

ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY

ADDENDUM TO SERVICE RULES

REGULATIONS CONCERNING INDUSTRIAL USERS
AND GENERAL SEWER USE REQUIREMENTS

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REGULATIONS CONCERNING INDUSTRIAL USERS
AND GENERAL SEWER USE REQUIREMENTS:

SECTION 100: GENERAL PROVISIONS

101 PURPOSE AND POLICIES

A. These regulations constitute an addendum to the RVRSA Service Rules and serve to set forth basic operating guidelines for the implementation of the RVRSA's industrial pretreatment program and general requirements concerning the use of the Wastewater Collection and Treatment System.

B. These regulations set forth uniform requirements for all users of the RVRSA Wastewater Collection and Treatment System and enables the RVRSA to protect public health and the environment and to comply with all applicable State and Federal laws and regulations.

The objectives of these regulations are:

1. To prevent the introduction of pollutants into the RVRSA collection system and treatment works that will interfere with its operation or contaminate or interfere in anyway with the disposal of the resulting sludge; and
2. To prevent the introduction of pollutants into the RVRSA collection system and treatment works that will pass through the collection system and treatment works, inadequately treated, into receiving waters, or otherwise be incompatible in anyway with the RVRSA collection system and treatment works.
3. To protect all RVRSA personnel and the general public, who may be affected by wastewater and sludge in the course of their employment or in any other way.
4. To enable the RVRSA to comply with its New Jersey Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and all other Federal or State laws or regulations to which the RVRSA is subject.

102 DEFINITIONS

Unless the context specifically indicates otherwise, the following terms and phrases, as used in these regulations, shall have the meanings hereinafter designated:

AUTHORITY or RVRSA: means the Rockaway Valley Regional Sewerage Authority, a public body politic and corporate of the State of New Jersey.

BEST MANAGEMENT PRACTICES or “BMPs”: means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waste waters to the Authority’s System. BMPs also include treatment requirements, operating procedures, and techniques to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage, as applicable. BMPs include, but are not limited to, structural and nonstructural controls and operation and maintenance procedures. BMPs can be applied before, during, and after pollution-producing activities to reduce or eliminate the introduction of pollutants. (NJAC 7:14A-2.1)

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.

CATEGORICAL USER: Any user subject to the regulations containing pollutant discharge limits promulgated by USEPA in accordance with Sections 307(b) and (c) of 33 U.S.C. ' 1317 which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, including all amendments and supplements thereto.

CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD: Any regulation containing pollutant discharge limits promulgated by USEPA in accordance with Sections 307(b) and (c) of 33 U.S.C. ' 1317 which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, including all amendments and supplements thereto.

COMPATIBLE POLLUTANT: means biochemical oxygen demand, suspended solids, pH, fecal coliform bacteria, ammonia, plus additional pollutants identified in RVRSA's NJPDES Permit providing, however, that the treatment plant is designed to treat such pollutants and, in fact, does remove such wastes to a substantial degree.

COMPOSITE SAMPLES: means those samples that are made up of a series of small, individual samples obtained at regular intervals over the entire discharge period. The volume of each sample shall be proportional to the discharge flow rate.

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.

DISCHARGE: means 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: means any person that discharges or causes a discharge to the RVRSA collection and treatment system.

EFFLUENT LIMITATION: means any restriction on quantities, quality, rates and concentration of chemical, physical, thermal, biological, and other constituents of pollutants established by

State or Federal Statues, 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 an administrative consent order.

FACILITY: means the geographically continuous property owned or leased by the user which may be divided by public or private right(s) of way. Geographically non-continuous property, owned or leased by the user but connected by a right of way which the user controls and to which the public does not have access, shall be considered as one facility.

GARBAGE: means solid wastes, refuse, and other discarded or spent residual materials resulting from industrial, commercial and agricultural operations, and from domestic and community activities, including but not limited to solid wastes resulting from preparation, cooking, dispensing, handling, storage or sale of food and shall include containers of all types as well as paper goods.

Grace Period: means the period of time afforded under N.J.S.A. 13:1D-125 et seq., commonly known as the Grace Period Law, for a person to correct a minor violation in order to avoid imposition of a penalty that would be otherwise applicable for such violation. (see definition of "Minor" violation)

HAZARDOUS POLLUTANT: means

1. Any toxic pollutant; or
2. 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
3. Any substance the use or manufacture of which is prohibited under the federal Toxic Substances Control Act, Pub. L. 94-469 (15 U.S.C. subsection 2601 et seq.); or
4. Any substance identified as a known carcinogen by the International Agency for Research on Cancer; or
5. 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
6. Any hazardous substance as defined pursuant to section 3 of P.L. 1976, c. 141 (C. 58:10-23.11b).

IMMEDIATE ACCESS: means access without delay but in no event beyond ten (10) minutes from the time the request for access is made by authorized RVRSA personnel to any guard, employee or representative of the user.

INCOMPATIBLE POLLUTANT: means any pollutant which is not a compatible pollutant as defined in this part.

INDIRECT DISCHARGER: means the introduction of domestic and/or nondomestic sanitary or process waste by a discharger into the RVRSA collection and treatment system from any point or new source.

INDUSTRIAL SEWER CONNECTION APPLICATION: means a form to be filed with the Rockaway Valley Regional Sewerage Authority by an industrial user.

INDUSTRIAL SEWER CONNECTION PERMIT: means a permit issued by the RVRSA to an Industrial User, which authorizes the discharge of wastes to the sanitary sewer, subject to the conditions contained therein.

INDUSTRIAL USER: means a person who discharges "Industrial Wastes" as defined herein.

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

INTERFERENCE: means a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and, therefore, is a cause of a violation of the RVRSA's NJPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES): means the Federal program, pursuant to the Federal Water Pollution Control Act Amendments, 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.

NEW SOURCE: means:

1. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

- (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (c) The production or wastewater generating process of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1) (b) or (c) above, but otherwise alters, replaces, or adds to existing process or production equipment.
 3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - (a) Begun, or caused to begin, as part of a continuous on-site construction program:
 - (i) Any placement, assembly, or installation of facilities or equipment; or
 - (ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies, do not constitute a contractual obligation under this paragraph.

NJDEP: means the New Jersey Department of Environmental Protection.

NJPDES: means (NEW JERSEY POLLUTANT DISCHARGE ELIMINATION SYSTEM), the State of New Jersey system for the issuance of permits under the New Jersey Water Pollution Control Act (N.J.S.A. 58:10A-1 et seq.).

NON-COMMINUTED GARBAGE: means food processing wastes that have not been ground in a kitchen waste disposal unit.

NON-SIGNIFICANT CATEGORICAL USER: means an Industrial User subject to Categorical Pretreatment Standards under 403.6 and 40 CFR Chapter 1, Subchapter N that may be determined to be a Non-Significant Categorical User rather than Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total

categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

- (i) The Industrial User, prior to the RVRSA's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
- (ii) The Industrial User annually submits the certification statement required in §403.12(q) which, language can also be found in Section 308, together with any additional information necessary to support the certification statement; and
- (iii) The Industrial User never discharges any untreated concentrated wastewater.

Where the RVRSA has determined that an Industrial User meets the criteria for classification as a Non-Significant Categorical User, the RVRSA will evaluate, at least once per year, whether the Industrial User continues to meet the criteria set forth above and at 40 CFR 403.3(v)(2).

PASS THROUGH: A discharge from the RVRSA in quantities or concentrations which alone or in conjunction with a discharge or discharge from other sources which causes or may cause or induce a violation of any requirement of the RVRSA's NJPDES permit or any other violation of State or Federal Statutes, Rules or Regulations.

PERSON: means any individual, firm, company, partnership, corporation, association, owner or operator of a treatment works, group or society and includes the State of New Jersey and its agencies, districts, commissions and political subdivision.

pH: means the logarithm of the reciprocal of the concentration of hydrogen ions in moles per liter of solution.

POINT SOURCE: means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, interconnection, house or building lateral, mobile, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which potential pollutants are or may be discharged.

POLLUTANT: means any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal or agricultural waste or other residue discharged into the RVRSA wastewater collection and treatment system. "Pollutant" includes both hazardous and nonhazardous pollutants.

PRETREATMENT: means 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 of such wastes into the RVRSA Treatment Works, whether such reduction, elimination or alteration is obtained by physical, chemical or biological processes, process changes or other means.

PRETREATMENT REQUIREMENTS means any substantive or procedural requirements related to Pretreatment, other than National Pretreatment Standard, imposed on an Industrial User as defined in 40 CFR 403.3(t).

PRETREATMENT STANDARDS: means any restriction on quantities, quality, rates, or concentrations of pollutants discharged into the RVRSA wastewater collection and treatment system. These standards shall include all Federal, State and Local Limits. In cases of conflicting standards or regulations, the more stringent thereof shall apply.

RVRSA or AUTHORITY: means the Rockaway Valley Regional Sewerage Authority, a public body politic and corporate of the State of New Jersey.

RVRSA WASTEWATER COLLECTION AND TREATMENT SYSTEM: means the facilities owned, operated and/or constructed by the RVRSA consisting of sewers, conduits, pipelines, force mains, metering stations, interceptor sewers, pumping stations, lift stations, wastewater treatment facilities, disposal systems, plants and works, connections and outfall, and all other plants, structures, equipment, vessels, conveyances and works and other real or tangible personal property acquired or constructed or to be acquired or constructed by the RVRSA for the purpose of the RVRSA under these Regulations, and includes all public, municipal, local or private sewer lines or interceptor systems that ultimately discharge into the RVRSA treatment system.

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

SEQUENTIAL SAMPLES: means those samples gathered over an operating day, each of which is held in an individual container, and which is composed of a series of short time period samples. Each individual container may itself, however, contain a composite sample.

SERIOUS VIOLATION: means 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 20 percent or more for a hazardous pollutant, or by 40 percent or more for a nonhazardous 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 therefor. 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 therefor, 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.

SIGNIFICANT INDUSTRIAL USER: means,

1. Any Industrial User including but not limited to, any Significant Industrial User as defined in 40 CFR 403.3(t) but excluding municipal collection system(s) who discharge wastewater into the RVRSA wastewater collection and treatment system where:
 - i The industrial user is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or
 - ii The industrial user's average volume of process wastewater exceeds 25,000 gallons per day (gpd); or
 - iii The amount of BOD(5), COD or Suspended Solids in the industrial user's process wastewater discharge exceeds the mass equivalent of 25,000 gpd of the sanitary waste (domestic sewage) as defined hereunder; or
 - iv The industrial user contributes process discharges which make up five (5%) per cent or more of the average dry weather hydraulic or organic capacity of the RVRSA wastewater collection and treatment system; or
 - v The industrial user's discharge of process wastewater contributes five (5%) per cent or more of the daily mass loading of any of the pollutants listed in N.J.A.C. 7:14A-4, Appendix A, Tables II through V, as supplemented or amended from time to time; or
 - vi The industrial user is designated as such by RVRSA on the basis that it has a reasonable potential for adversely affecting the RVRSA's wastewater collection and treatment system; or
 - vii The industrial user is designated as a Significant Industrial User (SIU) by the RVRSA on the basis that the said discharger has been in violation of any Federal, State, RVRSA's Local Limits and Service Rules, or local pretreatment standard(s) or requirement, including but not limited to, significant noncompliance as defined in 40 CFR 403.8(f)(2)(vii), as supplemented or amended from time to time; or
 - viii The RVRSA determines it would be consistent with the intent of the Pretreatment Act or State Act to require an industrial sewer connection permit for the indirect discharger.
2. Upon a finding that an indirect discharger meeting the criteria as set forth by the above subparagraphs (1) and (2), has no reasonable potential for adversely affecting the RVRSA wastewater collection and treatment system, or for violating any Federal, State, RVRSA's Local Limits and Service Rules, or local pretreatment requirement, the RVRSA may at any time, on its own initiative or in response to a petition received from a concerned discharger, and in accordance with 40 CFR 403.8(f)(6), determine that such indirect discharger is not to be considered a Significant Industrial User, unless such

indirect discharger is subject to Federal Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N, as supplemented and amended from time to time.

SIGNIFICANT NONCOMPLIER: a significant noncomplier shall include any discharger deemed a significant noncomplier as defined at 40 CFR 403.8(f)(2)(viii) 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. Pursuant to the State definition of a Significant Noncomplier, except where noted, "significant noncomplier" shall include but not be limited to any discharger who commits a serious violation for the same hazardous pollutant or the same nonhazardous pollutant, at the same discharge point source, in any two months of any six month period, or who exceeds the monthly average or, in a case of a 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 any amount in any four months of any six month period, any exceedance of an effluent limitation for pH by any amount, excluding the excursions specifically excepted by a NJPDES permit with continuous pH monitoring, at the same discharge point source in any four months of any consecutive six month period; or who fails to submit a completed discharge monitoring report in any two months of any 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 noncomplier, if the RVRSA states the specific reasons therefor, which may include the potential for harm to human health or the environment.

Pursuant to the Federal definition of Significant Noncomplier, for the purposes of compliance with the public participation requirements of 40 CFR part 25, which requires public notification of industrial users which, at any time during the previous twelve months, were in significant noncompliance with applicable pretreatment requirements, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

- (A) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);
- (B) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- (C) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the RVRSA determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);

(D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the RVRSA's exercise of its emergency authority under Sections 406, 412, 413 or 414 or 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;

(E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a Industrial Sewer Connection Permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self- monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance;

(H) Any other violation or group of violations, which may include a violation of Best Management Practices, which the RVRSA determines will adversely affect the operation or implementation of the local pretreatment program.

SLUG DISCHARGE: means 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).

TOXIC POLLUTANT: means any pollutant identified pursuant to any State or Federal Statute, Rule or Regulation, or any pollutant or combination of pollutants, including disease causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly or indirectly by ingestion through food chains, will, on the basis of information available to the RVRSA, NJDEP or USEPA, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformation, in such organisms or their offspring.

TREATMENT WORKS OR TREATMENT SYSTEM: means any device or systems, whether public or private, used in the storage, treatment, transport, recycling, or reclamation of municipal or industrial waste of a liquid nature including intercepting sewers, outfall sewers, sewage collection systems, cooling towers and ponds, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any other works including sites for the treatment process or for ultimate disposal of residues resulting from such treatment. "Treatment Works or Treatment System" and includes all public, municipal, local or private sewer lines or interceptor systems that ultimately discharge into the RVRSA treatment plant. "Treatment Works or Treatment System" includes any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of pollutants, including storm water runoff, or industrial waste in combined or separate storm water and sanitary sewer systems.

UPSET: means an exceptional incident in which there is unintentional and temporary noncompliance 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 act of God, or other similar circumstance, which is the cause of the violation. "Upset" also includes noncompliance consequent to the performance of maintenance operations for which a prior exception has been granted by the NJDEP or RVRSA.

WASTES: means either domestic sanitary wastes or industrial wastes, or both.

103 MORE STRINGENT STANDARDS TO CONTROL

A. If an effluent limitation 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 which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in these Regulations or any Industrial Sewer Connection Permit issued hereunder, said permit shall be revised or modified in accordance with the effluent standard or prohibition and the permittee or user so notified. If an effluent limitation or prohibition on discharges is established by the State of New Jersey that is more stringent than either the Federal or local effluent limitations or prohibition on discharges, then the more stringent State standards shall similarly apply and the user or Permittee shall be so notified.

B. 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 the RVRSA wastewater collection and treatment system or sludge requirements or to meet discharge limitations imposed upon the RVRSA by Federal or State law.

104 OTHER GOVERNMENTAL APPROVALS NOT SUPERSEDED

Nothing in these regulations or the Industrial Sewer Connection Permit shall be construed to relieve the User from compliance with the RVRSA's Service Rules adopted October 9, 1987, the rules and regulations of any governmental authority having jurisdiction, including, but not limited to, USEPA, NJDEP, and the local municipality. The Industrial Sewer Connection 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 v. City of Jersey City, et al, Superior Court of New Jersey, Chancery Division, Morris County, Docket No. C-3447-67.

105 FEDERAL AND STATE PRETREATMENT REGULATIONS

The RVRSA shall require compliance with applicable federal and state regulations, Best Management Practices or pollution prevention alternatives, pretreatment standards, and requirements, EPA's listed general prohibitions [40 CFR 403.5(a)], specific prohibitions listed in [40 CFR 403.5(b)] and Sections 201 and 203, and any local limits developed pursuant to 40 CFR 403.5(c) and N.J.A.C. 7:14A-19.7. Best Management Practices (BMPs) to implement local

limits noted in Section 203 hereunder shall be considered local limits and Pretreatment Standards for the purposes of this part and Section 307(d) of the Act.

Subject to the provisions of Section 103 hereunder, the Federal Pretreatment Regulations as contained in 40 CFR 403, et. seq., and Federal Categorical Pretreatment Standards contained at 40 CFR Chapter I, Subchapter N are hereby incorporated by reference, including all future amendments and supplements thereto.

SECTION 200: GENERAL SEWER USE REQUIREMENTS

201 PROHIBITED WASTES

A. General Prohibitions

No person 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 or pollutant which may cause pass through or interference or that will:

1. Not be susceptible to treatment or will 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 or 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 or Regulations or Pretreatment standards as the same may be promulgated from time to time or the RVRSA NJPDES Permit, applicable receiving water standards, permit regulating sludge which is produced during treatment process or any other permit issued to the RVRSA.
4. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Executive Director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

B. Specific Prohibitions

No person 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 or pollutant which contains the following:

1. Storm waters, surface water, groundwater, roof runoff, swimming pool water, sub-surface drainage, foundation, floor drain or basement sump drainage, pond water, cooling water or unpolluted industrial process water. Inside floor drains will be exempted for those specific cases as deemed necessary due to local codes.

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, either emulsified or not, in excess of 100 mg/l of solvent soluble materials or containing substances which may solidify or become viscous at temperatures between 32 and 140 degrees F. (0 degrees and 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 RVRSA wastewater collection and treatment 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 RVRSA wastewater collection and treatment system, such as, but not limited to, mud, straw, metal, rags, glass, tar, plastics, wood and shavings, ashes, cinders, sand, feathers, whole blood, paunch manure, hair, and fleshing, 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 create a fire or explosion hazard in the RVRSA wastewater collection and treatment system or public sewer, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees 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 at 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, or any exceedance of the New Jersey State limit for petroleum based oil and grease petroleum hydrocarbon limitation of 100 mg/L monthly average, and 150 mg/L limitation relevant to any single sample, as established at N.J.A.C. 7:14A-12.8(d).

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 property 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 which may, in sufficient quantity, cause injury, damage or hazard to personnel, structures or equipment, or interference with the RVRSA wastewater collection and treatment system or Local Sewerage System or any portion of the liquid or solids treatment or handling processes, or that may pass through the treatment facilities in such condition that it may not achieve State, Federal or other existing requirements for the effluent or for the receiving waters. Except as permitted under ' 203 Local Limits, the following chemicals are specifically prohibited: alcohols, aldehydes, arsenic, and arsenicals, bromine, chlorinated hydrocarbons, compounds with chlorine demands in excess of 100 ppm, chromium or chromium compounds, copper and copper salts, creosol, cyanide or cyanide compounds, fluorine, iodine, mercury or mercury compounds, nickel and nickel compounds, pesticides, silver and silver compounds, sulfonamide, toxic dyes (organic or mineral), zinc and zinc compounds or other heavy metals; all strong oxidizing agents such as peroxide, chromates, dichromate, 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, except to the extent set forth herein.
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 RVRSA, 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, COD, or chlorine requirements in such quantities as to constitute an unacceptable load or interference on the RVRSA wastewater collection and treatment system.

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 shall be provided when required for the proper removal of floatable grease in excess of amounts specified in Section 203 Local Limits and for the proper removal of all flammable wastes, sand or 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 shall be in conformance with applicable plumbing code requirements.

D. Best Management Practices

The RVRSA may develop Best Management Practices (BMPs) to implement the local limits noted in Section 201 and Section 203 hereunder. Such BMPs shall be considered local limits and Pretreatment Standards for the purposes of this part and section 307(d) of the Act.

202 CATEGORICAL PRETREATMENT STANDARDS

No person shall discharge, deposit, cause or allow to be deposited or discharged into the treatment plant of the RVRSA, any waste which violates applicable categorical pretreatment standards. As pretreatment standards for toxic or other industrial wastes are promulgated by the USEPA for a given industrial category, all industrial users shall conform to the USEPA timetable for complying with discharge limitations. Notwithstanding anything set forth herein, an Industrial User shall comply with all RVRSA Local Limits and any more stringent standards which are established by the RVRSA or other regulatory agencies. Changes and additions may be implemented as necessary from time to time by resolution of the RVRSA. Categorical pretreatment standards can be modified only through the Federal regulatory mechanisms available pursuant to 40 CFR 403.7. The Federal Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, and the General Pretreatment Standards of 40 CFR 403.1 et seq. are hereby incorporated by reference, including all supplements and amendments thereto.

1. The RVRSA may convert the mass limits of the categorical Pretreatment Standards at 40 CFR Part 414, 419 and 455 to concentration limits for the purposes of calculating limitations applicable to Individual Users. When converting such limits to concentration limits, the RVRSA will use concentrations listed in the applicable subparts of 40 CFR Part 414, 419 and 455 and document that dilution is not being substituted for treatment as prohibited by 40 CFR 403.6(d) and Section 201.4 and 203 hereunder.

2. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Authority may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

3. When calculating equivalent mass-per-day limitations under paragraph 202.2 of this section the Authority shall calculate such limitations by multiplying the limits in the Standard by the Industrial User's average rate of production. This average rate of production shall be based not upon the designed production capacity but rather upon a reasonable measure of the Industrial User's actual long-term daily production, such as the average daily production during a representative year. For new sources, actual production shall be estimated using projected production.

4. When calculating equivalent concentration limitations under paragraph 202.2 of this section the Authority shall calculate such limitations by dividing the mass limitations derived under paragraph 202.3 of this section by the average daily flow rate of the Industrial User's regulated process wastewater. This average daily flow rate shall be based upon a reasonable measure of the Industrial User's actual long-term average flow rate, such as the average daily flow rate during the representative year.

5. When the limits in a categorical Pretreatment Standard are expressed only in terms of pollutant concentrations, an Industrial User may request that the RVRSA convert the limits to equivalent mass limits. The determination to convert limits to mass limits is within the discretion of the RVRSA. The RVRSA may establish equivalent mass limits only if the Industrial User meets all of the following conditions in paragraph (i)(A) through (i)(E) of this Section.

(i) To be eligible for equivalent mass limits, the Industrial User must:

(A) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its Industrial Sewer Connection Permit;

(B) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;

(C) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow

monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and long-term average production rate must be representative of current operating conditions;

(D) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and

(E) Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

(ii) An Industrial User subject to equivalent mass limits must:

(A) Maintain and effectively operate and control treatment technologies adequate to achieve compliance with the equivalent mass limits;

(B) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

(C) Continue to record the facility's production rates and notify the Authority whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph (i)(C) of this section. Upon notification of a revised production rate, the Authority will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

(D) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraph (i)(A) of this section so long as it discharges under an equivalent mass limit.

(iii) Where the Authority chooses to establish equivalent mass limits, it will:

(A) Calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based daily maximum and monthly average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;

(B) When notified of a revised production rate, reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

(C) Retain the same equivalent mass limit in subsequent Industrial Sewer Connection Permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily

flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 201.4 hereunder. The Industrial User must also be in compliance with 40 CFR §403.17 (regarding the prohibition of bypass).

(iv) The Authority may not express limits in terms of mass for pollutants such as pH, temperature, radiation, or other pollutants which cannot appropriately be expressed as mass.

6. Any Industrial User operating under an Industrial Sewer Connection Permit incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the Authority within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Authority of such anticipated change will be required to meet the mass or concentration limits in its Industrial Sewer Connection Permit that were based on the original estimate of the long term average production rate.

7. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

8. Equivalent limitations calculated in accordance with this Section are deemed Pretreatment Standards for the purposes of section 307(d) of the Act and this part. Once incorporated into its Industrial Sewer Connection Permit, the Industrial User must comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

203 LOCAL LIMITS AND VARIANCE PROCEDURE

A. Local Limits

The RVRSA has developed the following specific maximum daily effluent limitations to protect against pass through and interference and to implement the provisions of these Regulations. No person shall discharge wastewater containing in excess of the following Local Limits without prior authorization of the RVRSA:

<u>Parameter</u>	<u>Concentrations (mg/L)</u>
Arsenic (As)	0.2
Cadmium (Cd)	0.4
Chromium	1.3
Copper (Cu)	1.7
Lead (Pb)	1.0
Mercury (Hg)	0.06
Molybdenum (Mo)	0.3
Nickel (Ni)	0.8
Zinc (Zn)	2.1
Cyanide (CN)	0.5

Selenium	0.2
Phenols	Report
Biochemical Oxygen Demand – 5 Day (BOD ₅)	Report
Carbonaceous Biochemical Oxygen Demand – 5 Day (CBOD ₅)*	250/500
Total Suspended Solids (TSS)*	250/500
Total Dissolved Solids (TDS)	Report
Total Phosphorus	Report
pH (in Standard Units; s.u.)	5.5 - 9.5
Oil & Grease (HEM)	350
Total Petroleum Hydrocarbons (TPHC)	100/150
Ammonia (NH ₃ -N)*	40/80

(*) All users discharging wastewater containing CBOD₅ and/or TSS in concentrations exceeding 250 mg/L and/or NH₃N in concentrations exceeding 40 mg/L shall be responsible for the payment of a surcharge to be calculated as set forth herein. However, in no instance shall a discharge exceed CBOD₅ or TSS of 500 mg/L or NH₃N of 80 mg/L unless a variance has been issued by the RVRSA providing therefore.

The above Local Limits apply at the Point Source and at all sampling locations as defined in the Industrial Sewer Connection Permit. All concentrations for metallic substances are for "total" metal unless indicated otherwise. RVRSA may impose mass limitations in addition to, or in place of the concentration-based limitations above.

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Executive Director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

B. Variances

The RVRSA may permit non domestic users to discharge wastewater with concentrations greater than the limits stated in Section 203(A) by variance provided that sufficient capacity exists at the RVRSA Treatment Plant and the plant can process the higher concentration and such concentrations will not be deleterious to the conveyance system or cause or threaten to cause, alone or in combination with other wastes, (1) cause an inability to comply with the numerical effluent limitations in the RVRSA's NJPDES permit; (2) exceed RVRSA's process inhibition and upset criteria; (3) violate RVRSA's worker health and safety protection criteria; or (4) exceed the sludge quality criteria for RVRSA's chosen method(s) of sludge management. The determination of sufficient capacity shall be based on a comparison of the maximum allowable concentrations and loadings and the actual concentrations and loading of the plant influent.

The discretion for granting a variance shall lie solely with the Authority. The Authority may deny a variance and require pretreatment to meet the limitations of Section 203(A) above. The Authority may also require the installation of pretreatment equipment to reduce concentrations as a condition of granting a variance. No user shall be allocated more than 50% of the available capacity of any parameter. A variance which will reduce the rated capacity of the Treatment Plant will be denied if the Authority determines that capacity is needed to service future users.

Users who wish to apply for a variance shall do so by submitting an application along with the required fee. The application shall be made on forms provided by the Authority and shall include the following information:

- a) Requested maximum daily and average monthly concentrations.
- b) Source of high strength waste.
- c) Type of pretreatment employed.
- d) Summary of test results of analysis of wastewater,
- e) Any other information deemed necessary by the Authority's Executive Director.

The variance granted by the Authority shall be based on the application and the Authority's judgment as to the probable strength of the discharge.

If, due to the nature of the proposed discharge, the Authority determines that a treatability study is required, the user will be required to place sufficient funds in escrow to pay for the cost of the study. Treatability studies shall be performed by the Authority's Engineer.

Variances for users with Industrial Sewer Connection Permits shall be incorporated into said permit. Variances for users without Industrial Sewer Connection Permits shall be in the form of a letter authorizing such discharge.

Variances shall include the following conditions:

- a) Durations shall be one (1) year except where a longer term agreement exists between the Authority and the user.
- b) Discharge limitations
- c) Requirements for sampling
- d) Requirement to reimburse the Authority for sampling and analysis costs and other costs incurred.
- e) Requirement to reapply
- f) Requirement to pay surcharge fees

- g) Exceedance of the limitations shall constitute a violation of the Authority's Regulations.

Surcharge fees shall be calculated in accordance with the provisions of Section 204, RVRSA Service Rules Addendum.

Sampling and analysis fees and variance fees shall be paid prior to issuance of the variance.

Users who desire to continue variances shall reapply sixty (60) days prior to the expiration of the variance.

The Authority reserves the right to revoke any and all variances on thirty (30) days notice, if conditions at the Treatment Plant warrant.

Limitations based upon Section 203(A) may be modified by the Authority on a case-by-case basis under the following circumstances:

- a) The maximum allowable waste load available to the treatment plant at the present flow will not be exceeded and the Authority will comply with all applicable permit and other regulatory requirements, even after the limit(s) are modified.
- b) The applicant has considered and exhausted pretreatment, technical achievability and/or O&M options to comply with the limit(s).
- c) The applicant is not able to achieve the proposed limit(s) even after implementation of the Best Available Technology (BAT) and/or the proposed limit(s) are at/below the Method Detection Level (MDL) or Practical Quantitation Level (PQL).
- d) Cost of the compliance and/or pretreatment will be very burdensome or fatal to economic survival of the applicant.
- e) The exemption(s) will comply with applicable Federal Categorical Standards and an approval is granted by NJDEP (Bureau of Pretreatment and Residuals).
- f) The applicant has provided all the supporting documents and information requested by the RVRSA. In addition, the applicant has agreed to bear the cost of the entire review and approval process.
- g) The applicant agrees to all special conditions or requirements imposed by the Authority.
- h) Any other information, data and/or requirements deemed necessary by the RVRSA.

204 SURCHARGE FOR CBOD, TSS, AMMONIA AND OTHER POLLUTANTS AND UNUSED CAPACITY CHARGE

- A. Surcharges for CBOD₅, TSS, Ammonia and Other Pollutants

Whenever the combined sanitary discharge exceeds the limitations for CBOD₅, TSS or ammonia set forth in these regulations or an Industrial Sewer Connection Permit, a surcharge for the treatment of said discharges shall be payable directly to the RVRSA and shall be calculated in accordance with the Excess Pollutant Surcharge Program Report, prepared by the consulting Engineer to the RVRSA, as amended and supplemented from time to time. 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

Where:

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

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 cost for treatment of a pound of CBOD₅

TSS Unit Cost = the operation and maintenance cost for treatment of a pound of TSS

Ammonia Unit Cost = the operation and maintenance cost for treatment of a pound of Ammonia

Average Flow = the average flow in million gallons per day on the days when excess concentrations are discharged

No. of Days = the number of days for which the surcharge is being assessed

B. Unused Capacity Charge

Upon the renewal of each Industrial Sewer Connection Permit by the RVRSA, the RVRSA shall undertake an evaluation of whether the capacity established in the existing permit is consistent with the amount of flow discharged by the Industrial User.

The RVRSA shall review the prior twelve months monitoring reports and where the difference between the permitted gallonage set forth in an Industrial Sewer Connection Permit and the highest monthly average flow reported by an Industrial Discharger is in excess of ten (10) percent of the permitted gallonage, the RVRSA shall consider adjusting the permitted flow condition consistent with the highest reported monthly average flow value reported in the prior twelve months plus ten (10) percent.

In the event that an Industrial User submits written justification substantiating the need for a permitted flow value in excess of 10% of the highest monthly average flow value reported in the preceding twelve months, the RVRSA shall, in its sole discretion, consider adjusting the flow value established in the previous Industrial Sewer Connection Permit to allow the permittee to reserve capacity that it is not presently using for the duration of that renewal permit term only.

When exercising its discretion, RVRSA shall consider the written justification submitted by the permittee, the obligations of the RVRSA to provide sewer service within the sewer service area; actual capacity needs of others in the service area identified at the time of the request and such other factors and information provided to the RVRSA that are relevant and appropriate. If an adjusted flow value is included in the Industrial Sewer Connection Permit at the request of the Industrial User, a charge for said allocated but unused gallonage shall be assessed annually for each twelve month consecutive period wherein the permitted flow value exceeds the highest monthly average flow value reported by ten (10) percent or more.

An unused capacity charge, representing the debt service portion of the RVRSA user charge for the prior year calculated on the number of gallons per day allocated but unused, shall be assessed for each gallon of the total permitted gallonage unused above the highest monthly average flow value plus ten (10) percent, in accord with the following formula:

$$\text{Annual Charge for Unused Capacity} = (A + B) \times (Q_{iu}/Q_p)$$

A = Prior Year Debt Service Costs

B = Prior Year Capital Improvements

Q_{iu} = Flow in GPD from Industrial User (unused)

Q_p = Metered plant flow inclusive of industrial Users unused flow

Such payment shall be made each year or portion thereof, until the allocated gallonage is used or permit modified to reduce the total permitted gallonage to eliminate the unused gallonage portion. Charges shall be payable directly to the RVRSA. Prior Year Debt Services Costs, Prior Year Capital Improvements, and Charge for Unused Capacity shall be calculated in accordance with the Unused Capacity Charge Program Report, reviewed by the auditor to the RVRSA, as amended and supplemented from time to time.

205 COMPLIANCE DETERMINATION

A. Compliance determinations with respect to any conformance with regulations or permit conditions or limitations may be made on the basis of instantaneous grab samples, sequential samples, or composite samples. Sequential or composite samples may be taken over a 24-hour period, or any other time span, as deemed necessary by the Executive Director, to meet the requirements of a specific situation.

B. The RVRSA may inspect the monitoring facilities of any Industrial User to determine compliance with the requirements of these Rules and Regulations.

C. Whenever it shall be necessary for the purpose of these Regulations, authorized representatives of the RVRSA, NJDEP, USEPA or other governmental authorities having jurisdiction may, upon presentation of credentials, enter upon the premises of any user as follows:

1. During business hours, on notice to authorized personnel of the user, but without the necessity of a warrant, for the purposes of inspecting, copying or photographing any records required to be kept.
2. At any time without a warrant or prior notice for the purpose of installing or inspecting any monitoring equipment or method, inspecting the process wastewater pretreatment facility, and/or measuring, sampling and/or testing any discharge of wastewater either from process wastewater pretreatment facilities or the point of discharge to the RVRSA wastewater collection and treatment system. The user shall instruct security personnel to immediately admit such representatives upon presentation of valid credentials at any hour and under any and all circumstances. However, the user's security personnel will be entitled to accompany the entering representatives.
3. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the RVRSA and shall not be replaced. The costs of clearing such access shall be born by the user.
4. Unreasonable delays in allowing the RVRSA access to the user's premises shall be a violation of these Regulations and user's Industrial Sewer Connection Permit, if applicable.

D. Each users 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 users operation. Payment for such expenses shall be made by the user within ten (10) days after the submission of an invoice by the RVRSA.

206 AFFIRMATIVE DEFENSES TO GENERAL PROHIBITIONS

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 201, if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or cause interference and that either:

- A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the RVRSA was regularly in compliance with its NJPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

207 NOTIFICATION OF CHANGED CONDITIONS

Each user must notify the Executive Director of any planned significant 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, however, all industrial users shall promptly notify the Executive Director in advance of any substantial change in the volume or character of pollutants in their discharge.

A. The Executive Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Industrial Sewer Connection Permit application under Section 300.

B. The Executive Director may issue an industrial sewer connection permit under Section 300 or modify an existing permit in response to changed conditions or anticipated changed conditions.

C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

SECTION 300: INDUSTRIAL SEWER CONNECTION PERMITS

301 INDUSTRIAL SEWER CONNECTION PERMITS

No significant industrial user shall discharge or cause to be discharged any wastes or pollutant, either directly or indirectly, into the RVRSA wastewater collection and treatment works without first obtaining an Industrial Sewer Connection Permit issued by the RVRSA. The RVRSA shall use permits, orders or similar means, including, but not limited to the imposition by the RVRSA of Best Management Practices or pollution prevention alternatives, as necessary to carry out the purposes of these Service Rules.

The RVRSA reserves the right to deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the RVRSA to violate its NJPDES permit.

302 NEW INDUSTRIAL USERS

New industrial users which desire to connect in the RVRSA wastewater collection and treatment system or existing industrial users which desire to commence operations at a new facility to be connected to the RVRSA wastewater collection and treatment system shall apply for an Industrial Sewer Connection permit within one hundred and eighty (180) days prior to planned commencement of discharge at the new facility.

303 PROCEDURE FOR OBTAINING AN INDUSTRIAL SEWER CONNECTION PERMIT

A. Persons requiring a permit to discharge shall complete an RVRSA application form and forward it to the RVRSA. The applicant shall submit, at the discretion of the RVRSA, laboratory data along with the application to enable the RVRSA to characterize the nature of discharge and a draft permit will be issued. The conditions of the draft permit shall be published in the designated official newspaper of the RVRSA to solicit public comments. At the end of the thirty (30) day public comment period the RVRSA shall issue a final permit incorporating all such pertinent comment(s) from the public. Concerned public, as well as the Applicant will have the opportunity to review and contest any of the draft permit conditions that are reasonably identified with said draft permit. Upon receipt of all required information, the application shall be processed and upon RVRSA approval, a permit shall be issued in accordance with the following requirements:

1. The RVRSA shall at its discretion modify, suspend, or revoke a permit in whole or in part during its term for cause, including but not limited to the following:
 - a. Violation of any term or condition of the permit;
 - b. Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.
2. The RVRSA shall revise or modify the permit in accordance with the toxic discharge limitation or prohibition and so notify the permittee, if a toxic discharge limitation or prohibition, including any schedule of compliance specified in such discharge limitation or prohibition, as established under the Federal Clean Water Act for a toxic pollutant which is more stringent than any limitations upon such pollutant in an existing permit,
3. The RVRSA shall include in a permit for an industrial user discharge limits any and all pollutants listed under the United States Environmental Protection Agency's Categorical Pretreatment Standards, adopted pursuant to 33 U.S.C. s 1317, and such other pollutants for which discharge limits have been established for a permittee discharging indirectly into the municipal treatment works of the RVRSA, except those categorical or other pollutants that the RVRSA demonstrates to the NJDEP are not discharged above detectable levels by the RVRSA collection system and treatment works.

Notice of every proposed suspension, revocation or renewal, or substantial modification of a permit and opportunity for public hearing thereupon, shall be afforded to the industrial user. In any event notice of all modifications to a discharge permit shall be published in the designated official newspaper of the RVRSA.

4. A permittee or a person who seeks and qualifies to be considered a party to the action pursuant to N.J.A.C. 7:14A-17.3 may submit to the RVRSA a written request, by

certified mail, or by other means which provides verification of the date of delivery to the RVRSA for an adjudicatory hearing to contest the RVRSA's final decision to:

- a. Issue a new permit, permit modification, permit revocation and reissuance, permit renewal, permit suspension, or permit revocation;
 - b. Deny an application for a new permit or a permit renewal; or
 - c. Deny a variance pursuant to N.J.A.C. 7:14A-11.8.
5. In order to request an adjudicatory hearing, a permittee shall submit the request in accordance with the requirements in (8) below within 30 days following receipt of the RVRSA's notification of a final permit decision under N.J.A.C. 7:14A-15.15(a). In addition, the permittee shall provide a copy of its request for an adjudicatory hearing to any other person named on the permit.
6. In order to be considered a party to the action for purposes of requesting an adjudicatory hearing under this section, a person shall submit a request in accordance with the requirements in (9) below within 30 days following receipt of the RVRSA's notification of final permit decision under N.J.A.C. 7:14A-15.15(a). In addition, such person shall forward a copy of the request to the permittee.
7. The request for an adjudicatory hearing shall be submitted to the RVRSA at the address listed below, and a copy of the request shall be submitted to the Office of Legal Affairs:

Office of Legal Affairs
Attention: Adjudicatory Hearing Requests
Department of Environmental Protection
CN 402
Trenton, New Jersey 08625-0402

8. A permittee shall request an adjudicatory hearing by completing a RVRSA adjudicatory hearing request tracking form which shall contain the following information:
1. For the Office of Legal Affairs only, a copy of the permit clearly indicating the permit number and issuance date;
 2. The date that the notification of the final permit decision was received by the permittee;
 3. A list of the specific contested permit condition(s) and the legal or factual question(s) at issue for each condition, including the basis of any objection;
 4. A statement as to whether the permittee raised the legal and/or factual issues during the public comment period in accordance with N.J.A.C. 7:14A- 15.13;
 5. The relevance of the legal and/or factual issues to the permit decision;

6. Suggested revised or alternative permit conditions and how they meet the requirements of the State or Federal Act;
 7. A request, if necessary for a barrier-free hearing location for disabled persons;
 8. An estimate of the amount of time required for the hearing;
 9. The name, mailing address and telephone number of the person making the request(s);
 10. The name(s) and address(es) of the person(s) whom the requester represents; and
 11. Information supporting the request or other written documents relied upon to support the request, unless this information is already in the administrative record (in which case, such information shall be specifically referenced in the request).
9. A person seeking consideration as a party to the action shall include the following information in such person's request for an adjudicatory hearing:
1. The facility name and permit number;
 2. A statement setting forth:
 - i. Each legal or factual question alleged to be at issue;
 - ii. Whether the legal or factual issue was raised by that person during the public comment period in accordance with the provisions of N.J.A.C. 7:14A- 15.13;
 - iii. The relevance of the legal or factual issue to the permit decision, together with a designation of the specific factual areas to be adjudicated; and
 - iv. An estimate of the amount of time required for the hearing;
 3. The date that notification of the final permit decision was received by the person making the hearing request;
 4. The name, mailing address, and telephone number of the person making the request;
 5. A clear and concise factual statement of the nature and scope of the interest of the requester which meets the criteria set forth at N.J.A.C. 7:14A-17.3(c)4;
 6. The names and addresses of all persons whom the person making the hearing request represents;

7. A request, if necessary, for a barrier-free hearing location for disabled persons;
 8. A statement by the person making the hearing request that, upon motion by any party granted by the administrative law judge, or upon order of the administrative law judge's initiative, such person shall make available to appear and testify at the administrative hearing, if granted, the following persons:
 - i. The person making the hearing request;
 - ii. All persons represented by the person making the hearing request; and
 - iii. All officers, directors, employees, consultants, and agents of the person making the hearing request;
 10. Specific references to the contested permit conditions, as well as suggested revised or alternative permit conditions, including permit denials, which, in the judgment of the person making the hearing request, would be required to implement the purposes of the State Act;
 11. Identification of the basis for any objection to the application of control or treatment technologies, if identified in the basis or fact sheets, and the alternative technologies or combination of technologies which, in the judgment of the person making the hearing request are necessary to satisfy the requirements of the State Act; and
 12. A completed Department adjudicatory hearing request tracking form.
10. The RVRSA, in its discretion, may extend the time allowed for submission of an adjudicatory request under this section for good cause.
 11. The RVRSA, in its discretion, shall decide the extent to which, if at all, the request for an adjudicatory hearing shall be granted. The RVRSA may grant or deny a request for a hearing in whole or in part.
 - (a) The RVRSA shall deny a request for an adjudicatory hearing if:
 1. The request does not conform with the information requirements for a permittee or a person as set forth, respectively, in N.J.A.C. 7:14A-17.2(e) and (f);
 2. The request does not include genuine issues of material fact or of law which are relevant to the RVRSA's decision as specified in N.J.A.C. 7:14A-17.2(a);

3. The request was not submitted within the time frames specified in N.J.A.C. 7:14A-17.2 (b) or (c), as appropriate;
 4. The contested legal and/or factual issues were not raised during the public comment period in accordance with N.J.A.C. 7:14A-15.13;
 5. The request challenges duly promulgated regulations and not the RVRSA's application of the regulations; or
 6. The permittee or applicant is seeking an adjudicatory hearing to contest permit effluent limitations which were imposed in the permit due to the permittee's or applicant's specific request to impose those limitations.
- (b) The RVRSA, if it grants a request for an adjudicatory hearing in part, shall specifically identify those contested permit conditions for which an adjudicatory hearing has been granted. The issues presented in the adjudicatory hearing shall be limited to those permit conditions contested in a request for an adjudicatory hearing or those specifically identified by the RVRSA in accordance with this section.
- (c) If a request for an adjudicatory hearing is granted, the contested permit conditions shall not be affected unless a stay has been granted pursuant to N.J.A.C. 7:14A-17.6. A request for a hearing and a request for a stay may be combined into one request document.
- (d) The RVRSA, if it denies a hearing request in whole or in part, shall briefly state the reasons for such denial. Such denial shall be considered a final agency action.

12. An application submitted by a corporation shall be signed by a corporate officer or other executive officer so designated. An application signed by an individual other than a corporate officer shall include a corporate resolution granting the individual the authority to make the application on behalf of the corporation. An application submitted by an industrial user 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).

13. A minimum application fee of seven hundred and fifty dollars (\$750.00), shall be paid to the RVRSA by an applicant upon the filing of an application for an Industrial Sewer Connection Permit. In addition to such fee, applicants shall also reimburse the RVRSA for all engineering, legal and other extraordinary expenses actually incurred by it, which are required in order to review the application. Payment for such expenses shall be made by the applicant within ten (10) days after the submission of an invoice by the RVRSA.

14. Where a permittee becomes aware that any relevant facts have not been submitted in a permit application, or request for authorization, or that incorrect information has been submitted in a permit application, request for authorization, or in any report to the RVRSA, the permittee

shall promptly submit such facts or information within 10 days of the time the permittee becomes aware of the correct information.

304 INDUSTRIAL SEWER CONNECTION PERMIT CONDITIONS

Industrial Sewer Connection Permits shall contain all of the requirements of Sections 305, 306, 307 and 308 of these Service Rules as well as the following:

1. Industrial Sewer Connection Permit is in effect for a period of up to three (3) years. Renewals of the three (3) year permit is to be requested by the industrial user no later than six (6) months prior to the expiration date; failure to make timely application may result in suspension or revocation of the permit; and such permit renewals is contingent upon the permittee having complied with the terms and conditions of the previous permit;
2. Prohibitions and effluent limits, including Best Management Practices, on industrial wastes discharged to the sanitary sewer, based on applicable general pretreatment standards in 40 CFR 403, categorical pretreatment standards, local limits, and State and local law;
3. Self-monitoring, sampling, reporting, notification and record keeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 308.F, or a specific waived pollutant in the case of an individual Industrial Sewer Connection Permit), based on the applicable general pretreatment standards in 40 CFR 403, categorical pretreatment standards, local limits, and State and local law;
4. An Industrial Sewer Connection Permit must also contain a statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.
5. Industrial Sewer Connection Permits shall require that a permittee:
 - i. Achieve effluent limitations based upon guidelines or standards established pursuant to the Act or the New Jersey Water Pollution Control Act, together with such further discharge restrictions and safeguards against unauthorized discharge as may be necessary to meet water quality standards, areawide plans adopted pursuant to law, or other legally applicable requirements;
 - ii. Where appropriate, meet schedules for compliance with the terms of the permit and interim deadlines for progress or reports of progress towards compliance;

- iii. Insure that all discharges are consistent at all times with the terms and conditions of the permit and that no pollutant will be discharged more frequently than authorized or at a level in excess of that which is authorized by the permit;
- iv. Submit an application for a new permit in the event of any contemplated facility expansion or process modification that would result in new or increased discharges or, if these would not violate effluent limitations or other restrictions specified in the permit, to notify the Executive Director of such new or increased discharges;
- v. 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 to submit to the Executive Director, reports of monitoring results, as may be stipulated in the permit, or required by the Executive Director. Pursuant to N.J.S.A. 58:10A-6(f)(5), significant industrial users shall, however, report their monitoring results for discharges to the RVRSA monthly. Discharge monitoring reports for discharges shall be signed by the highest ranking official having day-to-day managerial and operational responsibilities for the discharging facility, 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 days of his return, amendments to the monitoring report to which he was not a signatory. The filing of amendments to a monitoring report in accordance with this paragraph shall not be considered a late filing of a report;
- vi. At all times, maintain in good working order and operate as effectively as possible, any facilities or systems of control installed to achieve compliance with the terms and conditions of the permit;
- vii. Report to the Executive Director any exceedance of an effluent limitation that causes injury to persons, or damage to the environment, or poses a threat to human health or the environment, within two hours of its occurrence, or of the permittee becoming aware of the occurrence. Within twenty four (24) hours thereof, or of an exceedance, or of becoming aware of an exceedance, of an effluent limitation for a toxic pollutant, a permittee shall provide the Executive Director with such additional information on the discharge as may be required by the Executive Director, including an estimate of the danger posed by the discharge to the environment or POTW, whether the discharge is continuing, and the measures taken, or being taken, to remediate the problem and any damage to the environment or POTW, and to avoid a repetition of the problem;

- viii. Notwithstanding the reporting requirements stipulated in a permit for discharges to the POTW, a permittee shall be required to file monthly reports with the Executive Director if the permittee:
 - (a) in any month commits a serious violation or fails to submit a completed discharge monitoring report and does not contest, or unsuccessfully contests, the assessment of a civil administrative penalty therefor; or
 - (b) exceeds an effluent limitation for the same pollutant at the same discharge point source by any amount for four out of six consecutive months.
 - (c) The Executive Director may restore the reporting requirements stipulated in the permit if the permittee has not committed any of the violations identified in this paragraph for six consecutive months;
- ix. Report to the Executive Director any serious violation within thirty (30) days of the violation, together with a statement indicating that the permittee understands the civil administrative penalties required to be assessed for serious violations, and explaining the nature of the serious violation and the measures taken to remedy the cause or prevent a recurrence of the serious violation. No permit may be issued, renewed, or modified by the RVRSA so as to relax any water quality standard or effluent limitation until the applicant, or permit holder, as the case may be, has paid all fees, penalties or fines due and owing pursuant to P.L. 1977, c. 74, or has entered into an agreement with the RVRSA establishing a payment schedule therefor; except that if a penalty or fine is contested, the applicant or permit holder shall satisfy the provisions of this section by posting financial security as required pursuant to N.J.S.A. 58:10A-10.d(5).
- x. Meet requirements to control Slug Discharges, if determined by the RVRSA to be necessary.

- 6. Industrial Sewer Connection Permits may contain, but need not be limited to, the following conditions:
 - A. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - B. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

- C. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
 - D. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 - E. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
 - F. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
 - G. A statement that compliance with the Industrial Sewer Connection Permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the Industrial Sewer Connection Permit; and
 - H. Other conditions as deemed appropriate by the RVRSA to ensure compliance with these Service Rules, applicable ordinances, and federal and state laws, rules, and regulations; and
 - I. Special conditions applicable to a particular industrial user on a case by case basis.
7. The terms and conditions of the permit, may be subject to modification or changes by the RVRSA to meet the requirements and objectives as set forth by these regulations. The industrial user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance as appropriate.
8. Any industrial user which proposes to make any changes in its facility or processing that affects either the quality or quantity of its discharge to the RVRSA treatment plant shall provide proper notification of same to the RVRSA and apply for an amended permit.

305 TRANSFER OF PERMITS

Industrial Sewer Connection Permit shall be issued to a specific industrial user for a specific operation and shall not be transferable. A permit shall not be reassigned or transferred or sold to a new owner, new industrial user, or a new or changed operation. The permittee shall notify the RVRSA at least fourteen (14) days prior to any change in ownership or corporate structure.

306 NOTIFICATION OF ACCIDENTAL OR SLUG DISCHARGE

A. The permittee shall immediately notify the RVRSA of any incident of accidental or slug discharge. The notification shall include the location of the discharge, type of waste, concentration and volume.

B. The Industrial User shall take immediate action to contain and minimize the accidental or slug discharge so 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. Within five (5) days following accidental and or slug discharge, the Industrial User 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 taken at the time of the discharge, and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to treatment system, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this Permit or other applicable law.

D. Notice to Employees: A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees of the responsible person to notify in the event of accidental or slug discharge. The Industrial User shall insure that all employees who may cause or suffer such a discharge to occur are advised of the emergency notification procedure.

E. Protection from Accidental Discharge - The Rockaway Valley Regional Sewerage Authority 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 potential for a Slug Discharge. If the Authority decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

1. Description of 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.

307 PRETREATMENT FACILITIES

A. A pretreatment facility or device may be required by the RVRSA to treat or monitor industrial wastes prior to discharge to the public sewer or the RVRSA treatment plant. Where pretreatment or construction necessary to control or monitor industrial wastes is required, the Industrial User shall develop a compliance schedule for the installation of technology acceptable to the RVRSA to meet applicable pretreatment standards and requirements. Prior to the issuance of, or as prescribed in the permit, schematics, detailed plans and specifications, process descriptions and other pertinent data or information relating to the pretreatment facility or device shall be filed with the Executive Director. Such filing shall exempt neither the user nor the facility from compliance with any applicable code, ordinance, rule, regulation or order of any governmental authority or from these Rules and Regulations. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice and submission of detailed plans and specifications.

B. If inspection of pretreatment facilities by authorized personnel of the RVRSA reveals such systems are not installed or operating in conformance with the plans and procedures submitted to the RVRSA or are not operating in compliance with effluent limitations required by the RVRSA, the Industrial User shall make those modifications necessary to meet those requirements. All pretreatment systems judged by the Executive Director to require engineering design shall have plans prepared and signed by a licensed professional engineer. If pretreatment or control of waste flows is required, such facilities shall be maintained in good working order and operated as efficiently as possible by the owner or operator at his own expense, subject to the requirements of these Rules and Regulations and all other applicable codes, ordinances and laws.

C. The pretreatment facilities shall, at all times, be under the direct supervision and control of an authorized representative of the Industrial User 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, within its sole discretion, to request that the facilities shall be under control of a licensed treatment plant operator if and when the NJDEP implements licensing procedures for operation of pretreatment facilities. Within thirty (30) days of notice from the RVRSA, the Industrial User shall comply with such requirements.

D. Solids, sludge, filter backwash, rejected screening material or other pollutants or hazardous waste removed in the course 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 applicable Federal, State and local laws and regulations. Records documenting such disposal shall be made available to the RVRSA for review upon request.

E. Process wastewater discharge limitations pertaining to the effluent from the process wastewater pretreatment system shall be set forth in the Industrial Sewer Connection Permit. The increase of process water 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.

308 REPORTING REQUIREMENTS

A. General Requirements Relevant to Reporting .

(1) All Permittees, except Non-Significant Categorical Users, as defined in Section 102, shall file discharge monitoring reports and other reports at such intervals as designated or contained in, the Industrial Sewer Connection Permit. The discharge monitoring report may include but, shall not be limited to nature of processes, 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.

(2) The industrial user must 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.

(3) Significant industrial users, other than those discharging only stormwater or noncontact cooling water, must report their monitoring results for discharges monthly to the RVRSA.

(4) In cases where the Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the User shall submit documentation required by the Control Authority or the Pretreatment Standard necessary to determine the compliance status of the User.

B. Specific Reporting Requirements Relevant to Baseline Monitoring Reports, Compliance Schedules for Pretreatment Standards, Compliance Schedules for Meeting Categorical Pretreatment Standards and Reports on Compliance with Categorical Pretreatment Standard Deadlines (90 Day Report). All industrial users subject to Federal Categorical Pretreatment Standards, except Non-Significant Categorical Users, shall comply with the following reporting requirements:

- a. Baseline Monitoring Reports. Reporting requirements for industrial users upon effective date of categorical pretreatment standard--baseline report. Within one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or one hundred eighty (180) days after the final administrative decision made upon a category determination submission under 40 CFR 403.6(a)(4), whichever is later, existing industrial users subject to such categorical Pretreatment Standards and currently discharging to or scheduled to discharge to the RVRSA shall be required to submit to the RVRSA a report which contains the information listed in paragraphs (1)-(7) of this section. Where reports containing this information already have been submitted to the RVRSA in compliance with the requirement of 40 CFR 128.140(b) (1977), the industrial user will not be required to submit this information again. At least ninety (90) days prior to

commencement of discharge, New Sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical Standard, shall be required to submit to the RVRSA a report which contains the information listed in paragraphs (1)-(5) of this section. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New Sources shall give estimates of the information requested in paragraphs (4) and (5) of this section:

1. Identifying information: The industrial user shall submit the name and address of the facility including the name of the operator and owners;
2. Permits: The industrial user shall submit a list of any environmental control permits held by or for the facility;
3. Description of operations: The industrial user shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the RVRSA from the regulated processes.
4. Flow measurement: The industrial user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the RVRSA from each of the following:
 - i Regulated process streams; and
 - ii Other streams as necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e). The RVRSA may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.
5. Measurements of pollutants:
 - i. The industrial user shall identify the Pretreatment Standards applicable to each regulated process;
 - ii. In addition, the industrial user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Pretreatment Standard or RVRSA) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the RVRSA or the applicable Standards to determine compliance with the Standard;

iii. The industrial user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph. Sampling must be performed in accordance with procedures set forth at Section 310 entitled Industrial Waste Monitoring and Section 311, entitled Analysis of Wastewater.

iv. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the Industrial User should measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the RVRSA;

v. The RVRSA may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

vi. The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the RVRSA;

6. Certification: A statement, reviewed by an authorized representative of the industrial user and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required for the industrial user to meet the Pretreatment Standards and Requirements. All baseline monitoring reports must be signed and certified in accordance with Section 308(D) below.; and
7. Compliance schedule: If additional pretreatment and/or operation and maintenance (O&M) will be required to meet the Pretreatment Standards; the shortest schedule by which the industrial user will provide such additional pretreatment and/or O & M.

- b. Compliance Schedule for Pretreatment Standards. The completion date of this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard:

- i. Where the industrial user's categorical Pretreatment Standard has been modified by a removal allowance (40 CFR 403.7), the combined wastestream formula (40 CFR 403.6(e)), and/or a Fundamentally Different Factors variance (40 CFR 403.13) at the time the industrial user submits the report required by this section, the information required by paragraphs (6) and (7) of this section shall pertain to the modified limits.
 - ii. If the categorical Pretreatment Standard is modified by a removal allowance (40 CFR 403.7), the combined wastestream formula (40 CFR 403.6(e)), and/or a Fundamentally Different Factors variance (40 CFR 403.13) after the industrial user submits the report required by this section, any necessary amendments to the information requested by paragraphs (6) and (7) of this section shall be submitted by the industrial user to the RVRSA within sixty 60 days after the modified limit is approved.
- c. Compliance Schedule for Meeting Categorical Pretreatment Standards. The following conditions shall apply to the schedule required by paragraph (a)(7) of this section:
1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable categorical Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 2. No increment referred to in paragraph (c)(1) of this section shall exceed nine (9) months.
 3. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the RVRSA including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the RVRSA.
- d. Report on Compliance with Categorical Pretreatment Standard Deadline (90 Day Report). Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards or in the case of a New Source following commencement of the introduction of wastewater into the RVRSA, any industrial user subject to Pretreatment Standards and Requirements shall submit to the RVRSA a report containing the information described in paragraphs (b) (4)-(6) of this section. For industrial users subject to equivalent mass or

concentration limits established by the RVRSA in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the User's long term production rate. For all other industrial users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period.

C. Periodic Compliance Monitoring and Analysis to Demonstrate Continued Compliance.

1. Except in the case of Non-Significant Categorical Users, the reports required in this section shall contain the results of sampling and analysis of the Discharge, including the flow and the nature and concentration, or production and mass where requested by the RVRSA, of pollutants contained therein which are limited by the Pretreatment Standards. This sampling and analysis may be performed by the RVRSA in lieu of the Industrial User. All users, subject to Federal Categorical Pretreatment Standards shall, at a minimum, comply with the reporting requirements published in 40 CFR 403.12. Significant Non-categorical Industrial Users must submit to the Authority at least once every six months (on dates specified by the Authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the Authority. In cases where a local limit requires compliance with a Best Management Practice or pollution prevention alternative, the User must submit documentation required by the Authority to determine the compliance status of the User. These reports must be based on sampling and analysis performed in the period covered by the report, and in accordance with the techniques described in part 136 and amendments thereto. This sampling and analysis may be performed by the RVRSA in lieu of the significant non-categorical Industrial User. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the User shall submit documentation required by the RVRSA or the Pretreatment Standard necessary to determine the compliance status of the User.

2. The reports required in this Section must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The RVRSA shall require that frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements.

D. Signatory and Certification Requirements for Discharge Monitoring Reports (DMRs) and Baseline Reports (BRs).

1. Discharge Monitoring Reports must be signed in accordance with the requirements established at Section 308(E). Discharge monitoring reports and Baseline Reports shall be signed by the highest ranking official having day-to-day managerial and operational responsibilities for the discharging facility. For private entities this will usually be the person identified in Section 308(E)(1) below. The above described person 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, if the requirements of Section 308(E)(1)(c) below are met. 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 return, amendments to the monitoring report to which he or she was not a signatory. The filing of amendments to a monitoring report in accordance with this Section shall not be considered a late filing of a report or for the purposes of determining a significant noncomplier.

2. Persons signing any discharge monitoring reports, or baseline reports submitted pursuant to this section shall make the following certification:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and/or imprisonment.

E. Signatory and Certification Requirements for Other Reports and Submissions.

1. All wastewater discharge permit applications, requests for authorization, and user reports other than Discharge Monitoring Reports (DMRs) and Baseline Reports (BRs), and other information requested by the RVRSA, must be signed as follows:

(a) By a responsible corporate officer, if the Industrial User submitting the reports is a corporation. For the purpose of this paragraph, a responsible corporate officer means:

(i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or

(ii) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for Industrial Sewer Connection Permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) By a general partner or proprietor if the Industrial User submitting the reports is a partnership, or sole proprietorship respectively.

(c) By a duly authorized representative of the individual designated in paragraph 1(a) or 1(b) of this section if:

- (i) The authorization is made in writing by the individual described in paragraph 1(a) or 1(b);
- (ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
- (iii) the written authorization is submitted to the Authority.

(d) If an authorization under paragraph 1(c) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (A)(1)(3) of this section must be submitted to the Authority prior to or together with any reports to be signed by an authorized representative.

2. All wastewater discharge permit applications, requests for authorization, and user reports other than Discharge Monitoring Reports (DMRs) and Baseline Reports (BRs), and other information requested by the RVRSA, must contain the following certification statement:

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

F. Sampling Waiver for Categorical Pollutants. A user may obtain a sampling waiver for categorical pollutants consistent with 40 CFR 403.12(e)(2) and N.J.A.C. 7:14A-19.3(e)1. The RVRSA may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:

- (i) The Authority may authorize a waiver where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.

(ii) The monitoring waiver is valid only for the duration of the effective period of the Permit or other equivalent individual Industrial Sewer Connection Permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent Industrial Sewer Connection Permit.

(iii) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

The request for a monitoring waiver must be signed in accordance with 40 CFR 403.12(l) and Section 308(E) and include the certification statement in 40 CFR 403.6(a)(2)(ii) and Section 308(F)(v). Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(iv) Any grant of the monitoring waiver by the Authority must be included as a condition in the User's Industrial Sewer Connection Permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Authority for 3 years after expiration of the waiver.

(v) Upon approval of the monitoring waiver and revision of the Industrial User's Industrial Sewer Connection Permit by the RVRSA, the Industrial User's Authorized Representative must certify on each report with the statement below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under 40 CFR 403.12(e)(1).

(vi) In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in the Industrial User's operations, the Industrial User must immediately: Comply with the monitoring requirements of 40 CFR 403.12(e)1 and Section 308(C)(3), or other more frequent monitoring requirements imposed by the RVRSA; and notify the RVRSA.

(vii) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard. Categorical pretreatment standards can be modified only through the Federal regulatory mechanisms available pursuant to 40 CFR 403.7.

G. Annual Certification by Non-Significant Categorical Users. A facility determined to be a Non-Significant Categorical User pursuant to 40 CFR §403.3(v)(2) and Section 102 must annually submit the following certification statement, signed in accordance with the signatory requirements in paragraph (H) of this section. The Authority will evaluate, at least once per year, whether an Industrial User continues to meet the criteria of a Non-Significant Categorical User. This certification must accompany any alternative report required by the Authority:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____, to _____, ____ [month, days, year]:

(a) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical User as described in §403.3(v)(2) and Section 102 of the regulations of the RVRSA;

(b) the facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and

(c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based upon the following information:

H. Chemical Inventory Report. In addition to the reports required under this and other sections of these Rules and Regulations, the industrial user shall submit to the RVRSA an inventory of all chemical constituents and quantity of 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 materials already listed.

309 ADDITIONAL MONITORING AND REPORTING REQUIREMENTS

A. All permittees shall report to the RVRSA as appropriate, any exceedance of an effluent limitation that causes injury to persons, or damage to the environment, or poses a threat to human health or the environment, within two hours of its occurrence, or of the permittee becoming aware of the occurrence. Within 24 hours thereof, or of an exceedance, or of becoming aware of an exceedance, of an effluent limitation for a toxic pollutant, a permittee shall provide the RVRSA with such additional information on the discharge as may be required by the RVRSA, including an estimate of the danger posed by the discharge to the environment, whether the discharge is continuing, and the measures taken, or being taken, to remediate the problem and any damage to the environment, and to avoid a repetition of the problem (N.J.S.A. 58:10A-6f(8)).

B. Notwithstanding the reporting requirements stipulated in the Industrial Sewer Connection permit, a user shall be required to file monthly reports with the Executive Director if the user:

1. in any month commits a serious violation or fails to submit a completed discharge monitoring report and does not contest, or unsuccessfully contests, the assessment of a civil administrative penalty therefor; or
2. exceeds an effluent limitation for the same pollutant at the same discharge point source by any amount for four out of six consecutive months.

The RVRSA may restore the reporting requirements stipulated in the permit if the user has not committed any of the violations identified in this section for six consecutive months.

C. All Permittees shall resample the exceeded parameter set forth in the Industrial Sewer Connection Permit within thirty (30) days in accordance with the following requirements for monitoring and analysis to demonstrate continued compliance:

1. The reports required in this section shall contain the results of sampling and analysis of the Discharge, including the flow and the nature and concentration, or production and mass where requested by the RVRSA, of pollutants contained therein which are limited by the applicable Pretreatment Standards. This sampling and analysis may be performed by the RVRSA in lieu of the Industrial User. Where the RVRSA performs the required sampling and analysis in lieu of the Industrial User, the User will not be required to submit the compliance certification required under this section. In addition, where the RVRSA itself collects all the information required for the report, including flow data, the Industrial User will not be required to submit the report.
2. If sampling performed by an Industrial User indicates a violation, the user shall notify the RVRSA within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the RVRSA within 30 days after becoming aware of the violation, except the Industrial User is not required to resample if:

- i The RVRSA performs sampling at the Industrial User at a frequency of at least once per month, or
 - ii The RVRSA performs sampling at the User between the time when the User performs its initial sampling and the time when the User receives the results of this sampling.
- 3. The reports required in this section shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. The RVRSA shall require that frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements.
- 4. All analyses shall be performed in accordance with procedures established by the USEPA or NJDEP and contained in 40 CFR Part 136 and amendments thereto or with any other test procedures approved by the USEPA. Sampling shall be performed in accordance with the techniques approved by the USEPA. Where 40 CFR Part 136 does not include sampling or analytical techniques for the pollutants in question, or where the USEPA or NJDEP determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the RVRSA.
- 5. If an industrial user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the RVRSA, using the procedures prescribed in paragraph (4) of this section, the results of this monitoring shall be included in the report.

D. All significant industrial users (SIU's), except Non-Significant Categorical Users, shall submit monitoring reports in accordance with the requirements of industrial permit and also complying to any of the more stringent reporting requirements in accordance with NJSA 58:10A-6(f)(5).

Permittee shall give advance notification in accordance with Section 207 entitled Notification of Changed Conditions , to the RVRSA of the quality and quantity of all new introductions of pollutants into the RVRSA wastewater collection and treatment system and of any substantial change in the pollutants introduced into said system by an existing user of the RVRSA.

Except for such introductions of nonindustrial pollutants as the RVRSA may exempt from this notification requirement when ample capacity remains in the system to accommodate new flows. The notification shall estimate the effects of the changes on the effluent to be discharged into the RVRSA wastewater collection and treatment system. (N.J.S.A. 58:10A-6h(1))

E. All Permittees shall notify the RVRSA, the USEPA and the NJDEP in writing of any discharge of hazardous wastes into the sewer system as defined under 40 CFR Part 261. Such notification shall contain the name of the hazardous waste, the USEPA hazardous waste number

and the type of discharge. The notification of discharge of hazardous waste shall conform to the following requirements:

1. The industrial user shall notify the RVRSA, the EPA Regional Waste Management Division Director, and NJDEP hazardous waste authorities in writing of any discharge into the RVRSA of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the RVRSA, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. All notifications must take place within 180 days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12 (j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements.
2. Dischargers are exempt from the requirements of paragraph (1) of this section during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification.

Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.
3. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify the RVRSA, the EPA Regional Waste Management Waste Division Director, and NJDEP hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
4. In the case of any notification made under this section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

310 INDUSTRIAL WASTE MONITORING

A. Except in the case of Non-Significant Categorical Users, all industrial users who discharge or propose to discharge wastewater to the RVRSA treatment plant shall maintain records, and documentation regarding Best Management Practices, as are necessary to demonstrate compliance with the requirements of these Rules and Regulations, the Industrial Sewer Connection Permit and any applicable State or Federal pretreatment standards or requirements.

B. Records shall be made available upon request by the Executive Director. All records relating to compliance with pretreatment standards shall be made available to officials of NJDEP and officials of the USEPA upon request. A summary of the data indicating the industrial user's compliance with these Rules and Regulations shall be prepared and submitted to the Executive Director as designated in the Industrial Sewer Connection Permit.

C. Each designated industrial user shall install, at his own expense, suitable monitoring equipment to facilitate the accurate observation and sampling of industrial wastes. Such equipment shall be kept safe, secure from unauthorized entry or tampering and accessible to RVRSA personnel at all times.

D. When more than one industrial user can discharge into a common sewer, the Executive Director may require installation of separate monitoring equipment for each Industrial User. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single industrial user, the Executive Director may require that separate facilities be installed for each discharge.

E. Whether constructed on private or public property, the monitoring facilities shall be constructed in accordance with all applicable construction standards and specifications.

311 ANALYSIS OF WASTEWATER

A. Laboratory analyses of wastewater samples shall be performed in accordance with procedures established by the Administrator pursuant to section 304(h) of the Act and contained in USEPA "Guidelines Establishing Test Procedures for the Analysis of Pollutants" (40 CFR, Part 136), published in the Federal Register, Vol. 41, No. 232, 12/1/76 and amendments thereto, or any other test procedures approved by the Administrator. (See, Subsection 136.4 and 136.5) Sampling shall be performed in accordance with the techniques approved by the Administrator. Where 40 CFR Part 136 does not include sampling or analytical techniques for the pollutants in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the Authority or other parties, approved by the Administrator.

B. Measurements, tests and analyses of the characteristics of wastewater which are required under this permit shall be performed by a State of New Jersey certified laboratory, acceptable to the RVRSA, and the cost of the required work shall be borne by the Permittee.

C. For each measurement of a sample taken pursuant to the requirements of this Permit, the Permittee shall maintain a record of the following information; such record shall be kept by the Permittee for minimum of a five year period:

1. The date, exact place and time of sampling;
2. The date the analyses were performed;
3. The person(s) who performed the analysis;
4. The analytical techniques or methods used;
5. The results of all required analyses; and
6. All other information as may be required by applicable State or Federal rules or regulations.

D. Samples and measurements taken as required by the Industrial Sewer Connection Permit shall be representative of the volume and nature of the monitored discharge. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfides, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time proportional composite sampling or grab sampling is authorized by the RVRSA. Where time proportional composite sampling or grab sampling is authorized by the RVRSA, the samples must be documented in the Industrial User file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to analysis as follows: For Cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the RVRSA, as appropriate.

E. For sampling required in support of Baseline Monitoring pursuant to Section 308(B)(a), and 90-day Compliance Reports pursuant to Section 308(B)(d), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfides and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Executive Director may authorize a lower minimum. For Periodic Compliance Monitoring pursuant to Section 308 (C) and semi-annual reports, the RVRSA shall require the number of grab samples necessary to assess and assure compliance by Industrial Users with Applicable Pretreatment Standards and Requirements.

F. If an Industrial User subject to the reporting requirements in Section 308 monitors any regulated pollutant at the appropriate sampling location more frequently than required by the RVRSA, using the procedures prescribed in this section, the results of this monitoring shall be included in the report.

312 FREQUENCY OF SAMPLING AND ANALYSIS

- A. Industrial wastes shall be analyzed by the Industrial User, except Non-Significant Categorical Users, for the purpose of determining industrial surcharges, pretreatment requirements, and compliance with the requirements of the user's Industrial Sewer Connection Permit and these Regulations or as required by applicable State or Federal statutes, rules or regulations.
- B. If the Industrial user analyzes his wastes for parameters not included in the Industrial Sewer Connection Permit, but which could be significant to the operation of the RVRSA treatment plant, these results shall be reported to the RVRSA.

313 ANNUAL PERMIT FEES

- A. The annual fees charged to an Industrial User for sewerage service will consist of the annual permit fee, any surcharges which become due as a result of the discharge of wastewaters of excessive strength, and user charges based on the quality of discharge.
- B. 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.
- C. Charges for waste of excessive strength will be based on the formula set forth in Section 204 herein. This formula shall supersede that formula set forth in the RVRSA's Service Contract. All such charges shall be billed directly to affected industries. These charges will be billed at intervals which are appropriate in any given case, but will be no more frequent than quarterly, nor less frequent than annually.
- D. 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.
- E. 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 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.
- F. Any monthly and annual report(s) required by the industrial sewer connection (pretreatment) permit, these Service Rules and Federal and/or State Regulations, which are submitted later than five days after its due date, shall be accompanied by a payment of Fifty Dollars (\$ 50.00), for each day overdue, provided, however, that the total payment shall not exceed Five Hundred Dollars (\$ 500.00), unless failure to submit the(se) report(s) continues after written notice of such failure has been given by the RVRSA by regular mail to the industrial user. If such report(s) or a written explanation as to why such report(s) cannot be submitted is overdue for longer than fourteen (14) days after such written notice, the fee shall be One

Hundred Dollars (\$ 100.00) per day for each day overdue beyond said 14 days. In addition, the Permittee shall reimburse and hold harmless the RVRSA for all fines, penalties, costs, and expenses including engineering and attorney's fees incurred as the result of Permittee's failure to submit report(s) as required herein. Upon good cause shown for a delay in the submission of required report(s), the RVRSA may, in its discretion, modify or eliminate the fee which would otherwise be due.

314 PERMIT REVOCATION

The RVRSA may revoke an Industrial Sewer Connection Permit for good cause, including but not limited to, the following reasons:

- A. Failure to notify the RVRSA of significant changes to user's discharge;
- B. Failure to provide prior notification to RVRSA of changed conditions;
- C. Misrepresentation or failure to fully disclose all relevant facts in the Industrial Sewer Connection Permit application;
- D. Falsifying self-monitoring reports;
- E. Tampering with monitoring equipment;
- F. Refusing to allow timely access to the facility, premises and records;
- G. Failure to consistently meet effluent limitations or other permit conditions;
- H. Failure to pay fines;
- I. Failure to pay any fees or charges;
- J. Failure to meet compliance schedules; and
- K. Failure to complete a baseline monitoring report or Industrial Sewer Connection Permit application, wastewater survey or annual report.

315 RECORD KEEPING

Users subject to the reporting requirements shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required herein, including documentation associated with Best Management Practices, 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 dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These 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.

316 PUBLICATION OF SIGNIFICANT NON COMPILERS

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

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66%) percent 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 in which thirty-three (33) percent 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 POTW personnel or the general public;

D. Any discharge of pollutants that have 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 a Industrial Sewer Connection 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 noncompliance; or

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

317 WASTEWATER DISCHARGE PERMIT REISSUANCE

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 300, a minimum of one hundred and eighty (180) days prior to the expiration of the user's existing wastewater discharge permit.

SECTION 400: ENFORCEMENT AND REMEDIES

401 NOTIFICATION OF VIOLATION

When the Executive Director finds that a user has violated, or continues to violate, any provision of the Service Rules, a 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. Upon becoming aware of the violation, the user shall orally provide, to the Executive Director, an explanation of the violation and a 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.

402 CONSENT ORDERS

The Executive Director may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 404, 405 and 406 and shall be judicially enforceable.

403 SHOW CAUSE HEARING

The Executive Director may order a user which has violated, or continues to violate, any provision of the Service Rules, a permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Executive Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least twenty (20) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

404 ORDERS GENERALLY

Whenever the Executive Director finds that any person is in violation of any provision of the RVRSA's Service Rules, the Executive Director may issue an order requiring any such person to comply, specifying the provision or provisions of the New Jersey Water Pollution Control Act, or the rule, regulation, water quality standard, effluent limitation, or permit of which the person is in violation; citing the action which caused such violation; requiring compliance with such provision or provisions; and giving notice to the person of its right to a hearing on the matters contained in the order.

When the Executive Director finds that a user has violated, or continues to violate, any provision of the RVRSA's rules, a permit or order issued hereunder, or any other pretreatment standard or requirement, the Executive Director may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

405 ADMINISTRATIVE CONSENT ORDERS

A. Every schedule of compliance shall require the permittee to demonstrate to the Executive Director the financial assurance, including the posting of a bond or other security approved by the Executive Director, necessary to carry out the remedial measures required by the schedule of compliance; except that a local agency shall not be required to post financial security as a condition of a schedule of compliance.

B. The Executive Director shall afford an opportunity to the public to comment on a proposed administrative consent order prior to final adoption if the administrative consent order would establish interim enforcement limits that would relax effluent limitations established in a permit or a prior administrative order. The Executive Director shall provide public notice of the proposed administrative consent order, and announce the length of the comment period, which shall be not less than 30 days, commencing from the date of publication of the notice. A notice shall also include a summary statement describing the nature of the violation necessitating the administrative consent order and its terms or conditions; shall specify how additional information on the administrative consent order may be obtained; and shall identify to whom written comments are to be submitted. At least three days prior to publication of the notice, a written notice, containing the same information to be provided in the published notice, shall be mailed to the mayor or chief executive officer and governing body of the municipality and county in which the violation occurred, and to any other interested persons, including any other governmental agencies. The Executive Director shall consider the written comments received during the

comment period prior to final adoption of the administrative consent order. Not later than the date that final action is taken on the proposed order, the Executive Director shall notify each person or group having submitted written comments of the main provisions of the approved administrative consent order and respond to the comments received therefrom.

C. The Executive Director, on his or its own initiative or at the request of any person submitting written comments pursuant to Section 405(B), may hold a public hearing on a proposed administrative order or administrative consent order, prior to final adoption if the order would establish interim enforcement limits that would relax for more than twenty-four (24) months effluent limitations established in a permit or a prior administrative order or administrative consent order. Public notice for the public hearing to be held pursuant to this subsection shall be published not more than 30 and not less than 15 days prior to the holding of the hearing. The hearing shall be held in the municipality in which the violation, necessitating the order, occurred. The RVRSA may recover all reasonable costs directly incurred in scheduling and holding the public hearing from the person requesting or requiring the interim enforcement limits.

406 CEASE AND DESIST ORDERS

When the Executive Director finds that a user has violated, or continues to violate, any provisions of RVRSA's Service Rules, a Industrial Sewer Connection Permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Executive Director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

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

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

407 CIVIL ADMINISTRATIVE PENALTIES

- A.
 - 1. When the Executive Director finds that a user has violated, or continues to violate, any provision of RVRSA's Service Rules, a 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 (B) below, subject to any grace period in accordance with N.J.A.C. 7:14A-8.18.
 - 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 in accordance with N.J.S.A. 52:14 B-9 and 52:14B-10 and Section 700 herein.

- B.
1. The Authority may assess a civil administrative penalty pursuant to this section of not more than \$50,000.00 for each violation of each provision of RVRSA's Service Rules, a 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 Enforcement Response Plan attached at Appendix A and N.J.A.C. 7:14-8.16, utilizing the penalty matrix for serious violations and violations that cause the user to meet the SNC definition under Section 102 herein.
 2. Each violation of RVRSA's Service Rules, a Industrial Sewer Connection Permit or order issued hereunder, or any other pretreatment standard or requirement shall constitute an additional, separate and distinct violation. In addition, the unpermitted discharge of each separate pollutant shall constitute an additional, separate and distinct violation. If a violator establishes, to the satisfaction of the Authority that a single operational occurrence has resulted in the simultaneous violation of more than one effluent limit, the Authority may consider, for purposes of calculating the civil administrative penalties to be assessed pursuant to (1) above, the violation of interrelated effluent limits to be a single violation.
 3. Each day during which a violation as set forth in (2) above continues shall constitute an additional, separate and distinct violation.
 4. A user who is assessed a civil administrative penalty, or is subject to an assessment levied pursuant to subsection A, and fails to contest or to pay the penalty or assessment, or fails to enter into a payment schedule with the Authority within 30 days of the date that the penalty or assessment is due and owing, shall be subject to an interest charge on the amount of the penalty or assessment from the date that the amount was due and owing. The rate of interest shall be that authorized pursuant to subsection (1) of this section.
 5. Any person who fails to pay a civil administrative penalty or assessment, in whole or in part, when due and owing, or who fails to agree to a payment schedule therefor, shall be subject to the civil penalty provisions of Section 502.
 6. A civil administrative penalty or assessment imposed pursuant to a final order:

- i May be collected or enforced by summary proceeding in a court of competent jurisdiction in accordance with the "penalty enforcement law," (N.J.S.A. 2A:58-1 et seq.); or
 - ii Shall constitute a debt of the violator, and the civil administrative penalty may be docketed with the Clerk of the Superior Court, and shall have the same standing as any judgment docketed pursuant to N.J.S.A. 2A:16-1.
- C. Reimbursement for costs of administrative hearings shall be paid by the RVRSA, but shall be recoverable from the violator by the RVRSA, if the prevailing party, along with such other costs as may be recoverable for preparing and litigating the case. An assessment for hearing costs shall be included in the final decision or order issued by the Executive Director.

408 PENALTY FOR FAILURE TO ALLOW ENTRY OR INSPECTION

- A. The Authority may assess a civil administrative penalty pursuant to this section against each violator who refuses, inhibits or prohibits immediate entry and inspection of any premises, building or place by any authorized Authority representative.
- B. Each day, from the initial day of failure by the violator to allow immediate entry and inspection to the day of receipt of the Authority 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.
- C. The Authority shall determine the amount of the civil administrative penalty for violations described in this section 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 an 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 up to \$5,000.
- D. The Authority may, in its discretion, adjust the amount of the civil administrative penalty determined pursuant to (C) above on the basis of the factors listed in N.J.A.C. 7:14-8.7.
- E. A violation under this section is non-minor, and therefore not subject to a grace period.

409 PENALTY FOR CONDUCTING UNAPPROVED ACTIVITIES

- A. The Authority may assess a civil administrative penalty pursuant to this section 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 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.
- B. The Authority may assess the civil administrative penalty for violations described in this section in an amount of up to \$50,000.
- C. The Authority may, in its discretion, adjust the amount of the civil administrative penalty determined pursuant to (B) above on the basis of the factors listed in N.J.A.C. 7:14-8.8.
- D. A violation under this section is non-minor, and therefore not subject to a grace period.

410 PENALTY FOR FAILURE TO PAY A FEE OR FINES

- A. The Authority 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.
- B. Each day a permit fee is not paid after it is due shall constitute an additional, separate and distinct violation.
- C. The Authority 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 a maximum of \$50,000 per violation;
- D. Any person who violates the Water Pollution Act, any rule, or regulation of the Authority 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 Authority (or the Department), 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. 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.)".
- E. A violation under this section is non-minor, and therefore not subject to a grace period.

411 PENALTY FOR ECONOMIC BENEFIT

In addition to any other civil administrative penalty assessed pursuant to this section, the Authority, under a civil action pursuant to subsection c. of N.J.S.A. 58:10A-10, may assess the penalty in an amount of actual economic benefit, which the violator has realized as a result of not complying, or by delaying compliance, with the requirements of these regulations or the Water Pollution Control Act, or any rule, effluent limitation, administrative order or permit issued pursuant thereto.

412 EMERGENCY SUSPENSIONS

The Executive Director may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Executive Director may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Executive Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Executive Director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Executive Director that the period of endangerment has passed, unless the termination proceedings in Section 10.16 of RVRSA's Service Rules are initiated against the user.

B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Executive Director, prior to the date of any show cause or termination hearing under Sections 10.3 and 10.16 of RVRSA's Service Rules. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

413 AUTHORITY TO SEAL OR CLOSE OFF SEWAGE CONNECTION

If the Executive Director finds that any person, corporation or municipality is discharging sewage into a public sewerage treatment plant in violation of the provisions of these Service Rules or any permit issued by the RVRSA or of the provisions of the Water Pollution Control Act, the Executive Director may in addition to any remedies provided herein take such steps as may be necessary to seal or close off such sewage connections from the public sewerage treatment plant until it is satisfied that adequate measures have been taken to prevent the recurrence of such violation pursuant to N.J.S.A. 58:11-56.

414 TERMINATION OF DISCHARGE

In addition to the provisions in RVRSA's Service Rules, any user who violates the following conditions is subject to discharge termination:

- A. Violation of Industrial Sewer Connection Permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the pretreatment standards in RVRSA's Service Rules.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 403 why the proposed action should not be taken. Exercise of this option by the Executive Director shall not be a bar to, or a prerequisite for, taking any other action against the user.

415 PENALTY SETTLEMENT RESTRICTIONS

Civil administrative penalties or any other costs allowed under the Water Pollution Control Act, the New Jersey Underground Storage of Hazardous Substances Act, and the Water Supply and Wastewater Operators' Licensing Act, shall be subject to the penalty settlement restrictions set forth at N.J.A.C. 7:14-8.3.

(A) The RVRSA may settle any civil administrative penalty assessed pursuant to this subchapter as follows:

1. The RVRSA may reduce the civil administrative penalty up to 50 percent, provided that the penalty as reduced is not less than any applicable minimum amount set forth in N.J.A.C. 7:14-8.5(a) or 8.9(e); and

2. The RVRSA may not reduce the amount of any component of a civil administrative penalty which represents the economic benefit gained by the violator from the violation.

(B) In settling a civil administrative penalty, the RVRSA may consider the following:

1. Mitigating or extenuating circumstances not considered in the notice of civil administrative penalty assessment;

2. The implementation by the violator of pollution prevention and/or abatement measures in addition to those minimally required by applicable statute or rule;

3. The implementation by the violator of measures to clean up, reverse or repair environmental damage previously caused by the violation;

4. The full payment by the violator of a specified part of the civil administrative penalty assessed if made within a time period established by the RVRSA in an administrative order and/or a notice of civil administrative penalty assessment and provided that the violator waives the right to request an adjudicatory hearing on the civil administrative penalty; or

5. Any other terms or conditions acceptable to the RVRSA.

416 PENALTY FOR FAILING TO COMPLY WITH AN INFORMATION REQUEST OR ADMINISTRATIVE SUBPOENA AND THE DESTRUCTION OF RECORDS

A. The Authority may assess a civil administrative penalty pursuant to this section against each violator who fails to completely respond to an information request or administrative subpoena, or destroys records relating to a discharge to the RVRSA facility within five years of the discharge.

B. Each day that the violator does not fully respond to any item in an information request or administrative subpoena and each item in an information request or administrative subpoena that is not fully responded to shall be an additional, separate and distinct violation.

C. The Authority shall assess a civil administrative penalty for each failure to completely respond to an information request or administrative subpoena in an amount up to \$50,000 based on the following factors:

1. The substantive responsiveness of the violator's response to the information request or administrative subpoena;
2. Number of items in the information request or administrative subpoena which the violator attempted to respond to;
3. Number of items in the information request or administrative subpoena which the violator did not respond to;
4. The timeliness of the violator's response; and
5. Any other relevant factors.

D. The Authority shall assess a civil administrative penalty for the destruction of records based on the conduct of the violator at the midpoint of the following ranges:

1. For each intentional, deliberate, purposeful, knowing or willful act or omission by the violator, the civil administrative penalty shall be in an amount up to \$50,000; and
 2. For each other violation not identified pursuant to (d)1 above the civil administrative penalty shall be in the amount up to \$30,000.
- E. Except as set forth in Appendix A-1 Table, a violation under this section is non-minor and, therefore, not subject to a grace period.

SECTION 500: JUDICIAL ENFORCEMENT REMEDIES

The Authorities Enforcement Response Plan ("ERP") at Appendix A, is incorporated herein and made a part hereof by reference as if fully set forth. The ERP will be used to address industrial user non-compliance, however, it does not limit the Authority's enforcement authority.

501 INJUNCTIVE RELIEF

When the Executive Director finds that a user has violated, or continues to violate, any provision of RVRSA's Service Rules, a Industrial Sewer Connection Permit, or order issued hereunder, or any other pretreatment standard or requirement, the Executive Director may petition the Superior Court through the Authority's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the Industrial Sewer Connection Permit, order, or other requirement imposed by RVRSA's Service Rules on activities of the user. The Executive Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

502 CIVIL PENALTIES

A. A user who has violated, or continues to violate, any provision of RVRSA's Service Rules, a 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. 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.). In addition to any civil penalties, costs or interest charges, the court, may assess against a violator the amount of any actual economic benefits accruing to the violator from the violation. Economic benefits may include the amount of any savings realized from avoided capital or noncapital costs resulting from the violation; the return earned or that may be earned on the amount of avoided costs; any benefits accruing to the violator as a result of a competitive market advantage enjoyed by reason of the violation; or any other benefits resulting

from the violation. The Superior Court shall have jurisdiction to enforce "the penalty enforcement law", N.J.S.A. 2A:58-1 et seq., in conjunction with this Act.

B. The Executive Director may bring a civil action in Superior Court for appropriate relief, which may include singly, or in combination, reasonable attorney's fees;

1. Assessment of the violator for the reasonable costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and litigating the case under this subsection;
2. Assessment of the violator for any reasonable cost incurred by the Authority in removing, correcting or terminating the adverse effects upon water quality resulting from any unauthorized discharge of pollutants for which the action under this subsection may have been brought;
3. Assessment against the violator of compensatory damages for any loss or destruction of wildlife, fish or aquatic life, or other natural resources, and for any other actual damages caused by an unauthorized discharge;
4. Assessment against a violator of the actual amount of any economic benefits accruing to the violator from a violation. Economic benefits may include the amount of any savings realized from avoided capital or noncapital costs resulting from the violation; the return earned or that may be earned on the amount of avoided costs; any benefits accruing to the violator as a result of a competitive market advantage enjoyed by reason of the violation; or any other benefits resulting from the violation.
5. A temporary or permanent injunction in accordance with N.J.S.A. 58:10A-10.c(1), as amended and supplemented from time to time.

C. The Authority may issue a summons for a violation of RVRSA's Service Rules, a Industrial Sewer Connection Permit or order issued hereunder, or any other pretreatment standard or requirement if the amount of the civil penalty assessed is \$5,000 or less. The summons shall be enforceable, in accordance with the "penalty enforcement law," N.J.S.A. 2A:58-1 et seq., in the municipal court of the territorial jurisdiction in which the violation occurred. The summons shall be signed and issued by the Executive Director. Proceedings before, and appeals from a decision of, a municipal court shall be in accordance with the Rules Governing the Court of the State of New Jersey. Of the penalty amount collected pursuant to an action brought in a municipal court pursuant to this section, ten (10%) percent shall be paid to the municipality or municipalities in which the court retains jurisdiction for use for court purposes, with the remainder to be retained by the Authority.

503 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 A below.

- A.
1.
 - i Any person who purposely, knowingly, or recklessly violates RVRSA's Service Rules, a Industrial Sewer Connection Permit or order issued hereunder, or any other pretreatment standard or requirement and the violation causes a significant adverse environmental effect, shall, upon conviction, be guilty of a crime of the second degree, and shall, notwithstanding the provisions of subsection a. of N.J.S.A. 2C:43-3, be subject to a fine of not less than \$25,000 nor more than \$250,000 per day of violation, or by imprisonment, or by both.
 - ii As used in this section, a significant adverse environmental effect exists when an action or omission of the defendant causes: serious harm or damage to wildlife, freshwater or saltwater fish, any other aquatic or marine life, water fowl, or to their habitats, or to livestock, or agricultural crops; serious harm, or degradation of any ground or surface waters used for drinking, agricultural, navigational, recreational, or industrial purposes; or any other serious articulable harm or damage to, or degradation of, the lands or waters of the State, including ocean waters subject to its jurisdiction pursuant to P.L. 1988, c. 61 (C.58:10A-47 et seq.).
 2. Any user who purposely, knowingly, or recklessly violates RVRSA's Service Rules, a Industrial Sewer Connection Permit or order issued hereunder, or any other pretreatment standard or requirement including making a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under RVRSA's Service Rules, or by falsifying, tampering with, or rendering inaccurate any monitoring device or method required to be maintained pursuant to RVRSA's Service Rules, or by failing to submit a monitoring report, or any portion thereof, required pursuant to RVRSA's Service Rules, shall, upon conviction, be guilty of a crime of the third degree, and shall, notwithstanding the provisions of subsection b. of N.J.S.A. 2C:43-3, be subject to a fine of not less than \$5,000 nor more than \$75,000 per day of violation, or by imprisonment, or by both.
 3. Any person who negligently violates RVRSA's Service Rules, a Industrial Sewer Connection Permit or order issued hereunder, or any other pretreatment standard or requirement including making a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under RVRSA's Service Rules, or by falsifying, tampering with, or rendering inaccurate any monitoring device or method required to be maintained pursuant to RVRSA's Service Rules, or by failing to submit a discharge monitoring report, or any portion thereof, required pursuant to RVRSA's Service Rules, shall, upon conviction, be guilty of a crime of the fourth degree, and shall, notwithstanding the provisions of subsection b. of N.J.S.A. 2C:43-3, be subject to a fine of not less

than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment, or by both.

4. Any person who purposely or knowingly violates an effluent limitation or other condition of a permit, or who discharges without a permit, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, as defined in subsection b. of N.J.S.A. 2C:11-1, shall, upon conviction, be guilty of a crime of the first degree, and shall, notwithstanding the provisions of subsection a. of N.J.S.A. 2C:43-3, be subject to a fine of not less than \$50,000 nor more than \$250,000, or, in the case of a corporation, a fine of not less than \$200,000 nor more than \$1,000,000 or by imprisonment or by both.
5. As used in this subsection, "purposely", "knowingly", "recklessly", and "negligently" shall have the same meaning as defined in N.J.S.A. 2C:2-2.

B. Filing a suit or civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

504 REMEDIES NONEXCLUSIVE

The remedies provided for in RVRSA's Service Rules are not exclusive. The Executive Director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Authority's enforcement response plan. However, the Executive Director may take other action against any user when the circumstances warrant. Further, the Executive Director is empowered to take more than one enforcement action against any noncompliant user.

505 DISBURSEMENT OF PENALTY MONIES

Ten (10%) per cent of all penalty monies collected hereunder shall be disbursed to the Wastewater Treatment Operators' Training Account under the requirements of N.J.S.A. 58:10A-6(i)(2) and N.J.S.A. 58:10A-14.5 as applicable.

SECTION 600: AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

601 UPSET

A. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to an action brought for noncompliance if the requirements of paragraph (C), below, are met.

C. A user 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 user can identify the cause(s) of the upset;
2. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and
3. The user has submitted the following information to the Executive Director within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days);
 - i A description of the indirect discharge and cause of noncompliance;
 - ii The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
 - iii Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
 - iv The following information must be submitted to the RVRSA within five (5) days of the commencement of the discharge or of the permittee becoming aware of the discharge:
 - a. all properly signed, contemporaneous operating logs, or other relevant evidence, on the circumstances of the noncompliance;
 - b. the reasons that the upset occurred, including the cause of the upset and the identity of the person causing the upset, as necessary;
 - c. evidence that the permittee was properly operating the facility at the time;
 - d. in the case of an upset resulting from the performance of maintenance operations, evidence that the permittee provided prior notice and received prior written approval from the RVRSA, including the name, title, address and telephone number of the individual who satisfied this requirement, the date and specific time the individual notified the RVRSA for the permittee, the specific method that the individual used to notify the RVRSA, and the name and title of the individual within the RVRSA to whom the permittee gave such notice;
 - v evidence that the permittee complied with all remedial measures the RVRSA required;

D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance.

F. Users shall control production of all discharges to the extent necessary to maintain compliance 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.

602 BYPASS

A. For the purposes of this section,

1. "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.
2. "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.

B. A user 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 paragraphs (C) and (D) of this section.

- C.
1. If a user knows in advance of the need for a bypass, it shall submit prior notice to the Executive Director, at least ten (10) days before the date of the bypass, if possible.
 2. A user shall submit oral notice to the Executive Director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user 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 following additional information must also be included as part of the written submission in accordance with N.J.A.C. 7:14A-6.10(f)1, as amended and supplemented from time to time.
 - i all properly signed, contemporaneous operating logs, or other relevant evidence, on the circumstances of the noncompliance;

- ii the reasons that the unanticipated bypass occurred, including the circumstances leading to the unanticipated bypass;
- iii evidence that the permittee was properly operating the facility at the time;
- iv evidence that the permittee submitted notice of the unanticipated bypass as required above, including the name, title, address and telephone number of the individual who satisfied this requirement, the date and specific time the individual notified the RVRSA for the permittee, the specific method that the individual used to notify the RVRSA, and the name and title of the individual within the RVRSA to whom the permittee gave such notice;
- v evidence that the permittee complied with all remedial measures the RVRSA required;
- vi the permittee's rationale for and all supporting documentation that the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage, including the name, title, address and telephone number of the individual that made the determination for the permittee, the data and information upon which that individual made the determination and any other information the RVRSA requests;
- vii evidence that there was no feasible alternative to the unanticipated bypass, including but not limited to the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during periods of downtime; and
- viii evidence that the unanticipated bypass did not occur during normal periods of equipment downtime or preventive maintenance when back-up equipment should have been installed to avoid the unanticipated bypass.

D. 1. Bypass is prohibited, and the Executive Director may take an enforcement action against a user for a bypass, unless

- i Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- ii 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 backup 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 preventive maintenance; and
- iii The user submitted notices as required under paragraph (C) of this section.

2. The Executive Director may approve an anticipated bypass, after considering its adverse effects, if the Executive Director determines that it will meet the three conditions listed in paragraph (D)(1) of this Section.

603 LABORATORY ERROR

Except as provided in (1) below, a violator may be entitled to an affirmative defense to liability for a violation of an effluent limitation occurring as a result of a testing or laboratory error, only if, in the determination of the RVRSA the violator has satisfied the provisions of the section.

1. A violator shall not be entitled to an affirmative defense based on an alleged testing or laboratory error to the extent that the violation is caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

2. A violator shall be entitled to an affirmative defense only if, in the determination of the RVRSA, the violator satisfies the following.

- i The violation occurred as a result of testing or laboratory error;
- ii The violator complied with all of the requirements in N.J.A.C. 7:14A-3.10;
- iii The violator complied with N.J.A.C. 7:14-8.4(a)7; and
- iv A violator asserting a testing or laboratory error as an affirmative defense shall also have the burden to demonstrate that a violation involving the exceedance of an effluent limitation was the result of unanticipated test interferences, sample contamination, analytical defects, or procedural deficiencies in sampling or other similar circumstances beyond the violator's control.

SECTION 700: ADJUDICATORY HEARING REQUESTS

701 PROCEDURES TO REQUEST AN ADJUDICATORY HEARING

A. To request an adjudicatory hearing to contest an administrative order, a notice of civil administrative penalty assessment, or a notice of civil administrative cost assessment issued pursuant to the Water Pollution Control Act, the New Jersey Underground Storage of Hazardous Substances Act, or the Water Supply and Wastewater Operators' Licensing Act, or a permit issued by the RVRSA, the violator shall submit the following information in writing to the RVRSA:

- 1. The name, address, and telephone number of the violator and its authorized representative;
- 2. The violator's defenses to each of the findings of fact stated in short and plain terms;

3. An admission or denial of each of the findings of fact. If the violator is without knowledge or information sufficient to form a belief as to the truth of a finding, the violator shall so state and this shall have the effect of a denial. A denial shall fairly meet the substance of the findings denied. When the violator intends in good faith to deny only a part or a qualification of a finding, the violator shall specify so much of it as is true and material and deny only the remainder. The violator may not generally deny all of the findings but shall make all denials as specific denials of designated findings. For each finding the violator denies, the violator shall allege the fact or facts as the violator believes it or them to be;
4. Information supporting the request and specific reference to or copies of other written documents relied upon to support the request;
5. An estimate of the time required for the hearing (in days and/or hours);
6. A request, if necessary, for a barrier-free hearing location for physically disabled persons;
7. Proof of compliance with all of the requirements in N.J.A.C. 7:14A- 3.10 if the violator intends to:
 - i Raise an affirmative defense to liability for a civil administrative penalty pursuant to N.J.A.C. 7:14-8.5(a) or 8.9(e) for the violation of an effluent limitation on the basis that a violation of an effluent limitation occurred as a result of an upset, an approved anticipated bypass or unanticipated bypass, or a testing or laboratory error; and
 - ii To request that the RVRSA determine through an administrative hearing whether or not it agrees with the violator's allegations concerning the matter; and
8. For a notice of civil administrative penalty assessment pursuant to N.J.A.C. 7:14-8.9(e), the following as applicable:
 - i Documentation of compliance with the requirements in N.J.A.C. 7:14-8.9(e) that the violator notify the RVRSA in writing, within 30 days after the date the violator was required to submit the information to the RVRSA, of extenuating circumstances that prevented timely submission of a complete discharge monitoring report;
 - ii Documentation of the violator's correction of the violation by submitting the omitted information within 10 days after the violator's receipt of the notice of the omission; a violator's failure to comply with the notice requirements in N.J.A.C. 7:14-8.9(e) will be a waiver of the violator's right to correct the violation within the required 10-day period and thus avert liability; or

- iii If the violator intends to contest a civil administrative penalty assessed pursuant to N.J.A.C. 7:14-8.9(e) based on the existence of extenuating circumstances beyond the violator's control, documentation that the violator complied with N.J.A.C. 7:14-8.9(e)3; if the violator fails to submit the required information within this 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.

B. The RVRSA shall deny the hearing request if the RVRSA does not receive a complete hearing request pursuant to (a) above within 20 days after receipt by the violator of the Notice of a Civil Administrative Penalty Assessment, the Administrative Order, or Notice of Civil Administrative Cost Assessment being challenged. A violator's failure to notify the RVRSA in writing, within the 30 days allotted under (a)8i above, of the existence of extenuating circumstances which prevented timely submission of a complete discharge monitoring report, shall be grounds for the RVRSA to deny any hearing request on a notice of civil administrative penalty assessment pursuant to N.J.A.C. 7:14-8.9(e).

702 PROCEDURES FOR CONDUCTING AN ADJUDICATORY HEARING

A. All adjudicatory hearings held pursuant to this section shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

B. Upon conclusion of an administrative hearing held pursuant to section A above, the administrative law judge shall prepare and transmit a recommended report and decision on the case to the Executive Director and to each party of record. The Executive Director shall afford each party of record an opportunity to file exceptions, objections and replies thereto, and to present arguments, either orally or in writing, as required by the Authority. After reviewing the record of the administrative law judge, and any filings received thereon, but not later than 45 days after receipt of the record and decision, the Executive Director shall adopt, reject, or modify the recommended report and decision. If the Executive Director fails to modify or reject the report within the 45-day period, the decision of the administrative law judge shall be deemed adopted as the final decision of the Executive Director, and the recommended report and decision shall be made a part of the record in the case. For good cause shown, and upon certification by the Director of the Office of Administrative Law and the Executive Director, the time limits established herein may be extended.

- C.
 - 1. A final decision or order of the Executive Director shall be in writing or stated in the record. A final decision shall include separately stated findings of fact and conclusions of law, based upon the evidence of record at the hearing of the administrative law judge. Findings of fact shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. A final decision or order may incorporate by reference any or all of the recommendations of the administrative law judge.
 - 2. Parties of record shall be notified either by personal service or by mail of any final decision or order. Upon request, a copy of the decision or order shall be

delivered or mailed forthwith by registered or certified mail to each party of record and to a party's attorney of record.

3. A final decision or order shall be effective on the date of delivery or mailing, whichever is sooner, to the party or parties of record, or shall be effective on any date thereafter, as the Authority may provide in the decision or order. The date of delivery or mailing shall be stamped on the first page of the final decision or order. A final decision or order shall be considered a final agency action, and shall be appealable in the same manner as a final agency action of a state department or agency.
- D. 1. A user appealing a civil administrative penalty or assessment levied in accordance with subsection A, whether contested as a contested case or by appeal to a court of competent jurisdiction shall, as a condition of filing the appeal, post with the Authority a refundable bond, or other security approved by the Authority, in the amount of the civil administrative penalty or assessment levied pursuant to a civil administrative hearing. If the civil administrative penalty or assessment is upheld in whole or in part, the Authority shall be entitled to a daily interest charge on the amount of the judgment from the date of the posting of the security with the Authority until that amount is paid in full. The rate of interest shall be that established by the New Jersey Supreme Court for interest rates on judgments, as set forth in the Rules Governing the Courts of the State of New Jersey.

SECTION 800: INDEMNIFICATION

The industrial user shall indemnify and save harmless the RVRSA for any expense, loss or damage occasioned the RVRSA, by reason of permit violation, the discharge of process wastewater or any prohibited substance, including, but not limited to the following:

- A. Any cost incurred by the RVRSA in removing, correcting, preventing or terminating any adverse effects upon the RVRSA wastewater collection and treatment system;
- 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;
- D. The reasonable costs of any investigative inspection or monitoring survey which leads to the establishment of a violation of the Industrial Sewer Connection Permit and the reasonable costs of preparing and litigating any action successfully concluded against the User for such violation; and
- E. Any other actual or compensatory damages to the RVRSA resulting from the discharge.

SECTION 900: CONFIDENTIAL INFORMATION

A. Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, permits, and monitoring programs, and from the RVRSA's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, 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 secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NJPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

B. The public may inspect non-confidential data at the offices of the RVRSA during normal business hours. Interested persons should contact the Executive Director, in writing, to arrange for such inspection. Upon request, the RVRSA will provide copies of documents at rates established by the RVRSA.

SECTION 1000: ENFORCEMENT RESPONSE PLAN

Pursuant to N.J.A.C. 7:14A-19.1 *et seq.*, Pretreatment Program Requirements For Local Agencies, enforcement action may be taken by the RVRSA against a User for violations of applicable pretreatment program requirements, including, but not limited to, violations of the General Pretreatment Regulations for Existing and New Sources of Pollution, 40 CFR Part 403.8(f)(1) and (f)(2); the National Pretreatment Standards in 40 CFR chapter I, subchapter N, the RVRSA's regulations and/or the User's Permit. Pursuant to N.J.A.C. 7:14A-19.3(c)(5), the RVRSA must take enforcement action based upon a users' noncompliance in accordance with an approved Enforcement Response Plan (ERP). The attached ERP developed by the RVRSA lists the type of non-compliance, nature of the violation, enforcement action to be taken by the RVRSA, period of time for the RVRSA to take action and the RVRSA personnel responsible for taking the enforcement action. The RVRSA may take any additional action deemed necessary to protect its treatment plant and to carry out the intent and provisions of the RVRSA's regulations.

The penalty matrix specified at N.J.A.C. 7:14-8.16(f) and the regulations, as amended and supplemented from time to time and set forth below, shall be used by the RVRSA to assess a civil administrative penalty against any user for violations of applicable pretreatment program requirements.

All mandatory penalties, settlement restrictions, uniform penalty policies and other requirements applicable to the RVRSA in accordance with N.J.A.C. 7:14-8.1(f), including, without limitation, the civil administrative penalty determination procedure specified in N.J.A.C. 7:14- 8.16 are incorporated by reference herein as if fully set forth.

The development of the Enforcement Response Plan in accordance with this section shall not preclude the RVRSA from initiating other available enforcement responses where violations are not specifically identified in the Enforcement Response Plan.

SECTION 1001: CIVIL ADMINISTRATIVE PENALTY DETERMINATIONS

A. The RVRSA may assess a civil administrative penalty against any indirect discharger of not more than \$50,000, for each violation of each provision of the Water Pollution Control Act and for each violation of any rule, pretreatment standard, effluent limitation, administrative order or permit issued pursuant thereto. The RVRSA shall assess a minimum mandatory civil administrative penalty in an amount:

1. Not less than \$1,000 for each serious violation as defined under N.J.A.C. 7:14-8.2; and
2. Not less than \$5,000 for each violation that causes a violator to be, or continue to be, a significant noncomplier as defined under N.J.A.C. 7:14- 8.2.

B. Each violation of any provision of the Water Pollution Control Act or any rule, pretreatment standard, effluent limitation, administrative order or permit issued by the RVRSA, shall constitute an additional, separate and distinct violation. In addition, the unpermitted discharge of each separate pollutant shall constitute an additional, separate and distinct violation.

C. Each day during which a violation as set forth in (B) above continues shall constitute an additional, separate and distinct violation.

D. Unless the RVRSA assesses a civil administrative penalty as set forth in N.J.A.C. 7:14-8.6 through 7:14-8.12, the RVRSA may assess a civil administrative penalty for violations described in this section as described in (E) below.

E. To assess a civil administrative penalty pursuant to this section, the RVRSA shall:

1. Identify the penalty range within the matrix in (F) below by:
 - i Determining the seriousness of the violation pursuant to (G) below; and
 - ii Determining the conduct of the violator pursuant to (H) below; and
2. Assess the penalty at the midpoint of the range within the matrix in (F) below, unless adjusted pursuant to (I) below.

F. The matrix of ranges of penalties is as follows:

SERIOUSNESS

		Major	Moderate	Minor
CONDUCT	Major	10,000 - 50,000	5,000 - 25,000	2,000 - 13,000
	Moderate	5,000 - 10,000	2,500 - 5,000	500 - 3,000
	Minor	500 - 7,500	500 - 2,500	250 - 1,250

G. The RVRSA shall determine the seriousness of the violation as major, moderate or minor as set forth in G1 through 3 below.

1. Major shall include:

- i Any violation of any effluent limitation that is measured by concentration or mass for any discharge exceeding the effluent limitation as follows:
 - (1) By more than 50 percent for a hazardous pollutant;
 - (2) By more than 100 percent for a non-hazardous pollutant; or
 - (3) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment; or
- ii The greatest violation of a pH effluent range in any one calendar day which violation deviates from the midpoint of the range by more than 50 percent of the midpoint of the range excluding the excursions specifically excepted by an issued permit with continuous pH monitoring; or
- iii Any other violation not included in G1i or ii above which either:
 - (1) Has caused or has the potential to cause serious harm to human health or the environment; or
 - (2) Seriously deviates from the requirements of the Water Pollution Control Act or of any rule, pretreatment standards, effluent limitation, administrative order or permit issued pursuant thereto; serious deviation shall include, but not be limited to, those violations that are in complete contravention of the requirement, or if some of the requirement is met, which severely impair or undermine the operation or intent of the requirement.

2. Moderate shall include:

- i Any violation, other than a violation of an effluent limitation identified in G2ii or iii below, which has caused or has the potential to cause substantial harm to human health or the environment;
- ii Any violation of an effluent limitation which is measured by concentration or mass of any discharge exceeding the effluent limitation as follows:
 - (1) By 20 to 50 percent for a hazardous pollutant; or
 - (2) By 40 to 100 percent for a non-hazardous pollutant;
- iii The greatest violation of a pH effluent range in any one calendar day which violation deviates from the midpoint of the range by at least 40 percent but no more than 50 percent of the midpoint of the range excluding the excursions specifically excepted by an issued permit with continuous pH monitoring; or
- iv Any violation, other than a violation of an effluent limitation identified in G2ii or iii above, which substantially deviates from the requirements of the Water Pollution Control Act or of any rule, pretreatment standards, effluent limitation, administrative order or permit issued pursuant thereto; substantial deviation shall include, but not be limited to, violations that are in substantial contravention of the requirements or which substantially impair or undermine the operation or intent of the requirement.

3. Minor shall include:

- i Any violation, other than a violation of an effluent limitation identified in G3ii or iii below, not included in G1 or 2 above;
- ii Any violation of an effluent limitation which is measured by concentration or mass for any discharge exceeding the effluent limitation as follows:
 - (1) By less than 20 percent for a hazardous pollutant; or
 - (2) By less than 40 percent for a non-hazardous pollutant; or
- iii. The greatest violation of a pH effluent range in any one calendar day which violation deviates from the midpoint of the range by less than 40 percent of the midpoint of the range excluding the excursions specifically excepted by an issued permit with continuous pH monitoring.

H. The RVRSA shall determine the conduct of the violator as major, moderate or minor as follows:

1. Major shall include any intentional, deliberate, purposeful, knowing or willful act or omission by the violator;
2. Moderate shall include any unintentional but foreseeable act or omission by the violator; or
3. Minor shall include any other conduct not included in H1 or 2 above.

i The RVRSA may move from the midpoint of the range, to an amount not greater than the maximum amount nor less than the minimum amount in the range, on the basis of the following factors:

1. The compliance history of the violator;

i No violations of the same effluent limitation and discharge point at all in the two years immediately preceding the pending violation shall result in a reduction equal to 25 percent of the midpoint.

ii No serious or fewer than four lesser violations of the same effluent limitation and discharge point in the two years immediately preceding the pending violation shall result in a reduction equal to 10 percent reduction of the midpoint.

iii One isolated serious violation or four or more lesser violations of the same effluent limitation and discharge point in the two years immediately preceding the date of the pending violation shall result in an increase equal to 10 percent of the midpoint.

iv Any violation(s) which caused a person to become or remain in significant noncompliance or two or more isolated serious violations where such violations are of the same effluent limitation and discharge point in the two years immediately preceding the date of the pending violation shall result in a 25 percent increase from the midpoint;

2. Where the nature, timing and effectiveness of any measures taken by the violator to mitigate the effects of the violation for which the penalty is being assessed results in compliance within 30 days of receipt of the notice of violation from the RVRSA;

3. Any unusual or extraordinary costs or impacts directly or indirectly imposed on the public or the environment as a result of the violation;
4. Any impacts on the receiving water, including stress upon the aquatic biota, or impairment of receiving water uses, such as for recreational or drinking water supply, resulting from the violation; and
5. Other specific circumstances of the violator or violation.

SECTION 1002: CIVIL ADMINISTRATIVE PENALTY FOR SUBMITTING INACCURATE OR FALSE INFORMATION

A. The RVRSA may assess a civil administrative penalty pursuant to this section against each violator who submits inaccurate information or who makes a false statement, representation, or certification in any application, record, or other document required to be submitted or maintained, or who falsifies, tampers with or renders inaccurate any monitoring device or method required to be maintained under the Water Pollution Control Act or the New Jersey Underground Storage of Hazardous Substances Act or any rule, water quality standard, effluent limitation, administrative order or permit issued pursuant thereto.

B. Each day, from the day of submittal by the violator of the false or inaccurate information to the RVRSA to the day of receipt by the RVRSA of a written correction by the violator shall be an additional, separate and distinct violation.

C. The RVRSA shall assess a civil administrative penalty for violations described in this section based on the conduct of the violator at the midpoint of the following ranges except as adjusted pursuant to (D) below:

1. For each intentional, deliberate, purposeful knowing or willful act or omission by the violator, the civil administrative penalty shall be in an amount up to \$50,000 per act or omission;
2. For each other violation not identified pursuant to (C)1 above for which the violator does not correct the violation within 10 days after becoming aware of the violation, the civil administrative penalty shall be in an amount up to \$30,000; and
3. For each other violation not identified pursuant to (C)1 above for which the violator corrects the violation within 10 days after becoming aware of the violation, the civil administrative penalty shall be in an amount up to \$1,000.

D. The RVRSA may, in its discretion, adjust the amount determined pursuant to (C) above to assess a civil administrative penalty in an amount no greater than the maximum amount nor less than the minimum amount in the range on the basis of the following factors:

1. The compliance history of the violator;
2. The number, frequency and severity of the violations;
3. The measures taken by the violator to mitigate the effects of the current violation or to prevent future violations;
4. The deterrent effect of the penalty;
5. The cooperation of the violator in correcting the violation, remedying any environmental damage caused by the violation and ensuring that the violation does not reoccur;
6. Any unusual or extraordinary costs or impacts directly or indirectly imposed on the public or the environment as a result of the violation;
7. Any impacts on the receiving water, including stress upon the aquatic biota, or impairment of receiving water uses, such as for recreational or drinking water supply, resulting from the violation; and
8. Other specific circumstances of the violator or violation.

E. A violation under this section is non-minor, and therefore not subject to a grace period

SECTION 1003: CIVIL ADMINISTRATIVE PENALTY FOR FAILURE TO PROPERLY CONDUCT MONITORING OR SAMPLING UNDER THE WATER POLLUTION CONTROL ACT OR THE NEW JERSEY UNDERGROUND STORAGE OF HAZARDOUS SUBSTANCES ACT

A. The RVRSA may assess a civil administrative penalty pursuant to this section against each violator who fails to carry out monitoring or sampling activities or to submit monitoring reports, baseline monitoring reports, monitoring report forms or sludge quality assurance reports required by the Water Pollution Control Act or the New Jersey Underground Storage of Hazardous Substances Act or any rule, water quality standard, effluent limitation, administrative order or permit issued pursuant thereto.

B. Each violation, including each parameter that is required to be monitored, sampled and reported and that is not monitored, sampled and reported, is an additional, separate and distinct violation. Each day during which a violation continues shall constitute an additional, separate and distinct violation.

C. Except as provided in (E) below, the RVRSA shall assess a civil administrative penalty for violations described in this section based on the conduct of the violator at the midpoint of the following ranges except as adjusted pursuant to (D) below:

1. For any intentional, deliberate, purposeful, knowing or willful act or omission by the violator, the civil administrative penalty shall be in an amount up to \$50,000;

2. For any unintentional but foreseeable act or omission by the violator, the civil administrative penalty shall be in amount up to \$40,000; or
3. For any other violations the civil administrative penalty shall be in an amount up to \$20,000.

D. The RVRSA may, in its discretion, adjust the amount determined pursuant to (C) above to assess a civil administrative penalty in an amount no greater than the maximum amount nor less than the minimum amount in the range on the basis of the following factors:

1. The compliance history of the violator;
2. The number, frequency and severity of the violation(s);
3. The measures taken by the violator to mitigate the effects of the current violation or to prevent future violations;
4. The deterrent effect of the penalty;
5. The cooperation of the violator in correcting the violation remedying the damage caused by the violation and ensuring that the violation does not reoccur;
6. Any unusual or extraordinary costs or impacts directly or indirectly imposed on the public or the environment as a result of the violation;
7. Any impacts on the receiving water, including stress upon the aquatic biota, or impairment of receiving water uses, such as for recreational or drinking water supply, resulting from the violation; and
8. Other specific circumstances of the violator or violation.

E. For any person's failure to submit a complete monitoring report, the RVRSA shall assess a minimum mandatory civil administrative penalty of not less than \$100.00 for each effluent parameter omitted on a monitoring report, nor greater than \$50,000 per month for any one monitoring report, for any monitoring report required to be submitted after January 19, 1999.

1. The civil administrative penalty assessed pursuant to (E) above shall begin to accrue on the fifth day after the date on which the monitoring report was due and shall continue to accrue at least for 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 monitoring report beyond the 30-day period referenced in (E)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 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 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 monitoring report if both of the following conditions are met:
 - i The violator submits the omitted information to the RVRSA within 10 days after receipt by the violator of notice of the omission; and
 - ii 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.

F. A violation under this section is non-minor, and therefore not subject to a grace period.

SECTION 1004: GRACE PERIOD APPLICABILITY; PROCEDURES

A. Each violation identified in the table at Appendix A-1 by an “M” in the Type of Violation column and for which the conditions at Subsection C below are satisfied, is a minor violation, and is subject to a grace period, the length of which is indicated in the column with the heading Grace Period.

B. Each violation identified in the table at Appendix A-1 by an “NM” in the Type of Violation column is a non-minor violation and is not subject to a grace period.

C. The Authority shall provide a grace period for any violation identified as minor under this section, provided the following conditions are met:

1. The violation is not the result of the purposeful, knowing, reckless or criminally negligent conduct of the person responsible for the violation;
2. The violation poses minimal risk to the public health, safety and natural resources;
3. The violation does not materially and substantially undermine or impair the goals of the regulatory program;
4. The activity or condition constituting the violation is capable of being corrected and compliance achieved within the time prescribed by the Authority;
5. The activity or condition constituting the violation has existed for less than 12 months prior to the date of discovery by the Authority;

6. In the case of a violation that involves a permit, the person responsible for the violation has not been identified in a previous enforcement action by the Authority as responsible for a violation of the same requirement of the same permit within the preceding 12-month period;
 7. In the case of a violation that does not involve a permit, the person responsible for the violation has not been notified in a previous enforcement action by the Authority as responsible for the same or a substantially similar violation at the same facility within the preceding 12-month period; and
 8. In the case of any violation, the person responsible for the violation has not been identified by the Authority as responsible for the same or substantially similar violations at any time that reasonably indicate a pattern of illegal conduct and not isolated incidents on the part of the person responsible.
- D. For a violation determined to be minor under (c) above, the following provisions apply:
1. The Authority shall issue a notice of violation to the person responsible for the minor violation that:
 - i. Identifies the condition or activity that constitutes the violation and the specific statutory and regulatory provision or other requirement violated; and
 - ii. Specifies that a penalty may be imposed unless the minor violation is corrected and compliance is achieved within the specified grace period.
 2. If the person responsible for the minor violation corrects that violation and demonstrates, in accordance with (d)3 below, that compliance has been achieved within the specified grace period, the Authority shall not impose a penalty for the violation.
 3. The person responsible for a violation shall submit to the Authority, before the end of the specified grace period, written information certified to be true and signed by the person responsible for the minor violation, detailing the corrective action taken or compliance achieved.
 4. If the person responsible for the minor violation seeks additional time beyond the specified grace period to achieve compliance, the person shall request an extension of the specified grace period. The request shall be made in writing, be certified to be true and signed by the person responsible for the minor violation, and received by the Authority no later than one week before the end of the specified grace period. The request shall include the anticipated time needed to achieve compliance, the specific cause or causes of the delay, and any measures taken or to be taken to minimize the time needed to achieve compliance. The Authority may, at its discretion, approve in writing an extension, which shall not exceed 90 days, to accommodate the anticipated delay in achieving compliance. In exercising its discretion to approve a request for an extension, the Authority may consider the following:
 - i. Whether the violator has taken reasonable measures to achieve compliance in a timely manner;

- ii. Whether the delay has been caused by circumstances beyond the control of the violator;
 - iii. Whether the delay will pose a risk to the public health, safety and natural resources; and
 - iv. Whether the delay will materially or substantially undermine or impair the goals of the regulatory program.
5. If the person responsible for the minor violation fails to demonstrate to the Authority that the violation has been corrected and compliance achieved within the specified grace period or within the approved extension, if any, the Authority may, in accordance with the provisions of this chapter, impose a penalty that is retroactive to the date the notice of violation under (d)1 was issued.
6. The person responsible for a minor violation shall not request more than one extension of a grace period specified in a notice of violation.

APPENDIX A: ENFORCEMENT RESPONSE PLAN

Pursuant to N.J.A.C. 7:14A-19.1 et seq., Pretreatment Program Requirements For Local Agencies, enforcement action may be taken by the Authority against a User for violations of applicable pretreatment program requirements, including, but not limited to, violations of the General Pretreatment Regulations for Existing and New Sources of Pollution, 40 CFR Part 403.8(f)(1) and (f)(2); the National Pretreatment Standards in 40 CFR chapter I, subchapter N, the Authority's regulations and/or the User's Permit. Pursuant to N.J.A.C. 7:14A-19.3(c)(5), the Authority must take enforcement action based upon a users' noncompliance in accordance with an approved Enforcement Response Plan (ERP). The attached ERP developed by the Authority lists the type of non-compliance, nature of the violation, enforcement action to be taken by the Authority, period of time for the Authority to take action and the Authority personnel responsible for taking the enforcement action. The Authority may take any additional action deemed necessary to protect its treatment plant and to carry out the intent and provisions of the Authority's regulations.

The penalty matrix specified at N.J.A.C. 7:14-8.16(f) and the regulations, as amended and supplemented from time to time and set forth below, shall be used by the Authority to assess a civil administrative penalty against any user for violations of applicable pretreatment program requirements.

All mandatory penalties, settlement restrictions, uniform penalty policies and other requirements applicable to the RVRSA in accordance with N.J.A.C. 7:14-8.1(f), including, without limitation, the civil administrative penalty determination procedure specified in N.J.A.C. 7:14- 8.16 are incorporated by reference herein as if fully set forth.

The development of the Enforcement Response Plan in accordance with this section shall not preclude the RVRSA from initiating other available enforcement responses where violations are not specifically identified in the Enforcement Response Plan.

Section 1 - Civil Administrative Penalty Determinations

- A. The RVRSA may assess a civil administrative penalty against any indirect discharger of not more than \$50,000, for each violation of each provision of the Water Pollution Control Act and for each violation of any rule, pretreatment standard, effluent limitation, administrative order or permit issued pursuant thereto. The RVRSA shall assess a minimum mandatory civil administrative penalty in an amount:
 - 1. Not less than \$1,000 for each serious violation as defined under N.J.A.C. 7:14-8.2; and
 - 2. Not less than \$5,000 for each violation that causes a violator to be, or continue to be, a significant noncomplier as defined under N.J.A.C. 7:14- 8.2.

- B. Each violation of any provision of the Water Pollution Control Act or any rule, pretreatment standard, effluent limitation, administrative order or permit issued by the RVRSA, shall constitute an additional, separate and distinct violation. In addition, the unpermitted discharge of each separate pollutant shall constitute an additional, separate and distinct violation.
- C. Each day during which a violation as set forth in (B) above continues shall constitute an additional, separate and distinct violation.
- D. Unless the RVRSA assesses a civil administrative penalty as set forth in N.J.A.C. 7:14-8.6 through 7:14-8.12, the RVRSA may assess a civil administrative penalty for violations described in this section as described in (E) below, including any applicable grace period in accordance with N.J.A.C. 7:14-8.18.
- E. To assess a civil administrative penalty pursuant to this section, the RVRSA shall:
 - 1. Identify the penalty range within the matrix in (F) below by:
 - i. Determining the seriousness of the violation pursuant to (G) below; and
 - ii. Determining the conduct of the violator pursuant to (H) below; and
 - 2. Assess the penalty at the midpoint of the range within the matrix in (F) below, unless adjusted pursuant to (I) below.
- F. The matrix of ranges of penalties is as follows:

SERIOUSNESS

		Major	Moderate	Minor
CONDUCT	Major	10,000 - 50,000	5,000 - 25,000	2,000 - 13,000
	Moderate	5,000 - 10,000	2,500 - 5,000	500 - 3,000
	Minor	500 - 7,500	500 - 2,500	250 - 1,250

- G. The RVRSA shall determine the seriousness of the violation as major, moderate or minor as set forth in G1 through 3 below.
 - 1. Major shall include:

- i. Any violation of any effluent limitation that is measured by concentration or mass for any discharge exceeding the effluent limitation as follows:
 - (1) By more than 50 percent for a hazardous pollutant;
 - (2) By more than 100 percent for a non-hazardous pollutant; or
 - (3) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment; or
 - ii. The greatest violation of a pH effluent range in any one calendar day which violation deviates from the midpoint of the range by more than 50 percent of the midpoint of the range excluding the excursions specifically excepted by an issued permit with continuous pH monitoring; or
 - iii. Any other violation not included in G1i or ii above which either:
 - (1) Has caused or has the potential to cause serious harm to human health or the environment; or
 - (2) Seriously deviates from the requirements of the Water Pollution Control Act or of any rule, pretreatment standards, effluent limitation, administrative order or permit issued pursuant thereto; serious deviation shall include, but not be limited to, those violations that are in complete contravention of the requirement, or if some of the requirement is met, which severely impair or undermine the operation or intent of the requirement.
2. Moderate shall include:
- i. Any violation, other than a violation of an effluent limitation identified in G2ii or iii below, which has caused or has the potential to cause substantial harm to human health or the environment;
 - ii. Any violation of an effluent limitation which is measured by concentration or mass of any discharge exceeding the effluent limitation as follows:
 - (1) By 20 to 50 percent for a hazardous pollutant; or
 - (2) By 40 to 100 percent for a non-hazardous pollutant;

- iii. The greatest violation of a pH effluent range in any one calendar day which violation deviates from the midpoint of the range by at least 40 percent but no more than 50 percent of the midpoint of the range excluding the excursions specifically excepted by an issued permit with continuous pH monitoring; or
- iv. Any violation, other than a violation of an effluent limitation identified in G2ii or iii above, which substantially deviates from the requirements of the Water Pollution Control Act or of any rule, pretreatment standards, effluent limitation, administrative order or permit issued pursuant thereto; substantial deviation shall include, but not be limited to, violations that are in substantial contravention of the requirements or which substantially impair or undermine the operation or intent of the requirement.

3. Minor shall include:

- i. Any violation, other than a violation of an effluent limitation identified in G3ii or iii below, not included in G1 or 2 above;
- ii. Any violation of an effluent limitation which is measured by concentration or mass for any discharge exceeding the effluent limitation as follows:
 - (1) By less than 20 percent for a hazardous pollutant; or
 - (2) By less than 40 percent for a non-hazardous pollutant; or
- iii. The greatest violation of a pH effluent range in any one calendar day which violation deviates from the midpoint of the range by less than 40 percent of the midpoint of the range excluding the excursions specifically excepted by an issued permit with continuous pH monitoring.

H. The RVRSA shall determine the conduct of the violator as major, moderate or minor as follows:

- 1. Major shall include any intentional, deliberate, purposeful, knowing or willful act or omission by the violator;
- 2. Moderate shall include any unintentional but foreseeable act or omission by the violator; or
- 3. Minor shall include any other conduct not included in H1 or 2 above.

- I. The RVRSA may move from the midpoint of the range, to an amount not greater than the maximum amount nor less than the minimum amount in the range, on the basis of the following factors:
 1. The compliance history of the violator;
 - i. No violations of the same effluent limitation and discharge point at all in the two years immediately preceding the pending violation shall result in a reduction equal to 25 percent of the midpoint.
 - ii. No serious or fewer than four lesser violations of the same effluent limitation and discharge point in the two years immediately preceding the pending violation shall result in a reduction equal to 10 percent reduction of the midpoint.
 - iii. One isolated serious violation or four or more lesser violations of the same effluent limitation and discharge point in the two years immediately preceding the date of the pending violation shall result in an increase equal to 10 percent of the midpoint.
 - iv. Any violation(s) which caused a person to become or remain in significant noncompliance or two or more isolated serious violations where such violations are of the same effluent limitation and discharge point in the two years immediately preceding the date of the pending violation shall result in a 25 percent increase from the midpoint;
 2. Where the nature, timing and effectiveness of any measures taken by the violator to mitigate the effects of the violation for which the penalty is being assessed results in compliance within 30 days of receipt of the notice of violation from the RVRSA;
 3. Any unusual or extraordinary costs or impacts directly or indirectly imposed on the public or the environment as a result of the violation;
 4. Any impacts on the receiving water, including stress upon the aquatic biota, or impairment of receiving water uses, such as for recreational or drinking water supply, resulting from the violation; and
 5. Other specific circumstances of the violator or violation.

Section 2 - Civil administrative penalty for submitting inaccurate or false information

- A. The RVRSA may assess a civil administrative penalty pursuant to this section against each violator who submits inaccurate information or who makes a false

statement, representation, or certification in any application, record, or other document required to be submitted or maintained, or who falsifies, tampers with or renders inaccurate any monitoring device or method required to be maintained under the Water Pollution Control Act or the New Jersey Underground Storage of Hazardous Substances Act or any rule, water quality standard, effluent limitation, administrative order or permit issued pursuant thereto.

- B. Each day, from the day of submittal by the violator of the false or inaccurate information to the RVRSA to the day of receipt by the RVRSA of a written correction by the violator shall be an additional, separate and distinct violation.
- C. The RVRSA shall assess a civil administrative penalty for violations described in this section based on the conduct of the violator at the midpoint of the following ranges except as adjusted pursuant to (D) below:
 - 1. For each intentional, deliberate, purposeful knowing or willful act or omission by the violator, the civil administrative penalty shall be in an amount up to \$50,000 per act or omission;
 - 2. For each other violation not identified pursuant to (C)1 above for which the violator does not correct the violation within 10 days after becoming aware of the violation, the civil administrative penalty shall be in an amount up to \$30,000; and
 - 3. For each other violation not identified pursuant to (C)1 above for which the violator corrects the violation within 10 days after becoming aware of the violation, the civil administrative penalty shall be in an amount up to \$1,000.
- D. The RVRSA may, in its discretion, adjust the amount determined pursuant to (C) above to assess a civil administrative penalty in an amount no greater than the maximum amount nor less than the minimum amount in the range on the basis of the following factors:
 - 1. The compliance history of the violator;
 - 2. The number, frequency and severity of the violations;
 - 3. The measures taken by the violator to mitigate the effects of the current violation or to prevent future violations;
 - 4. The deterrent effect of the penalty;
 - 5. The cooperation of the violator in correcting the violation, remedying any environmental damage caused by the violation and ensuring that the violation does not reoccur;

6. Any unusual or extraordinary costs or impacts directly or indirectly imposed on the public or the environment as a result of the violation;
7. Any impacts on the receiving water, including stress upon the aquatic biota, or impairment of receiving water uses, such as for recreational or drinking water supply, resulting from the violation; and
8. Other specific circumstances of the violator or violation.

Section 3 - Civil administrative penalty for failure to properly conduct monitoring or sampling under the Water Pollution Control Act or the New Jersey Underground Storage of Hazardous Substances Act

- A. The RVRSA may assess a civil administrative penalty pursuant to this section against each violator who fails to carry out monitoring or sampling activities or to submit monitoring reports, baseline monitoring reports, monitoring report forms or sludge quality assurance reports required by the Water Pollution Control Act or the New Jersey Underground Storage of Hazardous Substances Act or any rule, water quality standard, effluent limitation, administrative order or permit issued pursuant thereto.
- B. Each violation, including each parameter that is required to be monitored, sampled and reported and that is not monitored, sampled and reported, is an additional, separate and distinct violation. Each day during which a violation continues shall constitute an additional, separate and distinct violation.
- C. Except as provided in (E) below, the RVRSA shall assess a civil administrative penalty for violations described in this section based on the conduct of the violator at the midpoint of the following ranges except as adjusted pursuant to (D) below:
 1. For any intentional, deliberate, purposeful, knowing or willful act or omission by the violator, the civil administrative penalty shall be in an amount up to \$50,000;
 2. For any unintentional but foreseeable act or omission by the violator, the civil administrative penalty shall be in amount up to \$40,000; or
 3. For any other violations the civil administrative penalty shall be in an amount up to \$20,000.
- D. The RVRSA may, in its discretion, adjust the amount determined pursuant to (C) above to assess a civil administrative penalty in an amount no greater than the maximum amount nor less than the minimum amount in the range on the basis of the following factors:

1. The compliance history of the violator;
 2. The number, frequency and severity of the violation(s);
 3. The measures taken by the violator to mitigate the effects of the current violation or to prevent future violations;
 4. The deterrent effect of the penalty;
 5. The cooperation of the violator in correcting the violation remedying the damage caused by the violation and ensuring that the violation does not reoccur;
 6. Any unusual or extraordinary costs or impacts directly or indirectly imposed on the public or the environment as a result of the violation;
 7. Any impacts on the receiving water, including stress upon the aquatic biota, or impairment of receiving water uses, such as for recreational or drinking water supply, resulting from the violation; and
 8. Other specific circumstances of the violator or violation.
- E. For any person's failure to submit a complete monitoring report, the RVRSA shall assess a minimum mandatory civil administrative penalty of not less than \$100.00 for each effluent parameter omitted on a monitoring report, nor greater than \$50,000 per month for any one monitoring report, for any monitoring report required to be submitted after January 19, 1999.
1. The civil administrative penalty assessed pursuant to (E) above shall begin to accrue on the fifth day after the date on which the monitoring report was due and shall continue to accrue at least for 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 monitoring report beyond the 30-day period referenced in (E)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 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 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 monitoring report if both of the following conditions are met:
 - i. The violator submits the omitted information to the RVRSA within 10 days after receipt by the violator of notice of the omission; and
 - ii. 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.

ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY

Appendix A: ENFORCEMENT RESPONSE PLAN

TYPE OF NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	TIME FRAME	PERSONNEL	TYPE OF VIOLATION & GRACE PERIOD (IF ANY)
(A) UNAUTHORIZED DISCHARGE:					
1. Discharge Without Permit (Permit Required).	<p>No harm to POTW/Environment.</p> <p>Harm to POTW/Environment (IU meets SNC criteria under 40 CFR Part 403.8(f)(2)(vii)).</p> <p>Noncompliance with order to submit application.</p>	<p>NOV with Application form, if needed.</p> <p>Take action to halt activity. Public Notice</p> <p>Seek Penalty.</p>	<p>60 days</p> <p>2 days; Public Notice – annually, but no later than 60 days after 403 annual report submitted to NJDEP</p> <p>6 months</p>	<p>IPP Coordinator.</p> <p>IPP Coordinator, Executive Director & Attorney.</p> <p>IPP Coordinator, Executive Director & Attorney.</p>	<p>NM</p> <p>NM</p> <p>NM</p>
2. Failure to renew.	<p>Failure to submit application prior to 180 days of expiration of current permit.</p> <p>Failure to apply continues after notice by the POTW.</p>	<p>NOV.</p> <p>Seek Penalty.</p>	<p>60 days</p> <p>6 months</p>	<p>IPP Coordinator.</p> <p>IPP Coordinator, Executive Director & Attorney.</p>	<p>NM</p> <p>NM</p>
3. Discharge outside scope of application/permit.	<p>Failure to notify in advance of new introduction of pollutants or significant change in existing pollutants.</p>	<p>NOV with permit applications to be modified.</p>	<p>60 days</p>	<p>IPP Coordinator.</p>	<p>NM</p>

ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY
Appendix A: ENFORCEMENT RESPONSE PLAN

TYPE OF NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	TIME FRAME	PERSONNEL	TYPE OF VIOLATION & GRACE PERIOD (IF ANY)
(B) DISCHARGE LIMIT VIOLATION:					
1. Exceedance of local or federal standard (permit limit).	Individual or monthly non-serious violation.	NOV; compliance response/corrective action plan, if needed.	60 days from receipt	IPP Coordinator.	NM
	Serious violation (individual or monthly).	NOV; Seek at least a mandatory minimum penalty in accordance with N.J.A.C. 7:14-8.16.	NOV – 60 days; penalty within 6 months	IPP Coordinator, Executive Director & Attorney.	NM
2. Exceedance of local or Federal standard (permit limit) (continued).	Significant Noncompliance (IU meets SNC criteria under 40 CFR Part 403).	Public notice.	Annually, but not later than 60 days after 403 annual report submitted to NJDEP.	IPP Coordinator, Executive Director & Attorney.	NM
(B) Discharge Limit Violation (continued)	Significant Noncompliance (IU meets SNC criteria in NJWPCA, under N.J.S.A. 58:10A-3W.	NOV; Seek at least mandatory minimum penalty in accordance with N.J.A.C. 7:14-8.16.	NOV-60 days; penalty within 6 months	IPP Coordinator, Executive Director & Attorney.	NM
(C) MONITORING AND REPORTING VIOLATIONS:					

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Appendix A: ENFORCEMENT RESPONSE PLAN

TYPE OF NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	TIME FRAME	PERSONNEL	TYPE OF VIOLATION & GRACE PERIOD (IF ANY)
1. Reporting violation.	Late, 5 or more days after due date (but complete).	NOV; seek penalty, including at least mandatory minimum penalty for overdue effluent parameter information, if any, in accordance with N.J.A.C. 7:14-8.9 (note; Penalty waived if complete report is received within 10 days of receipt of the NOV).	NOV-60 days; penalty within 6 months	IPP Coordinator.	NM
	Late 31 days or more after due date (but complete).	Public notice, NOV and seek penalty, including at least mandatory minimum penalty for overdue effluent parameter information, if any, accordance with N.J.A.C. 7:14-8.9 (note; Penalty waived if complete report is received within 10 days of receipt of the NOV).	Public Notice in accordance with approved program; penalty within 6 months	IPP Coordinator, Executive Director & Authority.	NM

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Appendix A: ENFORCEMENT RESPONSE PLAN

TYPE OF NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	TIME FRAME	PERSONNEL	TYPE OF VIOLATION & GRACE PERIOD (IF ANY)
	Incomplete for effluent parameter omission,	Seek at least a mandatory minimum penalty in accordance with N.J.A.C. 7:14-8.9	Penalty within 6 months	IPP Coordinator, Executive Director & Authority,	NM
	Incomplete for data omission (IU meets SNC criteria under 40 CFR Part 403).	Public Notice	Annually	IPP Coordinator.	NM
(C) Monitoring & Reporting Violations (continued)	Incomplete for data omission (IU meets SNC criteria under NJWPCA)	Public notice and seek at least a mandatory minimum penalty in accordance with N.J.A.C. 7:14-8.9 and N.J.A.C. 7:14-8.16 (a)	Public notice in accordance with approved program; Penalty within 6 months	IPP Coordinator, Executive Director & Authority	NM
	Incomplete for other omissions (IU meets SNC criteria under NJWPCA).	Public notice and seek at least a mandatory minimum penalty in accordance with N.J.A.C. 7:14-8.16.	Public notice in accordance with approved program. Penalty within 6 months	IPP Coordinator, Executive Director & Authority.	NM
	Incomplete for other omissions.	NOV.	60 days	IPP Coordinator	M-10 days

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Appendix A: ENFORCEMENT RESPONSE PLAN

TYPE OF NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	TIME FRAME	PERSONNEL	TYPE OF VIOLATION & GRACE PERIOD (IF ANY)
	Falsification.	Seek penalty or refer to county prosecutor.	60 days	IPP Coordinator, Executive Director, HSA Attorney & County Prosecutor, as needed.	NM
2. Failure to adhere to compliance schedules (in control document, permit, AO/ACO, letter of agreement)	Missed milestone by less than 30 days.	NOV, seek penalty (note: penalty may be waived if final compliance is met by due date).	6 months	IPP Coordinator.	NM
	Missed milestone by more than 30 days (IU meets SNC criteria under 40 CFR Part 403).	NOV; seek penalty, public notice (note: penalty may be waived if final compliance is met by due date).	NOV-60 days; penalty within 6 months	IPP Coordinator, Executive Director & Attorney.	NM
	Failure to meet final compliance date.	NOV; seek penalty.	NOV-60 days; penalty within 6 months	IPP Coordinator, Executive Director & Attorney.	NM
3. Failure to notify.	Failure to report spill or changed discharge.	NOV; seek penalty where necessary.	NOV within 60 days of discovery; penalty no later than 6 months of discovery.	IPP Coordinator, Executive Director & Attorney.	NM
4. Failure to monitor correctly.	Incorrect sample location, incorrect sample type, incorrect sample collection techniques, or incorrect sample analysis.	NOV, with proper resampling, including sample analysis.	60 days.	IPP Coordinator.	NM

ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY
Appendix A: ENFORCEMENT RESPONSE PLAN

TYPE OF NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	TIME FRAME	PERSONNEL	TYPE OF VIOLATION & GRACE PERIOD (IF ANY)
5. Failure to report additional monitoring.	POTW inspection finds additional files.	NOV with request to submit additional monitoring data.	60 days	IPP Coordinator.	NM
(D) OTHER PERMIT VIOLATIONS:					
1. Wastestreams are diluted to achieve discharge limits.	Dilution	NOV; seek penalty.	NOV- 60 days; penalty- within 6 months.	IPP Coordinator.	NM
2. Continuing failure to halt or prevent a discharge which caused or causes imminent endangerment to human health, welfare, or the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B).	Refusal to discontinue activity upon notification.	Take physical (effective) action or seek court order to halt discharge.	2 days max.	IPP Coordinator, Executive Director & Attorney.	NM
3. Failure to maintain in good working order and properly operated, any facilities or systems of control installed to achieve compliance with the terms and conditions of the permit.	Violation of operating requirements.	NOV.	60 days	IPP Coordinator, Executive Director & Attorney.	NM

ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY

Appendix A: ENFORCEMENT RESPONSE PLAN

TYPE OF NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	TIME FRAME	PERSONNEL	TYPE OF VIOLATION & GRACE PERIOD (IF ANY)
4. Entry denial.	Entry denied or consent withdrawn. Copies of records denied.	NOV, seek penalty.	6 months	IPP Coordinator, Executive Director & Attorney.	NM
5. Inadequate record keeping.	POTW inspector finds files incomplete or missing.	NOV	60 days	IPP Coordinator.	NM

APPENDIX A-1

Table of Minor and Non-minor Violations; Grace Periods

(a) Table A-1 below identifies particular violations of the Rockaway Valley Regional Sewerage Authority's *ADDENDUM TO SERVICE RULES, REGULATIONS CONCERNING INDUSTRIAL USERS AND GENERAL SEWER USE REQUIREMENTS* (hereinafter referred to as "RVRSA Service Rules,") as minor or non-minor for purposes of a grace period, and identifies the duration of the grace period for minor violations. The descriptions of the violations set forth in the table in this section are provided for informational purposes only. In the event that there is a conflict between a violation description in the table and the rule to which the violation description corresponds, the rule shall govern.

(b) The Rockaway Valley Regional Sewerage Authority may assess a civil administrative penalty for a violation of the RVRSA Service Rules and/or for a violation of any rule, consent agreement or administrative order adopted or issued pursuant thereto, that is not listed in Table A-1, following the procedure under (c) below.

(c) For violations not listed in Table A-1, the Rockaway Valley Regional Sewerage Authority shall determine whether the violation is a minor violation and subject to a grace period or whether the violation is non-minor and not subject to a grace period as follows:

- i. If, pursuant to (d) below, the violation is comparable to a violation listed in Table A.1 and the comparable violation in Table A-1 is minor, then the violation under this section is also minor, provided the criteria at Section 1004 of the RVRSA Service Rules are also met. The minor violation shall be subject to the grace period set forth in Table A-1 for the comparable violation.
- ii. If the violation is not comparable to a violation listed in Table A-1 and the violation meets all of the criteria at Section 1004 of the RVRSA Service Rules, then the violation under this section is minor. The minor violation shall be subject to a grace period of 30 days.
- iii. If, pursuant to (d) below, the violation is comparable to a violation listed in Table A-1 and the comparable violation in Table A-1 is non-minor, then the violation under this section is also non-minor and the penalty shall be assessed in accordance with Section 1004 of the RVRSA Service Rules.
- iv. If the violation is not comparable to a violation listed in Table A-1 and the violation does not meet the requirements of Section 1004 of the RVRSA Service Rules above, the violation is non-minor and the penalty shall be assessed in accordance with Section 1004 of the RVRSA Service Rules.

(d) Comparability of a violation under (c) above with a violation listed in Table A-1 is based upon the nature of the violation (for example, a violation of record keeping, permit limitation, or monitoring).

APPENDIX A-1 TABLE
TABLE OF MINOR AND NON MINOR VIOLATIONS

Rule Citation	Description of Violation	Type of Violation	Grace Period
Section 201.A	Prohibited Waste: Discharging waste that is generally prohibited under this Section	NM	
Section 201.B	Discharging waste that is specifically prohibited under this Section	NM	
Section 201.C	Failure to install, operate or maintain Grease, Oil or Sand Interceptors when required pursuant to this Section	NM	
Section 201.D	Failure to comply with Best Management Practices (BMPs) developed by RVRSA to implement the local limits noted in Section 201 and Section 203	NM	
Section 202	Discharging, depositing, causing or allowing to be deposited or discharged into the treatment plant of the RVRSA any waste which violates Federal Categorical Pretreatment Standards	NM	
Section 203	Discharging any listed pollutant in violation of the local limit concentration developed by the RVRSA or BMP	NM	
Section 203	Dilution of discharge to achieve compliance with a pretreatment standard or requirement	NM	
Section 205.C.1	Failure to allow authorized representatives of the RVRSA to enter premises for the purpose of inspection, copying or photographing.	NM	
Section 205.C.2	Failure to allow authorized representatives of the RVRSA to enter premises for the purpose of inspection or sampling.	NM	
Section 205.C.3	Failure to promptly remove any temporary or permanent obstruction to safe and easy access to the facility to be sampled.	NM	
Section 205.C.4	Unreasonably delaying access by the RVRSA to the users premises	NM	

**APPENDIX A-1 TABLE
TABLE OF MINOR AND NON MINOR VIOLATIONS**

Rule Citation	Description of Violation	Type of Violation	Grace Period
Section 205.D	Failing to reimburse the RVRSA for necessary or appropriate costs incurred within ten days after submission of an invoice by the RVRSA	NM	
Section 207	Failure of user to submit detailed plans to the Executive Director for review and approval prior to planned significant change in discharge volume or nature	NM	
Section 207.A	Failure to submit information necessary to evaluate changed condition , including permit application, when directed by RVRSA	NM	
Section 301	Failure of a significant industrial user to obtain an Industrial Sewer Connection Permit prior to discharging any wastes or pollutants to the RVRSA	NM	
Section 302	Failure of new Industrial User to apply for an Industrial Sewer Connection Permit 180 days prior to planned commencement of discharge.	NM	
Section 303.12	Failure to have permit application signed by a corporate officer or other executive officer so designated and/or failure to submit a resolution of the corporation granting other persons authorization to sign an application on behalf of the corporation.	M	30 days
Section 303.13	Failure to submit payment of application fee upon submission of application and/or failure to reimburse RVRSA for all expenses incurred to review application within ten days after submission of an invoice by the RVRSA	NM	

Section 303.14	Failure of Permittee to submit relevant facts previously omitted in a permit application or request for authorization or submit corrected information for a permit application or request for authorization or in any report within 10 days of becoming aware of the correct information	M	30 days
Section 305	Transfer of Industrial Sewer Connection Permit and/or failure to notify the RVRSA at least fourteen days prior to any change in ownership or corporate structure	NM	
Section 306.A	Failure of Permittee to immediately notify the RVRSA of any incident or accidental slug discharge.	NM	
Section 306.B	Failure of Permittee to take immediate action to contain and minimize the accidental slug discharge	NM	
Section 306.C	Failure of Permittee to submit a detailed written report within five days as required in this section.	NM	
Section 306.D	Failure of a user to post the Authority's upset, spill, slug or unusual or non-compliance reporting procedure and train its employees on these notification procedures.	NM	
Section 306.E	Failure to provide protection against accidental or slug discharge of prohibited materials or regulated wastes.	NM	
Section 307.A	Failure of an industrial user to develop a compliance schedule for the installation of technology acceptable to the RVRSA to meet applicable pretreatment standards and requirements and or failure to submit detailed plans and specification of pretreatment facilities and/or subsequent alterations thereto.	NM	
Section 307.B	Failure to operate or install pretreatment facilities in conformance with plans and procedures submitted to the RVRSA and/or failure to have plans	NM	

APPENDIX A-1 TABLE
TABLE OF MINOR AND NON MINOR VIOLATIONS

Rule Citation	Description of Violation	Type of Violation	Grace Period
	prepared and signed by licensed professional engineer when directed by RVRSA		
Section 307.C	Failure to comply with supervision and notification requirements of pretreatment facilities.	NM	
Section 307.D	Failure to dispose of solids, sludge, filter backwash, rejected screening materials or other pollutants or hazardous waste generated in accordance with Federal, State and local laws and regulations and/or failure to make records documenting such disposal available to RVRSA for review upon request.	NM	
Section 307.E	Discharging process wastewater except in conformity with an Industrial Sewer Connection Permit and/or increasing process water or any attempt to dilute a discharge as a partial or complete substitution for adequate treatment	NM	
Section 308.A(1)	Failure of Permittee to file discharge monitoring reports or other reports, including the information required in the Industrial Sewer Connection Permit, at such intervals as designated in the Industrial Sewer Connection Permit	NM	
Section 308.A(2)	Failure to install, use and maintain such monitoring equipment and methods, and to sample in accordance with such methods, and to maintain such records of information from monitoring activities, and submit to the RVRSA reports of such monitoring results	NM	
Section 308.A(3)	Failure of significant indirect users and major industrial dischargers, other than those discharging only stormwater or noncontact cooling water, to submit monitoring results for discharges monthly	NM	

**APPENDIX A-1 TABLE
TABLE OF MINOR AND NON MINOR VIOLATIONS**

Rule Citation	Description of Violation	Type of Violation	Grace Period
Section 308.A(4)	In cases where the Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), failure of User to submit documentation required by the Control Authority or the Pretreatment Standard necessary to determine the compliance status of the User.	NM	
Section 308.B.a	Failure of user subject to Federal Categorical Pretreatment Standards to comply with baseline monitoring reporting requirements established in this section within 180 days of the effective date of, or final administrative decision upon, a categorical Pretreatment Standard	NM	
Section 308.B.c	Failure to submit a compliance schedule for meeting categorical Pretreatment Standards in accordance with the conditions required in this section	NM	
Section 308.B.d	Failure to report on compliance with a categorical pretreatment standard deadline within ninety (90) days of the final compliance deadline or following commencement of the introduction of wastewater for a New Source	NM	

APPENDIX A-1 TABLE
TABLE OF MINOR AND NON MINOR VIOLATIONS

Rule Citation	Description of Violation	Type of Violation	Grace Period
Section 308.C	Failure to submit any report required by an Industrial Sewer Connection Permit signed by a corporate officer, proprietor or general partner. In the case of an other individual authorized by corporate resolution to sign a report, such report must be signed by that individual and corporate resolution authorizing same submitted therewith.	NM	
Section 308.D	Failure of a person signing any discharge monitoring reports, certifications and statements submitted pursuant to this Section to make the certification required	NM	
Section 308.E	Failure of a person signing any reports, certifications and statements submitted pursuant to this Section to make the certification required	NM	
Section 308.(F)(vi)	Failure to immediately comply with the monitoring requirements of Section 308(c)(3) and/or advising RVRSA upon finding that the pollutant is present or expected to be present	NM	
Section 308.G	Failure of a Non-Significant Categorical User to submit an annual certification.	NM	
Section 308.H	Failure of an industrial user to submit to the RVRSA an inventory of all chemical constituents and quantity of liquid and solid materials stored on-site and/or failure to update same upon addition of new constituents and/or significant changes in quantity of materials listed	NM	

APPENDIX A-1 TABLE
TABLE OF MINOR AND NON MINOR VIOLATIONS

Rule Citation	Description of Violation	Type of Violation	Grace Period
Section 309.A	Failure to report to the RVRSA any exceedence of an effluent limitation that causes injury to persons, or damage to the environment, or poses a threat to human health or the environment within two hours of its occurrence or of becoming aware of its occurrence and/or failure to provide additional information required within 24 hours and/or failure to report any exceedence of an effluent limitation within 24 hours to the RVRSA	NM	
Section 309.B	Failure to automatically adjust monitoring frequency to monthly when required by this section and/or failure of permittee to continue monthly monitoring until the permittee has not committed any violations identified in this section for six consecutive months	NM	
Section 309.C	Failure of permittee to resample any exceeded parameter, within thirty (30) days, in accordance with this section	NM	
Section 309.C.1	Failure to provide the reports required in this section, unless the RVRSA performs the required sampling	NM	
Section 309.C.2	Failure to notify the RVRSA, if re-sampling performed by an industrial user indicates a violation, within 24 hours of becoming aware of the violation and/or failure to repeat sampling within thirty (30) days	NM	
Section 309.C.3	Failure to submit reports required in this section based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period.	NM	

**APPENDIX A-1 TABLE
TABLE OF MINOR AND NON MINOR VIOLATIONS**

Rule Citation	Description of Violation	Type of Violation	Grace Period
Section 309.C.4	Failure to perform analyses required by this section in accordance with procedures established by the USEPA or NJDEP and contained in 40 CFR Part 136 or with any other test procedures approved by the USEPA.	NM	
Section 309.C.5	Failure of industrial user to submit the results to the RVRSA of monitoring performed for any pollutant more frequently than required by the RVRSA, using the procedures established by the USEPA or NJDEP and contained in 40 CFR Part 136.	NM	
Section 309.D	Failure of a significant industrial users to submit monitoring reports in accordance with the requirements of its industrial permit and/or comply with the more stringent reporting requirements set forth in NJS 58:10A-6(f)(5), and/or failure to give advance notice to the RVRSA, in accordance with Section 308, of the quality and quantity of all new introductions of pollutants into the RVRSA wastewater collection and treatment system and of any substantial change in the pollutants introduced into said system by an existing user of the RVRSA.	NM	
Section 309.E	Failure of permittee to notify the RVRSA, USEPA and NJDEP in writing of any discharge of hazardous wastes into the sewer system as defined under 40 CFR Part 261	NM	
Section 310.A	Failure of industrial user to maintain industrial waste monitoring records as are necessary to demonstrate compliance with RVRSA's Rules and Regulations.	NM	

**APPENDIX A-1 TABLE
TABLE OF MINOR AND NON MINOR VIOLATIONS**

Rule Citation	Description of Violation	Type of Violation	Grace Period
Section 310.B	Failure of an industrial user to make industrial waste monitoring records available upon request of RVRSA and/or failure to prepare and submit a summary of data indicating users' compliance with applicable standards or requirements	NM	
Section 310.C	Failure to install suitable monitoring equipment to facilitate accurate observation and sampling of industrial wastes and/or failure to keep such monitoring equipment safe and secure from unauthorized tampering. Failure to make monitoring equipment accessible to RVRSA personnel at all times.	NM	
Section 310.D	Failure to install separate monitoring equipment when directed by the RVRSA	NM	
Section 310.E	Failure to construct monitoring facilities in accordance with applicable construction standards and specifications.	NM	
Section 311.A	Failure of permittee to perform all analyses of wastewater in accordance with the analytical test procedures specified in 40 CFR 136 or in accordance with procedures approved by the RVRSA where analysis of pollutants are not covered in the USEPA publications	NM	
Section 311.B	Failure to have measurements, tests and analyses of the characteristics of wastewater required under an Industrial Sewer Connection Permit performed by a New Jersey State certified laboratory acceptable to the RVRSA	NM	
Section 311.C	Failure to maintain a record of information regarding samples taken in accordance with the requirements of a Permit and failure to maintain a record of such information for a minimum period of five years.	NM	
Section 311.D	Failure to take samples and measurements representative of the	NM	

**APPENDIX A-1 TABLE
TABLE OF MINOR AND NON MINOR VIOLATIONS**

Rule Citation	Description of Violation	Type of Violation	Grace Period
	monitored activity		
Section 312.A	Failure to analyze industrial wastes in compliance with the requirements of a users' Industrial Sewer Connection Permit or these Regulations or as required by applicable State or Federal statutes , rules or regulations	NM	
Section 312.B	Failure of an industrial user to submit analyses for any parameters not included in the Industrial Sewer Connection Permit but which could be significant to the operation of the RVRSA treatment plant	NM	
Section 313	Failure to pay a permit fee within established timeframe	NM	
Section 315	Failure to comply with record keeping requirements	NM	
Section 317	Failure of a person to file an application for renewal at least 180 calendar days prior to the expiration of the existing permit.	NM	
Section 602(B)	Failure to prohibit a bypass that caused pretreatment standards to be violated, and was not essential to ensure efficient operation	NM	
Section 602(C)	Failure of permittee to give RVRSA prior notice of a bypass	NM	
Section 602(D)	Bypass in violation of the conditions set forth at Section 602(C) and 602(D)	NM	