

RULES AND REGULATIONS

FOR

SEWERAGE SERVICE

THE BORDENTOWN SEWERAGE AUTHORITY

954 Farnsworth Avenue

P.O. Box 396

Bordentown, NJ 08505

Phone: 609-291-9105 Fax: 609-291-9079

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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", "Developer/Builder", or "User". Any person, corporation, organization, government body, or other legal entity 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", "BSA", "Owner". The Bordentown Sewerage Authority.

"Authority Engineer". Authority Board appointed Consulting Engineer

"Connection Fee", "Tapping Fee". A fee imposed on any property for the connection to the sewerage system. Such connection fee shall be uniform within each class of users, and the amount thereof shall not exceed the actual cost of the physical connection, if made by the Authority, plus an amount computed in the following manner to represent a fair payment toward the cost of the system pursuant to N.J.S.A 40A:14A-16:

(1) The amount representing all debt service, including but not limited to sinking funds, reserve funds, the principal and interest on bonds, and the amount of any loans and interest thereon, paid by the sewerage Authority to defray the capital cost of developing the system as of the end of the immediately preceding fiscal year of the Authority shall be added to all capital expenditures made by the Authority not funded by a bond ordinance or debt for the development of the system as of the end of the immediately preceding fiscal year of the Authority.

(2) Any gifts, contributions or subsidies to the Authority received from, and not reimbursed or reimbursable to any federal, State, county or municipal government or agency or any private person, and that portion of amounts paid to the Authority by a public entity under a service agreement or service contract which is not repaid to the public entity by the Authority, shall then be subtracted.

(3) The remainder shall be divided by the total number of service units served by the Authority at the end of the immediately preceding fiscal year of the Authority, and the results shall then be apportioned to each new connector according to the number of service units attributed to that connector, to produce the connector's contribution to the cost of the system. In attributing service units to each connector, the estimated average daily flow of sewage for the connector shall be divided by the average daily flow of sewage for the average single family residence in the Authority's district to produce the number of service units to be attributed.

The connection fee shall be recomputed at the end of each fiscal year of the Authority, after a public hearing is held. Pursuant to N.J.S.A. 40:14A-8, the revised

connection fee shall be imposed upon those who subsequently connect to the system in each fiscal year.

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

"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 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" (Equivalent Dwelling Unit). Represents one typical single family unit using an average daily wastewater flow in gallons per day as established annually by the Authority. This single family unit average daily flow is not to be utilized for estimating proposed flows.

"EPA", "USEPA". United States Environmental Protection Agency.

"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, Authority owned lands, in or along privately owned land, used for the collection of domestic sewage or industrial wastes from its Customers whether forced or by gravity.

"New Service". Any sewer connection which had not previously been made or which requires a new connection to the Wastewater Conveyance System.

"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.

“Physical Connection”. The Treatment Works within the building for which service is requested are capable of being used and that an Authority Sewer Use Permit has been issued.

“Pollutant”. Any dredged spoil, solid waste, holding tank waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, septage, munitions, chemical wastes, biological materials, radioactive substance, medical wastes, thermal waste, wrecked or discarded equipment, runoff, rock, sand, cellar dirt and industrial, municipal, construction, 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 any other 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.

“Runoff”. Rainwater, leachate or other liquid that drains overland on any part of a land surface and runs off of the land surface.

“Septage”. Liquid and solid material pumped from a septic tank, cesspool, or similar domestic sewage treatment system, or holding tank.

“Sewage”, “Wastewater”. The water carried wastes/pollutants created in and carried, or to be carried, away from, 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, that are discharged or otherwise enter the Authority’s Treatment Works.

“Sewerage Authority”. Means a particular governing body pursuant to the Sewerage Authorities Law, 40:14A-1 et seq. This referenced law is referred to as the **“Statute”** within these Rules and Regulations.

“Sewerage System”. The plants, structures, on-site wastewater systems and other real and personal property acquired, constructed, maintained, or operated, 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", See definition of "Sewerage Authority".

"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 laterals, sewer mains, 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 Conveyance System". The structures, on-site wastewater systems and other real and personal property acquired, constructed, maintained, or operated, including sewers, conduits, pipelines, mains, pumping and ventilating stations. Sewage treatment or disposal systems, connections, outfalls, compensating reservoirs, and other 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.

"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 review fees and charges as indicated in writing from the Authority, which were due from the Applicant for any prior services, in addition to providing supplemental funds for known future Authority work.
2. An approved application constitutes a contract between the Authority and the Applicant, obligating the Applicant to pay to the Authority its rents, rates, fees, or other charges 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 Applicant to inspect and examine all treatment works on the Applicant's property to determine whether they are in good condition. An application for service constitutes a representation by the Applicant 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 Applicants that apply for a "will serve" determination, change of use, service, or any other Authority matter related to wastewater flow must provide the following information to the Authority, in addition to other information required by the various applications:
 - a. General:
 - i. Identify if the proposed development is generating flow from residential or non-residential sources. Any flow not emanating from a residential dwelling such as from a community clubhouse is considered non-residential flow.
 - ii. Proposed method to secure a deduction for Bordentown City supplied potable water utilized for irrigation.
 - iii. Provide projected flow quantities calculated in

accordance with N.J.A.C. 7:14A-23.3 except for the following:

Type	Unit of Measure	GPD
Factories/Warehouses/Flex Space (does not include Office Space or process wastewater)	Per square foot	0.02
Churches (worship area only, other uses to be calculated separately)	Sanctuary Area	1 EDU
Day Care Centers	Per square foot	0.25
Fitness Center	Per square foot	0.10

In the event that a type of use is not listed in N.J.A.C. 7:14A-23.3 or in the above list the Authority shall consider the best judgement recommendation of the Authority Engineer in determining the projected flow.

For determining the projected flow, any reference to "seat" in N.J.A.C. 7:14A-23.3 shall be deemed to mean the maximum permitted occupancy established pursuant to the Uniform Construction Code and/or the Uniform Fire Code.

Connection fees for all previously unsewered non-residential uses shall be subject to the minimum connection fee for a single family residential unit, pursuant to the current Authority Rate Schedule.

The term "Office Space" shall include, but not be limited to, supporting areas such as bathrooms, storage areas, conference rooms, computer rooms, mail room, and reception/lobby area.

- b. Residential Connection: The application shall provide details on all wastewater generating facilities including but not limited to for permanent living units, the type of dwelling (single family; apartment; townhouse, etc.) along with the number of bedrooms in each unit.

- c. Non-Residential Connection: The application shall provide details on all wastewater generating facilities including but not limited to the following sources:
 - i. Detailed description of the type and size of buildings.
 - ii. Nature of the business to be conducted in each building.
 - iii. Square footage for the type of usage (office, factory, warehouse, etc.)
 - iv. The type, volume and chemical characteristics of the wastewater to be discharged. Identify if sources of flow, such as but not limited to, brewery wastes, manufacturing process, refrigerate condensate, non-recycled car wash wastes, and swimming pool backwash are present.
 - v. Flow characteristics of the discharge such as uniformly consistent, diurnal, batch, or periodic.
 - vi. Number of restaurant seats including outdoor seating.
 - vii. Facility seating capacity.
 - viii. Inclusion of grease traps and sediment traps.
 - ix. Other information as may be required by the Authority's Wastewater Discharge Regulations. Provide any available laboratory sampling results for the proposed discharge.
 - x. Other information as requested by the Authority.

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 wastewater conveyance system.

The Authority will not grant S-3 application approval until the Authority is in receipt of all necessary approvals from NJDEP or any other municipal, State or Federal agency which may be required.

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. The fully completed S-1 “Application for Sewerage Service” must be submitted as follows:

- One physical copy of the application package provided for the Authority.
- One physical copy of the application package for the Authority Engineer.
- For both the Authority and the Authority’s Engineer provide a PDF copy of the entire application package by either emailed link, submittal of two thumb drives or other method as indicated by the Authority.

The entire submission consists of a completed S-1 Application, conceptual engineering plans, reports, S-1 application fee, initial escrowed review fee, and from the appropriate municipal land use board or municipal official, either preliminary or final approval documentation. The application and initial escrow review fee amounts are as stated on the Authority’s S-1 Application form. Without the noted level of municipal approval, the application will not be approved.

The submission inventory may be increased after an initial Authority project review. The Authority will either direct the Authority’s Engineer or the Applicant to perform a capacity availability study of the downstream wastewater conveyance system and/or the Authority’s wastewater treatment plant. At the time of the proposed date for the project’s temporary certificate of occupancy, wastewater conveyance capacity must be physically available or will be made available by capacity improvements approved by the Authority, and contractually financed and performed by the Applicant in order to be provided Authority S-1 Application approval.

The conceptual engineering design documents 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. Minimum requirements are as follows:

1. The S-1 submitted report shall address items listed in previous paragraph 201.A.4 in its entirety.
2. Report to establish proposed connection location to the Bordentown Sewerage Authority sewerage system.

3. Report to establish if a pump station is required.
4. Drawings shall be provided showing the overall site layout with existing and proposed grades added. In addition, for the two closest Bordentown Sewerage Authority sanitary sewer manholes to the project site identify the manhole rim elevations and the pipe invert elevations for all pipes in each manhole along with their pipe diameter.
5. The drawings are to be in a minimum scale of one-inch (1") equals thirty feet (30').
6. Datums shall be provided on the Drawings based on the criteria as listed in Section 202.B of these Rules and Regulations.

The S-1 application must be recommended for approval by the Authority's Engineer to the Authority and by the Authority itself. During the S-1 Application review period the party responsible (i.e., Authority or Applicant) for the future ownership, operation and maintenance of the proposed Treatment Works will be established by the Authority. The Authority is under no obligation to accept future ownership, operation and maintenance of any proposed Treatment Works no matter what circumstances exist.

- b. S-2 Agreement. The fully completed and executed S-2 "Service Agreement" must be submitted to the Authority with a written or verified e-signature. 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 and conditions precedent to the submission or approval of an S-3 "Application for Approval of Sewer Construction Plans". Final approval of the appropriate municipal land use board, municipal official and Burlington County Planning Board approval must be obtained prior to the submission of an S-3 application.

- c. S-3 Application.

The fully completed S-3 "Application for Approval of Sewerage Construction Documents" must be submitted as follows:

-One physical copy of the application package provided for the Authority.

- One physical copy of the application package for the Authority's Engineer.
- For both the Authority and the Authority's Engineer provide a PDF copy of the entire application package by either emailed link, submittal of two thumb drives or other method as indicated by the Authority.

The application for Treatment Works design approval and processing to the construction phase must be submitted on an S-3 "Application for Approval of Sewer Construction Documents". A project's S-3 Application is considered complete for review if the following have been verified by the Authority:

1. The Authority's S-1 Application has been approved.
2. The Authority's S-2 Application has been endorsed by the Applicant and the Authority.
3. The Applicant's project has received final approval from the appropriate municipal land use board or municipal official and, Burlington County Planning Board approval.
4. All Authority fees have been paid.
5. All the outstanding escrow notices are paid to the Authority and the project's escrow balance satisfies the criteria provided on the S-3 application form.

Once a project's S-3 application submission is complete the Authority will commence the S-3 application review.

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 plan scale of one inch (1") equals thirty feet (30') with piping profiles in a minimum scale of three feet (3') vertical to thirty (30') horizontal. The plans and piping profiles must also include all underground utilities and appurtenances such as water and sewer mains, storm sewers, gas, electric, fiber, or cable, as may be applicable.

An Applicant must have project specific items resolved prior to the Authority approval of the S-3 application including but not limited to:

- All easements finalized and filed with Burlington County;

- Obtain a NJDEP Treatment Works permit if the project conditions meet the requirements of NJAC 7:14A-22.3;
- Obtain a USEPA ESA waiver which must be filed by the Authority based on supporting information provided by the Applicant's engineer.
- Obtain a railroad occupancy permit

d. S-4 Application.

The Applicant must obtain all S-1, S-2, and S-3 approvals, including satisfying any S-3 approval conditions, 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 receive an endorsed application for S-4 sewer construction approval by the Authority. The S-4 application submittal along with the Bordentown Sewerage Authority connection fee payment must be provided based on which of the two below timelines occurs first:

1. Provided at least one week prior to any request for the Authority to provide a recommendation to the local municipal government for authorization of footings and foundation construction.
2. Provided at least one week prior to any request to connect to the Bordentown Sewerage Authority sewerage system.
3. Notwithstanding anything contained in these Rules and Regulations, in the event that an application for new service is made for property which abuts existing sewer mains, and a NJDEP Treatment Works permit is not required, the Authority may, in its discretion, waive the S-1 Application procedures and allow the Applicant to submit both the S-2 and S-3 Application packages together.

C. Applications for Additional Capacity or Change of Use

1. An application for additional capacity must be made by an existing residential or nonresidential Customer whenever there is any physical or operational change associated with an increase in estimated, projected flow of either water to, or sewage 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 procedures and allow the Applicant to submit S-2 and S-3 applications with engineering plans, reports and required fees as a condition precedent to submission of S-4 applications.
3. Whenever the reason for submitting an S-4 application is associated with requesting additional capacity, an additional connection fee will be charged to the Applicant based upon the increase in estimated flow associated with the physical or operational change.
4. The Authority may waive the conditions in section C. 1. – C.3. above for a residential use where a single family unit dwelling is extended onto the existing structure to add an additional bedroom or additional square footage.

D. Application for Service Based Upon Change in Ownership

1. In the event a development changes ownership while under the application process, and the S-3 application has been previously approved, then only the S-2 and S-3 applications need to be resubmitted by new Applicant.

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 deemed uninhabitable by a Municipal officer.
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 sewerage 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 deemed uninhabitable by a Municipal officer, no connection fee will be due provided that the application for service is made within five (5) years of the date of the

prior termination of service. If there will be an increase in the estimated water or sewage 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.

4. Guidelines for Calculation of Credit towards a connection fee for a previously connected property which is being redeveloped with a change of use, where the law (P.L. 2018, c.74) indicates a connection fee credit equal to the amount of previously paid connection fees is due, and where a connection fee was not previously paid or cannot be determined is provided within this section.

The Authority's Engineer and staff are to evaluate the previous usage of the premises compared to the intended future usage.

Previously paid quarterly bills shall be reviewed for:

- a. Residential: continuous payment of fixed service charges each quarter:
Based on confirmation of continuous, up to date, service charge payments, a connection fee credit equal to the EDUs paid on a quarterly basis will be provided.
- b. Commercial: water usage and/or fixed service charges:
 - i. If water usage is consistent, use an average of total quarterly flow for what is the highest consecutive five-year period of time.
 - ii. If water usage was not consistent, use the highest quarterly flow from data currently available in the Authority's computerized billing system.
 - iii. A connection fee credit will be provided for whichever is greater: number of fixed EDUs paid quarterly for service, or EDUs paid for usage. Per rate schedule Class 3: One EDU is assigned for every 18,000 gallons or part thereof used per quarter.
- c. Commercial Other: When comparing the proposed use of a property to the previous use of the property, provide credits for previously existing flow generation items, if the same will be rebuilt.
Example: The redevelopment of a gas station received connection fee credits for the number of previously existing gas pumps. These credits were applied to the number of proposed gas pumps.

F. S-4 Sewer Construction Approval

1. An application for an S-4 sewer construction approval must be made whenever there is an application for either a new service, for additional capacity, or for reinstatement of a service for which a connection fee is due. See Section 501. Sewer Service Connection Fees.
2. An S-4 sewer construction approval 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 construction approval 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.
3. In the event that physical connection is not made within the appropriate period, the sewer construction approval 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 sewer construction approval 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 sewer construction approval 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) calendar days after the sewer construction approval is issued, the full amount of the Authority designated S-4 Application connection fee paid will be refunded, less a \$100.00 administrative reimbursement for each sewer construction approval 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 downstream existing sewerage system is required to be submitted by the Applicant. In order to receive S-1 application approval all of the conditions submitted with the preceding items shall be acceptable to the Authority. The Authority may also request items under the S-3 Application paragraph below be submitted under the S-1 Application stage. 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 design documents and reports that are submitted. See 201 B. Application for New Service 1. a. for submission criteria.

For projects where the Authority notifies the Applicant that payment of a recapture fee to a third party is required, written confirmation from the third party receiving the Applicant paid fee is required in order to be provided S-1 application approval.

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 Wastewater Conveyance 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 sewer main slopes;
- 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. Identify any process waste streams including but not limited to, brewery wastes, manufacturing process, car wash discharges, condensate from refrigeration systems and swimming pool backwash operations;
- 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 along with the Authority's standard details of construction that apply mutually to both dedicated and privately owned/operated/maintained systems;
- xi. preliminary cost estimates of the treatment works to be constructed including all aspects of work including but not limited to mobilization, insurance, bonding, and cleaning and restorations. For performance bond purposes items included in the municipal performance bond such as roadway restoration shall be identified;
- xii. other relevant factors which would affect design and use of the sewerage system, including a downstream capacity study of the existing wastewater conveyance system and/or wastewater treatment plant;
- 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 proposed sanitary sewers have been designed, and all existing sewers will operate under the following conditions unless otherwise modified by the Authority:
 - (a) to carry a minimum of four (4) times the average flow estimated for twenty-five (25) years in advance. In lieu of other values determined by the Authority, average daily flow per dwelling

shall be based on NJAC 7:14A-23.3 for the type of proposed dwelling; and

- (b) on a "separate system" basis in which all water from roofs, basements, streets, HVAC systems 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 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.

xvi. The basis for design, stating that all proposed pump station force mains have been designed:

- (a) based on the overall ultimate average daily flow and minimum 2.5 pumping factor; and
- (b) a force main material and diameter as approved by the Authority; and
- (c) in accordance with NJAC 7:14A-23.10 the minimum force main velocity is 2.0 feet per second.

b. For Pumping Stations

- i. operational characteristics of the station at minimum, ultimate, and average daily flows (both present and future);
- ii. the basis of design in the format of report, demonstrating the development of the average daily flow, wet well level settings, sufficient pump suction piping submergence, total dynamic head, net positive suction head acceptability, and non-overloading of the

motor horsepower for the entire length of the impeller/rpm curve. Force main friction factors are subject to approval by the Authority;

- iii. as selected by the Authority, provisions for emergency standby power or standby pump capacity with an independent diesel fuel or natural gas fuel supply consistent with requirements provided by the Authority for handling of sewage in the event of the complete failure of the station;
 - iv. provisions for permanent safety equipment, noise control equipment and odor control equipment as consistent with the Rules, Regulations and Specifications of the Authority or as directed by the Authority;
 - v. preliminary cost estimates for construction and annual operating costs;
 - vi. other relevant factors which would affect design and use of the sewerage system; and
 - vii. any other information which may be required by NJDEP.
2. General Map or Conceptual Plan of the Entire Project. A general topographical map of the entire project must be furnished, showing existing and proposed sewers, gravity or force mains, and pumping stations.
3. Construction Plans, Profiles and Specifications. Plans are to be of uniform size, 24" x 36", with a one-half (1/2") border on top, bottom and right side, and a two inch (2") border on the left side, the last one for binding. The plans must show the following:
- a. All wastewater drawings must include a general site plan showing property boundaries; location within the property of the buildings to be served; the location and profile, with respect to existing and proposed finished grade of the proposed facilities; existing and proposed contours; proposed improvements; underground utilities (including storm, water and gas mains); underground wired systems; details of the

proposed connections to the sewerage system; profiles of all sewer mains/laterals with a manhole at each end; force main profiles and applicable Authority standard details. For pump stations the drawings must include sufficient civil, structural, electrical and mechanical plans, sections, schematics and detail drawings for the Authority/Contractor to understand the proposed work.

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, all upstream tributary areas with feasible piping alignment/elevations shown to service farthest lot, 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. For pump stations to be dedicated to the Authority-provide in accordance with the following requirements:
 - i. the Authority will dictate the pump type, pump manufacture, pump controls manufacturer and features such as, but not limited to, VFD with constant speed bypass or constant speed soft starts, generator or standby pump and the pump building construction materials and general layout. For Authority product consistency there are no equipment substitutions. See Section 307. Regarding Applicant's payment of power costs.
 - ii. Unless otherwise approved by the Authority, provide the Authority with a fee simple lot with sufficient front yard setback to accommodate both a 40' long vehicle off the street and the outward opening of the entrance gates(s).
 - iii. Provide a geotechnical report whose scope shall be approved by the Authority's Engineer prior to the Applicant's Engineer commencing any geotechnical field work.
- c. 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 either dashed lines or lighter lines and labeled accordingly. All

topographical symbols and conventions are to be those used by the United States Geological Survey.

d. Elevations/Coordinates. All drawings/electronic files must be developed utilizing the following:

- Vertical Elevations: North American Vertical Datum (NAVD) 1988 until International Standard becomes effective in the United States.
- Horizontal Coordinates: North American Datum of 1983 (NAD 83), in US Survey (feet), and the New Jersey State Plane Coordinate System until the International Standard becomes effective in the United States.

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 by the Applicant.

e. Distances, Grades, and Sizes. Centerline 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.

f. General Site Plan. Provide applicable Authority standard construction details with necessary supplemental details.

g. Drawing Notes: In a visible location on the drawings the following notes shall be added:

- i. All proposed sewerage system work shall be in accordance with the Bordentown Sewerage Authority Specifications and Details.
- ii. No existing sanitary sewer manhole cover shall be removed without a Bordentown Sewerage Authority representative present to ensure the cover is reinstalled.
- iii. The Bordentown Sewerage Authority engineer shall approve shop drawings prior to the Contractor ordering materials in accordance with Section 01010,

Introduction, of the Bordentown Sewerage Authority Specifications.

- iv. A minimum of seven (7) calendar days prior to the start of construction the Contractor shall arrange and hold a preconstruction meeting on a day/time agreed to by the Bordentown Sewerage Authority in accordance with Section 01010, Introduction, of the Bordentown Sewerage Authority Specifications.
- v. Projects with constructed facilities to be dedicated to the Authority shall video all sewer mains and all facilities shall be as-built based on specification requirements provided to the contractor by the Bordentown Sewerage Authority.

203. ESCROW FEES AND ESCROW ACCOUNTS

- A. Escrow fees must be posted by the Applicant in the amount specified in the Authority Application Forms, 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 anticipated to be charged, 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. All non-escrow amounts paid pursuant to the Authority sewer service application fees are nonrefundable.
- 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. Prior to the return of any escrow all outstanding or anticipated charges from the Authority's professionals shall be deducted.
- D. The Authority may, in its discretion, refuse to process any application or issue any permit if there is an outstanding or anticipated 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's Engineer. For facilities being dedicated to the Authority, all applications will be submitted to NJDEP in the name of the Authority as the Applicant. For these instances, 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 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 will receive S-3 Application approval from the Authority.
- C. Final approval from the appropriate municipal land use board or municipal official along with Burlington County must be obtained prior to the submission of a TWA application to the Authority for approval.

205. USEPA ENVIRONMENTALLY SENSITIVE AREA (ESA) GRANT CONDITION WAIVER PROGRAM

- A. In order to protect "environmentally sensitive areas", the USEPA applied a special condition to the Authority's federally funded construction grant restricting sewer connections for new development located on parcels containing ESA's. ESA's are generally, but not limited to, wetlands and floodplains.
- B. The special condition prohibits the discharge of wastewater from any building, facility, or other construction on any parcel of land within wetlands and/or the 100-year floodplain that was undeveloped as of October, 1987, unless approved in writing by the EPA Region 2. The required approval is called a "waiver". A "waiver" is an exemption to the ESA grant condition allowing the connection of a project proposed for a parcel containing ESA's to be connected to the federally funded Authority facilities. Bordentown City or Bordentown Township, as appropriate by project location, shall request the Authority as the construction funding grantee, petition the EPA for a waiver. The Applicant shall provide the Authority all required supporting information, including but not limited to, NJDEP Letter of Interpretation, all wetlands permits, waterfront development permits, flood hazard permits,

treatment works permits, and approvals from appropriate municipal land use board or municipal official.

- C. An EPA waiver must be secured before the Applicant can commence any land development work requiring a municipal permit and is required in order to receive the Authority's S-3 Application approval.
- D. The only exceptions to the submittal of the EPA waiver request are as follows:
 - 1. Not required for the same lot if the lot was previously sewerred and the new construction occupies the same or lesser footprint in the same location.
 - 2. Not required if the lot is above the 100-year floodplain elevation and a New Jersey Professional Engineer signs and seals a letter stating based on their firm's site visit for a wetlands identification site evaluation no wetlands are present on the lot.

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 will be dedicated to the Authority, the Applicant must post with the Authority an acceptable 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 based on the contractor only being present on-site to perform the scope of work included within the performance bond. The estimated cost incorporating prevailing wages will be prepared by the Authority upon the advice of the Authority's 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, successfully tested in accordance with the Authority Rules, Regulations and Specifications, all other utilities are installed, base paving is installed, and if the improvements, in the opinion of the Authority, are adequately protected from future damage due to continuing construction. Based on the same criteria, 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. As described in Section 307, 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 and all outstanding performance bond conditions have been resolved to the Authority's satisfaction.

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 Applicant 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. The Authority shall perform the following tasks during construction:
 - 1. For Treatment Works Not Dedicated to the Authority:
 - a. Shop Drawing Review: Along with the Applicant's engineer (if desired by Applicant) the Authority's Engineer shall review all piping/manhole/pump station wet well related shop drawings and all other material shop drawings related to watertightness integrity.
 - b. Testing Witnessing: Along with the Applicant's engineer (if desired by Applicant) the Authority's Engineer shall witness all piping, manhole and pump startup related testing as contained in the Authority's Specifications, established by the Authority's Engineer and as supplemented by any other tests as specified by the Applicant's engineer.

Even though the Authority's Engineer is listed to perform the above responsibilities the Authority is not endorsing the NJDEP WQM-005 form for a non-dedicated Treatment Works which received a NJDEP Treatment Works permit.
 - 2. For Treatment Works Dedicated to the Authority:
 - a. Shop Drawing Review: Along with the Applicant's engineer (if desired by Applicant) the Authority's Engineer shall review all material shop drawings.
 - b. Testing Witnessing: Along with the Applicant's engineer (if desired by Applicant) the Authority's Engineer shall witness all piping, manhole, pump startup and any other project testing as contained in the Authority's Specifications, established by the Authority's

Engineer and as supplemented by any other tests as specified by the Applicant's engineer.

For Treatment Works dedicated to the Authority where the Authority is named as the Applicant on the NJDEP Treatment Works permit the Authority will endorse and submit the NJDEP WQM-005 form.

- C. All construction must be in accordance with the Rules, Regulations and Specifications of the Authority and the S-3 Application engineering documents submitted by the Applicant and approved by the Authority.

304. SIZE AND KIND OF SERVICE LATERAL

- A. As shown on the S-3 Application approved engineering documents from the sewer main through the first upstream lateral cleanout the lateral shall be constructed in accordance with the Authority lateral detail unless a pipe material variation is approved by the Authority. Laterals must be constructed in accordance with the Authority's specifications and must be inspected and approved by the Authority's field representative 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 and installed by a licensed plumber on behalf of the Applicant. 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. Either the Authority or the Authority's Engineer 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 Authority approved S-3 Application documents 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 Authority approved S-3 Application construction documents and the Authority's Rules, Regulations and Specifications.

C. The cost of inspection is to be paid by the Applicant.

306. SYSTEM OPERATION

- A. No proposed sewerage facilities shall become operational until the following conditions are met:
1. The Applicant has obtained all environmental permits such as permits for all utility crossings of streams, waterways, or encroachments from the NJDEP; permits to construct sewers and/or related structures within easements or the public right-of-way of State, County, or Municipal roads or highways and all railroads; permits from any private utilities such as fuel transmission systems or public utilities; or any other related permits.
 2. Where as-builts were required, the proposed operational section as-builts have been approved by the Authority's Engineer.
 3. No additional utilities are proposed to be installed in the immediate area. In addition, a layer of paving in all proposed rights-of-ways is installed (at least base paving). In proposed unpaved areas, all access roads must be constructed.
 4. The proposed operational section has been successfully tested in the presence of the Authority's Engineer. For sanitary sewers, this includes sanitary sewers, laterals with manhole at each end, manholes, and grease traps.
 5. When televised recordings are required, the proposed sewer main interior has been televised by the Applicant and the televised recording has been approved by the Engineer.
 6. All tapping fees, escrow fees and other miscellaneous charges are paid up to date with excess funds in Authority possession for remaining engineering/inspection/legal tasks.
 7. For pump stations, all manufacturer's operation and maintenance instructions have been satisfactorily conducted, all systems are operational and fully fueled, certified pump curves have been received and any deficiency items are considered minor by the Authority.
 8. All downstream sections are approved for operation.

9. Lot Transfer/Easements: Authority Solicitor has filed all the Applicant prepared acquisition documents with the appropriate Governmental Agency.
10. Applicant provides the Authority with the list of tax lot(s) and block(s) cross-indexed with street addresses.
11. All meters utilized for Authority direct billing shall be installed, operational and the Authority shall have recorded initial reading.
12. The Authority has provided S-4 application approval allowing discharge of designated units to the system.
13. If applicable, the Authority is satisfied that all industrial pretreatment permits and/or industrial operating permits are instituted.
14. The Authority's Engineer confirms all of the preceding provisions have been satisfied and the proposed facilities are acceptable for operation. Even though the system is confirmed to be acceptable for operation, the Authority's Engineer reserves the right to provide a deficiency list to the Applicant when performance bond release is requested.

The Applicant shall be completely responsible for the ownership, operation, and maintenance of all systems until the Authority accepts dedication of the system by Resolution.

The Authority shall be permitted the free uninterrupted use of all operational sewerage systems and facilities constructed and installed by Applicant during the period prior to final acceptance by the Authority.

307. APPROVAL AND DEDICATION OF COMPLETED CONSTRUCTION

- A. For Treatment Works which are not being dedicated to the Authority, the Applicant shall request in writing that the Authority acknowledge all designated Authority S-3 Application approval conditions of completeness. These conditions may include the following:
 1. successful system testing in the presence of the Authority,

2. acceptable as-built submission,
3. acceptable sewer main video submission,
4. identification of wastewater conveyance system licensed operator has been addressed and the Authority issue a sewer permit.

In addition to the above requirements, prior to the Authority issuing a sewer permit, the Applicant shall demonstrate to the Authority that all deeds, titles and easements have been filed to the satisfaction of the Authority's solicitor.

B. For Treatment Works which are to be dedicated to the Authority, the Applicant shall request in writing that the Authority acknowledge all designated Authority S-3 Application approval conditions of completeness such as, but not limited to, successful system testing in the presence of the Authority, acceptable as-built submission, land acquisition transfer to the Authority and all the applicable items as listed in Section 306 System Operation, have been accomplished. In addition to the above requirements prior to dedication acceptance the following conditions shall be satisfied:

1. Demonstrate final surface paving has been installed and Bordentown Township/Bordentown City, as applicable by location, has accepted the right of way;
2. All proposed sewer main and force main related manhole frame elevations are set to the correct elevations and the covers possess no excess pavement materials on their surface;
3. All Authority identified construction deficiencies are resolved in a manner acceptable to the Authority;
4. The Applicant has removed all contractor security devices and the Authority has incorporated all of their own security measures, including but not limited to keys and padlocks.
5. All Authority fees and escrow charges reflect no deficits and sufficient escrow funds are possessed by the Authority to pay for anticipated charges by the Authority's professionals;
6. All deeds, titles, and easements necessary for the operation and maintenance of the Treatment Works including, if designated by the Authority, easements for extension of upstream wastewater

conveyance systems have been approved and filed by the Authority solicitor;

7. All warranties have been received and approved by the Authority Engineer;
 8. Demonstrate if requested by the Authority, Applicant's proof of release of liens from contractors, subcontractors and material suppliers;
 9. Post with the Authority an acceptable means of credit for charges as described in a subsequent paragraph for Treatment Works operating expenses for a two-year period subsequent to the Authority performance bond release date;
 10. Post an acceptable two-year maintenance bond in the amount of ten percent of the original performance guarantee as approved by the Authority Solicitor as compensation for any latent defects discovered during the two-year bond period; and
 11. Authority to release performance bond and accept dedication of the Treatment Works by resolution.
- C. Whether the Treatment Works are dedicated to the Authority or not an additional condition of completeness for Treatment Works issued a NJDEP Treatment Works permit is the submission of the NJDEP WQM-005 form to the NJDEP, Authority and the Authority's Engineer.
- D. All costs for recording of documents, closing out permits with governing agencies and charges from the Authority professionals shall be paid by the Applicant. All costs associated with construction, maintenance and operations prior to dedication acceptance by the Authority shall be paid by the Applicant.
- E. In the event that an Applicant constructs a pumping station, flow meter chamber, force main or any other facility utilizing electricity/chemicals which is to be dedicated to the Authority, the Applicant shall be responsible for the payment of all electric and chemical bills associated with the operation of the facility for a period of two (2) years from the date of Authority release of the performance guarantee for the facility. Prior to this Authority release date, the Applicant shall post with the Authority either cash, a letter of credit or a payment bond in the estimated amount of the total combined electrical and

chemical bills for the facility, as estimated by the Authority's Engineer. The Applicant shall also be responsible for all electric and chemical bills from these same described facilities prior to the Authority's performance bond release date.

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, conveyance services, or capacity.
- B. Any Customer that may require, as part of its operations, guaranteed wastewater treatment service, conveyance services, or capacity is responsible for making alternative arrangements for service or 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 either the property 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 sewer mains and force mains and other treatment works which have been accepted for ownership by the Authority, but is not responsible for maintaining any sewer mains, force mains or other Treatment Works which have not been accepted by the Authority nor for any portion of the sewer service lateral 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 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 property 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 connection.
- 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, by order of the Board of Health, or Municipal Construction Official which renders the building uninhabitable.

b. Notwithstanding the provisions of this regulation, the Customer or User 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 apply for an extension.

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 ten (10) 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 quarterly 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 costs incurred by the Authority in terminating service. These charges are in addition to the current 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 labor, material and equipment used by the Authority each time the service is again disconnected. These charges shall be in addition to the current 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 all costs incurred by the Authority, 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 the Authority without approval.
- 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 Authority 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 by the Authority 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 Board 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 made a part of these Rules and Regulations.

See Appendix.

SECTION V. CONNECTION FEES AND SERVICE CHARGES

501. SEWER SERVICE CONNECTION FEES

A. For determining the connection fee amount the Authority's rate schedule to utilize is the one in effect when the S-4 application was submitted to the Authority or the date of S-3 Application approval, whichever is later. Accompanying the submittal of the S-4 Application there are two Authority methods for the Applicant to pay the Authority designated connection fees as follows:

1. Lump Sum Payment.
2. Payment via Authority generated deferred connection fee agreement where a partial connection fee down payment is made supplemented by a maximum of 12 monthly payments.

Capacity within the Authority's Treatment Works is granted to the Applicant once either the connection fee lump sum payment or the deferred connection fee agreement partial connection fee down payment is provided to the Authority.

B. Calculation of Residential Users Connection Fee: This fee will be based upon the equivalent dwelling unit, Class I unit cost as established in the Authority's Rate Schedule. The total required connection fee payment shall be based on the Class I unit cost multiplied by the total number of proposed individual residential units.

C. Calculation of Nonresidential Users Connection Fee: This fee will be based on the following:

1. Motel and Hotel Guest Rooms: This fee will be based upon 50 percent of the residential equivalent dwelling unit Class I cost as established in the Authority's Rate Schedule. The total required connection fee for strictly the transient guest rooms shall be based on 50 percent of the Class I unit cost multiplied by the total number of proposed transient guest rooms.
2. Nonresidential General: The fee will be based on Authority's estimated average daily water usage, multiplied by the rate per gallon per day contained in the Authority's Rate Schedule. A minimum connection fee charge will be imposed, in an amount equal to the residential equivalent dwelling unit Class I cost regardless of whether the calculated nonresidential connection fee is less than the residential Class I cost.

- D. Calculation of additional connection fees:
In the event of any new or additional connection of a property to the sewerage system, or for any increase in the size of an existing connection or for any new construction of additional service units connected to the sewerage system that materially increases the level of use or demand on the sewerage system, the Authority will charge a new or additional connection fee. ii. As used in this section “materially increases” means an increase in the number of service units; or any other change which increases the level of use or demand on the sewerage system by 15 percent or more over the highest actual annual use and demand that existed during the prior 10-year period immediately preceding the addition, alteration, or change in use; provided, however, that, if the property has been connected to the sewerage system for less than 10 years, the average level of use and demand shall be calculated based on the actual period of connection.
- E. 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, in person when office hours are available, online, 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 by the due date printed on bill.
- C. Delinquent Bills
1. If a bill remains unpaid seven (7) days past the due date, it will be classified as delinquent. All Customer payments will be credited within the statutory requirements.
 2. When a bill remains unpaid for seven (7) days after being due, interest will be charged and a late notice will be sent to the Customer.
 3. If a bill remains unpaid for thirty (30) days after the initial due date, interest will be charged, and 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. 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 Customer or User, or both of them, of any property which directly or indirectly is or has been connected with the sewer system. The property owner 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. In unusual circumstances, 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 (1-1/2) 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 the 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.

SECTION VII. REVISIONS

701. REVISIONS OF RULES AND REGULATIONS

The Authority reserves the right to revise, amend or supplement, from time to time, these Rules and Regulations, and Wastewater Discharge Regulations.

APPENDIX

WASTEWATER DISCHARGE REGULATIONS

TO REPORT ACCIDENTAL DISCHARGE:

During normal business hours
(609) 291-9105

NIGHT EMERGENCY LINES:

(609) 298-0101 in Bordentown City
(609) 298-4300 in Bordentown Township

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SECTION 1 - GENERAL PROVISIONS

1.1 PURPOSE AND POLICY

This regulation promulgates uniform requirements for all discharges into the wastewater collection and treatment system of the Authority and enables the Authority to comply with all applicable Federal and State statutes, regulations and permits pertaining to wastewater treatment and discharge, as well as industrial pretreatment.

The objectives of this regulation are:

- (a) to prevent the introduction of pollutants into the POTW which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) to prevent the introduction of pollutants into the POTW which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (c) to improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (d) to prevent violations of Federal and State statutes; regulations and permits relating to sewage treatment and discharge.

This regulation authorizes monitoring and enforcement activities, requires industrial user reporting, and provides for the regulation of discharges to the POTW through enforcement of general requirements for all dischargers.

Except as otherwise provided herein, the Executive Director shall administer, implement, and enforce the provisions of this regulation.

1.2 DEFINITIONS

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this regulation, shall have the following meanings:

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

Approved Test Procedure - An analysis that has been performed in accordance with the analytical test procedures approved under 40 CFR Part 136. Analysis for those pollutants not covered therein shall be performed in accordance with procedures approved by the NJDEP. All approved test procedures shall be performed by a laboratory certified by NJDEP to do the analysis.

Authority - The Bordentown Sewerage Authority.

Authorized Representative of Industrial User - An authorized representative of an industrial user who is: (1) a principal executive officer of at least the level of vice president, if the industrial user is a corporation; (2) a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or (3) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the regulated facility, such as a position of plant manager, superintendent, or person of equivalent responsibility.

Biochemical Oxygen Demand (BOD) - The quantity of oxygen utilized in the biochemical oxidation of organic matter for five (5) days at 20°C expressed in terms of weight and concentration (milligrams per liter (mg/l)) in accordance with an approved test procedure. Also referred to as BOD₅

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 by a chemical oxidant in accordance with an approved test procedure.

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

Composite Sample - A sample consisting of several effluent portions collected during a specified time period and combined to make a representative sample.

Cooling Water - Any water used for the purpose of carrying away excess heat, and which may contain biocides used to control biological growth or other additives to protect the system against corrosion, scaling or the like.

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 wells from which the pollutant might flow or drain into said waters, and shall include the releasing, spilling, leaking, pumping, pouring, emitting, emptying or dumping of any pollutant into the Authority's treatment works.

Domestic Wastewater - The liquid waste or liquid borne waste (1) resulting from the noncommercial preparation, cooking and handling of food; (2) consisting of human excrement and similar wastes from sanitary conveniences; or (3) consisting only of compatible pollutants, which does not exceed any of the following levels:

BOD 300 mg/l

TSS	300 mg/l
Ammonia Nitrogen	25 mg/l as N
TKN	25 mg/l as N
TDS	350 mg/l
Chlorine Demand	15 mg/l
COD	500 mg/l
Fats, Oils, Grease	100 mg/l

Emergency - An immediate situation which, in the opinion of the Executive Director may cause interference or pass through, damage to the POTW or presents a health hazard to personnel, the general public, or the environment.

EPA - The United States Environmental Protection Agency.

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

Federal Categorical Pretreatment Standards - Pretreatment Standards as modified in 40 CFR Chapter I, Subchapter N specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced to a POTW by existing or new Industrial Users in specific industrial subcategories.

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

Grab Sample - A sample which is taken from a waste stream on a one time basis with a volume of at least 100 milliliters collected over a period not exceeding 15 minutes.

Holding Tank Waste - Any waste from holding tanks, including but not limited to vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Incompatible Pollutant - Any pollutant which is not a "compatible pollutant" as defined in this section.

Industrial Facility - The facility of an industrial user.

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

Interference - The (1) inhibiting or disrupting the operation of a POTW or its treatment process so as to contribute to, cause or increase a violation of any condition of a State or Federal permit under which the POTW operates; (2) discharging process wastewater which, in combination with existing domestic wastewater flows are of such volume and/or strength as to exceed the POTW design capacity or NJPDES permit; or (3) preventing

the use or management of sludge produced by the POTW in accordance with Section 405 of the Act and permits, regulations, criteria or guidelines developed pursuant to the Federal Resource Conservation and Recovery Act of 1976 (42 U.S.C. 3251 et seq.), the Federal Marine Protection, Research and Sanctuaries Act of 1972 (42 U.S.C. 1401 et seq.), the Federal Clean Air Act (42 U.S.C. 7401 et seq.), the Federal Toxic Substances Control Act (15 U.S.C. 2601 et seq.), Sections 2, 4 and 6 of the State Act, the New Jersey Sludge Management Regulations, and the New Jersey Statewide Sludge Management Plan.

New Jersey Pollutant Discharge Elimination System (NJPDES) - The New Jersey system for issuing, modifying, suspending, revoking, reissuing, terminating, monitoring and enforcing discharge permits pursuant to the State Act. The term also includes discharge permits issued pursuant to Section 402 of the Act (National Pollutant Discharge Elimination System).

NJDEP - The New Jersey Department of Environmental Protection.

Nondomestic Wastewater - Wastewater (a) other than domestic wastewater, as defined herein, or (b) wastewater from any facility that is used for commercial or industrial purposes. The Executive Director may exempt the wastewater of certain facilities included in part (b) above, either individually or by category, from the definition of nondomestic wastewater, provided, however, that the wastewater that is discharged from such facility is not classified as nondomestic wastewater pursuant to part (a) above.

Pass Through - The discharge through a POTW or treatment process in quantities or concentrations that are incompatible with the treatment process and which will be discharged, improperly treated, into the receiving waters or atmosphere.

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

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; solutions with a pH less than 7 are said to be acidic; pH equal to 7 is considered neutral. Analysis shall be performed in accordance with an approved test procedure.

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 or agricultural waste or other residue directly or indirectly discharged into the waters of the State.

Pretreatment - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of

discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except by dilution, as prohibited by 40 CFR 403.6. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW.

Pretreatment Standards - All applicable Federal or State rules and regulations implementing Section 307 of the Act or N.J.S.A. 58:11-49, as well as any nonconflicting State or local standards. In cases of conflicting standards or regulations, the more stringent thereof shall apply.

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, by product or waste product.

Publicly Owned Treatment Works (POTW) - A treatment works as defined by Section 212 of the Act, which is owned by the Authority. For the purposes of this regulation, POTW shall also include any sewers that convey wastewaters to the POTW from any person.

Significant Industrial User - Any industrial worker who discharges, into the Authority treatment works, process wastewater where:

- (1) the volumes exceeds 25,000 gallons per day; or
- (2) the discharge contains amounts determined to be significant by the Executive Director, of any of the pollutants listed in Table I and/or in Appendix B, Tables II - VI of the State NJPDES Regulations, N.J.A.C. 7:14A-1 et seq.; or
- (3) the industrial user is subject to Federal Categorical Pretreatment Standards; or
- (4) the discharge is found by the Authority, NJDEP or USEPA to have significant impact, either singly or in combination with other wastewaters, on the collection system, wastewater treatment system, the sludge produced by the treatment system, the treatment system's effluent quality or air emissions from the treatment system.

State - The State of New Jersey.

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

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

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

Total Dissolved Solids (TDS) - Those solids capable of passing through a glass fiber filter of 2.0 µm (or smaller) pore size and dried to constant weight at 180°C.

Total Suspended Solids (TSS) - The total nonfilterable residue as defined and analyzed in accordance with an approved test procedure.

Total Toxic Organic Substances (TTO) - A quantifiable value equal to or greater than 0.01 mg/l for the toxic organic substances listed in Table II.

Toxic Pollutant - Those pollutants, or combinations of pollutants, including disease causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly or indirectly by ingestion through food chains, may cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformation, in such organisms of their offspring. Toxic pollutants shall include, but not be limited to, those pollutants designated under Section 307 of the Federal Act or Section 4 of the State Act.

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

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

User - Any person who discharges wastewater into the treatment works of the Authority.

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

Terms not otherwise defined herein shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Environment

Federation; the "Federal Guidelines for State and Local Pretreatment Programs," EPA 430/9-76-017a, Volume 1, 1977, or the latest revision thereof; the Clean Water Act, 33 U.S.C. 1251 et seq.; the New Jersey "Water Pollution Control Act" N.J.S.A. 58:10A et seq.; or "Pretreatment Standards for Sewerage, etc," N.J.S.A. 58:11-49 et seq.

1.3 ABBREVIATIONS

The following abbreviations shall have the designated meanings:

- BOD - Biochemical Oxygen Demand.
- CFR - Code of Federal Regulations
- COD - Chemical Oxygen Demand.
- EPA - Environmental Protection Agency (United States)
- l - Liter.
- MDL - Minimum Detectable Limit.
- mg - Milligrams.
- mg/l - Milligrams per liter (i.e., parts per million).
- N.J.A.C. - New Jersey Administrative Code.
- N.J.S.A. - New Jersey Statutes Annotated.
- NJDEP - New Jersey Department of Environmental Protection.
- NJPDES - New Jersey Pollutant Discharge Elimination System.
- NPDES - National Pollutant Discharge Elimination System.
- POTW - Publicly Owned Treatment Works.
- SIC - Standard Industrial Classification.
- SIU - Significant Industrial User.
- TKN - Total Kjeldahl Nitrogen.
- TDS - Total Dissolved Solids.

- TSS - Total Suspended Solids.
- TTO - Total Toxic Organic Substances.
- USC - United States Code.
- USEPA - United States Environmental Protection Agency.

SECTION 2 - PROHIBITIONS AND LIMITATIONS ON WASTEWATER DISCHARGES

2.1 PROHIBITED SUBSTANCES

No person shall discharge, deposit, cause or allow to be discharged or deposited into the Authority treatment works any wastewater which causes pass through or interference, or in any way contributes to a violation of any of the parameters in the Authority's NJPDES permit, or which contains any of the following:

- A. Oil and Grease - (a) oil or grease from industrial facilities, in concentrations or amounts violating pretreatment standards; this includes petroleum based hydrocarbons as determined by silica gel absorption; (b) wastewater from commercial and/or industrial facilities containing floatable fats, wax, grease or oil; or (c) total fats, wax, grease or oil concentration of more than 100 mg/l, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32° and 150°F (0° and 65°C) at the point of discharge into the treatment works.
- B. 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 explosion, to result in a potentially explosive condition in any part of the collection or treatment system (a potentially explosive condition is defined as any atmosphere in which combustible gases or vapors are at a concentration of 10% or more of the Lower Explosive Limit (LEL)), or be injurious in any other way to the treatment works or to the operation of the works; such materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
- C. 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 treatment works for its maintenance and repair.
- D. Improperly Shredded Garbage - garbage that has not been ground or comminuted to such a degree that all particles will be floating or carried freely in suspension under flow conditions normally prevailing in the treatment works, with no particle greater than one-half (1/2) inch in any dimension. The discharge of any improperly shredded garbage is prohibited; this prohibition does not apply to the use of garbage disposal units in private dwellings whose only discharge is domestic wastewater.

- E. Radioactive Wastes - prohibited except in conformance with N.J.A.C. 7:28-11.2 (Disposal of Radioactive Materials-Disposal by release into sanitary sewerage systems);
- F. 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: motor oil, petroleum grease, paint, 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.
- G. Excessive Discharge - wastewater at a flow rate or containing a concentration or quantity of pollutants that exceeds, for any time period longer than fifteen (15) minutes, more than five (5) times the average daily flow rate of concentration or quantity of pollutants of the industrial user during normal operation, or containing such concentrations or quantities of pollutant that, in the judgment of the Executive Director, may cause a treatment process upset, interference or loss of treatment efficiency.
- H. Toxic Discharge - waters or wastes containing objectionable or toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to result in pass through, to cause interference with the treatment works plant, to constitute a hazard to humans or animals, to create a toxic effect in the receiving waters of the POTW, or to exceed standards promulgated by the EPA pursuant to Section 307(a)(b) or (n) of the Act, or which exceed the maximum permissible concentrations specified in Table I, whichever is more stringent.
- I. Stormwater and Drainage Water - collected precipitation and drainage water including surface and groundwater from sump pumps, cellar drains, drain spouts, roof leaders, storm gutters, storm water inlets, catch basins, floor drains, area drains, yard drains, air conditioning units, cooling equipment and other such sources into the treatment works from any source.
- J. Discolored Materials - wastes with color which would cause or contribute to causing the treatment works to exceed water quality color criteria.
- K. Substances Interfering with Sludge Management - any substance which may cause the POTW's sludge to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a

reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or management criteria, guidelines or regulations developed under Section 405 of the Act, 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, New Jersey Sludge Management Regulations, or the New Jersey Statewide Sludge Management Plan.

- L. Corrosive Wastes - any wastes which will cause corrosion or deterioration of the treatment works. All wastes discharged to the treatment works must not have a pH value lower than 6.0 or greater than 9.0 standard units. Prohibited materials include, but are not limited to concentrated acids, alkalis, sulfides, chloride and fluoride compounds, and substances which will react with water to form acidic or alkaline products which have a pH value that does not fall within the range stated herein.
- M. Heat - heat in the amounts which will inhibit biological activity in the treatment works, resulting in interference or causing damage, but in no case heat in such quantities that the temperature exceeds 65°C (150°F) at the sewer connection and 40°C (104°F) at the treatment works plant.
- N. Cooling Water - as defined in Section 1.2.
- O. Holding Tank Wastes - as defined in Section 1.2.
- P. Any wastewater which causes a hazard to human life or the environment, which creates a public nuisance or which may cause, or contribute to, a violation by the Authority of its NJPDES Permit, the Act or State Act.

2.2 LIMITATIONS ON WASTEWATER DISCHARGES

Table I presents the maximum concentrations of certain pollutants allowable in wastewater discharges to the treatment works by any discharger. Dilution of any wastewater discharge for the purpose of satisfying these requirements is a violation of this regulation. The Authority reserves the right to establish more stringent limitations or requirements on discharges to the treatment works if deemed necessary to comply with objectives presented in Section 1.1 of this regulation.

2.3 FEDERAL CATEGORICAL PRETREATMENT STANDARDS

Upon the effective date of the Federal Categorical Pretreatment Standard for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed

under this regulation for sources in that subcategory, shall immediately supersede the limitations imposed under this regulation. Affected industrial users shall comply with such standards within the stated compliance deadline. NJDEP 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 industries of the obligation to comply with such reporting requirements.

2.4 FEDERAL AND STATE REQUIREMENTS

Federal and State requirements and limitations on discharges shall apply in any case where they are more stringent than limitations contained in this regulation.

2.5 DISCHARGE DILUTION PROHIBITED

No user shall ever dilute a discharge as a partial or complete substitute for adequate treatment or to achieve compliance with Federal Categorical Pretreatment Standards, State limitations or any other pollutant specific limitation contained in this regulation or with any Wastewater Discharge Permit issued hereunder.

TABLE I
Maximum Permissible Concentration

<u>Pollutant</u>	<u>Limit</u>	<u>Type of Sample</u>
Ammonia Nitrogen as N	25 mg/l	grab
Arsenic	0.1 mg/l	composite
BOD ₅	300 mg/l	composite
Cadmium	0.02 mg/l	composite
Chlorine Demand	15 mg/l	grab
Chromium (Total)	1.0 mg/l	composite
Chromium (Hexavalent)	0.1 mg/l	composite
COD	500 mg/l	composite
Color	100 APUX	grab
Copper	1.0 mg/l	composite
Cyanide	0.2 mg/l	composite
Hydrogen Sulfide	0.5 mg/l	grab
Identifiable Chlorinated Organics	0.5 mg/l	grab
Iron	5 mg/l	composite
Lead	0.1 mg/l	composite
Manganese	1.0 mg/l	composite
Mercury	0.01 mg/l	composite
Nickel	1.0 mg/l	composite
Oil and Grease	100 mg/l	grab
pH	6.0 - 9.0 SU	grab
Phenols	0.5 mg/l	grab
Phosphates	10 mg/l	composite
Silver	0.1 mg/l	composite
Surfactants	0.5 mg/l	grab
Temperature (1)	65°C (150°F)	grab
Tin	3.0 mg/l	composite
TDS	500 mg/l	composite
TKN as N	37 mg/l	composite
Total Petroleum Hydrocarbons	10 mg/l	grab
TSS	300 mg/l	composite
TTO (as defined in Table II)	2.0 mg/l	grab
Vanadium	3.0 mg/l	composite
Zinc	4.0 mg/l	composite

(1) 65°C (150°F) at the sewer connection and 40°C (104°F) at the treatment works plant.
See §2.1(M).

TABLE II
Total Toxic Organic Substances

Acenaphthene	Acenaphthylene
Acrolein	Acrylonitrile
Benzene	Chlorobenzene
1,2,4-trichlorobenzene	Hexachlorobenzene
1,2-dichloroethane	Hexachloroethane
1,1-dichloroethane	1,1,2-trichloroethane
Chloroethane	1,1,2,2-tetrachloroethane
Bis (2-chloroethyl) ether	2-chloroethyl vinyl ether (mixed) 2,4,6-trichlorophenol
Patachlorometa cresol	Fluorene
Phenanthrene	Pyrene
Tetrachloroethylene	Toluene
Trichloroethylene	Vinyl chloride (chloroethylene)
Aldrin	Deldrin
4,4-DDT	4,4-DDE (p,p-DDX)
4,4-DDD (p,p-TDE)	Alpha-endosulfan
Beta-endosulfan	Endosulfan sulfate
Endrin	Endrin oldehyde
Heptachlor	Heptachlor expoxide
Toxaphene	Chloroform (trichloromethane)
2-chlorophenol	1,2-dichlorabenzene
1,3-dichlorobenzene	1,4-dichlorobenzene
3,3-dichlorobenzidine	1,1-dichloroethylene
1,2-trans-dichloroethylene	2,4-dichlorophenol
1,2-dichloropropane	1,3-dichloropropane
2,4-dimethyphenol	2,4-dinitrotoluene
2,6-dinitrotoluene	1,2-diphenylhydrazine
Ethylbenzene	Fluoranthene
4-Chlorophenyl phenyl ether	4-Bromophenyl phenyl ether
Bis (2-chloroisopropyl) ether	Bis (2-chloroethoxy) methane
Methylene Chloride (dichloromethane)	Methyl Chloride (dichloromethane)
Methyl Bromide (bromomethane)	Bromoform (tribromomethane)

Chlorodibromomethane
Isophorone
Nitrobenzene
4-nitrophenol
4,6-dinitro-o-cresol
N-nitrosodiphenylamine
Pentachlorophenol
Bis (2-ethylhexyl) phthalate
Di-n-butyl phthalate
Diethyl phthalate
1,2-benzanthracene
Benzo (a) pyrene
Chrysene
Carbon, Tetrachloride (tetrachloromethane)
1,12-Benzo(a)perylene (Benzo (ghi) perylene)
1,2,5,6 Dibenzoanthracene (Dibenzo (a,h) anthracene)
Indeno (1,2,3-cd) pyrene (2,3,6-benzofluoranthene)
Chlordane (technical mixture and metabolites)
3,4-Benzofluoranthene (benzo (k) fluoranthene)
11,12-Benzofluoranthene (benzo (k) fluoranthene)
BHC-hexachlorocyclohexane: Alpha-BHC, Beta-BHC, Gamma-BHC, Delta-BHC
PCB-polychlorinated biphenyls: PCB-1242 Arochlor 1242, PCB-1254 Arochlor 1254,
PCB-1221 Arochlor 1221, PCB-1232 Arochlor 1232, PCB-1248 Arochlor 1248,
PCB-1260 Arochlor 1260, PCB-1216 Arochlor 1216
Hexachlorocyclopentadiene
Naphthalene
2-nitrophenol
2,4-dinitrophenol
N-nitrosodimethylamine
N-nitrosodi-n-propylamine
Phenol
Butyl benzyl phthalate
Di-n-octyl phthalate
Dimethyl phthalate
Benzo (a) anthracene
3,4-benzopyrene
Anthracene

SECTION 3 - CONTROL OF PROHIBITED WASTES

3.1 REGULATORY ACTIONS

If wastewater containing any prohibited substance, exceeding prescribed limits, or violating restrictions imposed by Section 2 of this regulation is proposed to be discharged into the treatment works of the Authority, the Executive Director may take any of the following actions necessary to protect the treatment works:

- A. Prohibit the discharge of such wastewater;
- B. Require the user to demonstrate that in-house modifications will reduce or eliminate the discharge of such substances so as to be in conformance with this regulation;
- C. Require pretreatment, including storage facilities, or flow equalization necessary to ensure compliance with this regulation;
- D. Take such other remedial action, including but not limited to those enumerated in the Act, State Act or other legislation or regulation, as may be deemed to be desirable or necessary to achieve the purpose of this regulation.

3.2 ACCIDENTAL DISCHARGES

- A. Each industrial user shall provide, to the satisfaction of the Executive Director, protection from accidental discharges of prohibited materials, pollutants in excess of the concentrations permitted or other substances regulated by this regulation. Facilities to prevent accidental discharges shall be provided and maintained at the industrial user's own expense. Upon request, detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Executive Director for review and approval prior to construction of the facility. Review of such plans and operating procedures shall not relieve the industrial user of the responsibility of modifying its facility as necessary to meet the requirements of this regulation.
- B. The industrial user shall control the amount of its discharges to the extent necessary to maintain compliance with this regulation in the event of reduction, loss or failure of its treatment facility until such time as its facility is restored or an alternative method of treatment is provided.
- C. In the case of an accidental discharge of prohibited materials, pollutants in excess of the concentrations permitted or other substances regulated by

this regulation, or, if for any reason an industrial user does not comply, or will be unable to comply, with any prohibition or limitation in this regulation, the industrial user responsible for such discharge shall, within two (2) hours of such noncompliance, telephone and notify the Authority of the incident. The notification shall include the location of the discharge, the type of waste, and the concentration and volume of the discharge. Such industrial user shall also take immediate action to sample, contain and minimize the accidental discharge to the POTW so as to prevent interference with, or damage to, the treatment process.

- D. Within three (3) working days following an accidental discharge, the industrial user shall submit to the Executive Director a detailed written report describing the date, time and cause of the discharge, the quantity and characteristics of the discharge, corrective action taken at the time of the discharge, and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the treatment works, or any other damage to person, property or the environment; nor shall such notification relieve the industrial user of fines, civil penalties or other liability which may be imposed by this regulation or other applicable law.
- E. In order to assist in providing timely notification to the Authority in the case of an accidental discharge, each industrial user shall post in prominent view in all process areas a notice in the following form:

In case of any accidental discharge or spill to the sewer,
immediately notify:

The Bordentown Sewerage Authority
During normal business hours
(609) 291-9105

Night Emergency Lines:
(609) 298-0101 in Bordentown City
(609) 298-4300 in Bordentown Township

SECTION 4 - WASTEWATER DISCHARGE PERMITS

4.1 WASTEWATER DISCHARGES

No person shall discharge directly or indirectly into the Authority treatment works, any nondomestic wastewater without having first obtained a Wastewater Discharge Permit issued by the Authority.

4.2 WASTEWATER DISCHARGE PERMIT APPLICATIONS - NONDOMESTIC WASTEWATER

All industrial users proposing to connect to or discharge sewage or nondomestic wastewater to the Authority treatment works shall complete and file with the Executive Director an application for a Wastewater Discharge Permit in the form described. Existing industrial users shall file an application within 120 days of the effective date of this regulation, and proposed new industrial users shall file an application at least 90 days prior to connecting to the treatment works. The application to be made by the industrial user shall be on a form prepared by the Executive Director and shall provide the information required thereby, including:

- A. Name, address, telephone and fax numbers, and location of the industrial user's facility which discharges to the Authority treatment works.
- B. Name, title and telephone and fax numbers of contact person.
- C. Standard Industrial Classification (SIC) Code.
- D. Description of the nature of facility and/or products manufactured.
- E. Average daily wastewater flow or water consumption.
- F. Description of facilities and plant processes on the premises including all materials which are or may be discharged to the treatment works.
- G. Copies of site plans, floor plans, mechanical and plumbing plans and details showing all sewers, sewer connections, floor drains, inspection manholes, sampling chambers and appurtenances by size, location and elevation.
- H. Nature and concentration of pollutants or materials in the wastewater discharged to the treatment works, as determined by approved test procedures.
- I. All application forms shall be signed by an authorized representative of the

user. If engineering reports, drawings or specifications are provided as part of the application, the application form shall also be signed by a New Jersey licensed Professional Engineer.

The Authority reserves the right to require such information from an Industrial User as may be required from a Significant Industrial User, if in the discretion of the Authority, such information is necessary to adequately analyze and regulate the discharge of pollutants by the industrial user into the treatment works of the Authority.

4.3 WASTEWATER DISCHARGE PERMIT APPLICATIONS - SIGNIFICANT INDUSTRIAL USERS

All significant Industrial Users proposing to connect to or discharge sewage or nondomestic wastewater to the Authority treatment works shall complete and file with the Executive Director an application in the form prescribed. Existing Significant Industrial Users shall file an application for a Wastewater Discharge Permit within 120 days of the effective date of this regulation, and a proposed new SIU shall file an application at least 90 days prior to connecting to the treatment works. The application to be made by the SIU shall be on a form prepared by the Executive Director and shall provide the information required thereby, including:

- A. Name, address, telephone and fax numbers, and location of the significant industrial user's facility which discharges to the Authority treatment works.
- B. Name, title and telephone and fax numbers of contact person.
- C. Standard Industrial Classification (SIC) Code.
- D. Description of wastewater constituents and characteristics including but not limited to those contained in Tables I and II of this regulation, as determined by approved test procedures.
- E. Time and duration of discharges.
- F. Average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be measured unless other verifiable techniques are approved by the Authority.
- G. Copies of site plans, floor plans, mechanical and plumbing plans and details showing all sewers, sewer connections, floor drains, inspection manholes, sampling chambers and appurtenances by size, location and elevation.
- H. Description of activities, facilities and plant processes on the premises including all materials which are utilized as well as all materials which may

be discharged to the Authority Treatment Works.

- I. Description of the nature and concentration of any pollutants or materials prohibited by this regulation in the process or which will be discharged, together with a statement indicating whether compliance is being achieved with this Regulation on a consistent basis and if not, whether additional operation and maintenance activities and/or additional pretreatment is required for the significant industrial user to comply with this Regulation.
- J. Where additional pretreatment and/or operation and maintenance activities will be required to comply with this Regulation, a proposed schedule containing the shortest amount of time necessary to provide such additional pretreatment and/or implementation of additional operational and maintenance activities as may be required.
- K. Description of each product produced by type, amount, process or processes and rate of production.
- L. Description of the type and amount of raw materials utilized (average and maximum per day).
- M. Any other information deemed necessary by the Authority to evaluate the users discharge.
- N. All application forms shall be signed by an authorized representative of the user. If engineering reports, drawings or specifications are provided as part of the application, the application form shall also be signed by a New Jersey licensed Professional Engineer.

4.4 WASTEWATER DISCHARGE PERMITS

- A. No Industrial User or Significant Industrial User shall discharge to the Authority treatment works except in accordance with the terms and conditions of a Wastewater Discharge Permit ("Permit") as issued by the Authority.
- B. Industrial Users and Significant Industrial Users shall complete and file with the Authority, an application in the form prescribed by the Authority. The Authority will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Authority may issue a Wastewater Discharge Permit subject to the terms and conditions provided therein.
- C. Wastewater Discharge Permit conditions shall be expressly subject to all provisions of this Regulation and all other rules, regulations, user charges

and fees which are in effect or which may be established by the Authority, NJDEP or USEPA. The following terms may be imposed by the Authority in the issuance of the Permit:

1. Limitations upon the characteristics and quantities of wastes and the rate of flow permitted from the premises.
2. The installation and maintenance by the user at its 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 rates of discharge; pretreatment and flow control facilities; suitable control or sampling manhole or manholes; grease, oil and sand interrupters, separators or traps.
3. The submission to and approval by the Authority of plans and specifications for any of the facilities or equipment required to be installed and maintained by the user, and compliance schedules for the installation and maintenance of these facilities.
4. Maintenance and retention of appropriate records of all measurements made by the user of sewage, industrial wastes or other wastes as specified by the Authority and providing the Authority access thereto.
5. The 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.
6. Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, type and standards for tests and a reporting schedule.
7. Requirements for notification to the Authority of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents, whether permanent or temporary, being introduced into the Authority treatment works.
8. 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.

9. Payments to cover the added cost of handling and treating the waters or wastes, when payments are not covered by existing sewer charges.
 10. Requirements for notification of accidental discharges.
 11. Payment to cover the cost of permit administration and testing, when payments are not covered by existing sewer charges.
 12. Such other terms and conditions as may be necessary to protect the Authority treatment works and to carry out the intent and provisions of this Regulation.
- D. Permits shall be issued for a specified time period, not to exceed five (5) years. The user shall submit such information, forms and fees as are required by the Authority for renewal no later than 180 days prior to the date of expiration. If the Permit is not reviewed by the Authority prior to the expiration of the Permit, the Permit shall be extended until such time as the Authority reissues the Permit.
- E. Wastewater Discharge Permits are issued to a specific user for a specific operation. A Wastewater Discharge Permit shall not be assigned, transferred or sold to a new owner, new user, different premises or a new or modified operation.
- F. Any user who violates any conditions of the Permit, or this Regulation or applicable State and Federal regulations, is subject to having its Permit revoked or suspended.
- G. The terms and conditions of a Permit are subject to modification and change by the Authority during the life of the Permit as limitations or requirements are modified and changed. The user shall be informed of any proposed changes in its Permit at least 30 days prior to the effective date of change. Any change or new conditions in the Permit shall include a reasonable time schedule for compliance. The user may request, by certified mail, a hearing from the decision of the Authority to modify the Permit. The burden of proof shall be on the user to show that the Permit should not be modified or modified to the extent indicated.
- H. A Permit modification shall be requested by a user that intends to make any changes or additions to its facilities or to any process that will result in a change to the quantity or characteristics of any discharge regulated by a Wastewater Discharge Permit. The Permit modification request shall be made at least 90 days prior to the date of the proposed modification. The

user shall not make any change or addition to its facilities or processes that will result in a change to the quantity or characteristics of any wastewater discharge until such time as a modified Wastewater Discharge Permit is issued by the Authority.

- I. A user shall give 90 days' written notice to the Authority of any proposed change or addition to the facilities or processes that will not result in a change to the quantity or characteristics of any wastewater discharge regulated by a Wastewater Discharge Permit.

4.5 LIQUID WASTE HAULERS

No person shall discharge holding tank waste into the treatment works of the Authority, unless such discharge is specifically permitted by the Authority as a condition of a Permit.

4.6 RECORDS AND MONITORING

- A. All industrial users, whether or not Significant Industrial Users, who discharge or propose to discharge wastewaters to the treatment works shall maintain such records of production and related factors, effluent flows, and pollutant amounts or concentrations as are necessary to demonstrate compliance with the requirements of any applicable State, Federal or Authority permit, regulation, pretreatment standard or requirement.
- B. Such records shall be made available upon request to the Executive Director. All such records relating to compliance with pretreatment standards shall also be made available to the NJDEP and the EPA upon request. A summary of such data indicating the industrial user's compliance with this Regulation shall be prepared when requested and submitted to the Executive Director. All records shall be retained for a minimum of ten (10) years and throughout the course of any pertinent litigation or administrative proceeding.
- C. The owner or operator of any facility discharging industrial wastes into the treatment works shall install at its own expense suitable monitoring equipment to facilitate the accurate observation, sampling and measurement of wastes. Such equipment shall be maintained in proper working order and shall be kept safe and secure from unauthorized entry or tampering, and shall be accessible to Authority personnel at all times. This paragraph does not preclude the Authority from installing such equipment at its own expense.
- D. If more than one (1) industrial user discharges into a common sewer, the Executive Director may require installation of separate monitoring

equipment for each industrial user. If there is a significant difference in wastewater constituents and characteristics produced by different operations of a single industrial user, the Executive Director may require that separate facilities be installed for each discharge.

- E. Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with Authority requirements and all applicable construction standards and specifications. Plans and specifications for all such work will be submitted to the Executive Director for approval prior to construction.

4.7 ADMISSION TO PROPERTY, INSPECTION, SAMPLING AND ANALYSIS

- A. All users shall permit Authority personnel, upon presentation of appropriate credentials, to enter upon the premises of the user at any time for the purpose of inspection of the premises or measuring, sampling, or testing of any discharge of wastewater to the treatment works in order to determine compliance with the requirements of this Regulation, or Federal, State or Authority regulations or permits.
- B. All industrial users proposing to discharge into any part of the treatment works shall provide a sampling point which is representative of the discharge and is approved by the Executive Director. This sampling point must be available to the Authority at all times for purposes of conducting sampling inspections, compliance monitoring and metering operations.
- C. Compliance determinations by the Executive Director with respect to Section 2 Prohibitions and Limitations, shall be made on the basis of either grab samples or composite samples as deemed appropriate by the Executive Director to meet the requirements of a specific situation.
- D. Laboratory analyses of industrial wastewater samples shall be performed in accordance with an approved test procedure as defined in Section 1.2 and shall be performed by a laboratory certified by NJDEP to do the analyses.
- E. Sampling of industrial wastewater for the purpose of compliance determinations with Section 2 prohibitions and limitations shall be done at such intervals as the Executive Director may designate.
- F. A user may have its required laboratory sampling and analysis performed by any certified laboratory or, if mutually agreeable, by the Authority. If performed by a certified laboratory, an Authority representative must be present during the sampling event, or otherwise the subsequent analysis will not be accepted by the Authority. A user must provide 24 hours notice to the Authority of the date and time of sampling. All approved chain of

custody procedures must be followed and an approved chain of custody certificate shall be provided to the Authority with the laboratory analysis.

4.8 CONFIDENTIAL INFORMATION AND PUBLIC ACCESS

- A. Information and data concerning an industrial user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public as a public document unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the Authority that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or as a business confidentiality as that term is defined and applied in 40 CFR Part 2. Wastewater constituents and characteristics (i.e., effluent data) will not be recognized as confidential information. For the purposes of this section, effluent data shall have the meaning set forth at 40 CFR 2.302(a)(2). Local procedures for the handling of confidential information shall be as contained in Subchapter 22 of the "Regulations Concerning the New Jersey Pollutant Discharge Elimination System," N.J.A.C. 7:14A-1.1 et seq., unless other procedures are established by regulation.
- B. When information accepted by the Authority as confidential is requested by the EPA or the NJDEP, the Authority shall attempt to serve the user with written notice of intent to disclose at least ten (10) working days in advance of the disclosure by certified mail/return receipt requested. The Authority shall submit the claim of confidentiality to the EPA or NJDEP with the information. Such information shall be available for use by the EPA or NJDEP in judicial review or enforcement proceedings involving the person or facility furnishing the report.
- C. Nonconfidential files on users are open to the public for inspection at the Authority's office during normal business hours. Photocopies of documents contained in such files may be provided upon request, subject to the availability of a copy machine. The Authority shall impose a charge for copies at the maximum rate established by statute. Requests for reviews of such files shall be made in writing and appointments shall be required.

SECTION 5 - ENFORCEMENT PROCEDURES

5.1 ENFORCEMENT ACTIONS

- A. Whenever the Executive Director finds that any person is in violation of any provisions of this regulation, a Wastewater Discharge Permit or any regulation or permit issued pursuant to the Act or State Act, he shall:
1. Issue a Notice of Violation containing an order requiring such person to comply with the regulation, permit or Act in accordance with Section 5.2 herein; or
 2. Being a civil action in accordance with Section 5.3 herein; or
 3. Bring an action for a civil penalty in accordance with Section 5.4 herein; or
 4. Request the Attorney General or County Prosecutor to bring a criminal action in accordance with the State Act; or
 5. Issue an order suspending the wastewater treatment service or Wastewater Discharge Permit of such person in accordance with Section 5.5; or
 6. Issue an order terminating the wastewater treatment service or Wastewater Discharge Permit of such person in accordance with Section 5.6; or
 7. Recalculate the connection fees or sewer service charge of the user based upon the quantity or characteristics of the wastewater discharged to the treatment works, in accordance with Section 5.7.

Use of any one of the remedies specified under this section shall not preclude the use of any of the other remedies specified.

5.2 NOTICE OF VIOLATION

- A. Whenever the Executive Director finds that any person is in violation as aforesaid, he may issue an order (1) specifying the provision or provisions of the regulation, permit or Act of which the user is in violation, (2) citing the action which caused such violation, (3) requiring compliance with each such provision within a time schedule determined by the Authority, and (4) giving notice to the user of his right to a hearing on the matters contained in the order.

5.3 CIVIL ACTION

- A. The Executive Director is authorized to commence on behalf of the Authority a civil action in Superior Court for appropriate relief for any violation as aforesaid. Such relief may include singly or in combination:
1. A temporary or permanent injunction;
 2. Assessment of the violator for the reasonable costs of any investigation, inspection or monitoring survey which lead to the establishment of the violation, and for the reasonable cost of preparing and litigating the case under this subsection;
 3. Assessment of the violator for any reasonable costs incurred by the Authority in removing, correcting or terminating the violation or the adverse effects upon water quality caused by the violation for which legal action is brought;
 4. Assessment against the violator of compensatory damages for any loss or destruction of wildlife, fish or aquatic life or other natural resources or for any other actual damages caused by a violation;
 5. Assessment against the 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 reasons of the violation; or any other benefits resulting from the violation.

5.4 CIVIL PENALTY

The Executive Director is authorized to commence a civil action on behalf of the Authority in Superior Court pursuant to the State Act and/or the New Jersey Environmental Rights Act seeking an order of the Court for a civil penalty against the violator not to exceed the maximum penalty allowed per day by the State Act for such violation, with each day's continuance of the violation constituting a separate violation.

5.5 SUSPENSION OF SERVICE

- A. Whenever the Executive Director finds that any person is, or is likely to be, in violation of any provision of this regulation, a Wastewater Discharge Permit or any regulation or permit issued to the Act or State Act, the

Executive Director is authorized to issue a Notice of Suspension temporarily suspending wastewater treatment service to, and/or the Wastewater Discharge Permit of, the user.

- B. Any person notified of a suspension of the wastewater treatment service and/or Wastewater Discharge Permit shall immediately stop its discharge to the treatment works. In the event that the person fails to stop such discharge to the treatment works, the Executive Director may take such steps as are deemed necessary, including the immediate discontinuation of water service or the physical severance of sewer service to prevent or minimize such damage as is likely to occur.
- C. In the event of suspension of service, the user shall submit a detailed written statement to the Authority describing the causes of the violation and the measures taken to prevent future occurrence. This statement shall be submitted to the Authority within three (3) days of the date of the occurrence and shall be a condition precedent to the reinstatement of wastewater treatment service or the Wastewater Discharge Permit.
- D. The Executive Director shall reinstate the wastewater treatment service and/or Wastewater Discharge Permit only upon receipt of proof satisfactory to the Executive Director that the discharge which was found to be in violation has been abated and that the cause of the violation has been eliminated.
- E. The Executive Director shall give notice to the person affected of his right to a hearing. The order for suspension of service, however, shall not be stayed by the filing of the request for a hearing.

5.6 TERMINATION OF SERVICE

- A. Whenever the Executive Director finds that any person has committed any of the following violations, the Executive Director may issue a Notice of Termination terminating the wastewater treatment service to, and/or the Wastewater Discharge Permit of, the user:
 - 1. Material misrepresentation of any item on, or material submitted with, an application for a Wastewater Discharge Permit; or
 - 2. Failure of the industrial user to accurately report the concentrations and characteristics of its wastewater discharge; or
 - 3. Failure to provide reasonable access to the user's premises for the purpose of inspection, testing or monitoring; or

4. Failure to report an accidental discharge or a significant change in operations or in wastewater concentrations or characteristics; or
 5. Three (3) or more violations of the provisions of these regulations or of the Wastewater Discharge Permit or of any regulation or permit issued pursuant to the Act or State Act relating to sewer discharges.
- B. The Executive Director shall notify the person of his right to a hearing on the matters contained in the termination order. The filing of a Notice of Appeal from the termination order shall not stay the termination of service.

5.7 RECALCULATION OF SEWER CONNECTION FEE OR SERVICE CHARGE

- A. Whenever the Executive Director finds that any person has misrepresented, on an application for a Wastewater Discharge Permit, the amount of wastewater to be discharged, or that any person has discharged wastewater in excess of the amount of wastewater permitted under a Wastewater Discharge Permit, the Executive Director shall recalculate the connection fees due and owing by the user and shall present the user with a statement containing the recalculated connection fees. The user shall pay the recalculated connection fees within fifteen (15) days of receipt of the statement. In the event that the recalculated connection fees are not paid in full within the time required, interest shall accrue on the recalculated connection fees at the rate of one and one-half percent (1½%) per month, and the Executive Director shall terminate water and/or sewer service to the user until such time as the recalculated connection fees, including accrued interest, are paid in full.
- B. Whenever the Executive Director finds that the characteristics of the wastewater discharged by a user exceed the discharge parameters allowed under a Wastewater Discharge Permit, the Executive Director shall impose a surcharge for the treatment of such wastes in accordance with the formula for such surcharge as is contained in the Authority's rate schedule. The sewer service charges shall be recalculated for the period of time during which the Executive Director reasonably believes that such discharges in excess of the parameters permitted by the Wastewater Discharge Permit have continued, but in no event, less than one complete billing period for the user. The recalculated sewer service charges shall be presented to the user, who shall pay such recalculated service charges within thirty (30) days of receipt. In the event that the user does not pay the recalculated sewer service charges within such period of time, then interest at the rate of one and one-half percent (1½%) per month shall accrue on all such recalculated sewer service charges and the Executive Director shall terminate water and/or sewer service to the user until such time as the recalculated sewer service charges, plus all accrued interest, are paid in full.

- C. The surcharge for treatment of wastes referred to in the proceeding paragraph shall be based on the following formula:

$$\begin{aligned} & \frac{33 (\text{BOD}^* \text{ in mg/l})}{(300)} \\ + & \frac{33 (\text{TSS}^* \text{ in mg/l})}{(300)} \\ + & \frac{34 (\text{Oil and Grease}^* \text{ in mg/l})}{(100)} \\ \hline = & \text{ Surcharge Percentage} \end{aligned}$$

- * Where the actual concentrations are less than 300 mg/l for BOD or TSS or 100 mg/l for Oil and Grease, the value in the parenthesis shall be equal to "1".

5.8 RIGHT TO A HEARING

- A. In the event that any person receives a Notice of Violation pursuant to Section 5.2, a Notice of Suspension pursuant to Section 5.5, a Notice of Termination pursuant to Section 5.6, or a recalculation of a sewer connection fee or service charge pursuant to Section 5.7, the person may appeal such notice by filing with the Authority within fifteen (15) days of receipt of such notification, a written request for a hearing from such notification. The written request shall include the following:
1. The name, address and telephone number of the user and its authorized representative;
 2. A detailed admission or denial of each of the findings contained in the notice;
 3. The user's affirmative defenses for each allegation contained in the notice;
 4. Copies of all written documents, which will be relied upon by the user in the presentation of its defense.

The failure to provide all of the information required above as part of the request for a hearing shall constitute a waiver of the right to a hearing by the user.

- B. A hearing shall thereafter be scheduled before the Authority at which time the Executive Director or his designee as well as the person aggrieved may present evidence regarding either the violation or the penalty proposed. All parties shall be entitled to be represented by counsel at the hearing. The burden of proof shall be upon the user. The determination made by the Authority shall be in writing and shall be sent by certified mail to the user within thirty (30) days of the close of the hearing, unless both parties agree to a longer period of time.

SECTION 6 - FEES

6.1 APPLICATION FEES

A user shall pay an application fee at the time that an application for any Wastewater Discharge Permit is submitted to the Authority. The application fee includes administrative expenses, application reviews, facility inspections and permit writing and issuance. The application fee schedule is as follows:

	<u>Nondomestic Wastewater</u>	<u>Significant Industrial User</u>
Original Permit:	\$50	\$100
Permit Renewal:	\$25	\$ 50
Request for Waiver:	\$20	--

6.2 PERMIT FEES

A user shall pay a permit fee prior to the time that the permit is issued. The permit fee includes administrative expenses, reviews of discharge monitoring reports and inspections as may be required. The permit fee shall be based upon the length of the permit to be issued and shall be calculated as follows:

Nondomestic Wastewater - \$10.00 per year
Significant Industrial User - \$20.00 per year

6.3 SAMPLING INSPECTION FEES

A user shall pay a sampling inspection fee upon presentation of a bill from the Authority. The sampling inspection fee includes administrative expenses and inspection expenses for the inspection of a sampling event by an independent certified laboratory. The sampling inspection fee shall be as follows:

\$25.00 per sampling event

6.4 AUTHORITY LABORATORY FEES

- A. In the event that a user has arranged to have its required sampling and analysis performed by the Authority through the Authority's contracted certified laboratory, the user shall pay, upon presentation of a bill from the Authority, a laboratory fee. The laboratory fee includes administrative expenses, sampling expenses and expenses incurred from the certified laboratory. The laboratory fee shall be as follows:

Authority contract rate,
plus \$25.00 per sampling event

- B. In the event that the Authority performs the sampling and analysis in its own laboratory, the user shall pay a laboratory fee in accordance with the Laboratory Fee Schedule adopted by the Authority and on file in the Authority's office.

SECTION 7 - MISCELLANEOUS

7.1 SEVERABILITY

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

7.2 CONFLICT

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

7.3 EFFECTIVE DATE

This regulation shall take effect immediately.