

Resolution 21-077

RESOLUTION AUTHORIZING THE ISSUANCE OF A PUBLIC NOTICE
PRIOR TO RENEWAL OF AN INDUSTRIAL SEWER CONNECTION PERMIT FOR

**REFRESCO US, INC.
92 NORTH MAIN STREET
BOROUGH OF WHARTON, NEW JERSEY**

BE IT RESOLVED BY THE ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY (RVRSA) AS FOLLOWS:

The Executive Director, JoAnn Mondini, is hereby authorized to issue a public notice of the commencement of the 30-day public comment period, in accordance with N.J.A.C. 7:14A-15.10 and N.J.A.C. 7:14A-15.11, prior to consideration of a renewal Industrial Sewer Connection Permit for Refresco US, Inc., 92 North Main Street, Borough of Wharton, NJ.

The proposed form of Industrial Sewer Connection Permit is marked Schedule "A," attached hereto and made a part hereof, a copy of which is also on file at the offices of RVRSA. The terms and conditions proposed include renewal of existing terms and conditions and updating of effluent limitations consistent with local limits study dated November 2014, last revised December 2016, including April 14, 2017 Addendum, approved by NJDEP on April 24, 2017.

I hereby certify that this Resolution was adopted at a meeting of the Rockaway Valley Regional Authority held on July 8, 2021.

On motion of Commissioner Corbett

Second by Commissioner Guadagno

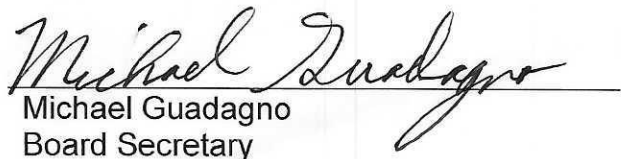
And a Roll Call Vote as Follows:

Yeas: (9) Andes, Cegelka, Corbett, Farrell, Guadagno, Howarth, Isselin, Schorno, Zuppa

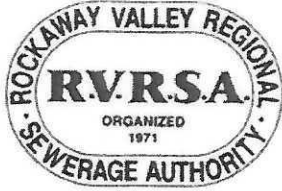
Nays: (0)

Abstain: (0)

Absent: (1) Recchia


Michael Guadagno
Board Secretary

Schedule A



Rockaway Valley Regional Sewerage Authority
RD #1, 99 Greenbank Road, Boonton, NJ 07005 – 9602
(973) 263 – 1555 / FAX (973) 263 - 9068

INDUSTRIAL SEWER CONNECTION PERMIT

REFRESCO US, INC. (Refresco)

**92 NORTH MAIN STREET
BOROUGH OF WHARTON, NEW JERSEY**

Significant Industrial User (SIU)

BEVERAGE BOTTLING and PACKAGING

SIC Codes:

2086 (Bottled and Canned Soft Drinks and Carbonated Waters)

Effective Date: Month XX, 202X

Expiration Date: Month XX, 202X

ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY
RD #1, 99 GREENBANK ROAD
BOONTON, NEW JERSEY 07005-9602

PUBLIC NOTICE
ISSUANCE OF A RENEWAL INDUSTRIAL SEWER CONNECTION PERMIT

Notice is hereby given that the Rockaway Valley Regional Sewerage Authority (RVRSA) proposes to issue a three (3) year renewal of their Industrial Sewer Connection Permit (ISCP), in accordance with N.J.A.C. 7:14A and by authority of the Water Pollution Control Act at N.J.S.A. 58:10A-1 et seq., for wastewater discharge into and treatment by the RVRSA to applicant:

REFRESCO US, INC. (Refresco)
92 NORTH MAIN STREET
BOROUGH OF WHARTON, NEW JERSEY

The primary activity conducted at applicant's facility is the production and packaging of a variety of non-carbonated beverages, primarily consisting of fruit juices mixed with purified water. A draft renewal Industrial Sewer Connection Permit has been prepared based upon the administrative record, which is available for viewing or copying. Interested parties may obtain a copy of the draft Industrial Sewer Connection Permit for a nominal charge, or make an appointment to review by calling Janice Fox, Administrative Assistant, between the hours of 9:00 A.M. and 4:00 P.M., Monday through Friday at (973) 263-1555.

Written comments or a request that the RVRSA hold a non-adversarial public hearing on the draft document must be submitted in writing by certified mail (return receipt requested), or by other means which provides verification of the date of delivery to the RVRSA, attention Natalie Pisarcik, Industrial Pretreatment Coordinator, Rockaway Valley Regional Sewerage Authority, RD #1, 99 Greenbank Road, Boonton, New Jersey 07005-9602, by the close of the comment period, which closes thirty (30) calendar days after publication of this notice in the *Daily Record*.

All persons, including the applicant, who believe that any condition of this draft document is inappropriate or that the RVRSA's decision to issue this draft is inappropriate, must raise all reasonably ascertainable arguments and factual grounds supporting their position, including all supporting materials, during the public comment period. RVRSA will respond to all significant and timely comments upon issuance of the final permit decision. The applicant and each person who has submitted written comments or requested a copy of the notice will receive notice of the RVRSA's permit decision.

JoAnn Mondsinini
Executive Director

ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY
RD #1, 99 GREENBANK ROAD
BOONTON, NEW JERSEY 07005-9602

PUBLIC NOTICE INFORMATION AND COMMENT

Issuance of a renewal Industrial Sewer Connection Permit for Refresco Us, Inc.
(Refresco), was public noticed on:

Month XX, 202X in the Daily Record.

Comments received:

None

See attached copy of Affidavit of Publication

DRAFT



FACT SHEET
Refresco US, Inc. (Refresco)

This fact sheet sets forth the principal facts and the significant factual, legal, and policy considerations examined during preparation of the draft permit.

PERMIT ACTION: Renewal of Industrial Sewer Connection Permit
Effective Date: xx/xx/202x Expiration Date: xx/xx/202x

PERMITTEE NAME AND ADDRESS: Refresco US, Inc. (Refresco)
92 North Main Street
Wharton, NJ 07885
Phone No.: (973) 361-9794

FACILITY NAME AND ADDRESS: Refresco US, Inc. (Refresco)
92 North Main Street
Wharton, NJ 07885

FACILITY CONTACT INFORMATION: Frank Gohl
Operations Manager
Cell No: (215) 962-0278
Office No.: (973) 537-5349
Frank.Gohl@refresco.com

Charles Tuzzolo
Environmental, Health & Safety (EHS)
Office No.: (973) 537-5388
Charles.tuzzolo@refresco.com

RECEIVING LOCAL AGENCY: Rockaway Valley Regional Sewerage Authority

RECEIVING COLLECTION SYSTEM: Local collection system owned and operated by the Rockaway Valley Regional Sewerage Authority.

DESCRIPTION OF FACILITY OPERATIONS:

The Refresco US, Inc. (Refresco)'s primary activities conducted at the facility is the production and packaging of a variety of non-carbonated beverages, primarily consisting of fruit juices mixed with purified water. Refresco SIC code is 2086 (bottled & canned soft drinks & carbonated waters). This facility is classified as a Significant Industrial User (SIU), discharging **450,000** gallons per day (GPD) monthly average, 600,000 gallons per day (GPD) daily maximum of combined waste streams generated from its packaging facility and offices. The wastewater is being pretreated prior to discharge. Pretreatment includes pH correction, neutralization tanks and off-site disposal.



DESCRIPTION OF SAMPLING LOCATION (see attached Figure 1):

Name: 001A
Latitude: 40° 53' 53.56" N
Longitude: 74° 34' 26.96" W
Description: Stationary Composite Sampler located inside facility

SUMMARY OF PERMIT CONDITIONS (see attached Table 1):

The following parameters are regulated: CBOD₅, BOD₅, COD, Total Suspended Solids (TSS), Total Dissolved Solids (TDS), pH, Oil & Grease (HEM), Total Petroleum Hydrocarbon (TPHC), Phosphorus, Ammonia-Nitrogen (NH₃-N), Chromium, Copper, Nickel, Zinc, and flow.

The basis for the limitations established is summarized in the local limits evaluation report entitled RVRSA Local Limit Study, prepared by Kleinfelder, dated November 2014, last revised December 2016, including April 14, 2017 Addendum; approved by the NJDEP on April 24, 2017, and approved by the RVRSA board on August 10, 2017 and December 14, 2017.

Below is a summary of key aspects of this renewal application.

1. Flow: Flow limitations are carried over from the previous permit and are based upon allocations granted by RVRSA. Note that both monthly average (**450,000 gpd**) and daily maximum (**600,000 gpd**) limitations are contained within the permit
2. CBOD₅ Concentration: The sampling frequency for CBOD₅, shall be increased to two (2) times per week. Refresco shall commence composite sampling on **Monday mornings and collect the composite sample on Tuesday mornings**; and again commence composite sampling on **Wednesday mornings and collect the composite sample on Thursday mornings**. If the scheduled sampling shall fall on a holiday, then sampling shall occur on the next working day. Refresco is permitted to sample CBOD₅ more frequently if desired.
3. Parameters of Concern: Due to compliance issues with CBOD₅, the monitoring frequency has been increased to twice per week, or more if Refresco desires.
4. Phenol: The parameter, phenol has been removed from this renewal permit due to historical results of being "non-detect" and/or not a concern.

VARIANCES OR ALTERNATIVES TO PERMIT CONDITIONS:

As per RVRSA resolution # 21-070, approved on June 10, 2021 the RVRSA has approved the following variances for this permit:

- Daily maximum concentration for CBOD₅, mg/L = Monitor only
- Monthly average loading for CBOD₅, lbs/day = 4,379 lbs/day
- Daily maximum loading for CBOD₅, lbs/day = 6,568 lbs/day



REGULATIONS APPLICABLE TO THIS PERMIT ACTION:

This permit is issued in accordance with N.J.S.A 58:10A-6f, N.J.A.C. 7:14A-19.8, and 40 CFR Part 403.8. Requirements for the contents of this Fact Sheet are in accordance with N.J.A.C. 7:14A-15.8.

INDUSTRIAL PRETREATMENT PROGRAM CONTACT PERSON:

Additional information concerning this permit may be obtained from Natalie Pisarcik, RVRSA IPP Coordinator, at 973-263-1555, ext. 213.

DRAFT



TABLE 1: DISCHARGE LIMITATIONS
REFRESCO US, INC. (Refresco)

Sample Locations: Stationary composite sampler located inside facility

Parameter	Daily Max. Limit	Mo. Avg. Limit	Sample Frequency	Type
Flow	600,000 GPD (1)	450,000 GPD (1)	Continuous	Metered
CBOD ₅ (conc.)	Monitor (3) (10)		Semi-Weekly (8)	Composite (5)
CBOD ₅ (loading)	6,568 lbs/day (10)	4,379 lbs/day (10)	Semi-Weekly (8)	Composite (5)
pH	5.5 - 9.5 SU (2) (4)		Weekly	Grab
BOD ₅	Monitor		Semi-Monthly (7)	Composite (5)
COD	Monitor		Semi-Monthly (7)	Composite (5)
TDS	Monitor		Monthly	Composite (5)
TSS	500 mg/L (2) (3)		Quarterly (8)	Composite (5)
O&G (HEM)	350 mg/L (2)		Quarterly (8)	Grab
TPHC	150 mg/L (2)	100 mg/L (2)	Quarterly (8)	Grab
NH ₃ -N	80 mg/L (2) (3)		Quarterly (8)	Composite (5)
Phosphorus (Total)	Monitor		Quarterly (8)	Composite (5)
Chromium	1.3 mg/L (2)		Annually (9)	Composite (5)
Copper	1.7 mg/L (2)		Annually (9)	Composite (5)
Nickel	0.8 mg/L (2)		Annually (9)	Composite (5)
Zinc	2.1 mg/L (2)		Annually (9)	Composite (5)

Notes:

- (1) Monthly average flow of not more than 450,000 gallons per day (GPD), with maximum one-day flow of 600,000 gallons per day (GPD).
- (2) Discharge limits are based upon limits established in the local limits evaluation report entitled RVRSA Local Limit Study, prepared by Kleinfelder, dated November 2014, last revised December 2016, including April 14, 2017 Addendum; approved by the NJDEP on April 24, 2017, and approved by the RVRSA board on August 10, 2017 and December 14, 2017.
- (3) CBOD₅ or TSS concentration exceeding 250 mg/L and NH₃-N concentration exceeding 40 mg/L are subject to the Surcharge for Wastewaters of Excessive Strength as per Section 8B of this ISCP. Any discharge over the CBOD₅ and/or TSS limit of 500 mg/L or the NH₃-N of 80 mg/L will be considered a permit violation and subject to applicable enforcement actions. If discharge is greater than local limit, permittee MUST apply for a variance.
- (4) The pH sample shall be analyzed by an NJDEP certified lab, within 15 minutes of collection of the sample. Refresco must keep records of continuous pH monitoring and this information shall be provided to the RVRSA upon request.



- (5) The composite sampling shall be referred to as "Flow-Proportionate-Composite" over a 24 hour period.
- (6) "Semi-Weekly" sampling of the CBOD₅ shall correspond to sampling TWICE during the week as per the "Stipulation of Settlement" executed between Refresco (formally Whitlock Packaging) and the RVRSA. Refresco shall commence composite sampling on Monday mornings and collect the composite sample on Tuesday mornings; and again commence composite sampling on Wednesday mornings and collect the composite sample on Thursday mornings. If the scheduled sampling shall fall on a holiday, then sampling shall occur on the next working day. RVRSA reserves the right to increase the sampling frequency of CBOD₅ in the future. Refresco is permitted to sample CBOD₅ more frequently if desired.
- (7) "Semi-Monthly" sample period shall correspond to sampling TWICE during the month.
- (8) The "Quarterly" sampling shall occur during the following months:
 - 2021: January, April, July, October
 - 2022: February, May, August, November
 - 2023: March, June, September, December
 - 2024: January, April, July, October
- (9) The "Annually" sample period shall correspond to the January – December calendar year and shall be sampled in a different QUARTER each year of the permit.
- (10) Limits approved as per variance request and by RVRSA resolution # 21-070, approved on June 10, 2021. Permittee may not discharge over the CBOD load limit of 6,567 lbs/day (daily max.) and 4,379 lbs/day (monthly avg.), the TSS limit of 500 mg/L, or the NH₃-N limit of 80 mg/L.

Additional Notes:

The Self-Monitoring Report (SMR) is due and shall be received by the RVRSA office on or before the 21st day of the month following the sampling month, or next business day (if date falls on a weekend and/or holiday).

Parameters shall be tested according to monitoring frequency and submitted in accordance with the SMR along with copies of analytical results and the chain of custody. All SMR's submitted must comply and contain the signatory requirements as required under 40 CFR § 403.6 (a)(2)(ii) and it must be signed by a responsible corporate officer as required under 40 CFR § 403.12(l).

If the industry splits samples with different laboratories, ALL results and chain of custody must be submitted. An average of the sampling event may be taken if the laboratories used the same analytical method (EPA method, etc.) to sample for the parameter. If the laboratories use different methods, then the highest result must be used.



Copies of manifests for process wastewater trucked offsite for disposal shall be made available for review by our offices.

As per Section 9A of the ISCP, in the event the Permittee does not comply with or will be unable to comply with, any effluent limitation or prohibition in this Permit, the Permittee shall immediately telephone and notify the RVRSA of such noncompliance or accidental discharge. The notification shall include the location of the discharge, type of waste, concentration and volume. The permittee shall notify the following personnel:

1. Industrial Pretreatment Coordinator: 973-263-1555 ext. 213
2. Licensed Operator/Plant Manager: 973-263-1555 ext. 232
3. Plant Operators: 973-464-8001 (Off-Hours: 3:30pm – 7:00am, M-F & weekends)

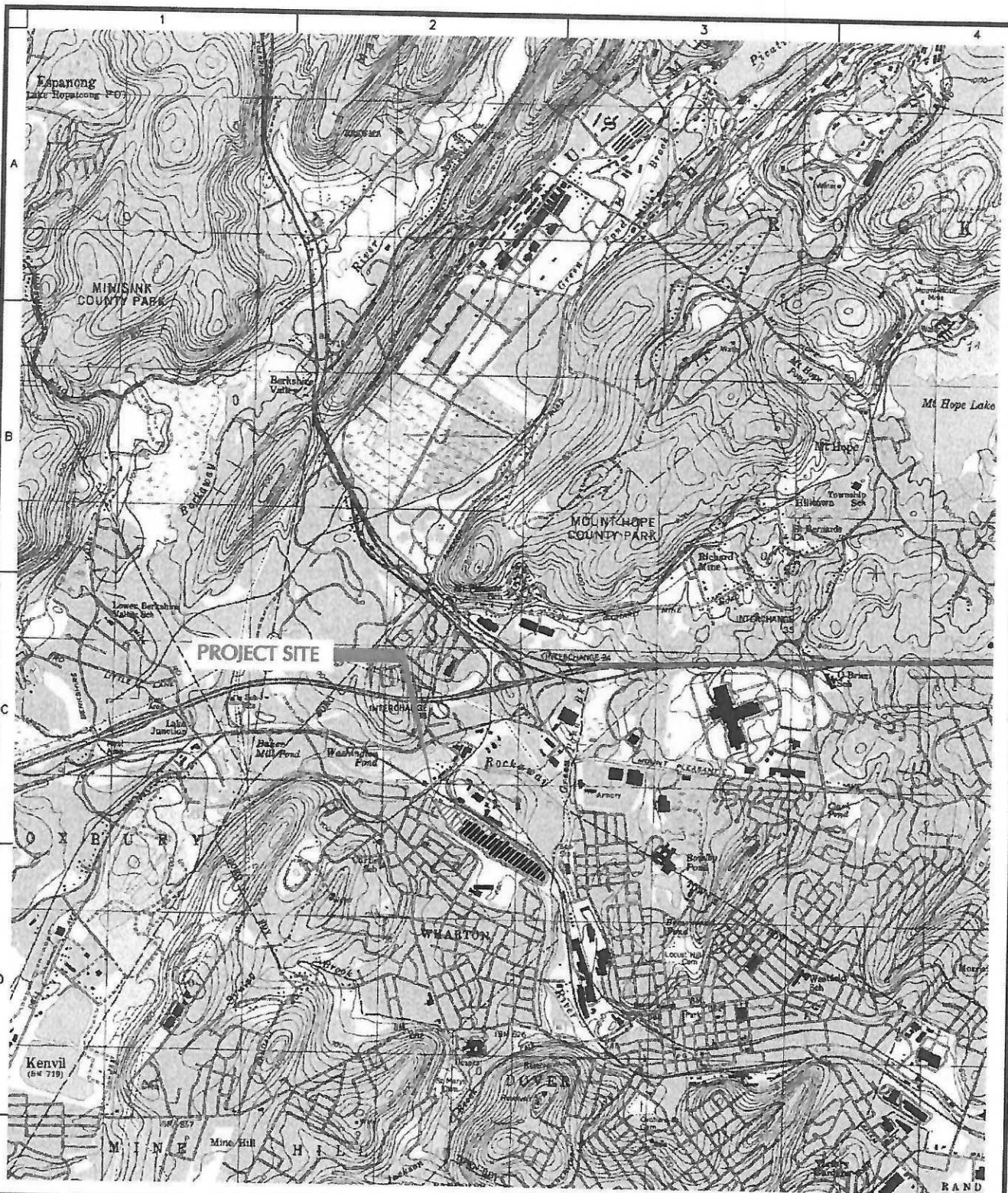
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FIGURE 1: Facility Schematic and Discharge Location

REFRESCO US, INC. (Refresco)

SAMPLE LOCATION (Discharge location: 001A)
Stationary Composite Sampler located inside facility





LANGAN

300 Kimball Drive
 Parsippany, NJ 07054
 T: 973 560 4900 F: 973 560 4901 www.langan.com

Langan Engineering, Environmental, Surveying and
 Landscape Architecture, D.P.C.
 Langan Engineering and Environmental Services, Inc.
 Langan International LLC
 Collectively known as Langan

NJ CERTIFICATE OF AUTHORIZATION No. 24GA27996400

Project



BLOCK No. 1101 LOT No. 9
 BOROUGH OF WHARTON

MORRIS COUNTY NEW JERSEY

Drawing Title

USGS SITE LOCATION PLAN

Project No.

200050501

Date

JULY 3, 2013

Scale

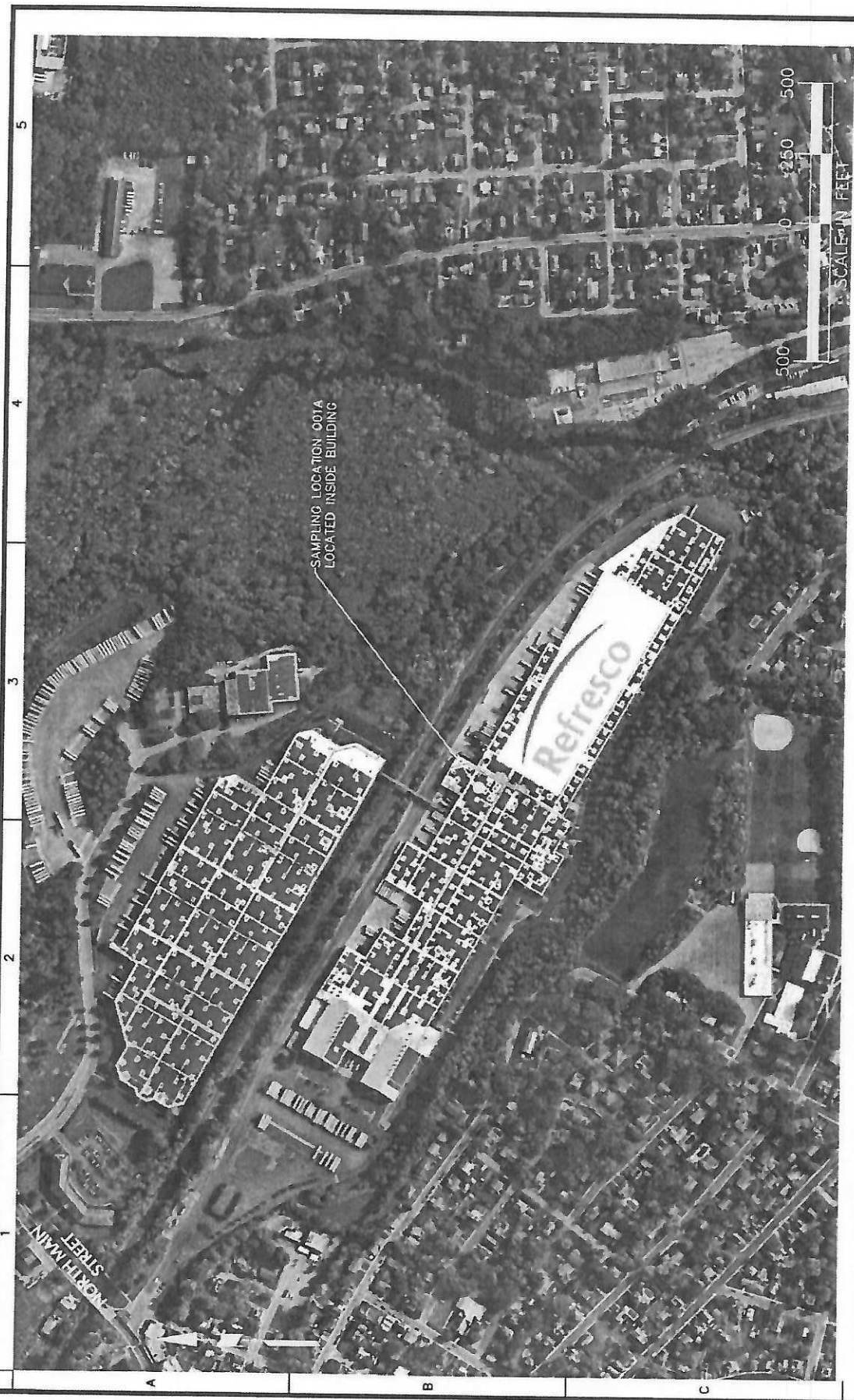
1"=1000'

Drawn By

ARK

Drawing No.

FG-01



WARNING: IT IS A VIOLATION OF THE NYS EDUCATION LAW ARTICLE 145 FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS ITEM IN ANY WAY.

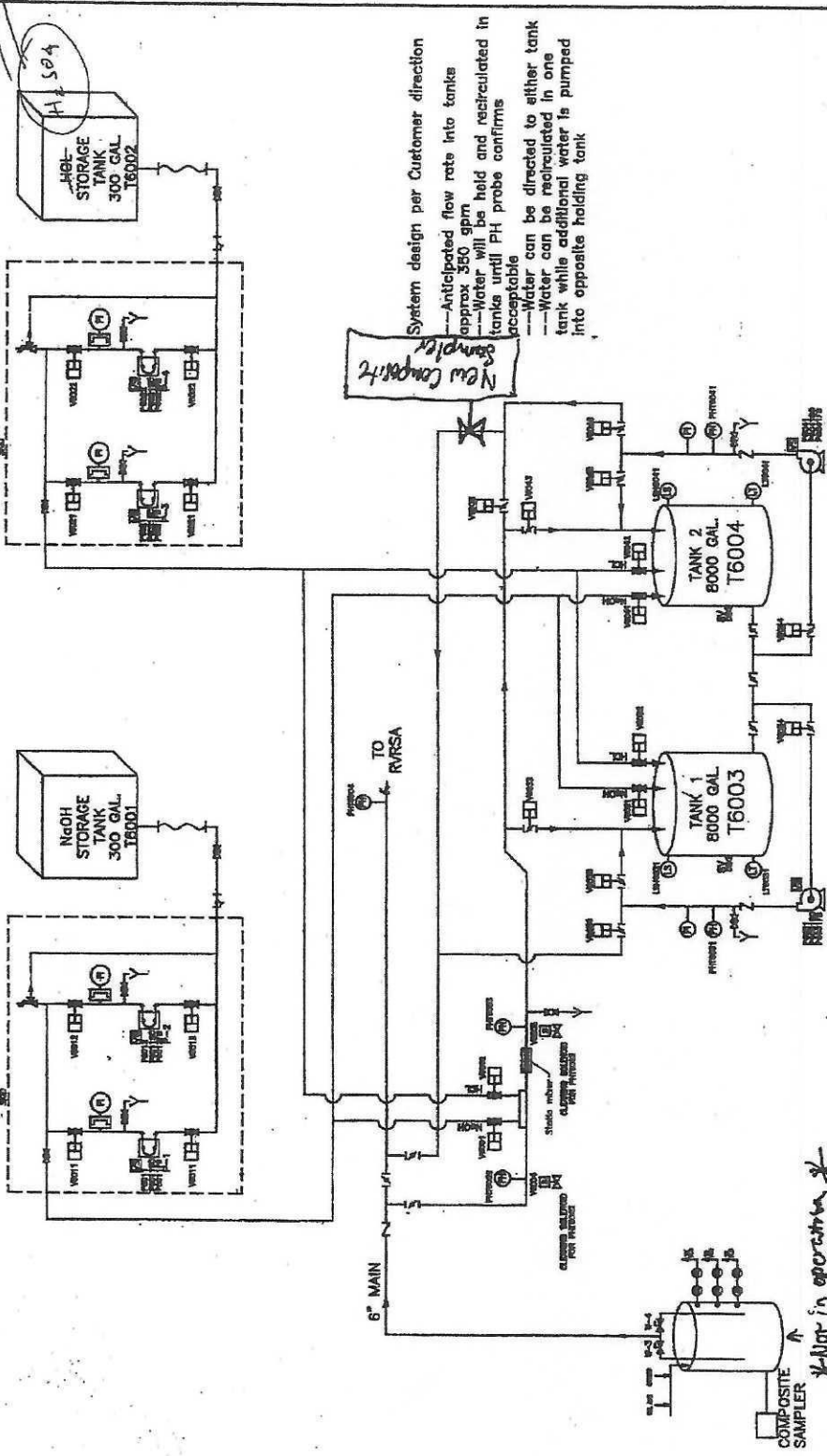
LANGAN
 300 Kimball Drive
 Parsippany, NJ 07054
 T: 973-560-4900 F: 973-560-4901 www.langan.com
 Langan Engineering, Environmental, Surveying and
 Landscape Architecture, D.P.C.
 Langan Engineering and Environmental Services, Inc.
 Langan International LLC
 Collectively known as Langan
 NJ CERTIFICATE OF AUTHORIZATION No. 21GA2798600

Project
REFRESCO WATER TREATMENT FACILITY
 92 NORTH MAIN STREET
 BOROUGH OF WHARTON
 MORRIS COUNTY NEW JERSEY

Drawing Title
SAMPLING LOCATIONS PLAN

Project No. 200050501	Drawing No. FIGURE 2
Date 16 NOVEMBER, 2020	
Scale 1" = 500'	
Drawn By AR	
Submission Date	

Submersible



System design per Customer direction

- Anticipated flow rate into tanks approx. 350 gpm
- Water will be held and recirculated in tanks until PH probe confirms acceptable
- Water can be directed to either tank
- Water can be recirculated in one tank while additional water is pumped into opposite holding tank

New Composite Sampler

**Not in operation as of 07/16*
 SUBMERSIBLE WASTEWATER PUMPS No. 1 & No. 2
 Variable speed, 500 GPM EACH
 WET WELL OPERATING VOLUME=2000 GALLONS

Water Storage Tanks Process Schematic	
Customer: Whitlock	DATE 3/24/09
PRINT NUMBER	REV. 4

Expert Process Systems
 479 Schooley's Mountain Road Suite 8-272, Haddonstown, NJ 07840
 THE ABOVE INFORMATION AND THE QUALITY ASSURANCE STATEMENTS ARE THE SOLE PROPERTY OF EXPERT PROCESS SYSTEMS, INC. THIS INFORMATION IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT WRITTEN CONSENT FROM OUR COMPANY.

Resolution 21-070

**RESOLUTION TO APPROVE VARIANCE OF CARBONACEOUS
BIOCHEMICAL OXYGEN DEMAND LOCAL LIMITATION FOR REFRESCO
US, INC.**

WHEREAS, the Rockaway Valley Regional Sewerage Authority (hereinafter "the Authority") is authorized by the Sewerage Authorities Law [N.J.S.A. 40:14A-7(11)] to make and enforce rules and regulations for the management and regulation of its business and affairs and/or the use, maintenance, and operation of the sewerage system and any other of its properties and to amend the same; and

WHEREAS, the Authority is a Delegated Local Agency of the New Jersey Department of Environmental Protection and administers an industrial pretreatment program within the service area of the Authority; and

WHEREAS, pursuant to N.J.A.C. 7:14A-19.7, and the terms of its NJPDES Discharge Permit, and in accordance with the "Guidance Manual on the Development and Implementation of Local Discharge Limitations under the Pretreatment Program" (December 1987, USEPA Office of Water Enforcement), RVRSA developed and approved local limitations to ensure compliance with (1) the numerical effluent limitations in RVRSA's NJPDES permit; (2) the RVRSA's process inhibition and upset criteria; (3) the RVRSA's worker health and safety protection criteria; and (4) the sludge quality criteria for RVRSA's chosen method(s) of sludge management; and

WHEREAS, after public notice and an opportunity to comment, RVRSA amended Section 203 of the RVRSA Service Rules Addendum by Resolution 17-153, adopted December 14, 2017, establishing updated Local Limits; a policy for future growth reserve and a policy applicable to high strength dischargers allowing for variances under proscribed circumstances. Additionally, pursuant to the Service Contract between the Rockaway

Valley Regional Sewerage Authority (“RVRSA”) and its Member Municipalities dated July, 1976, RVRSA held a public hearing thereon upon public notice prior to adoption. These amendments were also reviewed and approved by the Bureau of Pretreatment and Residuals, New Jersey Department of Environmental Protection prior to implementation; and

WHEREAS, consistent with amended Section 203 of the RVRSA Service Rules Addendum, Refresco US, Inc., which produces juices, teas, sports drinks and other refreshment beverages, submitted the attached Application for Variance, dated March 22, 2021, seeking to continue a current variance of RVRSA’s Carbonaceous Biochemical Oxygen Demand (“CBOD₅”) local limit in the amount of 6,568 lbs/day (maximum daily load) and 4,379 lbs/day (monthly average load), in place of Refresco US Inc.’s prior BOD₅ permit limitation of 2,681 mg/L (monthly average concentration). Refresco US Inc. currently removes high strength BOD wastewater to a frac tank, the contents of which are hauled off-site for disposal, and Refresco previously submitted that additional treatment of high CBOD₅ will require extensive process modifications for which space is not available, and would be cost prohibitive (“more than three times Refresco’s 2018 Capital Budget” resulting in “increased Operating and Maintenance costs in excess of the plant’s entire Net Earnings for 2017”); and

WHEREAS, pursuant to the attached memo from Natalie Pisarcik, IPP Coordinator to JoAnn Mondsini, Executive Director dated May 4, 2021, RVRSA staff has determined that sufficient allowable industrial load exists to accommodate the request submitted by Refresco US, Inc., for a variance for CBOD₅, and therefore recommends the issuance of a variance to Refresco US, Inc., and the establishment of the following CBOD₅ effluent limitations for Refresco US, Inc.:

Daily Maximum Concentration, mg/l = Monitor Only

Monthly Average Load = 4,379 lbs/day

Maximum Daily Load = 6,568 lbs/day.

NOW, THEREFORE, BE IT RESOLVED, by the Rockaway Valley Regional Sewerage Authority as follows:

1. The RVRSA hereby approves the attached Application for Variance, dated March 22, 2021, submitted by Refresco US, Inc., relative to the CBOD₅ effluent limitations contained in Refresco US, Inc.'s Industrial Sewer Connection Permit.
2. The Executive Director is hereby authorized and directed to issue an Industrial Sewer Connection Permit to Refresco US, Inc., with the following CBOD₅ effluent limitations: Daily Maximum CBOD₅ Concentration, mg/l is Monitor Only; Monthly Average CBOD₅ Load effluent limitation of 4,379 lbs/day and Daily Maximum CBOD₅ Load effluent limitation of 6,568 lbs/day.
3. This Resolution shall take effect as provided by law.

CERTIFICATION

I hereby certify that this Resolution was adopted at a meeting of the Rockaway Valley Regional Sewerage Authority held on June 10, 2021.

On motion of Commissioner Guadagno

Seconded by Commissioner Howarth


And a Roll Call Vote as Follows:

Yeas: (7) Andes, Corbett, Farrell Guadagno, Howarth, Schorno, Zuppa

Nays: (0)

Abstain: (0)

Absent: (3) Cegelka, Isselin, Recchia


Michael Guadagno
Board Secretary



Rockaway Valley Regional Sewerage Authority
RD #1, 99 Greenbank Road, Boonton, NJ 07005 – 9602
(973) 263 – 1555 / FAX (973) 263 - 9068

INDUSTRIAL SEWER CONNECTION PERMIT TABLE OF CONTENTS

This permit package contains the follow items and sections:

COVER LETTER
PUBLIC NOTICE ANNOUNCEMENT
PUBLIC NOTICE INFORMATION AND COMMENT(S)
FACT SHEET
RESOLUTION 21-070: Resolution to Approve Variance of Carbonaceous Biochemical Oxygen Demand
Local Limitation for Refresco US, Inc.
TABLE OF CONTENTS
RVRSA RESOLUTION
INDUSTRIAL SEWER CONNECTION PERMIT
ACCEPTANCE OF PERMIT
TABLE 1: DISCHARGE LIMITATIONS
FIGURE 1: REFRESCO US, INC. (Refresco): SAMPLING LOCATION
FIGURE 2: USGS SITE LOCATION PLAN
FIGURE 3: SAMPLING LOCATION PLAN
FIGURE 4: WATER STORAGE TANKS PROCESS SCHEMATIC

SECTION 1 – PERMITTED DISCHARGE

SECTION 2 –WASTEWATER PRETREATMENT SYSTEMS OR DEVICES

- A. Design and Construction of System or Devices
- B. Operation of Pretreatment System or Devices
- C. Discharge Limitations – Process Wastewater

SECTION 3 – MONITORING OF WASTEWATER QUALITY AND QUANTITY

- A. Monitoring Schedule and Reports
- B. Permanent Monitoring Schedule
- C. Changes in Monitoring Program
- D. Installation of Monitoring Equipment
- E. Total Combined Sanitary Discharge Metering and Sampling
- F. Analysis of Wastewaters
- G. Recording of Results
- H. Representative Samples

SECTION 4 – PROHIBITED WASTES

- A. General Prohibitions
- B. Specific Prohibitions
- C. Grease, Oil and Sand Interceptors

SECTION 5 – REPORTING REQUIREMENTS

SECTION 6 – SELF MONITORING REPORTS AND ANNUAL REPORTS

- A. Self Monitoring Reports

- B. Annual Report
- C. Reports – Late Submission

SECTION 7 – RECORDS AND RECORD KEEPING

- A. Records
- B. Record Keeping

SECTION 8 – SERVICE CHARGES AND FEES

- A. Treatment Charges
- B. Surcharge for Wastewater of Excessive Strength
- C. Annual Permit Fees
- D. Additional Charges

SECTION 9 – NOTIFICATION OF NON-COMPLIANCE OR ACCIDENTAL DISCHARGE

- A. Notice to RVRSA
- B. Remedial Action
- C. Notice of Emergency Procedure
- D. Resampling and Acceleration of Sampling Frequency
- E. Protection from Accidental Discharge

SECTION 10 – UPSET PROVISION AND BYPASS

- A. Upset Provision
- B. Bypass

SECTION 11 – VIOLATIONS

SECTION 12 – NOTIFICATION OF VIOLATION

SECTION 13 – RIGHT TO ENTRY, INSPECTION AND SAMPLING

SECTION 14 – PENALTIES

- A. Penalty for Failure to Allow Entry or Inspection
- B. Penalty for Conducting Unapproved Activities
- C. Penalty for Failure to Pay a Fee or Fines

SECTION 15 – CIVIL ADMINISTRATIVE AND CIVIL PENALTIES

- A. Notice of Civil Administrative Penalties
- B. Notice of Civil Penalties

SECTION 16 – CRIMINAL PROSECUTION

SECTION 17 – PUBLICATION OF SIGNIFICANT NON-COMPLIERS

SECTION 18 – MORE STRINGENT STANDARDS TO CONTROL: SUBSEQUENT ADOPTION OF LOCAL LIMITS

SECTION 19 – OTHER GOVERNMENTAL APPROVALS NOT SUPERSEDED

SECTION 20 – SUSPENSION OR TERMINATION OF SERVICE

SECTION 21 – INDEMNIFICATION

SECTION 22 – CONFIDENTIAL INFORMATION

SECTION 23 – CHANGES IN OPERATION OR OWNERSHIP

SECTION 24 – RENEWAL AND AMENDMENT

SECTION 25 – DEFINITIONS

SECTION 26 – SEVERABILITY

SECTION 27 – EMERGENCY DISCHARGE LIMITATION PLANS

- A. Water Conservation
- B. Alternations or Reduction of Operations
- C. On-Site Storage
- D. Hauling
- E. Cessation of Operations
- F. Preparedness

APPENDIX

FORM A – NON-COMPLIANCE NOTIFICATION

- 1. A (1) Missing Monthly Self-Monitoring Reports (SMR)
- 2. A (2) Discharge Parameter Non-Compliance

A

FORM B – NOTICE OF ACCELERATED TESTING FREQUENCY

- 1. B (1) Notice of Accelerated Testing Frequency Letter
- 2. B (2) Resumption of Regular Testing Letter

B

FORM C – SUBMISSION OF MONTHLY REPORT

- 1. C Submission of Monthly Report Letter

C

FORM D – ANNUAL SUMMARY REPORT

- 1. D (1) Annual Summary Report Letter
- 2. D (2) Annual Summary Report – Proposed Outline
- 3. D (3) Annual Summary Report – Late Warning

D

FORM E – RENEWAL OF INDUSTRIAL SEWER CONNECTION PERMIT (ISCP)

- 1. E. Renewal of Industrial Sewer Connection Permit (ISCP) Letter

E

SAMPLE Revised Self-Monitoring Report (SMR) Form

Resolution #

RESOLUTION AUTHORIZING EXECUTION OF A RENEWAL
INDUSTRIAL SEWER CONNECTION PERMIT TO:

Refresco US, Inc. (Refresco)

Block 1101, Lot 9
Borough of Wharton

WHEREAS, the Rockaway Valley Regional Sewerage Authority (hereinafter "the Authority") is authorized by the Sewerage Authorities Law [N.J.S.A. 40:14A-7(11)] to make and enforce rules and regulations for the management and regulation of its business and affairs and/or the use, maintenance, and operation of the sewerage system and any other of its properties and to amend the same; and

WHEREAS, the Authority is a Delegated Local Agency of the New Jersey Department of Environmental Protection and administers an industrial pretreatment program within the service area of the Authority; and

WHEREAS, in accordance with the regulations governing industrial pretreatment programs established at N.J.S.A. 7:14A-1 et. seq., the Authority is required to issue permits and renew permits to industrial discharges within the RVRSA that discharge process wastewater to the Authority's facility; and

WHEREAS, in compliance with the regulations contained at N.J.A.C. 7:14A-15.10, public notice of the issuance of a draft Industrial Sewer Connection Permit to Refresco US, Inc. was published in the Daily Record on Month XX, 202X, and a thirty (30) day public comment period commenced from the date of publication until Month XX, 202X, wherein no comments were received.

NOW THEREFORE, BE IT RESOLVED, by the Rockaway Valley Regional Sewerage Authority as follows:

1. The Executive Director, JoAnn Mondsini, is hereby authorized to execute an Industrial Sewer Connection Permit in accordance with the terms and conditions of a form of Industrial Sewer Connection Permit (ISCP), SIC Code 2086, dated Month XX, 202X marked Schedule "A" attached hereto and a part hereof, a copy of which is also, on file

at the offices of RVRSA, to Refresco US Inc. (Refresco), subject to compliance with any permit condition(s) which must be satisfied prior to issuance of this permit renewal, if any; and also subject to compliance with all remaining engineering requirements, if any.

2. This approval is subject to the payment of the appropriate RVRSA pretreatment annual permit fee.
3. This ISCP is subjected to a flow limitation not to exceed 450,000 gallons per day, monthly average.

I hereby certify that this Resolution was adopted at a meeting of the Rockaway Valley Regional Authority held on Month, XX, 202X.

On motion of

Seconded by

And a Roll Call Vote as Follows:

Yeas:

Nays:

Abstain:

Absent:

Michael Guadagno
Secretary

INDUSTRIAL SEWER CONNECTION PERMIT

Refresco US Inc. (Refresco), herein referred to as the Permittee, is authorized to discharge into the Rockaway Valley Regional Sewerage Authority (RVRSA) sewerage system not more than **450,000** gallons per day (monthly average) of wastewater from its facility, which is located at 92 North Main Street, Borough of Wharton, New Jersey, more particularly described as Block 1101, Lot 9.

This permit is subject to the provisions of all applicable Federal and State Statutes, Rules and Regulations, and the RVRSA Service Rules as the same may from time to time be further amended and supplemented; and the terms and conditions set forth herein.

IN WITNESS WHEREOF, Refresco and RVRSA have caused these presents to be signed by their corporate officers and their proper seals to be affixed hereto the day and year as indicated on the acknowledgement attached hereto and made a part hereof:

ATTEST:

REFRESCO US, INC. (Refresco)

Signature

Date

Frank Gohl
Operations Manager

Date

Title

ATTEST:

**ROCKAWAY VALLEY REGIONAL
SEWERAGE AUTHORITY**

Janice Fox
Assistant Board Secretary

Date

JoAnn Mondsini
Executive Director

Date

ACCEPTANCE OF PERMIT

Rockaway Valley Regional Sewerage Authority)
County of Morris)
Refresco US, Inc. (Refresco) ss:

BE IT REMEMBERED, that on _____, 2021 before me, the subscriber, a Notary Public of New Jersey, personally appeared JoAnn Mondsinini, who, being by me duly sworn on her oath, deposes and makes proof to my satisfaction, that the Executive Director of the Rockaway Valley Regional Sewerage Authority, the Authority named in the within Instrument; that Janice Fox is the Assistant Board Secretary of said Authority; that the execution, as well as the making of this Instrument, has been duly authorized by a proper resolution of the Rockaway Valley Regional Sewerage Authority; that deponent well knows the corporate seal of the said Authority, and that the seal affixed and said Instrument signed and delivered by the said Executive Director as and for the voluntary act and deed of said Authority in the presence of deponent, who thereupon subscribed her name thereto as attesting witness.

ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY

JoAnn Mondsinini
Executive Director

Date

Attest:

Signature Date

Printed Name and Title

Sworn and Subscribed to
Before me this _____ day
Of _____, 2021

ACCEPTANCE OF PERMIT

Rockaway Valley Regional Sewerage Authority)
County of Morris)
ss: Refresco US, Inc. (Refresco)

BE IT REMEMBERED, that on _____, 2021 before me, the subscriber, a Notary Public of New Jersey, personally appeared **Frank Gohl**, who, being by me duly sworn on this oath, deposes and makes proof of my satisfaction, that he is the **Operations Manager**, of Refresco named in the within Instrument; that the execution, as well as making of this instrument, has been duly authorized by a proper resolution of the Refresco; and that the seal affixed to said Instrument is the proper seal and was thereto affixed and said Instrument signed and delivered by said **Operations Manager**, as and for the voluntary act deed said Refresco, in the presence of deponent, who thereupon subscribed his name thereto as attesting witness.

Refresco accepts the within Industrial Sewer Connection Permit, including all the terms and conditions set herein.

REFRESCO US, INC. (Refresco)

Frank Gohl Date
Operations Manager

Attest:

Signature Date

Printed Name and Title

Sworn and Subscribed to
Before me this _____ day
Of _____, 2021

TABLE – 1: DISCHARGE LIMITATIONS

REFRESCO US, INC. (Refresco)

Sample Location: Stationary composite sampler located inside facility

Parameter	Daily Max. Limit	Mo. Avg. Limit	Sample Frequency	Type
Flow	600,000 GPD (1)	450,000 GPD (1)	Continuous	Metered
CBOD ₅ (conc.)	Monitor (3) (10)		Semi-Weekly (8)	Composite (5)
CBOD ₅ (loading)	6,568 lbs/day (10)	4,379 lbs/day (10)	Semi-Weekly (8)	Composite (5)
pH	5.5 - 9.5 SU (2)(4)		Weekly	Grab
BOD ₅	Monitor		Semi-Monthly (7)	Composite (5)
COD	Monitor		Semi-Monthly (7)	Composite (5)
TDS	Monitor		Monthly	Composite (5)
TSS	500 mg/L (2) (3)		Quarterly (8)	Composite (5)
O&G (HEM)	350 mg/L (2)		Quarterly (8)	Grab
TPHC	150 mg/L (2)	100 mg/L (2)	Quarterly (8)	Grab
NH ₃ -N	80 mg/L (2) (3)		Quarterly (8)	Composite (5)
Phosphorus (total)	Monitor		Quarterly (8)	Composite (5)
Chromium	1.3 mg/L (2)		Annually (9)	Composite (5)
Copper	1.7 mg/L (2)		Annually (9)	Composite (5)
Nickel	0.8 mg/L (2)		Annually (9)	Composite (5)
Zinc	2.1 mg/L (2)		Annually (9)	Composite (5)

Notes:

- (1) Monthly average flow of not more than 450,000 gallons per day (GPD), with maximum one-day flow of 600,000 gallons per day (GPD).
- (2) Discharge limits are based upon limits established in the local limits evaluation report entitled RVRSA Local Limit Study, prepared by Kleinfelder, dated November 2014, last revised December 2016, including April 14, 2017 Addendum; approved by the NJDEP on April 24, 2017, and approved by the RVRSA board on August 10, 2017 and December 14, 2017.
- (3) CBOD₅ or TSS concentration exceeding 250 mg/L and NH₃-N concentration exceeding 40 mg/L are subject to the Surcharge for Wastewaters of Excessive Strength as per Section 8B of this ISCP. Any discharge over the CBOD₅ and/or TSS limit of 500 mg/L or the NH₃-N of 80 mg/L will be considered a permit violation and subject to applicable enforcement actions. If discharge is greater than local limit, permittee MUST apply for a variance.
- (4) The pH sample shall be analyzed by an NJDEP certified lab, within 15 minutes of collection of the sample. Refresco must keep records of continuous pH monitoring and this information shall be provided to the RVRSA upon request.
- (5) The composite sampling shall be referred to as "Flow-Proportionate-Composite" over a 24 hour period.

- (6) "Semi-Weekly" sampling of the CBOD₅ shall correspond to sampling TWICE during the week as per the "Stipulation of Settlement" executed between Refresco (formally Whitlock Packaging) and the RVRSA. Refresco shall commence composite sampling on Monday mornings and collect the composite sample on Tuesday mornings; and again commence composite sampling on Wednesday mornings and collect the composite sample on Thursday mornings. If the scheduled sampling shall fall on a holiday, then sampling shall occur on the next working day. RVRSA reserves the right to increase the sampling frequency of CBOD₅ in the future. Refresco is permitted to sample CBOD₅ more frequently if desired.
- (7) "Semi-Monthly" sample period shall correspond to sampling TWICE during the month.
- (8) The "Quarterly" sample period shall occur during the following months:
 - 2021: January, April, July, October
 - 2022: February, May, August, November
 - 2023: March, June, September, December
 - 2024: January, April, July, October
- (9) The "Annually" sample period shall correspond to the January – December calendar year and shall be sampled in a different QUARTER each year of the permit.
- (10) Limits approved as per variance request and by RVRSA resolution # 21-070, approved on June 10, 2021. Permittee may not discharge over the CBOD load limit of 6,567 lbs/day (daily max.) and 4,379 lbs/day (monthly avg.), the TSS limit of 500 mg/L, or the NH₃-N limit of 80 mg/L.

Additional Notes:

The Self Monitoring Report (SMR) is due and shall be received by the RVRSA office on or before the 21st day of the month following the sampling month, or next business day (if date fall on a weekend and/or holiday). If no pollutant sample is collected or analyzed during a month, then the monthly report shall include at least flow data.

Parameters shall be tested according to monitoring frequency and submitted in accordance with the SMR along with copies of analytical results and the chain of custody. All SMR's submitted must comply and contain the signatory requirements as required under 40 CFR § 403.6 (a)(2)(ii) and it must be signed by a responsible corporate officer as required under 40 CFR § 403.12(l).

If the industry splits samples with different laboratories, ALL results and chain of custodies must be submitted. An average of the sampling event may be taken if the laboratories used the same analytical method (EPA method, etc.) to sample for the parameter. If the laboratories use different methods, then the highest result must be used.

Copies of manifests for process wastewater trucked offsite for disposal shall be made available for review by our offices.

As per Section 9A of the ISCP, in the event the Permittee does not comply with or will be unable to comply with, any effluent limitation or prohibition in this Permit, the Permittee shall immediately telephone and notify the RVRSA of such noncompliance or accidental discharge. The notification shall include the location of the discharge, type of waste, concentration and volume. The permittee shall notify the following personnel:

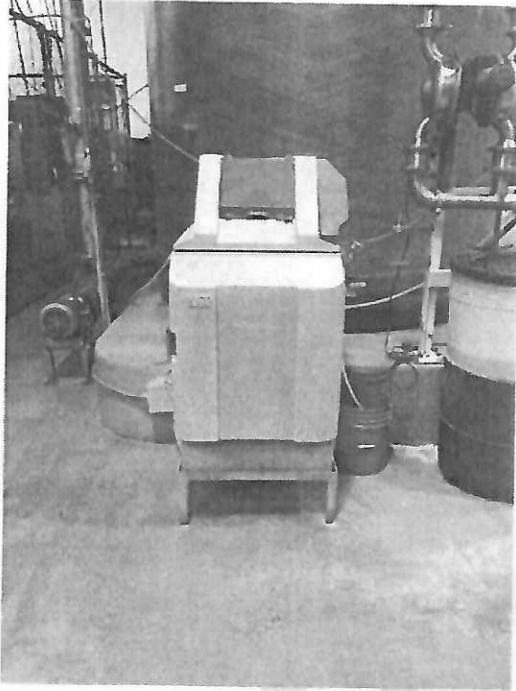
1. Industrial Pretreatment Coordinator: 973-263-1555 ext. 213
2. Licensed Operator/Plant Manager: 973-263-1555 ext. 232
3. Plant Operators: 973-464-8001 (Off-Hours: 3:30pm – 7:00am, M-F & weekends)

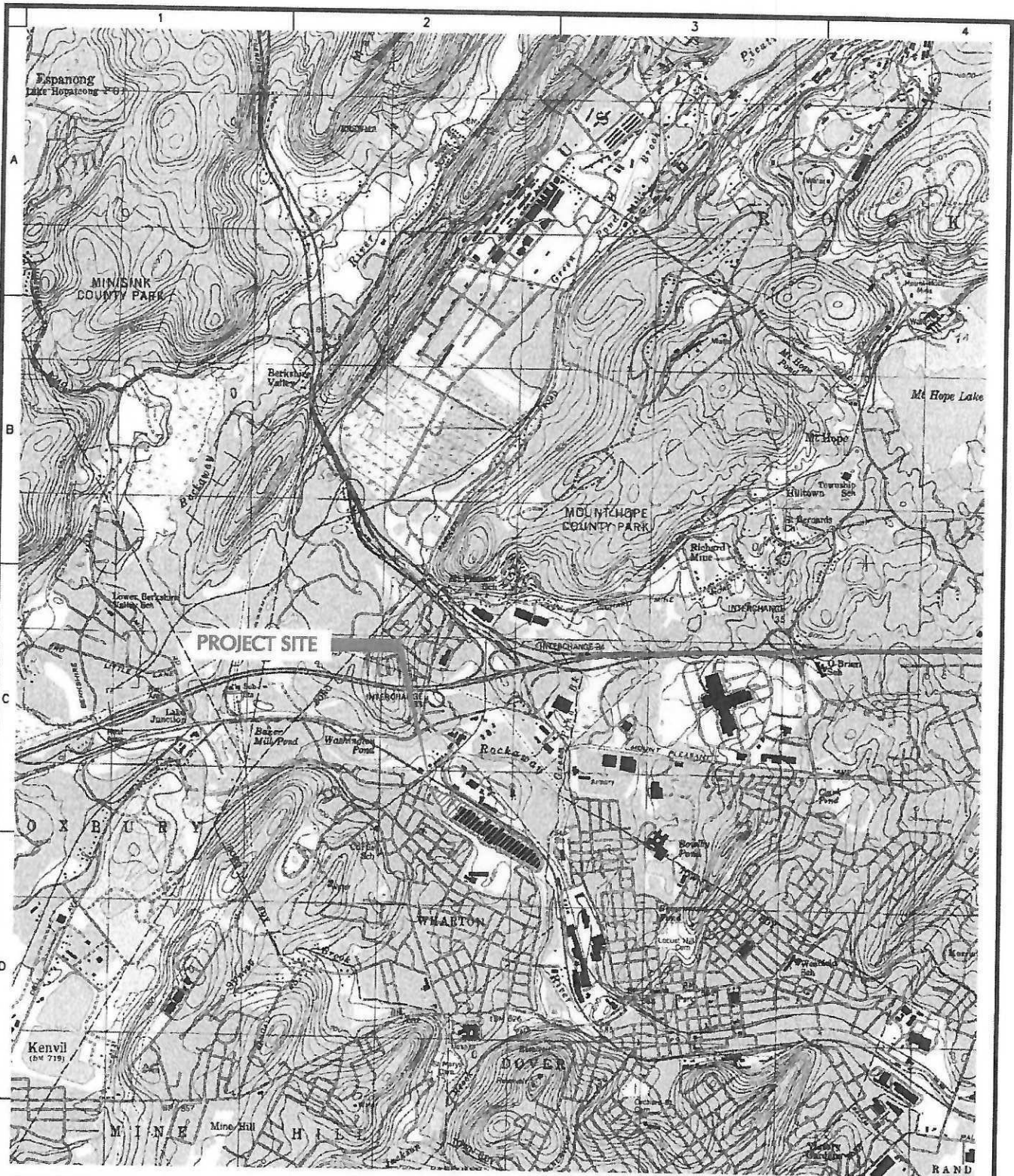
DRAFT

FIGURE 1: Facility Schematic and Discharge Location

REFRESCO US, INC. (Refresco)

SAMPLE LOCATION (Discharge location: 001A)
Stationary Composite Sampler located inside facility





LANGAN

300 Kimball Drive
 Parsippany, NJ 07054
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Langan Engineering, Environmental, Surveying and
 Landscape Architecture, D.P.C.
 Langan Engineering and Environmental Services, Inc.
 Langan International LLC

Collectively known as Langan

NJ CERTIFICATE OF AUTHORIZATION No. 24GA27996400

Project



BLOCK No. 1101 LOT No. 9

BOROUGH OF WHARTON

MORRIS COUNTY NEW JERSEY

Drawing Title

**USGS SITE
 LOCATION PLAN**

Project No.
200050501

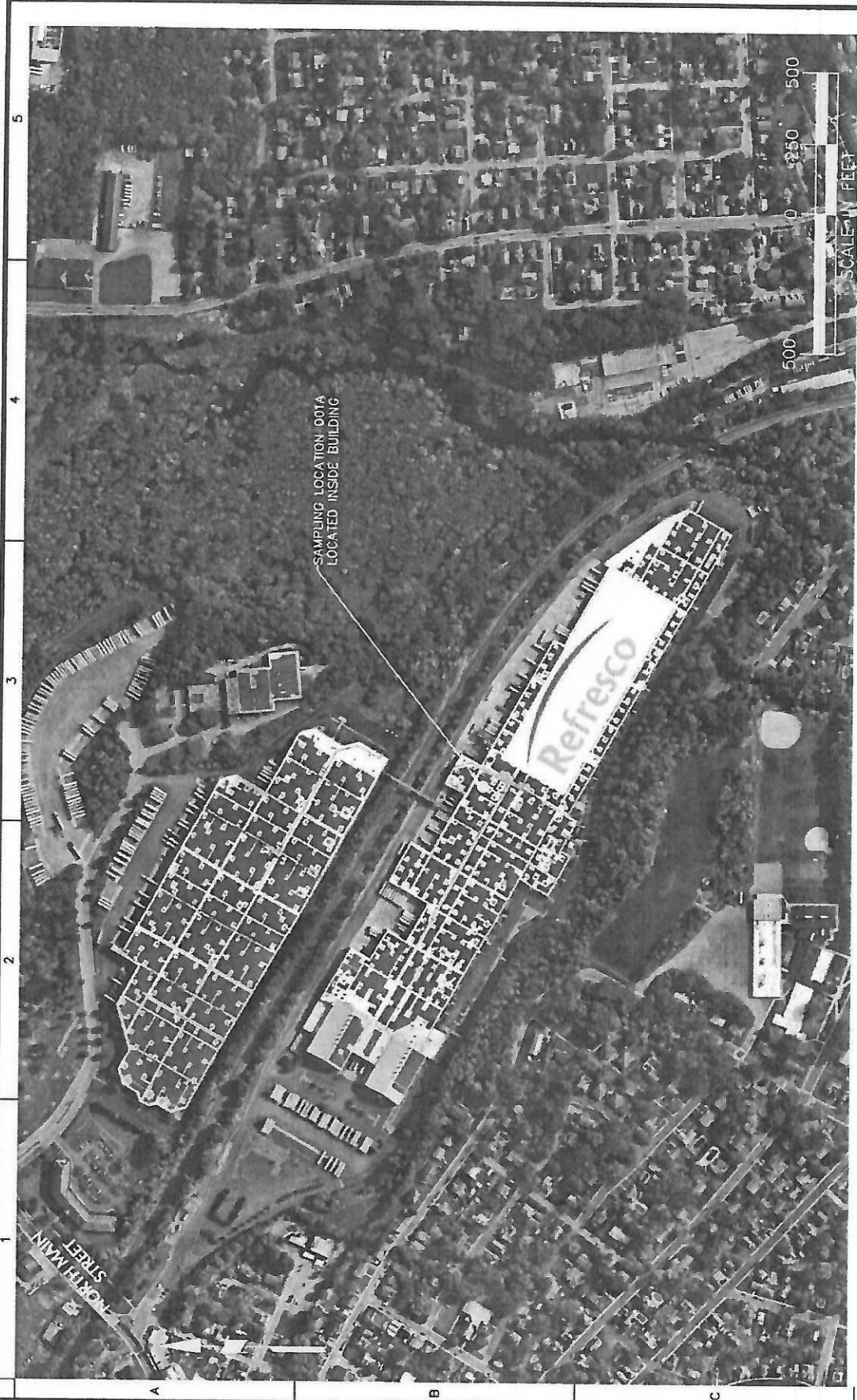
Date
JULY 3, 2013

Scale
1"=1000'

Drawn By
ARK

Drawing No.

FG-01



WARNING: IT IS A VIOLATION OF THE NYS EDUCATION LAW ARTICLE 145 FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS ITEM IN ANY WAY.

LANGAN
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 Langan International LLC
 Collectively known as Langan

NEW JERSEY
 MORRIS COUNTY
 BOROUGH OF WHARTON
 92 NORTH MAIN STREET
REFRESCO WATER TREATMENT FACILITY

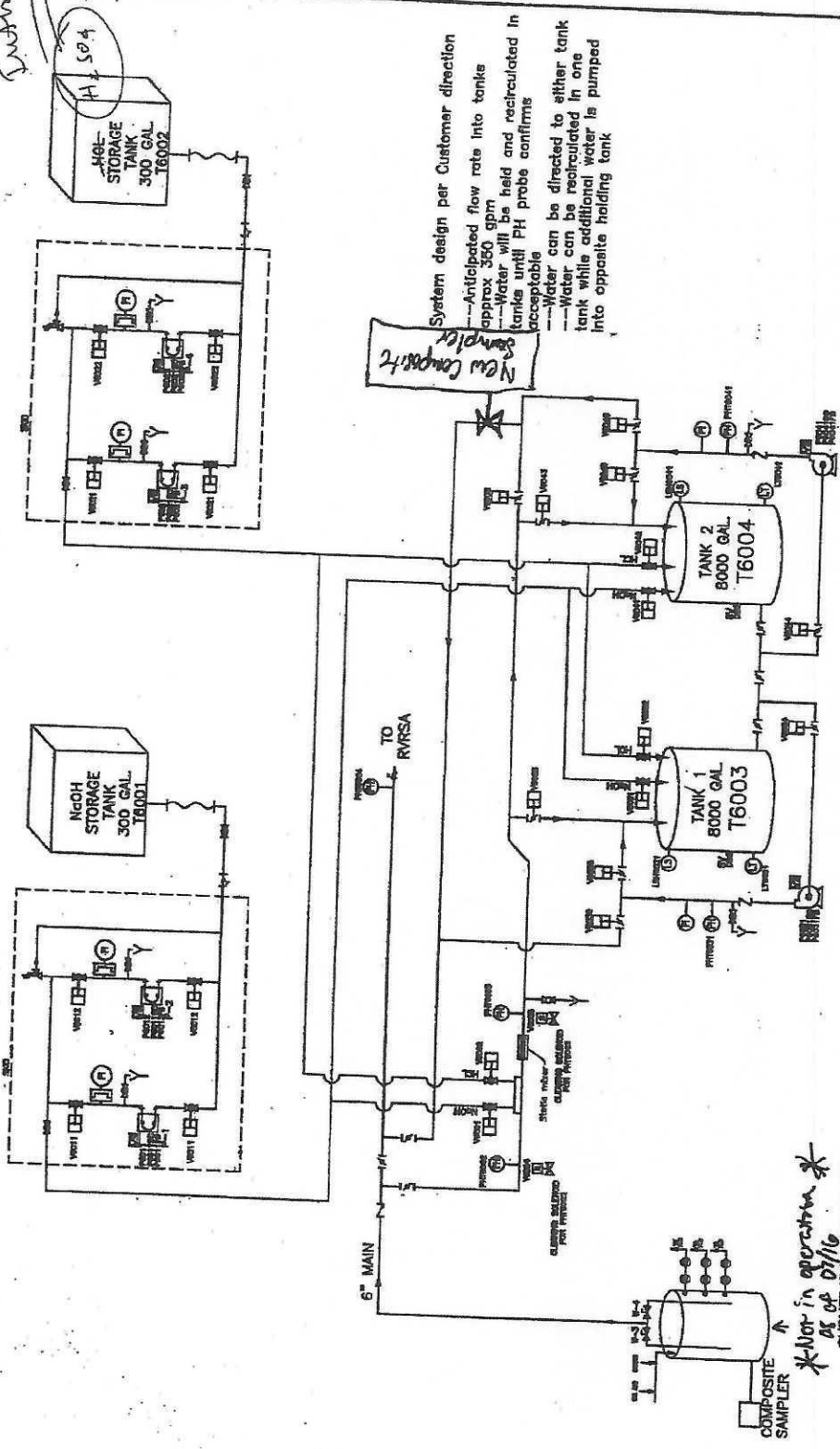
Project
 REFRESCO WATER TREATMENT FACILITY

Drawing Title
 SAMPLING LOCATIONS PLAN

Drawing No.
FIGURE 2

Project No. 200050501
Date 18 NOVEMBER, 2020
Scale 1" = 500'
Drawn By AR
Submission Date

Substrate



System design per Customer direction

- Anticipated flow rate into tanks approx 350 gpm
- Water will be held and recirculated in tanks until PH probe confirms acceptable
- Water can be directed to either tank
- Water can be recirculated in one tank while additional water is pumped into opposite holding tank

New Composite

**Not in operation as of 07/16*

SUBMERSIBLE WASTEWATER PUMPS No. 1 & No. 2
 Variable speed, 500 GPM EACH
 WET WELL OPERATING VOLUME=2000 GALLONS

Expert Process Systems

470 Baboyley's Monastkin Road Suite 8-272, Hazletstown, NJ 07840
 THIS OFFICE IS LOCATED AT THE SUBMIT WASTEWATER TREATMENT PLANT. THE ONLY WASTEWATER TREATMENT PLANT IN THE AREA OF THE STATE OF NJ. THE ONLY WASTEWATER TREATMENT PLANT IN THE AREA OF THE STATE OF NJ. THE ONLY WASTEWATER TREATMENT PLANT IN THE AREA OF THE STATE OF NJ.

Water Storage Tanks
Process Schematic

Customer: Whitlock

DRAWN BY MBS DATE 3/24/09 REV. 4

PRINT NUMBER Whitlock Waste Water Tanks

SECTION 1: PERMITTED DISCHARGE

The Permittee is authorized to discharge into the collection system of the RVRSA, not more than as the amount set forth in "Table 1 – Discharge Limitations", **450,000** gallons per day (monthly average) of process wastewater which shall be pretreated as required by the Permittee at pretreatment facilities or devices owned, operated and maintained by the Permittee at its sole cost and expense and located on its premises. Unless otherwise authorized or required under Table 1, the discharge into this system shall not exceed the strength of domestic wastewater; shall comply with the Service Rules of the RVRSA and shall have the following characteristics:

- (a) a CBOD₅ concentration less than two hundred and fifty (250) parts per million (mg/L), and
- (b) a Total Suspended Solids concentration less than two hundred and fifty (250) parts per million (mg/L), and
- (c) an Ammonia-N concentration less than forty (40) parts per million.

Water use from the process operations and domestic applications in the Permittee's building shall be in accordance with the following design plans and specifications:

- (1) Proposed 6" Force Main, Partial Plan and Section, Drawing 6 & 8, dated 03/01/2001.
- (2) Proposed 6" Force Main, Plan and Profile, Drawing 7 & 8, dated 03/31/2001.
- (3) Proposed 6" Fore Main, Drawing 2 of 8, dated 04/05/2001.
- (4) Water Storage Tanks; Process Schematic, dated 3/24/2009.

Nothing herein shall preclude the RVRSA from increasing the amount of pretreated process wastewater which the Permittee shall be authorized to discharge into system provided proper application for such increase is made by the Permittee to the local municipality and approved by the RVRSA.

SECTION 2: WASTEWATER PRETREATMENT SYSTEMS OR DEVICES

A. Design and Construction of Systems or Devices

All process wastewater shall be pretreated prior to discharge into the system and to the degree necessary to produce an effluent which complies with the limitations set forth in this permit. As per information provided by the Permittee, process discharge includes, cooling tower blowdown, boiler blowdown, carbon filter backwash, RO system backwash, CIP drainage and process cooling and drainage.

TOTAL PROCESS DISCHARGE VOLUME (monthly average): 450,000 (GPD)

The review by the RVRSA of the plans and specifications and reports shall not relieve the Permittee from compliance with this permit and any and all applicable codes, ordinances, rules, regulations or orders of any governmental authority having jurisdiction. Any subsequent modifications to such pretreatment facilities shall not be made without due notice to, and prior approval of, the RVRSA, which approval shall not unreasonably be withheld.

The review by the RVRSA of the plans and specifications and reports shall not relieve the Permittee from the responsibility of modifying this facility as necessary to produce an effluent which complies with the limitations set forth in this Permit and as set forth in Sections 18 and 19 hereof.

B. Operation of Pretreatment System or Devices

The wastewater pretreatment system or devices shall be continuously maintained in satisfactory and effective operation by the Permittee at its sole cost and expense, subject to the requirements of this Permit, the RVRSA Service Rules, any engineering reports prepared by the Permittee, or its consultant, referred to above and all other applicable codes, ordinances and laws.

The pretreatment system or device shall be operated and maintained in accordance with the process wastewater system or device as proposed by the Permittee; such drawings are on file at the RVRSA's offices.

The facilities shall at all times be under the direct supervision and control of an authorized representative of the Permittee as defined herein. The name of such representative shall be forwarded to the RVRSA within five (5) days of his employment in such capacity. The RVRSA reserves the right, if required to do so by statutes or regulation, to request that the facilities shall be under the control of a licensed treatment plant operator, within thirty (30) days of notice from the RVRSA. The Permittee shall comply with such requirements.

Solids, sludges, filter backwash, rejected screening material or other pollutants or hazardous waste removed in the source of pretreatment or control of wastewater and/or the treatment of intake waters and/or other waste generated at the site, shall be disposed of in accordance with this permit and all applicable Federal, State and local laws and regulations. **Copies of records documenting such disposal shall be made available to RVRSA upon request.**

C. Discharge Limitations – Process Wastewater

Process wastewater discharge limitations pertaining to the effluent from the process wastewater pretreatment systems or devices are set forth on Table 1 herein.

The increase of process wastewater or any other attempt to dilute a discharge as a partial or complete substitution for adequate treatment to achieve compliance with any limitations is prohibited.

The Permittee shall comply with Federal and State Pretreatment Standards that have been or will be promulgated and any other applicable requirements promulgated by the United States Environmental Protection Agency (USEPA) and the New Jersey Department of Environmental Protection (NJDEP).

Point source discharges from any pollution remediation and/or treatment system, including treatment of contaminated groundwater or surface water are specifically prohibited.

SECTION 3: MONITORING OF WASTEWATER QUALITY AND QUANTITY

A. Monitoring Schedule and Reports

Permittee shall monitor the characteristics (quality and quantity) of the wastewater at the frequencies and locations as set forth on Table 1 attached hereto and made a part hereof. Monthly reports of the sampling and analysis of the discharges shall be submitted to the RVRSA. If no pollutant sample is collected or analyzed during a month, then the monthly report shall include at least flow data. The reports shall include, but not be limited to, process wastewater and total combined sanitary discharge flow volumes (as applicable), sampling and analysis results, and other information which relates to the generation of waste. All reports submitted must comply with, and contain the signatory requirement as required under, 40 CFR § 403.6 (a)(2)(ii) and must be signed by a responsible corporate officer as required under 40 CFR § 403.12(l). The report should be filed with the Authority no later than **twenty-one (21)** days following the last day of the month, or next business day (if date shall fall on a weekend and/or holiday) for which the report was submitted. An annual summary report shall be submitted by the Permittee in accordance with Section 6B herein.

B. Permanent Monitoring Schedule

Sampling and analysis requirements shall be as set forth on Table 1. If, however, any of the maximum allowable concentrations, as set forth on Table 1, are exceeded other than as allowed by Section 6B, the sampling frequency for the violated parameter shall upon notice by RVRSA be accelerated as determined by the RVRSA in its absolute discretion, until the RVRSA shall authorize, in writing, the resumption of regular sampling.

C. Changes in Monitoring Program

If one or more parameters listed on Table 1 appear in concentrations consistently below the maximum allowable limits, for such period of time as the RVRSA seems sufficient to form a judgment, it may, in its discretion, authorize a relaxation or suspension of monitoring requirements, upon a written application for the same by the Permittee.

The RVRSA may impose additional monitoring requirements upon the Permittee. If in its absolute discretion it determines it is necessary to protect or to maintain the safety and sufficiency of its treatment facility or for the protection of the environment.

D. Installation of Monitoring Equipment

Permittee shall install, at its own cost and expense, suitable monitoring equipment to facilitate the accurate observation, sampling and measurement of wastes as required by the RVRSA. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.

E. Total Combined Sanitary Discharge Metering and Sampling

The Permittee shall maintain daily records of its water as measured by a suitable water meter. Individual daily flow amounts shall be recorded and submitted to the RVRSA on the monthly reports required herein. Sampling of the total combined wastewater stream shall be accomplished manually at a point prior to discharge into the sewage system of the local municipality in accordance with the sampling schedule contained in Table 1 herein.

A suitable flow meter, if deemed necessary for the purpose of determining quantity and the quality of the flow volume, shall be maintained and operated by the Permittee at a point suitable to measure the volume of the pretreatment process wastewater being discharged into the collection system. This meter shall be calibrated annually or more frequently as recommended by the manufacturer of the specific meter, to ensure its accuracy. Copies of the calibration certificate shall be made available to the RVRSA upon request.

If a flow meter cannot be constructed and/or maintained at this location, the Permittee may use incoming water meter/billing data for estimate effluent volume reporting. The Permittee shall notify the RVRSA in writing prior to submitting this form of data for effluent volume estimates, and this written notice must be approved by the RVRSA prior to use.

The Permittee shall install, maintain and operate a suitable sampling point with such necessary meters and other sampling appurtenances to the connecting sewer which shall facilitate observation, sampling and measurement of the total discharge from the facility. Such sampling point shall be accessible and safely located, and shall be constructed in accordance with the plans approved by the RVRSA. The flow meters shall be equipped to measure and record flow rate on a 24 hour basis. Individual daily flow amounts shall be recorded and submitted to the RVRSA in the monthly reports required herein. In addition to the flow measurement equipment, the Permittee shall install a flow proportional tube composite sampler which shall be utilized to satisfy the monitoring requirements contained in Table 1 herein. The sampling point shall be constructed, maintained and operated at the sole cost and expense of the Permittee. Access to the sampling point shall be provided to the RVRSA at all times. The sampling point shall be designed and constructed in accordance with the compliance schedule as set forth in Table 1.

F. Analysis of Wastewaters

Laboratory analysis of wastewater samples shall be performed in accordance with N.J.A.C. 7:18 et. seq. 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 RVRSA.

Measurements, tests and analysis of the characteristics of wastewater which are required under the Permit shall be performed by a laboratory certified by the State of New Jersey to analyze for all pollutants contained in Table 1 herein. The Permittee shall notify the RVRSA in writing prior to any changes in the contract laboratory.

G. Recording of Results

For each measurement of a sample taken pursuant to the requirements of this Permit, the Permittee shall maintain a record of the following information:

1. The date, exact place and time of sampling;
2. The person(s) who conducted the sampling;
3. The dates the analysis were performed;
4. The person(s) who performed the analysis;
5. The analytical techniques or methods used;
6. The results of all required analysis.

H. Representative Samples

Samples and measurements taken as required herein shall be representative of the volume and the nature of the regulated process discharges from the site. Laboratory analysis of wastewater samples shall be performed by a State certified laboratory.

SECTION 4: PROHIBITED WASTES

A. General Prohibitions

No person or facility shall discharge, deposit, cause or allow to be deposited or discharged into the RVRSA wastewater collection and treatment system or public sewer any substance, or wastewater which may cause pass through or interference or that will:

1. Not be susceptible to treatment or interfere with the process or efficiency of the treatment system, or will exhibit inhibitory toxicity in the treatment system;
2. Violate State or Federal Statutes, Rules and Regulations or Pretreatment Standards as the same may be promulgated from time to time;
3. Cause the RVRSA facilities to violate State or Federal Statutes, Rules and Regulations or Pretreatment Standards as the same may be promulgated from time to time, the RVRSA's NJPDES Permit, applicable receiving water standards, permit regulations governing the disposal of sludge which is produced during the treatment process, or any other permits issued to the RVRSA.

B. Specific Prohibitions

No person or facility shall discharge, deposit, cause or allow to be deposited or discharged into the RVRSA wastewater collection and treatment system or public sewer any substance, wastewater which contains the following:

1. Storm waters, surface water, groundwater, roof runoff, swimming pool water, chlorinated water, sub surface drainage, foundation or basement sump drainage, pond water, cooling water, or unpolluted process water.
2. Any liquid or vapor having a temperature higher than 140 degrees F (60 degrees C), or in excess of that permitted by pretreatment standards.
3. Any liquid containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/L of solvent soluble materials or containing substances which may solidify or become viscous at temperature between 32 and 140 degrees F (0 degrees to 60 degrees C).
4. Any residues from petroleum storage, refining or processing; waste fuels, lubricants, solvents, or paints.
5. Any wastewater containing any 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 create an explosive, flammable or combustible atmosphere in any part of the Regional or Local Sewerage System.
6. Any solid or viscous substance in quantities or of such size capable of causing obstruction to the flow in sewers or interference with the proper operation of the Sewerage System, such as, but not limited to, mud, straw, metal, rags, glass, tar, plastics, wood and shavings, ashes, cinders, sands, feathers, whole blood, paunch manure, hair and fleshings, entrails, paper or plastic containers, etc.
7. Any ground or un-ground garbage, either from garbage disposal units or any other source.
8. Pollutants which can create a fire or explosion hazard in the RVRSA wastewater collection and treatment system or public sewer, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degree Centigrade using the test methods specified in 40 CFR § 261.21.
9. Any pollutant including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the RVRSA wastewater collection and treatment system.

10. Heat in amounts which will inhibit biological activity in the RVRSA wastewater collection and treatment system resulting in interference but in no case heat in such quantities that the temperature of said system exceeds 40°C (104°F) unless alternate temperature limits are approved.
11. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
12. Pollutants which result in the presence of toxic gases, vapors, or fumes within the RVRSA wastewater collection and treatment system or public sewer in a quantity that may cause acute worker health and safety problems.
13. Any waste having a pH lower than 5.5 or higher than 9.5 or having any other corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the RVRSA.
14. Any radioactive waste or isotope of such half-life or concentration as to be in excess of that permitted by appropriate regulatory agencies having control over their use or in such quantity as to cause damage or hazard to structures, equipment and personnel of the RVRSA.
15. Any waste containing phenols, noxious or malodorous solids, liquids or gases, which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair.
16. Any wastewater containing toxic pollutants or other substances in sufficient quantity to cause injury, damage or hazard to personnel, structures or equipment, or interfere with the Regional or Local sewerage system or any portion of the liquid or solids treatment or handling processes, or that will pass through the treatment facilities in such condition that it will not achieve State, Federal or other existing requirements for the effluent or for the receiving waters. Except as otherwise provided in this permit, the following chemicals are specifically prohibited: alcohols, aldehydes, arsenic, and arsenicals, bromine, chlorinated hydrocarbons, compounds with chlorine demands in excess of 100 ppm, chromium compounds, copper and copper salts, cresols, cyanides or cyanide compounds, fluorine, iodine, mercury and mercury compounds, nickel and nickel compounds, pesticides, silver and silver compounds, sulfonamides, toxic dyes (organic or mineral), zinc and zinc compounds or other heavy metals; all strong oxidizing agents such as peroxide, chromates, dichromates, permanganates, etc., compounds producing hydrogen sulfide or any other toxic inflammable or explosive gases, either upon acidification, alkalization, reduction or oxidation; strong reducing agents such as nitrates, sulfites, sulfides; strong acids or strong alkalis.

17. Any material which exerts or causes
 - a. Unusual concentrations of inert suspended solids (such as, but not limited to Fuller's Earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - b. Excessive discoloration (such as, but not limited to, dye solutions and vegetable tanning solutions) which cannot be removed by the wastewater treatment plant. In no case shall a discolored discharge be permitted if, in the opinion of the Authority, said discharge is likely to interfere with the operation of the treatment system or to cause a violation of the facility's NJPDES permit, applicable water quality criteria, or sludge disposal regulations.
 - c. Unusual BOD, CBOD or chlorine requirements in such quantities as to constitute an unacceptable load on the wastewater treatment works.
 - d. Any unusual volume of flow or concentration of wastes constituting a "slug" of such volume or strength so as to cause a treatment process upset and subsequent loss of treatment efficiency.
18. Septage or wastes from septic tanks, cesspools or other such sources of sanitary waste.
19. Any water added for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limits.

C. Grease, Oil and Sand Interceptors

Grease, oil and sand interceptors (grease traps) shall be provided when required for the proper removal of floatable grease in excess of amounts set forth in Table 1 herein and for the proper removal of all flammable wastes, sand and other harmful ingredients. The user shall be responsible for the maintenance of said interceptor(s) and for the removal and disposal of the captured material and shall maintain records of the dates and means of disposal. All interceptors and traps shall be in conformance with applicable plumbing code requirements.

SECTION 5: REPORTING REQUIREMENTS

- A. Permittee shall file self monitoring reports with the RVRSA no later than twenty one (21) days following the last day of the month, or next business day (if date shall fall on a weekend and/or holiday) for which the report is submitted. The self monitoring report may include, but shall not be limited to, nature of process, water consumption, volume and rates of discharge, mass discharge emission rate, production quantities, hours of operation, concentrations of controlled pollutants or other information which relates to the generation of industrial waste.

- B. All reports required to be submitted shall be signed by a corporate officer or other executive officer so designated. Reports signed by an individual other than a corporate officer shall include a corporate resolution granting the individual the authority to make and submit such a report on behalf of the corporation. A report submitted by the Permittee other than a corporation shall be signed by the proprietor or general partner. Signature requirements shall conform to 40 CFR § 403.6 (a)(2)(ii).
- C. Person signing any discharge or self monitoring reports, certifications and statements submitted pursuant to this section shall make the following certification:
- "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*
- D. In addition to the reports required under other sections of this permit, the Permittee shall submit to the RVRSA an inventory of all chemical constituents and quantity and liquid and solid materials stored on-site even though they are not normally discharged. The frequency of this submittal shall be such that they are generally representative of the quantity of the materials listed. Updated lists should be submitted upon the addition of new constituents as well as significant changes in the quantity of the materials already listed.
- E. The Permittee shall install, use and maintain such monitoring equipment and methods, to sample in accordance with such methods, to maintain and retain such records of information from monitoring activities, and submit to the RVRSA reports of monitoring results.
- F. Self monitoring reports shall be signed by the highest ranking official having day-to-day managerial and operational responsibilities for the industrial user, who may, in his absence, authorize another responsible high ranking official to sign a monthly monitoring report if a report is required to be filed during that period of time.
- The highest ranking official shall, however, be liable in all instances for the accuracy of all the information provided in the monitoring report; provided, however, that the highest ranking official may file, within seven (7) days of his/her return, amendments to the monitoring report to which he/she was not a signatory.
- G. The highest ranking official having **day-to-day managerial and operational responsibilities** for the industrial user shall be the highest ranking licensed operator of the pretreatment facilities in those instances where a licensed operator is required by law to operate such pretreatment facility.

In those instances where the Permittee has contracted with another entity to operate a pretreatment facility, the highest ranking official who signs the self monitoring report shall be an employee or the contract operator and not of the industrial user.

Notwithstanding that an employee of the contract operator is the official who signs the discharge monitoring report, the Permittee, shall remain liable for compliance with all permit conditions.

- H. In those instances where the highest ranking official having day-to-day managerial and operational responsibilities for a discharging facility of an industrial user does not have a responsibility to authorize capital expenditures and hire personnel, a person having that responsibility, or a person designated by that person, shall submit to the RVRSA, along with the self monitoring report, a certification that person has received and reviewed the self monitoring report. The person submitting the certification to the RVRSA shall not be liable for the accuracy of the information on the self monitoring report due to the submittal of the certification.

Whenever the Permittee has contracted with another entity to operate its pretreatment works, the person submitting the certification shall be an employee of the Permittee and not of the contract operator.

SECTION 6: SELF MONITORING REPORTS AND ANNUAL REPORTS

A. Self Monitoring Reports

Self monitoring reports shall be filed with the RVRSA not later than twenty one (21) days following the last day of the month, or next business day (if date shall fall on a weekend and/or holiday) for which the report is submitted. ***Please refer to Appendix, Form C – “Submission of Monthly Report”, notice format.**

B. Annual Report

A summary of such data indicating the Permittee's compliance with this Permit shall be prepared annually and submitted to the RVRSA. The annual summary report shall be filed with the Authority not later than thirty (30) days following the last day of the calendar year. ***Please refer to Appendix, Form D – “Annual Summary Report”, notice format.**

C. Reports - Late Submission

The RVRSA may assess a penalty for failing to conduct monitoring or sampling. The RVRSA shall assess a minimum mandatory civil administrative penalty for failure to submit a complete self monitoring report. The RVRSA shall assess a minimum mandatory civil administrative

penalty of not less than \$100.00 for each effluent parameter omitted in a self monitoring report, nor greater than \$50,000.00 per month for any one self monitoring report.

1. The civil administrative penalty assessed shall begin to accrue on the fifth (5th) day after the date on which the self monitoring report was due, and shall continue to accrue at least for thirty (30) days if the violation is not corrected.
2. The RVRSA may continue to assess civil administrative penalties for the failure to submit a complete self monitoring report beyond the thirty (30) day period referenced under subparagraph (1) above until the violation is corrected.
3. To contest a civil administrative penalty assessed pursuant to this Section, a violator shall submit evidence of extenuating circumstances beyond the control of the Permittee, including circumstances that prevented timely submission of a complete monitoring report, or portion thereof, within thirty (30) days after the date on which the effluent parameter information was required to be submitted to the RVRSA. If the violator fails to submit the required information within this thirty (30) day period, the violator shall have waived its right to contest the civil administrative penalty in this manner and be barred from doing so.
4. A violator will not be subject to a civil administrative penalty for the inadvertent omission of one or more effluent parameters in a self monitoring report if both of the following conditions are met:
 - (a) The violator submits the omitted information to the RVRSA within ten (10) days after the receipt by the violator of the notice of omission; and
 - (b) The violator demonstrates to the satisfaction of the RVRSA that the violation for which the RVRSA assessed the civil administrative penalty was due to an inadvertent omission by the violator of one or more effluent parameters.

SECTION 7: RECORDS AND RECORD KEEPING

A. Records

Permittee shall maintain such records of effluent flows and pollutant amounts or concentrations as are necessary to demonstrate compliance with the requirements of this Permit and any applicable Federal and State standards. Such records shall be made available, upon request, to the RVRSA. All such reports relating to the compliance with pretreatment standards shall be made available to officials of NJDEP and USEPA upon request.

B. Record Keeping

Permittee's shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required herein and any additional records of information obtained pursuant to monitoring activities undertaken by the user

independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the date analyses were performed; who performed the analysis; the analytical techniques or methods used; and the results of such analysis. The records shall remain available for a period of at least five (5) years. This period shall be automatically extended for the duration of any litigation concerning the user or RVRSA where the user has been specifically notified of a longer retention period by the RVRSA.

SECTION 8: SERVICE CHARGES AND FEES

A. Treatment Charges

To the extent that the Permittee's combined sanitary discharge does not exceed the limitations set forth in this Permit, it shall be classified as wastewater of domestic character and the treatment charges shall be as set forth for all other discharges of such wastewater, i.e., the volume of discharge shall be included in the calculation of service charges to the local municipality. The municipality may then bill the Permittee for such costs in accordance with its local User Charge System.

B. Surcharge for Wastewaters of Excessive Strength (CBOD₅, TSS and other Pollutants)

Whenever the Permittee's combined sanitary discharge exceeds the limitations set forth in "Table 1 – Discharge Limitations", a surcharge for the treatment of said discharges shall be payable directly to the RVRSA.

The Surcharge for wastewaters of excessive strength will be calculated using the following formulae:

Total Surcharge cost – CBOD₅ Surcharge Cost + TSS Surcharge Cost + Ammonia Surcharge Cost

CBOD₅ Surcharge Cost = CBOD₅ Unit Cost (\$0.317/lbs) x CBOD₅ Excess Concentration (mg/L) x Average flow (MGD) x No. of Days (days) x Conversion Factor (8.34)

TSS Surcharge Cost = TSS Unit Cost (\$0.040/lbs) x TSS Excess Concentration (mg/L) x Average flow (MGD) x No. of Days (days) x Conversion Factor (8.34)

Ammonia Surcharge Cost = Ammonia Unit Cost (\$0.707/lbs) x Ammonia Excess Concentration (mg/L) x Average flow (MGD) x No. of Days (days) x Conversion Factor (8.34)

Where:

CBOD₅ Excess Concentration = CBOD₅ Discharge Concentration minus 250 mg/L

TSS Excess Concentration = TSS Discharge Concentration minus 250 mg/L

Ammonia Excess Concentration = Ammonia Discharge Concentration minus 40 mg/L

CBOD₅ Unit Cost = the operation and maintenance costs for treatment of a pound of CBOD₅
TSS Unit Cost = the operation and maintenance costs for treatment of a pound of TSS
Ammonia Unit Cost = the operation and maintenance costs for treatment of a pound of Ammonia
Average Flow = the average flow in million gallons per day on the day when excess concentrations are discharged
No. of Days = the number of days for which the surcharge is being assessed

The surcharge calculated above shall be paid within thirty (30) days after the submission of a statement to the Permittee.

This surcharge shall not limit the RVRSA's right to assess fines and penalties for the violation of any effluent limitation(s) or standard(s) set forth herein. This surcharge shall be in addition to and not in lieu of any fines or penalties assessed.

C. Annual Permit Fees

The Annual fees charged to the Permittee for sewerage service shall consist of the annual permit fee, any surcharge which become due to a result of the discharge of wastewaters of excessive strength, and user charges based on the quality of discharge.

The minimum annual permit fee shall be Two Thousand Dollars (\$2,000.00). Such fee shall be payable to the RVRSA on each anniversary date of the issuance of the permit.

User charges which are attributable to any Industrial User's discharge may be determined and assessed by the local municipality in which the industrial user is located.

D. Additional Charges

In addition to the minimum annual permit fee provided for herein, the Permittee shall reimburse the RVRSA for the actual costs incurred by the RVRSA for such monitoring, sampling, investigation, engineering evaluation, administrative costs, legal or other services which are necessary or appropriate, in addition to those services which are minimally required and which are properly allocable to the Permittee's operation. Payment for such expenses shall be made by the Permittee within ten (10) days after the submission of an invoice by the RVRSA.

SECTION 9: NOTIFICATION OF NON-COMPLIANCE OR ACCIDENTAL DISCHARGE

A. Notice to RVRSA

If, for any reason, the Permittee does not comply with or will be unable to comply with, any effluent limitation or prohibition in this Permit, the Permittee shall immediately telephone and

notify the RVRSA of such noncompliance or accidental discharge. The notification shall include the location of the discharge, type of waste, concentration and volume.

All categorical and non-categorical Permittee's shall notify the RVRSA immediately of all discharges that could cause problems to the RVRSA, including any slug loadings, as defined by § 403.5(b), by the Permittee.

Within five (5) days following a non-complying or accidental discharge, the Permittee shall submit to the RVRSA a detailed written report describing the date, time and cause of the discharge, the quantity and characteristics of the discharge and corrective action take at the time of the discharge, and the measures to be taken by the Permittee to prevent similar future occurrences. Such notification shall not relieve the Permittee of any expense, loss, damage, or other liability which may be incurred as a result of damage to treatment system, fish kills, or any other damage to person or property; nor shall such notification relieve the Permittee of any fines, civil penalties, or other liability which may be imposed by this Permit or other applicable law. ***Please refer to Appendix, Form A – “Non-Compliance Notification”, notice format.**

B. Remedial Action

The Permittee shall take immediate action to contain and minimize the accidental or slug discharge as to prevent interference with the treatment process, damage to the treatment system, and pass through to the receiving stream or contamination of the sludge.

C. Notice of Emergency Procedure

A notice shall be permanently posted on the Permittee's bulletin board or other prominent place advising employee's who to call in the event of a non-complying discharge. Permittee shall insure that all employees who may witness, cause or suffer such a discharge to occur are advised of the emergency notification procedure.

D. Resampling and Acceleration of Sampling Frequency

If sampling performed by the Permittee indicates a violation, the Permittee shall notify the RVRSA within 24 hours of becoming aware of the violation and shall repeat the sampling and analysis and submit the results of the repeat analysis to RVRSA within 30 day after becoming aware of the violation. The Permittee shall not be required to re-sample if the RVRSA performs sampling at the Permittee's facility between the time when the Permittee performs its initial sampling and the time when the Permittee receives the results of its sampling or if the RVRSA performs sampling at the Permittee's facility at a frequency of at least once per month. ***Please refer to Appendix, Form B – “Notice of Accelerated Testing Frequency”, notice format.**

Notwithstanding the reporting requirements stipulated in the permit for discharges to the RVRSA, a Permittee shall be required to file monthly reports with the RVRSA if the Permittee:

1. in any month commits a serious violation as defined at N.J.S.A. 58:10A-3v or fails to submit a completed discharge monitoring report and does not contest, or unsuccessfully contests, the assessment of a civil administrative penalty therefore; or
2. is in significant noncompliance pursuant to N.J.S.A. 58:10A-3w.

RVRSA may restore the monitoring requirements stipulated in the permit if the Permittee has not committed any of the violations identified in this paragraph for six consecutive months.

E. Protection from Accidental Discharge

The RVRSA shall evaluate whether each Significant Industrial User needs a plan or other action to control Slug Discharges. Each Significant Industrial User must be evaluated within 1 year of being designated a Significant Industrial User. For purposes of this subsection, a Slug Discharge is any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the Authority's regulations, local limits or permit conditions. The results of such activities shall be available to the Approval Authority (NJDEP) upon request. Significant Industrial Users are required to notify the Authority immediately of any changes at its facility affecting its potential for a Slug Discharge. In addition, procedures for immediately notifying the RVRSA of slug discharges, including any discharge that would violate a prohibition under § 40 CFR 403.5(b), with procedures for follow-up written notification within five days.

If the Authority decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

1. Description of wastewater and disposal discharge practices, including non-routine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the RVRSA of slug discharges, including any discharge that would violate a prohibition under § 40 CFR 403.5(b), with procedures for follow-up written notification within five days;
4. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

Implementation of such measures in order to prevent accidental discharge of prohibited materials shall be provided and maintained at the Industrial User's own cost and expense.

SECTION 10: UPSET PROVISION AND BYPASS

A. Upset Provision

For the purposes of this section, Upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the Permittee. An Upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An Upset shall constitute an affirmative defense to an action brought for non-compliance with categorical Pretreatment Standards if the requirements stated below are met.

A Permittee who wishes to establish the affirmative defense of Upset shall demonstrate through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An Upset occurred and the Permittee can identify the cause(s) of the Upset;
2. The facility was at the time being operated in a prudent and workman-like manner in compliance with applicable operation and maintenance procedures;
3. The Permittee has submitted the following information to the RVRSA within 24 hours of becoming aware of the Upset (if this information is provided orally, a written submission must be provided within five (5) days):
 - (a) A description of the Indirect Discharge and cause of noncompliance;
 - (b) The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue;
 - (c) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the non-compliance.

In any enforcement proceeding the Permittee seeking to establish the occurrence of an Upset shall have the burden of proof.

In the usual exercise of prosecutorial discretion, RVRSA should review any claims that non-compliance was caused by an Upset. No determinations made in the course of the review constitute final RVRSA action subject to judicial review. Permittees will have the opportunity for a judicial determination of any claim of Upset only in an enforcement action brought for non-compliance with categorical Pretreatment Standards.

The Permittee shall control production or all Discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its

treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

B. Bypass

Bypass is the intentional diversion of wastestreams from any portion of a Permittee's treatment facility. Whereas, *Severe property damage* means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

A Permittee may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of *notice* or *prohibition of bypass*:

Notice:

1. If the Permittee knows in advance of the need for a bypass, it shall submit prior notice to the RVRSA, if possible at least ten (10) days before the date of the bypass.
2. The Permittee shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the RVRSA within 24 hours from the time the Permittee becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the Permittee becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The RVRSA may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

Prohibition of Bypass:

1. Bypass is prohibited, and the RVRSA may take enforcement action against the Permittee for a bypass, unless:
 - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

- (c) The Permittee submitted notices as required in the "Notice" section, as stated above.
2. The RVRSA may approve an anticipated bypass, after considering its adverse effects, if the RVRSA determines that it will meet the three above listed conditions.

SECTION 11: VIOLATIONS

Violations of the terms and conditions of this permit will subject the Permittee to the following:

- A. The suspension or termination of discharge as provided herein.
- B. The payment of the cost and expenses as provided in Section 21 – Indemnification, herein.
- C. The institution of a civil action for appropriate relief which may include, singly or in combination:
 1. a temporary or permanent injunction,
 2. the assessment of costs and expenses as provided in Section 21 – Indemnification, herein,
 3. the collection of penalty in a summary proceeding under N.J.S.A. 2A:58-1 et seq.,
 4. the remedies provided by the Sewerage Authorities Law N.J.S.A. 40:14A-1 et seq; the New Jersey Water Pollution Control Act N.J.S.A. 58:10A-1 et seq; the New Jersey Pretreatment Standards for Sewerage N.J.S.A. 58:11-49 et seq. The Clean Water Act 33 U.S.C.A. Section 1251 et seq.
- D. The publication of the significant noncompliant cases are defined under 40 CFR 403.8 (f)(2)(vii) in the official newspaper designated by the RVRSA.

SECTION 12: NOTIFICATION OF VIOLATION

When the Executive Director finds that a user has violated, or continues to violate, any provision of the permit or order issued hereunder, or any other pretreatment standard or requirement, the Executive Director may serve upon that user a written Notice of Violation (NOV). Upon becoming aware of the violation, the Permittee shall orally provide, to the Executive Director, an explanation of the violation and plan for the satisfactory correction and prevention thereof including specific required actions, within twenty-four (24) hours, except as otherwise provided herein. Within five (5) days, a Report shall be submitted to the Executive Director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Executive Director to take any action, including emergency

actions or any other enforcement action, without first issuing a Notice of Violation. *Please refer to Appendix, Form A – “Non-Compliance Notification”, notice format.

SECTION 13: RIGHT OF ENTRY, INSPECTION AND SAMPLING

Whenever it shall be necessary for the purpose of this Permit, authorized representatives of the RVRSA, the New Jersey Department of Environmental Protection (NJDEP), the United States Environmental Protection Agency (USEPA) or other governmental authorities having jurisdiction, may upon presentation of credentials, enter the premises of the Permittee as follows:

1. For the purpose of inspecting, copying or photographing any records required to be kept, pursuant to Section 7, during business hours, on notice to authorized personnel of the Permittee, but without the necessity of obtaining a warrant.
2. For the purpose of inspecting any monitoring equipment or method, inspecting the process wastewater pretreatment facilities and/or measuring, sampling and/or testing any discharge of wastewater, either from the process wastewater pretreatment facilities or the point of discharge to the sewerage system, at any time without a warrant or prior notice, provided, however, that the Permittee shall instruct security personnel to immediately admit such representatives, upon the presentation of valid credentials, at any hour and under any and all circumstances.

SECTION 14: PENALTIES

A. Penalty for Failure to Allow Entry or Inspection

The RVRSA may assess a civil administrative penalty against the Permittee who refuses, inhibits or prohibits immediate entry and inspection of any premises, building or place by any authorized Authority representative.

Each day, from the initial day of failure by the violator to allow immediate entry and inspection, to the day of receipt of the RVRSA of written notification from the violator that the violator will not refuse, inhibit or prohibit immediate entry and inspection, shall be an additional, separate and distinct violation.

The RVRSA shall determine the amount of the civil administrative penalty for violations described as follows:

1. For refusing, inhibiting or prohibiting immediate entry and inspection of any premises, building or place for which an administrative order or permit exists under these regulations or the Water Pollution Control Act, the civil administrative penalty may be in the amount of up to \$50,000; and

2. For any other refusal, inhibition or prohibition of immediate entry and inspection, the civil administrative penalty may be in an amount of up to \$5,000.

The RVRSA may, in its discretion, adjust the amount of the civil administrative penalty determined on the basis of the factors listed in N.J.A.C. 7:14-8.7.

B. Penalty for Conducting Unapproved Activities

The RVRSA may assess civil administrative penalties against each violator who:

1. Fails to obtain approvals, endorsements or builds, modifies, or operates a facility or treatment works, as defined in these regulations in violation of any rule, administrative order, or permit issued pursuant to these regulations or the Water Pollution Control Act.
2. Fails to provide notice and/or obtain approvals for introduction of new product/product line, discharge of new toxic pollutant to the system, significant changes in its discharge quality and/or quantity.

The RVRSA may assess the civil administrative penalty for violations described in this section in the amount of up to \$50,000.

The RVRSA may, in its discretion, adjust the amount of the civil administrative penalty determined on the basis of the factors listed in N.J.A.C. 7:14-8.8.

C. Penalty for Failure to Pay a Fee or Fines

The RVRSA may assess a civil administrative penalty pursuant to this section against each violator who fails to pay a permit fee when due pursuant to these regulations or the Water Pollution Control Act.

Each day a permit fee is not paid after it is due shall constitute an additional, separate and distinct violation.

The RVRSA shall determine the amount of the civil administrative penalty for violations described in this section in an amount equal to the unpaid permit fee, up to the maximum of \$50,000 per violation.

Any person who violates the Water Pollution Act, any rule, or regulation of the RVRSA pursuant thereto, effluent limitation, permit, or an administrative order issued pursuant to subsection b. of N.J.S.A. 58:10A-10, or a court order issued pursuant to subsection c. of N.J.S.A. 58:10A-10, or who fails to pay a civil administrative penalty in full pursuant to subsection d. of N.J.S.A. 58:10A-10, or to make payment pursuant to a payment schedule entered into with the RVRSA (or the NJDEP), shall be subject upon order of the court to a civil penalty not to exceed \$50,000.00 per day of such violation, and each day's continuance of the violation shall constitute a separate violation. Any penalty incurred under this

subsection may be recovered with costs, and if applicable, interest charges, in a summary proceeding pursuant to the "penalty enforcement law (N.J.S.A. 2A:58-1 et seq.)".

SECTION 15: CIVIL ADMINISTRATIVE AND CIVIL PENALTIES

A. Notice of Civil Administrative Penalties

1. When the Executive Director finds that a user has violated, or continues to violate, any provision of RVRSA's Service Rules, an Industrial Sewer Connection Permit or order issued hereunder, or any other pretreatment standard or requirement, the Executive Director may assess a civil administrative penalty against such user in an amount as set out in subsection (3) below, subject to any grace period.
2. The Authority may assess, by civil administrative order, any costs recoverable, including the reasonable costs of investigation and inspection, and preparing and litigating the case before an administrative law judge pursuant to this section, except assessments for compensatory damages and economic benefits. Notice of the penalty or assessment shall be given to the violator in writing by the Authority, and payment of the penalty or assessment shall be due and payable, unless a hearing is requested in writing by the violator, within twenty (20) days of receipt of notice. If a hearing is requested, the penalty or assessment shall be deemed a contested case and shall be submitted to the office of Administrative Law for an administrative hearing.
3. The Authority may assess a civil administrative penalty pursuant to the sections of the RVRSA Service Rules as noted below, herein of not more than \$50,000.00 for each violation of each provision of RVRSA's Service Rules, an Industrial Sewer Connection Permit or order issued hereunder, or any other pretreatment standard or requirement. The Authority shall assess a penalty against a user which commits a serious violation or is in significant noncompliance (SNC), or continues to be in SNC. Penalties shall be assessed in accordance with the RVRSA Addendum to the Service Rules: Enforcement Response Plan.

Additional information on the assessment and minimum mandatory civil administrative penalty amounts can be found in Sections 407, 1001, 1002, and 1003 of the RVRSA's service rules.

B. Notice of Civil Penalties

A user who has violated, or continues to violate, any provision of RVRSA's Service Rules, an Industrial Sewer Connection Permit, or order issued hereunder, or any other pretreatment standard or requirement or a court order, or who fails to pay a civil administrative penalty in full, or to make a payment pursuant to a payment schedule entered into with the Authority, shall be subject, upon order of a court, to a civil penalty not to exceed \$50,000.00 per day of such violation, and each day's continuance of the violation shall constitute a separate violation. Additional information can be found in section 502 of the RVRSA's Service Rules.

SECTION 16: CRIMINAL PROSECUTION

When the Executive Director finds that a user has violated, or continues to violate, any provision of RVRSA's Service Rules, a permit or order issued hereunder, or any other pretreatment standard or requirement, the Executive Director may petition the County Prosecutor or Attorney General to bring a criminal action in accordance with Section 503 of the RVRSA's Service Rules.

SECTION 17: PUBLICATION OF SIGNIFICANT NON-COMPLIERS

The Executive Director shall publish annually, in the largest daily newspaper published in the municipality where the RVRSA is located, a list of the users which, during the previous twelve (12) months, were significant non-compliers. For the purposes of this section, the term "significant non-compliers" shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six (6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- B. Technical Review Criteria (TRC) violations, defined here as those of which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other discharge violation that the Executive Director believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of RVRSA personnel or the general public;
- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Executive Director's exercise of emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in the Permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report non-compliance; or

H. Any other violations which the Executive Director determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 18: MORE STRINGENT STANDARDS TO CONTROL: SUBSEQUENT ADOPTION OF LOCAL LIMITS

If an effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition), is established under Section 307 (b) of the Federal Water Pollution Control Act (the Act), its amendments, or any other subsequent law or regulation, for a pollutant in this Permit, this Permit shall be revised or modified in accordance with the effluent standard or prohibition.

State standards or prohibitions on discharges shall apply in any case where they are more stringent than Federal standards or prohibitions or those in this Permit.

The RVRSA reserves the right to impose standards or prohibitions more stringent than or in addition to, those imposed in the Permit or by Federal or State Law, if necessary to protect worker health and safety, the treatment system or process, or to meet discharge limitations imposed upon the RVRSA by Federal or State Law. The RVRSA further reserves the right to adopt local limits which may be more stringent than the limits set forth on Table 1. The Permittee shall have an opportunity to be heard regarding more stringent standards, and will be provided a reasonable period to comply with such new standards or prohibitions.

SECTION 19: OTHER GOVERNMENTAL APPROVALS NOT SUPERSEDED

Nothing in this permit shall be construed to relieve the Permittee from compliance with the rules and regulations of any governmental authority having jurisdiction, including but not limited to USEPA, NJDEP, and the local municipality.

This permit is specifically subject to the Orders of the Superior Court of the State of New Jersey issued from time to time in the matter entitled, Department of Health State of New Jersey, et al vs. City of Jersey City, et al, Superior Court of New Jersey, Chancery Division, Morris County, Docket No. C-3447-67. (Gallorage Allocation)

SECTION 20: SUSPENSION OR TERMINATION OF SERVICE

This permit to discharge pretreated process wastewater may be suspended or terminated:

- A. When suspension or termination is necessary, in the opinion of the RVRSA, 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 or to the environment; causes interference to the treatment process or operation or causes the RVRSA to violate any condition of its NJPDES Permit. Such suspension or termination may be imposed notwithstanding compliance by this Permittee with all of the terms and conditions of this Permit.
- B. In the event of a violation of this Permit, which shall include, but not limited to:
 - 1. failure to factually report the wastewater constituents and characteristics of the discharge;
 - 2. refusal of access for inspection or monitoring;
 - 3. failure to report changes in ownership or operations;
 - 4. failure to consistently comply with the Permit Discharge Limitations.

Upon notification of a suspension or termination of the wastewater treatment service, Permittee shall immediately stop or eliminate the discharge. In the event of a failure to comply voluntarily with the suspension or termination order, the RVRSA shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals or the environment.

SECTION 21: INDEMNIFICATION

The Permittee shall indemnify and save harmless the RVRSA for any harm, expense, loss or damage caused by the RVRSA by reason of the discharge of wastewater, or any prohibited substance, attributable to the Permittee, or its operations, including, but not limited to, the following:

- A. Any reasonable cost incurred by the RVRSA in removing, correcting, preventing or terminating the adverse effects imposed upon the treatment process or the operations of the RVRSA.
- B. Any increase in the cost of sludge processing or disposal.
- C. Any fines or penalties assessed against the RVRSA for such violations of its permits which results from discharge from the Permittee.

- D. The reasonable costs of any investigative inspection or monitoring survey which leads to the establishment of a violation of this permit, and the reasonable cost of preparing and litigating any action successfully concluded against the Permittee for such violation.
- E. Any other actual or compensatory damages to RVRSA resulting from the discharge referred to above.

Unless otherwise required by Federal or State Law, or environmental statutory regulations, Permittee shall not be obligated to pay any preventative costs referred to in Paragraph (A) above not directly related to any harm, expense, loss or damage caused to the RVRSA, and attributable to the Permittee.

SECTION 22: CONFIDENTIAL INFORMATION

Information and data obtained from reports, questionnaires, and monitoring programs and from inspections shall be available, upon request, to the public or other governmental agency for uses related to this Permit, unless the Permittee specifically objects to such release and is able to demonstrate to the satisfaction of the RVRSA, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secret of the Permittee.

When requested by the Permittee, the portions of a report which might disclose trade secrets of secret processes shall not be made available for inspection by the public, but shall be made available upon written request to the USEPA and/or NJDEP for uses related to this Permit, the New Jersey Pollutant Discharge Elimination System (NJPDES) and/or the State or Federal Pretreatment Programs; provided, however, such portions of any report shall be available for uses in judicial review or enforcement proceedings involving Permittee. Wastewater constituents and characteristics do not constitute confidential information for the purposes of this Permit.

SECTION 23: CHANGES IN OPERATION OR OWNERSHIP

This Permit is issued based upon the representations as to the nature of the Permittee's operation which is contained in the references cited under Section 2 herein. This Permit is not transferable. Any change in the ownership or control of the facilities will require the submission of a new connection application and the issuance of a new or amended Connection Permit.

Each Permittee must notify RVRSA of any planned changes to the user's operations or system which might alter the nature, quality or volume of its wastewater at least ten (10) days before the change.

Any change in the operation of the facilities or any change in product line or process that will modify the conditions presented in the above references or modify the conditions imposed by this permit, will require the submission of a new connection application and the issuance of a new or amended Connection Permit. The RVRSA may waive this requirement, in its discretion, upon request of the Permittee and submittal of supporting reasons.

This issuance of this Permit does not convey any property rights in either real or personal property, nor does it convey any exclusive privileges.

SECTION 24: RENEWAL AND AMENDMENT

Permittee shall apply for a renewal of this Permit not later than 180 days prior to the expiration date. Unless this Permit is renewed, all discharges authorized herein shall cease as of this expiration date. If the Permittee submits a completed application for the renewal of this permit 180 days prior to the expiration of this permit, and the RVRSA has not yet acted upon said application, the Permittee, unless notified to the contrary by the RVRSA in its discretion, may continue to discharge pursuant to the otherwise expired permit.

Permittee may apply for amendments to this Permit at any time it deems such application to be necessary or appropriate. ***Please refer to Appendix, Form E – “Renewal of Industrial Sewer Connection Permit”, format notice.**

SECTION 25: DEFINITIONS

The definitions contained within the Service Rules of the RVRSA are incorporated herein by reference, as set forth in length. In addition, the meaning of other terms used in this Permit shall be as follows:

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER: An authorized representative of an industrial user may be:

- a. A principal executive officer of at least the level of vice president, if the industrial user is a corporation.
- b. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
- c. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

CARBONACEOUS BIOCHEMICAL OXYGEN DEMAND (CBOD): A standard test indicating the quantity of oxygen utilized by wastewater under controlled conditions of temperature and time.

BYPASS: means the unintentional but anticipated or unanticipated intentional diversion or discharge of waste streams from any user into the RVRSA Wastewater Collection and Treatment system.

CHEMICAL OXYGEN DEMAND (COD): A measure of the oxygen consuming capacity of inorganic and organic matter present in wastewater. It is expressed as the equivalent amount of oxygen required as determined using a chemical oxidant in a standard test.

COMPATIBLE POLLUTANT: Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, and such additional pollutants as are new or may be in the future specified and controlled in the RVRSA'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 specific time period and combined to make a representative sample.

COOLING WATER: Any water, including non-contact cooling water, or other substance used for the purpose of dissipating heat, including but not limited to, discharges from air conditioning, cooling or refrigeration systems and other non-contact cooling water.

DAILY AVERAGE: The total volume of monthly sewerage flow divided by the number of days in the month that discharge(s) occurred.

DISCHARGE: An intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying, or dumping of any pollutant into the RVRSA wastewater collection and treatment system.

DISCHARGER: Any person that discharges or causes a discharge to the RVRSA collection and treatment system.

EFFLUENT LIMITATION: Any restriction on quantities, quality, rate and concentration of chemical, physical, thermal, biological, and other constituents of pollutants established by State or Federal Statutes, Rules or Regulations, Local Limits as set forth herein or any permit issued hereunder, or imposed as an interim enforcement limit pursuant to an administrative order, including and administrative consent order.

GRAB SAMPLE: A sample which is taken from a waste stream on a one-time basis with regard to the flow in the waste stream and without consideration of time.

HAZARDOUS POLLUTANT:

- a. Any toxic pollutant or;
- b. Any substance regulated as a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act, Pub. L. 92-516 (7 U.S.C. '136 et seq.); or

- c. Any substance the use or manufacture of which is prohibited under the federal Toxic Substance Control Act, Pub. L. 94-469 (15 U.S.C. subsection 2601 et seq.); or
- d. Any substance identified as a known carcinogen by the International Agency for Research on Cancer; or
- e. Any hazardous waste as designated pursuant to section 3 of P.L. 1981, c. 279 (C. 13:1E-51) or the "Resource Conservation and Recovery Act," Pub. L. 94-580 (42 U.S.C. '6901 et seq.); or
- f. Any hazardous substance as defined pursuant to section 3 of P.L. 1976, c. 141 (C. 58:10-23.11b).

INCOMPATIBLE POLLUTANT: Any pollutant which is not a "compatible pollutant" as defined in this section.

INDUSTRIAL WASTES: waste or Pollutant which cannot be classified as "Sanitary Waste/Sewage (Domestic Sewage)" as defined herein.

INFILTRATION: The passage of subsurface groundwater into a sanitary sewer through defects in pipelines, joints and manholes.

INFLOW: The leakage of rainfall related surface runoff into a sanitary sewer through sources such as roof leaders, cellar and yard drains, foundation drains, sump pumps, manhole covers and cross connections with storm sewers.

INHIBITORY TOXICITY: Any demonstrate inhibitory action of a substance on the rate of general metabolism (including rate of reproduction) of living organisms.

INTERFERENCE:

- a. inhibiting or disrupting a domestic treatment works system or its treatment process or operation so as to contribute to, or cause a violation of any condition of a state of federal permit under which the domestic treatment works operates, or;
- b. discharging industrial process wastewater which, in combination with existing domestic flows are of such volume and/or strength as to exceed the domestic treatment process design capacity, or;
- c. preventing the use or disposal of sludge produced by 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).

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES): The Federal program, pursuant to the Federal Water Pollution Control Act Amendment, Clean Water Act and other acts, for the purpose of controlling the discharge of pollutants from point sources into the navigable waters, the contiguous zone and the oceans, pursuant to Section 402 of the Act.

NJDEP: New Jersey Department of Environmental Protection.

NEW JERSEY POLLUTANT DISCHARGE ELIMINATION SYSTEM (NJPDES): The New Jersey system for the issuing, modifying, suspending, revoking and reissuing, terminating, monitoring and enforcing of discharge permits pursuant to the State Act. The term also includes discharge permits (NJPDES) issued pursuant to section 402 of the Clean Water Act of 1977 (33 U.S.C. 1251 et seq).

POLLUTANT: Any dredged soil, solid waste, incinerator residue, sewerage, garbage, refuse, oil, grease, sewerage sludge, munitions, chemical wastes, biological materials, radioactive substance, thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal or agricultural waste or other residue discharged into the waters of the state.

PRETREATMENT: A reduction in the amount or elimination of pollutants, or the alteration of the nature of pollutant properties in industrial wastes prior to the discharge or such wastes into the RVRSA treatment works, whether such reduction, elimination or alternation is obtained by physical, chemical or biological processes, process changes or other means.

PRETREATMENT STANDARDS: All applicable Federal or State rules and regulations implementing section 307 of the Clean Water Act of 1977, the Clean Water Enforcement Act of 1991 N.J.A.C. 7:14A (33 U.S.C. 1351 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.

PROCESS WASTEWATER (INDUSTRIAL WASTES): As defined in the Service Rules of the RVRSA.

SANITARY WASTES/SEWAGE (DOMESTIC SEWAGE): The wastewater discharge from a residential dwelling consisting primarily of effluent from water closets, bathing facilities, sinks, clothes washers, and dishwashers.

SERIOUS VIOLATION: An exceedance deemed to constitute a serious violation pursuant to N.J.S.A. 58:10A-3 or the regulations adopted pursuant to N.J.S.A. 58:10A-1 et seq., as amended and supplemented from time to time, including, but not limited to exceedance of an effluent limitation for a discharge point source set forth in a permit, administrative order, or administrative consent agreement, including interim enforcement limits, **by twenty percent (20%) or more for a hazardous pollutant, or by forty percent (40%) or more for a non-hazardous pollutant, calculated on the basis of the monthly average for a pollutant for which the effluent limitation is expressed as a monthly average, or, in the case of an**

effluent limitation expressed as a daily maximum and without a monthly average, on the basis of the monthly average of all maximum daily test results for that pollutant in any month. In the case of an effluent limitation for a pollutant that is not measured by mass or concentration, the RVRSA shall prescribe an equivalent exceedance factor therefore. The RVRSA may utilize, on a case-by-case basis, a more stringent factor of exceedance to determine a serious violation if the RVRSA states the specific reasons therefore, which may include the potential for harm to human health or the environment. "Serious violation" shall not include a violation of a permit limitation for color.

SERVICE RULES: The Rockaway Valley Regional Sewerage Authority (RVRSA) Service Rules revised September 1987 and the "Rockaway Valley Regional Sewerage Authority Service Rules":

- a. Regulations Concerning Industrial Users: Industrial Sewer Permits
- b. Regulations Concerning Sewer Use: Pretreatment Regulations
- c. Adopted March, 1984, amended August 1984, October 2001, March 2010, May 2010, August 2017 and August 2017 as the same from time to time be further amended, supplemental or revised.

SIGNIFICANT NON-COMPLIER: A significant non-complier shall include any discharger deemed a significant non-complier as defined at 40 CFR § 403.8 (f)(2)(vii) or N.J.S.A. 58:10A-3, or the regulations adopted pursuant to N.J.S.A. 58:10A-1 et seq., as amended and supplemented from time to time. Except where noted, "significant non-complier" shall include, but not be limited to:

- a. Any discharger who commits a serious violation for the same hazardous pollutant for the same non-hazardous pollutant, at the same discharge point source, in any **two months of any six month period**; or
- b. Who exceeds the monthly average or, in a case of pollutant for which no monthly average has been established, the monthly average of the daily maximums for an effluent limitation for the same pollutant at the same discharge point source by an amount in **any four months of any six month period**; or
- c. Who fails to submit a **completed self monitoring report in any two months of a six month period**.

The RVRSA may utilize, on a case-by-case basis, a more stringent frequency or factor of exceedance to determine a significant non-complier, if the RVRSA states the specific reasons therefore, which may include the potential for harm to human health or the environment.

For the purposes of compliance with the public participation requirements of 40 CFR part 25 which requires public notification of industrial user which, at any time during the previous twelve months, were in significant non-compliance with applicable pretreatment requirements,

an industrial user is in significant non-compliance if its violation meets one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six (6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
2. Technical Review Criteria (TRC) violations, defined here as those of which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
3. Any other discharge violation that the Executive Director believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of RVRSA personnel or the general public;
4. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Executive Director's exercise of emergency authority to halt or prevent such a discharge;
5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in the Permit or enforcement order for starting construction, completing construction, or attaining final compliance;
6. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
7. Failure to accurately report non-compliance; or
8. Any other violations which the Executive Director determines will adversely affect the operation or implementation of the local pretreatment program.

SLUG DISCHARGE: Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge as defined in 40 CFR § 403.8(f)(2)(v).

STORM WATER: Any flow occurring during or immediately following any form of natural precipitation and resulting there from.

TOXIC POLLUTANT: 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 or indirectly

by ingestion through food chains, will, on the basis of information available to the RVRSA or Executive Director or NJDEP, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformation, in such organisms or their offspring.

TERMS: Not otherwise defined herein shall be adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association and Water Pollution Control Federation; the Federal Guidelines for State and Local Pretreatment Programs, EPA-420/9-76-017a, Volume I, 1977; or the latest revision thereof, the Clean Water Act N.J.S.A. 58:10A-1 et seq; or N.J.S.A. 58:1-49 et. seq, 1972.

UPSET: An exceptional incident in which there is unintentional and temporary non-compliance with an effluent limitation because of an event beyond the reasonable control of the Permittee, including fire, riot, sabotage, or a flood, storm event, natural cause, or other similar circumstance, which is the cause of the violation. "Upset" also includes non-compliance consequent to the performance of maintenance operations for which a prior exception has been granted by the NJDEP or RVRSA.

WASTES: Either domestic sanitary wastes or industrial wastes, or both.

SECTION 26: SEVERABILITY

The provisions of this Permit are severable, and if any provisions of this Permit, or the application of any provisions of this Permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

SECTION 27: EMERGENCY DISCHARGE LIMITATION PLANS

Each SIU Permittee is required to prepare and maintain an up-to-date plan specifically intended to limit discharges to the RVRSA during an emergency to mitigate damage to waters of the State of New Jersey arising from an emergency (N.J.A.C. 7:14A-6.12). The SIU permittee shall prioritize the components of its Emergency Discharge Limitation Plan to reflect its critical business operations. The SIU permittee shall be prepared to implement the Emergency Discharge Limitation Plans in whole or in part upon receiving notification from the RVRSA either an anticipated or unexpected emergency.

The RVRSA shall review the SIU permittee Emergency Discharge Limitation Plan during the annual SIU permittee inspections and provide the SIU permittee feedback where any plan deficiencies are noted.

At a minimum, the SIU shall address the elements listed below in the development of their Emergency Discharge Limitation Plan. Please note that if any element does not apply, the

reason for the non-applicability shall also be noted in the Emergency Discharge Limitation Plan.

A. Water Conservation

Water conservation that results in reduction of wastewater discharges to the RVRSA should be routine part of normal operations and must be maximized during an emergency.

B. Alternations or Reduction of Operations

Temporary alteration or reduction of facility operations that result in reduction of wastewater discharges to the RVRSA shall be implemented during an emergency. For example, the SIU Permittee could submit NJPDES permit application for alternate disposal options for non-contact cooling water, with or without commingled stormwater, by obtaining a General Permit Authorization for non-contact cooling water only, commingled non-contact cooling water and storm water, or for other eligible wastewaters under the other General Permits in accordance with N.J.A.C. 7:14A-1 et seq.

C. On-Site Storage

Identify existing capacity to safely store wastewater until the emergency passes. Existing in-house wastewater storage capacity shall be maximized prior to the onset of the predictable emergency. Addition of new storage capacity should be considered to support operations during an emergency. Any wastewater voided from storage to make room for emergency purposes, or wastewater discharged following the emergency, must be discharged at rates and at times that comply with the other conditions of the SIU's indirect discharge permit. If the SIU generates wastewater that is deemed to be hazardous waste, the SIU permittee is responsible for on-site accumulation time limit requirements under the RCRA Regulations, 40 CFR 262, for small quantity generators, adopted by reference by the NJDEP in N.J.A.C. 7:26G-6.1 et. seq.

D. Hauling

Identify the practicality of hauling wastewater to a facility unaffected by the emergency. The SIU permittee shall develop and maintain standing approvals for trucking and off-site receiving facility approval for disposal of wastewater. Wastewater must be discharged at rates and at times that comply with the all other conditions of the SIU's existing indirect discharge permit, unless otherwise directed by the Department or by the receiving facility. If the SIU permittee produces a wastewater, which would be deemed to exhibit a characteristic of a hazardous waste, or which is listed hazardous waste under N.J.A.C. 7:26G, must comply with the applicable hauling and disposal requirements for that waste.

E. Cessation of Operations

In an extreme emergency, when specifically notified by the Department or the RVRSA, the SIU permittee shall, as an option of last resort, plan for the safe and efficient reduction or cessation of operations to the maximum practicable extent.

F. Preparedness

The SIU permittee must include preparedness planning as part of the Emergency Discharge Limitation Plan. In addition to the strategies as already noted above, preparedness planning shall include, at a minimum:

- 1) Develop and maintain 24/7 contact information for primary and secondary emergency response personnel and after-hours, on-site personnel (if different from emergency response personnel) and supply the same to the RVRSA;
- 2) Develop and maintain contact information for all vendors necessary to support discharge reduction (example: waste hauling companies; potential receiving sites);
- 3) Implement the appropriate components of the preparedness plan when forecasts predict a potential emergency (e.g. flooding rains, damaging winds, crippling snows) and specifically, if notified of an emergency by the Department or the RVRSA.

MONTHLY "SELF MONITORING REPORT (SMR)" FORMS

Sampling Period/Month: _____ Facility Contact: _____
 Facility Name: **Refresco US, Inc. (Refresco)** Telephone No.: _____
 Address: **92 North Main Street, Wharton, NJ** Contract Laboratory: _____
 Sampling Date/Time: _____ Lab. Certification #: _____
 Sample Location: _____

PARAMETERS	SAMPLING FREQUENCY	SAMPLE TYPE (Comp./Grab)	EFFLUENT CONCENTRATIONS			UNITS	PERMIT LIMITS		Violation? (Yes/No)
			MIN.	AVG.	MAX.		D. Max.	Mo. Avg.	
Flow	Continuous	Metered				GPD	600,000	450,000	
CBOD5 (conc.)	Semi-Weekly	Composite				mg/L	500.0	Monitor	
pH	Weekly	pH				S. U.	5.5 - 9.5	N/A	
BOD5	Semi-Monthly	Composite				mg/L	Monitor	Monitor	
COD	Semi-Monthly	Composite				mg/L	Monitor	Monitor	
TDS	Monthly	Composite				mg/L	Monitor	Monitor	
TSS	Quarterly	Composite				mg/L	500	Monitor	
O&G (HEM)	Quarterly	Grab				mg/L	350	Monitor	
TPHC	Quarterly	Grab				mg/L	150	100	
NH3-N	Quarterly	Composite				mg/L	80	Monitor	
Phosphorus (T)	Quarterly	Composite				mg/L	Monitor	Monitor	
Chromium	Annually	Composite				mg/L	1.3	Monitor	
Copper	Annually	Composite				mg/L	1.7	Monitor	
Nickel	Annually	Composite				mg/L	0.8	Monitor	
Zinc	Annually	Composite				mg/L	2.1	Monitor	

MONTHLY "SELF MONITORING REPORT (SMR)" FORMS (Continued)

Was the discharge (sample) in compliance? _____ Yes _____ No*

* If "NO", you must submit a written explanation, remedial steps that will be taken, and a compliance schedule. Also, a RE-SAMPLE must be taken of the violated parameter(s) and the results submitted within 30 days.

Certification: *"I certify under the penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."*

Name of Authorized Representative: _____

(please print clearly)

Signature of Authorized Representative: _____

Date: _____

Title of Authorized Representative: _____