and is void and of no force and effect. The Authority will retain twenty-five percent (25%) of the connection fee paid for each expired permit as a charge for administrative expenses and loss of service revenue. By the submission of an application, the applicant agrees that this charge is reasonable in amount and is to be considered as liquidated damages, and not as a penalty, since actual damages would be difficult to calculate and this amount is reasonable as liquidated damages. The balance of the connection fee paid for the expired permit will be returned to the applicant by the Authority. In the event, however, that the applicant submits a written request for withdrawal of the sewer connection within sixty (60) days after the sewer permit is issued, the full amount of the connection fee paid for the sewer permit will be refunded, less a \$100.00 administrative reimbursement for each permit withdrawn.
4. Upon the date of physical connection, the Authority will charge, and the applicant agrees to pay, sewer service charges for the unit connected.

202. SUPPORTING DOCUMENTATION FOR APPLICATIONS

A. S-1 Application

1. An S-1 application for conceptual approval of proposed treatment works is to be submitted to the Authority for a review of the outlined system, route of construction, estimated volumes of flow and whether an individual or comprehensive study of the sewerage system is required to be submitted by the applicant. No application will be considered unless a professional engineer registered in the State of New Jersey is in charge of the planning and design of the proposed treatment works and has affixed his or her seal and signature to the plans and reports that are submitted.

B. S-3 Application

1. Engineer's Report. A complete engineer's report, stating the basis of design, is to be submitted to the Authority by the applicant for each project. The report must contain the following minimum data:
 - a. For Sewer Systems
 - i. a description of the geographic area to be served;
 - ii. existing and predicted population of the areas to be served;

- iii. terrain data in sufficient detail to establish general topographic features of the area to be served;
- iv. proposed minimum and maximum grades;
- v. required pumping stations;
- vi. intended use of the proposed realty improvements and the characteristics of sewage expected from such use;
- vii. effect of the proposed sewerage facilities on existing or proposed sewerage systems;
- viii. amount of infiltration expected and its effect on design flow;
- ix. estimated daily flow and descriptive formula utilized in calculating such estimates;
- x. description of materials to be used in the construction of all treatment works and a statement that materials being used in the construction of the treatment works comply with the Authority's standard materials of construction;
- xi. preliminary cost estimates of the treatment works to be constructed;
- xii. other relevant factors which would affect design and use of the sewerage system, including a downstream capacity study of the existing collection system;
- xiii. any other information which may be required by NJDEP;
- xiv. any other information which may be required by the Authority's Wastewater Discharge Regulations; and
- xv. the basis of design, stating that all sanitary sewers have been designed:
 - (a) to carry four (4) times the average flow estimated for twenty-five (25) years in advance. In lieu of other values determined by the Authority, average flow may be assumed to be one hundred (100) gallons per person, per day, including infiltration, and three (3) persons may be assumed per equivalent dwelling unit;

- (b) on a "separate system" basis in which all water from roofs, basements, streets and any other areas are not discharged to the sanitary sewer system. No bypasses or overflows, which allow raw sewage to be discharged from sewers, are permitted to be installed; and
- (c) to flow with a minimum velocity of not less than two feet (2') per second and force mains at not less than three feet (3') per second based on Manning's formula for full pipe flow using an "n" factor of 0.013 for ductile iron pipe and 0.010 for polyvinyl chloride pipe. Inverted siphons are not permitted.

b. For Pumping Stations

- i. operational characteristics of the station at minimum, maximum and average flows (both present and future);
 - ii. provisions for emergency standby power consistent with standard specification requirements of the Authority and handling of sewage in the event of the complete failure of the station;
 - iii. provisions for permanent safety equipment, noise control equipment and odor control equipment as consistent with the Rules, Regulations and Specifications of the Authority;
 - iv. preliminary cost estimates for construction and annual operating costs;
 - v. other relevant factors which would effect design and use of the sewerage system; and
 - vi. any other information which may be required by NJDEP.
2. General Map or Conceptual Plan of the Entire Project. A general map of the entire project must be furnished, showing existing and proposed sewers and pumping stations.
3. Construction Plans, Profiles and Specifications of all Proposed Sewer Mains. Plans are to be of uniform size, 24" x 36", with a 1/2" border on top, bottom and right side, and a two inch (2") border on the left side, the last one for binding. Three (3) sets of plans must be submitted. The plans must show the following:

- a. Details. The plans must show existing and proposed treatment works and contours, all existing and proposed streets, surface elevations at all breaks in grade and street intersections, tributary area with population per acre, the true or magnetic meridian, boundary line, title, data and scale. Any area from which sewage is to be pumped must be clearly indicated. All sheets are to be numbered.
- b. Symbols. Proposed sewer mains and other treatment works to be constructed are to be shown by solid lines. Existing sanitary sewer mains and treatment works are to be shown by dashed lines and labeled accordingly. All topographical symbols and conventions are to be those used by the United States Geological Survey.
- c. Elevations. All elevations must be related to NGVD 1929 Datum. All benchmarks must be shown. Elevations of street surfaces are to be noted. The elevations of sewer inverts at ends of lines and at changes of grades are to be written parallel with the sewer lines and between the street lines. The elevations of street surfaces should be shown to the nearest 0.1-foot, the sewer inverts to the nearest 0.01 foot. Sufficient benchmarks must be permanently established for the area.
- d. Distances, Grades and Sizes. Distances between manholes, pipe gradients, sewer main and lateral sizes and pipe material must be shown on the plans. Arrows should show the direction of the flow.
- e. General Site Plan. All plans for treatment works must include a general site plan showing property boundaries, contours, proposed improvements with capacities, underground piping, underground wires, and are to include the items referred to in the Engineer's Report that are related to the design drawing.

203. ESCROW FEES AND ESCROW ACCOUNTS

- A. Escrow fees must be posted by the applicant in the amount specified in these Rules and Regulations and Rate Schedule. The funds will be held by the Authority in an escrow account. The Authority will, from time to time, withdraw funds from this escrow account to reimburse itself for costs incurred by the Authority for inspection, engineering review, legal review or for other services provided to or on behalf of the applicant by the Authority. In the event that the escrow fund is depleted or in deficit, the applicant must post additional escrow funds with the Authority in an amount to be set by the Authority. Any funds held in the escrow account will not bear interest for the applicant, unless otherwise provided by the Statute.

- B. The amounts paid pursuant to the S-1 applications are nonrefundable and constitute the minimum amount that the Authority is entitled to retain for the aforesaid services.
- C. The applicant may request the return of any unused portion of the escrowed funds at the completion or termination of construction or after the Authority has accepted all improvements, or after final release of all maintenance guarantees, whichever is later.
- D. The Authority may, in its discretion, refuse to process any application or issue any permit if there is a deficit in the escrow amount of any applicant.

204. NJDEP TREATMENT WORKS APPROVAL

- A. All applications for TWA from NJDEP are to be prepared by the applicant at its sole expense and are subject to review and approval by the Authority and its consulting engineer. All applications will be submitted to NJDEP in the name of the Authority as the applicant. All rights or entitlement contained in a TWA issued by NJDEP will belong to the Authority and not to the applicant. The Authority has the right to withhold the submission of a TWA application to NJDEP for good cause. The Authority also has the right to surrender any TWA to NJDEP on a section-by-section basis, if substantial construction has not yet begun on that section to which the approval refers.
- B. TWA must be secured for each section of a development or for each project or facility, whenever necessary, before the applicant can apply for S-4 sewer connection permits from the Authority.
- C. Final Planning Board approval must be obtained prior to the submission of a TWA application to the Authority for approval.
- D. TWA applications will only be sent to NJDEP after approval by the Authority of the S-3 application.

SECTION III. CONSTRUCTION

301. PERFORMANCE AND MAINTENANCE GUARANTEES

- A. "Performance guarantee" and "maintenance guarantee" mean either cash, third party surety bonds from a reputable insurance company or third party letters of credit from a financial institution having assets of One Billion Dollars or more, in a form that is acceptable to the Authority.
- B. Prior to the commencement of any construction of treatment works that either will be dedicated to the Authority or will remain as private property, the applicant must post with the Authority a performance guarantee covering the improvements. The amount to be posted under the performance guarantee is one hundred twenty percent (120%) of the estimated cost of the improvements to be constructed. The estimated cost will be prepared by the Authority upon the advice of its consulting engineer. The Authority's solicitor must approve the form of the performance guarantee before it is accepted. The performance guarantee must be posted by sections.
- C. The applicant may request a reduction in the performance guarantee posted if at least fifty percent (50%) of the improvements to be constructed within a section are satisfactorily completed and tested in accordance with the Authority Rules, Regulations and Specifications and if the improvements, in the opinion of the Authority, are adequately protected from future damage due to continuing construction. The Authority may allow up to a maximum of a seventy-five percent (75%) reduction of the dollar value of the improvements that are satisfactorily completed, tested and protected.
- D. Maintenance guarantees for improvements to be dedicated or maintained by the Authority are to be posted upon final acceptance of all treatment works, for a two (2) year period in an amount of ten percent (10%) of the original performance guarantee for the improvements constructed. Final acceptance of the improvements constructed in the section will not occur until the date that the maintenance guarantee, in a form satisfactory to the Authority's Solicitor, is received by the Authority.

302. "BUY AMERICAN" PROVISION

All items or materials used in the construction of treatment works, or other projects, which are constructed by a private contractor for a customer but which are to be deeded or dedicated to the Authority and accepted by the Authority for ownership and maintenance, are to be manufactured products of the United States, wherever possible.

303. CONSTRUCTION OF FACILITIES

- A. The applicant will construct and install, at no cost to the Authority, all off-site and on-site treatment works and any and all related appurtenances which are necessary to extend service from the existing sewerage system and facilities of the Authority to the units for which application for service has been made.
- B. All construction must be in accordance with the Rules, Regulations and Specifications of the Authority and the engineering plan submitted by the applicant and approved by the Authority.

304. SIZE AND KIND OF SERVICE LATERAL

- A. The Authority must approve the size and kind of service lateral from the main to the curb line. Laterals must be constructed in accordance with the Authority's specifications and must be inspected and approved by the Authority's inspector prior to backfilling the trench. Any construction not approved must be immediately removed and reconstructed in an approved manner.
- B. The service lateral from the main to the building is to be furnished by the owner of the property and installed by a licensed plumber. The use of vents on any portion of the service lateral which would permit the entrance of surface or storm water is prohibited. A curbside cleanout of approved type is required. The service lateral must comply with all State plumbing code requirements.

305. INSPECTION OF CONSTRUCTION

- A. The Authority or its consulting engineers will inspect the construction of all treatment works to determine whether the treatment works are being properly constructed. The Authority will inform the applicant of any improper construction or any deviation from the approved plans of the Authority or from its Rules, Regulations or Specifications. The applicant must correct any defects or deficiencies. The Authority reserves the right to issue a stop-work order to the applicant in the event of improper construction.
- B. The Authority is under no obligation to provide sewer service to an applicant if the treatment works were not inspected or were not built in accordance with the approved construction plans and the Authority's Rules, Regulations and Specifications.
- C. The cost of inspection is to be paid by the applicant.

306. ACCEPTANCE OR APPROVAL OF COMPLETED CONSTRUCTION

- A. After construction has been completed, the applicant should request in writing that the Authority accept or approve the treatment works.
- B. The applicant must, at the time of a request to accept facilities, submit to the Authority any and all completed documents which are necessary to:
 - 1. dedicate all treatment works including mains, force mains, pumping station and any and all related appurtenances, except laterals, to the Authority, which are located in the public right-of-way or in easement areas approved by the Authority;
 - 2. deed (with warranties) at no cost to the Authority, all necessary titles or easements to lands necessary for the maintenance or operation of the treatment works, including easements for extension of mains to adjacent properties;
 - 3. post a two (2) year maintenance bond in the amount of ten percent (10%) of the original performance guarantee to cover cost of repairs for any latent defects discovered during the two (2) year period; and
 - 4. furnish to the Authority "as-built" drawings of the treatment works, certified by a New Jersey professional engineer or land surveyor for the applicant.

Upon the completion of all of these requirements, the Authority will determine whether the treatment works are constructed in accordance with the approved plans and Rules, Regulations and Specifications and will determine whether all supporting documents are in order. If all construction and submissions are approved, the Authority will proceed to accept the treatment works and will accept and have recorded, wherever necessary, the dedications, deeds, easements, bonds and as-built drawings. All costs for recording of documents will be paid by applicant. The cost of all construction, maintenance and operations prior to acceptance by the Authority is to be paid by the applicant.

- C. The Authority will not accept treatment works which are not located in the public right-of-way or in easement areas approved by the Authority, even if the facilities were bonded improvements. In this event, the Authority will approve final construction, but will not accept the facilities, and the facilities will remain the private property of, and will be maintained by, the owner.

- D. In the event that an applicant constructs a pumping station or force main which is to be dedicated to the Authority, the applicant shall be responsible for the payment of all electric bills associated with the operation of the facility for a period of two (2) years from the date of acceptance of the facility. At the time that the facility is to be accepted, the applicant shall post with the Authority either cash, a letter of credit or a payment bond in the estimated amount of the electrical bill for the facility, as estimated by the Authority's consulting engineer.

SECTION IV. MAINTENANCE AND SERVICE

401. RESPONSIBILITY FOR SERVICE

- A. It is a condition of providing service that:
1. the Authority does not assume any liability as insurer of person, property or economic loss;
 2. the Authority does not guarantee any service, capacity, treatment or facility to any customer; and
 3. the Authority shall be free and exempt from any and all claims for injury to any persons or property, or for economic loss due to the failure to supply wastewater treatment services or capacity.
- B. Any customer that may require, as part of its operations, guaranteed capacity or wastewater treatment service is responsible for making alternative arrangements for service or for constructing any special facilities that may be necessary to provide service in the event that the Authority cannot provide its ordinary and customary services.

402. MAINTENANCE BY CUSTOMER

- A. All connections, service laterals, fixtures, and other treatment works from the curb line to and within the building must be maintained by the customer in good order. All leaks in the service lateral from the curb line to the building or in any fixture in the premises served, must be repaired immediately by the owner or occupant of the premises.
- B. In the event of a blockage in the service lateral from the building to the sewer collection main, the customer must clear, or attempt to clear the blockage by engaging, if necessary, the services of a private sewer cleaning company.
- C. The customer is responsible for notifying the Authority of the party contracted to do any repair work on the customer's service lateral prior to work being commenced, and the contractor may not backfill any trench until the work has been inspected by the Authority. Any work not acceptable must be immediately removed and replaced by work which is acceptable.
- D. The customer must make such changes to the service lateral that are required by reasons of changes of grade, relocation of mains or otherwise.

403. MAINTENANCE BY AUTHORITY

- A. The Authority is responsible for maintaining mains and force mains and other treatment works which have been accepted for ownership by the Authority, but is not responsible for maintaining any mains, force mains or other treatment works which have not been accepted by the Authority nor for any portion of the sewer service line from or within the building to the curb line.
- B. In the event of a blockage in a service lateral, the Authority will provide maintenance for that portion of the sewer lateral installed in the street between the curb line and the sewer collection main, provided, however, that the customer has first engaged a private sewer cleaning company and the attempt at eliminating the stoppage was unsuccessful. The responsibility of the Authority will include replacement of the sewer lateral between the curb line and the sewer collection main if the Authority, in its discretion, determines that replacement is necessary. The Authority will not be responsible for the maintenance, repair or replacement of any portion of a sewer lateral that is located between the curb line and the building or structures receiving service.

404. REPLACEMENT OF SERVICE LATERAL

In the event that it is necessary to replace the service lateral from the main to the structure, the owner must replace the service lateral from the structure to the curb line and must use the same point of connection as previously used, unless otherwise approved by the Authority.

405. PROPERTY SERVED BY A SINGLE SERVICE LATERAL

- A. A new service lateral may not serve more than one property, facility, structure or use. Exemptions may be considered by the Authority upon written application by the customer. If an exemption is granted, each unit will be billed as if it had its own individual service lateral.
- B. Where two or more customers are now served through an existing single service lateral, any violation of the Rules of the Authority by any of the customers may be deemed a violation by all, and unless the violation is corrected after reasonable notice, the Authority may take such action as may be taken for a single customer.

406. DISCONTINUATION OF SERVICE

A. By Customers

- 1. Sewer Service. Sewer service will not be considered a service subject to discontinuation. The customer will be responsible for the payment of sewer service charge at the basic charge as established by the Authority during the time the property or structure is vacant.

2. Waiver of Sewer Charges

- a. The Authority may waive sewer service charges only in cases of demolition, fire, flooding, or by order of the Board of Health which renders the building uninhabitable.
- b. Notwithstanding the provisions of this regulation, the owner of a residential unit which is designed and permitted by applicable zoning regulations to provide two (2) separate dwelling units, shall be permitted to apply for a discontinuation of service for one of the units provided that the unit for which the application for discontinuation is made (i) remains vacant and (ii) remains uninhabitable due to the disconnection of a required sewer facility such as a sink or toilet from the sewer system of the Authority. Any approval granted by the Authority shall be for a term not to exceed twelve (12) months, after which the applicant may reapply.

B. By Authority. Service may be discontinued by the Authority for any of the following reasons:

1. misrepresentation in an application for service;
2. tampering with any service lateral, main, water meter, or any other treatment works;
3. nonpayment of any charge accruing under the application, or of any service charge (including interest) rendered by the Authority;
4. refusal of reasonable access to the property for purposes permitted by the Statute or by the Wastewater Discharge Regulations;
5. misuse of the sewer system;
6. violation of any of the Rules and Regulations of the Authority; and
7. violation of the Authority's Wastewater Discharge Regulations.

C. Notice. The Authority will attempt to give seven (7) days' written notice of the discontinuation of service, unless the health, safety or welfare of the community is involved, in which case the Authority may take immediate steps to discontinue service, or unless there is a violation of the Authority's Wastewater Discharge Regulations, in which case notice will be given as provided therein. The customer will be responsible for the payment of sewer service charges in the event of a discontinuation of service by the Authority.

- D. Manner of Termination. Service may be terminated by the Authority in any manner provided by the Statute, including, but not limited to, causing the sewer connection to be terminated or by causing the water service to the property to be shut off. In the event that the Authority terminates sewer service by disconnecting the sewer lateral which services the property, the customer will pay the Authority for all plant labor, material and equipment used by the Authority in terminating service. These charges are in addition to the normal discontinuation charge that is imposed. In the event that the customer reconnects the sewer lateral which services the property, after the lateral had been disconnected by the Authority, the customer will pay the Authority for all plant labor, material and equipment used by the Authority in reconnecting service. These charges shall be in addition to the normal resumption charge that is imposed.
- E. Unauthorized Termination or Reinstatement of Service. In the event that service has been turned on by or on behalf of the customer after service has been turned off by the Authority, before service has been authorized by the Authority, the customer will be charged for all expenses incurred by the Authority in re-terminating service, including wages, overhead, supplies and expenses, and further, the Authority may require that the customer pay in advance an estimated sewer bill for the ensuing twelve (12) month period for all properties which the customer has connected to the sewer system of this Authority.
- F. Due to Emergency. In the event of accident, breakdown, emergency, or for any other unavoidable cause, the Authority has the right to request that the water supply be temporarily discontinued in order to make necessary repairs or connections. In such case, the Authority will not be liable for any damages or inconvenience experienced by the customer, or for any claim against it for interruption in service or for any other reasons. When the supply of water is to be temporarily interrupted, notice will be given, when practicable, to all customers affected by the temporary interruption of service, stating the probable duration of the interruption, and the purpose of the interruption.

407. PROPERTIES TO BE METERED

Every property that receives sewerage services from the Authority must have its sources of water supply metered, regardless whether the customer receives water from a public source of supply or a private well.

408. GENERAL REGULATIONS

- A. House-Call Charge. When an employee has been dispatched to discontinue service, but service is not discontinued because the customer pays the bill in full, the house-call charge indicated in the Rate Schedule of the Authority will be imposed in lieu of the discontinuation and resumption charge.

- B. Discontinuation and Resumption Charge. When service has been turned off from any premises because of violation of the Authority's rules, or for nonpayment of a bill, or at the request of the customer, and when service has been turned on at any premises after service has been turned off, the discontinuation and resumption charge which is indicated in the Rate Schedule of the Authority, payable in advance, will be imposed. An additional charge will be imposed in the event that the sewer lateral is reconnected.
- C. Final Bill Charge. When a final bill for sewer service is requested by a customer, the final bill charge indicated in the Rate Schedule of the Authority will be imposed.
- D. New Account Charge. When a customer requests that service be established in the customer's name, the new account charge indicated in the Rate Schedule of the Authority will be imposed.
- E. Complaints. Complaints with respect to the nature of the service furnished must be made to the Authority's office in writing, and a record of each complaint will be kept by the Authority, noting the name and address of the complainant, the date, the nature of the complaint, and the remedy.
- F. Reasonable Access. The properly identified authorized agents of the Authority have the right of access to the premises served, at all reasonable hours, for the purposes of making surveys, borings, soundings and examinations for the purposes of the Authority.
- G. No Oral Agreements. No agent or employee of the Authority has authorization to bind it by any promise, agreement or representation. Official action concerning any promise, agreement or representation which is binding upon the Authority can only be made by the Authority itself by majority vote at a public meeting.
- H. Damage Claims: All claims for damages against the Authority shall be governed by the provisions of the New Jersey Tort Claims Act. Notice of any claims shall be given to the Authority by certified mail. The form of notice must comply with the requirements of the New Jersey Tort Claims Act. In addition to the form of tort claims notice required by N.J.S.A. 59:8-4, in all actions seeking recovery for property damage or personal injury, a claimant shall provide certified answers to the interrogatories prescribed by Forms A, B and C of Appendix II, as appropriate of the Rules of Court, within a reasonable period of time after receipt of same, but in no case, later than 150 days after receipt.
- I. Amendments to Rules and Regulations. The Authority reserves the right to change or amend, from time to time, these Rules and Regulations.

409. WASTEWATER DISCHARGE REGULATIONS

The Authority's Wastewater Regulations are incorporated as Tab A, and are made a part of these Rules and Regulations.

SECTION V. CONNECTION FEES AND SERVICE CHARGES

501. SEWER SERVICE CONNECTION FEES

- A. The applicant must pay a sewer connection for each equivalent dwelling unit at the time that the S-4 permit is requested, in an amount as established by the Authority's Rate Schedule in effect at the time that the S-4 application is submitted.
- B. Connection fees for nonresidential users will be based upon the Authority's estimated water usage, multiplied by the rate per gallon per day contained in the Rate Schedule. A minimum sewer connection charge for nonresidential users will be imposed, in an amount equal to the residential connection fee regardless of whether the estimated usage is less than the residential rate of usage.
- C. In the event that there is any physical or operational change associated with an increase in estimated projected flow of water to any building, facility or structure of a nonresidential customer for which a building permit, site plan, subdivision or other municipal approval is required, the Authority will impose an additional connection fee to correspond with the amount of estimated increased usage.
- D. Any building, facility or structure owned by the City of Bordentown, the Township of Bordentown or the Bordentown Regional Board of Education, or any agency, board or entity duly created by them, shall be exempt from the payment of connection fees.

502. BILLS AND PAYMENTS

- A. Place of Payment. Bills are payable at the office of the Authority, either in person or by mail.
- B. Bills Rendered and Due. Meter readings will be made on a regular basis and bills for service will be rendered as soon as practicable after the reading of the respective meters. All bills are due and payable upon presentation.
- C. Delinquent Bills
 - 1. If a bill remains unpaid by the last day of the month in which it was issued, it will be classified as delinquent. Payments made by mail will be credited on the date received at the Authority office.
 - 2. If a bill remains unpaid for fifteen (15) days after being classified as delinquent, a late notice will be sent to the customer.
 - 3. If a bill remains unpaid for thirty (30) days after being classified as delinquent, a notice of discontinuation of service will be sent to the customer indicating that service will be discontinued not less than ten (10)

days from the date that the notice is sent. If service is discontinued, it will not be restored until all unpaid bills and charges, including the turn-on charge, are paid or satisfactory arrangements are made for payment.

4. In the event that a service charge of the Authority is not paid as and when due, interest will accrue and be due to the Authority on the unpaid balance at the maximum rate as allowed by the Statute until the service charge, including interest is fully paid to the Authority.
5. The Authority will allow a seven (7) day grace period before the imposition of interest on a delinquent bill. If the bill is not paid within the grace period, interest will be charged from the date that the bill was originally due.
6. Any unpaid balance of any service charge, plus interest, will be a lien on the property, pursuant to the procedures specified under the Statute. Notice of delinquent charges will be given on a regular basis by the Authority to the municipal tax collector.

D. Responsibility for Payment of Service Charges. Service charges are the responsibility of the owner or occupant, or both of them, of any property which directly or indirectly is or has been connected with the sewer system. The owner of any such property is ultimately responsible for the payment of any service charges that are not paid by a tenant, regardless of any lease agreement to the contrary.

503. DISPUTED BILLS

- A. Any customer that disputes a bill rendered by the Authority for sewer service must bring the disputed bill to the attention of the Authority within thirty (30) days of the issuance of the bill. The dispute must be presented to the Authority in writing, stating the exact portion of the bill that is in dispute and the reasons why the bill is in dispute.
- B. Upon receipt of a disputed bill claim by a customer, the Authority will present a temporary estimated bill to the customer which will be computed on the basis of the average usage during the preceding twelve (12) month period or the usage during the same period of time in the preceding year, whichever, in the estimation of the Authority, presents a more accurate estimate. The customer must pay the amount of the temporary estimated bill within the same time limits for payment of the original bill.
- C. The Authority will investigate the bill dispute presented by the customer and will consider whatever supporting evidence the customer may wish to present and will determine whether the disputed bill is valid or is invalid in whole or in part. In the event that the Authority determines that any or all of the disputed bill is due,

and that amount exceeds the amount paid by the customer under the temporary estimated bill, the difference must be paid by the customer within fourteen (14) days after notification is sent by the Authority. After the fourteen (14) day period, the bill will be classified and processed as a delinquent bill.

- D. A meter reading will be deemed conclusive unless the meter is tested and is found to be inaccurate. No reduction will be made for any sewer bill unless the water department of the City of Bordentown makes an adjustment of the water bill.

504. DEPOSITS

- A. The Authority may, at its discretion, require deposits from customers requesting service for a period of less than ninety (90) days in an amount equal to one and one-half (1½) times the estimated bill for the service requested, plus the cost of making and discontinuing service.
- B. The Authority may require a deposit for the payment of sewer service charges for an advance period of one (1) year from any customer who has received three (3) or more shut-off notices in any consecutive thirty-six (36) month period, or as otherwise permitted under bankruptcy laws.
- C. No interest shall be paid on deposits.

SECTION VI. PENALTIES FOR VIOLATIONS

601. PENALTIES

In the event of any violation of the Rules and Regulations of this Authority or of any improper or unauthorized use of any portion of the sewer system by any customer, then the customer may, in the discretion of the Authority, be fined an amount up to a maximum of \$100.00 for each violation or improper or unauthorized use. Each action constituting a violation or improper or unauthorized use, as well as each property affected by the violation or improper or unauthorized use, as well as each day that the violation or improper or unauthorized use exists, may be counted as separate violations for the purposes of determining the fine to be imposed.

602. HEARING

All fines must be paid within fifteen (15) days from the date that the customer is notified in writing of the violations charged and the fine to be imposed. In the event that the customer wishes to contest the violation or the fine imposed, the customer must file with the Authority within fifteen (15) days of receipt of notification of the violation and fine imposed, a written notice that the violation and fine is contested. A hearing will be scheduled before the Authority at which time the Executive Director or his or her designee as well as the customer or his or her attorney, may present evidence regarding either the violation or the fine imposed. The fine, if any, that is imposed by the Authority after the hearing must be paid within fifteen (15) days after the customer receives written notice of the decision of the Authority.

603. EFFECT OF NONPAYMENT

In the event that the fine is not paid as required under these Rules, then the Authority, in its discretion, may discontinue all water and sewer services to the customer and may declare all agreements or contracts with the customer null and void and of no force and effect.

604. PENALTIES CUMULATIVE

The penalties imposed in this section shall be cumulative to the penalties described in other sections of these Rules and Regulations and to the other remedies which the Authority may have under the Statute or under other legislation.