SERVICE RULES

PLAINFIELD AREA REGIONAL SEWERAGE AUTHORITY

Rules and Regulations Governing the Discharge of Sewage, Industrial Waste or Other Wastes into the Plainfield Area Regional Sewerage Authority and All Sewers Tributary Thereto

ADOPTED BY

PLAINFIELD AREA REGIONAL SEWERAGE AUTHORITY

Effective
RULES AND REGULATION

Rules and regulations governing the discharge of Sewage, Industrial waste or other wastes into the Plainfield Area Regional Sewerage Authority and all Sewers tributary thereto; governing the design, construction, and testing of Sanitary Sewers and appurtenances within the Authority Service Area; and prescribing penalties for the violation of such rules and regulations.

Be it enacted as follows by the

PLAINFIELD AREA REGIONAL SEWERAGE AUTHORITY:

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ARTICLE I
GENERAL PROVISIONS

SECTION 1.1 AUTHORITY

a. The Plainfield Area Regional Sewerage Authority ("Authority") was created by parallel ordinances adopted by the Borough of Dunellen, Borough of Fanwood, Township of Green Brook, Borough of North Plainfield, City of Plainfield, Township of Scotch Plains, Borough of South Plainfield and Borough of Watchung in 1995 in accordance with the Sewerage Authorities Law, P.L. 1946, Chapter 138, effective April 23, 1946, (N.J.S.A. 40:14A) as amended.

b. These rules and regulations have been adopted by the Authority pursuant to the Sewerage Authorities Law, N.J.S.A. 40:14A, and in accordance with the following acts:

1) "Pretreatment Standards for Sewage" (N.J.S.A. 58:11-49, et seq.)

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

3) "The Federal Water Pollution Control Act" (33 USC 1251, et seq.)

SECTION 1.2 PURPOSE

The purposes of these rules and regulations is to foster and promote by all reasonable means the relief of waters from pollution. Such means shall include, but not be limited to, the following:

a. To promulgate use of the Authority Sewerage System in a manner reasonably consistent with the purposes and capacities for which said sewerage system is to be, or has been designed.

b. To prohibit excessive volume and/or inordinate rate of flow of Sewage into the Authority Sewerage System and Sewers tributary thereto.

c. To prohibit the contribution of Sewage of a flammable nature or which create in any way a poisonous or hazardous environment for sewerage system maintenance and operation personnel.
d. To prohibit the contribution of Sewage which may impair the hydraulic capacity or operation of the intercepting sewers, force mains, pumping stations and other structures and appurtenances of the Authority Sewerage System and Sewers tributary thereto.

e. To prohibit the contribution of Sewage which may create operating difficulties at the sewage treatment plant operated by the Middlesex County Utilities Authority ("MCUA").

f. To prohibit and/or regulate the contribution of Sewage which may be injurious, deleterious or burdensome to the Authority Sewerage System or which may interfere with its efficient operation or be dangerous to the public’s health or safety.

SECTION 1.3 POLICY

a. These rules and regulations shall be liberally construed to permit the Authority to effectuate the foregoing purposes as well as the purposes of the authorizing legislation.

b. Except with respect to (i) permits or authorizations required to be obtained by any Participant, contracting municipality or User by these rules and regulations and (ii) matters addressed herein to the Authority Sewerage System, the primary responsibility for the enforcement of these rules and regulations shall reside with the local government or agency which has responsibility for the operation of the various Local Sewerage Systems served by the Authority. Notwithstanding such primary responsibility, in any case where the local government or agency having notice of a violation of these rules and regulations or the rules and regulations of the MCUA fails, for whatever reason, to take appropriate enforcement action, the Authority, in its sole judgment, may take whatever action necessary and reasonable to obtain compliance with these rules and regulations or the rules and regulations of the MCUA.

c. The Authority may from time to time prescribe such new regulations or make such modifications of those contained herein as in its discretion the necessities of the Authority Service Area and of its Sewerage System may warrant.

SECTION 1.4 AVAILABILITY OF COPIES OF AUTHORITY RULES AND REGULATIONS

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

SECTION 2.1. DEFINITIONS

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

a. "Authority" shall mean the Plainfield Area Regional Sewerage Authority, a body politic and corporate organized and existing under the New Jersey Sewerage Authorities Law and created by virtue of parallel ordinances duly adopted in the calendar year 1995 by the respective governing bodies of the Borough of Dunellen, Borough of Fanwood, Township of Green Brook, Borough of North Plainfield, City of Plainfield, Township of Scotch Plains, Borough of South Plainfield and Borough of Watchung.

b. "Authority Service Area" shall mean the area or areas which are served by the Authority Sewerage System.

c. "Authority Sewerage System" shall mean the intercepting sewers and other structures and appurtenances owned or leased by the Authority, operated by the Authority, or both.

d. "Authorized Representative of User" shall mean: (1) an executive officer of at least the level of vice president, if the user is a corporation; (2) a general partner or proprietor if the user is a partnership or proprietorship, respectively; or (3) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the direct or indirect discharge originates.

e. "BOD" (biochemical oxygen demand) means the quantity of dissolved oxygen (in milligrams per liter, mg/l) required during stabilization of decomposable organic matter by aerobic biochemical action as determined by analytical procedures set forth in the "Manual of Methods for Chemical Analysis of Water and Wastes" (USEPA, Office of Technology Transfer, Washington, D.C., March 1983).

f. "Building Sewer" shall mean the extension from the building or dwelling drain to the Public Sewerage System.

g. "Categorical Standards" shall mean Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged
or introduced to the Public Sewerage System by existing or new Users in specific industrial subcategories.

h. "Chlorine Demand" shall mean the difference between the amount of chlorine added to water, Sewage or Industrial Waste and the amount of residual chlorine remaining at the end of a 20-minute contact period at room temperature.

i. "COD" (chemical oxygen demand) means the quantity of dissolved oxygen (in milligrams per liter, mg/l) required to oxidize the organic matter in a waste sample under specific conditions of an oxidizing agent, temperature and time as determined by analytical procedures set forth in the "Manual of Methods for Chemical Analysis of Water and Wastes" (USEPA, Office of Technology Transfer, Washington, D.C., March 1983).

j. "Combined Sewer System" means a sewer system that is designed to carry sanitary sewage at all times and that also is designed to collect and transport stormwater from streets and other sources, thus serving a combined purpose.

k. "Composite Sample" shall mean a sample consisting of several effluent portions collected during a specific time period and combined to make a representative sample.

l. "Cooling Water" shall mean the water discharged from any system of condensation, air conditioning, cooling, refrigeration, or other sources. It shall contain no polluting substances which would produce BOD, or Suspended Solids, in excess of 10 mg/l by weight, or toxic substances as limited elsewhere herein.

m. "Domestic Wastewater" means the liquid wastes or liquid borne wastes which result from the discharge of household wastes from residential bathrooms, toilet facilities, home laundries and kitchens which are predominantly the result of natural human waste elimination associated with bodily function and food preparation.

n. "EPA" shall mean the United States Environmental Protection Agency.

o. "Federal Act" means the "Federal Water Pollution Control Act Amendments of 1972" (Public Law 92-500; 33 U.S.C. 1251 et seq.), including any substantive amendments.

p. "Garbage" shall mean food wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
q. "Grab Sample" means a single sample collected at a particular time and place.

r. "Holding Tank Waste" shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

s. "Industrial Waste" means non-domestic waste, including, but not limited to, those pollutants regulated under Section 309(a), (b) or (c) of the Federal Water Pollution Control Act.

t. "Interference" means: (1) Inhibiting or disrupting the operation of the Public Sewerage System or its treatment so as to contribute to, or cause a violation of any condition of a State or Federal permit under which the Public Sewerage System operates; or (2) Discharging industrial process wastewater which in combination with existing domestic flows are of such volume and/or strength as to exceed the design capacity of the Public Sewerage System; or (3) Preventing the use or disposal of sludge produced by the MCUA Treatment Plant in accordance with Section 405 of the Federal Act, any regulations, criteria or guidelines developed pursuant to the Federal Resource Conservation and Recovery Act of 1976, (42 U.S.C. 3251 et seq.) the Federal Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Toxic Substances Control Act (15 U.S.C. 2601 et seq.) Sections 2, 4 and 6 of the State Act, and to the extent practicable, the New Jersey Guidelines for the Utilization and Disposal of Municipal and Industrial Sludge and Septage.

u. "Middlesex County Utilities Authority" or "MCUA" mean the body politic and corporate organized and existing under the New Jersey Utilities Authority Law and created by virtue of a resolution duly adopted by the Board of Chosen Freeholders of the County of Middlesex, New Jersey.

v. "Municipality" means a city, town, borough, county, parish, district, association or other public body created by or under State law and having jurisdiction over disposal of Sewage, Industrial Waste, or other wastes, or a designated and approved management agency under Section 208 of the Federal Act.

w. "New Jersey Pollutant Discharge Elimination System" or "NJPDES" means the New Jersey system for the issuing, modifying, suspending, revoking, reissuing, terminating, monitoring and enforcing of discharge permits pursuant to the State Act. The system includes a discharge allocation certificate and a final draft permit.

x. "Nitrogen" means total organic and ammonia nitrogen (kjeldahl nitrogen).
y. "NJDEP" shall mean the New Jersey Department of Environmental Protection.

z. "Nondomestic User" shall mean a User discharging Wastewater other than Domestic Wastewater.

aa. "Normal Sewage" shall mean Sewage, Industrial waste or other wastes which, when analyzed, show by weight the following characteristics:

1) **BOD**: 200 milligrams per liter or less.

2) **Chlorine Demand**: 25 milligrams per liter or less.

3) **Suspended Solids**: 250 milligrams per liter or less.

4) **COD**: 500 milligrams per liter or less.

5) **Nitrogen**: 50 milligrams per liter or less.

bb. "Participant" shall mean the Township of Bridgewater, Borough of Dunellen, Borough of Fanwood, Township of Green Brook, Borough of North Plainfield, City of Plainfield, Township of Scotch Plains, Borough of South Plainfield, Borough of Watchung and any municipality which hereafter enters a Service Contract with the Authority.

c. "Permittee" shall mean a Person or a Municipality to whom a Discharge Permit has been issued by the Authority.

dd. "Person" shall mean any individual, firm, company, association, society, corporation, or group contributing Sewage directly or indirectly to the Authority Sewerage System.

ee. "pH" shall mean the negative logarithm of the hydrogen ion concentration in moles per liter. It indicates the intensity of acidity and alkalinity of the pH scale running from 0.0 to 14.0. A pH value of 7.0, the mid-point of the scale, represents neutrality. Values below 7.0 represent acid conditions. Values above 7.0 represent alkaline conditions.

ff. "Pretreatment" shall mean the application of physical, chemical and/or biological processes to reduce the amount of pollutants in, or alter the nature of the polluting properties of, Process Wastewater prior to discharging such wastewater into the Public Sewerage System.
gg. "Pretreatment Standards" means any limitation on quantities, quality, rates, and/or concentrations of pollutants discharged into municipal or privately owned treatment works, adopted pursuant to "Pretreatment Standards for Sewerage" N.J.S.A. 58:11-49 et seq., Section 4 of the State Act, or any applicable National, State or local regulations.

hh. "Process Wastewater" means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process Wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.

ii. "Properly Shredded Garbage" shall mean garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the Public Sewerage System to which it is discharged, with no particle having a dimension greater than one-half (1/2) inch in any dimension.

jj. "Public Sewerage System" shall mean intercepting sewers, structures and appurtenances owned or maintained by the Authority or a Municipality as well as the Treatment Works of the MCUA.

kk. "Sanitary Sewer" shall mean a sewer which conveys sewage and into which storm, surface and groundwater are not intentionally admitted.

ll. "Scavenger Waste" shall mean the sanitary sewage collected from privies, septic tanks, cesspools and chemical toilets.

mm. "Sewage" shall mean Wastewater.

nn. "Sewer" shall mean a pipe or conduit for conveying Sewage.

oo. "Sewer Extension" means any Sewer, pipe, line, structure or appurtenance used for the conveyance of Domestic or Industrial Waste of a liquid nature, whether forced or by gravity, which: (1) will extend along an easement through more than two properties, a roadway or public right-of-way; (2) conveys flows from more than two buildings; or (3) conveys 8,000 gallons per day or more of Sewage flow determined in accordance with the criteria specified in N.J.A.C. 7:14A-23.3. This includes all Sewer lines from a single building if the building utilizes more than one Sewer line to convey waste to the sewer system and the aggregate waste flow is 8,000 gallons per day or more.

pp. "Shall" is mandatory; "may" is permissive.
"Significant User" shall mean any User discharging into the Public Sewerage System which either: (1) discharges an average in excess of 25,000 gallons per day, (2) exceeds the mass equivalent of 25,000 gallons per day of the Normal Sewage of the Public Sewerage System, or (3) contributes five percent or more of the daily mass loading of any pollutant entering the Authority Sewerage System.

"Slug" shall mean any discharge of water, Sewage or Industrial Waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24-hour concentration or flow during normal operation.


"Storm Sewer" (or "Storm Drain") means a sewer which carries storm and surface waters and drainage, but excludes Sewage and Industrial Waste other than cooling waters and other Unpolluted Waters.


"Toxic Substances" means any pollutant identified pursuant to the Federal Act 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 NIDEP or EPA, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformation, in such organisms or their off-spring.

"Treatment Plant" shall mean the Treatment Works owned and operated by MCUA.

"Treatment Works" shall mean any device or system, whether public or private, used in the conveyance storage, treatment, recycling, or reclamation of Sewage 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. Additionally, "Treatment Works" means any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of pollutants, including storm water runoff, or Industrial Waste in Combined Sewers or separate Storm or Sanitary sewers.


zz. "Unpolluted Waters" shall mean water not containing any pollutants limited or prohibited by the effluent standards in effect, and/or water whose discharge without treatment will not cause any violation of receiving water quality standards or interference with their designated uses.

aaa. "User" shall mean any Person who discharges Wastewater into the Public Sewerage System.


ccc. "Wastewater" means any wastes, including wastes from humans, households, commercial establishments, industries, and storm water runoff, that are discharged to or otherwise enter the Public Sewerage System.

Terms not otherwise defined herein shall have such meaning as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation; the Federal Guidelines for State and Local Pretreatment Programs, EPA-430/9-76-017a, Volume 1, 1977, or the latest revision thereof; the Federal Act; State Act; or N.J.S.A. 58:11-49, et seq., 1972, as revised and amended.
ARTICLE III

USE OF AUTHORITY AND TRIBUTARY SEWERS

SECTION 3.1 LIMITATION OF USE

a. Disposal into the Authority Sewerage System and Sewers tributary thereto of any pollutant by any Person is unlawful except in compliance with these rules and regulations, the Federal Act, the State Act, The Sewerage Authorities Law, Pretreatment Standards, NJPDES requirements and any more stringent local standards.

b. The use of the Authority Sewerage System and Sewers tributary thereto shall be strictly limited and restricted to receiving and accepting the Sewage generated on, and discharged from, real property served by the Authority. However, Sewage generated outside of the Authority Service Area may only be received and accepted for such duration and under such conditions as may be established by the Authority prior to such disposal.

c. Sewage, Industrial Waste and other wastes will be accepted into the Authority Sewerage System at points of connection and under conditions approved by the Authority.

SECTION 3.2 CONTROL BY MUNICIPALITY

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

SECTION 3.3 SERVICE BY PARTICIPANTS OF CUSTOMERS OUTSIDE SERVICE AREA

No Participant shall enter into any agreement, without prior written approval of the Authority, for the acceptance of Sewage to be discharged into the Public Sewerage System, or permit any discharge into the Public Sewerage System by any customer, unless the customer is located within a Municipality which has entered into a service agreement with the Authority. Nothing in this section, however, shall be construed as interfering in any way with any agreements entered prior to January 9, 1995 or renewals thereof whereby a Participant has agreed to accept Wastewater discharges of a non-Participant Municipality into its Local Sewerage System.
ARTICLE IV

COMBINED SEWERS, NEW SEWERS, SEWER EXTENSIONS

SECTION 4.1  COMBINED SEWERS

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

SECTION 4.2  NEW SEWERS, SEWER EXTENSIONS

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

SECTION 4.3  APPROVAL OF SANITARY SEWERS AND APPURTENANCES

Plans and specifications for new Sewers, Sewer Extensions and appurtenances, except Building Sewers, shall be submitted to the Authority for its approval at least 90 days before the start of construction. Unless prohibited, construction shall be in accordance with such plans and specifications. Results of leakage tests shall also be submitted to the Authority during construction. Written notification of construction of any Building Sewer is to be made to the Authority at least 45 days before construction.

In its review of any plans and specifications submitted in accordance with this section, the Authority shall seek to identify the location of the project and the number and types of units involved; verify that the plans satisfy the rules and regulations; and determine if there are any engineering or institutional issues which might affect the Authority’s facilities or operations. Accordingly, the Authority’s approval merely signifies that, based upon available information, it has the capacity to serve the project and takes no exception to the plans and specifications as they relate to the Public Sewerage System.

SECTION 4.4 PROHIBITED CONNECTIONS

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

PROHIBITIONS AND RESTRICTIONS ON DISCHARGES

SECTION 5.1 PROHIBITED MATERIALS, SUBSTANCES, WATERS AND WASTES

No Participant, Municipality or Person shall discharge, deposit, cause or allow to be discharged or deposited into the Public Sewerage System any wastewater which contributes to a violation of any of the parameters or requirements in any permit held by the Authority or MCUA, interferes with the operation or performance of the Public Sewerage System, or which contains any of the following:

a. Oil and Grease: (1) Oil and grease, in concentrations or amounts violating either EPA, NJDEP or MCUA regulations including petroleum based hydrocarbons as determined by silica gel absorption; (2) wastewater containing floatable fats, wax, grease, or oil; (3) total fats, wax, grease, or oil in a concentration of more than 100 mg/l unless otherwise specifically permitted by the Authority, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32 and 150 F (0 and 65 C) at the point of discharge into the Public Sewerage System.

b. Explosive and/or Flammable Mixtures: Liquids, solids or gases which by reason of their nature or quantity are or may be sufficient to, either alone or by interaction with other substances, cause fire or explosion or be injurious in any other way to the Public Sewerage System or to its operation. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the Public Sewerage System, be more than 5 percent nor any single reading over 10 percent of the Lower Explosive Limit (LEL) of the meter. This category of materials includes, but is not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketone, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

c. Noxious Materials: Pollutants which are, either singly or by interaction with other wastes, malodorous, capable of creating a public nuisance or hazard to life or health, or present in sufficient concentrations to prevent entry into or maintenance and repair of the Public Sewerage System.

d. Radioactive Wastes: Radioactive wastes of such half-life or concentration as may exceed limits established by EPA, NJDEP, MCUA or Authority regulations.

e. Solid or Viscous Wastes: Solid or viscous wastes which will or may cause obstruction to the flow in a sewer, or otherwise interfere with the proper operation of the Public Sewerage System. Prohibited materials include, but are not limited to: grease,
improperly shredded garbage, animal guts or tissues, diseased human organs or tissue fluids, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances.

f. Excessive Discharge: Wastewater at a flow rate that exceeds for any time period longer than 15 minutes more than 5 times the average daily flow rate of the User during normal operation, or containing such concentrations or quantities of pollutants that would cause a treatment process upset and subsequent loss of treatment efficiency.

g. Toxic Pollutants: Any toxic pollutant in an amount exceeding standards promulgated by the Administrator of the EPA pursuant to the Federal Act, by the NJDEP pursuant to the State Act or by the MCUA or the Authority, including, but not limited to, those listed in Tables II through VI in Appendix B to the NJPDES Regulations (N.J.A.C. 7:14A-1, et seq.).

h. Stormwater: Stormwater, surface water, groundwater, roof run-off, subsurface drainage.

i. Discolored Materials: Wastes with color not removable by the treatment works.

j. Substances Interfering with Sludge Management: Any substance which may cause the Authority or MCUA to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Federal Act; or any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or the “New Jersey Guidelines for the Utilization and Disposal of Municipal and Industrial Sludge and Septage.”

k. Corrosive Wastes: Any waste which will cause corrosion or deterioration of the Public Sewerage System; all wastes discharged to the Public Sewerage System must have a pH value in the range of 5 to 9.5 standard units; prohibited materials include, but are not limited to: acids, alkalies, sulfides, concentrated chloride and fluoride compounds, and substances which will react with water to form acidic or alkaline products.

l. Heat: Heat in amounts which will result in Interference or cause damage, but in no case heat in such quantities that the temperature exceeds 65 °C (150 °F) at the Public Sewerage System and 40 °C (104 °F) at the Treatment Plant.

m. Uncontaminated cooling water or Unpolluted Waters resulting from industrial processes or otherwise, unless specifically authorized.
n. Medical wastes, hazardous wastes, dilution water or detergent and/or other waste which may result, in the opinion of the Authority, in interference with the Public Sewerage System or in the creating of toxic gases, vapors or fumes in the Public Sewerage System.

SECTION 5.2 REQUIREMENTS AND LIMITATIONS ON DISCHARGES

All federal, state, MCUA and Authority requirements and limitations on discharges shall apply to all uses of the Public Sewerage System. In any case where any one of the above referenced agency’s requirements or limitations is more stringent than the others, the more stringent requirement or limitation shall apply.

SECTION 5.3 AUTHORITY’S RIGHT OF REVISION

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

SECTION 5.4 OPERATION OF LOCAL SEWERAGE SYSTEMS

All Participants or other municipalities discharging flows directly or indirectly into the Public Sewerage System shall operate their respective local sewerage systems so as to be in compliance with applicable state and federal laws and regulations and to prevent the discharge of flows which may be injurious, deleterious or other otherwise burdensome to the Public Sewerage System. Failure to operate a local sewerage system in such manner may result in the impositions of an additional charge by the Authority.
ARTICLE VI

CONTROL OF PROHIBITED AND RESTRICTED DISCHARGES

SECTION 6.1 APPROVAL OF NONRESIDENTIAL ESTABLISHMENTS

a. Any Person who or which will be discharging Non-Domestic Wastewater wishing to become a User shall obtain written approval from the Authority.

b. Application for approval shall be made on forms prescribed by the Authority and the applicant shall supply any information requested therein at its own expense.

c. Each municipality shall make proof of application to the Authority a prerequisite to issuance of a certificate of occupancy to a nonresidential establishment connected or connecting to the Public Sewerage System. Certificates of re-occupancy shall be required upon changes of nondomestic use.

d. The Authority shall report its decision to the applicant and the municipality within 45 days of receipt of a completed application.

e. The Authority shall use the information furnished in the application to: (1) form its opinion as to allow or condition by issuance of a permit, or prohibit the proposed discharge; and (2) to maintain User records needed to ensure compliance with federal, state, MCUA and Authority regulations.

f. Applicants may request a hearing before the Authority to appeal a decision of the Authority regarding their application. A hearing date shall be scheduled within 45 days of such request.

SECTION 6.2 ACCEPTANCE AND REJECTION OF WASTES

If Wastewaters containing any prohibited substances at levels exceeding limits prescribed for Normal Sewage or by either EPA, NJDEP, MCUA or the Authority or violating restrictions imposed by Article V of these rules and regulations are discharged by either a Participant or a Person to the Authority Sewerage System or Public Sewage System, the Authority may take all actions necessary to:

a. Prohibit the discharge of such Wastewater.

b. Require the Participant or Person to demonstrate that modifications in operations or in-plant modifications will reduce or eliminate the discharge of such substances so as to be in conformance with these rules and regulations.
c. Require Pretreatment, including storage facilities, or flow equalization necessary to ensure complete compliance with these rules and regulations.

d. Require the Participant or Person making, causing or allowing the discharge to pay all the additional cost or expense incurred by the Authority or MCUA for conveyance, treatment and/or disposal of such discharge as well as for any cost incurred by the Authority or MCUA as a result of any damages caused to the Authority Sewerage System or Public Sewerage System as a result of such discharge.

e. Take such other remedial action, including discontinuation of service, as may be deemed to be appropriate or necessary to achieve the purposes of these rules and regulations.

SECTION 6.3 USERS REQUIRING APPROVAL BY DISCHARGE PERMIT

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

a. Users subject to Categorical Pretreatment Standards;

b. Significant Users; and

c. Other Nondomestic Users which, in the sole judgment of the Authority, require special regulation.

SECTION 6.4 SUBMISSIONS OF PLANS

Where Pretreatment or equalization of wastewater flows prior to discharge into the Public Sewerage System or a Treatment Works Approval is required, plans, specifications, and other pertinent data or information relating to such Pretreatment, flow-control facilities or Treatment Works shall be submitted by the User to the Authority at least 90 days before the start of construction. Nothing herein, however, shall be construed as exempting the discharge of such facilities from compliance with any applicable code, ordinance, rule, regulation or order of any governmental authority. Any subsequent modifications to such Pretreatment, equalization facilities or Treatment Works shall not be made without due notice to the Authority as required by Section 6.8(d).

In its review of any plans and specifications submitted in accordance with this section, the Authority shall seek to identify the location of the project and the number and types of units involved; verify that the plans satisfy the rules and regulations; and determine if there are any engineering or institutional issues which might affect the Authority's facilities or operations. Accordingly, the Authority's approval merely signifies that, based upon available information,
it has the capacity to serve the project and takes no exception to the plans and specifications as they relate to the Public Sewerage System.

SECTION 6.5 PRETREATMENT FACILITIES OPERATIONS

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

SECTION 6.6 ADMISSION TO PROPERTY

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

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

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

SECTION 6.7 ACCIDENTAL OR NONCOMPLYING DISCHARGES

Each User contributing flows, directly or indirectly, to the Authority Sewerage System shall provide protection from accidental discharge of prohibited materials or other substances regulated by these rules and regulations. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or User’s own cost and expense. With the exception of residential owners and users, the Authority may require the owner or User to submit detailed plans showing facilities and operating procedures to provide this protection. The Authority reserves the right to compel the owner or User to amend such procedures or provide additional protection, at such owner or User’s expense, or refuse to provide service. Existing Users shall complete and submit to the Authority such a plan within 120 days of notification by the Authority to do so. Unless otherwise informed by the Authority, such existing Users shall then provide a certification that the plan has been fully implemented within 240 days following the submission of the plan to the Authority. Review of such plans and operating procedures by the Authority shall not relieve the User from the responsibility of modifying his/her facility as
necessary to meet the requirements of these rules and regulations, the MCUA or any local, state or federal requirement.

a. Telephone Notice: In the case of an accidental discharge, or, if for any reason a User does not comply or will be unable to comply with any prohibition or limitation in these rules and regulations, the User responsible for such discharge shall immediately telephone and notify the Authority and MCUA of the incident. The notification shall include location of discharge, type of waste, concentration and volume. Furthermore, such User shall take immediate action to prevent Interference with the Public Sewerage System.

b. Written Notice: Within five days following an accidental or noncomplying discharge, the User shall submit to the Authority a detailed written report describing the date, time and cause of the discharge, the quantity and characteristics of the discharge and corrective action taken at the time of the discharge, and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the Public Sewerage System, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any criminal penalties, fines, civil penalties, or other liability which may be imposed by these rules and regulations or other applicable law.

c. Notice to Employees: All Nondomestic Users shall develop an emergency notification procedure. A notice shall be permanently posted in a conspicuous place advising employees of the parties to be notified in the event of an accidental or noncomplying discharge. Employers shall additionally ensure that all employees who are likely to be aware of, cause or suffer such an accidental or noncomplying discharge to occur are advised of and familiar with the emergency notification procedure.

SECTION 6.8 REPORTING REQUIREMENTS FOR NONDOMESTIC USERS

a. All Users subject to EPA Categorical Standards shall, at a minimum, comply with the applicable reporting requirements contained in 40 CFR 403.12 and provide one copy of any such reports submitted thereunder to the Authority.

b. All Users subject to MCUA reporting requirements shall simultaneously provide to the Authority one copy of any report submitted to MCUA.

c. Any User responsible for an accidental or noncomplying discharge shall report said discharge in accordance with Section 6.7.
d. Any proposed modification to Pretreatment facilities or operations shall be reported to the Authority 30 days prior to the implementation of such modification.

e. Self-monitoring reports may be required by the Authority. Each report shall be prepared and submitted in the manner and frequency prescribed by the Authority.

f. A compliance report may be required by the Authority upon promulgation of any new or modified discharge requirement. The report shall state whether the applicable requirements are being met on a consistent basis and, if not, what additional operation and maintenance (O&M) work and/or pretreatment is necessary to bring the User into compliance with the applicable requirements. This statement shall be signed by an Authorized Representative of the User and certified to by a qualified professional acceptable to the Authority. Such reports shall be made in the manner prescribed by the Authority within 60 days of the Authority’s request.

SECTION 6.9 RECORDS AND MONITORING

If required by the Authority or the MCUA, the owner or operator of any premises or facility discharging Sewage other than Domestic Wastewater into the Public Sewerage System shall install at his/her own cost and expense, suitable monitoring equipment to facilitate the accurate observation, sampling, and measurement of wastes. Such equipment shall be maintained in proper working order and kept safe and accessible at all times. Any such owner or operator shall then maintain such records of production and related factors, effluent flows, and pollutant amounts or concentrations as are necessary to demonstrate compliance with the requirements of these rules and regulations and any applicable state or federal pretreatment standards or requirements.

SECTION 6.10 INSPECTION, SAMPLING AND ANALYSIS

a. Representative Sampling Point: If requested by the Authority, any and/or all Nondomestic Users proposing to connect to or continue to discharge to the Public Sewerage System or any sewer tributary thereto shall construct and make available to the Authority a sampling point from which representative samples of the facility’s discharge may be collected at the expense of the owner or operator. This point must be available to the Authority, MCUA, NJDEP, and/or EPA for purposes of conducting sampling, inspection, compliance monitoring and/or metering operations.

b. Compliance Determination: Compliance determinations by the Authority, MCUA, NJDEP or EPA, with respect to Article V prohibitions and limitations, shall be made on the basis of either instantaneous grab samples or 24 hour composite samples of wastewater, or such other means as may be determined by the Authority, MCUA, NJDEP or EPA.
c. Analysis of Wastewaters: Laboratory analyses of Wastewater samples shall be performed in accordance with EPA "Guidelines Establishing Test Procedures for the Analysis of Pollutants," published in the Federal Register, Vol 41, No. 232, December 1, 1976, and subsequent revisions. Analysis of those pollutants not covered by the publications referred to therein shall be performed in accordance with procedures approved by the NJDEP.

d. Sampling Frequency: Sampling of Wastewater for the purpose of compliance determinations with respect to Article V prohibitions and limitations will be done at such intervals as the Authority, MCUA, NJDEP or EPA may deem appropriate.

SECTION 6.11 PRETREATMENT

Users shall provide necessary Wastewater treatment as required to comply with these rules and regulations and shall achieve compliance with all federal and state Categorical Pretreatment Standards within the time limitations specified by the federal or state regulations. Any facilities required by these rules and regulations, the MCUA or by federal or state regulations to pretreat Wastewater shall do so at the User’s expense. Detailed plans showing the Pretreatment facilities and operating procedures shall be submitted to the Authority. The Authority reserves the right to prohibit discharge from any facility if it finds such facility’s Pretreatment plans or operating procedures to be unacceptable for any reason. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Authority and/or any local, state of federal agency. Any subsequent changes in the Pretreatment facilities or method of operation shall be reported to the Authority prior to the User’s initiation of the changes in accordance with Section 6.8 (d).

SECTION 6.12 CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs or from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests otherwise and is able to demonstrate to the satisfaction of the Authority that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the User.

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

Information accepted by the Authority as confidential, shall not be transmitted to any governmental agency by the Authority until and unless 10-day prior notification is given to the User.
ARTICLE VII
TERMS AND CONDITIONS FOR THE ISSUANCE OF PERMITS

SECTION 7.1 PERMITS: WHEN REQUIRED

Any User or facility subject to the requirements of Section 6.3 which is proposing to connect to or contribute Wastewater to the Public Sewerage System shall obtain a Discharge Permit from the Authority before connecting to or contributing Wastewater to the Public Sewerage System. All existing Users which fall under the requirements of Section 6.3 and which are currently connected to or contributing Wastewater to the Public Sewerage System shall apply for a Discharge Permit within 60 days after notification specifically requiring such action by the Authority.

SECTION 7.2 APPLICATION FOR PERMITS

a. Users required to obtain a Discharge Permit shall complete and file with the Authority an application on forms prescribed by the Authority.

b. The Authority will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the Authority may issue a Discharge Permit subject to terms and conditions provided herein.

SECTION 7.3 TERMS AND CONDITIONS

Discharge Permit conditions shall be expressly subject to all provisions of these rules and regulations and all other rules, regulations, user charges and fees which are in effect or which may be established by the Authority. The conditions of Discharge Permits shall be uniformly enforced by the Authority in accordance with these rules and regulations and applicable state and federal regulations.

The following terms may be imposed by the Authority in the issuance of a Discharge Permit:

a. A limitation upon the characteristics and volume of wastes and the rate of flow permitted from the premises.

b. The installation and maintenance by the permittee at its own expense of: facilities or equipment for intermittent or continuous measurement of Sewage, Industrial Waste or other wastes discharged; detention tanks or other facilities or equipment for reducing the maximum rates of discharge; Pretreatment and flow control facilities; suitable control or
sampling manhole or manholes; and/or grease, oil and sand interceptors, separators or traps.

c. The submission to the Authority of plans and specifications for any of the Pretreatment or flow control facilities or equipment required to be installed and maintained by the permittee.

d. Maintenance of appropriate records of all measurements made by the permittee of Sewage, Industrial Waste or other wastes as specified by the Authority and affording the Authority access thereto.

e. The submission to the Authority of periodic reports setting forth adequate data upon which the acceptability of the Sewage, Industrial Waste or other wastes may be determined subsequent to the commencement of operation of any Pretreatment or flow control facilities.

f. Specifications for discharge monitoring programs, which may include sampling locations, frequency and method of sampling, number, type and standards for tests and reporting schedules.

g. Requirements for providing prior notification to the Authority of any new introduction of wastewater constituents or any substantial change in the volume or character of the Wastewater being introduced into the Public Sewerage System.

h. Payments to cover the added costs associated with the conveyance of the waters or wastes, which payments are not covered by or intended to be covered by existing sewer charges.

i. Requirements for notification of slug discharges.

j. Requirements for notification of accidental discharges.

k. Payments to cover the cost of permit administration.

l. Such other terms and conditions as may be necessary to protect the Public Sewerage System and to carry out the intent and provisions of these rules and regulations.

SECTION 7.4 DURATION OF PERMITS

Discharge Permits shall be issued for a specified time period, not to exceed five years. A Discharge Permit may be issued for a period less than a year or may be stated to expire on
a given date. The Permittee shall submit such information, forms and fees as are required by the Authority for renewal no later than 90 days prior to the date of expiration. The Authority shall notify a Permittee of the expiration of its permit 30 days prior to such expiration.

SECTION 7.5 PERMIT TRANSFER

Discharge Permits are issued to a specific user for a specific operation. A Discharge Permit shall not be assigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.

SECTION 7.6 PERMIT REVOCATION

Any permittee who violates the following conditions of the Discharge Permit program, or these rules and regulations, or applicable state and federal regulations, is subject to having its Discharge Permit revoked:

a. Failure of the permittee to accurately report the Wastewater constituents and characteristics of its discharge.

b. Failure of the permittee to report significant changes in operations, or Wastewater constituents and characteristics.

c. Refusal of the permittee to provide reasonable access to the premises for the purpose of inspection or monitoring.

d. Violation by the permittee of any condition of the Discharge Permit issued by the Authority.

SECTION 7.7 PERMIT MODIFICATIONS

a. The terms and conditions of a Discharge Permit may be subject to modification and change by the Authority during the life of the permit as limitations or requirements are modified and changed or as otherwise necessary for the proper operation of the Public Sewerage System. The Permittee shall be informed of any proposed changes to its permit at least 30 days prior to the effective date of change. Any change or new condition in the permit shall include a reasonable time schedule for compliance.

b. Within nine months of the promulgation of a federal Categorical Pretreatment Standard, the Discharge Permit of a permittee subject to such standard shall be revised to require compliance with such standard within the time frame prescribed by such standard. In addition, any such affected User shall submit to the Authority within 180 days after the
promulgation of an applicable federal Categorical Pretreatment Standard any information required by Section 6.8(a) of these Rules.

c. The Permittee may request, by certified mail, a hearing before the Authority or its representatives to show cause why a permit should or should not be modified.
ARTICLE VIII

SCAVENGER WASTES

SECTION 8.1

The direct or indirect discharge of Scavenger Waste to the Authority Sewerage System is strictly prohibited.
ARTICLE IX

ENFORCEMENT AND PENALTIES

SECTION 9.1 HARMFUL CONTRIBUTIONS

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

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

SECTION 9.2 TERMINATION OF SERVICE

Any User who violates the following conditions of these rules and regulations, the rules and regulations of MCUA, or applicable state and federal regulations, is subject to having its service terminated in accordance with the procedures of this Article.

a. Failure of the User to accurately report the wastewater constituents and characteristics of its discharge.

b. Failure of the User to report significant changes in operations, or wastewater constituents and characteristics.

c. Refusal of the User to provide reasonable access to the User's premises for the purpose of inspection or monitoring.

d. Violation by the User of provisions of these rules and regulations.

SECTION 9.3 NOTIFICATION OF VIOLATION

Whenever the Authority finds that any Person has violated or is violating these rules and regulations, or any prohibition, limitation or requirement contained herein, it may serve upon
such Person a written notice stating the nature of the violation and providing reasonable time, not to exceed 30 days, for the satisfactory correction thereof. However, the Authority does not hereby waive its right to immediately pursue any other remedy or penalty as in accordance with these rules and regulations.

SECTION 9.4 SHOW CAUSE HEARING

a. If any violation of those conditions set forth in Section 9.2 is not corrected by timely compliance, the Authority may order any Person who causes or allows such a violation to continue to show cause before the Authority why service should not be terminated. A notice shall be served on the offending party, specifying the time and place of a hearing to be held by the Authority regarding the violation, and directing the offending party to show cause before the Authority why an order should not be made directing the termination of service. The notice of the hearing shall be served personally or by registered or certified mail at least 10 days before the hearing. As to service by registered or certified mail, service shall be presumed 5 days after mailing. Service may be made on any agent or officer of a corporation.

b. The Authority may itself conduct the hearing and take the evidence or may designate any of its members or any officer or employee to:

1) Issue in the name of the Authority notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

2) Take the evidence; and

3) Transmit a report of the evidence and hearing, including transcripts/records and other evidence, together with recommendations to the Authority for action thereon.

c. At any show cause or evidentiary hearing, testimony taken before the Authority or any person designated by it must be provided under oath and recorded either by the hearing officer in a summary manner or stenographically. In the latter case, the transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the cost of reproduction.

d. After the Authority has reviewed the evidence, it may issue an order to the party responsible for the violation directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other

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related appurtenances are properly operated, and such further orders and directives as are necessary and appropriate.

SECTION 9.5 PENALTIES

a. Any Person violating any rules, regulations or emergency proclamations of the Authority shall be subject to fines and/or imprisonment as provided by law for each violation, and the Municipal Courts of the Borough of Dunellen, Borough of Fanwood, Township of Green Brook, Borough of North Plainfield, City of Plainfield, Township of Scotch Plains, Borough of South Plainfield and Borough of Watchung shall have jurisdiction in actions for the violation of such rules and regulations, which shall be enforced by like proceedings and processes as those provided by law for the enforcement of ordinances of the municipality. These remedies are in addition to the remedies provided for the violation of Pretreatment Standards as set forth in subparagraph (f) below. In the event of a continuing violation, each day the violation continues shall be deemed a separate and distinct violation. The officers authorized by law to serve and execute processes in the Municipal Court shall be the officers to serve and execute any processes issued out of the Municipal Court for violation of the rules and regulations of the Authority.

b. The Authority attorney may maintain an action or proceeding in the name of the Authority in a court of competent jurisdiction to compel compliance with these rules and regulations or restrain by injunction any violation of these rules and regulations.

c. Where any violation of these rules and regulations causes expense to the Authority, the person in violation shall reimburse the Authority in full for such additional costs incurred, including legal fees. Such violation or nonpayment of costs assessed may also be punished by a civil suit against the violator, brought by the Authority attorney in the name of the Authority, in a court of competent jurisdiction to recover such additional costs.

d. When required, services may be immediately disconnected at the sole discretion of the Authority if a person violates these rules and regulations.

1) If an emergency situation does not exist, written notice shall be given to said violator 10 days before such action is taken. If the violation is corrected within those 10 days, no such action will be taken.

2) Disconnection shall be accomplished by excavating to the lateral at a point between the sewer and property line or easement line and capping both ends. The Person whose service is disconnected shall be fully liable for and make payment to the Authority for any and all costs and consequences associated with said disconnection.
3) Restoration of service shall occur upon correction of the violation and payment to the Authority for costs incurred, including but not limited to the cost of repairing damage caused by the initial violation, and the cost of restoration of service.

e. Any Person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to these rules and regulations or a Discharge Permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or sampling methodology required under these rules and regulations shall be in violation of these rules and regulations and, upon conviction, be guilty of a misdemeanor and shall be punished as required by law.

f. Any Person violating any Pretreatment Standards which have been established by the Authority or any other duly authorized agency shall be subject to civil or criminal penalties as provided by law for each such violation. In the event of a continuing violation, each day the violation continues shall be deemed a separate and distinct violation. This penalty may be in addition to the institution of a civil action in the Superior Court for injunctive relief to prohibit and prevent such violation.

g. In addition to the foregoing penalties, the Authority reserves to itself the statutory right to pursue or initiate any enforcement means available to it under N.J.S.A. 58:10A-10, including, but not limited to, bringing a civil action at Superior Court, assessing a civil penalty, petitioning the attorney general to bring a criminal action, assessing a civil administrative penalty, and issuing a summons.
ARTICLE X

POWERS AND AUTHORITY OF INSPECTORS

SECTION 10.1    POWERS AND AUTHORITY OF INSPECTORS

The Authority may enter upon private lands at reasonable times, unless otherwise allowed under Section 6.6, for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of these rules and regulations. Control manholes, if required by the Authority, shall be available for access at all times.

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

Refusal to permit the entry upon private lands required to perform the work referred to above shall be punishable by such penalties as may be prescribed under Article IX of these rules and regulations.

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

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

FEES

SECTION 11.1 PURPOSE

It is the purpose of this Article to establish fees for Users of the Public Sewerage System for activities not included in the Authority’s annual operating budget. The applicable charges or fees shall be set forth by resolution of the Authority.

SECTION 11.2 CHARGES AND FEES

The Authority may adopt charges and fees which may include:

a. Fees for reviewing accidental discharge procedures, permit applications and construction.

b. Fees for filing appeals.

c. Fees for consistent removal by the MCUA and/or conveyance by the Authority of pollutants otherwise subject to federal Pretreatment Standards or which may be deleterious to the Public Sewerage System.

d. Other fees as the Authority may deem necessary to carry out the requirements contained herein.
ARTICLE XII

REVISIONS

SECTION 12.1 RIGHT

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

SECTION 12.2 PROCEDURE

a. Revisions may be made by the Authority at any regular or special meeting of the Authority and upon such notice as may be required by law.

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

SECTION 12.3 NOTIFICATION

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

SEVERABILITY

SECTION 13.1

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

CONFLICT

SECTION 14.1

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