

**SERVICE RULES**

**PEQUANNOCK RIVER BASIN REGIONAL SEWERAGE AUTHORITY**

**Rules and Regulations Governing the Discharge of  
Sewage, Industrial Wastes or Other Wastes into the  
Pequannock River Basin Regional Sewerage Authority  
and All Sewers Tributary Thereto**

**ADOPTED BY**

**PEQUANNOCK RIVER BASIN REGIONAL SEWERAGE AUTHORITY**

Effective August 18, 1987  
Revised to April 20, 2011

## RULES AND REGULATION

Rules and regulations governing the use of the System of the Pequannock River Basin Regional Sewerage Authority and all sewers tributary thereto; governing the design, construction, and testing of sanitary sewers and appurtenances within the Authority Service Area; and providing for the enforcement of such rules and regulations.

Be it enacted as follows by the

PEQUANNOCK RIVER BASIN REGIONAL SEWERAGE AUTHORITY:

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## ARTICLE I

### GENERAL PROVISIONS

#### SECTION 1.1      **AUTHORITY**

- a.     The Pequannock River Basin Regional Sewerage Authority ("Authority") was created by parallel ordinances adopted by the Borough of Bloomingdale, Borough of Butler and Borough of Kinnelon in 1974 in accordance with the Sewerage Authorities Law, P.L. 1946, Chapter 138, effective April 23, 1946, (N.J.S.A. 40:14A) as amended.
  
- b.     These rules and regulations have been adopted by the Authority pursuant to the following acts:
  - 1)     "Sewerage Authorities Law" (N.J.S.A. 40:14A - et seq.)
  - 2)     "The New Jersey Water Pollution Control Act" (N.J.S.A. 58:10A-1, et seq.)
  - 3)     "The Federal Water Pollution Control Act" (33 USC 1251, et seq.)

#### SECTION 1.2      **PURPOSES**

The purposes of these rules and regulations are specifically stated as follows:

- a.     To promulgate use of the Authority Sewerage System in a manner reasonably consistent with the purposes and capacities for which said sewerage system is to be, or has been designed.
  
- b.     To prohibit excessive volume and/or inordinate rate of flow of sewage and wastes into the Authority Sewerage System and sewers tributary thereto.
  
- c.     To prohibit the contribution of sewage, industrial wastes or other wastes of a flammable nature or which create in any way a poisonous or hazardous environment for sewerage system maintenance and operation personnel.
  
- d.     To prohibit the contribution of sewage, industrial wastes or other wastes which may impair the hydraulic capacity or operation of the intercepting sewers, force mains, pumping stations and other structures and appurtenances of the Authority Sewerage System and sewers tributary thereto.
  
- e.     To prohibit the contribution of sewage, industrial wastes or other wastes which may create operating difficulties at the sewage treatment plant operated by the TBSA .

- f. To prohibit and/or regulate the contribution of sewage, industrial wastes and other wastes which require, for treatment at the plant operated by the TBSA, greater expenditures than are required for equal volumes of normal sewage.
- g. To require the pretreatment and/or flow control, before introduction into the Authority Sewerage System or sewers tributary thereto, of such wastes as may impair the strength and/or durability of the Authority Sewerage System or structures appurtenant to the system, or may interfere with the normal treatment processes, or may impair the designated uses of the classified receiving waters.
- h. To provide cooperation with the New Jersey State Department of Environmental Protection, the United States Environmental Protection Agency and any other agencies which have requirements or jurisdiction for the protection of the physical, chemical and bacteriological quality of water courses within or bounding the Authority Service Area or the service area of TBSA.
- i. To protect the public health and to prevent nuisances.

**SECTION 1.3 POLICY**

- a. These regulations shall be liberally construed to permit the Authority to effectuate the foregoing purposes as well as the purposes of the authorizing legislation.
- b. The Authority may from time to time prescribe such new regulations or make such modifications of those contained herein as in its discretion the necessities of the Authority Service Area and of its System may warrant.

**SECTION 1.4 AVAILABILITY OF COPIES OF  
AUTHORITY RULES AND REGULATIONS**

- a. Copies of these rules and regulations shall be available for purchase at the principal office of the Authority.
- b. Three copies of these rules and regulations shall be filed in the office of the Authority, and the same shall remain on file, as amended from time to time, for use and examination by the public as long as they are in effect.

## ARTICLE II

### DEFINITIONS

#### SECTION 2.1. DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in these rules and regulations shall be as follows:

- a. "Act" or "the Act" shall mean the Sewerage Authorities Law of the State of New Jersey at N.J.S.A. 40:14A-1 et seq. and all rules and regulations pursuant thereto.
- b. "Authority" shall mean the Pequannock River Basin Regional Sewerage Authority, a body politic and corporate organized and existing under the New Jersey Sewerage Authorities Law and created by virtue of parallel ordinances duly adopted in the calendar year 1974 by the respective governing bodies of the Borough of Bloomingdale, Borough of Butler, and Borough of Kinnelon.
- c. "Authority Service Area" shall mean the area or areas which are served by the Authority Sewerage System.
- d. "Authority Sewerage System" shall mean the intercepting sewers and other structures and appurtenances owned or leased by the Authority, operated by the Authority, or both.
- e. "Authorized Representative of User" shall mean: (1) an executive officer of at least the level of vice president, if the user is a corporation; (2) a general partner or proprietor if the user is a partnership or proprietorship, respectively; or (3) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the direct or indirect discharge originates.
- f. "B.O.D." (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 C (68 F) expressed in milligrams per liter (mg/l).
- g. "Building Sewer" shall mean the extension from the building or dwelling drain to the Public Sewerage System. The Authority has no responsibility for the maintenance and repairs to Building Sewers.
- h. "Categorical Standards" shall mean Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or

introduced to the Public Sewerage System by existing or new Users in specific industrial subcategories.

- i. "C.O.D." (denoting Chemical Oxygen Demand) shall mean the quantity of oxygen required to chemically oxidize material in waste by dichromate acid solution expressed in milligrams per liter (mg/l).
- j. "Chlorine Demand" shall mean the difference between the amount of chlorine added to water, sewage or industrial wastes and the amount of residual chlorine remaining at the end of a 20-minute contact period at room temperature.
- k. "Combined Sewer" shall mean a sewer designed to receive and transport both surface run-off and sewage.
- l. "Composite Sample" shall mean a sample consisting of several effluent portions collected during a specific time period and combined to make a representative sample.
- m. "Cooling Water" shall mean the water discharged from any system of condensation, air conditioning, cooling, refrigeration, or other sources. It shall contain no polluting substances which would produce B.O.D., or Suspended Solids, in excess of 10 mg/l by weight, or toxic substances as limited elsewhere herein.
- n. "Domestic Wastewater" shall mean the liquid waste or liquid borne waste (1) resulting from the preparation, cooking and handling of food and/or (2) consisting of human excrement and similar wastes from sanitary conveniences.
- o. "Dwelling Unit" or "DU" mean one or more rooms designed, occupied, or intended for occupancy as separate living quarters with sleeping, cooking and sanitary facilities provided within the dwelling unit for the exclusive use of a single family.
- p. "EPA" shall mean the United States Environmental Protection Agency.
- q. "Equivalent Dwelling Unit" or "EDU" equals 250 gallons per day (gpd) of domestic wastewater having the strength and quality of normal domestic sewage as defined by the Rules and Regulations.
- r. "Federal Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
- s. "Garbage" shall mean food wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

- t. "Grab Sample" shall mean a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- u. "Holding Tank Waste" shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- v. "Interference" shall mean: (1) inhibiting or disrupting the Public Sewerage System or its treatment plant or operation so as to contribute to or cause a violation of any condition of a state or federal permit under which the Public Sewerage System operates; (2) discharging non-domestic wastewater which, in combination with existing domestic flows, are of such volume and/or strength as to exceed the Public Sewerage System design capacity; or (3) preventing the use or disposal of sludge produced by the Public Sewerage System in accordance with Section 405 of the Federal Clean Water Act of 1977 (33 U.S.C. 1251, et seq.) and the New Jersey Guidelines for the Utilization and Disposal of Municipal and Industrial Sludges and Septage; or any regulations or criteria or guidelines developed pursuant to the Federal Resource Conservation and Recovery Act of 1976 (42 U.S.C. 3251 et seq.), the Federal Clean Air Act (42 U.S.C. 7401 et seq.), and the Federal Toxic Substances Control Act (15 U.S.C. 2601 et seq.).
- w. "Local Sewerage System" means all sanitary sewerage systems or sections thereof of a Participant or other Municipality which are or may be connected or are or may be required to be connected to the System.
- x. "Municipality" shall mean a public body as defined by Section 502(4) of the Federal Act which has contracted with the Authority for conveyance, treatment, and disposal of sewage.
- y. "Nitrogen" shall mean total organic and ammonia nitrogen (kjeldahl nitrogen).
- z. "NJDEP" shall mean the New Jersey Department of Environmental Protection.
- aa. "New Jersey Pollutant Discharge Elimination System" or "NJPDES" shall mean the New Jersey system for the issuing, modifying, suspending, revoking, reissuing, terminating, monitoring and enforcing of discharge permits pursuant to the State Act. The term also includes national discharge permits (NPDES) issued pursuant to Section 402 of the Clean Water Act of 1977 (33 U.S.C. 1251, et seq.).
- bb. "Non-Residential Connections" means service connections conveying wastes from commercial and/or industrial development into the System.

- cc. "Normal Sewage" shall mean sewage, industrial wastes or other wastes which, when analyzed, show by weight the following characteristics:
- 1) B.O.D.: 2,300 pounds per million gallons (280 milligrams per liter) or less,
  - 2) Chlorine Demand: 208 pounds per million gallons (25 milligrams per liter) or less,
  - 3) Suspended Solids: 2,500 pounds per million gallons (25 milligrams per liter) or less,
  - 4) Chemical Oxygen Demand: 2,920 pounds per million gallons (400 milligrams per liter) or less,
  - 5) Nitrogen: 200 pounds per million gallons (24 milligrams per liter) or less.
- dd. "Nondomestic User" shall mean a User discharging Wastewater other than Domestic Wastewater.
- ee. "Participant" shall mean the Borough of Bloomingdale in the County of Passaic, and the Boroughs of Butler and Kinnelon in the County of Morris.
- ff. "Permittee" shall mean a Person or a Municipality to whom a Discharge Permit has been issued by the Authority.
- gg. "Person" shall mean any individual, firm, company, association, society, corporation, or group contributing directly or indirectly to the Authority Sewerage System.
- hh. "pH" shall mean the negative logarithm of the hydrogen ion concentration in moles per liter. It indicates the intensity of acidity and alkalinity of the pH scale running from 0.0 to 14.0. A pH value of 7.0, the mid-point of the scale, represents neutrality. Values below 7.0 represent acid conditions. Values above 7.0 represent alkaline conditions.
- ii. "Pretreatment" shall mean the application of physical, chemical and biological processes to reduce the amount of pollutants in, or alter the nature of, the polluting properties of an industrial process wastewater prior to discharging such wastewater into the Public Sewerage System.
- jj. "Pretreatment Standards" shall mean all applicable federal or state rules and regulations implementing Section 307 of the Clean Water Act of 1977 (33 U.S.C. 1251, et seq.) or N.J.S.A. 58:11-49, as well as any nonconflicting state or local



standards. In cases of conflicting standards or regulations, the more stringent thereof shall be applied.

- kk. "Properly Shredded Garbage" shall mean garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the Public Sewerage System to which it is discharged, with no particle having a dimension greater than one-half (½) inch in any dimension.
- ll. "Public Sewerage System" shall mean intercepting sewers, structures and appurtenances owned or maintained by the Authority or a Municipality as well as the Treatment Works of the TBSA.
- mm. "Residential Connections" means service connections conveying domestic wastewaters from residential structures.
- nn. "Rules and Regulations" means either the rules and regulations of the Authority or TBSA as applicable.
- oo. "Sanitary Sewer" shall mean a sewer which conveys sewage and into which storm, surface and groundwater are not intentionally admitted.
- pp. "Sanitary Sewer Extension" means all additions, improvements, enlargements and/or extensions to sanitary sewerage facilities within the Authority's Water Quality Management Area which are, by NJDEP's Rules and Regulations, subject to NJDEP's "Construction and Discharge Permit" (CP-1) application process.
- qq. "Scavenger Wastes" shall mean the sanitary sewage collected from privies, septic tanks, cesspools and chemical toilets.
- rr. "Service Connections" shall mean building connections directly connected to the System and specifically excludes Sanitary Sewer Extensions.
- ss. "Sewage" shall mean Wastewater.
- tt. "Sewer" shall mean a pipe or conduit for conveying sewage.
- uu. "Shall" is mandatory; "may" is permissive.
- vv. "Significant User" shall mean any User who discharges nondomestic wastewater into the Public Sewerage System which either: (1) exceeds 25,000 gallons per day, (2) exceeds the mass equivalent of 25,000 gallons per day of the Normal Sewage of the Public Sewerage System, or (3) contributes five percent or more of the daily mass loading of any pollutant entering the Treatment Plant.

- ww. "Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24-hour concentration or flow during normal operation.
- xx. "State Act" shall mean the New Jersey "Water Pollution Control Act," N.J.S.A. 58:10A-1, et seq.
- yy. "Storm Sewer" (Storm Drain) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than cooling waters and other unpolluted waters.
- zz. "Suspended Solids" shall mean the Total Nonfilterable Residue as defined in Manual of Methods for Chemical Analysis of Water and Wastes.
- aaa. "System" means the regional wastewater facilities owned and operated by the Authority and specifically excludes local sewerage system(s), owned and operated by a Municipality .
- bbb. "Toxic Substances" shall mean those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge into the environment in sufficient quantities and upon exposure, ingestion, inhalation or assimilation into any organism, either directly to indirectly by ingestion through food chains, will, on the basis of information available to the Authority, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformation, in such organisms or their offspring.
- ccc.. "Treatment Plant" shall mean the Treatment Works owned and operated by TBSA.
- ddd. "Treatment Works" shall mean any device or system, whether public or private, used in the conveyance storage, treatment, recycling, or reclamation of municipal or industrial waste of a liquid nature, including: intercepting sewers; outfall sewers; sewage collection systems; cooling towers and ponds; pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any other works including sites for the treatment process or for ultimate disposal of residues resulting from such treatment.
- eee. "Two Bridges Sewerage Authority" or "TBSA" means the Pequannock, Lincoln Park, and Fairfield Sewerage Authority.

- fff. "Unpolluted Waters" shall mean water not containing any pollutants limited or prohibited by the effluent standards in effect, and/or water whose discharge will not cause any violation of receiving water quality standards or interference with their designated uses.
- ggg. "User" shall mean any person who discharges Wastewater into the Public Sewerage System.
- hhh. "User Classification" shall mean the classification of Nonresidential Users based on the 1987 (or subsequent) edition of the Standard Industrial Classification (SIC) Manual prepared by the Federal Office of Management and Budget.
- iii. "Wastewater" shall mean the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be inadvertently present, whether treated or untreated, which is discharged into or permitted to enter the Public Sewerage System.
- jjj. "Water Quality Management Area" or "WQMA" mean the jurisdictional area of the Authority approved by NJDEP and as defined by "Support Documentation for Amendment to Northeast Water Quality Management Plan" dated November, 1985.

Terms not otherwise defined herein shall have such meaning 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 Pollution Control Federation; the Federal Guidelines for State and Local Pretreatment Programs, EPA-430/9-76-017a, Volume 1, 1977, or the latest revision thereof; the Federal Act; State Act; N.J.S.A. 58:11-49, et seq., ; and the Sewerage Authorities Law, N.J.S.A. 40:14A-1 et seq.

## **ARTICLE III**

### **USE OF AUTHORITY AND TRIBUTARY SEWERS**

#### **SECTION 3.1      LIMITATION OF USE**

- a. Disposal into the Authority Sewerage System and sewers tributary thereto of any pollutant by any person is unlawful except in compliance with these rules and regulations, the Federal Act, the State Act, The Sewerage Authorities Law, Pretreatment Standards, NJPDES requirements and any more stringent local standards.
- b. The use of the Authority Sewerage System and sewers tributary thereto shall be strictly limited and restricted to receiving and accepting the sewage, industrial wastewater and other wastes generated on, and discharged from, real property lying within the boundaries of the Authority Service Area. No Municipality or Person shall discharge or suffer to be discharged directly or indirectly into the Public Sewerage System any matter, wastewater, or thing which is or may be injurious to said system and its efficient operation, or which violates any standards promulgated herein, by TBSA, or by the State of New Jersey under any applicable statute or regulation.
- c. Sewage, industrial wastewater and other wastes may be accepted into the Authority Sewerage System at points of connection and under conditions approved by the Authority.

#### **SECTION 3.2      CONTROL BY MUNICIPALITY**

Each Municipality shall have the primary responsibility to assure compliance by all Users within their respective municipal service areas with the requirements of Section 3.1.

In the event that the Authority receives information sufficient to form a belief that a violation of any provision of these or other applicable regulation has occurred or is occurring it shall provide notice thereof in writing to the Municipality within which the violation has occurred or is occurring. After giving the Municipality a reasonable time within which to enforce the applicable provision or otherwise bring the situation into compliance, the Authority may take such actions as shall be required in the circumstances including the initiation of legal proceedings pursuant to, but not limited to, the remedies set forth in the Act at N.J.S.A. 40:14A-28.

Each Municipality utilizing the Public Sewerage System shall establish and adopt requirements, directives and ordinances containing all parallel and supplemental provisions necessary to ensure enforcement of these rules and regulations.

### **SECTION 3.3 SERVICE AGREEMENT FOR CUSTOMERS**

No Participant shall enter into any agreement for the acceptance of sewage to be discharged into the Public Sewerage System, or permit any discharge into the Public Sewerage System by any customer, unless the customer is located within a municipality which has entered into a service agreement with the Authority and with TBSA. The TBSA agreement shall be limited to and shall subject the municipality and its customers to the Rules and Regulations of TBSA and shall require the municipality to adopt resolutions and ordinances necessary to permit the implementation and enforcement of the TBSA Rules and Regulations in accordance with the provisions thereof and the law.

## **ARTICLE IV**

### **COMBINED SEWERS, NEW SEWERS, SEWER EXTENSIONS**

#### **SECTION 4.1        COMBINED SEWERS**

After the effective date of these rules and regulations, the construction of Combined Sewers or extensions to existing Combined Sewers tributary to the Authority Service Area is prohibited.

#### **SECTION 4.2        NEW SEWERS, SEWER EXTENSIONS**

All new Sewers, Sewer extensions, and appurtenances tributary to the Authority Sewerage System shall be properly designed, constructed, and tested in accordance with the appropriate and latest standards as set forth by the New Jersey State Department of Environmental Protection.

#### **SECTION 4.3        APPROVAL OF SANITARY SEWERS AND APPURTENANCES**

When required by regulations of NJDEP plans and specifications for new Sewers, Sewer extensions and appurtenances, except Building Sewers, shall be approved in writing by the Authority and TBSA before the start of construction. Construction shall be in accordance with such approved plans and specifications. Results of leakage tests shall be submitted to the Authority and to TBSA during construction.

#### **SECTION 4.4        PROHIBITED CONNECTIONS**

No downspout, leader, gutter or pipe, drain or channel which may at any time carry cooling water, storm water, surface water or groundwater of any kind, nor any drain from any catch basin, lake, swamp, pond or swimming pool, nor any inlet for cooling water, surface water, storm water or groundwater of any kind, shall be connected to the Public Sewerage System.

#### **SECTION 4.5        CAPACITY ASSURANCE PROGRAM**

- a. All Municipalities served by the Authority shall regulate flow, and shall implement all reasonable measures to provide for and limit discharges from their respective Local Sewerage Systems, as defined in the respective service agreements, and/or shall secure additional capacity allocation if available, so as not to exceed the capacity allocated by the Authority to each.
- b. Within 60 days of the receipt of a notice from the Authority as to the adoption of a Capacity Assurance Program, and quarterly thereafter, each of the Municipalities served by the Authority shall submit the following information, certified by the Municipal Engineer:

- (i) Total flow allocated to the Municipality by Service Contract
  - (ii) Actual flow (as per Authority meter reports and calculated on a twelve month rolling average)
  - (iii) Reserved flows (By Municipality, if any)
  - (iv) Flows authorized but not yet connected (excludes reserved flows)
  - (v) Total Committed Flows (Sum of ii, iii and iv)
  - (vi) Remaining flow (i minus v)
- c. Within 30 days of the succeeding quarterly report data, the Authority will file with each Municipality a summary report on the Authority system with information supplied by the four Municipalities pursuant to (b) above.
- d. Whenever Committed Flows, meaning the sum of actual flows, reserved flows and flows which are anticipated from Authority and Municipally approved connectors which are not yet in operation, exceeds 80% of the capacity allocated to a Municipality, or in aggregate, to the Municipalities served by the Authority, the Authority shall implement the Capacity Assurance Program referred to in subsection (a) above by issuing notice to the Municipality.
- e. Within 60 days of receipt of the notice set forth in (d) above, each Municipality shall file a report with the Authority as to the following:
- (i) Measures intended to be implemented so as to enhance water conservation
  - (ii) Measures intended to be implemented so as to assure the disconnection of roof leaders, sump pumps, and other sources of inflow, and to the extent available, reconnection of the same to storm sewers, all in accordance with Section 4.4 of these Service Rules.
  - (iii) Establishment of a process for a monthly report to be filed on or before the 15<sup>th</sup> of each month updating the information submitted pursuant to subsection (b) above
  - (iv) Measures intended to be implemented so as to impose a municipal sewer connection ban when Committed Flow reaches 100% of the capacity allocated to the Municipality.
- f. In the event that the Committed Flow to the Authority System is at 100% of the capacity allocated to a Municipality and the Authority determines that the measures called for in subsections (b) and (e) have not been appropriately addressed and that additional flows may result in the exceedence by the Municipality of its contracted capacity allocation, then the Authority shall cease to process Treatment Works Approvals, and shall request that the Municipality discontinue the connection of any additional Users to its Local Sewerage System. The Authority will further provide notice to the Municipality that it (1) may petition for transfer of available capacity, if any, from the other Municipalities served by the Authority or (2) if capacity is

therefrom unavailable, petition the Authority to secure additional capacity allocation from the Two Bridges Sewerage Authority by means of expansion of the existing treatment plant or inter-agency allocation transfer. The Municipality receiving such notice shall bear all costs of any capacity allocation transfer so required.

- g. If the Municipality is unable or unwilling to secure additional capacity allocation through the above means and refuses to discontinue the issuance of permits for such connections, or otherwise fails to respond to the Authority's notice with respect to the same, then the Authority may determine to apply to a court of competent jurisdiction for an Order implementing the requirements of these regulations, enforcing the provisions of the applicable service agreement, or for such other injunctive or other relief as shall be appropriate in the circumstances.



## ARTICLE V

### PROHIBITIONS AND RESTRICTIONS ON DISCHARGES

#### **SECTION 5.1        PROHIBITED MATERIALS, SUBSTANCES, WATERS AND WASTES**

No Person shall discharge, deposit, cause or allow to be discharged or deposited into the Public Sewerage System any wastewater which contributes to a violation of any of the parameters or requirements in these regulations, interferes with the operation or performance of the Public Sewerage System, or which contains any of the following:

- a.     Oil and Grease: (1) Oil and grease, in concentrations or amounts violating Pretreatment Standards; this includes petroleum based hydrocarbons as determined by silica gel absorption; (2) wastewater containing floatable fats, wax, grease, or oil; (3) total fats, wax, grease, or oil in a concentration of more than 100 mg/l unless otherwise specifically permitted by the Authority, 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 Public Sewerage System.
  
- 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 or be injurious in any other way to the Public Sewerage System or to its operation. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the Public Sewerage System, be more than 5 percent nor any single reading over 10 percent of the Lower Explosive Limit (LEL) of the meter. This category of materials includes, but is not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketone, 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 or maintenance and repair of the Public Sewerage System.
  
- d.     Improperly Shredded Garbage: Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the Public Sewerage System. No particle shall be greater than ½ inch in any dimension.
  
- e.     Radioactive Wastes: Radioactive wastes of such half-life or concentration as may exceed limits established by the Authority in compliance with applicable federal or state regulations.

- 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 Public Sewerage System. Prohibited materials include, but are not limited to: grease, improperly shredded garbage, animal guts or tissues, diseased human organs or tissue fluids, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances.
  
- g. **Excessive Discharge:** Wastewater at a flow rate that exceeds for any time period longer than 15 minutes more than 5 times the average daily flow rate of the User during normal operation, or containing such concentrations or quantities of pollutants that would cause a treatment process upset and subsequent loss of treatment efficiency.
  
- h. **Toxic Pollutants:** Any toxic pollutant in amounts exceeding standards promulgated by the Administrator of the EPA pursuant to the Federal Act, by the NJDEP pursuant to the State Act or by the Authority, including, but not limited to, those listed in Tables II through VI in Appendix B to the NJPDES Regulations (N.J.A.C. 7:14A-1, et seq.).

The list below presents the threshold concentrations of certain pollutants not to be exceeded by any User unless otherwise specifically permitted by the Authority. Dilution of any Wastewater discharge for the purpose of satisfying these requirements shall be considered a violation of these Rules and Regulations.

**TABLE 5-1**

**THRESHOLD POLLUTANT LIMITS**

<u>Pollutant</u>	<u>Concentration (mg/l)</u>
Arsenic	0.1
Cadmium	1.4
Chromium, Hexvalent	0.25
Copper	0.11
Cyanide	0.8
Lead	0.6
Mercury	0.02
Nickel	0.25
Silver	1.7
Zinc	0.34
Benze	5.00
Toluene	5.00
Trichloroethylene	2.6
Phenol	32.0

- i. Stormwater: Stormwater, surface water, groundwater, roof run-off, subsurface drainage.
- j. Discolored Materials: Wastes with color not removable by the Treatment Works.
- k. Substances Interfering with Sludge Management: Any substance which may cause the Authority to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Federal Act; or any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or the "New Jersey Guidelines for the Utilization and Disposal of Municipal and Industrial Sludges and Septage."
- l. Corrosive Wastes: Any waste which will cause corrosion or deterioration of the Public Sewerage System; all wastes discharged to the Public Sewerage System must

have a pH value in the range of 5 to 9.5 standard units; prohibited materials include, but are not limited to: acids, alkalies, sulfides, concentrated chloride and fluoride compounds, and substances which will react with water to form acidic or alkaline products.

- m. Heat: Heat in amounts which will inhibit biological activity in the Public Sewerage System, resulting in Interference or causing damage, but in no case heat in such quantities that the temperature exceeds 65 C (150 F) at the Public Sewerage System and 40 C (104 F) at the Treatment Plant, unless the NJDEP, upon request of the Authority approves alternative temperature limits.
- n. Uncontaminated Cooling Water, or unpolluted industrial process waters unless specifically authorized.

## **SECTION 5.2 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 these rules and regulations for sources in that subcategory, shall immediately supersede the limitations imposed hereunder. Upon receipt of notice from TBSA, the Authority shall advise the Municipalities of any reporting requirements under 40 CFR, Section 403.12.

## **SECTION 5.3 MODIFICATION OF FEDERAL CATEGORICAL PRETREATMENT STANDARDS**

Where the Treatment Works achieves consistent removal of pollutants limited by federal Pretreatment Standards, TBSA may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent removal" shall mean reduction in the amount of pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system as measured according to the procedures set forth in Section 403.7(c)(2) of the "General Pretreatment Regulations for Existing and New Sources of Pollution" (40 CFR, Part 403) promulgated pursuant to the Federal Act. TBSA may modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Section 403.7, are fulfilled and prior approval from the Approval Authority is obtained and the Authority may thereafter modify the limits in these regulations accordingly.

## **SECTION 5.4 STATE REQUIREMENTS**

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in these rules and regulations.

## **SECTION 5.5 AUTHORITY'S RIGHT OF REVISION**

The Authority reserves the right to establish by regulation more or less stringent limitations or requirements on discharges to the Public Sewerage System if deemed necessary to comply with the purposes and policies presented in Article I of these Rules and Regulations.

## **SECTION 5.6 EXCESSIVE DISCHARGE**

No User shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the Authority or state.

## **ARTICLE VI**

### **CONTROL OF PROHIBITED AND RESTRICTED DISCHARGES**

#### **SECTION 6.1 APPROVAL OF NONRESIDENTIAL ESTABLISHMENTS**

- a. Each Municipality shall incorporate in its land use development ordinances a requirement that any non residential developer or User subject to Pretreatment shall make application to TBSA pursuant to the applicable provisions of this Article.
- b. Each Municipality shall provide a copy of each non residential certificate of occupancy to the Authority within ten days of issuance by the Municipality.

#### **SECTION 6.2 ACCEPTANCE AND REJECTION OF WASTES**

If wastewaters containing any prohibited substances at levels exceeding limits prescribed by either EPA, NJDEP, TBSA or the Authority or violating restrictions imposed by Article V of these Rules and Regulations are discharged to the Public Sewage System, the Authority and/or TBSA, as applicable, may take all actions necessary to:

- a. Prohibit the discharge of such wastewater.
- b. Require a User to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substances so as to be in conformance with these rules and regulations.
- c. Require Pretreatment, including storage facilities, or flow equalization necessary to ensure complete compliance with these rules and regulations.
- d. Require the User making, causing or allowing the discharge to pay all the additional cost or expense incurred by the Authority or TBSA for any damages caused by excess loads imposed on the Public Sewerage System.
- e. Take such other remedial action, including discontinuation of service, as may be deemed to be desirable or necessary to achieve the purposes of these Rules and Regulations.

### **SECTION 6.3           USERS REQUIRING APPROVAL BY DISCHARGE PERMIT**

The following Users require approval by permit issued by TBSA to discharge into the Public Sewerage System:

- a.     Users subject to Categorical Pretreatment Standards;
- b.     Significant Users; and
- c.     Other Nondomestic Users which, in the sole judgment of the Authority, require special regulation.

### **SECTION 6.4           SUBMISSIONS OF PLANS**

Where Pretreatment or equalization of wastewater flows prior to discharge into the Public Sewerage System is required, plans, specifications, and other pertinent data or information relating to such pretreatment or flow-control facilities shall first be submitted by the User to TBSA for review and approval. Such approval shall not exempt the discharge of such facilities from compliance with any applicable code, ordinance, rule, regulation or order of any governmental authority. Up-to-date “as installed” record plans of such facilities shall be kept on file with the Authority and with TBSA. Any subsequent modifications to such pretreatment or flow-control facilities shall not be made without due notice and prior approval of TBSA.

### **SECTION 6.5           PRETREATMENT FACILITIES OPERATIONS**

Pretreatment facilities shall be maintained in good working order and operated efficiently by the owner and operated efficiently by the owner or operator at his/her own cost and expense, subject to the requirements of these Rules and Regulations and all other applicable local, state and federal codes, ordinances, and laws.

### **SECTION 6.6           ADMISSION TO PROPERTY**

Whenever it shall be necessary for the purpose of these rules and regulations, the Authority, upon the presentation of credentials, may enter upon any non-residential property or premises at reasonable times for the purpose of inspecting/copying any records required to be kept under the provisions of these Rules and Regulations.

The Authority, TBSA, the NJDEP, and/or the USEPA upon presentation of credentials, may enter upon any non-residential property or premises at any time for the purpose of inspecting any monitoring equipment or method, and/or measuring, sampling, and/or testing any discharge of wastewater to the Public Sewerage System.

The Authority and TBSA may enter upon private lands at reasonable times for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of these rules and regulations. Control manholes, if required by the Authority, shall be available for access at all times.

While performing the necessary work on private lands referred to in this section above, the Authority or its duly authorized representatives shall observe all safety rules established by the owner and/or occupant of the premises.

Refusal to permit the entry upon private lands required to perform the necessary work referred to in this Section shall be punishable by such penalties as may be prescribed under these Rules and Regulations.

Where a company or premises has security measures in force which require proper identification and clearance before entry into said company or premises, such company or premises shall either make the necessary arrangements with their security guards to allow the Authority immediate access to the locations necessary for the purpose of inspection, observation, measurement, sampling and testing; or the company or premises shall install, outside the premises or security limits, suitable control manholes, approved by the Authority or TBSA which will at all times be accessible.

The Authority shall be authorized to obtain information concerning industrial processes which may have direct bearing on the source and characteristics of wastewater discharged or proposed to be discharged to the Public Sewerage System.

As to residential properties, the Authority, upon presentation of credentials, may enter only in emergency situations or under exigent circumstances if the health, safety, or general welfare of the Authority or its users are threatened and on the condition that any entry is in the company of a police officer or other government official having proper authority.

## **SECTION 6.7 ACCIDENTAL OR NONCOMPLYING DISCHARGES**

Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by these rules and regulations. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. With the exception of residential owners and users, the Authority or TBSA may require the owner or user to submit detailed plans showing facilities and operating procedures to provide this protection.

- a. Telephone Notice: In the case of an accidental discharge, or, if for any reason a User does not comply or will be unable to comply with any prohibition or limitation in these rules and regulations, the User responsible for such discharge shall immediately telephone and notify TBSA of the incident. The notification shall include location



of discharge, type of waste, concentration and volume. Furthermore, such User shall take immediate action to prevent Interference with the Public Sewerage System.

- b. **Written Notice:** Within five days following an accidental or noncomplying discharge, the User shall submit to TBSA a detailed written report describing the date, time and cause of the discharge, the quantity and characteristics of the discharge and corrective action taken at the time of the discharge, and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the Public Sewerage System, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any criminal penalties, fines, civil penalties, or other liability which may be imposed by these rules and regulations or other applicable law.
- c. **Notice to Employees:** All industrial Users shall develop an emergency notification procedure. A notice shall be permanently posted in a conspicuous place advising employees of the parties to be notified in the event of an accidental or noncomplying discharge. Employers shall additionally ensure that all employees who are likely to be aware of, cause or suffer such an accidental or noncomplying discharge to occur are advised of and familiar with the emergency notification procedure.

## **SECTION 6.8            REPORTING REQUIREMENTS FOR USERS**

- a. All Users subject to EPA Categorical Standards shall, at a minimum, comply with the applicable reporting requirements contained in 40 CFR 403.12 .
- b. Any User responsible for an accidental or noncomplying discharge shall report said discharge in accordance with Section 6.7.
- c. Any modification to pretreatment facilities or operations shall be reported to TBSA 30 days prior to the planned change.
- d. Self-monitoring reports may be required by the Authority or TBSA. Each report shall be prepared and submitted in the manner and frequency prescribed by the Authority or TBSA at the frequency required by either agency.
- e. A compliance report may be required by the Authority or TBSA upon promulgation of a new or modified discharge requirement. The report shall state whether the applicable requirements are being met on a consistent basis and, if not, what additional operation and maintenance (O&M) work and/or pretreatment is necessary to bring the User into compliance with the applicable requirements. This statement shall be signed by an Authorized Representative of the User and certified to by a qualified professional acceptable to the Authority or TBSA. Such reports shall be

made in the manner prescribed by the Authority within 60 days of receiving notice concerning the requirement.

#### **SECTION 6.9 RECORDS AND MONITORING**

- a. All users who discharge or propose to discharge wastewaters to the Public Sewerage System 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 these Rules and Regulations and any applicable state or federal pretreatment standards or requirements.
- b. Such records shall be made available upon request by the Authority or TBSA. All such records relating to compliance with pretreatment standards shall be made available to officials of the NJDEP and the EPA upon demand. All records shall be retained for a minimum of three years.
- c. The owner or operator of any premises or facility discharging nondomestic wastewater into the Public Sewerage System shall install at his/her own cost and expense suitable monitoring equipment to facilitate the accurate observation, sampling, and measurement of wastes. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.
- d. Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with Authority and TBSA requirements and all applicable construction standards and specifications. Plans and specifications for all such work will be submitted to each authority for approval prior to construction.

#### **SECTION 6.10 INSPECTION, SAMPLING AND ANALYSIS**

- a. **Representative Sampling Point:** All Users proposing to connect to or continue to discharge to the Public Sewerage System or any sewer tributary thereto must make available a sampling point representative of the discharge which is acceptable to, and approved by, the Authority and TBSA. This point must be available upon request to the Authority, TBSA, the NJDEP, or EPA for purposes of conducting sampling, inspection, compliance monitoring and/or metering operations.
- b. **Compliance Determination:** Compliance determinations by the Authority, TBSA, the NJDEP or the EPA, with respect to Article V prohibitions and limitations, shall be made on the basis of instantaneous grab samples, 24 hour composite samples of wastewater, or as otherwise may be determined by the Authority, TBSA, NJDEP or the EPA in accordance with the latest edition of Standard Methods.

- c. **Analysis of Wastewaters:** Laboratory analyses of wastewater samples shall be performed in accordance with EPA "Guidelines Establishing Test Procedures for the Analysis of Pollutants," published in the Federal Register, Vol 41, No. 232, December 1, 1976, and subsequent revisions. Analysis of those pollutants not covered by the publications referred to therein shall be performed in accordance with procedures approved by the NJDEP.
  
- d. **Sampling Frequency:** Sampling of wastewater for the purpose of compliance determinations with respect to Article V prohibitions and limitations will be done at such intervals as the Authority, TBSA, the NJDEP or the EPA may deem appropriate.

## **SECTION 6.11      PRETREATMENT**

Users shall provide necessary wastewater treatment as required to comply with these rules and regulations and shall achieve compliance with all federal and state Categorical Pretreatment Standards within the time limitations specified by the federal or state regulations. Any facilities required to pretreat wastewater to a level acceptable to TBSA shall be provided, operated and maintained at the user's expense.. Detailed plans showing the Pretreatment facilities and operating procedures shall be submitted to TBSA for review, and shall be acceptable to TBSA before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to TBSA. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and acceptable to TBSA prior to the User's initiation of the changes.

## **SECTION 6.12      PUBLIC NOTIFICATION AND ACCESS TO RECORDS**

- a. Except as provided for in Section 6.13 all information and data on a User which is in the possession of the Authority shall be available to the public at the offices of the Authority during its normal business hours. Such information may be obtained for the cost of reproduction including labor.

## **SECTION 6.13      CONFIDENTIAL INFORMATION**

Information and data on a User obtained from reports questionnaires, permit applications, permits and monitoring programs or from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests otherwise 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 proprietary information of the User.

When requested by the person furnishing a report, the portions of a report which would disclose trade secrets or proprietary information shall not be made available for inspection by the public but shall be made available, upon written request, to the EPA and/or the NJDEP for uses related to these rules and regulations, the NJPDES System and/or the state or federal Pretreatment programs; provided, however, that such portions of a report shall be available for use in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as constituting a trade secret or proprietary information.

Information accepted by the Authority as confidential, shall not be transmitted to any governmental agency by the Authority until and unless 10-day prior notification is given to the User.

## **ARTICLE VII**

### **TERMS AND CONDITIONS FOR THE ISSUANCE OF PERMITS**

#### **SECTION 7.1 PERMITS: WHEN REQUIRED**

- a. It shall be unlawful for any Person to discharge directly or indirectly into the Public Sewerage System sewage, sewage combined with industrial wastes or other wastes, the characteristics of which require a permit under Section 6.3, except under the issuance of a permit therefor by TBSA and upon such terms and conditions as may be established by TBSA in the issuance of such a permit.
- b. All such Users proposing to connect to or to contribute to the Public Sewerage System shall obtain a Discharge Permit before connecting to or contributing to the Public Sewerage System. All existing such users connected to or contributing to the Public Sewerage System shall apply for a Discharge Permit within 60 days after notification by the Authority or TBSA.

#### **SECTION 7.2 APPLICATION FOR PERMITS**

- a. Users required to obtain a Discharge Permit shall complete and file with TBSA, an application on forms prescribed by either agency.
- b. TBSA will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, TBSA may issue a Discharge Permit subject to terms and conditions provided herein.

#### **SECTION 7.3 PERMITS**

The terms and conditions, duration, transfer, revocation, modification, and termination of permits shall be in accordance with the rules and regulations of TBSA.

#### **SECTION 7.4 PERMIT DEFINED; CONSISTENCY AND PAYMENT**

- a. The term "Permit" as used herein shall include those hereinbefore enumerated in this Section VII and Treatment Works Approvals, (TWA) endorsement and/or approval of every nature and description authorized to be issued by the Authority pursuant to these Service Rules, the Federal Act, the Sewerage Authorities Law, the New Jersey Water Pollution Control Act and applicable regulations of agencies of the State of New Jersey to regulate, control or authorize the use of or connections to the System of the Authority.
- b. Prior to the approval and issuance of any Permit, the Authority shall obtain written confirmation from the Municipality in which the property for which a Permit sought,

whether public or private property, that the Municipality consents to such Authority action. The Municipality's consent shall signify that the approval sought from the Authority is consistent with the Municipality's applicable governing ordinances and/or regulatory requirements and policies.

- c. Prior to providing any service in connection with the prospective issuance of a Permit, the Authority shall first receive a statement from the Authority Treasurer or his designee that all outstanding charges, fees and/or financial obligations of every nature and description which are due from the property owner and/or the Municipality wherein the public or private property affected by such Permit is located, have been fully paid and satisfied. Services include, but are not limited to, plan and feasibility review, review of new or additional sewer line extensions and connections, and review and processing of any connection, discharge or other Permit for which a request or application has been made.

## **ARTICLE VIII**

### **SCAVENGER WASTES**

#### **SECTION 8.1 LICENSE REQUIRED**

The discharge of scavenger waste, as defined in Article II, will be permitted only with the approval by license of TBSA.

#### **SECTION 8.2 CONDITIONS FOR DISCHARGE OF SCAVENGER WASTES**

The discharge of scavenger wastes shall be allowed only at the Treatment Plant at the location, time and under other conditions set forth on the license unless otherwise directed by TBSA.

#### **SECTION 8.3 REGULATIONS RELATING TO LICENSES**

The applicant for a license shall be the owner or leasee of the vehicle for which a license is applied. Any false or misleading statement in th application will invalidate the license. All licenses issued by TBSA will be for one year. Such a license may be suspended or revoked at any time by TBSA for reasonable cause or upon violation of these rules and regulations. License application and discharge fees shall be as adopted by resolution of TBSA.

All acts performed in connection with the license shall be subject to regulations of TBSA and all local and general laws, ordinances, and regulations which are now or may come into effect. Such acts shall also be subject to inspection by TBSA or representatives.

## **ARTICLE IX**

### **ENFORCEMENT AND PENALTIES**

#### **SECTION 9.1 HARMFUL CONTRIBUTIONS**

The Authority may suspend service and/or TBSA may suspend its Discharge Permit when such suspension is necessary, in the opinion of the Authority or TBSA, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, cause interference to the Public Sewerage System or causes or cause TBSA to violate any conditions of its NJPDES Permit.

Any Person notified of a suspension of service and/or its Discharge Permit shall immediately stop or eliminate the contribution. In the event of a failure of the Person to comply voluntarily with the suspension order, the Authority shall take such steps as deemed by the Authority to be necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the Public Sewerage System or endangerment to persons or the environment. The Authority or TBSA, as applicable, shall reinstate the Discharge Permit and/or the service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted within 15 days of the date of occurrence.

#### **SECTION 9.2 TERMINATION OF SERVICE**

Any User who violates the provisions of these Rules and Regulations, the rules and regulations of TBSA, or applicable state and federal regulations, is subject to having service terminated in accordance with law.

#### **SECTION 9.3 NOTIFICATION OF VIOLATION**

Whenever the Authority finds that any Person has violated or is violating these Rules and Regulations, or any prohibition, limitation or requirement contained herein, it shall notify the Municipality within which the violation has occurred or is occurring in accordance with the procedure set forth in Section 3.2.

#### **SECTION 9.4 PENALTIES**

- a. Any Person violating any rules, regulations or emergency proclamations of the Authority shall be subject to punishment by imprisonment for not more than 90 days or a fine not to exceed \$1,000 or both, for each violation, and the Municipal Courts of the Borough of Bloomingdale, the Borough of Butler, the Borough of Riverdale and the Borough of Kinnelon shall have jurisdiction in actions for the violation of such rules and regulations, which shall be enforced by like proceedings and processes



as those provided by law for the enforcement of ordinances of the municipality. These remedies are in addition to the remedies provided for the violation of Pretreatment Standards as set forth in subparagraph (f) below. In the event of a continuing violation, each day the violation continues shall be deemed a separate and distinct violation. The officers authorized by law to serve and execute processes in the Municipal Court shall be the officers to serve and execute any processes issued out of the Municipal Court for violation of the rules and regulations of the Authority.

- b. The Authority Attorney may maintain an action or proceeding in the name of the Authority in a court of competent jurisdiction to compel compliance with these rules and regulations or restrain by injunction any violation of these Rules and Regulations.
- c. Where any violation of these rules and regulations causes expense to the Authority, the Person in violation shall reimburse the Authority in full for such additional costs incurred, including legal fees. Such violation or nonpayment of costs assessed may also be recovered by a civil suit against the violator, brought by the Authority attorney in the name of the Authority, in a court of competent jurisdiction to recover such additional costs.
- d. When required, service may be immediately disconnected at the sole discretion of the Authority if a Person violates these rules and regulations.
  - 1) If an emergency situation does not exist, written notice shall be given to said violator 10 days before such action is taken. If the violation is corrected within those 10 days, no such action will be taken.
  - 2) Disconnection shall be accomplished by excavating to the lateral at a point between the sewer and property line or easement line and capping both ends. The Person whose service is disconnected shall make payment to the Authority for the cost of said disconnection.
  - 3) Restoration of service shall occur upon correction of the violation and payment to the Authority for costs incurred, including but not limited to the cost of repairing damage caused by the initial violation, and the cost of restoration of service.
- e. Any Person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to these Rules and Regulations, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or sampling methodology required under these Rules and Regulations shall be in violation of these rules and regulations.

- f. Any Person violating any Pretreatment Standards which have been established by TBSA, or other duly authorized agency, shall be subject to an enforcement action commenced by TBSA and to the assessment of civil or criminal penalties as provided by law.
- g. The foregoing remedies are cumulative and the invocation of any of them by the Authority shall not preclude the use of any of the other of them.

**ARTICLE X**

**SCHEDULE OF RATES AND CHARGES**

**SECTION 10.1      PURPOSE**

The Authority periodically establishes and supplements its system of rates and charges for Application Fees, Tapping Fees, Technical Review Fees, Inspection Fees, and other Rates and Charges required to defray costs incurred or to be incurred in conjunction with various applications made to the Authority for sanitary sewer extensions and other services as described below.

The February 18, 1986 Rate Schedule entitled "Schedule of Rates for Connection Fees, Tapping Fees, and Application Fees for Connections to Regional Sewerage Interceptors of the Pequannock River Basin Regional Sewerage Authority" shall remain in effect and shall be supplemented by the fees and charges contained herein. (See Appendix I)

**SECTION 10.2      SYSTEM OF FEES AND CHARGES**

1.      SERVICE CONNECTIONS TO THE SYSTEM

A.      Fees and charges for Service Connections to the System shall be in accordance with the Rate Schedule entitled "Schedule of Rates for Connection Fees, Tapping Fees, and Application Fees for Connections to Regional Sewerage Interceptors of the Pequannock River Basin Regional Sewerage Authority " dated February 18, 1986 as amended and supplemented.

2.      SANITARY SEWER EXTENSIONS

A.      Endorsement of NJDEP Application

(1)      Application Fee - The Application Fee for the administration and technical review of Sanitary Sewer Extensions shall be as follows:

	<u>Type of Service</u>	<u>Fee</u>
1.	Residential Connection (10 DU or less)	\$100 per DU
2.	Residential Connection (Greater than 10 DU)	\$ 25 per DU
3.	Non-Residential Connection (10 EDU or less)	\$100 per EDU

- 4. Non-Residential Connection \$ 25 per EDU  
(Greater than 10 EDU)

B. Feasibility of Sewer Service

- (1) Application Fee - Requests for investigations regarding the feasibility of sanitary sewer service for existing or proposed development shall be accompanied by the following Application Fees:

<u>Type of Service</u>	<u>Fee</u>
1. Residential Connection (10 DU or less)	\$100 per DU
2. Residential Connection (Greater than 10 DU)	\$ 25 per DU
3. Non-Residential Connection (10 EDU or less)	\$100 per EDU
4. Non-Residential Connection (Greater than 10 EDU)	\$ 25 per EDU

- (2) Technical Review Fee - If required by the Authority following a preliminary review of the application, an escrow deposit shall be submitted by the applicant for a feasibility review. The escrow deposit shall be based upon the following schedule:

<u>Type of Service</u>	<u>Escrow Deposit</u>
1. Residential Connection	\$200 per DU (\$500 minimum)
2. Non-Residential Connection	\$200 per EDU (\$500 minimum)

C. Extensions or Enlargements of or Connections to the System

- (1) Application Fee - Application fees for the administration and technical review of extensions, enlargements of, or connections to the System shall be accompanied by the following fees:

(2)

	<u>Type of Service</u>	<u>Fee</u>
1.	Residential Connection (10 DU or less)	\$100 per DU
2.	Residential Connection (Greater than 10 DU)	\$ 25 per DU
3.	Non-Residential Connection (10 EDU or less)	\$100 per EDU
4.	Non-Residential Connection (Greater than 10 EDU)	\$ 25 per EDU

(3) Technical Review Fee - If required by the Authority following a preliminary review of the application, requests for extensions, enlargements of, or connections to the System shall be accompanied by the following escrow deposits:

	<u>Type of Service</u>	<u>Escrow Deposit</u>
1.	Residential Connection	\$200 per DU (\$500 minimum)
2.	Non-Residential Connection	\$200 per EDU (\$500 minimum)

(3) Tapping Fees - Tapping Fees for work performed by the Authority on behalf of the applicant for an extension, enlargement, and/or connection to the System shall equal actual construction costs plus 15%. Prior to construction, the applicant shall submit an escrow deposit to the Authority in an amount equal to the estimated costs of the improvements to be made by the Authority plus 15% as determined by the Authority's consulting engineer or Executive Director.

(4) Connection Fees - RESERVED

(5) Inspection Fees - An escrow deposit for inspection of any extension, enlargement, and/or connection to the System shall be made by the applicant in an amount equal to 5% of the cost of the proposed improvements as estimated by the Authority's consulting engineer or Executive Director. The applicant shall submit the escrow deposit to the Authority prior to construction.

3. **TREATMENT WORKS (INTERIM)**

1. **Endorsement of NJDEP CP - Application**

1. **Application Fee** - Request for endorsement of NJPDE's CP-1 application form for interim treatment works shall be accompanied by the following Application Fees:

	<u>Type of Service</u>	<u>Fee</u>
a.	Residential Connection (10 DU or less)	\$200 per DU
b.	Residential Connection (Greater than 10 DU )	\$100 per DU
c.	Non-Residential Connection (10 EDU or less)	\$200 per EDU
d.	Non-Residential Connection (Greater than 10 EDU)	\$100 per EDU

- b. **Technical Review Fee** - Technical documentation pertaining to the treatment works applications shall be accompanied by the following escrow deposits if required by the Authority following a preliminary review pf the application:

	<u>Type of Service</u>	<u>Escrow Deposit</u>
a.	Residential Connection	\$200 per DU (\$1,000 minimum)
b.	Non-Residential Connection	\$200 per EDU (\$1,000 minimum)

d. **OTHER SUBMITTALS**

Applications for reviews, endorsements or other work not covered by the Authority's Rate Schedule shall be accompanied by a minimum non-refundable Application Fee of \$200. Depending upon the nature of the application, escrow deposits will be determined by the Authority's consulting engineer or Executive Director prior to technical review of the application.

e. **MISCELLANEOUS CHARGES**

a. **Reproduction Costs**

	<u>Type of Service</u>	<u>Charge</u>
a.	Photocopying (8-1/2 x 11")	\$0.25/copy
b.	Blue Line Drawing	\$0.50/sq.ft.
c.	Rate Schedule	\$2.00/set
d.	Rules and Regulations	\$25.00/set

b. **Other Services**

Charges for other services such as delivery, postage and other direct expenses incurred by PRBRSA shall be charges at actual cost.

**SECTION 10.3 ADMINISTRATION OF ESCROW DEPOSITS AND APPLICATION FEES**

- a. All applications to PRBRSA shall be made in triplicate on forms provided accompanied by the Application Fee as required by the PRBRSA Rate Schedules.
- b. All applications Fees are non-refundable.
- c. All escrow deposits for Technical Review Fees, Inspection Fees, Tapping Fees or other purposes shall continue to be the property of the applicant and shall be

**SECTION 10.4 WAIVER PROVISIONS**

If by reason of undue hardship or exceptional unforeseen circumstances or where the imposition of charges is impracticable, the authority may be Resolution in special cases and for special reasons set forth therein, relax these rates at its discretion.

**SECTION 10.5 CONTRACT FEES AND CHARGES**

The rates, fees, and charges set forth herein shall not alter or modify any rates, fees, or charges provided by or to be provided by contract between the PRBRSA and others.

## Appendix I

### SCHEDULE OF RATES FOR CONNECTION FEES, TAPPING FEES, AND APPLICATION FEES FOR CONNECTIONS TO REGIONAL SEWERAGE INTERCEPTORS OF THE PEQUANNOCK RIVER BASIN REGIONAL SEWERAGE AUTHORITY - February 19, 1986

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#### SECTION I: CONNECTION FEES OR TAPPING FEES

- a. **Purpose:** Connection fees or tapping fees will be charged to any person, partnership, body, or firm for all direct and indirect service connections with the Authority's System. The fees will be charged to recover costs of the physical connection if made by the Authority ("tapping fees") and to recover prior capital cost payments made to the date of the connection by the Authority's Participants ("connection fees").
- b. **Authorization:** Connection fees or tapping fees shall be charged under the provisions of Section 8 of the Sewerage Authorities Law (N.J.S.A. S14A-1 et seq) constituting Chapter 138 of the Pamphlet Laws of 1946 of the State of New Jersey, approved April 23, 1946, and the acts amendatory thereof and supplemental thereto.

c. **Connection Fees and Tapping Fees**

**I.3.1 Connection Fees (RESERVED)**

**I.3.2 Tapping Fees**

The following one time charge will be made where the service connections are provided by the Authority:

<u>Type of Service Connection</u>	<u>Tapping Fees Standard Connection</u>	<u>Deep Connection</u>
a. 4-inch or 6-inch diameter Service Connections (Maximum 30 lineal feet)	\$ 2,000	\$ 2,900
b. 4-inch or 6-inch diameter Service Connections over 30 lineal feet (LF)	\$ 2,000 plus \$52/LF over 30 lineal feet	\$ 2,900 plus \$52/LF over 30 lineal feet
c. For 8-inch diameter and larger Service Connections	Actual cost plus 15%	



**SECTION II: APPLICATION FEES**

The following fees will be charged to and paid by the applicant for review of applications for direct or indirect connections to the Authority's System:

<u>CAPACITY OF SERVICE CONNECTION</u>	<u>APPLICATION FEE</u>
a. Under 300 gallons per day (GPD)	\$100
b. Between 300 gpd and 1500 gpd	\$300
c. Greater than 1500 gpd	\$300 plus \$50 for each \$300 gpd increment over 1500 gpd

Payment of application fees must accompany the application for Service Connection(s).

**SECTION III: SURCHARGES (RESERVED)**

The Schedule of Rates as herein provided shall be effective as provided by law.

## **ARTICLE XI**

### **REVISIONS**

#### **SECTION 11.1 RIGHT TO AMEND**

The Authority reserves the right to change, i.e., revise, modify, amend, supplement or repeal any or all of these Rules and Regulations.

#### **SECTION 11.2 PROCEDURE**

- a. Revisions may be made by the Authority at any regular or special meeting of the Authority and upon such notice as may be required by law.
- b. Any revision shall take effect as to a Municipality 30 days after a copy thereof shall have been mailed to such Municipality and shall be conclusively deemed to have been made in accordance with the Municipality's contract with the Authority at the expiration of said period of 30 days except as may be provided by the final judgment of a court of competent jurisdiction in an action, or determined pursuant to arbitration as hereinafter mentioned, begun by a Municipality within forty five days of receipt thereof. Any controversy arising out of or related to these rules or regulations may, upon notice given by the Municipality initiating such arbitration to every other Municipality under contract with the Authority which may be affected thereby, be settled by arbitration in accordance with the rules then obtaining to the American Arbitration Association and any decision rendered shall be binding upon such Municipality and the Authority; provided, however, that any such decision which would prevent the Authority from complying with the provisions of any contract or other obligation of the Authority with or for the benefit of holders of Bonds shall not be binding upon the Authority.

#### **SECTION 11.3 NOTIFICATION**

- a. The Authority shall notify each Municipality in writing at least 7 days prior to the date of adoption of any revision. Notice shall be published in the Authority's official newspaper as required by law.

## **ARTICLE XII**

### **SEVERABILITY**

#### **SECTION 12.1**

If any provision, paragraph, word, section or article of these rules and regulations 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.

## **ARTICLE XIII**

### **CONFLICT**

#### **SECTION 13.1**

Any provision of these rules and regulations or the application thereof to any person shall be revised automatically, if necessary, so as to reflect additional requirements or more stringent requirements which are based on, or are comparable to, regulations adopted by the EPA and/or NJDEP.

## **ARTICLE XIV**

### **DELEGATION**

#### **SECTION 14.1**

The Authority may delegate to TBSA any function authorized by these Rules and Regulations to be performed by the Authority, including but not limited to, inspection, monitoring, permit issuance, plan review, enforcement, and pretreatment regulation.