

HANOVER SEWERAGE AUTHORITY

**COUNTY OF MORRIS
NEW JERSEY**

REGULATIONS



SPECIFICATIONS



RATE SCHEDULE

As Amended Through January 1, 2004

**Amending Resolutions January 1, 2004 Through December 31, 2007
and January 1, 2008 Through December 2010
Appended at End**

**Mailing Address:
P.O. Box 320
Whippany, NJ 07981**

ADOPTION RESOLUTION AND DATES

<u>ARTICLE/ APPENDIX</u>	<u>RESOLUTION</u>	<u>DATE</u>
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ARTICLE I	46-03	8/13/2003
ARTICLE II	46-03	8/13/2003
ARTICLE III	46-03	8/13/2003
ARTICLE IV	30-94	4/27/1994
ARTICLE V	59-84 or as noted	12/1/1984
ARTICLE VI	56-95	7/26/1995
ARTICLE VII	46-03	8/13/2003
APPENDIX A	59-84	12/1/1984
APPENDIX B	59-84	12/1/1984
APPENDIX C-1	59-84	12/1/1984
APPENDIX C-2	59-84	12/1/1984
APPENDIX C-3	93-89	10/25/1989
APPENDIX C-4	46-03	8/13/2003
APPENDIX D	59-84	12/1/1984
APPENDIX E	59-84	12/1/1984
APPENDIX F	59-84	12/1/1984
APPENDIX G	59-84	12/1/1984
APPENDIX H	59-84	12/1/1984
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APPENDIX K	49-95	7/26/1995
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APPENDICES

- A. Township of Hanover Ordinance 1-56 (Creating the Hanover Sewerage Authority)
- B. Township of Hanover Ordinance 8-63 (Street Openings)
- C.
 - 1. Township of Hanover Ordinance 24-77 (Sewer Regulation Enforcement)
 - 2. Township of Hanover Ordinance 14-78 (To Amend and Supplement an Ordinance Entitled "An Ordinance Providing For The Enforcement Of Regulations Dealing With The Use Of The Sanitary Sewer System Operated By Hanover Sewerage Authority")
 - 3. Township of Hanover Ordinance
 - 4. Enforcement Response Plan
- D. Application for: Site Plan Review, Sewer Connection Permit and Sewer Inspection Permit and Sewer Construction Permit
- E. Sewer Construction Permit
- F. Sewer Connection Permit
- G. Sewer Inspection Permit
- H. Construction Specifications
- I. Charge Systems and Fees
- J. Reserved
- K. High Strength Wastewater Monitoring Program
- L. Service Contract

ARTICLE I

AUTHORITY

- 101 THE HANOVER SEWERAGE AUTHORITY was created by Ordinance 1-56 of the Township of Hanover, introduced on February 9, 1956, and passed on March 8, 1956.
- 102 THE REGULATIONS, SPECIFICATIONS AND RATE SCHEDULE have been adopted by the authority of said ordinance 1-56 of the Township of Hanover, the Sewerage Authorities Law of the State of New Jersey (P.L. 1946, ch. 138) and The General Pretreatment Regulations (40 CFR Part 403), N.J.S.A. 58:10A-6 (i), N.J.S.A. 58:11-57 Pretreatment Standards for Sewerage.
- 103 THE PURPOSE OF THE REGULATIONS, SPECIFICATIONS AND RATE SCHEDULE is to set forth uniform requirements for dischargers into the HSA wastewater collection and treatment system, and have been adopted to enable the HSA to protect the public health, safety and welfare in furtherance of all applicable State and Federal laws relating thereto.

The objectives of these Regulations are:

1. To prevent the introduction of pollutants into the HSA treatment plant which will interfere with its normal operations or contaminate the resulting sludge;
2. To prevent the introduction of pollutants into the treatment plant which do not receive adequate treatment by the system, which pass through the system into the receiving waters or the atmosphere or which are otherwise incompatible with these publicly owned treatment works;
3. To improve the opportunity to recycle and reclaim wastewater and sludge resulting from the wastewater treatment processes.

- 104 AMENDMENTS: Changes in the Regulations, Specifications and Rate Schedule may be made by the Authority at any regular or special meeting of the Authority upon approval of a majority of the full membership of the Authority and upon such notice as may be required by law.
- 105 EFFECTIVE DATE: The Regulations, Specifications and Rate Schedule shall take effect immediately upon adoption by the Authority.
- 106 AVAILABILITY OF THE REGULATIONS, SPECIFICATIONS AND RATE SCHEDULE: Copies of the Regulations, Specifications and Rate Schedule shall be available for purchase at the principal office of the Authority. A fee, as set by the Authority and designated in the Rate Schedule, shall be collected for each copy sold. Three (3) fully updated copies of the Regulations, Specifications and Rate Schedule shall be filed in the office of the Authority, and the same shall be available for the use and examination of the Public.

ARTICLE II. DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in these Regulations shall be in accordance with the following definitions. Terms are arranged in alphabetical order.

ACT: The Sewerage Authorities Law, constituting Chapter 138 of Pamphlet Laws of 1946, of the State of New Jersey, approved April 23, 1946, and the acts amendatory thereof and supplemental thereto.

ADMINISTRATOR: The person designated as Administrator by Resolution of the Authority at its regular annual meeting.

ANTI-INFLOW DEVICE: A contrivance installed in a manhole opening which can substantially diminish the introduction of storm water, dirt and debris into sanitary sewer system.

ASSISTANT TREASURER: The person designated as Assistant Treasurer by Resolution of the Authority at its regular annual meeting.

AUTHORITY: The Hanover Sewerage Authority, a public body politic and corporate of the State of New Jersey.

AUTHORITY ENGINEER: The person or firm employed in such capacity by the Authority.

AVERAGE DAILY FLOW (ADF): The total of the last 12 consecutive monthly flows divided by 365 days.

BIOCHEMICAL OXYGEN DEMAND (BOD): The quantity of oxygen, expressed in milligrams per liter (mg/l), utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty degrees (20⁰) Celsius. The standard laboratory procedure shall be that found in the latest edition of "Standard Methods for the Examination of Water and Wastewater"; ASTM Standards, Part 23, Water; Atmospheric Analysis (1972); EPA Methods for Chemical Analysis of Water and Wastes (1971).

BOARD OF HEALTH: The Township of Hanover Board of Health or the Board of Health of the municipality in which the property to be sewered is located.

BUILDING DRAIN: See "Sewers, Types of".

BUILDING SEWER: See "Sewers, Types of".

BULK LIQUID: Liquid or semi-liquid which is contained within, or is discharged from any vessel, tank or other container which has the capacity of 20 gallons or more.

BYPASS: The anticipated or unanticipated intentional diversion of waste streams from any portion of a treatment works.

CATEGORICAL STANDARD: Any limitation upon the discharge of pollutants adopted by the United States Environmental Protection Agency pursuant to Section 307(b) of the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977.

CLEANOUT: A vertical cast iron pipe with a screw type brass plug at ground level connected by a "Y" to the extension of the building drain.

COMMERCIAL CONCERN: Any business establishment engaged in service, trade, traffic or commerce in general, exclusive of industrial establishments.

COMPANY: Any corporation formed under the laws of the State of New Jersey or any other state.

COMPOSITE SAMPLE: See "Samples, Types of".

CONNECTION: Any physical change or addition to the plumbing or piping of any building, facility, or other structure, either proposed or existing, for which a building permit, or other municipal approval is required and which connects directly or indirectly to any portion of the System and which will result in additional flow into the System.

CONNECTION CHARGE: An assessment charged to the connector for its proportional share of the cost of the system.

CONNECTION PERMIT: See "Permits, Types of".

CONSTRUCTION APPLICATION: Form upon which a request is made to build or construct.

CONSTRUCTION PERMIT: See "Permits, Types of".

CONTROL MANHOLE: A permanent opening required by the Authority and built in accordance with approved plans for the purpose of monitoring the quality and/or quantity of sewage entering the System from the premises of a user.

CUSTOMER: Domestic, commercial or industrial user.

DEP: See "NJDEP".

DISCHARGE: The action of pumping, leaching, releasing, spilling, leaking, pouring emitting, emptying, or dumping and also means the causing of permitting of any of the aforesaid.

DISPOSAL: The storage, treatment, utilization or processing and final disposition of septage.

DOMESTIC SEWAGE: See under "Sewage".

DOMESTIC WASTEWATER: The liquid waste or liquid borne waste resulting from the non-commercial preparation, cooking and handling of food and/or consisting of human excrement and similar wastes from sanitary conveniences which is discharged into a treatment works.

DWELLING UNIT: A building or portion thereof occupied or intended for occupancy as separate living quarters for one or more persons provided that separate cooking, sleeping and sanitary facilities are provided within the dwelling for the exclusive use of occupants thereof and includes one family, two family and multi-family dwellings.

EASEMENT: An acquired legal right for the specific use of land owned by others.

EPA: Abbreviation for the Environmental Protection Agency, an agency of the United States Government.

EQUIVALENT UNIT (EU): Represents the average sewage flow of 230 GPD for a single family residence.

EXTENSION: Any sewer, pipe, line or any other structure or appurtenance for the transport of sewage from more than one building or structure.

FLOATABLE OIL: Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility.

GARBAGE: The animal and vegetable waste resulting from the handling, preparation and cooking and serving of food.

GOVERNMENT: The United States of America or any department or agency thereof.

GRAB SAMPLE: See "Samples, Types of".

GRAMMAR: It: Includes any person
Masculine: Includes the feminine
May: Means permissive
Shall: Means mandatory
Singular: Includes the plural

HAZARDOUS POLLUTANT:

1. Any toxic pollutant;
2. Any hazardous substance as defined by the New Jersey Spill Compensation and Control Act, N.J.S.A. 58:10-23.11; or

3. Any substance regulated as a pesticide under the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. ss 136 et seq.; or
4. Any substance the use or manufacture of which is prohibited under the Federal Toxic Substances Control Act, 15 U.S.C. ss 2601 et seq.; or
5. Any substance identified as a known carcinogen by the International Agency for Research on Cancer; or
6. Any hazardous waste designated pursuant to the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. or the Federal Resource Conservation and Recovery Act, 42 U.S.C. ss 6901 et seq.

HEALTH OFFICER: The municipality's Health Officer, or his authorized deputy, inspector, agent or representative.

HIGH STRENGTH USER: Any person who discharges or proposes to discharge into the Hanover Sewerage Authority wastewater with constituents normally having average monthly concentrations in excess of any of the limits fixed for domestic sewage; or having such other constituents or characteristics in such concentrations for which the Authority may determine, by amendment to its Service Rules, that an additional charge is required for treatment.

HIGH STRENGTH USER SURCHARGE: The additional charge that will be levied on the account of a High Strength User for the treatment of its wastewater pursuant to the User Charge System.

HOUSE CONNECTION: See "Sewers, Types of".

HSA: Abbreviation for the Hanover Sewerage Authority.

I/I: Infiltration/Inflow.

IMMEDIATE ACCESS: Access without delay but in no event beyond ten minutes from the time the request for access is made by authorized HSA personnel to any employee of the user.

INDIRECT DISCHARGE: Any discharge into HSA's domestic treatment works.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM: A sub-surface sewage disposal system designed and constructed to treat sewage in a manner that will retain most of the settleable solids in a water-tight tank and discharge the liquid portion to an adequate disposal area.

INDUSTRIAL SEWER DISCHARGE APPLICATION: A form to be filed with the Hanover Sewerage Authority by an industrial user.

INDUSTRIAL SEWER DISCHARGE PERMIT: See "Permits, Types Of".

INDUSTRIAL USER: The term "Industrial User" or "User" means any person or entity which discharges or causes or permits the discharge of industrial waste into the local sewer system; or discharges non-domestic wastewater to the Authority's system which the Authority has deemed as having a reasonable potential to violate any Federal, State or Local Regulation; or is deemed to be a categorical user or significant industrial user pursuant to Federal, State or Local Regulation.

INDUSTRIAL WASTES: The liquid wastes from industrial manufacturing processes, as defined in the 1972 Edition of the "Standard Industrial Classification Manual", as distinct from sanitary sewage. Industrial wastes includes the leachate from landfills or other contaminated areas.

INFILTRATION: Water entering a sewer through manholes, walls, pipe joints, connections and defective pipe.

INFLOW: Water entering a sewer from foundation drains, downspouts, storm sewers, manhole covers and other sources of nonpolluted water.

INHIBITORY POLLUTANT: Any pollutant which, when entering a domestic treatment works, in sufficient quantity will interfere with the treatment works' physical, chemical, and/or biological processes.

IN LIEU OF TAXES: Calculated by computing the tax revenue lost on the treatment plant real property and distributing the same among users who do not pay real property taxes.

INSERTS: A contrivance installed in a manhole opening which can substantially diminish the introduction of storm water, dirt and debris into sanitary sewer system.

INSPECTION PORT: A vertical cast iron pipe with a screw type brass plug at ground level connected by Tee to the extension of the building drain in order to permit a visual inspection of the sewer.

INSPECTOR: The person assigned by the Authority or by the Authority's representative to inspect the construction of House Connections and Sanitary Sewers, and to such other duties as may be determined pursuant to these Regulations and Specifications.

INTERFERENCE: A Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

- (2) Therefore is a cause of a violation of any requirement of the POTW's NJPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

LATERAL: See "Sewers, Types of".

MANHOLE: An opening or facility through which a person may go to gain access to an underground pipe, or structure.

MASTER PLAN: The plan for the sewerage of the Township prepared by the Authority Engineer, together with any supplements, amendments, alterations or additions thereto or hereafter in existence as approved by the Authority.

MGD: Abbreviation for million gallons per day.

MONTHLY AVERAGE FLOW: The total of the last 12 consecutive monthly flows divided by 12.

NATIONAL PRETREATMENT STANDARD: "National Pretreatment Standard", "Pretreatment Standard," or "Standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR § 403.5.

NATURAL OUTLET: Any outlet, including storm sewers and combined sewer overflows, into a water course, pond, ditch, lake or other body or surface or groundwater.

NEW SOURCE:

- A. 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:
- (i) The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - (ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

- (iii) The production or wastewater generating processes 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.
- B. 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 paragraphs (ii), or (iii) of this section but otherwise alters, replaces, or adds to existing process or production equipment.
- C. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - (i) Begun, or caused to begin as part of a continuous onsite construction program:
 - (A) Any placement, assembly, or installation of facilities or equipment; or
 - (B) 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
 - (ii) 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.

NJPDES: The New Jersey Pollutant Discharge Elimination System or "NJPDES" means the New Jersey system for the issuance of permits pursuant to the State Act.

NJDEP: The New Jersey Department of Environmental Protection.

ON-SITE TREATMENT SYSTEM: A system for the disposal of sewage waste into the ground. This shall include "cesspools", "septic tanks", "individual sewage disposal systems", and "holding tanks".

PASS THROUGH: A Discharge which exits the POTW into waters of the United States or Waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NJPDES permit (including an increase in the magnitude or duration of a violation).

PEEP HOLE: See "Inspection Port".

PEEP SITE: See "Inspection Port".

PERMITS, TYPES OF:

- a. **CONNECTION PERMIT:** A permit issued by the Authority pursuant to an approved Application for Sewer Connection, and allows the making of a connection of the Authority's lateral or street sewer.
- b. **CONSTRUCTION PERMIT:** A permit issued by the Authority pursuant to the approved Application for Sewer Construction Permit, and which allows an applicant to proceed with the construction of sanitary sewers in accordance with the provisions of these Regulations.
- c. **INDUSTRIAL SEWER DISCHARGE PERMIT:** A permit issued by the HSA to an industrial user, which authorizes the discharge of wastes to the sanitary sewer, subject to the conditions contained therein.
- d. **INSPECTION PERMIT:** A permit issued by the Authority to provide proof that a Connection Permit has been obtained and the Inspection Fee paid.
- e. **STREET OPENING PERMIT:** Any permit required by a State, County or Municipal government which will authorize opening a public street under the jurisdiction of that government for the purpose of installing a sewer line or making a sewer connection.

PERSON: Any individual, firm, company, partnership, corporation, association, group or society.

pH: The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of the hydrogen-ions, in grams, per liter of solution.

PLANNING BOARD: The Township of Hanover Planning Board.

POLLUTION: The condition of water resulting from the introduction therein of substances of any kind and in quantities rendering it detrimental or immediately or potentially dangerous to public health, or unfit for public or commercial use.

PRETREATMENT: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR § 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR § 403.6(e).

PRETREATMENT REQUIREMENTS: Any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

PRETREATMENT STANDARDS: Means all applicable Federal Rules implementing Section 307 of the Act, as well as any non-conflicting State, HSA standards. In cases of conflicting standards or regulations, the more stringent thereof shall apply.

PROFESSIONAL ENGINEER: A person licensed to practice Professional Engineering in the State of New Jersey.

PUBLIC SEWER: See "Sewers, Types of".

REGULATIONS: The Regulations, Specifications and Rate Schedule of the Authority and any additions or changes thereto.

SAMPLES, TYPES OF:

- a. **GRAB SAMPLE:** A single sample collected at a particular time and place.
- b. **COMPOSITE SAMPLE:** A sample collected at a particular place over a controlled time period by a manual operation or a mechanical device.

SANITARY SEWER: See "Sewers, Types of".

SECRETARY: The person designated as Secretary by Resolution of the Authority at its regular annual meeting.

SERIOUS VIOLATION: An exceedance, as set forth in a permit, administrative order, or administrative consent agreement, including interim enforcement limits, as follows:

1. For effluent limitations for pollutants that are measured by concentration or mass, except for whole effluent toxicity;
 - i. Violations of an effluent limitation that is expressed as a monthly average;
 - (1) By 20 percent or more for a hazardous pollutant; and
 - (2) By 40 percent or more for a nonhazardous pollutant;
 - ii. Violations of an effluent limitation that is expressed as a daily maximum or daily minimum without a monthly average;
 - (1) By 20 percent or more of the average of all of the daily maximum or minimum values for hazardous pollutant; and
 - (2) By 40 percent or more of the average of all of the daily maximum or minimum values for a nonhazardous pollutant;

2. 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 of the midpoint of the range excluding the excursions specifically excepted by a NJPDES permit with continuous pH monitoring. For example: Assuming that a permittee's effluent limitation range for pH is 6.0 to 9.0, the midpoint would be 7.5.

If the five separate readings of pH during a given day were 4.3, 5.8, 6.5, 6.0 and 6.5, the reading of 4.3 would be a serious violation as follows:

$$\frac{7.5 \text{ (midpoint)} - 4.3 \text{ (greatest exceedance)} \times 100}{7.5 \text{ (midpoint)}} = 42.6\%$$

For example: Using the same information as above. Forty percent of 7.5 is 3; therefore, if the greatest violation of a pH effluent range for any calendar day has a pH of 4.5 or less or a pH of 10.5 or greater, the violation would be a "serious violation."

3. Notwithstanding the above, the HSA may utilize, on a case-by-case basis, a more stringent factor of exceedance to determine a serious violation if the HSA states the specific reasons therefore, which may include the potential for harm to human health or the environment.

SEWAGE:

- a. **DOMESTIC SEWERAGE:** Wastes received into the Authority's system with strength constituents equal to or less than all of the following:
- 220 mg/l of BOD;
 - 220 mg/l of Suspended Solids; or
 - 40 mg/l of Nitrogen (total Kjeldahl nitrogen); or
 - 15 mg/l of Phosphorus
- b. **SANITARY SEWAGE:** The liquid wastes discharged from residences, building, institutions, industrial, establishments, together with such groundwater infiltration, surface water admixtures or other wastes as may be present, but from which industrial wastes have been excluded.

SEWAGE: See "Wastewater".

SEWERAGE AUTHORITY: The legal entity which owns or operates a sewerage facility.

SEWERAGE TREATMENT PLANT: An arrangement of devices and structures used for treating of sewage in the Township other than that used on and for a property under one ownership as an individual sanitary disposal system.

SEWER: See "Sewers, Types of".

SEWERAGE SYSTEM: Any facility or extension thereof designed to provide for the collection, treatment or discharge of sewage. Also, see "Sewers, Types of".

SEWERS, TYPES OF: An underground pipe or drain used to carry off water and waste matter as follows:

- a. **BUILDING DRAIN:** That part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the "building sewer". The "building drain" is considered to end five (5) feet outside the inner face of the building wall, at which point the "building sewer" begins.
- b. **BUILDING SEWER:** The extension of the "building drain" to the inspection port or manhole which may be located at or near to either the curb line, the property line, or the Authority's easement line. It conveys sewage from a single building or premises of any kind to the public sewer system.
- c. **BRANCH SEWER:** A sewer which receives wastewater from a relatively small area and discharges into a main sewer.
- d. **COMMON SEWER:** A sewer which all abutting properties have equal rights to use.
- e. **HOUSE CONNECTION:** The extension of the "Building Sewer" from the inspection port or manhole to the "Street Sewer".
- f. **INTERCEPTING SEWER:** A sewer that cuts transversely a number of other sewers to intercept flow.
- g. **LATERAL SEWER:** A sewer that does not have any other common sewer discharging into it.
- h. **MAIN SEWER:** Also known as a trunk sewer, receives the discharge of one or more submain sewers.
- i. **OUTFALL SEWER:** A sewer which receives wastewater from a collecting system or treatment plant and carries it to a point of final discharge.
- j. **PRIVATE SEWER:** A sewer privately owned as distinct from the Authority's sewer or other public sewer.
- k. **PUBLIC SEWER:** A sewer owned or controlled by the Authority, a public utility, or other governmental agency.
- l. **SANITARY SEWER:** A sewer that carries water carried wastes from residences, commercial building, industrial plants and institutions.
- m. **SEWER:** A pipe or conduit that carries or is intended to carry wastewater or drainage water.

- n. **SEWER SYSTEM:** All trunks, sub-trunks, sewers, interceptors, laterals, branches, and all other sewer appurtenances, whether privately owned or owned by the Authority, the sewage from which is delivered to the Authority's sewage treatment plant.
- o. **STORM DRAIN:** (Also "Storm Sewer"). A drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.
- p. **STREET SEWER:** The sewage conveying line of the Authority located in a public street or in an easement to the Authority.
- q. **SUBMAIN SEWER:** A sewer that receives the discharge from 2 or more lateral sewers.

SIGNIFICANT INDUSTRIAL USER:

(1) The term Significant Industrial User means:

1. Any user including, but not limited to, any significant industrial user as defined in 40 CFR 403.3(t)

where:

- i. The user is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N;
- ii. The user's average volume of process wastewater exceeds 25,000 gallons per day;
- iii. The amount of BOD, COD or Suspended Solids in the industrial process wastewater discharge exceeds the mass equivalent of 25,000 gallons per day of the domestic waste;
- iv. The volume of industrial process wastewater in the discharge exceeds five percent or more of the average daily dry weather flow of the HSA;
- v. The user's discharge of process wastewater contributes, five percent 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;
- vi. The user is designated as an SIU by HSA on the basis that the user has a reasonable potential for adversely affecting the HSA's operation;
- vii. The user is designated as an SIU by the HSA on the basis that the user has been in violation of any Federal, State, or local pretreatment standard or requirement, including, but not limited to, significant noncompliance as defined in 40 CFR 403.8(f)(2)(vii); or
- viii. The HSA determines it would be consistent with the intent of the Pretreatment Act or State Act to require a permit for the indirect user.

SIGNIFICANT NONCOMPLIER: “Significant noncomplier” or “SNC” means any person who commits any of the violations described below, unless the HSA uses, on a case-by-case basis, a more stringent frequency or factor of exceedance to determine a significant noncomplier and the HSA states the specific reasons therefor, which may include the potential for harm to human health or the environment.

- A. Violations which cause a person to become or remain an SNC under the state definition of significant noncomplier include:
1. A serious violation for the same pollutant, at the same discharge point source, in any two months of any consecutive six month period;
 2. Exceedance of an effluent limitation expressed as a monthly average, for the same pollutant, at the same discharge point source, by any amount in any four months of any consecutive six month period;
 3. If there is not an effluent limitation for a particular pollutant expressed as a monthly average, exceedance of the monthly average of the daily maximums for the effluent limitation, for the same pollutant, at the same discharge point source, by any amount in any four months of any consecutive six month period;
 4. Any exceedance of an effluent limitation for pH by any amount, excluding the excursions specifically excepted by a permit issued by the HSA with continuous pH monitoring, at the same discharge point source in any four months of any consecutive six month period;
or
 5. Failure to submit a completed discharge monitoring report in any two months of any consecutive six month period.
- B. Under the federal definition set forth at 40 CFR 403.8(f)(2)(vii), an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:
1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
 2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).

3. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority 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);
4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;
5. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
6. Failure to provide, within 30 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;
7. Failure to accurately report noncompliance;
8. Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

SLUDGE: The solid residue and associated liquid resulting from physical, chemical, and/or biological treatment of domestic or industrial wastewaters.

SLUG: Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes or more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation and/or may adversely affect the collection system and/or performance of the wastewater treatment works.

SPECIAL WASTE: Potentially hazardous or otherwise unusual liquid waste such as, but not limited to, leachate. A person who discharges or proposes to discharge special waste is referred to as a "special waste discharger" and may also be classified as a "High Strength User".

SPECIAL WASTE CHARGE: The additional charge that will be levied on account of a Special Waste Discharge pursuant to the User Charge System and Fees; Appendix I, Section 5b.

SURCHARGE: The additional charge that will be assessed on account of treating wastewater which contains constituents in excess of any of the limits fixed for domestic sewage. It shall mean the High Strength User Surcharge.

Surcharges will be computed and assessed pursuant to Appendix I, Section 5a (6).

STORM SEWER: (Also "Storm Drain"). See Sewers, Types of'.

STREET: Any and all streets, avenues, highways and roads whether publicly used or dedicated with or without acceptances by the Township, County or State.

SUSPENDED SOLIDS, (SS): Total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and that is removable by laboratory filtering and prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as non-filterable residue.

SYSTEM: All trunks, interceptors, conduits, pipe lines, mains, pumping and ventilation stations, appurtenances, treatment or disposal systems, plants and works, outfalls, and all other structures and conveyances and real and tangible personal property acquired, constructed or operated by the Authority for the purposes of the Authority.

TAP: Procedure by Authority to join a sanitary sewer with the sewer system by cutting an opening and installing a saddle type fitting to the sewer system.

TOWNSHIP: The Township of Hanover in the County of Morris State of New Jersey, or else the municipality in which the sewer or to be sewer property is located.

TOWNSHIP ENGINEER: The duly appointed Engineer of the Township.

TREATABILITY STUDY: Analysis of the impact an industrial user's wastewater will have on the Authority's biological treatment processes and an evaluation of whether such wastewater is compatible with such processes.

TREATMENT WORKS: Any device or systems, whether publicly or privately owned or operated, used in the storage, treatment, recycling, or reclamation of domestic 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; 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, or industrial waste in the sanitary sewer systems.

TREASURER: The personal designated as Treasurer by Resolution of the Authority at its regular meeting.

UNIT CHARGE: Calculated by dividing the annual operations and maintenance budget by the total number of equivalent units, based upon the average daily single family water consumption.

UNPOLLUTED WATER: Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

UPSET: 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 Department or a delegated local agency.

USER: Any individual, firm, company, partnership, corporations, association, group or society, which discharges wastewater into a treatment works.

USER CHARGE SYSTEM: A method required and approved by the EPA to provide an equitable basis for assessment and collection of operation and maintenance costs of the wastewater treatment facilities from each other.

WASTEWATER: A combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions. In recent years, the word "wastewater" has taken precedent over the word "sewerage".

WASTEWATER FACILITIES: The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

WASTEWATER TREATMENT WORKS: An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with "wastewater treatment plant" or "waste treatment plant" or "water pollution control plant".

WATERCOURSE: A natural or artificial channel for the passage of water either continuously or intermittently.

ARTICLE III

REGULATIONS

300 GENERAL SEWER USE REQUIREMENTS

300.1 GENERAL REQUIREMENTS. All users of the system of the HSA are subject to such terms and conditions as the HSA may prescribe, including, but not limited to, the following:

- A. The Authority shall deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by Industrial Users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions will cause Interference with the POTW, or will Pass Through the POTW or will cause the POTW to violate its NJPDES permit;
- B. The Authority shall require compliance with applicable federal and state regulations, pretreatment standards and requirements, EPA's listed general prohibitions [40 CFR 403.5(a)], specific prohibitions [40 CFR 403.5(b)], and any local limitations developed pursuant to 40 CFR 403.5(c) and N.J.A.C. 7:14A-19.7;
- C. The Authority shall prohibit any discharge which will result in a nuisance, or contamination or pollution of the receiving waters of the POTW;
- D. The Authority shall prohibit conditions which violate any statute, rule, regulation or ordinance of any public agency (including, but not limited to the EPA, and any discharges prohibited by the EPA);
- E. The Authority shall control through permit, order, or similar means, the contribution to the POTW by each Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements. In the case of Industrial Users identified as significant under Article II of the HSA Rules and Regulations, this control shall be achieved through permits or equivalent individual control mechanisms issued to each such user. Such control mechanisms shall be enforceable and contain, at a minimum, the following conditions:
 - 1. Statement of duration (in no case more than five years);
 - 2. Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;
 - 3. Effluent limits based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and State and local law;
 - 4. Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards, categorical pretreatment standards, local limits, and State and local law;

5. Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines.

F. The Authority may develop and enforce, pursuant to 40 CFR 403.5, specific effluent limitations for Industrial User(s), and all users, as appropriate, which together with appropriate changes in the POTW Treatment Plant's facilities or operation, are necessary to ensure renewed and continued compliance with the POTW's NJPDES permit or sludge use or disposal practices. Such local limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond.

300.2 SEWER CONNECTION REQUIRED: The owner of all houses, buildings or properties used for human occupancy, commerce, industry, recreation, or other purposes, situated within the Township of Hanover and abutting any street, alley or right of way in which there is now located or may in the future be located a Public Sewer is hereby required at the owner's expense to install suitable Wastewater facilities therein, and to connect such facilities directly or indirectly with the proper Public Sewer in accordance with the provisions of these Regulations within sixty (60) days after receipt of a notice to do so, provided that said buildings or properties have reasonable access to the Public Sewer as determined by the Authority. A property shall be presumed to have reasonable access if it is located within 200 feet of said sanitary sewer.

300.3 PROHIBITED WASTES. No person shall discharge, deposit, cause or allow to be deposited or discharged into the treatment plant or public sewer, any waste which causes or contains the following:

a) Explosive Wastes or Fire Hazards: Wastes which create a fire or explosive hazard to the treatment plant, collection system or the operation of the system. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene and ethers.

i) Measured at the point of discharge to any on site plumbing, piping or sewer system. Materials that flash below 90°F using the Pensky-Martins closed tester (ASTM D 93-80).

ii) Measured at the point of discharge to the Authority's system waste streams with a closed cup flashpoint of less than 140°F or 60°C using the test methods specified in 40 CFR 261.21.

b) Corrosive Wastes¹: Wastes which cause corrosion or deterioration of the treatment plant or collection system. All wastes shall have a pH not less than 5.5 or greater than 9.5 except in circumstances where the discharger is the holder of an Industrial Sewer Discharge Permit which provides for continuous pH monitoring and the operation of an Authority approved pH control facility for the total waste stream of the discharger in which event the following pH limits and reporting requirements shall apply:

1) Allowable pH Limits

Not less than 5.5 to not greater than 9.5 (standard units)

- 2) Maximum time for a single excursion outside allowable pH limits
 Low pH or high pH - 20 minutes
- 3) Maximum cumulative time in a calendar month for excursions outside allowable pH limits

 60 minutes
- 4) pH range from which no excursion is permitted
 Not less than 4.0 to not greater than 11.0

In the event of an excursion exceeding the aforesaid limits, the discharger shall give telephone notice to the Authority within one (1) hour of the occurrence and written notice by 5:00 p.m. the next business day providing the following information:

- 1) The time of occurrence of the excursion;
 - 2) The pH recorded for the excursion;
 - 3) The duration of the excursion; and
 - 4) The cause or causes of the excursion (to the extent known).
- c) Solids and Viscous Wastes: Solids or viscous wastes in amount which would cause obstruction to the flow in a sewer, or otherwise interfere with the proper operation of the treatment plant. Prohibited materials include, but are not limited to, uncomminuted garbage, bones, hides or fleshings, cinders, sand, glass, ashes, mud, straw, shavings, metal, rags, feather, offal, plastics, wood, paunch manure, hair, entrails, lime residues, beer or distillery slops, chemical residues, paint or ink residues, cannery waste bulk solids, antibiotic wastes, free mineral acid, concentrated pickling wastes or plating solutions or any other solid or viscous substance capable or causing obstruction to the flow or other interference with the proper operation of the Authority's system.
- d) Garbage or Refuse²: Any discharge of non- food garbage or refuse is prohibited. The discharge of food waste from a residential user through a food waste disposal unit designed to grind this waste is permitted provided that the other sections of these Regulations are not violated. The discharge of food waste from a food waste disposal unit from a non-residential user is prohibited unless specifically authorized in writing. The disposal of food waste from a food grinding unit or dishwasher designed to grind food waste may be permitted on a case by case basis based upon the availability of plant capacity, the strength of the wastewater to be discharged and other factors affecting the operation of the System.
- e) Noxious Materials: Noxious or malodorous compounds which, either singly or by inter-action 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 or repair.
- f) Radioactive Wastes: Radioactive wastes or isotopes of such half life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and which will, or may, cause damage or hazards to the treatment plant or personnel operating the system.

- g) Interference: Any waste, including oxygen demanding wastes, released at a flow rate or concentration which will cause interference with the HSA treatment plant or with disposal of the sludge resulting from the treatment process.
 - h) Excessive Discharge Rate: Industrial wastes discharged in a slug of a volume or strength to cause a treatment process upset or loss of treatment plant efficiency.
 - i) Heat: Any discharge which contains heat in amounts which could inhibit biological activity in the treatment process or cause loss of treatment efficiency or cause the temperature of the influent to the HSA treatment plant to exceed 104°F.
 - j) Unpolluted Wastes³: Any unpolluted water which will increase the hydraulic load on the Authority's system except as provided by variance in an Industrial Sewer Discharge Permit or Service Contract. Wastes intended to be prohibited by this Regulation include but are not limited to:
 - i) Non-contact cooling water
 - ii) Storm water
 - iii) Surface water
 - iv) Discharges from subsurface drainage systems, sump pumps, roof drains, downspouts, foundation drains or areaway drains.
 - v) Groundwater in amounts greater than the leakage allowed in Article IV.
 - vi) Swimming pool drainage or backwash
 - vii) Condensate
 - k) Dilution Water: Any water added for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limits.
 - l) Violations: Wastes which cause the HSA treatment plant to violate its NJPDES Permit, applicable receiving water standards, permits regulating sludge disposal or any other permit issued to the HSA.
 - m) Extremely Hazardous Wastes: Those wastes designated by the USEPA as sufficiently toxic that they shall not be discharged to a sanitary sewer in any concentration.
 - n) Septic tank or cesspool wastes will not be accepted.
 - o) Slug: Any discharge of water or wastewater which in concentration of any given constituent or in any quantity of flow exceeds for any period or duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flow during normal operation and/or may adversely affect the collection system and/or performance of the wastewater treatment works.
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- p) Any wastewater which contain total dissolved sulfides in excess of:
- 1) 0.2 mg/l where the dischargers point of connection to the System is a gravity sewer line;
or
 - 2) 0.4 mg/l where the dischargers point of connection to the System is a pressure or force main.
- q) Any water or wastes containing toxic or poisonous substances in such concentration either singly or by interaction with other wastes as to constitute a hazard to humans or animals, or to interfere with any sewage treatment process, or to create any hazard in the receiving waters of the sewage treatment plant.
- r) Any High Strength Waste or Special Waste unless the Authority has entered into an agreement with the High Strength User or Special Waste Discharger, pursuant to Appendix I, Section 5a(6) and 5b.
- s) Any water or waste which may contain soluble oil or grease or any water containing floatable fats, oils, greases, or other substance in sufficient concentrations that might solidify and/or cause to solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65°C).
- t) Any concentrated dye wastes, spent tanning solutions, or other wastes which are highly colored, or wastes which are of unusual volume, concentration of solids or composition that may create obstruction to the flow in sewers, or other interference with the proper operation of the System or the quality of the effluent from the System.
- u) Any water containing suspended solids of such character and quantity that unusual provision, attention or expense is required to handle such materials at the sewage treatment plant.
- v) Toxic/Hazardous Chemicals:
Any toxic or hazardous chemical (including but not limited to organic, inorganic, biological, pesticides, PCBs) not covered under the "Maximum Allowable Concentrations" in Section 300.4 is prohibited. The Authority may allow discharge of some toxic chemicals in addition to those regulated under Section 300.4 on a case-by-case basis if the user demonstrates the discharge will not effect the operation of the Treatment Plant, environment or compromise worker health and safety and cannot be removed by best available technology. Such an authorization to discharge may include site specific and chemical specific discharge limitations.
- w) Oils:
Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause acute worker health and safety problems.
- x) Toxic Gases, Vapors or Fumes:
Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quality that may cause acute worker health and safety problems.
- y) Trucked or Hauled Pollutants:
Any trucked or hauled pollutants, except at discharge points designated by the POTW.

- z) National Pretreatment Standard Prohibited Discharges:
Any pollutant prohibited by the National Pretreatment Standards as amended from time to time.

300.4 MAXIMUM ALLOWABLE CONCENTRATIONS

(I) Maximum Allowable Concentrations

<u>Regulated Parameter</u>	<u>Daily Maximum Limit</u> <u>mg/l unless noted</u>
Temperature (in F)	110
pH (in S.U.) (Except per 300.3(b))	5.5 - 9.5
Biochemical Oxygen Demand (Except per 300.4(II))	220
Total Suspended Solids (Except per 300.4(II))	220
TKN (Except per 300.4(II))	60
Ammonia (NH ₃ as N) (Except per 300.4(II))	29
Phosphorus (Total)	15
Oil & Grease (O&G)	100
Petroleum Hydrocarbons	50
Color (in Pt-Co units)	200
Arsenic (Total)	1.00
Beryllium (Total)	0.5
Cadmium (Total)	0.10
Chromium (Total)	0.42
Copper (Total)	0.80
Lead (Total)	0.50
Mercury (Total)	0.10
Nickel (Total)	1.00
Silver (Total)	0.29
Zinc (Total)	1.42
Cyanide (CN)	0.10
Total Toxic Organics (See HSA-TTO List Section 300.4)	5.00

- (II) The HSA may permit non domestic users to discharge wastewater with concentrations of BOD, Total Suspended Solids, TKN and ammonia greater than the limits stated in Section 300.4(I) by variance provided that sufficient capacity exists at the HSA Treatment Plant and the plant can process the higher concentration. 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 Paragraph 300.4(I). The Authority may also require the installation of pretreatment equipment to reduce BOD, TSS, TKN or ammonia concentrations as a condition of granting a variance. A variance which will reduce the rated capacity of the Treatment Plant may 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 fee specified in Appendix I. The application shall be made on forms provided by the Authority and shall include the following information:

- a) Requested maximum daily and average monthly BOD, TSS, TKN and/or ammonia 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.

Variations for users with Industrial Sewer Discharge Permits shall be incorporated into said permit. Variations for users without Industrial Sewer Discharge Permits shall be in the form of a General Permit or Service Contract.

Variations 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 is a violation of the Authority's Regulations.

Surcharge fees shall be calculated in accordance with the provisions of Appendix I.

Sampling and analysis fees and variance fees shall be paid prior to issuance of the variance. Rates shall be in accordance with the provisions of Appendix I.

If granting a variance will reduce the rated capacity of the Treatment Plant, the user shall be required to pay an annual fee for the reduction in rated capacity in accordance with the provisions of Appendix I.

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.

- (III) Limitations contained in Paragraph 300.4(I) may be modified by the Authority on a case-by-case basis under the following circumstances.
- a) The maximum allowable wasteload available to the treatment plant at the present flow will not be exceeded and the HSA 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 (NJDEP enforceable Level (PQLs).
 - d) Cost of the compliance and/or pretreatment will be very burdensome or fatal to economic survival of the applicant.
 - e) The discharge will not violate the provisions of Sections 300.3 and/or 300.4.
 - f) The exemption(s) will comply with applicable Federal Categorical Standards and an approval is granted by NJDEP (Bureau of Pretreatment and Residuals).
 - g) The applicant has provided all the supporting document and information requested by the HSA. In addition, the applicant has agreed to bear the cost of the entire review and approval process.
 - h) The applicant agrees to all special conditions or requirements imposed by the HSA.
 - i) Any other information, data and/or requirements deemed necessary by the HSA.
- (IV) The term Total Toxic Organics or TTO shall mean any or all of the compounds listed below except in the case of Categorical limitations in which case the compounds included shall correspond to the listing for that category. Compliance with the limitation of 5.0 mg/l is based on the summation of all of the following organics detected at a concentration greater than 10 Part Per Billion (ug/l) i.e. 0.01 ppm (mg/l). (Extra organics (*) added to NJPDES's TTO List)

(A) VOLATILES

Acrolein

Acrylonitrile
Benzene
Bromoform
Carbon Tetrachloride
Chlorobenzene
Chloro-dibromomethane
Chloroethane
2-Chloro-ethylvinylether
Chloroform
Dichloro-bromomethane
1,1-Dichloroethane
1,2-Dichloroethane
1,1-Dichloroethylene
1,2-Dichloropropane
1,3-Dichloropropylene
Ethylbenzene
Methyl Bromide
Methyl Chloride
Methylene Chloride
1,1,2,2-Tetrachloroethane
Tetrachloroethylene
Toluene
1,2-t-Dichloroethylene
1,1,1-Trichloroethane
1,1,2-Trichloroethane
Trichloroethylene
Vinyl Chloride
2-Butanone (MEK)(*)
4-methyl-2-Pentanone(MIBK)(*)
Acetone (*)
Methyl-t-butylether(MTBE) (*)
Xylene (Total) (*)

(B) ACID EXTRACTABLES

2-Chlorophenol
2,4-Dichlorophenol
2,4-Dimethylphenol
4,6-Dinitrocresol
2,4-Dinitrophenol
2 Nitrophenol
4 Nitrophenol
p-Chloro m-Cresol
Pentachlorophenol
Phenol
2,4,6-Trichlorophenol

2-Methylphenol (*)

4-Methylphenol (*)

(C) BASE/NEUTRAL

Acenaphthene

Acenaphthylene

Anthracene

Benzidine

Benzo (a) Anthracene

Benzo (a) Pyrene

3,4-Benzo Fluoranthene

Benzo (ghi) Perylene

Benzo (k) Fluoranthene

Bis(2-Chloroethoxy) Methane

Bis(2-Chloroethyl) Ether

Bis(2-Chloroisopropyl) Ether

Bis(2-Ethylhexyl) Phthalate

4-Bromophenyl-phenylether

Butylbenzyl Phthalate

2-Chloronaphthalene

4-Chlorophenyl-Phenylether

Chrysene

Dibenzo-(a,h)-Anthracene

1,2-Dichlorobenzene

1,3-Dichlorobenzene

1,4-Dichlorobenzene

3,3-Dichlorobenzidine

Diethyl Phthalate

Dimethyl Phthalate

Di-n-butyl Phthalate

2,4-Dinitrotoluene

2,6-Dinitrotoluene

Di-n-octyl Phthalate

1,2-Diphenylhydrazine

Fluoranthene

Fluorene

Hexachlorobenzene

Hexachloro-Butadiene

Hexachloro-Cyclopentadiene

Hexachloroethane

Indeno(1,2,3-cd) Pyrene

Isophorone

Naphthalene

Nitrobenzene

n-Nitroso-dimethylamine

n-Nitrosodi-n-Propylamine
n-Nitroso-diphenylamine
Phenanthrene
Pyrene
1,2,4-Trichlorobenzene
2-Methylnaphthaline (*)
Benzoic Acid (*)
Benzyl Alcohol (*)

300.5 CATEGORICAL PRETREATMENT STANDARDS No person shall discharge, deposit, cause or allow to be deposited or discharged into the treatment plant of HSA, any waste which violates applicable categorical pretreatment standards. The General Pretreatment Standards set forth at 40 CFR 403.1 *et seq.* and Federal Categorical Pretreatment Standards set forth at 40 CFR Chapter I, Subchapter N are hereby incorporated herein by reference, including all supplements and amendments thereto, as if fully set forth. Pretreatment standards for toxic or other industrial wastes are promulgated by USEPA for a given industrial category, all industrial users shall conform to the USEPA timetable for complying with discharge limitations. In addition, an industrial user shall comply with any more stringent standards which are established by HSA or other regulatory agency. Changes and additions shall be made as necessary from time to time by resolution of the Authority. Categorical pretreatment standards can be modified only through the Federal regulatory mechanisms available pursuant to 40 CFR 403.7.

300.6 AUTHORITY'S RIGHT OF REVISION The Authority reserves the right to establish, by resolution or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

300.7 DILUTION PROHIBITED 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.

301 PRETREATMENT OF WASTEWATER

301.1 PRETREATMENT FACILITIES

(A) A pretreatment facility or device may be required by the Industrial Director to treat or monitor industrial wastes prior to discharge to the public sewer or the HSA treatment plant. Where pretreatment or construction is necessary to control or monitor industrial wastes as required, the industrial user shall develop a compliance schedule for the installation of technology required to meet applicable pretreatment standards and requirements prior to the compliance date established in the regulations. 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 Industrial 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 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 HSA reveals such systems are not installed or operating in conformance with the plans and procedures submitted to HSA, or are not operating in compliance with the effluent limitations required by HSA, the industrial user shall make those modifications necessary to meet those requirements. All pretreatment systems judged by the Industrial 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 Regulations and all other applicable codes, ordinances and laws.

301.2 ADDITIONAL PRETREATMENT MEASURES

- (A) Whenever deemed necessary, the Executive Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Resolution,
- (B) The Executive Director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- (C) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Executive Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Executive Director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed by the user at their expense.
- (D) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

301.3 UPSETS, BYPASSES, SPILLS, SLUGS, UNUSUAL DISCHARGES AND NON-COMPLIANCE

- (I) If for any reason, a user does not comply with or will be unable to comply with any prohibitions, limitations or conditions contained either in these Regulations, any municipal ordinance, State or Federal Regulations, or Industrial Sewer Discharge Permit or causes or becomes aware of an upset, bypass, spill, slug or unusual discharge from their site or facility, the user shall immediately notify the Authority. Notification shall be in the manner described hereinafter. Users shall take immediate action to correct and mitigate the effects of the event being reported to prevent interference with the treatment process and/or damage to the treatment works. Users shall maintain sufficient control over activities (including but not limited to activities of employees, contractors, subcontractors and agents) at their site or facility so as to be immediately aware of any event which may require notification of the Authority.

(II) An upset shall constitute an affirmative defense to an action brought for non-compliance if the industrial user can demonstrate that such event occurred and can identify the specific causes of the upset. In addition, the user must demonstrate that the causes were due to circumstances beyond his control and that the facility was, at the time of the discharge, being operated in compliance with the applicable operation and maintenance procedures and that the telephone report required pursuant to 301.3(III) was timely made and that the written report required under Section 301.3(III)(IV) was filed in a timely manner. Nothing herein shall render the industrial user not responsible for payment of such additional costs as may be incurred by the municipality or the HSA as a result of the upset. The burden of proof in establishing the occurrence of an upset shall be borne by the industrial user.

(III) The following procedure shall be used when reporting any of the events listed in Section 301.3(I):

(I) Immediately telephone one of the following:

- A. Between 7:00 a.m. and 4:30 p.m. Monday through Friday. Please contact Treatment Plant Superintendent at 428-2486. If Superintendent is not available, please report to the person receiving the call.
- B. After 4:30 p.m., weekends, or if unable to contact Treatment Plant Superintendent above: Contact Hanover Township Police at 428- 2511 and request they notify Authority personnel.

In either case report the following:

- 1) Name and address of company.
 - 2) The number where the individual calling can be reached.
 - 3) Time of occurrence, duration (if known) and the exact location.
 - 4) Type of substance, amount and any hazards (corrosive, toxic, explosive, etc.) associated with the substance.
 - 5) Action being taken to correct the problem.
- (II) The user shall make a follow up report within 24 hours after the commencement of the event or of the user becoming aware of the event, verbally communicating the following information to the Authority via the telephone by contacting Treatment Plant Superintendent at 428-2486.
- A. The duration of the event including the exact dates and times, and if the non-compliance has not been corrected, the anticipated time the user will return to compliance.

- B. The cause of the event.
 - C. Steps the user is taking to reduce, eliminate and prevent reoccurrence of the event.
 - D. An estimate of the threat to human health or the environment posed by the event.
 - E. The measures the user has taken or is taking to remediate the problem and any damage or injury to human health or the environment, and to avoid a repetition of the problem; and
 - F. Any revisions to the information given during the first notification.
- (III) A written report is to be submitted to the Authority within five (5) days. This report shall restate the above information. In addition, the report shall include the volume discharged, the analytical results of samples taken during the discharge and the corrective actions taken to prevent further violation.

This report can be the same report as filed with NJDEP as hereinafter required.

- (IV) If the user becomes aware that it has failed to submit any relevant facts or has submitted incorrect information required in previous notifications the user shall immediately submit such facts or information to the Authority.
- (V) Events involving discharges other than exceedances of permit limitations detected during monitoring or failure to monitor must also be reported to NJDEP hot line as follows:
- A. The user shall, within two (2) hours after commencement of the discharge or the user becoming aware of the discharge, verbally communicate the following information to the NJDEP via the hotline at 1-877-WARN DEP (1-877-927-6337).
 - 1) A description of the discharge, including the time of the discharge, the volume of the discharge, the concentration of the pollutants discharged, and the receiving water of the discharge.
 - 2) Steps the user will take to determine the cause of the non-compliant discharge.
 - 3) Steps the user will take to reduce and eliminate the non-compliant discharge.
 - B. The user shall, within 24 hours after the commencement of the discharge or of the user becoming aware of the discharge, verbally communicate the following information to the NJDEP via the hotline:

- 1) The duration of the discharge including the exact dates and times, and if the non-compliance has not been corrected, the anticipated time the user will return the discharge to compliance.
 - 2) The cause of the non-compliance.
 - 3) Steps the user is taking to reduce, eliminate and prevent reoccurrence of the noncomplying discharge.
 - 4) An estimate of the threat to human health or the environment posed by the discharge.
 - 5) The measures the user has taken or is taking to remediate the problem and any damage or injury to human health or the environment and to avoid a repetition of the problem; and
 - 6) Any revisions to the information given during the first notification.
- C. The user shall, within five (5) working days after the commencement of the discharge or the user becoming aware of the discharge, submit in writing to the parties identified below, all the information required in both prior verbal notifications listed in V.A and B above. The written report shall be submitted to the following:

Assistant Director of Enforcement
Division of Water Resources
NJDEP
401 East State Street
CN 029
Trenton, New Jersey 08625

and

Hanover Sewerage Authority
Treatment Plant Superintendent
P.O. Box 320
1000 Route 10
Whippany, New Jersey 07981

- D. If the user becomes aware that it has failed to submit any relevant facts or has submitted incorrect information required in previous notifications, the user shall immediately submit such facts or information to the NJDEP and the Authority.

- E. 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 an upset, spill, slug, or unusual or non-compliant discharge, including, but not limited to, any discharge which would violate a prohibition under Article 300.4. The permitted industry shall insure that all employees who may cause or suffer such a discharge to occur are advised of the emergency notification procedure.
- F. Protection from Upset, Spill, Slug, or Unusual or Non-compliant Discharge - The permitted industry shall provide protection against accidental or slug discharge of prohibited materials or other regulated wastes, including, but not limited to, any discharge which would violate a prohibition under Article 300.4. Such protection measurements or program must conform to the minimum elements of Slug Control Plan as set forth under 40 CFR 403.8(f)(2)(v). Implementation of such measures in order to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's own cost and expense.

301.4 ACCIDENTAL DISCHARGE CONTROL PLANS At least once every two (2) years, the Executive Director shall evaluate whether each permitted industry needs an accidental discharge/slug control plan. The Executive Director may require any user to develop, submit for approval, and implement such a plan. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (I) Description of discharge practices, including nonroutine batch discharges;
- (II) Description of stored chemicals;
- (III) Procedures for immediately notifying the Executive Director of any accidental or slug discharge, including any discharge that would violate a prohibition under Article 300.4; and
- (IV) Procedures to prevent adverse impact from any upset, spill, slug, unusual or noncompliant discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

301.5 REMOVAL OF WASTEWATER FROM THE SYSTEM (RESERVED)

302 INDUSTRIAL SEWER DISCHARGE PERMIT APPLICATION

302.1 INDUSTRIAL SEWER DISCHARGE PERMIT Except as provided in Section 301.5, each Industrial User shall discharge or cause to be discharged any Industrial Wastes, either directly or indirectly, into the System and shall first obtain an Industrial Sewer Discharge Permit issued by the HSA. No discharge of Industrial Waste shall occur prior to the issuance of said permit.

302.2 NEW INDUSTRIAL USERS AND INTRODUCTION OF NEW OR ADDITIONAL SOURCES OF POLLUTANTS FROM EXISTING INDUSTRIAL USERS

- (I) New industrial users who desire to locate within the HSA service area and existing industrial users who desire to commence operation within a new facility in the HSA service area shall apply for and receive an Industrial Sewer Discharge Permit prior to commencement of operations.
- (II) Existing industrial users who desire to discharge from processes not previously covered by an Industrial Sewer Discharge Permit, who desire to implement new or modified processes which will discharge pollutants in concentrations or quantities 20 percent greater than those covered by a previous permit application or who propose operational changes which change the characteristics of the wastewater, shall apply for a new or modified Industrial Sewer Discharge Permit. If the Authority determines a new or modified permit is needed, the permit must be obtained prior to the commencement of operations.

302.3 EXISTING INDUSTRIAL USERS

- (I) Except as provided in Section 302.3(II) and Section 302.3(III) all non-domestic users discharging waste directly or indirectly into the HSA system shall comply with the discharge limitations contained in Section 300 effective December 14, 1994.
- (II) Any permitted industrial user who cannot meet discharge requirements of Article III, Section 300.3 and/or 300.4 on the effective date, as a result of that requirement being made more stringent, may apply for an interim limit for a specific parameter. Based on average historical analysis of the facility's wastewater, an interim limit may be granted if the wastewater can be treated by the Authority's system and does not violate the provisions of Sections 300.3 and 300.4. The interim limitation, if granted, will remain in effect for a period not to exceed three (3) years. Requests for interim limitations must include the following:
 - a) Requested discharge limitation
 - b) Source of the pollutant for which an interim limitation is requested.
 - c) Type of pretreatment implementation
 - d) Summary of test results of analysis performed for this parameter
 - e) Proposed schedule of steps to be taken to achieve compliance
 - f) Any other information determined necessary by the Authority's Executive Director.

A Schedule of compliance as well as the interim and final limitations will be included in the user's Industrial Sewer Discharge Permit. Applications for interim limitations must be submitted by March 1, 1995. During the interim period the user may continue to discharge at the average historic concentrations provided that the requirements of Sections 300.3 and 300.4 are met. Applications for interim limits must be accompanied by the fee specified in Appendix I as well as feasibility study escrow fees to cover the cost of review by the Authority's Engineer.

- (III) Any industrial user who cannot meet the limitations for BOD, TSS, total nitrogen and/or ammonia based upon historic analysis of their industrial wastewater may apply for a variance with higher limitations for a specific parameter. Variance applications must be submitted by March 1, 1995. During the interim period, the user may continue to discharge at the average historic concentrations provided that the requirements of Sections 300.3 and 300.4 are met.

302.4 PROCEDURE FOR OBTAINING AN INDUSTRIAL SEWER DISCHARGE PERMIT

- (I) Person requiring a permit to discharge shall complete an HSA application form and forward it to the Industrial Director of the HSA. Upon receipt of all required information, the application shall be processed and upon approval, a permit shall be issued.
- (II) The application shall be approved if the applicant has complied with all applicable requirements of these Regulations and furnished to the Industrial Director all requested information, and if the Consulting Engineer determines that there is adequate capacity in the HSA treatment plant to convey, treat and dispose of the industrial wastes.
- (III) 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.

302.5 INDUSTRIAL SEWER DISCHARGE PERMIT APPLICATION CONTENTS All users required to obtain a Industrial Sewer Discharge Permit must submit a permit application. The Executive Director may require all users to submit, as part of an application, the following information.

- A. All information required by Section 304.1(B) of this Resolution;
- B. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- C. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- D. Each product produced by type, amount, process or processes, and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);
- F. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- G. Time and duration of discharges; and

- H. Any other information as may be deemed necessary by the Executive Director to evaluate the Industrial Sewer Discharge Permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

- 302.6 SIGNATORIES AND CERTIFICATION All Industrial Sewer Discharge Permit applications and user reports must be signed by the highest ranking official having day-to-day managerial and operational responsibilities for the user's facility, who may, in his absence, authorize another responsible high ranking official during the period of time a report is required to be filed, and 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 knowing violations.

The highest ranking official shall be liable in all instances for the accuracy of all the information provided in the report, provided, however, that the highest ranking official may file, within seven (7) days of his return, amendments to the report to which he was not a signatory. The filing of amendments to a report in accordance with this section shall not be considered a late filing of a report.

- 302.7 PUBLIC NOTICE AND HEARING REQUIREMENTS Procedural requirements for the issuance, renewal, substantial modification (as defined under 40 CFR 403.18), suspension, or revocation of IPP permits or indirect user authorizations shall include public notice, an opportunity to comment, and opportunity to request a public hearing on all draft IPP permits. HSA shall issue a response-to-comments document at the time a final permit is issued.

- (A) The response to comments document shall:

- i. State the action HSA has taken on the final permit;
- ii. Specify which provisions, if any, of the draft permit have been changed in the final permit, and the reasons for any such change; and
- iii. Briefly describe and respond to all relevant comments on the draft permit raised during the public comment period, or during the public hearing; if any.

- (B) The HSA shall publish public notice for the following:

- i. Issuance of a draft permit under N.J.A.C. 7:14A-15.6;
- ii. Scheduling of a public hearing under N.J.A.C. 7:14A-15.12; and

- iii. Reopening or extension of the public comment period under N.J.A.C. 7:14A-15.14, except that when the comment period is extended for 15 days or less, public notice of the extension shall be limited to an oral or written notice to the applicant and to those persons who commented on the draft permit.
- (C) The HSA shall not publish a public notice seeking public comment for the following:
- i. Denial of request for permit modification, revocation and reissuance, suspension, or revocation under N.J.A.C. 7:14A-16.3(c). Written notice of the denial shall be provided to the applicant and to the permittee;
 - ii. Issuance of a minor permit modification under N.J.A.C. 7:14A-16.5; or
 - iii. Activation of the terms and conditions of a suspended permit previously subject to public notice in accordance with this section.
- (D) The HSA shall publish the public notice for draft permits and reopening or extension of the public comment period under (A)1 and 3 above, at least 30 days prior to the end of the public comment period. When public notice is published in one or more newspapers the comment period shall close no sooner than 30 days after the last newspaper publication.
- (E) For a public hearing under (A)2 above, 30 days prior to the public hearing.
- (F) The HSA may describe more than one type of discharge or permit action in a public notice. Public notice of the public hearing and draft permit may be combined and published concurrently.
- (G) The public notice shall include the following information:
- i. The name and address of the applicant or permittee and, if different, of the facility and/or activity regulated by the permit;
 - ii. A brief description of the business conducted at the facility or activity described in the permit, permit application, or draft permit;
 - iii. The name and address of the office within the HSA to which a person can make a written request to view the administrative record and the times and place at which the record will be open for public inspection;
 - iv. A statement of the procedures by which to request a hearing (unless a hearing has already been scheduled) and other procedures by which a person may participate in the final permit decision process, as well as, the date, time and place of any scheduled public hearing;

- v. The opening and closing date of the comment period, including a statement that comments shall be postmarked by the closing date; and
 - vi. Any additional information considered by the HSA to be necessary or appropriate.
- (H) During the public comment period established under N.J.A.C. 7:14A-15.10, any person may submit written comments on a draft permit based upon significant and relevant issues and data.
 - (I) If a public hearing has not already been scheduled, a person may request a public hearing on a draft permit for which public notice has been published pursuant to N.J.A.C. 7:14A-15.10. A request for a public hearing shall be in writing and shall state the nature of the significant and relevant issues proposed to be raised in the hearing and why these issues cannot be adequately expressed other than at a public hearing.
 - (J) The HSA shall hold a public hearing if there is or may be a significant degree of public interest in favor of holding a public hearing. The HSA may hold a public hearing if it determines that a hearing is likely to clarify one or more legal and/or factual issues on a draft permit and that oral testimony is essential to adequately express all issues and concerns.
 - (K) Public hearings shall be conducted in a non-adversarial manner wherein a person shall be afforded an opportunity to submit oral or written statements and data concerning the draft permit.
 - (L) The HSA may set reasonable limits upon the time allowed for oral comments at the public hearing and may also require the submission of written statements.
 - (M) The HSA shall extend the public comment period established pursuant to N.J.A.C. 7:14A-15.10 to the close of any public hearing held pursuant to this section. The HSA may also extend the comment period beyond the public hearing by so stating at the hearing.
 - (N) The HSA shall make available for public inspection a written transcript of the public hearing. A copy of the transcript will be sent, on request, for a reasonable fee for copying.
 - (O) Any applicant or permittee or person interested in being considered a party to an action pursuant to N.J.A.C. 7:14A-17.3 who believes that any action under N.J.A.C. 7:14A-15.10(a) is inappropriate shall raise all reasonably ascertainable issues and submit, in writing to the HSA by certified mail (return receipt requested), or by other means which provides verification of the date of delivery to the HSA all such reasonably ascertainable arguments and factual grounds supporting them, including all supporting materials, by the close of the public comment period. If an applicant or permittee or any person fails to raise any reasonably ascertainable issues within the public comment period, the right to raise or contest any such issues in any subsequent adjudicatory hearing or appeal shall be deemed to have been waived. All supporting materials shall be included in full and may not be incorporated by reference, unless they are already part of the administrative record in the same proceeding, or consist of State or Federal statutes and regulations, USEPA documents of general applicability, or other generally available reference materials. Commenters shall make any supporting material incorporated by reference available at the request of the HSA.

303 INDUSTRIAL SEWER DISCHARGE PERMIT ISSUANCE PROCESS

- 303.1 INDUSTRIAL SEWER DISCHARGE PERMIT DURATION A Industrial Sewer Discharge Permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A Industrial Sewer Discharge Permit may be issued for a period less than five (5) years, at the discretion of the Executive Director. Each wastewater discharge permit will indicate a specific date upon which it will expire. Permits will expire as indicated in the permit except that users shall be able to continue to discharge into the Authority's system until action is taken on renewal or denial by the Authority.
- 303.2 INDUSTRIAL SEWER DISCHARGE PERMIT RENEWAL Between nine (9) and twelve (12) months prior to the permit expiration date, HSA will notify the permit holder that the permit must be renewed. If a permittee wishes to continue discharging to the HSA treatment plant, he shall request a renewal of his Industrial Sewer Discharge Permit no later than six (6) months prior to the expiration date of the permit then in force. Failure to make a timely application may result in the suspension or revocation of the permit. The request shall be contained in a form prepared by HSA. Renewal of the permit shall be contingent upon the permittee having complied with the terms and conditions of the expired permit.
- 303.3 INDUSTRIAL SEWER DISCHARGE PERMIT CONDITIONS A Industrial Sewer Discharge Permit shall include such conditions as are deemed reasonably necessary by the Executive Director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.
- (I) Industrial Sewer Discharge permits must, at a minimum, contain:
- A. A statement that indicates Industrial Sewer Discharge Permit duration, which, in no event, shall exceed five (5) years;
 - B. A statement that the Industrial Sewer Discharge Permit is nontransferable in accordance with Section 303.7;
 - C. Effluent limits based on applicable pretreatment standards;
 - D. Self monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law; and
 - E. 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.
 - F. Industrial Sewer Discharge Permits shall require that a permittee:

1. 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;
2. Where appropriate, meet schedules for compliance with the terms of the permit and interim deadlines for progress or reports of progress towards compliance;
3. 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;
4. 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;
5. 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 POTW 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;
6. 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;

7. 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;
8. 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. 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;
9. 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 HSA so as to relax any 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 HSA establishing a payment schedule therefor.

II. Industrial Sewer Discharge 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 Discharge 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 Discharge Permit; and
 - H. Other conditions as deemed appropriate by the Executive Director to ensure compliance with HSA's Rules and Regulations, and federal and state laws, rules, and regulations.
- (III) The terms and conditions of the permit may be subject to modification and change by the Industrial Director during the life of the permit, as limitation or requirements as identified in Sections 300.3, 300.4 and 300.5 are modified and changed. 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.

303.4 INDUSTRIAL SEWER DISCHARGE PERMIT APPEALS

- (A) 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 HSA a written request, by certified mail, or by other means which provides verification of the date of delivery to the HSA for an adjudicatory hearing to contest the HSA's final decision to:
 1. Issue a new permit, permit modification, permit revocation and reissuance, permit renewal, permit suspension, or permit revocation;
 2. Deny an application for a new permit or a permit renewal; or
 3. Deny a variance pursuant to N.J.A.C. 7:14A-11.8.
- (B) In order to request an adjudicatory hearing, a permittee shall submit the request in accordance with the requirements in (E) below within 30 days following receipt of the HSA'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.

(C) 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 (F) below within 30 days following receipt of the HSA'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.

(D) The request for an adjudicatory hearing shall be submitted to the HSA 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

HSA:
Hanover Sewerage Authority
Attention: Executive Director
P.O. Box 320
1000 Route 10
Whippany, New Jersey 07981

(E) A permittee shall request an adjudicatory hearing by completing a HSA 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).
- (F) 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;
9. 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;
 10. 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
 11. A completed adjudicatory hearing request tracking form.
- (G) The HSA, in its discretion, may extend the time allowed for submission of an adjudicatory request under this section for good cause.

303.5 GRANTING OR DENYING AN ADJUDICATORY HEARING REQUEST

- (A) The HSA, in its discretion, shall decide the extent to which, if at all, the request for an adjudicatory hearing shall be granted. The HSA may grant or deny a request for a hearing in whole or in part.
- (B) The HSA 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 HSA'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 HSA'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.
- (C) The HSA, 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 HSA in accordance with this section.
 - (D) 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.
 - (E) The HSA, 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.

303.6 INDUSTRIAL SEWER DISCHARGE PERMIT MODIFICATION

- (I) Executive Director may modify a Industrial Sewer Discharge Permit for good cause, including, but not limited to, the following reasons:
 - A. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
 - B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of Industrial Sewer Discharge Permit issuance;
 - C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - D. Information indicating that the permitted discharge poses a threat to the Authority's POTW, the Authority personnel, or the receiving waters;
 - E. Violation of any terms or conditions of the Industrial Sewer Discharge Permit;
 - F. Misrepresentations or failure to fully disclose all relevant facts in the Industrial Sewer Discharge Permit application or in any required reporting;
 - G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
 - H. To correct typographical or other errors in the Industrial Sewer Discharge Permit; or

- I. The Authority may reopen and modify the permit of an Industrial User due to a change in discharge characteristics of the user, as conditions in the system may require or due to changes in Federal, State and/or Local Regulations.

303.7 INDUSTRIAL SEWER DISCHARGE PERMIT TRANSFER PROHIBITED Industrial Sewer Discharge Permits 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 Director within fourteen (14) days prior to any change in ownership or corporate structure.

303.8 SUSPENSION OF AN INDUSTRIAL SEWER DISCHARGE PERMIT

- (I) The Industrial Director may, without formal notice, suspend an Industrial Sewer Discharge Permit for a period not to exceed 45 days when such suspension is necessary in order to stop a discharge which reasonably appears to present an imminent or substantial hazard to public health, safety or welfare of persons.
- (II) The Industrial Director may, after serving notice on the permittee, and allowing the permittee 72 hours to respond, suspend an Industrial Sewer Discharge Permit for a period not to exceed 45 days when such suspension is necessary in order to stop a discharge which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the HSA treatment plant.
- (III) Any industrial user notified of a suspension of his Industrial Sewer Discharge Permit shall immediately cease and desist the discharge of all wastes regulated by the permit. In the event of a failure of the industrial user to comply with the suspension order, the Industrial Director shall take such steps as are necessary to insure compliance.
- (IV) Any suspended industrial user may file with the Administrator a request for a hearing. Such a request shall not stay the suspension. In the event of such request, the Administrator shall, within thirty (30) days of the receipt of such request, hold a hearing on the suspension and shall either confirm or revoke the action. Reasonable notice of the hearing shall be given to the suspended industrial user as provided in 303.9. At this hearing the suspended industrial user may appear personally or through counsel, cross-examine witnesses and present evidence on his own behalf.
- (V) In the event the Administrator fails to conduct a hearing within the time set forth above or fails to make a determination within five (5) days after the close of the hearing, the order of suspension shall be stayed until a determination is made either confirming or revoking the action of the Industrial Director.

- (VI) The Industrial Director shall reinstate the Industrial Sewer discharge Permit upon proof of satisfactory compliance with all discharge requirements. The HSA counsel may, upon recommendation of the Administrator, commence and prosecute such legal actions as may be appropriate to enforce the provisions of this Section.

303.9 REVOCATION OF AN INDUSTRIAL SEWER DISCHARGE PERMIT

- (I) The Industrial Director may revoke an Industrial Sewer Discharge Permit if he finds that the industrial user has demonstrated a refusal, inability or failure to take reasonable steps to comply with any of the provisions of these Regulations. No revocation shall be ordered until a hearing has been held by the Administrator, where the user shall have the right to be represented by counsel, cross-examine witnesses and present evidence in his behalf. Notice of the hearing shall be given to the industrial user at least fifteen (15) days prior to the date of the hearing, except that a hearing may be held upon shorter notice if agreed upon by the Authority and the user.
- (II) Any industrial user whose Industrial Sewer Discharge Permit has been revoked shall immediately cease and desist all discharge of wastes regulated by the permit. The Industrial Director may disconnect or permanently block from the public sewer, the connection of any industrial user whose permit has been revoked if such action is necessary to insure compliance with the order of revocation.
- (III) Before the discharge of wastes may be recommenced by the industrial user, he must apply for and obtain a new Industrial Sewer Discharge Permit, pay all charges, penalties and such other sums as may be owed. Costs incurred by HSA and the municipality in revoking the permit and disconnecting the connection shall be paid by the industrial user before a new permit is issued.

304 REPORTING REQUIREMENTS Every industrial user to whom a permit is issued shall file a periodic discharge monitoring report at such intervals as are designated by the Industrial Director prior to the issuance of, or contained in, the Industrial Sewer Discharge Permit. The discharge report may include, but at the discretion of the Industrial Director, shall not be limited to, nature of processes, 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. All users subject to Federal Categorical Pretreatment Standards shall, at a minimum, comply with the reporting requirements published in 40 CFR 403.12.

304.1 Baseline Monitoring Reports

- A. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Executive Director a report which contains the information listed in paragraph B below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Executive Director a report which contains the information listed in paragraph B. below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards, A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below.
1. Identifying Information. The name and address of the facility, including the name of the operator and owner.
 2. Environmental Permits. A list of any environmental control permits held by or for the facility.
 3. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operations carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 4. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
 5. Measurement of Pollutants.
 - (i) The categorical pretreatment standards applicable to each regulated process.
 - (ii) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Executive Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long term average concentrations/ or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 304.9, entitled "Analytical Requirements".

(iii) Sampling must be performed in accordance with procedures set out in Section 304.10, entitled "Sample Collection."

6. Certification. A statement, reviewed by the user's authorized representative and certified 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 to meet the pretreatment standards and requirements.

7. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 304.2, entitled "Compliance Schedule Progress Reports".

8. Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 302.6, entitled "Signatories and Certification".

304.2 COMPLIANCE SCHEDULE PROGRESS REPORTS The following conditions shall apply to the compliance schedule required by this Resolution:

- A. The schedule shall contain progress increments 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 user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No increment referred to above shall exceed nine (9) months;
- C. The user shall submit a progress report to the Executive Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the Executive Director.

304.3 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE 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 POTW, any user subject to such pretreatment standards and requirements shall submit to the Executive Director a report containing the information described in Section 304.1(B)(4-6). For users subject to equivalent mass or concentration limits established 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 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 user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 302.6.

304.4 PERIODIC COMPLIANCE REPORTS

- A. All industrial users who discharge or propose to discharge wastewater to the HSA treatment plant shall maintain records as are necessary to demonstrate compliance with the requirements of these Regulations, the Industrial Sewer Discharge Permit and any applicable State or Federal pretreatment standards or requirements. Every industrial user to whom a permit is issued shall file a periodic discharge monitoring report at such intervals as are designated by the Industrial Director prior to the issuance of, or contained in, the Industrial Sewer Discharge Permit. The discharge report may include, but at the discretion of the Industrial Director, shall not be limited to, nature of processes, 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. All users subject to Federal Categorical Pretreatment Standards shall, at a minimum, comply with the reporting requirements published in 40 CFR 403.12.
- B. Records shall be made available upon request by the Industrial 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 Regulations shall be prepared and submitted to the Industrial Director as designated in the Industrial Sewer Discharge 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 HSA personnel at all times.
- D. When more than one industrial user can discharge into a common sewer, the Industrial 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 Industrial 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.

- F. All significant industrial users shall submit a monthly self-monitoring report; reporting their monitoring results for discharges to HSA; certifying whether the permittee has complied with the monitoring and record keeping conditions set forth in its non-domestic Industrial Sewer Discharge Permit; whether the processes, operations or methods of wastewater disposal have changed since submission of the last monthly self-monitoring report; and whether the wastewater discharge is in compliance with all discharge limitations established in the permit.

All significant industrial users shall at a minimum submit a semiannual discharge monitoring report, on or before the due date established by the HSA, indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period.

All periodic compliance reports must be signed and certified in accordance with Section 302.6.

- G. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim the sample results are unrepresentative of its discharge.
- H. If a user subject to the reporting requirements in this section monitors any pollutant more frequently than required by the Executive Director, using the procedures prescribed in Section 304.9 and 304.10, the results of this monitoring shall be included in the report.
- I. The frequency of the sampling and analysis shall be specified in the Industrial Sewer Discharge Permit and will vary based on the volume and quality of wastes discharged as well as other factors which the Industrial Director deems appropriate. If the permittee is subject to monitoring requirements in the permit, the permittee will be required to analyze the discharge in order to demonstrate compliance with that requirement.
- J. The permittee may sample and analyze the wastewater and report that data to HSA on the periodic monitoring reports. All analyses reported to the HSA must be performed by a laboratory certified by the NJDEP for the analysis of water and wastewater.
- K. If a permittee analyzes his wastes for parameters not included in the Industrial Sewer Discharge Permit, those results shall be reported to the HSA.

304.5 REPORTS 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, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification.

- 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 discharge permit application under Section 302.5.
- B. The Executive Director may issue an industrial sewer discharge permit under Section 303 or modify an existing industrial sewer discharge permit under Section 303.6 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.

304.6 REPORTS OF POTENTIAL PROBLEMS

- A. In the case of any discharge in violation of this Resolution or permit issued pursuant thereto, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Executive Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- B. Within five (5) days following such discharge, the user shall, unless waived by the Executive Director, submit a detailed written report describing the cause(s) 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 POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this Resolution.
- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

304.7 NOTIFICATION OF DISCHARGE OF HAZARDOUS WASTES All industrial users shall notify the Executive Director, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the HSA 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 HSA, 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 these Regulations. Industrial users who commence discharging after the effective date of these Regulations 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 304.5. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 C.F.R. 403.12(b), (d) and (e). Dischargers are exempt from the requirements of this paragraph 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.

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 Executive Director, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

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.

304.8 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING

- A. The user shall report to the Executive Director 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 the user becoming aware of the occurrence. Within 24 hours thereof, or of any exceedence, or of becoming aware of any exceedence, of an effluent limitation, a user shall provide the Executive Director with such additional information on the discharge as may be required by the Authority, 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;

- B. Notwithstanding the reporting requirements stipulated in a permit for discharges to a POTW, 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 Authority 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. If sampling performed by a permitted industry indicates a violation, the user shall notify the Executive Director 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 Executive Director within 30 days after becoming aware of the violation, except the permitted industry is not required to resample if:
1. The HSA performs sampling at the permitted industry at a frequency of at least once per month; or
 2. The HSA 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.
- D. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Executive Director within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Executive Director monitors at the user's facility at least once a month, or if the Executive Director samples between the user's initial sampling and when the user receives the results of this sampling. The user shall report to the Executive Director any serious violation within 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.

304.9 ANALYTICAL REQUIREMENTS All pollutant analyses, including sampling techniques, to be submitted as part of a industrial sewer discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques or the pollutant in question, sampling and analyses must be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the HSA or other parties, approved by EPA. Where no approved test procedure is available, the permittee shall indicate a suitable analytical procedure and shall provide HSA with literature references or a detailed description of the procedure. The laboratory performing the analyses shall be certified by the NJDEP for the analysis of those specified parameters in accordance with N.J.A.C. 7:18.

304.10 SAMPLE COLLECTION

- A. The user must collect wastewater samples in accordance with the requirements of their permit. All samples must be representatives of the waste stream being monitored. Sample collection technique may be flow proportion composite, time proportion composite or grab depending on the specific situation.
- B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, petroleum hydrocarbons and volatile organic compounds or any other parameter for which the approved analytical method requires a grab sample must be obtained using grab collection techniques.
- C. Routine or scheduled sampling to evaluate compliance with numerical permit limitations contained in an Industrial Sewer Discharge Permit will utilize the sample method specified in the permit
- D. Samples collected by the Authority or other Regulatory Agencies may be flow or time composite, sequential or grab samples as deemed necessary by the Authority to meet the requirements of a specific situation. Sampling performed during spill tracking, surveillance or on a random basis will generally be performed utilizing grab samples. Samples to determine compliance with prohibitive waste requirement, slug loading requirements and instantaneous limits will generally be grab samples.

304.11 RECORD KEEPING

- A. Users subject to the reporting requirements of this Regulation shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Regulation 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. The HSA may at any time, extend this period through a written notice, and require that a person retain all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by a permit, records of all data used to complete the application for a permit, and records of monitoring information required by the permit for a period longer than five years for, at a minimum, any of the following reasons:
 - 1. Enforcement action;
 - 2. Litigation; and
 - 3. Water Quality Studies
- B. Records of monitoring information shall include:
 - 1. The date, exact place, and time of sampling or measurements;
 - 2. The individual(s) who performed the sampling or measurements;

3. The date(s) analyses were performed;
4. The individuals who performed the analyses;
5. The analytical techniques or methods used; and
6. The results of such analyses.

305 COMPLIANCE MONITORING

305.1 RIGHT OF ENTRY: INSPECTION AND SAMPLING

- A. The Executive Director or its duly authorized representative shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of these Regulations and any industrial sewer discharge permit or order issued hereunder. Users shall allow the Executive Director or its duly authorized representative ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.
1. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Executive Director or its duly authorized representative will be permitted to enter without delay for the purposes of performing specific responsibilities.
 2. The Executive Director or its duly authorized representative shall have the right to set upon the user's property, or require installation of such devices as are necessary to conduct sampling and/or metering of the user's operations. Compliance determinations with respect to any permit conditions or limitations may be made on the basis of instantaneous grab samples, sequential samples or composite samples. Sequential and composite samples may be taken over a 24 hour period or any other time span as deemed necessary by HSA to meet the requirements of a specific situation.
 3. The Executive Director or its duly authorized representative may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy.
 4. 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 Executive Director or its duly authorized representative and shall not be replaced. The costs of clearing such access shall be born by the user.

5. Unreasonable delays in allowing the Executive Director or its duly authorized representative access to the user's premises shall be a violation of these Regulations.
- B. Each permitted industry, other than one discharging only stormwater or noncontact cooling water, shall be inspected by the Authority at least once a year. Exemption of stormwater facilities from the provisions of this paragraph shall not apply to any user discharging or receiving stormwater runoff having come into contact with a hazardous discharge site on the Federal National Priorities List adopted by the United States Environmental Protection Agency pursuant to the "Comprehensive Environmental Response, Compensation, and Liability Act," Pub.L. 96-510 (42 U.S.C.A. § 901 *et seq.*), or any other hazardous discharge site included by the Department on the master list for hazardous discharge site cleanups adopted pursuant to section 2 of P.L.1982, c, 202 (C. 58:10-23.16). Inspections shall include:
1. A representative sampling of the effluent for each user, except in the case of users that are not major facilities or significant indirect users, sampling pursuant to this paragraph shall be conducted at least once every three years;
 2. An analysis of all collected samples by a state-owned and operated laboratory, or a certified laboratory other than one that has been or is being used by the user, or that is directly or indirectly owned, operated or managed by the user;
 3. An evaluation of the maintenance record of the user's treatment equipment;
 4. An evaluation of the user's sampling techniques;
 5. A random check of written summaries of test results, prepared by the certified laboratory providing the test results, for the immediately preceding 12-month period, signed by a responsible official of the certified laboratory, certifying the accuracy of the test results; and
 6. An inspection of the user's sample storage facilities and techniques if the sampling is normally performed by the user.
- C. The facility of a user identified as a significant noncomplier shall be subject to an inspection by the Authority, which inspection shall be in addition to the requirements above. The inspection shall be conducted within sixty (60) days of receipt of the discharge monitoring report that initially results in the user being identified as a significant noncomplier. The inspection shall include a random check of written summaries of test results, prepared by the certified laboratory providing the test results, for the immediately preceding 12-month period, signed by a responsible official of the certified laboratory, certifying the accuracy of the test results. A copy of each summary shall be maintained by the user. The inspection shall be for the purpose of determining compliance. The Authority is required to conduct only one inspection per year pursuant to this subsection, and is not required to make an inspection hereunder if an inspection has been made pursuant to this Section within six months of the period within which an inspection is required to be conducted under this section.

305.2 SEARCH WARRANTS If the Executive Director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of these Regulations, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Authority designed to verify compliance with this Regulation or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Executive Director may seek issuance of a search warrant from the Superior Court of Morris County.

306 RESPONSIBILITY FOR BLOCKAGE CORRECTION In the event of a blockage in a sewer line, the property owner or occupant shall immediately contact the Authority in person or by telephone (Monday thru Friday from 7:00 a.m. to 4:30 p.m. at 428-2486 all other times at 428-2512). A representative of the Authority will make an inspection to determine the location of the blockage. The Authority will be responsible only for blockages which occur in the branch, lateral and main sewers. The property owner is responsible for all blockages, regardless of the cause, or by whom the line was constructed, which occur in a line between the branch, lateral or main sewers and the building. (The property owner is responsible for blockages in the house connection, building sewer and building drain.) In the event that the Authority representative determines that the blockage is in an area for which the Authority is responsible, he will initiate corrective action.

If the blockage is in an area for which the Authority is not responsible, the property owner shall make immediate arrangements for correction of the blockage at his own expense, utilizing, for example, the services of a private sewer cleaning service. If the Authority representative is unable to determine the area of responsibility, the blockage shall be corrected by and at the expenses of the property owner; however, an Authority representative shall be present to inspect such corrective action and if he determines that the blockage was the responsibility of the Authority, the Authority will reimburse the property owner for the expense of the corrective action.

Notwithstanding any of the foregoing, in the event that the above notification procedure is not followed by the property owner, then the Authority shall not be liable for the cost of any private action.

307 CONFIDENTIALITY OF INFORMATION Information and data on a user obtained from reports, surveys, Industrial Sewer Discharge Permit applications, Industrial Sewer Discharge Permits, and monitoring programs, and from the Executive Director'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 Executive Director, 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.

ARTICLE IV

SYSTEMS AND EXTENSIONS

IN CONNECTION WITH APPLICATIONS FOR DEVELOPMENT¹

401. Purpose

This Article shall govern the procedures and requirements to be observed in the development of residential and non-residential projects within the Township of Hanover. The Hanover Sewerage Authority is a separate governmental agency within the meaning of N.J.S.A. 40:55D-53 and is entitled to have the installation and maintenance of sewerage facilities guaranteed through the posting of lawful security, and the construction and acceptance thereof made in accordance with standards adopted by the Authority. Except as otherwise set forth herein it is the intention of these regulations to closely coordinate the administration of development improvements with those being undertaken in the interest of the Township of Hanover and in a manner generally consistent with the requirements of the Municipal Land Use Law.

402 (A) SEWER EXTENSIONS AND HOUSE CONNECTIONS

i. SUBDIVISIONS AND SITE PLANS

Where a public sanitary sewer system is reasonably accessible, each lot shall be provided with sewage disposal facilities by extending sewer mains and connecting thereto, the cost of which shall be borne by the subdivider or developer. The design, construction, and materials for such sewer mains and connections shall be subject to the approval of both the Authority and the Township Engineer. Rights-of-way and easements for such extensions shall be dedicated to the Authority and/or the Township of Hanover as required. However, the installation in any street of a public sewer system by either the Authority or others shall not in itself imply Township ownership or acceptance of such streets.

(B) SEWAGE TREATMENT PLANTS, WHEN REQUIRED

i. When a public sanitary sewer system is not reasonably accessible, the subdivider may be

¹ Resolution No. 30-94 dated April 27, 1994

required, at his own expense, to install sewer lines and a sanitary sewage disposal plant in accordance with the specifications of the Department of Environmental Protection. All such installations shall be subject to the approval of the Health Officer of the Township, the Township Engineer, and the Authority.

- ii. Private sewer systems where permitted are for use in areas not having access initially to the Authority's interceptor and trunk sewers. When the Authority's interceptor becomes available for servicing a private sewer system, the entire private system including trunks, laterals, house connections, and plant shall be sold to the Authority for \$1.00 as sufficient consideration thereto.
- iii. While in use private sewer systems shall be subject to inspection by the Authority and its duly authorized agents.

403. DRY SEWERS, WHEN REQUIRED

Where a public sanitary sewer is not reasonably accessible and the installation of a sanitary sewage disposal plant is not required by the Authority, a subdivider shall install within the subdivision a complete sanitary sewer system including provision for connection thereto at each lot. The subdivider may, if approved by both the local and State Board of Health and by the Authority, install individual sewage disposal systems for each lot at the time improvements are erected thereon. All such individual sewage disposal systems shall be constructed in accordance with the requirements of the local Board of Health, the Authority, the New Jersey Department of Environmental Protection (NJDEP), and the New Jersey State Department of Health, and their successor agencies.

404. CONSTRUCTION PERMIT REQUIREMENT AND CONDITIONS FOR ENDORSEMENT OF TREATMENT WORKS APPROVAL

- a. No sanitary sewer, interceptor, trunk, lateral, private sewer system, private sewer plant, industrial waste disposal system, or any disposal system whatsoever shall be constructed within the Authority's service area until written application for the Construction Permit has been presented to the Authority, and approvals have been obtained from all Boards or Agencies having jurisdiction, and said permit issued.

b. Endorsement of Treatment Works Applications

- i. In all cases where the regulations of the Department of Environmental Protection require the prior endorsement of an application for approval of treatment works as set forth in N.J.A.C. 7:14A-1 et seq., as the same shall be amended from time to time and where the proposed treatment works are associated with an application for development to a Municipal Agency, as defined by the Municipal Land Use Law, the Authority shall consider such an application only following the receipt by the applicant of site plan or subdivision approval from the Planning Board or the Board of Adjustment of the Township of Hanover.
- ii. In all cases requiring endorsement as aforesaid but involving properties located outside the municipal boundaries of the Township of Hanover, the Authority shall consider such an application only following receipt by the applicant of Planning Board or Board of Adjustment approval of the municipality in which the subject property is located.
- iii. An applicant for an endorsement under subsections i. and ii. hereof shall file a copy of the resolution of the applicable municipal board approving the subject site plan or subdivision together with its endorsement request.
- iv. An applicant for endorsement not associated with a development proposal requiring the approval of a Municipal Agency shall apply therefor at any time prior to construction of the applicable treatment works and consistent with N.J.A.C. 7:14A-1 et seq.

405.

FEEES

- a. Application for all Permits shall be accompanied by fees shown in the Rate Schedule. See Section 601 for duration of permits.
- b. Any costs in excess of the Construction Permit Fee, incurred for engineering services, including review and approval of plans, inspection of construction, etc. shall be borne by the applicant.

406.

SUBMISSION OF PLANS AND SPECIFICATIONS

- a. Three sets of plans and specifications prepared by a licensed Professional Engineer and other pertinent information relating to proposed sewers and preliminary or final treatment facilities shall be submitted for the approval of the Authority and the Township Engineer. Said plans and specifications shall only be considered by the Authority following the submittal of a complete application for site plan or subdivision approval to the Planning Board or Board of Adjustment, as applicable, of the Township of Hanover. An application to a municipal Board shall be considered a complete application for the purposes of this subsection when the same shall have been declared complete by that Board pursuant to the provisions of the Municipal Land Use Law. Construction of such facilities shall not commence until approval from the Authority, the Township Engineer and from the Department of Environmental Protection is obtained in writing.

407.

PERFORMANCE BOND

- a. Upon issuance of a Construction Permit by the Authority or when required in accordance with development approvals granted by the Township, whichever is earlier, and prior to the start of actual construction, the Contractor shall file with the Authority or the Township an acceptable Performance Bond to guarantee satisfactory completion. This Bond shall be equal to 120% of the estimated cost of the work covered by the Permit as determined by the Authority's Engineer, the Township Engineer, or both, to cover construction, inspection, legal, engineering, accounting, and other expenses incurred by the Authority in the event of default.
- b. Whenever a bond is required by these Regulations, the same shall be executed by the Principal and by a Surety and shall be conditioned upon compliance with these Regulations, the Statutes of the State of New Jersey and all pertinent ordinances and laws. Only Surety acceptable to the Authority and the Township will qualify under these Regulations.

408.

CONSTRUCTIONa. START OF CONSTRUCTION

1. No construction shall be started until such time as the Authority has granted permission and notified the developer in writing.
2. Before construction is started, the Authority shall be notified in writing as to the names and addresses of the Contractor and all Sub-Contractors, as well as the Superintendent who shall be in charge and have full responsibility for the supervision of construction.
3. Prior to the start of construction, the Contractor shall file with the Authority Certificates of Insurance as follows:

Comprehensive General Liability
\$500,000 - \$2,000,000

Comprehensive Automobile Liability
\$500,000 - \$2,000,000

Workman's Compensation
as required by law

Liability policies shall indemnify and save harmless the Authority, the Township of Hanover, the Township Engineer, the Authority Engineer and their respective employees and agents, in all matters pertaining to the construction of the systems for which the permit is issued.

4. Prior to the start of construction, the Authority will assign an Inspector or a Resident Engineer or both, who may be the Authority Sewer Inspector or Authority Engineer or other qualified person, and no work shall be started until such Inspector is assigned to the job. The Contractor shall be responsible at all times for meeting all requirements of these Regulations and for constructing the sewer in conformance with the plans and specifications approved by the Authority. The Authority Engineer, the Inspector or any other duly authorized employee of the Authority bearing proper credentials and identification shall be permitted to enter upon all properties for the

purpose of inspection, observation, measurement, sampling and testing at any reasonable hour.

5. The Contractor shall pay for the cost of such inspection services and testing incident to the construction, and prior to the start of construction shall deposit with the Authority or the Township an amount that shall be predetermined by the Authority or the Township to cover the cost of such inspections and testing.
6. Up-to-date "as installed" record plans of sewer lines, pumping stations and industrial waste pretreatment systems shall be placed on file with the Authority, and no additions or changes to existing facilities shall be made without the approval of the Authority.

b. INSPECTION

1. Inspection shall include but not be limited to checking of line and grade of sewer, checking of material, checking of joints, inspection of backfilling methods, inspection of pavement replacement and inspection and report upon leakage tests.
2. The Contractor shall pay for the cost of any testing laboratory work ordered by the Authority or its inspector, to check strength of pipe and concrete, strength and absorption of brick, and other material tests which might be required to determine conformance of materials with specifications and the Standards of the American Society for Testing Materials.
3. No trench shall be backfilled until such time as the Inspector has checked each joint of the pipe and has given authorization for backfilling to proceed.
4. Inspection of lines 6" diameter and larger shall be performed by the Authority's Engineer assigned as described in Section 408, paragraph a.4 above. In this case, New Jersey Department of Environmental Protection Form WQM 005 Certification for Approval by Local Agency will be certified by the Authority's Engineer. The cost of inspection shall be

borne by the Contractor as described in Section 408, paragraph a.5.

5. Inspection of lines less than 6" diameter which require the submittal of NJDEP Form WQM 005 shall be done by one of the following methods:
 - i. As described in Section 408 paragraph b.4 above.
 - ii. If approved by the Authority inspection and certification can be done by the engineer who designed the sanitary sewer system. If the Contractor/Developer desires to have the inspection performed by the sanitary sewer system design engineer he shall request the Authority's approval 30 days prior to the start of construction. If the Authority approves, the design engineer shall provide a full time inspector to observe the work done and shall, in addition to Certifying Form WQM 005, Certify to the Authority in writing that all work was performed in accordance with NJDEP and HSA regulations. Connections to existing sewer, deflection test and leakage tests shall be witnessed by HSA personnel.

The cost of inspection regardless of by whom performed shall be borne by the Contractor.

6. Inspection of lines less than 6" diameter which do not require NJDEP Form WQM 005 shall be performed by Authority personnel unless the Authority determines that special circumstances make it necessary to have inspection performed by the Authority Engineer. The cost of inspection by Authority personnel shall be covered under the Inspection Fee shown on the Rate Schedule. The cost of inspection performed by the Authority's Engineer shall be borne by the Contractor as described in Section 408 paragraph a.5.

c. MATERIALS AND METHODS OF CONSTRUCTION

1. In the event the Contractor fails to perform construction work in a competent manner, or if faulty material or methods of construction are

employed, or if the Contractor fails to employ reasonable work methods outlined by the Inspector, the Inspector shall have the right to stop construction until proper materials or methods of construction are employed. In the event of a dispute between the Contractor and the Inspector, the matter shall be submitted in writing to the Authority for resolution as may be required. All construction work shall cease during such disputes until a satisfactory agreement is reached by all parties concerned. Inspection expense required during this period shall continue to be the obligation of the Contractor.

2. Materials and methods of construction for sewer systems shall conform to the specifications listed in Appendix H.

409.

REQUIREMENTS FOR OFFICIAL ACCEPTANCE

a. LEAK TESTING

Following the completion of construction, the Contractor in the presence of the Inspector or Authority Engineer or both shall perform a leakage test on the sewer line. The test shall be a low pressure air test, or where ground water conditions permit, an infiltration test. Where the infiltration is permitted, a V-notch weir or approved measuring device shall be installed at the end of the sewer and the leakage measured and observed over at least a continuous 48 hour period which shall include a period of observation during wet weather.

The following maximum leakage allowances shall be permitted:

<u>Sewer Pipe Size</u>	<u>Allowable Leakage (Gal. per Mile per Day)</u>
8"	2000
10"	2400
12"	2800
14" or 15"	3000
16" or 18"	3600
24"	4000
House Connections & Laterals	Zero

Where these leakage rates are exceeded, the sanitary sewer will not be accepted by the Inspector and remedial measures shall be taken by the Contractor and leakage tests repeated until the sewer passes the specific leakage allowances.

1. Air Test Procedure

The air test shall be conducted on all main line sewers prior to the installation of the saddles for house connections.

The Contractor shall first clean and flush all lines and all debris flushed out shall be removed at each downstream manhole.

All test plugs, test gauges, an air compressor and personnel for conducting the acceptance test shall be furnished by the Contractor. The test shall be conducted under the supervision of the Engineer.

The section of line being tested shall be securely plugged at each manhole. All stoppers shall be adequately braced.

For the acceptance test, air shall be slowly supplied to the plugged section of pipe to be tested until the internal air pressure reached 4.0 psi greater than the average back pressure of any ground water that may submerge the pipe. At least two minutes shall be allowed for temperature stabilization before proceeding further. The back pressure of any ground water caused by the water head above the invert of the pipe must be determined by a method approved by the Engineer. This back pressure must be added to the standard test pressures to compensate for the ground water effect on the air test.

The rate of air loss shall then be determined by measuring the time interval required for the internal pressure to decrease from 3.5 psi to 2.5 psi greater than the average back pressure of any ground water that may submerge the pipe.

The pipeline shall be considered acceptable when tested at an average pressure of 3.0 psi greater than the average back pressure of any ground water that may submerge the pipe if (1)

the total rate of air loss from any section of pipe under test does not exceed 2.0 cfm, or (2) the section under test does not lose air at a rate greater than 0.0030 cfm per square foot of internal pipe surface.

If the pipe installation fails to meet these requirements, the Contractor shall determine at his own expense the source or sources of leakage, and he shall repair or replace all defective materials or workmanship. The completed pipe installation shall meet the requirements of this test.

b. VERTICAL DEFLECTION LIMITATIONS FOR PVC SEWER PIPE

The contractor shall also furnish all equipment and personnel to conduct in the presence of the Inspector or Authority Engineer, or both, a deflection test on all PVC pipe installed. The total vertical wall deflection of the PVC sewer pipe shall not exceed seven and one-half percent (7 1/2%) of the inside pipe diameter. Deflection testing shall not be conducted earlier than seven (7) days after placement and compaction of the backfill.

The vertical deflection shall be checked by manually pulling a go, no-go deflection testing mandrel through the pipe. The mandrel shall be specifically designed for this purpose and shall have the specified accuracy in all positions of rotations.

Should any pipe section exceed the maximum deflection specified, the Contractor shall undertake any remedial action as required to reduce the deflection to within that limit.

c. PERMISSION TO CONNECT

The entire sewer system shall be inspected, subjected to a leakage test, and approved in writing by the Authority before any structure shall be connected to the system. Where permission is first granted in writing by the Authority, the Contractor may be allowed to construct specific, limited sections of the sewer line and obtain connection permits, but in these instances said sections shall first be inspected, leakage tests made, and approved by the Authority prior to permitting connections. No connection will be

permitted to the Authority's existing sewer system until after completion, cleaning, inspection and acceptance of the section to be connected.

d. AS-BUILT DRAWINGS

Following completion of the construction of any sewers, sewer plants, or any other facilities under the control of the Authority, and before the maintenance guarantee period, where required, has started, and before the release of a construction bond, the Contractor shall submit certified "As-Built" or "record" plans. These plans shall be dated, and signed, and approved by a Professional Engineer as well as by the Job Inspector, Authority Engineer and Township Engineers. For sewers they shall indicate the sewer line as built, including the location of all house connections, manholes, risers, final ground profiles, water table conditions, and characteristics of soil conditions encountered along the profile. For sewage treatment plants or preliminary treatment facilities, they shall show ground plans, building layouts, capacities of facilities and such other pertinent details as may be associated therewith. Record plans shall be submitted on standard (24" x 36") size sheets of mylar, so that reproducible prints may be obtained. Record plans shall be filed with the Secretary of the Authority prior to official acceptance by the Authority of any construction or granting of permission to use any facilities under Authority control.

e. ACCEPTANCE

Following completion of construction, completion of a successful leakage test and receipt and approval of as-built drawings, the Authority's Engineer or duly authorized representative of the Authority shall certify in writing to the Authority, with a copy to the Contractor, that the construction has been approved and meets the Authority's requirements in all respects. The date of said certificate shall establish the completion date of the construction of the sewer. In the event that a developer shall file with the Authority or the Township a notice of completion or substantial completion pursuant to N.J.S.A. 40:55D-53, the Authority Consulting Engineer shall inspect the facilities and file a report with the Authority or the Governing Body of Hanover Township, as applicable, and shall implement the procedures set

forth in the Municipal Land Use Law as set forth in the above cited statute, as amended from time to time, as it pertains to the reduction of guarantees, and approval, partial approval, or rejection of the facilities. Official acceptance and the beginning of the guarantee period shall commence upon the posting with and acceptance by the Authority of a Maintenance Bond good for a period of two years after date of acceptance. The Bond shall be equal to 15% of the cost of the applicable sewerage facilities. Simultaneous with the posting of the Maintenance Bond, the Developer/Contractor shall convey the public sewerage facilities to the Authority by means of conveyance documents in a form satisfactory to the Authority Attorney.

f. FINAL INSPECTION

Approximately one year and nine months following the official acceptance of the sanitary sewer the Authority shall have a final inspection made of the sewer and a report shall be prepared by its assigned representative outlining and deficiencies which must be corrected, or recommending approval and acceptance of the sewer by the Authority. The Contractor shall complete within 90 days of notification by the Authority all repairs which shall be found necessary during final inspection and if these repairs are not completed, as aforesaid, after notification by the Authority, the Authority shall have the right to invoke its rights under the terms of the Maintenance Bond.

g. FINAL ACCEPTANCE

Before final acceptance and release of Bond, the Contractor shall certify to the Authority that no liens exist.

h. UNAUTHORIZED ACTIVATION OF A CONNECTION

Removal of plugs or any other action or inaction which could allow the entrance of material into the Authority System shall be considered unauthorized activation of the connection.

A penalty for unauthorized activation of a connection shall be assessed to the property owner/developer. The assessed amount shall be equal to the sum of the following:

1. Any and all direct costs incurred by the Authority.
2. Any and all indirect costs incurred by the Authority.
3. Penalty amount:
 - a. 1st offense \$1,000.
 - b. 2nd offense \$2,000.
 - c. Subsequent offenses \$5,000 each.

Assessment of the above penalties shall not preclude the Authority from pursuing further legal remedies against the property owner, developer, contractor or any other person involved. Upon issuance of a notice of assessment of a penalty all sanitary work shall cease until such time as the penalty is paid.

410.

DELEGATION OF AUTHORITY

The Authority may at its discretion and with the concurrence of the Township Committee delegate the Township or Township Engineer to act on its behalf and oversee all or any aspects of planning, construction or inspection of sewerage facilities. This delegation shall include, upon specific authorization of the Authority, the right of the Township to execute a developers agreement covering sewerage facilities and including reference to the Authority's regulations and requirements, and further providing for the posting of Bonds required by these regulations naming the Authority as its interest may appear.

ARTICLE V

CONNECTIONS

501 CONNECTION PERMITS

a. CONNECTION PERMITS REQUIRED

1. No person(s) shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining proper authorization from the Authority. Such authorization is obtained by making the necessary applications and obtaining the proper permits. See Section 602 for duration of permits.

2. Application for a Connection permit shall be made on a form available from the Authority and submitted with a fee as shown in the Rate Schedule. Application shall be supplemented by plans, specifications and such other information as the Authority may require.

3. All permits for connection are given on condition that the owners of the property served assume all risk of damages that may result from water getting into the premises from the sewer or their connections. Any drain subject to back flow or back pressure may be equipped with an approved type back water valve upon notification to the Authority.

b. CLASSES OF PERMITS

There shall be two (2) classes of Connection Permits:

(1) For residential and commercial service where only residential type sanitary wastes are to be discharged.

(2) For service to establishments producing business or industrial wastes.

c. INFORMATION REQUIRED

All users of sewer service other than single family residences shall provide the information listed below in order to determine compliance with these Regulations and to establish the provisions of the Rate Schedule which will apply.

(1) Wastewater discharge average and peak rates per hour and per day.

(2) Typical chemical analysis of wastewater to be discharged.

(3) Information on raw materials, processes and products used which could affect wastewater volume and quality.

(4) Quantity and disposition of specific liquids, sludges, oil, solvent, or other materials important to sewer use control.

(5) A plot plan of the user's property showing sewer and pretreatment facility locations, floor drains, and such other information as may be required by the Authority.

(6) Details of systems installed or to be installed to prevent and control the loss or spillage of materials to the Authority's system.

d. SEPARATE CONNECTION REQUIRED

1. A separate and independent sewer connection shall be provided for:

(a) Each building under one roof owned by one person and occupied as one business or residence; or

(b) A combination of buildings owned by one person in one common enclosure occupied by one family or business; or

(c) Each side of a double house having a solid vertical partition wall making it subject to divided ownership.

2. A building owned by one person containing more than one store, apartment or office such as a shopping mall, an apartment house or an office building, may be serviced with one or more sewer laterals at the discretion of the Engineer, with the approval of the Authority.

3. If one building stands at the rear of another on an interior lot and no separate house connection is available or can be constructed to the rear

building through an adjoining alley, court, yard or driveway, the house connection from the front building may be extended to the rear building, but the Authority does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.

4. Regardless of the number of connections servicing any building, the annual service charge shall be based on flow provided however that each connection shall be the subject of a minimum fee which shall be no less than the annual fee for a single residential unit. The minimum fee may be greater than this, depending on the flow of the connection and the character of waste which may be discharged.

e. COSTS OF CONNECTION

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Authority from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

f. USE OF EXISTING CONNECTIONS

An existing house connection may be used in connection with a new building only when it is found on examination and test by or under the direction of the Authority's representative to meet all requirements of these Regulations. In the event a new residence is constructed upon a lot where a connection fee has been previously collected, the current connection fee charges shall be credited for the previous amount collected.

502. INSPECTION

A Sewer Inspection Permit will be issued at the time the Connection Permit is issued. The Inspection Fee (as shown in the Rate Schedule) must be paid at the time the Connection Permit is paid. See Section 601 for duration of permit.

503. CONSTRUCTION OF HOUSE CONNECTIONS

a. SPECIFICATIONS, PROCEDURES AND TESTING

The making of a house connection into the public sewer shall be in accordance with the Regulations

and Specifications of the Authority, and the procedures set forth in appropriate specifications of the American Society for Testing Materials and the Water Pollution Control Federation Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Authority or its representative before installation.

b. CONSTRUCTION BY OWNER

The owner of any residential building to be connected to the street lateral sewer line may perform all the work related to the house or building sewer line.

c. CONSTRUCTION BY TRADESMEN

Whenever the installations is by other than the property owner, the work must be carried out by or under the direct supervision of a licensed plumber.

504. FLOOR DRAINS

a. PERMISSION TO CONNECT

The purpose and intent of this regulation is to provide for the use of floor drains as a contractual service for limited aqueous wastes from commercial operations. It is not the intent of the Authority to approve such drains for the handling of large quantities of accidental spillage which may result from careless or uncontrolled operation. The Authority may require the use of strainers in floor drains where large amounts of solids may otherwise enter the system.

b. PLANS

The Customer shall supply the Authority with plans showing the location, type, design and purpose of any and all floor drains, and only after written approval by the Authority or its designated representative may such floor drains be installed and/or connected to the Authority's system.

c. POLLUTANTS

The estimated flow quantity and concentration and nature of pollutants in the discharge to these

drains must be specifically stated to the Authority in writing or on the drawings at the time of application.

d. FEES

Application fees, inspection fees, and use fees for floor drains shall be paid to the Authority in accordance with the Rate Schedule.

e. EXEMPTIONS

Floor drains specifically required by the Sanitary Code of the State of New Jersey are permitted but must be shown on floor plans and drainage plans submitted to the Authority at the time of a Connection Application or at such other time as they may be added to the user's system.

Examples of exempted floor drains are:

1. Toilet rooms.
2. Locations which are periodically water flushed for cleaning (R.S. 12:7.1.1).
3. Walk in refrigerators.
4. Drains intended to receive waste or wash water from enclosed equipment or cooking utensils (R.S. 12:6.3.2) and which are prevented by Sanitary Code regulations from being directly connected to the drainage system. These include items such as refrigerators, steam kettles, potato peelers and other types of restaurant equipment.

505. GREASE, OIL AND SAND INTERCEPTOR OR TRAPS¹

a. PURPOSE

Grease, oil and sand interceptors shall be provided in all restaurants, food preparation facilities and in those locations where, in the opinion of the Authority, they are necessary for the proper handling of liquid wastes which may contain excessive quantities of grease, flammable wastes, sand, or other harmful ingredients; except that

¹ Resolution No. 84-93 dated October 27, 1993

such interceptor shall not be required for private living quarters or dwelling units.

b. DESIGN

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature; and shall be gastight and watertight, and equipped with easily removable covers. Interceptors may be of the traditional baffle type, mechanical grease removal type or underground type. In all cases, sanitary, cooling water or other waste streams which do not contain materials which are intended to be removed by the interceptor shall be diverted around the interceptor. Interceptor shall be located in areas which are immediately accessible upon request of the Authority. Equipment or materials which would limit or hinder accessibility shall not be located on top of or adjacent to interceptors. Where an interceptor is located out of doors, the cover shall be protected in a manner which prevents parking or storage over the interceptor.

c. MAINTENANCE

In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal of the captured material and shall maintain for the review of the Authority, records of the dates on which the devices were cleaned and the means of disposal utilized. The owner shall be responsible for removing the cover of an interceptor for inspection immediately upon request of an Authority inspector.

d. FEEES

Application fees, inspection fees, and use fees for grease, oil and sand interceptors or traps shall be paid to the Authority in accordance with the Rate Schedule.

506. SAMPLING, FLOW MEASUREMENT AND OBSERVATION FACILITIES²

a. WHEN REQUIRED

The owner of any non residential property serviced by the Authority meeting the following criteria

² Resolution No. 52-94 dated September 28, 1994

shall install a suitable structure or manhole, together with such meters and other appurtenances in the building sewer as may be necessary to facilitate observation, sampling and measurement of the wastes when directed by the Authority.

- (1) All newly constructed facilities.
- (2) Upon a change of use, tenant or ownership.
- (3) All facilities having hazardous substances as defined by the Township of Hanover Hazardous Substance Ordinance on site in quantities greater than normal retail quantities and not packaged for consumer use with the exception of fuel oil used for heating purposes.
- (4) Any facility which has on site non-hazardous substances in quantities which would have an adverse effect if discharged to the sanitary sewer system.
- (5) Any facility which discharges non-domestic wastewater.

In any case where a building is subdivided for use by more than one user or where portions of a building although not physically subdivided are, in fact, utilized by more than one user, the Authority shall have the right at any time to require the installation of the aforesaid observation facilities as to each such user. Such structure shall be accessible safely located and constructed in accordance with plans approved by the Authority and these Regulations. The structure shall be installed by the owner at his expense. The structure shall also be maintained by the owner at his expense so as to be safe, accessible and suitable for sampling and monitoring at all times. Maintenance shall include but not be limited to maintaining water tight conditions, maintaining of manhole steps or ladders, maintaining structural integrity and removal of accumulated material from the ladder, manhole benching and channel. When material is removed, it shall be done in a manner which prevents the discharge of the material to the Authority's system and under the observation of an Authority inspector. The cost of inspection shall be borne by the owner who shall obtain an inspection permit prior to performance of the work.

If the time needed to perform the inspection exceeds four man hours, the owner shall pay the additional cost when billed.

- b. All measurements, tests and the characteristics of waters and wastes to which reference is made in these Regulations shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the Water Environment Federation; State Regulation or Federal Regulation as applicable. Sampling methods, location times, durations and frequencies may be determined on an individual basis by the Authority.

507. MAINTENANCE³

a. Public Sewer System

The Authority will maintain only public sewer lines. Where a public sewer line has been installed by the Authority, this maintenance shall begin upon final acceptance unless other provisions are included in the construction contract. Where a line is installed in conjunction with development by an entity other than the Authority and later conveyed to the Authority, maintenance by the Authority will begin upon final acceptance.

b. Private Sewer System

Sewer lines not owned by the Authority including but not limited to building sewers, house connections and private sewers and appurtenances shall be maintained by the owner of the property being served. The line maintained shall include those portions in streets or easements up until the point of connection to a public sewer line.

c. Required Maintenance

Maintenance shall include but not be limited to measures to ensure water tight conditions, structural integrity, and safe access. Maintenance shall also include a program of inspection, removal of debris and cleaning to remove built up material from the pipe and manholes. Removal of debris and

³ Resolution No. 23-93 dated March 24, 1993

cleaning shall be accomplished in a manner which prevents the discharge of material to the Authority's system.

d. Inspection and Cleaning Procedure for Private Sewer Systems and Control Manholes

1. Cleaning of residential building sewers connecting a single residence to the Authority's system need not be observed by the Authority. Cleaning of all other building sewers shall be inspected by Authority personnel. Unless cleaning is being performed to correct a sewage overflow, the Authority shall be provided with 24 hour advance notice and the property owner shall obtain an inspection permit. Where inspection time exceeds four man hours, the owner shall pay the additional cost involved when billed.

2. Where a building sewer includes a control manhole, a screen shall be placed in the control manhole to catch debris removed from the line to the building. The line from the control manhole to the building shall be cleaned by hydraulic jetting and vacuuming. If the section of line from the control manhole to the street sewer is to be cleaned, the screen shall be placed in the first downstream manhole. The property owner shall dispose of all material removed.

3. Where a building sewer does not include a control manhole, a screen shall be placed in the first downstream manhole. The building sewer shall be cleaned by hydraulic jetting while a vacuum is placed in the downstream manhole to remove debris. The property owner shall dispose of all material removed.

ARTICLE VI

PAYMENTS

601. USE CHARGES, CONSTRUCTION APPLICATION, CONNECTION AND INSPECTION FEES, ETC.¹

All charges and fees shall be payable to the Hanover Sewerage Authority in accordance with these Regulations and the Rate Schedule.

Connection permits shall be valid and in force for the duration of the fiscal year (December 1 - November 30) in which they are issued. All outstanding connection permits shall expire on November 30 of each year. To renew a connection permit following expiration, a new application must be filed therefor and in the event that the charge for such a permit shall have changed the applicant shall either pay to or receive from the Authority the difference between the new fee and the fee previously paid.

All other permits shall be valid and in force for a period of one year from the date of issuance. To renew permits following expiration, a new application must be filed therefor and payment of the full charge must be made upon each annual renewal.

602. RESPONSIBILITY OF PROPERTY OWNER

All charges and fees are the responsibility of the owner of the real property which directly or indirectly is or has been connected with the sewerage system or from or on which originates or has originated sewage or other wastes which directly or indirectly have entered the sewerage system; and said owner of any such real property shall be liable for and shall pay such service charges at the time when they are due and payable. Where the owner of a property sublets all or a part thereof with the stipulation that the tenant will pay the sanitary sewer charges, the owner continues to be solely obligated and responsible for payment of those charges. The sanitary sewer charges are mailed to the owner and any past due charges shall be a lien on the connected premises until paid.

¹ Resolution No. 56-95 dated July 26, 1995

603. RATE OF INTEREST

Charges shall draw interest from the time they become delinquent (the due date on the bill or invoice) in accordance with N.J.S.A. 40A: 14A-21, and shall be a lien upon the premises connected until paid.

604. SERVICE CHARGE FOR RETURNED CHECKS OR OTHER WRITTEN INSTRUMENTS

A service charge shall be added to any account owing to the Authority, if payment tendered on the account was by a check or other written instrument which was returned for insufficient funds. The amount shall be \$20 per check or other written instrument. The service charge shall be collected in the same manner prescribed by law for the collection of the account for which the check or other written instrument was tendered. In addition, the Authority may require future payments to be tendered in cash or by certified or cashier's check.

605. CHARGES FOR EXTRAORDINARY ENFORCEMENT AND/OR TREATMENT EXPENSES

In the event of a violation of the Authority's Regulations which causes any extraordinary enforcement and/or treatment expense to the Authority, the owner of the property from which the violation occurred shall reimburse the Authority within thirty (30) days of receipt of notice from the Authority as to the amount thereof. This reimbursement shall be separate from and exclusive of any fines and penalties imposed upon the property owner or user pursuant to these Regulations.

606. ENFORCEMENT

The Authority shall have the same remedies for the collection from the property owner of charges with interest costs and penalties as the Township of Hanover has by law for the collection of taxes upon real estate, or as provided by the Sewerage Authorities Law of New Jersey and any amendments or supplements thereto.

ARTICLE VII

COMPLIANCE, ENFORCEMENT & PENALTIES

700 COMPLIANCE DETERMINATION Compliance determinations with respect to any permit limitations, conditions or other requirements of the Authority, State and/or USEPA regulations may be based upon, but not limited to the following items:

- (A) Discharge Monitoring Reports submitted by the Industrial User to the Authority, State, and/or USEPA;
- (B) An inspection conducted by the Authority or other regulatory agency;
- (C) Periodic, unscheduled or any other effluent sampling conducted by the Authority or other regulatory agency;
- (D) Any complaints, inquiries or investigation made by any person and substantiated by the Authority;
- (E) Any non-reporting, delay in reporting or no sampling condition in accordance with requirements of these regulations or the User's Permit; or
- (F) Any other information/data collected or received by the Authority.

With regard to compliance with the permit discharge limitations for the regulated parameters, the Industrial User shall include the results of any additional monitoring (analyzed by a NJDEP certified laboratory), beyond the required minimum for the averaging calculations and reporting purposes (within the period covered by the report). Any analyses conducted on the regulated effluent, whether for reporting purposes or for any internal study or investigation by the User, shall be reported to the Authority along with an explanation. Internal process control samples taken upstream of the designated sample location may not be used for compliance purposes.

Notwithstanding the reporting requirements stipulated in a permit for discharges to a POTW, 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 Authority 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.

700.1 INSPECTIONS

- (I) Employees of the Authority or their designated representatives bearing proper credential, may enter upon the property or premises occupied by any user for the purpose of:
 - A. Copying any records required to be kept pursuant to the Regulations or any Industrial Sewer Discharge Permit;
 - B. Inspecting any user's plant facilities or monitoring equipment;
 - C. Sampling any discharge of wastewater into the treatment works.
- (II) Authorized HSA personnel shall be granted immediate access to all facilities directly or indirectly connected to the HSA treatment plant during normal working hours and at such other times as may be necessary under emergency conditions as determined by the Administrator. All users shall provide easy access to the facilities to be inspected and shall promptly remove any obstruction which may exist therein upon the verbal or written request of the Administrator.
- (III) No person shall interfere with, delay, resist or refuse entrance to any HSA employee authorized to inspect or sample any facility involved directly or indirectly with a discharge of wastewater to the HSA treatment plant.

700.2 DAMAGE No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct, or Township Ordinance No. 24-77.

700.3 SPECIAL CASES If by reason of undue hardship or exceptional circumstances or because of new practices being approved and acceptable, or where the same are impossible of fulfillment or would prevent the accomplishment of the Authority's purposes and objectives, the Authority may by Resolution in special cases and for special reasons set forth therein, relax these Regulations and Specifications at its discretion, and whenever in the interest of public health, safety and welfare these Regulations are not adequate therefore the Authority may require higher qualities and standards.

700.4 VIOLATION In the event of violation of these Regulations and Specifications the Authority shall have recourse to any and all remedies, causes or actions permitted by law including but not limited to the right to institute an action in the Hanover Township Municipal Court under Ordinance 24-77 seeking the imposition of fines and penalties in accordance with the terms thereof and/or an action in the Superior Court of New Jersey seeking an injunction or abatement of any violation.

700.5 ENFORCEMENT RESPONSE PLAN Section 700.6 of these regulations lists enforcement actions which may be taken by the Authority against a User for violations of these regulations or the User's Permit (IDP) requirements. As per requirements of the NJDEP Industrial Pretreatment Program (IPP) regulations and guidelines, the Authority has developed an Enforcement Response Plan (ERP) for implementation of its regulations. The ERP lists the type of non-compliance, nature of violation, enforcement action to be taken by the Authority, time period for the Authority to take action and the Authority's personnel responsible for taking the enforcement action. The Authority's ERP is enclosed in Appendix C.4 of these regulations and will be updated as required. The Authority may take any additional action as deemed necessary to protect its treatment plant and all tributary sewers thereto, and to carry out the intent and provisions of these regulations.

700.6 ENFORCEMENT ACTIONS Whenever the Authority determines a User has violated or continues to violate a permit (IDP) limitation or condition, or any provision of these Rules and Regulations, or an Order issued hereunder, or any other Pretreatment Standard or requirement, the Authority shall take one or more of the following enforcement Actions. Nothing in this section shall limit the authority to take one or more enforcement actions independent of others, as determined necessary by the Authority.

- A. Issue a Notice of Violation
- B. Assess Administrative Penalty
- C. Assess Mandatory Penalty
- D. Assess Civil Administrative Penalty
- E. Conduct a Show Cause Hearing
- F. Issue a Compliance Order & Schedule
- G. Issue an Administrative or Consent Order
- H. Institute Civil Proceedings
- I. Implement Emergency Actions
- J. Issue a Cease & Desist Order
- K. Suspend Discharge/Permit
- L. Terminate Discharge/Permit
- M. Issue Summons in Municipal Court
- N. Seek a Criminal Prosecution against the User
- O. Issue a Public Notification
- P. Require Pretreatment

701 ADMINISTRATIVE ENFORCEMENT REMEDIES

701.1 NOTICE OF VIOLATION When the Authority finds that a User has violated or continues to violate any provision of discharge limitations, its Industrial Wastewater Discharge Permit, these Regulations, an Order issued hereunder, or any other Pretreatment Standard or requirement, the Authority shall serve upon the User a written

Notice of Violation. A Notice of Violation shall identify the section of the statute, rule, standard, effluent limitation, administrative order or permit violated, state the nature and details of the violation and response required.

Within twenty (20) days of the receipt of the Notice (unless a different time period is established by the Authority), an explanation of the violation and a plan for the satisfactory correction and prevention thereof to include specific required actions, shall be submitted by the User to the Authority. Submission of this plan or response 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 ability of the authority to take additional actions, including emergency actions or any other enforcement actions, without first issuing a Notice of Violation. The Notice of Violation shall not be considered as a waiver from any applicable civil or criminal penalties and/or other enforcement actions. Depending on the nature and severity of the violation, the Executive Director may pursue other enforcement actions rather than serving a Notice of Violation, including suspension of operation, suspension or termination of sewer services, pretreatment of waste, collection and hauling waste off-site, civil and/or criminal penalties, etc.

701.2 SHOW CAUSE HEARING The Authority may order a User which has violated or continues to violate any provision of the Permit (IDP), these Rules and Regulations or an Order issued thereunder, or any other Pretreatment Standards, to appear before the Authority 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 actions should not be taken.

The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least five (5) days prior to the hearing unless shorter notice is required due to emergency circumstances. Such notice may be served on any authorized representative of the User at the User's place of business. A Show Cause Hearing shall not be a bar against, or prerequisite for taking any other enforcement actions against the User.

701.3 COMPLIANCE ORDER Whenever the Authority finds that a User is in violation of any provision of these Rules and Regulations, it may issue a Compliance Order which may include, but not be limited to,:

- A. The provision or provisions of the Authority and other Rules and Regulations, effluent limitation, pretreatment standards or permit conditions of which the User is in violation;
- B. The action which caused such violation;

- C. Conditions requiring compliance with such provision or provisions, including actions/steps to be taken by the User and a time schedule;
- D. Any penalty assessed by the Authority for the violation(s); and
- E. Providing notice to the User of its right to a hearing on the issues contained in the order.

701.4 COMPLIANCE SCHEDULE

- A. The Authority shall afford an opportunity to the User and/or public to comment on a proposed Administrative Order prior to final adoption if the Administrative Order would establish interim enforcement limits that would relax effluent limitations established in a permit or a prior Order. The Authority shall provide public notice of the proposed Administrative 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. The mayor or chief executive officer and governing body of the municipality, and county (in which the violation occurred) and/or any other interested persons shall also be noticed.

The Authority shall consider the written comments received during the comment period prior to final adoption of the Administrative Order. Not later than the date that final action is taken on the proposed Order, the Authority shall notify each person or group having submitted written comments of the main provisions of the approved Administrative Order and respond to the comments received therefrom.

- B. The Authority, on its own initiative or at the request of any person submitting written comments pursuant to this subsection, may hold a Public Hearing on a proposed Administrative Order or Administrative Order, prior to final adoption if the Order would establish interim enforcement limits that would relax for more than 24 months effluent limitations established in a permit or a prior Order. A public notice for the Public Hearing to be held pursuant to this subsection shall be published not more than 30 days 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 Authority may recover all reasonable costs directly incurred in scheduling and holding the Public Hearing from the person requesting or requiring the interim enforcement limits and/or other permit changes.

701.5 ADMINISTRATIVE CONSENT ORDER OR CONSENT ORDER The Authority may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with a 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 other Sections of these Rules and Regulations and shall be enforced as provided by the Law. The HSA 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 HSA shall provide public notice of the proposed administrative consent order, 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 and 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 public notice shall be mailed to the mayor and governing body of the municipality and county in which the violation occurred, and to any other persons who have expressed an interest in the public notice, including any other governmental agencies. The HSA 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 HSA shall notify each person or group having submitted written comments on the main provisions of the approved administrative consent order and respond to the comments received therefrom.

The HSA, on its own initiative or at the request of any person submitting written comments pursuant to the above, may hold a public hearing on the 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 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.

701.6 CEASE AND DESIST ORDERS When the Authority finds that a User has violated or continues to violate any provision of the Permit (IDP), Authority rules and regulations, an Order issued hereunder, or any other Pretreatment Standards, or that the User's past violations are likely to recur, the Authority 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.

701.7 CIVIL ADMINISTRATIVE PENALTIES The Authority may issue a civil administrative penalty for any violation of the provisions of New Jersey Water Pollution Control Act P.L.1977, c.74 (N.J.S.A. 58:10A-1 et seq.), including a violation of the User's Permit (IDP), NJDEP/USEPA Pretreatment Standards, and Authority, State or USEPA rules and regulations. The Authority may assess by Civil Administrative Order, any costs recoverable pursuant to Subsection c. of N.J.S.A. 58:10a-10, including the reasonable costs of investigation and inspection, and preparing and litigating the case pursuant to this section.

The notice of the penalty assessment shall be given to the violator in writing by the Authority, and payment of the penalty shall be due and payable, unless a hearing is requested in writing by the violator, within 20 days of receipt of the notice. If no request for a hearing is received within twenty (20) calendar days after receipt of the Notice of Civil Administrative Penalty Assessment, it shall become a final Order upon the twenty-first (21) calendar day following its receipt and the penalty shall be due and payable

If a hearing is requested, the penalty or assessment shall be deemed a contested case and shall be submitted to the Authority for an administrative hearing in accordance with Sections 9 and 10 of P.L.1968, c. 410 (N.J.S.A. 52:14B-9 and 52:14B-10) and Section 706 herein.

The process of assessment of penalties, appeals, settlement of penalties, affirmative defenses, hearing request and hearing procedures, enforcement of Final Order, recovery of penalties, and other related issues, will be conducted in accordance with the applicable State Water Pollution Control Act provisions and other laws.

Any person who fails to pay a civil administrative penalty, 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 702.3 of the HSA Rules and Regulations. 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.

701.8 **MANDATORY PENALTIES** The Authority may assess a mandatory civil administrative penalty for violation of provisions of these regulations and New Jersey Water Pollution Control Act P.L. 1977, c.74 (N.J.S.A. 58:10A-1 et seq.). The Authority shall issue a Notice Of Violation and provide an opportunity for any affirmative defenses for the violation, prior to assessment of the following mandatory penalties:

- (a) A violation classified as a "Serious" violation, as defined in Article II of these regulations, a mandatory penalty per violation shall be assessed in accordance with the State Act, Section 701.9 and the ERP in Appendix C.4 of not less than \$1,000 for each serious violation. Each day of continuance of violation may constitute a separate violation; and
- (b) A violation classified as a "Significant Noncomplier" violation, as defined in Article II of these regulations, a mandatory penalty per violation shall be assessed in accordance with the State Act, Section 701.9 and the ERP in Appendix C.4 of 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. Each day of continuance of violation may constitute a separate violation.
- (c) For any person's failure to properly conduct monitoring or sampling activities or to submit discharge monitoring reports/self monitoring reports or other pretreatment report, the Authority shall assess a minimum mandatory civil administrative penalty of not less than \$100.00 for each effluent parameter omitted on a discharge monitoring report, not greater than \$50,000 per month for any one discharge monitoring report, for any discharge monitoring report, in accordance with N.J.A.C. 7:14-8.9.
 - 1. The civil administrative penalty assessed pursuant to (c) above shall begin to accrue on the fifth day after the date on which the discharge monitoring report was due and shall continue to accrue at least for 30 days if the violation is not corrected.
 - 2. The Authority may continue to assess civil administrative penalties for the failure to submit a complete discharge monitoring report beyond the 30-day period referenced in (c)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 discharge monitoring report, or portion thereof, within 30 days after the date on which the effluent parameter information was required to be submitted to the Authority. 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 in accordance with N.J.A.C. 7:14-8.9(e)3.

4. A violator will not be subject to a civil administrative penalty for the inadvertent omission of one or more effluent parameters in a discharge monitoring report if both of the following conditions are met:
 - i. The violator submits the omitted information to the Authority within 10 days after receipt by the violator of notice of the omission; and
 - ii. The violator demonstrates to the satisfaction of the Authority that the violation for which the Authority assessed the civil administrative penalty was due to an inadvertent omission by the violator of one or more effluent parameters.
- (d) Based upon the circumstances, the Authority reserves the right to negotiate the above assessed penalty and the final amount of penalty to be paid by the User. The final negotiated penalty may be subject to approval by NJDEP. 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, as amended and supplemented from time to time. Negotiated penalties shall not be less than the applicable mandatory minimum penalty amounts for a serious violation and for violations which cause the violator to be a significant noncomplier under the laws of the State of New Jersey at N.J.A.C. 7:14-8.2.
- (e) In addition to the mandatory penalty, the User shall be subject to additional sampling, inspection of the site by the Authority and other conditions in accordance with the New Jersey Water Pollution Control Act. Based upon the severity of the violation, the User shall be subject to additional penalties and/or other enforcement actions.

701.9 **CIVIL ADMINISTRATIVE PENALTY DETERMINATION:**

- (a) The Authority may assess a civil administrative penalty pursuant to this section of not more than \$50,000 per day for each violation of each provision of these regulations or the Water Pollution Control Act violations of any rule, effluent limitation, administrative order or permit issued pursuant thereto.
- (b) Each violation of any provision of these regulations or the Water Pollution Control Act or any rule, effluent limitation, administrative order or permit issued pursuant thereto, shall constitute an additional, separate and distinct violation. Each day during which a violation continues shall constitute a separate and distinct violation.
- (c) Except for those violations set forth in Sections 701.11 to 701.17 of these regulations, the Authority may assess a civil administrative penalty for violations described in this Section on the basis of the seriousness of the violation and the conduct of the violator at

the midpoint of the following ranges, unless adjusted pursuant to Section 701.18 of these regulations:

		<u>SERIOUSNESS</u>		
		<u>Major</u>	<u>Moderate</u>	<u>Minor</u>
<u>CONDUCT</u>	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

(d) The Seriousness Factor of the violation shall be determined as major, moderate or minor as follows:

Major shall include:

- (i) Any violation of an effluent limitation which is measured by concentration or mass for any discharge exceeding the effluent limitation as follows:
 - (A) By more than 50 percent of a hazardous pollutant; or
 - (B) By more than 100 percent for a nonhazardous pollutant;
 - (C) Any violation which has caused serious harm 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 range, excluding the excursions specifically excepted in a permit pertaining to continuous pH monitoring; or
- (iii) Any other violation not included in (d)(i) and (d)(ii) above in "major factor" which either:
 - (A) has caused or has the potential to cause serious harm to human health or the environment; or
 - (B) seriously deviates from the requirements of the Water Pollution Control Act or any rule, pretreatment standards, effluent limitation, administrative order or permit issued pursuant thereto; serious deviation shall include, but is not 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.

Moderate shall include:

- (i) Any violation, other than a violation of an effluent limitation identified in (ii) or (iii) below, which has caused or has potential to cause substantial harm to human health or the environment; or
- (ii) Any violation of an effluent limitation which is measured by concentration or mass of any discharge exceeding the effluent limitation as follows:
 - (A) By 20 to 50 percent for a hazardous pollutant; or
 - (B) By 40 to 100 percent for a nonhazardous 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 range, excluding the excursions specifically excepted in a permit for continuous pH monitoring; or
- (iv) Any other violation, other than a violation of an effluent limitation identified in (ii) 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 limited to, those violations that are in substantial contravention of the requirements or which substantially impair or undermine the operation or intent of the requirement.

Minor shall include:

- (i) Any violation, other than a violation of an effluent limitation identified in (ii) or (iii) below, not included in "major" or "moderate" above;
 - (ii) Any violation of an effluent limitation which is measured by concentration or mass for any discharge exceeding the effluent limitation as follows:
 - (A) By less than 20 percent of a hazardous pollutant; or
 - (B) By less than 40 percent for a nonhazardous 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 range, excluding the excursions specifically excepted in a permit for continuous pH monitoring.
- (e) The Conduct Factor of the violator shall be determined as major, moderate or minor as follows:

- (i) Major shall include any intentional, deliberate, purposeful, knowing or willful act or omission by the violator;
 - (ii) Moderate shall include any unintentional but foreseeable act or omission by the violator; or
 - (iii) Minor shall include any other conduct not identified in (e)(i) or (e)(ii) above.
- (f) The Authority may assess the penalty at the mid-point of the range (of each category) listed under section (c) above. However, the Authority may adjust the penalty assessed from the mid-point range to an amount not greater than the maximum amount or less than the minimum amount in the range, in accordance with the following factors:
- (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;
- (g) The Authority may, in its discretion, settle the final penalty amount of the civil administrative penalty to be recovered to any amount, up to 50 percent, provided that the penalty as reduced is not less than any applicable minimum amount set forth in Section 701.8 and N.J.A.C. 7:14-8.5(a) or 8.9(e), and HSA 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.

In settling a civil administrative penalty, the HSA may consider the following:

- a. Mitigating or extenuating circumstances not considered in the notice of civil administrative penalty assessment;
- b. The implementation by the violator of pollution prevention and/or abatement measures in addition to those minimally required by applicable statute or rule;

- c. The implementation by the violator of measures to clean up, reverse or repair environmental damage previously caused by the violation;
- d. 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 HSA 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
- e. Any other terms or conditions acceptable to the HSA.

701.10 PROCEDURES FOR ASSESSMENT OF CIVIL ADMINISTRATIVE PENALTIES

The Hanover Sewerage Authority is a Delegated Local Agency (DLA) by the State and has authority to develop and implement an Industrial Pretreatment Program in accordance with the Federal Clean Water Act and New Jersey Water Pollution Control Acts. The Authority may assess civil administrative penalties for the violation of the Authority's regulations and/or conditions of the permit of a non-domestic User or of any Order in effect with respect to such User. The Authority may assess a civil administrative penalty of not more than \$50,000 per day for each violation of each provision of these regulations or the Water Pollution Control Act. The Authority may use the following Sections and/or NJDEP and USEPA regulations and guidelines regarding procedures for assessment, payment and settlement of civil administrative penalties.

Neither the assessment of a civil administrative penalty nor the payment of any such civil administrative penalty shall be deemed to affect the availability of any other enforcement provision provided for by these regulations or any other statute, in connection with the violation for which the assessment is levied.

- A. To assess a civil administrative penalty under these regulations or the Water Pollution Control Act, the Authority shall notify the violator by certified mail (return receipt requested) or by personal service. The notice of civil administrative penalty assessment shall:
 - (i) Identify the section of the statute, rule, effluent limitation, administrative order or permit violated;
 - (ii) Concisely state the facts which constitute the violation;
 - (iii) Specify the amount of the civil administrative penalty to be imposed and give notice of other allowable costs to be sought; and

- (iv) Advise the violator of the right to request an adjudicatory hearing pursuant to the procedures in Section 706 of these regulations.
- B. The violator shall be afforded an opportunity to file exceptions, objections, and replies to the Executive Director of the HSA in accordance with Section 706.2 of HSA's Rules and Regulations.
- C. A final decision or order shall be issued in accordance with Section 706.2 of HSA's Rules and Regulations.
- D. Payment of the civil administrative penalty is due upon receipt by the violator of the Authority's Final Order in a contested case, or when the notice of civil administrative penalty assessment becomes a Final Order, as follows:
 - (i) If no hearing is requested pursuant to Section 706 of these regulations, a notice of civil administrative penalty assessment becomes a Final Order on the 21st day following receipt of the notice of civil administrative penalty assessment by the violator;
 - (ii) If the Authority denies the hearing request, a notice of civil administrative penalty assessment becomes a Final Order upon receipt by the violator of notice of such denial; or
 - (iii) If the Authority conducts an adjudicatory hearing, a notice of civil administrative penalty assessment becomes a Final Order upon receipt by the violator of a Final Order in a contested case.

701.11 PENALTY FOR SUBMITTING INACCURATE OR FALSE INFORMATION:

- (a) The Authority 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 these regulations or the Water Pollution Control Act or any rule, 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 Authority to the day of receipt by the Authority of a written correction by the violator 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 based on the conduct of the violator as follows:

- (i) For each intentional, deliberate, purposeful, knowing or willful act or omission by the violator, the civil administrative penalty may be in an amount up to \$50,000; and
 - (ii) For each other violation not identified pursuant to (i) above for which the violator does not correct the violation within ten (10) days after becoming aware of the violation, the civil administrative penalty shall be an amount up to \$30,000; and
 - (iii) For each other violation under this section not identified pursuant to (c)1, for which the violator corrects the violation within ten (10) days after becoming aware of the violation, the civil administrative penalty may be in the amount of up to \$1,000.
- (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 Section 701.18 of these regulations.

701.12 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 assess a civil administrative penalty for violations described in this section at the mid point of the following ranges except as adjusted pursuant to (d) below:
 - (i) 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
 - (ii) For any other refusal, inhibition, or prohibition of immediate entry and inspection, the civil administrative penalty may be in an amount up to \$8,000.
- (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 Section 701.18 of these regulations.

701.13 PENALTY FOR CONDUCTING UNAPPROVED ACTIVITIES:

- (a) The Authority may assess a civil administrative penalty pursuant to this section against each violator who:
 - (i) 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.
 - (ii) 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 Section 701.18 of these regulations.

701.14 PENALTY FOR FAILURE TO CONDUCT MONITORING/SAMPLING:

- (a) The Authority 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 discharge or monitoring reports required by the Water Pollution Control Act or any rule, 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.
- (c) The Authority shall assess a civil administrative penalty for violations described in this section based on the conduct of the violator as listed below:
 - (i) For any intentional, deliberate, purposeful, knowing or willful act or omission by the violator, the civil administrative penalty may be in an amount of up to \$50,000;
 - (ii) For any unintentional but foreseeable act or omission by the violator, the civil administrative penalty may be in an amount up to \$40,000; or
 - (iii) For any other violation, the civil administrative penalty may be in an amount of up to \$20,000.

- (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 Section 701.18 of these regulations.

701.15 PENALTY FOR LATE REPORT SUBMISSION:

- (a) The Authority may assess a civil administrative penalty pursuant to this section against each violator who fails to submit reports within the time required by the Water Pollution Control Act or any rule, effluent limitation, administrative order or permit issued pursuant thereto. These reports may include, but not limited to, Discharge Monitoring Report, Progress Report, Compliance Report, Response to Authority's notice, and any other report required by the Authority.
- (b) Each violation, including each parameter that is required to be reported and that is not reported, is an additional, separate and distinct violation.
- (c) For User's failure to submit a complete Discharge Monitoring Report (DMR) or other report required by the Authority, the Authority may assess a civil administrative penalty of \$100 for each parameter omitted on the report, but not greater than \$50,000 per month for any one Discharge Monitoring Report required to be submitted.
 - (i) The civil administrative penalty assessed pursuant to Section (c) herein shall begin to accrue on the fifth (5th) day after the date on which the report was due and shall continue to accrue for thirty (30) days if the violation is not corrected.
 - (ii) The Authority may continue to assess civil administrative penalties for the failure to submit a complete report beyond the 30-day period as referenced in (i) above until the violation is corrected.
 - (iii) To contest a civil administrative penalty assessed pursuant to this section, a violator shall submit evidence of extenuating circumstances beyond the control of the User that prevented timely submission of the report, within 30 days after the date on which the report (DMR) was required or due to the Authority. After the 30-day period, the violator shall have waived its right to contest the civil administrative penalty in this manner or may be barred from doing so.
- (d) The violator will not be subject to a civil administrative penalty for the inadvertent omission of one or more parameters in a report (or DMR), if the following conditions are met:

- (i) The violator submits the omitted information to the Authority within ten (10) days after receipt by the violator of a notice of omission or violation; and
 - (ii) The violator demonstrates to the satisfaction of the Authority that the violation for which the Authority assessed or intent to assess the civil administrative penalty was due to an inadvertent omission by the violator of one or more parameter.
- (e) 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 Section 701.18 of these regulations.

701.16 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 as follows:
 - (i) In an amount equal to the unpaid permit fee, up to a maximum of \$50,000 per violation;
- (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 Section 701.18 of these regulations.
- (e) 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.)".

701.17 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.

701.18 NEGOTIATIONS AND COMPROMISE OF PENALTY

The Authority may, in its discretion, settle the amount of penalties determined pursuant to Section 701.8, 701.9, 701.10 or other section of these regulations, up to 50 percent, provided that the penalty as reduced is not less than any applicable minimum amount set forth in Section 701.8 and N.J.A.C. 7:14-8.5(a) or 8.9(e), and HSA 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, 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. Mitigating or extenuating circumstances not considered in the notice of civil administrative penalty assessment;
4. The implementation by the violator of pollution prevention and/or abatement measures in addition to those minimally required by applicable statute or rule;
5. The implementation by the violator of measures to clean up, reverse or repair environmental damage previously caused by the violation;
6. 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 HSA 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
7. Any other terms or conditions acceptable to the Executive Director or his/her authorized representatives.

702 JUDICIAL ENFORCEMENT REMEDIES

702.1 CIVIL ACTION The Authority is authorized to commence a civil action in the Superior Court for appropriate relief for any violation of these Rules and Regulations or of a permit issued hereunder. Such relief may include, singly or in combination:

- A. A temporary or permanent injunction.
- B. 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 section;
- C. 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;
- D. Assessment against the violator of compensatory damages for any loss or destruction of wildlife, fish or aquatic life, treatment plant process or other natural resources, and for any other actual damages caused by an unauthorized discharge;
- E. 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 non-capital costs resulting from the violation; the return earned or that may be earned on the amount of avoided costs; any benefits accruing to the violator as a result of a competitive market advantage enjoyed by reason of the violation; or any other benefits resulting from the violation.

702.2 ISSUANCE OF SUMMONS The Authority may issue a Summons for a violation of any provision of P.L.1977, c.74 (N.J.S.A. 58:10A-1 et seq.), including a violation of any rules, regulations or Pretreatment Standards adopted by the Authority, 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 municipality in which the violation occurred. The Summons shall be signed and issued by a person authorized to enforce the provisions of P.L.1977, c.74 (N.J.S.A. 58:10A-1 et seq.). Proceedings before, and appeals from a decision of, a municipal court of the municipality in which the violation occurred 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, 10% shall be paid to the municipality in which the court retains jurisdiction, for use for court purposes with the remainder to be paid to the Authority.

702.3 CIVIL PENALTIES The Authority may bring an action for a civil penalty against any person who violates:

- A. these Rules and Regulations;
- B. an administrative order issued pursuant to these regulations;
- C. a court order;
- D. a requirement to pay a civil administrative penalty;
- E. a requirement to make a payment pursuant to a payment schedule entered into with the Authority;

Any such person found to be in violation of any of the foregoing shall be subject, upon order of a court, to a civil penalty not to exceed \$50,000 per day of such violation, and each day's continuance of the violation shall constitute a separate violation. Any penalty incurred under this section 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 a violator from the violation.

702.4 CRIMINAL PROSECUTION The Authority may petition the County Prosecutor or the State Attorney General for Criminal Prosecution as required by N.J.S.A. 58:10A-6(i) for any of the following:

- (a) (1) Any person who purposely, knowingly, or recklessly violates these Rules and Regulations, and the violation causes a significant adverse environmental effect or treatment plant upset, 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.

(2) As used in this paragraph, a significant adverse environmental effect exists when an action or omission of the defendant causes: serious harm or damage to treatment plant process, 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 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 (N.J.S.A. 58:10A-47 et seq.).

- (b) Any person who purposely, knowingly, or recklessly violates these Rules and Regulations, including making a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under these Rules and Regulations, or by falsifying, tampering with, or rendering inaccurate any monitoring device or method required to be maintained pursuant to this Section, or by failing to submit a monitoring report, or any portion thereof, required pursuant to these Rules and Regulations, 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.
- (c) Any person who negligently violates these Rules and Regulations, including making a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under these Rules and Regulations, or by falsifying, tampering with, or rendering inaccurate any monitoring device or method required to be maintained pursuant to these Rules and Regulations, or by failing to submit a Discharge Monitoring Report, or any portion thereof, required pursuant to these Rules and Regulations, 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.
- (d) Any person who purposely or knowingly violates an effluent limitation, Pretreatment Standard 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 of 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.
- (e) As used in this subsection, "purposely," "knowingly," "recklessly," and "negligent" shall have the same meaning as defined in N.J.S.A. 2C:2-2.

702.5 EMERGENCY ACTIONS - SUSPENSION The Authority may, in accordance with Section 303.8, 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 public and/or environment. The Authority may also immediately suspend a User's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the Authority, 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 Authority shall take such steps as deemed necessary, including immediate severance of the sewer connection to prevent or minimize damage to the Authority System, State receiving stream, or endangerment to the public or environment. The Authority shall allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Authority that the period of endangerment has passed, unless the termination proceedings of these regulations are initiated against the User.
- (b) A User responsible, entirely 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 Authority prior to the date of any Show Cause or Hearing under these rules and regulations.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency action by the Authority.

702.6 SUSPENSION OF PERMIT/DISCHARGE Based upon severity of violation and other available information, the Executive Director may suspend the User's Permit (IDP) or the operation (partial or completely) at the User's site for protection of the sewer system, environment and/or public health. The duration of any suspension of operation may depend on the severity of violation and/or corrective actions taken to control the problem. The User may request a Show Cause hearing regarding the suspension and provide supporting documents to the Authority demonstrating compliance with the User's Permit and the Authority regulations prior to restoration of its operation or sewer services.

702.7 TERMINATION OF PERMIT/DISCHARGE In addition to the right conferred upon the Authority for disconnection of service upon nonpayment of charges by the Sewerage Authorities Law, the Authority shall have the right to disconnect any line where substances prohibited in Article III hereof are being discharged into the Authority's system which bear a reasonable potential of harm to the Authority's system and/or Treatment Plant.

- (I) In addition to the other enforcement provisions in these Rules and Regulations, any User that violates the following conditions is subject to termination of its discharge:
 - (a) Violation of the Permit (IDP) conditions or USEPA/NJDEP Pretreatment regulations;
 - (b) Failure to accurately report the wastewater constituents and characteristics of its discharge and/or to submit reports in a timely manner as required by the Authority;

- (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) Falsification of reports or information submitted to the Authority;
 - (f) Failure to pay sewer fee, IPP fee, other charges or penalties assessed by the Authority;
 - (g) Failure to respond to any directives issued by the Authority.
- (II) Except in the case of an emergency, the Authority will give a reasonable notice under the circumstances, preferably written, of the prohibited discharge so as to provide an opportunity to the discharging party to discontinue the discharge and avoid the necessity for disconnection.
- (III) 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. It may also be accomplished by inserting a suitable plug at an appropriate location.
- (IV) Service shall be restored upon correction of the discharge and payment to the Authority for costs incurred, including but not limited to the cost of repairing damage caused by the discharge, the cost of disconnection and restoration of service, and such penalty fees as may be levied by the Authority.

703 REMEDIES NONEXCLUSIVE

703 REMEDIES NONEXCLUSIVE The provisions of these Rules and Regulations are not intended to set forth exclusive remedies. The Authority reserves the right to take any, all, or any combination of these actions against a User in noncompliance. The Authority reserves the right to take other action against any User when the circumstances warrant. Furthermore, the Authority is empowered to take more than one enforcement action against any User in noncompliance. These actions may be taken concurrently.

704 DISBURSEMENT OF PENALTY MONIES

704 DISBURSEMENT OF PENALTY MONIES Ten (10) percent of any penalty collected by the Authority shall be paid to the "Wastewater Treatment Operator's Training Account pursuant to N.J.S.A. 58:10A-6.i (2) except when penalties are collected under a summons, 10% shall be paid to the municipality in which the court retains jurisdiction for use for court purposes.

705 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

705.1 AFFIRMATIVE DEFENSES FOR A MANDATORY PENALTY A person may be entitled to an Affirmative Defense to liability for a mandatory assessment of a civil administrative penalty pursuant to Section 701.8 or other applicable Sections of these regulations for a violation of an effluent limitation occurring as a result of an upset, an anticipated/unanticipated bypass, or a testing/laboratory error. A person shall be entitled to an Affirmative Defense only if, in the determination of the Authority, the person satisfies one of the following provisions of this Subsection:

A. Upset:

1. A person asserting an Upset as an Affirmative Defense pursuant to this section, except in the case of an approved maintenance operation, shall notify the Authority of an Upset within 24 hours of the occurrence, or of becoming aware of the occurrence, and, within five days thereof, shall submit written documentation, including properly signed, contemporaneous operating logs, or other relevant evidence, on the circumstances of the violation, and demonstrating, as applicable, that:
 - (i) The Upset occurred, including the cause of the Upset and as necessary the identity of the person causing the Upset.
 - (ii) The permitted facility was at the time being properly operated.
 - (iii) The person submitted notice of the Upset as required pursuant to this section, or, in the case of an Upset resulting from the performance by the permittee of maintenance operations, the permittee provided prior notice and received an approval therefor from the Authority.
 - (iv) The person complied with any remedial measures required by the Authority.

B. Unanticipated Bypass:

1. A person asserting an Unanticipated Bypass as an Affirmative Defense pursuant to this section shall notify the Authority of the Unanticipated Bypass within 24 hours of its occurrence, and, within five days thereof, shall submit written documentation, including properly signed, contemporaneous operating logs, or other relevant evidence, on the circumstances of the violation, and demonstrating that:
 - (i) The Unanticipated Bypass occurred, including the circumstances leading to the Bypass;
 - (ii) The permitted facility was at the time being properly operated;
 - (iii) The person submitted notice of the bypass as required pursuant to this section;
 - (iv) The person complied with remedial measures required by the Authority;
 - (v) The Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
 - (vi) There was no feasible alternative to the Bypass such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of downtime, except that the provisions of this paragraph shall not apply to a Bypass occurring during normal periods of equipment downtime or preventive maintenance if, on the basis of the reasonable engineering judgment of the Authority, back-up equipment should have been installed to avoid the need for a Bypass.

Nothing contained in subsection A or B of this section shall be construed to limit the requirement to comply with the notice requirements of Section 301.3(III).V of HSA's Rules and Regulations.

C. Anticipated Bypass:

1. A person may assert an Anticipated Bypass as an Affirmative Defense pursuant to this section only if the person provided prior notice to the Authority, at least ten (10) days prior to the date of the Bypass, and the Authority approved the Bypass, and if the person is able to demonstrate that:
 - (i) The Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
 - (ii) There was no feasible alternative to the Bypass such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of downtime, except that the provisions of this paragraph

shall not apply to a bypass occurring during normal periods of equipment downtime or preventive maintenance if, on the basis of the reasonable engineering judgment of the Authority, back-up equipment should have been installed to avoid the need for a Bypass.

D. Testing/Laboratory Error:

1. A person asserting a Testing or Laboratory Error as an Affirmative Defense pursuant to this section shall have the burden to demonstrate, to the satisfaction of the Authority, that a serious 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 control of the permittee.

E. A determination by the Authority on a claim that a violation of an effluent limitation was caused by an Upset, or a Bypass, or a Testing/Laboratory Error shall be considered final Authority action on the matter for the purposes of the "Administrative Procedure Act," P.L.1968, c.410 (N.J.S.A. 52:14B-1 et seq.), and shall be subject only to review by a court of competent jurisdiction.

F. An assertion of an Upset, a Bypass or a Testing/Laboratory Error as an Affirmative Defense pursuant to this subsection may 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.

G. If the Authority determines, pursuant to the provisions of this subsection, that a violation of an effluent limitation was caused by an Upset, a Bypass or a Testing/Laboratory Error, the Authority shall waive any mandatory civil administrative penalty required to be assessed pursuant to Section 701.7, 701.8 or 701.9, and the violation shall not be considered a Serious violation or violation causing a person to be designated a Significant Non-Complier.

H. The Affirmative Defense for an Upset, a Bypass or a Testing/Laboratory Error provided in this section shall only apply to the imposition of mandatory penalties pursuant to Sections 701.7, 701.8, and 701.9 for Serious Violations and for determining a Significant Non-Complier. Nothing in these Rules and Regulations shall be construed to limit the Authority to adopt regulations or permit conditions that include or do not include an Upset or, a Bypass or a Testing/Laboratory Error, using different standards, as a defense for any other exceedance of an effluent limitation.

705.2 AFFIRMATIVE DEFENSES FOR CATEGORICAL DISCHARGES

A. Upset. For the purpose of this subsection, Upset shall mean an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment

Standards because of factors beyond the reasonable control of the Industrial 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.

An Upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the following requirements are met:

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

B. Bypass. Bypass for the purpose of this subsection shall be defined as:

- (a) Bypass means the intentional diversion of a wastestream from any portion of an Industrial User's treatment facility; and
- (b) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

A Bypass shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if all of the following requirements are met:

- (i) The Industrial User submitted notices as required below:

(1) If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the Authority, at least ten days before the date of the bypass;

(2) An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Authority within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the Industrial 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..

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

705.3 AFFIRMATIVE DEFENSES FOR ALL OTHER DISCHARGES. An Industrial User shall have an affirmative defense in any action brought against it alleging a violation of the Prohibited Wastes or limitations established in these regulations, if the Industrial User can demonstrate that:

- (a) It did not know or have reason to know that its discharge, alone or in conjunction with other discharge(s) from other sources, would cause Pass-through or Interference; and
- (b) (i) A local limit designed to prevent Pass-through and/or Interference, as the case may be, was developed for each pollutant in the User's Discharge that caused Pass-through or Interference, and the Industrial User was in compliance with each such local limit directly prior to and during the Pass-through or Interference: or
- (ii) If a local limit designed to prevent Pass-through and/or Interference, as the case may be, has not been developed for the pollutant(s) that caused the Pass-through or Interference, the User's Discharge directly prior to and during the Pass Through or Interference did not change substantially in nature or constituents from the Industrial User's prior discharge activity when the Authority was regularly in compliance with it's NJPDES permit requirements and, in the case of Interference, applicable requirements for sewage sludge use or disposal.

706 ADJUDICATORY HEARING REQUESTS

706.1 PROCEDURES TO REQUEST AN ADJUDICATORY HEARING:

- (a) To request an adjudicatory hearing to contest an administrative order and/or a notice of civil administrative penalty assessment issued pursuant to these regulations or the Water Pollution Control Act, the violator shall submit the following information in writing to the Executive Director:
 - (i) The name, address, and telephone number of the violator and its authorized representative(s);
 - (ii) The violator's defenses to each of the findings of fact stated in short and plain terms;
 - (iii) 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;
 - (iv) Information supporting the request and specific reference to or copies of other written documents relied upon to support the request;
 - (v) An estimate of the time required for the hearing (in days and/or hours); and
 - (vi) A request, if necessary, for a barrier-free hearing location for physically disabled persons.
- (b) Proof of compliance with all relevant requirements if the violator intends to:
 - (i) Raise an affirmative defense to liability for a civil administrative penalty pursuant to Section 705 of HSA's Rules and Regulations 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) Request that the Authority determine through an administrative hearing whether or not it agrees with the violator's allegations concerning the matter; and
- (c) For a notice of civil administrative penalty assessment for failure to properly conduct monitoring or sampling, the following as applicable:
 - (i) Documentation of compliance with the requirements in Section 705 that the violator notify the Authority in writing, within 30 days after the date the violator was required to submit the information to the Authority, 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 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 based on the existence of extenuating circumstances beyond the violator's control, the violator shall submit evidence of extenuating circumstances beyond the control of the permittee, including circumstances that prevented timely submission of a complete discharge monitoring report, or portion thereof, within 30 days after the date on which the effluent parameter information was required to be submitted. 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.
 - (iv.) A violator will not be subject to a civil administrative penalty for the inadvertent omission of one or more effluent parameters in a discharge monitoring report if both of the following conditions are met:
 1. The violator submits the omitted information to HSA within 10 days after receipt by the violator of notice of the omission; and
 2. The violator demonstrates to the satisfaction of the HSA that the violation for which the HSA assessed the civil administrative penalty was due to an inadvertent omission by the violator of one or more effluent parameters.
- (d) The Authority shall deny the hearing request if the Authority does not receive a 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 Authority in writing, within the 30 days allotted under (c) above, of the existence of extenuating circumstances which prevented timely submission of a complete discharge monitoring report, shall be grounds for the Authority to deny any hearing request on a notice of civil administrative penalty assessment pursuant to N.J.A.C. 7:14-8.9(e).

- (e) If the violator fails to include all the information required above, the Authority may deny the hearing request.

706.2 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.

(i) 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.

- (ii)
 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.

707 REPORTING OF VIOLATIONS TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION The Authority will report to the Department of Environmental Protection (NJDEP) any information the Authority obtains which indicates a person was deliberately or neglectfully violating any Pretreatment Standard, or provision of the New Jersey "Water Pollution Control Act", N.J.S.A. 58:10A-1 or the regulations promulgated thereunder and may institute a civil action or injunctive suit against the violator(s).

The Authority shall report to the NJDEP any information the Authority obtains which indicates a person knowingly made a false statement, representation or certification in an application, record or other document filed or required to be maintained by any Pretreatment Standard, any provision of the New Jersey "Water Pollution Control Act", N.J.S.A. 58:10A-1 et seq., or any regulations promulgated thereunder, or who falsifies, tampers with, or knowingly renders inaccurate, any monitoring devices or method required to be maintained pursuant to the State Act.

708 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE The Authority shall publish annually in an official newspaper, a list of the Users which, during the previous twelve (12) months, were classified as in Significant Non-Compliance (SNC) with applicable Authority/State/USEPA Pretreatment Standards and other regulations pursuant to 40 CFR 403.8(f)(2)(vii) and N.J.A.C. 7:14A-19.10(b). The USEPA Significant Non-Compliance (SNC) definition set forth in Article II of the HSA Rules and Regulations shall be used for the SNC determination. The public notification shall summarize any enforcement actions taken against the Industrial User for such violation(s).

709 CONFIDENTIAL INFORMATION

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

- B. When information accepted by the Authority as confidential is requested by the EPA and/or the Department for uses related to these Regulations the New Jersey Pollutant Discharge Elimination System (NJDEPS) and/or the State or Federal Pretreatment programs, the Authority shall refer these requests to the person who furnished the information in question.
- C. Information on the pretreatment program that is non-confidential is available for public inspection and hand copying at HSA administrative offices on weekdays between 9:00 a.m. and 11:30 a.m. Requests to review data can be made in writing or by telephone at least 48 hours prior to the date the data is requested. If at the time of data review, the photocopying machine is available, copies can be made in accordance with the attached fee schedule. Information pertaining to any matter which is in litigation will be considered confidential until the litigation is resolved.

710 SEVERABILITY If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

711 INDEMNIFICATION The Industrial User shall indemnify and save harmless the HSA for any expense, loss or damage occasioned the HSA, 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 HSA in removing, correcting, preventing or terminating any adverse effects upon the HSA wastewater collection and treatment system;
- B. Any increase in the cost of sludge processing or disposal;
- C. Any fines or penalties assessed against the HSA 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 Discharge 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 HSA resulting from the discharge.

APPENDIX A

ORDINANCE
1-56
AN ORDINANCE CREATING
THE HANOVER SEWERAGE
AUTHORITY

RECITAL

There are in and about the Township of Hanover, in the County of Morris, New Jersey, waters which are polluted and are subject to pollution by sewage and industrial and other wastes arising from causes within the Township. The Township Committee of the Township has ascertained that there is imperative need to relieve such waters from pollution and thereby reduce and ultimately abate the menace to the public health resulting from such pollution.

The Sewerage Authorities Law of the State of New Jersey (P.L. 1946, C. 138) grants power to every municipality of the State, by means and through the agency of a sewerage authority, to acquire, construct, maintain, operate or improve works for the collection, treatment, purification or disposal of sewage or other wastes.

The Township Committee of the Township has decided and hereby determines that it is necessary and advisable and is in the best interests of the inhabitants of the said Township of Hanover that there be created a sewerage authority pursuant to said Sewerage Authorities Law as a public body corporate and politic and an agency and instrumentality of the Township of Hanover for the purposes of the relief of waters in or bordering the State from pollution arising from causes within said Township and the relief of waters in, bordering or entering the Township from pollution, or threatened pollution, and the consequent improvement of conditions affecting public health.

BE IT ORDAINED BY THE
TOWNSHIP COMMITTEE OF
TOWNSHIP OF HANOVER, IN
THE COUNTY OF MORRIS,

NEW JERSEY, AS FOLLOWS:

Section 1. Pursuant to the provisions of the Sewerage Authorities Law (P.L. 1946, C.138) of the State of New Jersey, there is hereby created a public body corporate and politic under the name and style of "The Hanover Sewerage Authority".

Section 2. The Hanover Sewerage Authority hereby created is a sewerage authority as contemplated and provided for by said Sewerage Authorities Law and shall have and exercise all of the powers and perform all of the duties provided for by said Sewerage Authorities Law and any other statutes heretofore enacted and applicable thereto.

Section 3. Members of The Hanover Sewerage Authority may receive from The Hanover Sewerage Authority, compensation for their services as members, within the limitation hereby stated, that no member shall receive in excess of One Hundred Dollars (\$100.00) per annum.

Section 4. A copy of this ordinance, duly certified by the Township Clerk of the Township shall forthwith be filed by said Township Clerk in the office of the Secretary of State of the State of New Jersey.

Section 5. This ordinance shall take effect as provided by law, not sooner than ten days after its publication.

TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY
Adopted: March 8, 1956

JOHN C. KORN
Mayor

Attest

HAROLD R. KEENAN
TOWNSHIP CLERK
NOTICE

The foregoing ordinance was duly adopted by the Township Committee of the Township of Hanover, in the County of Morris, New Jersey, on March 8, 1956.

HAROLD R. KEENAN
TOWNSHIP CLERK

TOWNSHIP OF HANOVER
COUNTY OF MORRIS AND
STATE OF NEW JERSEY

Introduced: 2/9/56
Passed: 3/8/56

By _____

John C. Korn, Mayor

attest:

H. R. Keenan, Twp. Clerk

APPENDIX B

**ORDINANCE 8-83
AN ORDINANCE REGULATING THE
OPENING OF STREETS IN THE
TOWNSHIP OF HANOVER, SETTING
AND FIXING CERTAIN FEES IN
CONNECTION THEREWITH AND PRO-
VIDING PENALTIES FOR THE VIOLATION
THEREOF.**

BE IT ORDAINED, By the Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey, as follows:

SECTION 1. The short title of this ordinance shall be "The Road Opening Ordinance of the Township of Hanover."

SECTION 2. (a) It shall be unlawful for any person, firm, corporation, municipal or public utility to make an excavation or place any form of construction, in, over or upon any public road or street under the control of the Township of Hanover, or otherwise endanger or obstruct the normal flow of traffic, or normal flow of surface water by the placing of any barricade, structure, material or equipment not normally designed to be operated, placed or used on the public highway without first obtaining a written permit, approved by the Township Engineer, which shall be issued by the Township Clerk upon payment of a fee of One Dollar (\$1.00) and other required considerations. Copies of permit shall be submitted to the Chief of Police and Superintendent of Public Works. The Chief of Police shall notify the Fire Department of the pending road opening.

(b) No person, firm, corporation, municipal or public utility, shall be granted a permit to open any street until and unless there shall be furnished a certificate of insurance indicating that the person, firm, corporation, municipal or public utility, is adequately insured against liability and property damage claims. The amount of insurance shall be determined by the Township Attorney but in no case shall such insurance be in an amount less than \$250,000.00 - \$500,000.00.

(c) Road openings required under Hanover Township Committee contracts and openings performed by the Township Public Works Department are exempt from these permit requirements.

(d) Where roads are maintained by the State of New Jersey or the County of Morris, the opening from the face of the curb or the edge of the pavement to the property line will be performed under the jurisdiction of the Township of Hanover and all provisions of this ordinance are applicable. The provisions of this ordinance are not applicable to the travelled roadway, shoulders or pavement between curbs which are maintained by the State of New Jersey or the County of Morris. Permission to open State or County roads must be obtained from the political agency having jurisdiction.

SECTION 3. (a) Application for such permit shall be made on forms obtained at the Municipal Building, in said Township. Said permit shall indicate the date upon which the operation will start and the date upon which it will be completed. If the contemplated operation will completely obstruct any thoroughfare or make inaccessible to vehicular traffic a length of more than two hundred feet of any thoroughfare for a period in excess of twenty-four hours, then a period of not less than seventy-two hours shall elapse after the issuing of the permit before the operation may be started and the person, firm, corporation, municipal or public utility to whom such permit is granted shall post conspicuous signs in accordance with provisions of Title 39 of the Revised Statutes of New Jersey, with amendments thereof and supplements thereto, at or near the site of the operation, setting forth that the thoroughfare will be closed, and the date, the reason for and duration of such closing.

(b) Permission to make an opening or tear up the surface of a road does not carry with it any right to make drainage, sewer, water, gas, oil, steam, electric or telephone connections. A separate permit to make such connections must be obtained from the proper officials having jurisdiction.

(c) Unless otherwise approved by the Township Engineer, where an excavation is to extend the full width of the road, only one-half of the excavation shall be made at one time, and shall be properly back-filled before the other half is excavated.

(d) Pavement cuts and road openings will be permitted and made during daylight hours only. No road openings will be permitted or made on Sundays. The above working hours do not apply where emergency road openings are required as outlined in Section 5 of this ordinance.

SECTION 4. (a) Where water or gas installations require services of existing users to be terminated, such utility shall notify such users of the period of time when the services will not be available. Such notice shall be given at least twenty-four hours prior to the interruption of service.

(b) Occupants of abutting properties shall be notified prior to any pavement cut or excavation for a proposed road opening. The notice shall be on forms furnished by the Township and shall state the time, date and location of the road opening. The applicant shall deliver the notice to all residents of abutting properties. Where residents are more than 200 feet from the proposed road opening, such notice is not necessary.

SECTION 5. Street openings may be made without the necessity of a written application as provided for in Section 3 (a) hereof in emergencies, such as broken or frozen water mains or other happenings which would endanger public life, health and safety, provided that notice thereof shall be immediately given verbally to the Chief of Police. Written application for a permit shall nevertheless be made to the Township as soon as may be convenient but in any event within forty-eight hours.

SECTION 6. (a) Unless authorized and permitted otherwise, no person, firm, corporation, municipal or public utility shall be granted a permit to open any street until and unless there shall be deposited with the Township Clerk an inspection fee of not less than Five Dollars (\$5.00) and an amount sufficient to pay the expenses of maintaining and replacing such public road or other surfaces or appurtenances within the street area as may be determined by the Township Engineer. Said work shall be done by the Township and under the direction of the Township Engineer. The minimum deposit with the Township shall be \$75.00 from which deposit the expenses for the maintenance and repair of the replacement shall be deducted. After the replacement is made and the cost of said replacement is tabulated, labor, material costs and equipment, any balance will be refunded by the township of Hanover to the permittee.

(b) Where the deposit for replacement of street openings may be greater than Five Hundred Dollars (\$500.00), any person, firm, corporation, municipal or public utility may file a performance bond, satisfactory to the Township as to form, amount and surety, with the Township Clerk, which bond will be conditioned upon maintaining and replacing any such openings in a manner required herein. The maintenance and replacement and all work pertaining to such openings shall be performed and paid for by the person, firm, corporation, municipal or public utility filing a bond for such a permit.

(c) When the extent of the road opening cannot be shown on the application provided by the Township, the permittee shall submit such plans and specifications as may be required by the contents of this road opening ordinance. In duplicate, which plans shall indicate the extent of the work within Hanover Township. The Township may assign an inspector to insure that during pavement cut and excavation such underground structures or facilities are adequately protected and to ascertain that the specifications herein set forth are complied with. Such inspection shall be made at the expense of the person, firm, corporation, municipal or public utility filing a bond for a road opening permit. The Township Engineer shall estimate the cost of such inspection and this fee shall be deposited with the

Township Clerk before a permit is issued.

(d) The filing of such bond shall not relieve any person, firm, corporation, municipal or public utility, of the necessity of securing a permit and complying with all of the terms and conditions of this ordinance.

SECTION 7. (a) Pavement cuts will not be permitted on newly constructed or new bituminous concrete surfaced roads for a period of five years except in emergencies or upon payment of a penalty charge. The penalty charge for a newly paved or new bituminous concrete surfaced road during the first year shall be \$500.00, during the second year shall be \$400.00, during the third year shall be \$300.00, during the fourth year shall be \$200.00 and during the fifth year shall be \$100.00 and after the fifth year the requirements of this ordinance shall prevail. The above penalties are in addition to the provisions of Section 5 of this ordinance and the penalty, permit fee and costs shall be deposited with the Township Clerk prior to the issuance of a road opening permit.

(b) The Township Committee, acting through the Township Clerk, shall endeavor to notify all property owners along any street which is planned to be newly constructed or which are to be newly surfaced. The notice shall contain the proposed date of such construction or surfacing and shall call to the attention of such owner or owners the provisions of this section and request that if they anticipate installing utility connections in the street or the doing of any other work requiring the cutting of the pavement, such installations or other work should be done prior to the proposed construction or repaving. The notice shall be addressed to the property owner at the address listed on the rolls of the Tax Collector of the Township, and shall be sent at least three (3) months prior to the proposed date for the commencement of construction or paving, provided, however, that the failure to give such notice shall not affect the validity of the penalty provisions of this ordinance.

(c) Unless otherwise directed by the Township Engineer, the following specifications shall govern the backfill to be placed in excavated trenches:

(1) All road, shoulder and driveway openings shall be backfilled with a bank run gravel.

(2) All other openings shall be backfilled with the excavated material and shall be tamped with 12 inch layers with a mechanical tamper.

(3) Backfill shall be placed in trenches, as above specified, by the person, firm, corporation, municipal or public utility making the opening.

(4) All material not suitable for backfill and all excess backfill material shall be removed from the site by the person, firm, corporation, municipal or public utility responsible for the opening.

SECTION 8. Upon completion of the opening and backfill as specified and upon the Township being notified of the same, the following specifications shall govern the maintenance and repair of street openings by the Township or by the permittee, as the case may be:

(a) Shoulder openings shall be backfilled to within eight inches of the existing shoulder surface. The remainder of the trench shall be filled with 6 inches of 2 1/2 inch stone and all voids with stone dust. When authorized an approved shoulder stone may be used as an alternate for the opening, over the macadam base, will be filled with the shoulder base, and tamped or rolled with the equivalent capacity of 5 to 10 ton roller. The above trench shall be maintained and kept to the existing shoulder grade by the addition of shoulder stone as required. Shoulder openings within the street any part of which are adjacent to or within 3 feet of the existing pavement.

(b) Pavement openings shall be filled and paved as specified hereinabove for shoulder openings except that in place of the shoulder stone used to fill in the remainder of the openings, bituminous concrete Type "A" shall be used. When in

the opinion of the Township Engineer settlement in the pavement opening has ceased the bituminous concrete surface shall be removed and the existing pavement shall be cut back to a sharp line one foot each side of the opening. After surfaces of the existing pavement are tack coated with an asphalt oil, the entire area shall then be filled with bituminous concrete Type "A" or P. A. B. C. - 1 and rolled to present an even riding surface. Pavement openings are herein defined as openings within the travelled roadway or between curbs, where curbs exist on a street.

(c) Driveway openings shall be replaced in kind and the appropriate specifications for shoulder openings or road openings shall govern the replacement of same.

SECTION 9. If in the opinion of the Township Engineer conditions are such as to require sheathing, the applicant at his expense will install such sheathing as may be required upon order of the Township Engineer.

SECTION 10. It shall be the responsibility of the person, firm, corporation, municipal or public utility opening any thoroughfare, or otherwise endangering or obstructing the normal flow of traffic or normal flow of surface water thereon, to fully protect both vehicular and

pedestrian traffic from possible accident or injury by the placing of suitable barriers, crosswalks, notices, warnings and/or caution signs by day, and flares, flashing lights at night in accordance with the provisions of Title 39 of the Revised Statutes of New Jersey, with amendments thereof and supplements thereto. The Chief of Police will determine the adequacy of such protection.

SECTION 11. (a) The Township Engineer is hereby designated the enforcement officer to enforce the provisions of this ordinance and is the agent acting for the Township Committee of the Township of Hanover in connection herewith. However, this provision shall not be construed as depriving members of the Police Department of the power to prosecute violators hereof.

(b) When authorized and permitted by the governing body of the Township of Hanover, deviations from the requirements of this ordinance shall not relieve the Township Engineer of the jurisdiction and authority to supervise the making of pavement cuts and the restoration of the pavement.

SECTION 12. Any person, firm, corporation, municipal or public utility violating this ordinance shall be subject, upon conviction, to a fine or not more than Two

Hundred (\$200.00) Dollars, or imprisonment for not more than ninety (90) days, or both, at the discretion of the Magistrate imposing the same.

SECTION 13. Failure to comply with any provision of this ordinance may deprive subsequent applicant of the bond provisions of Section 6 (b) of this ordinance.

SECTION 14. Ordinance No. 12-59 entitled, "AN ORDINANCE REGULATING THE OPENING OF STREETS IN THE TOWNSHIP OF HANOVER AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF," is herewith and hereby repealed.

SECTION 15. If any clause, sentence, section or paragraph, or part of this ordinance or the application thereof to any person or circumstances, shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this ordinance.

SECTION 16. This ordinance shall take effect after final passage and publication as provided by law.

Arthur R. Albohn,
Mayor

Harold R. Keenan
Township Clerk
INTRODUCED: 5-9-63
APPROVED: 6-13-63

APPENDIX C-1

ORDINANCE 24-77

AN ORDINANCE PROVIDING FOR THE ENFORCEMENT OF REGULATIONS DEALING WITH THE USE OF THE SANITARY SEWER SYSTEM OPERATED BY THE HANOVER SEWERAGE AUTHORITY.

BE IT ORDAINED, By the Township Committee of the Township of Hanover, County of Morris and State of New Jersey, as follows:

SECTION 1. PURPOSE. The purpose of this ordinance is to provide an efficient means for the enforcement of rules and regulations, regulating the making of connections to and regulating the discharge into the sanitary sewer system operated by the Hanover Sewerage Authority pursuant to Section 502 of the Service Agreement between the Township of Hanover and the Hanover Sewerage Authority.

SECTION 2. ADOPTION BY REFERENCE OF THE REGULATIONS AND SPECIFICATIONS OF THE HANOVER SEWERAGE AUTHORITY. The Regulations and Specifications of the Hanover Sewerage Authority, adopted by Resolution of the Hanover Sewerage Authority on November 30, 1991, as same have been and may be amended and supplemented from time to time, are hereby adopted by reference and made part of this ordinance as if set forth at length.

SECTION 3. LIMITATIONS ON CONNECTIONS AND DISCHARGES. No person shall make any connection to nor shall any person discharge, deposit or throw, or cause, allow or permit to be discharged, deposited or thrown into the sanitary sewer system operated by the Hanover Sewerage Authority except in accordance with the Regulations and Specifications adopted by reference in Section 2 of this ordinance.

SECTION 4. ENFORCEMENT OFFICER. The Superintendent for the Hanover Sewerage Authority, employed by the Hanover Sewerage Authority, or his duly authorized representative, is hereby appointed as the enforcement officer for purposes of this ordinance.

SECTION 5. PENALTY FOR VIOLATIONS. Any person or his authorized agent, who violates, disobeys, omits, neglects, or refuses to comply with, or who

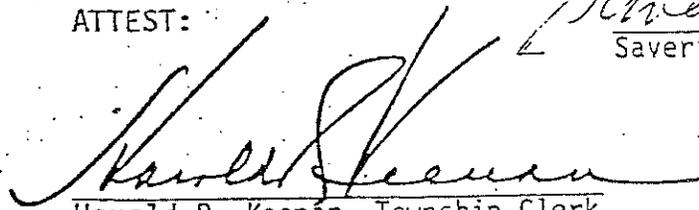
resists or opposes the execution of the provisions of this ordinance, shall be prosecuted in the Municipal Court and upon conviction thereof, shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00), or by imprisonment not exceeding 90 days, or both, for each offense. In the event of a continuing violation, each day the violation continues shall be deemed a separate violation.

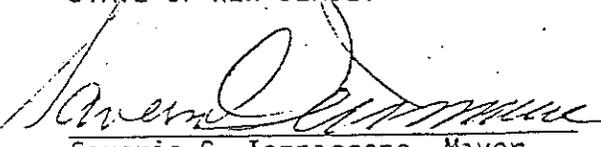
SECTION 6. EFFECTIVE DATE. This ordinance shall take effect immediately after passage and publication in the manner provided by law.

INTRODUCED: 09/22/77
APPROVED: 10/13/77

TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:


Harold R. Keenan, Township Clerk


Saverio C. Iannaccone, Mayor

APPENDIX C - 2

ORDINANCE NO. 14-78
AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED, "AN ORDINANCE PROVIDING FOR THE ENFORCEMENT OF REGULATIONS DEALING WITH THE USE OF THE SANITARY SEWER SYSTEM OPERATED BY THE HANOVER SEWERAGE AUTHORITY."

BE IT ORDAINED, by the Township Committee of the Township of Hanover, County of Morris and State of New Jersey, as follows:

SECTION 1. The above entitled ordinance is supplemented by way of the following provision to be known as Section 5(a):

"5(a): All fines and costs collected by the Township of Hanover in connection with prosecution of violations of this ordinance shall be turned over to the Hanover Sewerage Authority to defray its costs and expenses in connection with the enforcement of this ordinance."

SECTION 2. This ordinance shall take effect as provided by law.

INTRODUCED: 07/13/78

APPROVED: 08/10/78

ATTEST:

TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY

S. C. Iannaccone, Mayor

Harold R. Keenan, Township Clerk

ORDINANCE NO. 33-89

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER, MORRIS COUNTY, NEW JERSEY, TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED, "AN ORDINANCE PROVIDING FOR THE ENFORCEMENT OF REGULATIONS DEALING WITH THE USE OF THE SANITARY SEWER SYSTEM OPERATED BY THE HANOVER SEWERAGE AUTHORITY"

BE IT ORDAINED by the Township Committee of the Township of Hanover, County of Morris, State of New Jersey, as follows:

Section 1. Section 5, entitled, "PENALTY FOR VIOLATIONS", of an ordinance entitled, "AN ORDINANCE PROVIDING FOR THE ENFORCEMENT OF REGULATIONS DEALING WITH THE USE OF THE SANITARY SEWER SYSTEM OPERATED BY THE HANOVER SEWERAGE AUTHORITY" (Ordinance No. 24-77), is hereby amended and supplemented to provide as follows:

"Section 5. PENALTY FOR VIOLATIONS. Any person or his authorized agent, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists or opposes the execution of the provisions of this ordinance, shall be prosecuted in the Municipal Court and upon conviction thereof, shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment not exceeding 90 days, or both, for each offense. In the event of a continuing violation, each day the violation continues shall be deemed a separate violation."

Section 2. This ordinance shall take effect in accordance with law.

TOWNSHIP COMMITTEE
TOWNSHIP OF HANOVER
MORRIS COUNTY
NEW JERSEY

ATTEST:

S.C. IANNACCONE, Mayor

JOSEPH A. GIORGIO, Township Clerk

INTRODUCTION DATE: September 28, 1989

ADOPTION DATE: October 12, 1989

Appendix C.4 : ENFORCEMENT RESPONSE PLAN

See attached table for the Authority's Enforcement Response Plan to implement its Rules and Regulations, dealing with industrial and commercial discharges.

(Appendix C.4)

HANOVER SEWERAGE AUTHORITY
Appendix C.4 : ENFORCEMENT RESPONSE PLAN
("MINIMUM" ENFORCEMENT ACTIONS)

TYPE OF NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	TIME FRAME	PERSONNEL
(A) UNAUTHORIZED DISCHARGE :				
1. Discharge Without Permit (Permit required)	No harm to POTW/Environment. Harm to POTW/environment (IU meets SNC criteria under 40 CFR Part 403.8(f)(2)(viii)). Noncompliance with order to submit application.	NOV with Application form, if needed. Take action to halt activity. Seek Penalty.	60 days. 2 days. 6 months.	IPP Manager. IPP Manager, Executive Director & Attorney. IPP Manager, Executive Director & Attorney.
2. Failure to renew.	Failure to submit application prior to 180 days of expiration of current permit. Failure to apply continues after notice by the POTW.	NOV. Seek penalty.	60 days. 6 months.	IPP Manager. IPP Manager, Executive Director & Attorney.
3. Discharge outside scope of application/permit.	Failure to notify in advance of new introductions of pollutants or significant change in existing pollutants.	NOV with permit application to be modified.	60 days.	IPP Manager.
(B) DISCHARGE LIMIT VIOLATION:				
1. Exceedance of local or Federal standard (permit limit).	Individual or monthly non-serious violation. Serious violation (individual or monthly).	NOV; compliance response/corrective action plan, if needed. Seek at least minimum mandatory penalty in accordance with NJAC 7:14-8.16.	60 days from receipt. 6 months.	IPP Manager. IPP Manager, Executive Director & Attorney.
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 Manager, Executive Director & Attorney.

HANOVER SEWERAGE AUTHORITY
Appendix C.4 : ENFORCEMENT RESPONSE PLAN
("MINIMUM" ENFORCEMENT ACTIONS)

TYPE OF NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	TIME FRAME	PERSONNEL
	Significant noncompliance (IU meets SNC criteria in NJWPCA, under N.J.S.A. 58:10A-3w.)	Seek at least minimum mandatory penalty in accordance with NJAC 7:14-8.16.	6 months.	IPP Manager, Executive Director & Attorney
(C) MONITORING AND REPORTING VIOLATIONS: 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).	6 months.	IPP Manager.
	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, 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)..	6 months.	IPP Manager, Executive Director & Authority.
	Incomplete for effluent parameter omission	Seek at least mandatory minimum penalty in accordance with N.J.A.C. 7:14-8.9.	6 months.	IPP Manager, Executive Director & Authority.
	Incomplete for data omission (IU meets SNC criteria under 40 CFR Part 403)	Public notice	Annually.	IPP Manager.
	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 Manager, Executive Director & Authority.

HANOVER SEWERAGE AUTHORITY
Appendix C.4 : ENFORCEMENT RESPONSE PLAN
("MINIMUM" ENFORCEMENT ACTIONS)

TYPE OF NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	TIME FRAME	PERSONNEL
	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(a).	Public notice in accordance with approved program. Penalty within 6 months.	IPP Manager, Executive Director & Authority.
	Incomplete for other omissions.	NOV.	60 days.	IPP Manager.
	Falsification.	Seek penalty or refer to county prosecutor.	60 days.	IPP Manager, Executive Director, HSA Attorney & County Prosecutor, as needed.
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 Manager.
	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).	6 months.	IPP Manager, Executive Director & Attorney.
	Failure to meet final compliance date.	NOV, seek penalty.	6 months.	IPP Manager, Executive Director & Attorney.
3. Failure to notify.	Failure to report spill or changed discharge.	NOV; seek penalty where necessary.	NOV w/in 60 days of discovery; penalty no later than 6 months of discovery.	IPP Manager, Executive Director & Attorney.
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 Manager.
5. Failure to report additional monitoring.	POTW inspection finds additional files.	NOV with request to submit additional monitoring data.	60 days.	IPP Manager.
(D) OTHER PERMIT VIOLATIONS:				
1. Wastestreams are diluted to achieve discharge limits.	Dilution.	NOV, seek penalty.	Nov-60 days: penalty-6 months.	IPP Manager.

HANOVER SEWERAGE AUTHORITY
Appendix C.4 : ENFORCEMENT RESPONSE PLAN
("MINIMUM" ENFORCEMENT ACTIONS)

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

APPENDIX D

HANOVER SEWERAGE AUTHORITY

COUNTY OF MORRIS

P. O. BOX 250

WHIPPANY, N. J. 07981

APPLICATION FOR:

TELEPHONE (201) 887-1000

- () Site Plan Review
- () Sewer Connection Permit and Sewer Inspection Permit
- () Sewer Construction Permit

Applicant _____ Phone _____

Address _____

Owner _____ Phone _____

Address _____

Location of Property _____

Block No. _____ Lot _____

Estimated Sewage Flow (GPD) _____ Building Connection Line Size _____

Proposed Use:

A. Offices(), Commercial(), Light Industry(), Warehouse(),

Other _____

Number of floors _____ Total floor space (sq ft.) _____

Office floor space (sq. ft.) _____ Warehouse floor space sq. ft. _____

Number of employees _____

Types of facilities (Kitchen/Cafeteria/Laboratory, etc.) _____

B. Restaurants

Type (fast food, diner, restaurant/lounge) _____

Seating Capacity _____ Number of Employees _____

THE UNDERSIGNED AGREES to abide by the Regulations, Specification and Rate Schedule of the Hanover Sewerage Authority. Copies are available for use, examination and purchase at the office of the Authority.

Property Owner/Applicant _____

Contractor _____

PREPARE IN DUBPLICATE BY APPLICANT:
ORIGINAL TO AUTHORITY
DUPLICATE TO APPLICANT

DATED: _____

DO NOT WRITE BELOW THIS LINE-FOR AUTHORITY USE ONLY

APPLICATION REVIEWED AND PERMITS ISSUED:

ETK APPROVAL GPD _____

Permit No. _____ \$ _____
Construction Fee

PER: _____ DATE _____

Permit No. _____ \$ _____
Connection Charge

PER: _____ DATE _____

Permit No. _____ \$ _____
Inspection Fee

INSTRUCTIONSSINGLE FAMILY RESIDENCE

1. Apply for Sewer Connection and Sewer Inspection Permits by completing the application form. Forms are available at the Hanover Sewerage Authority office in the Township of Hanover Municipal Building.
2. After approval of your application by the Hanover Sewerage Authority, pay the appropriate fee (as determined by the Authority Administrator on the basis of the current rate schedule) at the Tax Office in the Township of Hanover Municipal Building. You will receive your receipt in duplicate.
3. Give the buff colored copy of the receipt (the white copy is for your records) to the Hanover Sewerage Authority Clerk in the General Office and you will receive two copies of the Connection Permit. The white copy is for your records, the yellow copy is to be submitted to the Building Inspector when obtaining a Building Permit. You will also receive two copies of the Inspection Permit. The green copy is to be retained for your records, and the blue copy is to be given to the plumber or contractor who is going to make the connection.
4. You or your contractor may now proceed with construction of your sewer connection. (Note: If any construction or digging is to be done in any part of the public right-of-way, you will also need a Street Opening Permit. Street Opening Permits for Township roads may be obtained at the office of the Township Engineer in the Municipal Building. Road Opening Permits for County roads can be obtained from the office of the County Engineer in Morristown. Road Opening Permits for State Highways are obtained from the State Highway Department regional office in Netcong).
5. Notify the Authority Superintendent (Telephone 887-4532) 24 hours before the work is covered so that inspection of the connection may be made by the Authority. (Note: Do not cut into or install saddles on the Authority's line. This will be done, if necessary, by Authority personnel). All connection work must be inspected by the Authority personnel before it is covered or re-excavation of the work done will be required.

RESIDENTIAL SUBDIVISIONS AND ALL NON-RESIDENTIAL CONNECTIONS

- 1a. Submit 3 copies of the subdivision preliminary plat and/or site plan including construction details and specifications pertinent to the proposed sewer installation to the Hanover Sewerage Authority Administrator with the \$100.00 Construction Permit fee. If the plans are of such a scope or nature to require engineering review, the Authority will request a fee as prescribed before the review will be accomplished. If the plans are incomplete or incorrect in any way, revision, correction, and resubmission will be necessary. To avoid delay and minimize your cost be certain that your engineer gives complete information either on the drawings or in accompanying documents.
- 2b. After you receive letter notification of approval of the plans by the Authority, you may make application for Sewer Connection and Sewer Inspection Permits by completing an application form for each connection required. Forms are available at the Hanover Sewerage Authority office in the Township of Hanover Municipal Building.
- 3c. Proceed now according to the instructions above, beginning at paragraph 2.

APPENDIX E

HANOVER SEWERAGE AUTHORITY

SEWER CONSTRUCTION PERMIT

NO. _____

WHIPPANY, N.J. _____ 19____

ISSUED TO: _____

ADDRESS _____

For construction of sanitary sewer facilities for premises known as:

BLOCK NO. _____ LOT NO. _____

Township of Hanover Tax Map and Located at: _____

In accordance with the provisions set forth in the Regulations, Specifications and Rate Schedule adopted by the Hanover Sewerage Authority.

BY _____

HANOVER SEWERAGE AUTHORITY
SEWER CONNECTION CHARGE RECEIPT

F-1
G-1

APPENDIX F

No. —

Whippany, N. J. _____, 19____

Received from _____

Address _____

For Sewer Connection Charge for premises known as:

Block No. _____; Lot No. _____ Twsp. of Han. Tax Map.

Located at: _____

In accordance with the provisions set forth in the Rate Schedule adopted by the Hanover Sewerage Authority.

CHARGE: \$ _____ By: _____

NOTE: A PERMIT MUST BE OBTAINED FOR SEWER INSPECTIONS

White: Owner Pink: Stay Buff: Bldg. Insp.

HANOVER SEWERAGE AUTHORITY
HOUSE OR BUILDING SEWER INSPECTION PERMIT

No. —

APPENDIX G

Whippany, N. J. _____, 19____

Received from _____

Address _____

For house or building sewer inspection for premises known as:

Block No. _____; Lot No. _____ Twsp. of Han. Tax Map.

Located at: _____

In accordance with the provisions set forth in the Regulations and Specifications adopted by the Hanover Sewerage Authority.

CAST IRON

FEE: \$ _____

ASBESTOES CEMENT

By: _____

Connection Charge Application No. _____

NOTE: IT IS THE INSTALLER'S RESPONSIBILITY TO REQUEST ALL INSPECTIONS

Green: Owner White: Stay Pink: Inspector Blue: Plumber

CONSTRUCTION SPECIFICATIONS

The Contractor shall employ whatever equipment and manpower may be required and the best material available for providing an acceptable sanitary sewer, and shall at all times conform to the Specifications of the Authority. All O.S.H.A. standards shall be complied with at the Contractor's expense.

1. PIPE

- a. All sewer pipe installed shall be of adequate strength to withstand the trench backload conditions, including a 20 ton live wheel load.
- b. All sanitary sewers shall be constructed of:
 - (1) Cement-asbestos Class 3300 Sewer Pipe (or as may be required due to local conditions), or water pressure pipe; or
 - (2) Cement lined ductile iron pipe conforming to the requirements of American Standard Specifications 21.50, 21.51 and 21.4 or latest revision thereto, except that other materials may be used when approval has been given in writing by the Authority Engineer; or
 - (3) PVC sewer pipe conforming to ASTM Specification, D3034-81 (latest edition) and meeting the requirements for extra-strength minimum of SDR-35 classification.

2. PIPE JOINTS

- a. The joints for cement-asbestos pipe shall be pressure tight rubber ring joints with collar as furnished by the manufacturer.
- b. Joints for ductile iron pipe shall be mechanical jointed, bell or spigot pipe with jute and and caulked pure lead joints or super belltight joints.
- c. Joints for PVC pipe shall be of the bell and spigot type with rubber ring in accordance with ASTM 3212-81. The bell shall consist of an integral wall section with a solid cross-section rubber ring factory assembled. The ring groove shall be so designed as to prevent ring displacement.
- d. Any other type joint proposed shall be submitted to the Authority's Engineer for approval in writing before use. If a new type of joint is approved for installation, the services of a manufacturer's representative shall be furnished at the Contractor's expense to demonstrate use of the joint and to have the Contractor's method of installation approved.
- e. All pipe joints shall be water tight and protected against damage by roots.

3. MANHOLES

Manholes shall be constructed of brick, approved extra strength New Jersey State Highway Department Manhole type concrete block, or precast concrete.

a. Brick or Concrete Block Construction

Wall thickness shall be 8 inches for brick, and 6 inches for concrete block to a depth of 10 feet. At a depth of 10 feet the manhole walls shall be increased to 12 inch thickness.. The outside of brick or concrete block manholes shall be covered with a mortar coating which shall have a thickness of at least 5/8 inches. The outside of the mortar shall be coated with at least two coats of Koppers "Bitumastic" B-50, or equal, applied in accordance with the manufacturer's instructions.

b. Precast Concrete

Precast concrete manholes shall consist of precast reinforced concrete sections, a conical or flat slab top section, and a base section conforming with the typical manhole details as shown on the attached plates.

Precast manhole sections shall be manufactured in accordance with ASTM Designation C478. The minimum compressive strength of the concrete for all sections shall be 4,000 psi. The maximum allowable absorption of the concrete shall not exceed eight percent of the dry weight. Tests, if required, shall be in accordance with ASTM C497. The circumferential steel reinforcement for riser pipe, cone sections and base walls shall be a minimum of 0.12 square inches per lineal foot for sizes up to and including 54 inches in diameter; and 0.17 square inches per lineal foot in larger sizes. Reinforcing in both layers of steel of the flat slab top sections and in the layer of steel in the bottoms of bases shall be a minimum of 0.12 square inches per lineal foot in both directions.

Joints of the manhole sections shall be formed entirely of concrete employing a round rubber gasket and when assembled shall be self-centering and make a uniform watertight joint. Except for those surfaces within the gasket groove, all inside surfaces of the bell or outside surfaces of the spigot, or both, on which the rubber gasket may bear during the closure of the joint and at any degree of partial closure shall be parallel within one degree and have an angle of not more than two degrees with the longitudinal axis of the pipe. In joints formed entirely of concrete, the distance from either side of the gasket to the end of the bell or spigot shall not be less than 3/4 inch. The gasket spaces

between the bell and spigot shall be so shaped as to provide grooves that will prevent the gasket from disengaging from its compression surface or being blown out by hydrostatic pressures. Joints shall be mortared on exterior and interior surfaces.

c. Manhole Inverts

Manhole inverts shall be made of vitrified brick except for straight-through manholes where cement asbestos half-pipe may be used.

d. Manhole Covers and Frames

Manhole covers shall conform with best standards and shall have H.S.A. and the year embossed thereon. Frames and covers shall be Campbell Foundry No. 1202, or an approved equal.

Manhole frames shall be set at such elevations as to insure positive drainage of storm water away from manhole covers. Covers must fit the frames in any position and if found to rattle under traffic shall be replaced. The Authority, its Engineer, the County or the State may require where necessary to insure the prevention of inflow in the sewer system, the installation of anti-flow covers, Campbell Foundry No. 1202 with "O" ring gasket or approved equal; manhole inserts, Sewer Guard Model MEC-4 or approved equal; locking frames and covers; or water tight frames and covers as recommended by the Engineer.

e. Manhole Rungs

Manhole rungs shall be corrugated aluminum, 7/8 inches square, and with maximum vertical spacing of 15 inches between rungs.

f. Distance Between Manholes

Manholes shall be located no more than 400 feet apart and at all changes in grade or direction, except as provided in the Water Pollution Control Federation Manual No. 9 for large diameter sewers. Drops at manholes will only be permitted with a standard drop manhole connection.

4. CONNECTIONS

- a. Connections to the pipe shall be approved type cement-asbestos, cast iron, or PVC tees or wyes. Where cement asbestos pipe is used, an approved saddle-type cast iron fitting may be bolted or strapped onto the pipe and installation shall conform to the pipe manufacturer's instruction. Connections shall be no less than 4 inches in diameter and may be of other diameter if required by the Authority.

- b. House connections shall be of extra heavy cast iron soil pipe in 5 foot lengths; or type PSM SDR-35 PVC sewer pipe as specified in c (2) below. See plate 3 for typical details.
- c. Building sewers shall be (1) extra heavy cast iron soil pipe or heavy duty cement asbestos pipe, 5 foot lengths, rated crushing strength 3300 psi, except where a slope of 8% or more exists, in which case cast iron pipe shall be used. When asbestos cement pipe is used, a minimum cover of 12 inches of approved material shall be used. The approved material shall be bank run sand and gravel or stone dust; or

(2) Constructed using plastic pipes conforming to ASTM D 3034 (latest revision) "Type PSM SDR-35 PVC Sewer Pipe." Pipe shall have an elastomeric gasket joint providing a water tight and root proof seal. Pipe shall be laid on a uniform bed with no blocking. Pipe shall be centered in the trench and back-filled with tightly compacted sand to the crown of the pipe and lightly compacted sand for two (2) feet above the pipe. Unusually shallow or deep connections should be reviewed on an individual basis.

5. EXCAVATION

a. General

1. All excavation for building sewer installation shall be adequately guarded with barricades and light so as to protect the public from hazard. The Contractor shall keep his trench excavation as narrow as possible.
2. Batter boards shall be installed every 25 feet and line and grade shall be set by qualified instrument men furnished by and at the expense of the Contractor. (The use of a laser beam or similar apparatus will also be accepted). Line and grade shall be checked by the Inspector and if the pipe is laid to incorrect line and grade, the Contractor shall fully repair or rebuild same at his expense.
3. Sheeting and shoring shall be employed where required, or where ordered by the assigned Inspector to prevent damage to adjacent utilities or pavement and to provide safety to workmen.
4. Pipe shall be laid and joints made in dry trench bottoms only. Where water conditions are extremely severe and cannot be handled by utilizing pumps, well points or other approved means of trench dewatering, including underdrains, shall be employed.

b. PIPE SUPPORT

During excavation, where the pipe is laid on an undisturbed foundation, machine excavation shall not be used within four (4) inches of finished subgrade. The final four inches of excavation shall be done using hand methods immediately before laying pipe or placing

concrete. If the trench is cut below the bottom of a pipe, a gravel or concrete base shall be provided. Under no conditions shall pipe be laid on unsuitable fill material. Adequate support shall be provided for all service and utility lines exposed during excavation.

c. BEDDING

1. Sewer pipes shall be laid to the line and and grade shown on the plans and shall be adequately bedded as recommended by the manufacturer of the pipe.
2. Where soil conditions require and where ground water is present, a screened gravel base, at least 12 inches thick shall be placed in the trench bottom to provide adequate support for the pipe; and where excessively deep or very shallow cuts are encountered in construction, the pipe shall be encased in a full concrete cradle to provide the required support. Concrete used shall have a minimum compressive strength of 2,000 pounds per square inch. Where boulders or large rocks are encountered, the rock shall be cut out at least 12 inches below and around the outside of the pipe and a sand cushion placed to support, surround and protect the pipe.

6. BACKFILLING

- a. In backfilling the trench, backfill shall be placed by hand and tamped around the side and over the top of the pipe to a depth of at least 18 inches. The balance of the material may be placed up to grade by machine except that no boulders or rock may be dumped or placed in the trench. Boulders, rock and other material unsuitable for backfill shall be removed from the job site and disposal thereof shall be the Contractor's responsibility. When the sewerline is located in roadways, shoulders, driveways and parking areas backfill shall consist of approved granular material. All backfill shall be thoroughly compacted in 6" lifts prior to pavement placement.
- b. Backfill material shall be placed so as to conform to State, County and Township specifications, as applicable.
- c. Following backfilling of the trench, the Contractor shall complete the installation, conforming to the appropriate Specifications. Specific attention is called to Township of Hanover Ordinance 8-63 regulating street openings in the Township (Appendix B).

7. HOUSE CONNECTIONS

- a. As construction of the sewer progresses, house connections shall be carried from the main sewer in the street to the property line. Minimum slope shall be $\frac{1}{4}$ inch per foot and the connection shall be laid in a straight line from the lateral sanitary sewer. Watertight plugs shall be installed in the ends of house connections.

- b. On a terraced installation where a 45 degree angle on the rise is necessary, the foot of such rise shall rest on a concrete pad. The lines shall be laid on a continuous grade, as nearly as possible in a straight line with a normal minimum cover of 3 feet unless otherwise approved by the Inspector.
- c. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In any building in which a building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drains shall be lifted or pumped by an approved means and discharged to the building sewer.
- d. No house connection shall be less than four (4) inches internal diameter.
- e. In all new construction, or where required by the Authority, inside house cleanouts shall be located a minimum distance of one foot above the basement floor and fitted with an iron ferrule and shall be mechanically jointed with jute and calked with pure lead joints and with brass or lead caps.
- f. Cleanouts shall be provided within five feet of the house structure (unless an approved cleanout exists inside the house) and not more than sixty feet apart along the entire length of the house connection. Cleanouts shall be the same size as the house connection, brought up to ground level and fitted with an iron ferrule and shall be mechanically jointed with jute and calked with pure lead joints and with brass or lead caps.
- g. Cleanouts shall also be installed at each change in horizontal direction of the building drain greater than a 45 degree angle.
- h. All house connections shall include an inspection port or peephole installed at a distance of approximately 23 feet from the center line of the road or at a location approved by the Township Engineer. This inspection port shall be a vertical cast iron pipe with a screw type brass plug at ground level. The vertical cast iron pipe shall be connected to a cast iron "T". The "T" shall be connected between 5 foot lengths of cast iron pipe. Any injury to a "Y" or "T" branch of the sewer system shall be repaired by the Authority by at the expense of the person to whom the permit for making the particular connection has been issued. If it is impossible to make a connection to a "Y" or "T" branch, making it necessary to cut into the main sewer, the connection shall be made as directed by the Authority, or its duly authorized agent, at the expense of the person to whom the permit was issued.
- i. All connections where any discharges other than sanitary waste could enter the Authority's system shall include a metering, inspection and sampling manhole instead of the peep-hole as mentioned in sub-section (h).

- j. No house connection shall be covered until so ordered by the Inspector. Ample notice shall be given the Inspector in order that work may be examined before ordering the backfilling. Any part of the work which may have been covered without previously obtaining the consent of the Inspector, shall be uncovered for his examination if so ordered by him. The backfilling around a house or building sewer and its connection shall be so executed as not to injure the joints of the pipes and the backfilling generally shall be so compact as to permit the restoration of the surface of the street to its former condition.
- k. House connections shall be so laid and protected as not to be injured from subsequent action on the surface above the same, such as the passage of motor vehicles over such surfaces.
- l. No sewer lines may be closer than three feet apart at the point of connection to the sewer system.
- m. All house or building sewer connections shall be laid on a firm foundation satisfactory to the Engineer.
- n. Connection and testing shall be made under the supervision of the Authority.

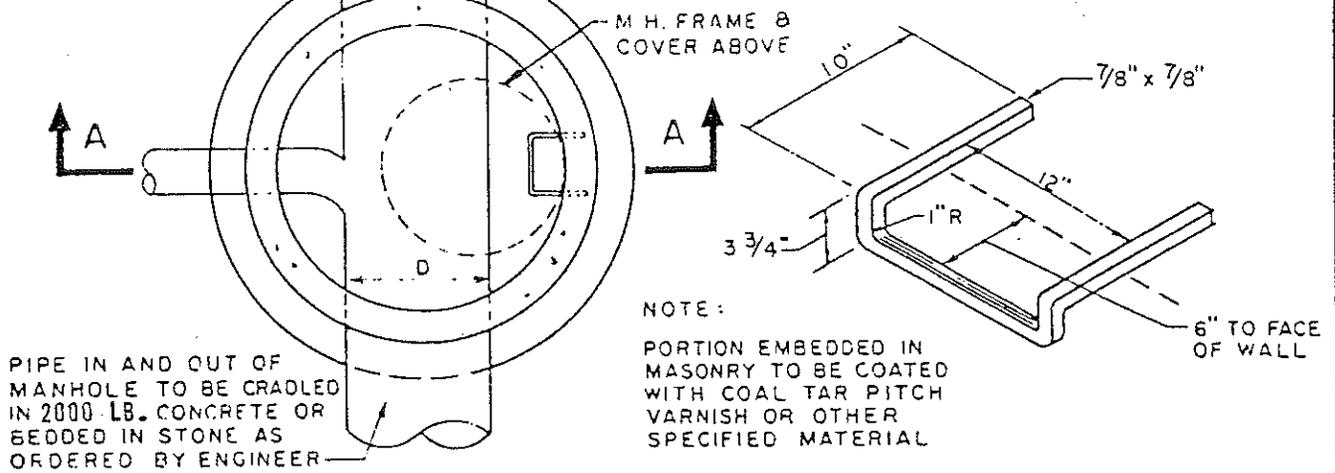
8. PAVEMENT REPLACEMENT

- a. Pavement replacement shall conform to Township, County and/or State specifications as the case may be. All pavement shall be cut with pavement cutter and pavement replacement shall be as indicated on the plans for sewer construction and shall be placed over the entire affected area wherever the sewer line has been laid. A street opening permit shall be obtained pursuant to the provisions of Township, County or State Regulations, whichever may apply. Specific attention is called to Ordinance 8-63 of the Township of Hanover, included in Appendix A, regulating the opening of streets in the Township.
- b. During the course of any work or repairs required pursuant to these Regulations, the Contractor shall at all times provide protective devices and measures, as required.

PLATES

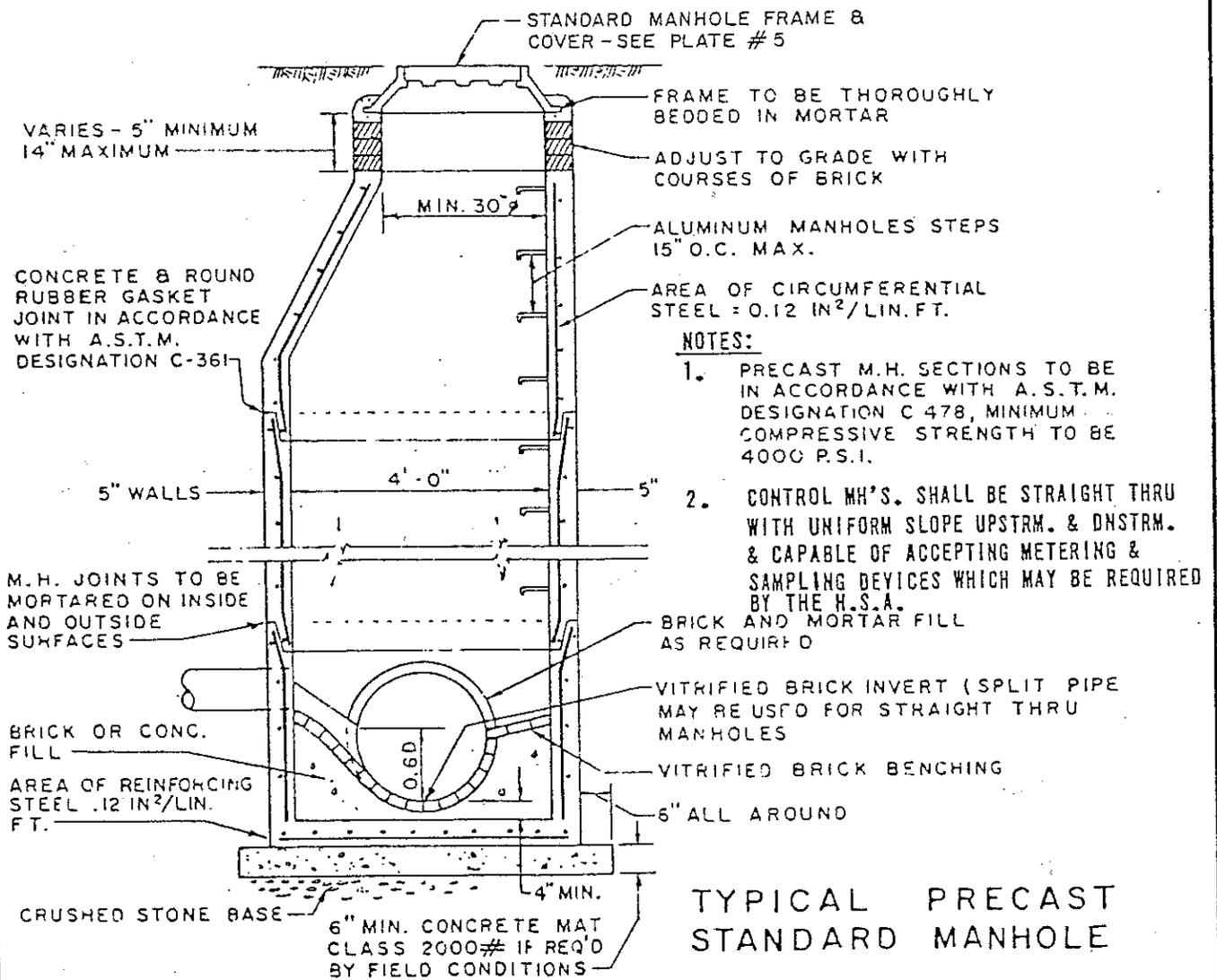
- PLATE 1 - Typical Precast Standard Manhole
- PLATE 2 - Typical Precast Standard Drop Manhole
- PLATE 3 - Connection Details
- PLATE 4 - Details of Risers
- PLATE 5 - Standard Manhole Frame and Cover
- PLATE 6 - Concrete Encasement Details

NOTE: DETAIL FOR 4' 0" DIAMETER MANHOLE APPLICABLE FOR PIPE SIZES UP TO 24-INCH DIAMETER FOR PIPE SIZES OVER 24-INCH DIAMETER USE 5'-0" DIAMETER BASE SECTION WITH TAPER SECTION. WALL THICKNESS AND REINFORCING STEEL TO BE IN ACCORDANCE WITH A.S.T.M. C 478



SECTIONAL PLAN

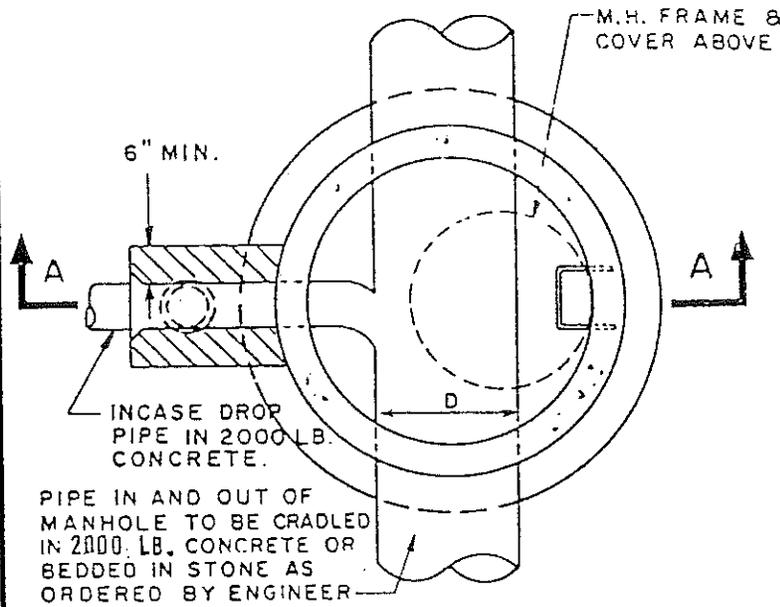
ALUMINUM M.H. STEPS



- NOTES:**
1. PRECAST M.H. SECTIONS TO BE IN ACCORDANCE WITH A.S.T.M. DESIGNATION C 478, MINIMUM COMPRESSIVE STRENGTH TO BE 4000 P.S.I.
 2. CONTROL MH'S. SHALL BE STRAIGHT THRU WITH UNIFORM SLOPE UPSTRM. & DNSTRM. & CAPABLE OF ACCEPTING METERING & SAMPLING DEVICES WHICH MAY BE REQUIRED BY THE H.S.A.

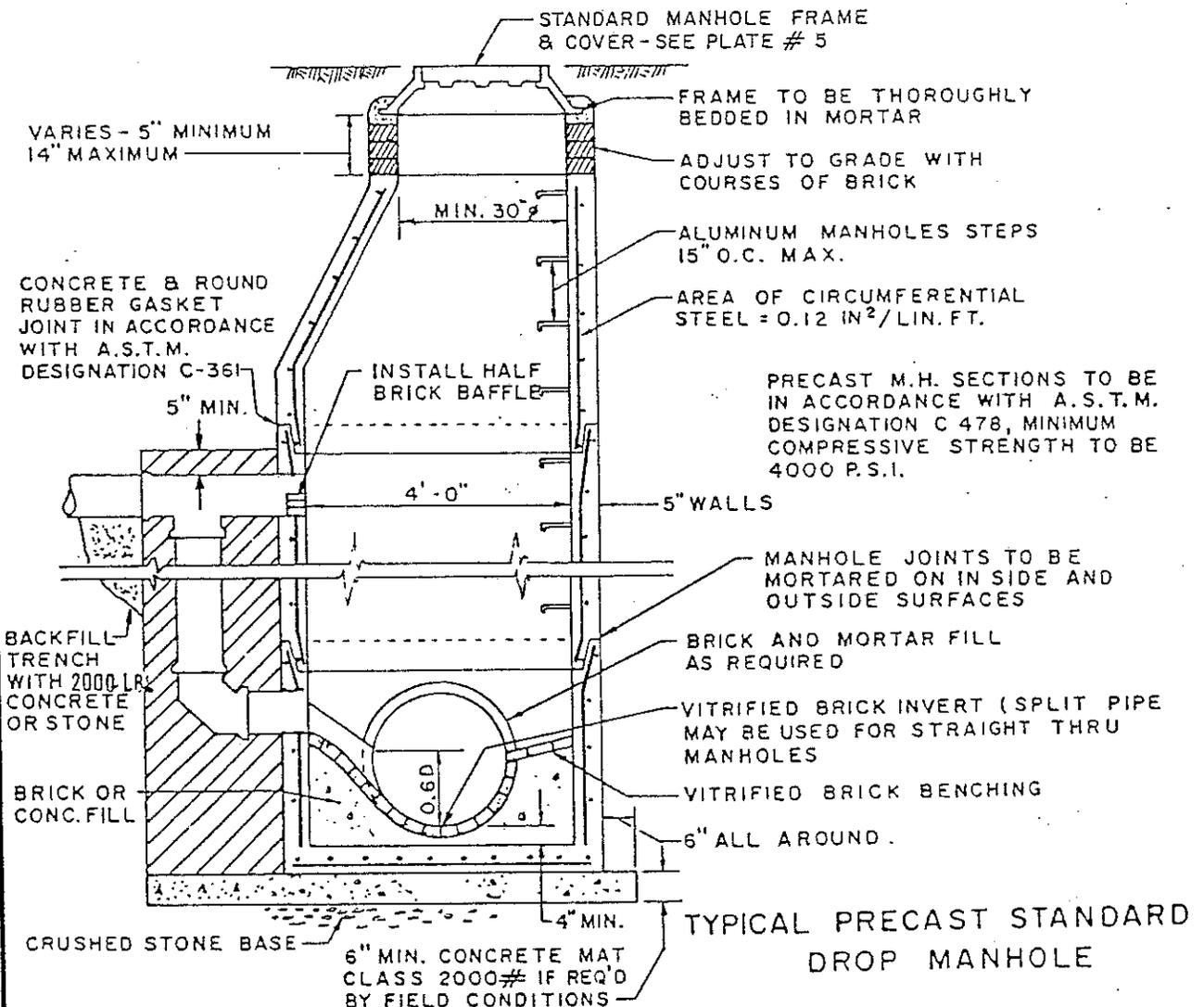
SECTION A-A

TYPICAL PRECAST STANDARD MANHOLE



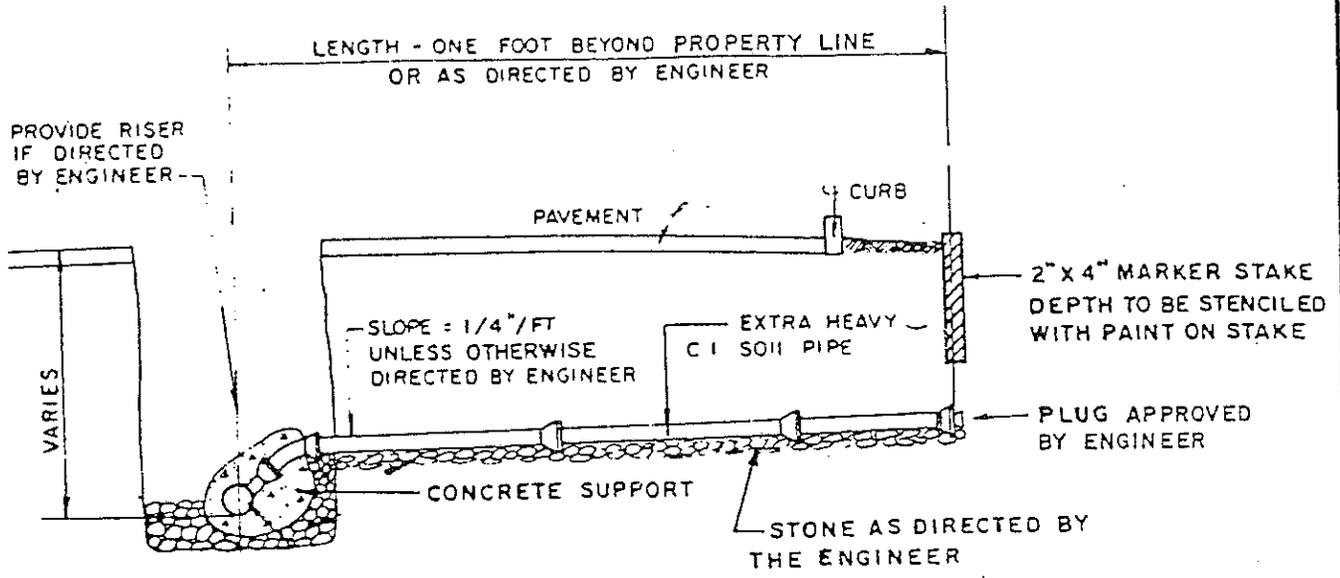
NOTE:
 DROP PIPE TO BE USED IN ALL CASES WHERE DIFFERENCE IN INLET AND OUTLET INVERTS IS GREATER THAN 2 FEET.

SECTIONAL PLAN

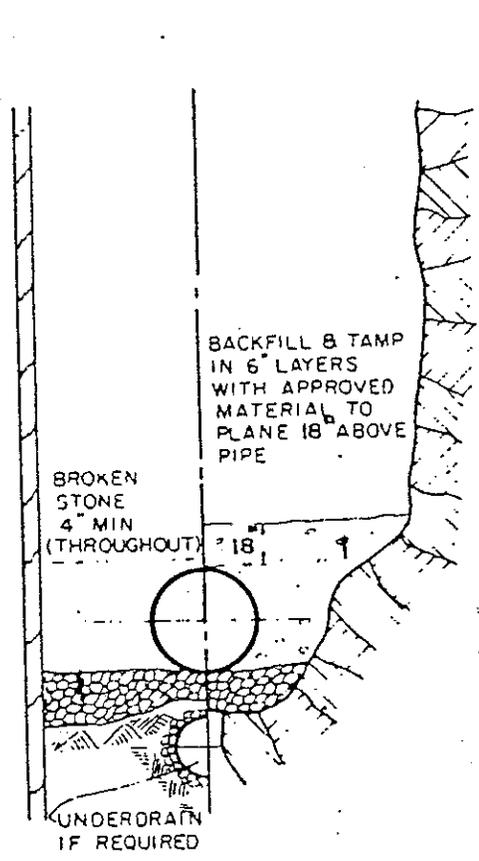


SECTION A-A

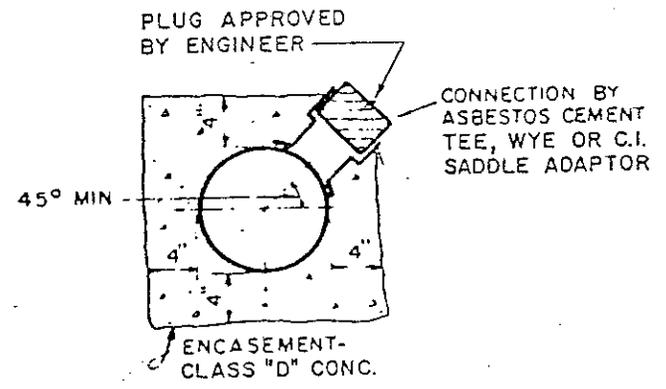
TYPICAL PRECAST STANDARD DROP MANHOLE



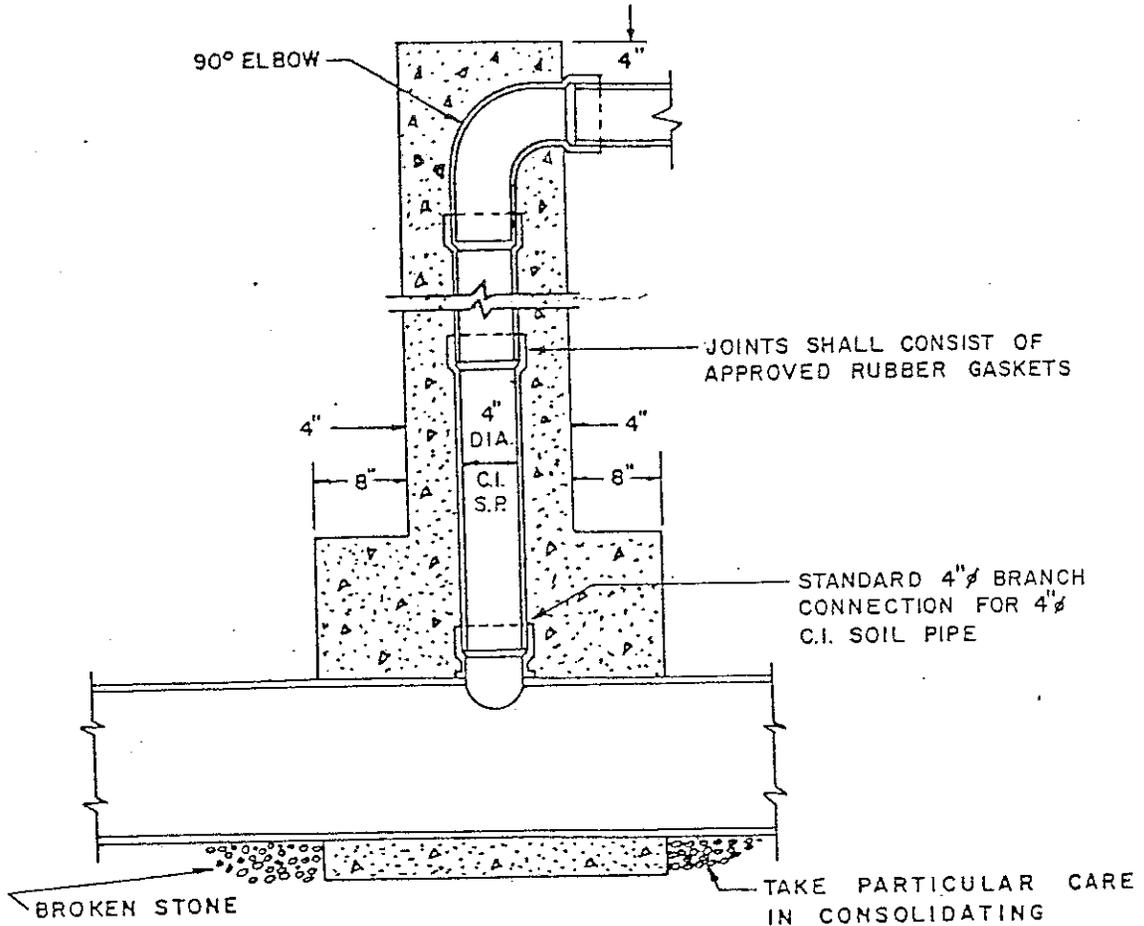
TYPICAL HOUSE CONNECTION



TYPICAL
TRENCH SECTIONS



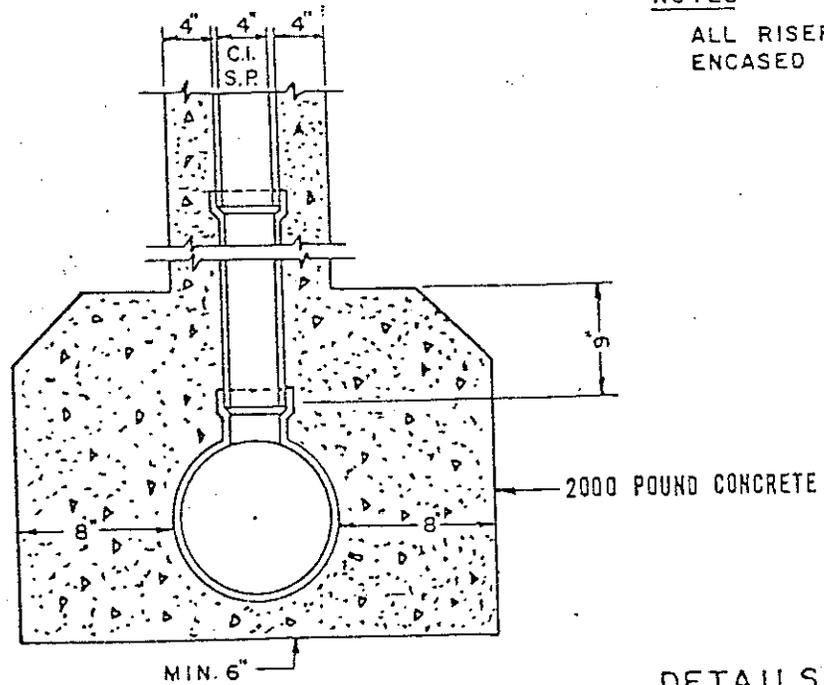
DETAIL
BRANCH CONNECTION TO
ASBESTOS CEMENT PIPE



LONGITUDINAL SECTION

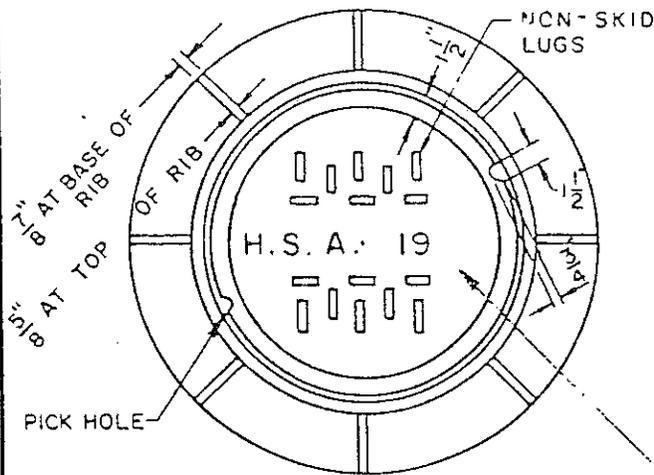
NOTES

ALL RISERS TO BE ENCASED AS SHOWN

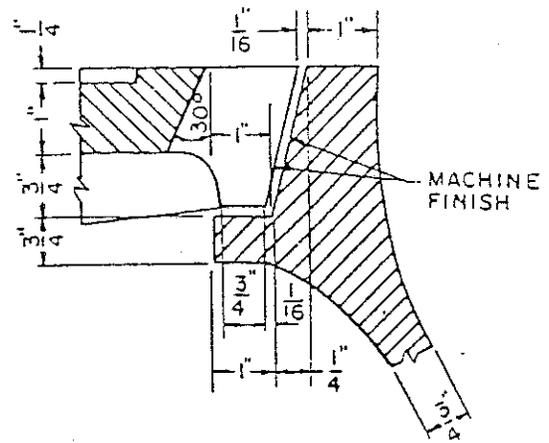


CROSS SECTION

DETAILS OF RISERS

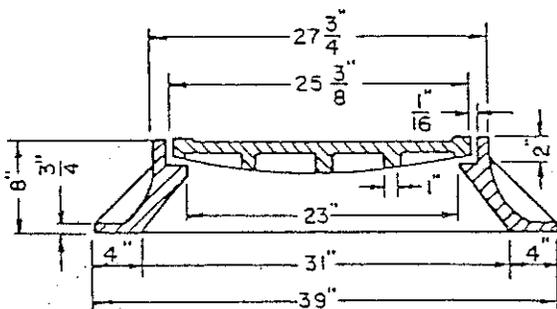


PLAN MANHOLE

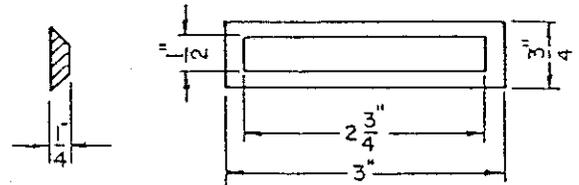


DETAIL OF SEAT

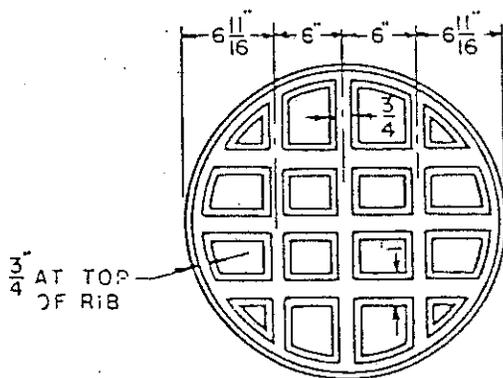
— YEAR OF
INSTALLATION



SECTION MANHOLE FRAME



DETAIL OF NON SKID LUG

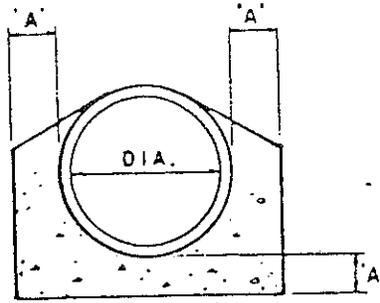


DETAIL-UNDERSIDE OF COVER

NOTES:

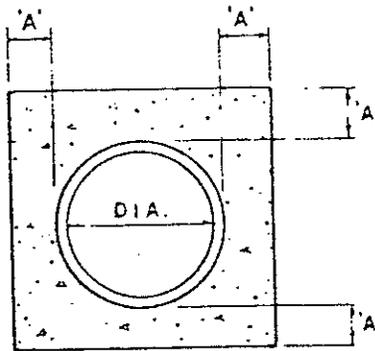
1. FRAME AND COVER TO BE CAMPBELL FOUNDRY NO. 1202 OR APPROVED EQUAL.
2. FRAME AND COVER TO BE COATED WITH TWO COATS OF ASPHALTUM VARNISH.
3. WHERE REQUIRED TO PREVENT INFILTRATION FRAME AND COVER TO BE WATER TIGHT CONSTRUCTION AS APPROVED BY THE ENGINEER.

STANDARD MANHOLE FRAME
AND COVER

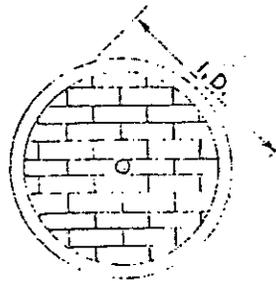
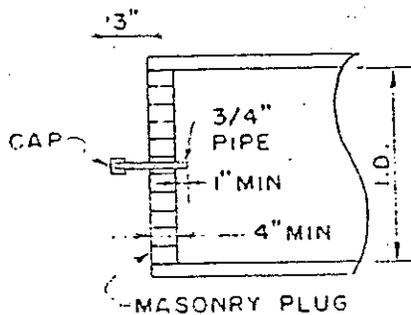


HALF CRADLE

DIMENSIONS	
DIA.	'A'
6"	5"
8"	6"
10"	6"
12"	6"
14"	6"
18"	6"
21"	6"
24"	6"
27"	6"
30"	7"
36"	8"
42"	9"
48"	10"
54"	12"



FULL ENCASEMENT



MASONRY PLUG
AND LEAKAGE TEST PIPE

CONCRETE
ENCASEMENT DETAILS

APPENDIX I

CHARGE SYSTEMS AND FEES

1. PLAN OR FEASIBILITY REVIEW¹

Review of plans, proposals or investigations into the feasibility of providing sewer service to any area or building shall be accompanied by an escrow deposit according to the following schedule. Unused amounts of such deposits will be refunded upon completion of the investigation or receipt of a letter from the applicant advising that no further information is desired, that the investigations should be terminated and requesting that any funds remaining in the escrow deposit be refunded.

If the amount of the escrow deposit originally placed is found to be insufficient, additional funds shall be added to the account prior to the continuation of the investigation, the release of any report or providing additional services.

The only investigations not subject to this escrow requirement are those that do not require any engineering review by either Authority staff or the Authority's consultants but are of the type that can be handled as routine correspondence with the Authority without prolonged investigation.

Minimum escrow amounts shall be in accordance with the attached Fee Schedule.

2. CONSTRUCTION APPLICATION FEE²

Prior to acceptance or review by the Authority of plans for construction as described in Section 404 of the Regulations a non-refundable Construction Application Fee must be submitted in accordance with the attached Fee Schedule.

3. CONNECTION CHARGES³

¹ Resolution No. 29-96 dated April 24, 1996

² Resolution No. 29-96 dated April 24, 1996

³ Resolution No. 29-96 dated April 24, 1996

a. General

The Authority will provide a stub for connection near the property line of each dwelling, commercial establishment, approved building lot, or other unit existing along the route of proposed sewer lines to be constructed by the Authority. Thereafter, the owner of each such dwelling, commercial establishment, or other unit shall provide the complete connection from the stub to the building. Where a stub does not exist, the owner shall provide the complete connection from the main in the street or easement to the building including the tap on the main. The owner shall pay the applicable connection charge as hereinafter set forth.

b. Purpose

The purpose of the connection charge is to assess the connector with its proportionate share of the cost of the System. In so doing, the new connector stands on a footing comparable to existing customers. This is done by determining the total debt service charges and net expenditures from the Improvement and Retirement Fund or other capital funds for betterments and/or improvements paid by prior customers connected to the System and dividing this figure by the number of equivalent units to determine the connection fee. The connection charge shall be calculated for each fiscal year commencing December 1 based upon the prior year's data.

c. Residential Units

The connection fee for residential units from the effective date hereof shall be the basic connection charge as hereinafter provided for dwelling units existing prior to 1962 which shall be charged \$100 for each residential unit in the building to be connected. In the event that a residence shall be destroyed or rendered otherwise uninhabitable so as to qualify for waiver of the service charge as described hereinafter then the Authority is entitled to assess and collect a new connection fee upon re-establishment of the residential use consisting of the difference between the connection fee then prevailing and that previously paid.

d. Non-residential Units

The connection fee for non-residential units from the effective date hereof shall be a minimum of the basic connection charge or a multiple thereof based upon the applicant's anticipated daily flow as hereinafter provided. In the case of each non-residential unit, the Authority's Consulting Engineer shall certify to the Administrator the daily flow (gpd) to be delivered to the Authority's System by the applicant for a connection permit

and the connection fee shall be calculated as follows:

$$\frac{\text{GPD} \times \text{the basic connection charge}}{230} = \text{connection fee}$$

(rounded to next highest \$100)

Following initial connection and payment therefore, in the event that an existing user shall expand or alter its operations so as to increase the previously certified flow or to require a new connection or connections to the system, whether internal to its site to existing facilities or directly into the System of the Authority, the Authority shall be entitled to charge and collect a new connection fee based upon the new certified flows representing total flow of the user less previously certified flow. This provision is also intended to apply to buildings the use of which is re-established following destruction or other non-use due to uninhabitability. For purpose of this section, the term "user" means not only the party paying the initial connection fee but all successors in interest.

The basic connection charge for the current fiscal period shall be in accordance with the attached Fee Schedule.

e. Time of Payment - The connection fee shall be paid prior to the issuance of a building permit by the appropriate municipal agency or officer or final approval of a site plan except that in the case of a development or project requiring CP-1 approval by the New Jersey Department of Environmental Protection and endorsement thereof by the Authority then in that event the fee shall be paid within six (6) months of Authority endorsement of any such application or approval thereof by the New Jersey Department of Environmental Protection which ever occurs first.

The aforesaid procedure may only be modified by the Authority in the event that:

- 1) The terms of a Service Agreement with the owner or developer makes provision otherwise based upon unique and peculiar circumstances applicable to the particular case;
- 2) the terms of a service agreement with another municipality in which the subject property or project is located makes provision otherwise;
- 3) the Authority determines under Section 703 of these Regulations, Specifications and Rate Schedule that the circumstances so require.

4. SEWER INSPECTION PERMIT

The fee for a Sewer Inspection Permit (See Section 502) shall be accordance with the attached Fee Schedule.

5. USER CHARGE SYSTEM

a. Basis of User Charge^{4,5} - All customers of the Authority shall be charged for their beneficial use in accordance with the following schedule:

- 1) Single Family Dwelling: Shall be based on the annualized volume of water consumed during the 2 quarters ending in March of the year prior to the current fiscal year subject to the requirement that a minimum charge shall apply ^{(a)(d)}.
- 2) Multiple Family Dwellings and Apartments: Shall be charged based on the annualized volume of water consumed during the two (2) quarters ending in March of the year prior to the current fiscal year subject to the requirement that a minimum charge for each dwelling unit shall apply. ^{(a)(d)} This provision shall not apply to residences which are in the same structure or metered with non-residential users. In this case, the residential use shall be billed as a non-residential user.
- 3) Residential Condominiums:
 - a) Where units have separate water meters they shall be billed in the same manner as single family dwellings.
 - b) Where individual water meters do not exist, units shall be billed a proportional share of the water consumed by the entire development during the two (2) quarters ending in March of the year prior to the current fiscal year subject to the requirement that a minimum charge for each unit shall apply. ^{(a)(d)}

⁴ Resolution No. 72-95 dated October 25, 1995

⁵ Resolution No. 37-02 dated August 14, 2002

- 4) Non-Residential Users: Including but not limited to Commercial, Industrial, School, Church, Municipal and County uses shall be charged based on the total sewage flow ^(b) during the one year ending or four (4) quarters ending in September of the year prior to the current fiscal year subject to the requirement that a minimum charge shall apply ^{(a) (d)}. Non-residential condominiums shall be charged as separate users in the manner described for residential condominiums in (3) above except that sewage flow for during the one (1) year or four (4) quarters ending in September of the year prior to the current fiscal year shall be utilized.
- 5) Users with Service Contracts: Shall be charged based upon the provisions in Paragraph (4) above, in addition to such other payments as they shall be obliged to make in accordance with their respective contracts.
- 6) Biochemical Oxygen Demand and Suspended Solids Surcharge and High Strength Waste Monitoring:
- a) Users whose annual average flow is greater than 1,000 gpd and whose properties have facilities for the preparation of food or whose property has facilities capable of discharging high strength waste shall be monitored in accordance with the provisions of Appendix K.
 - b) Users who are subject to monitoring shall pay for the cost of monitoring. Costs shall be determined based on the budgeted laboratory charges and a fee for labor expended for sample collection, sample processing and report processing.
 - c) Each user whose average concentration for BOD and/or TSS exceeds the design concentration of 220 mg/l shall pay an additional charge for the cost of treating this high strength waste ^(c).
- 7) New Customers: Shall be charged based on their estimated flow as approved by the Authority until the customer's facility has completed one full billing year at full occupancy. Initial billing shall be from the date of issuance of a Certificate of Occupancy, Temporary Certificate of Occupancy or Certificate of Approval.

- 8) Average Sewage Flow: The average sewage flow from a single family dwelling for purposes of calculating connection charges is 230 gpd.
- 9) Rate Determination: The Authority shall determine and publish the charge per 100 cubic feet of water consumed annually.
- 10) Current Rates: The current rates shall be in accordance with Paragraph 9, Fee Schedule. Rates shall remain in effect until modified.

FOOTNOTES

- (a) Annual sewer charges shall include facilities and volume charges. Residential users shall be billed for facilities charges based upon the volume of water consumed by the average single family residence during the period used to calculate the rate for a particular fiscal year. Non-residential users shall be billed for facilities charges based upon their sewage flow. Residential and non-residential users shall be billed for volume charges based upon their volume consumed or sewage discharged as described herein before.

Unit facilities charges shall be calculated as follows:

Operating Appropriations
-Application Fees
<hr/>
=Net Operating Appropriations
Debt Service
-Connection Fees
<hr/>
=Net Debt Service
Net Operating Appropriations
+Net Debt Service
<hr/>
=Net Facilities Costs

Unit Facilities Charge = $\frac{\text{Net Facilities Costs}}{\text{Total Estimated ccf}}$

Unit Volume Charges shall be calculated as follows:

Cost of Providing Services
 -Retained Earnings
 -Interest on Investments
 -IPP
 -Interest on Debt
 -Inspection Fees
 -Miscellaneous Revenue
 -ILOT

 =Net Volume Costs

$$\text{Unit Volume Charge} = \frac{\text{Net Volume Costs}}{\text{Total Estimated ccf}}$$

(b) Sewage flow as determined from water or sewage meter readings, or estimated.

(c) The basis for this charge is determined as follows:

Excess loading to Treatment Plant from user:

$$E_{\text{BOD}} = (V) (B_{\text{BOD}}) \times 8.34 \text{ lb/day}$$

$$E_{\text{SS}} = (V) (S_{\text{SS}}) \times 8.34 \text{ lb/day}$$

Amount of surcharge to a user:

$$T = E_{\text{BOD}} \frac{(\text{OMC}_{\text{BOD}})}{L_{\text{BOD}}} + E_{\text{SS}} \frac{(\text{OMC}_{\text{SS}})}{L_{\text{SS}}}$$

$$E_{\text{BOD}} = \text{Excess B.O.D. load to plant (lbs./day)}$$

$$E_{\text{SS}} = \text{Excess S.S. loading to plant (lbs./day)}$$

$$V = \text{Average daily volume of wastes in excess of the strength of domestic sewage (MGD)}$$

$$B_{\text{BOD}} = \text{Concentration of B.O.D. from a user above the base level (B.O.D. of waste in mg/l above 220 mg/l)}$$

$$S_{\text{SS}} = \text{Concentration of S.S. from a user above the base level (S.S. of waste in mg/l above 220 mg/l)}$$

$$L_{\text{BOD}} = \text{Average daily B.O.D. loading to plant (lbs/day)}$$

$$L_{\text{SS}} = \text{Average daily S.S. loading to plant (lbs/day)}$$

OMC_{BOD} = Operation, maintenance & capital expenses allocated by B.O.D. processes (\$) (30.2% of budget)

OMC_{SS} = Operation, maintenance & capital expenses allocated by S.S. processes (\$) (25.4% of budget)

T = Total Annual User Surcharge

For purposes of calculating B_{BOD} and S_{SS} a statistical review of available results shall be made. Any result more than two (2) standard deviations from the mean will be deleted from billing calculations.

- (d) Minimum Charge - The minimum charge shall be the facilities charge paid by a user for the average sewage flow from a single family dwelling during the period used to calculate the rate for a particular fiscal year.

b. Special Waste Charge

(Reserved)

c. Special Provisions Related to Rates⁶

1) Floor Drains: Any and all buildings or premises of whatever nature and description which employ the use of floor drains as regulated by the "Regulations and Specifications" of the Authority shall be assessed an additional annual charge per floor drain in accordance with the attached Fee Schedule.

2) Diversion of Effluent from System: Customer not discharging the entire volume of water into the sewerage system will be allowed a reduction in the annual service charge provided the customer installs facilities satisfactory to the Authority for measuring the volume either discharged or not discharged into the system. Where diverted use is ongoing, measurement shall be by meters meeting the specifications listed hereinafter or by approved sewage flow meters. Where the diversion is a one time event, such as the filling of a swimming pool, the customer shall advise the Authority of the intended diversion in advance and

⁶ Resolution 73-95 dated October 25, 1995

shall provide evidence that the water consumed did not enter the Authority's system such as a bill from the contractor installing a swimming pool.

Diverted uses include such items as lawn watering, car washing, filling of swimming pools. Diverted use shall not include any water intended for human consumption or utilized in a plumbing fixture or device connected to the Authority's system.

3) Date of Calculation of Rate: The annual service charges for the fiscal year beginning December 1 will be calculated by the Authority on or before October 31 of each preceding year on the basis of the number of equivalent units connected, the volume of water consumed by the average residence and the determination of the Authority budget. If such information is not available, the Authority may make reasonable estimates and base the service charge upon such estimates.

4) Multiple Use:

- a) Leasehold Property: Where a building is occupied by more than one rental unit or residential, charitable, governmental, commercial, or industrial use or establishment, or a combination thereof, the property owner shall be charged in accordance with the relevant provisions of Paragraph 5 hereof based upon total sewage flow attributable to the said building.
- b) Condominium Property: When a building is occupied by one or more condominium units of residential, charitable, governmental, commercial, or industrial use or establishment, or a combination thereof, the owner of each unit shall be charged in accordance with the relevant provisions of Paragraph 5 hereof. In instances where actual flows from individual units are not ascertainable and/or where the building is served in whole or in part through common or central sewage facilities, the Executive Director, upon the advice of the Consulting Engineer, shall equitably apportion the charges among the condominium units based upon the Occupancy Report, hereinafter required, or such other relevant information, calculations, estimates, tables or data as shall bear upon the matter and in accordance with the relevant provisions of Paragraph 5 hereof.

- c) The owner of a non-residential building occupied by more than one rental use or establishment, or in the case of condominium property, the condominium association, shall submit an Occupancy Report to the Authority on an annual basis between September 1st and 15th. A revised Occupancy Report shall be submitted within 30 days of any change of tenant or unit owner, number of employees in any unit use, or establishment by 10% or more.
- d) The owner of a leasehold building may elect to install sewage flow meters acceptable to the Authority, for all or some of the uses or establishments. In these cases, flow data from the sewage flow meter(s) will be used to determine user charge(s).
- e) The bill for any unit, use, or establishment listed in the Authority's records when the Equivalent Unit Charge is determined may be paid for the entire fiscal year.

5) Waiver of Service Charge due to Permanent Vacancy of Property Unit:

- a) A customer-owner of a property unit being served by the sewer system shall be eligible for a waiver of the annual service charge when said property unit has become destroyed or in other ways has been rendered in such a condition as to be ineligible for a Certificate of Occupancy and when the customer officially applies for waiver of service charge by submitting a certified written statement to the Authority stating when said property became permanently uninhabitable as determined by Township construction, fire or health officials or when the sewer line to the property is capped at the property line.
- b) Action by Authority: Upon inspection of the property unit by an Authority inspector and subsequent concurrence of a majority of the Authority members, the waiver of the annual service charge shall be effective at the beginning of the next fiscal year after the certified date of permanent vacancy.

6) Meters:

- a) Metering of Non-Residential Customer Properties served by Private Well Systems: Any and all non-

residential properties served by the Authority which are served by private well systems and which are not metered for flow by sewerage meter shall install at the expense of the owner thereof a water meter meeting the specifications of the Southeast Morris County Municipal Utilities Authority, or its successor.

- b) Water Meter Recorder and Totalizer for Certain Non-Residential Customer Properties: Any and all non-residential properties served by the Authority which are not metered for flow by a sewerage meter and which discharge ten (10) or more equivalent units (based upon maximum flow in any 24 hour period) shall install a water meter meeting the specifications of the Southeast Morris County Municipal Utilities Authority, or its successor, and which meter shall include a recorder and a totalizer.
- c) Metering of Residential Customer Properties Served by Private Wells: Residential users using private well systems rather than public water supply shall install meters on their well discharge on or before September 1, 1994. Residential users falling into this category shall have their 1994 annual sewage charge computed on the average residential water consumption. The 1995 annual charge for these residences shall be based on the average water consumption with an end of year adjustment being made based upon actual water consumption from October 1994 through June 1995.

- 7) Residential Charge Adjustment Upon Change of Ownership: New owners who acquire property during the Authority's fiscal year must pay the charges for that property for that fiscal year as they become due. The new owner may apply for a rebate for the period from the date they acquired ownership through the end of the current fiscal year when the appropriate water consumption data is available and if their consumption is less than the consumption used to calculate the annual charge. If charges for the next fiscal year are computed based upon consumption of the prior owner, the new owner may also apply for a rebate for that fiscal year if their consumption during the appropriate period is less than the consumption used to calculate their annual charge. This provision is only applicable to properties with individual water metering equipment.

8) Service Contracts for Non-Residential Users

- a) The Authority shall enter into a Service Contract with non-residential users which shall contain, but not be limited to, provisions to:
 - i) Incorporate the Regulations, Specifications and Rate Schedule therein
 - ii) Define and reserve capacity for said user
 - iii) Provide for the future imposition of connection/capacity charges for augmented flows
 - iv) Provide for a user charge surcharge for use of the system of the Authority in excess of contracted flows
 - v) Provide for reimbursement to the Authority for extraordinary enforcement and treatment expenses in connection with violation of Authority Regulations
 - vi) Provide for such other terms as shall be determined to be necessary and convenient to accomplish the findings, policies and objectives of the Authority.
- b) The Authority shall approve a form of Service Contract by Resolution of the Authority which may be amended from time to time by further Resolution of the Authority. The standard form of Service Contract shall be appended to the Regulations as Appendix L. In recognition of special or unique circumstances of particular users, the Authority may authorize a modified version of the Service Contract of the Authority by separate Resolution.

- 9) Occupancy Report: Where required by these regulations, an Occupancy Report shall be submitted to the Authority. The report shall be submitted on forms prepared by the Authority. It is the responsibility of the property owner, in the case of rental premises, or the condominium association, in the case of condominium premises, to obtain the forms and submit the report to the Authority whenever required. Occupancy Reports shall include the following information:

- Name and address of property owner or condominium association
 - Property location
 - Block and lot numbers
 - Names of tenants or unit owners
 - Total building area in square feet
 - Area occupied (in square feet) by each unit, use or establishment
 - Estimated percentage of total sewage flow for each unit, use or establishment
 - Estimated volume of non-domestic flow for each unit, use or establishment
 - Floor plan of building designating the area occupied by each unit, use or establishment
 - Southeast Morris County MUA account number and meter number for each unit, use or establishment and/or the building
 - Any additional information deemed necessary by the Authority's Executive Director. When an Occupancy Report is not submitted as required, the building owner or condominium association will be assessed a penalty. The penalty for not submitting an annual report as required will be equivalent to one-fourth of the total of the annual user charges for the building or premises. The penalty for not submitting a revised report will be one-fourth the increase in user charge which would have been computed from the revised report.
- 10) Commercial and Industrial Buildings: Where a building is occupied by a single commercial or industrial use or establishment, the owner shall submit an Occupancy Report to the Authority on an annual basis between September 1st and 15th. Occupancy Report requirements are specified elsewhere herein. A revised Occupancy Report shall be submitted within thirty (30) days of any change in tenant (if rented or leased), type of use or establishment or increase in the number of employees by ten percent (10%) or more. Where a building is occupied by more than one use establishment

Occupancy Reports shall be submitted as required by (4)
Multiple Use.

- 11) Grease, Oil and Sand Interceptors or Traps: Any and all buildings or premises of whatever nature and description which employ the use of a grease, oil and sand interceptor or trap as regulated by the "Regulations and Specifications" of the Authority shall be assessed an annual inspection charge in accordance with the attached Fee Schedule.
- 12) Payment Prior to Authority Rendering Further Services: Prior to providing any service for any applicant therefore concerning any property in the District, the Authority shall be entitled to receive from the subject property owner all outstanding charges and fees due the Authority, including interest, for that property or project. Services include but are not limited to plan and feasibility review, inspection, new or additional connections, issuance or revalidation or an industrial sewer discharge permit or Site Plan Exception Committee review. The right of the Authority to collect all past due charges and fees pursuant to this section shall be in addition to such charges and fees pursuant to these Regulations and the Act.
6. REGULATIONS, SPECIFICATIONS AND RATE SCHEDULE MANUAL FEES
- The fees for the purchase of copies of the manual shall be in accordance with the attached Fee Schedule.
7. DUPLICATE SEWER CHARGE BILL FEE
- The fee for a duplicate sewer charge shall be in accordance with the attached Fee Schedule.
8. INDUSTRIAL PRETREATMENT PROGRAM⁷
- a. Industrial Discharge Permit Fee Structure: HSA will establish a fee for the issuance of an Industrial Sewer Discharge Permit. The intent of the permit fee is to cover the cost of HSA monitoring of an individual user as well as a portion of the overall cost of operating the program. The overall costs of operating the program include but are not limited to salaries and benefits, engineering, legal and administrative costs and the costs of any special

⁷ Resolution 37-02 dated August 14, 2002

monitoring or study required due to the discharge of a specific user or group of users. This fee will be paid by the individual permit holder on a yearly basis to the HSA.

The permit fee shall be computed using the following factors:

$$\text{Permit Fee} = (\text{Per Point Charge}) (\text{Number of Points}) + \text{Minimum Fee} + \text{Sampling Cost} + \text{Special HSA Cost}$$

The factors involved in determining the Permit Fee are as follows:

- 1) Point Charge: In October of each year, HSA will calculate the total number of points for the twelve (12) month period ending on the preceding June 30th for each permittee. The total number of points for all permittees in the entire system will also be calculated. The budgeted cost of running the Industrial pretreatment Program less minimum fees will be divided by the total number of permit fee points to determine the per point charge. The cost of running the Industrial Pretreatment Program is determined by calculating the cost of salaries (plus benefits), in plant baseline monitoring costs, estimated legal, engineering costs and administrative costs as well as any other costs associated with the program.

The number of points for a particular facility is equal to the facilities environmental value. The environmental value is equal to the environmental risk factor times flow (mgd). Environmental risk factor is calculated adding the average concentration of each limited pollutant times its risk factor. Risk factor shall be as listed in N.J.A.C. 7:14A-1.8, Table 1, for indirect dischargers. The risk factor for phosphorous shall be one hundred (100). Average concentrations shall be based on HSA and IU monitoring. Flow data shall be based on water consumption or effluent flow for the period corresponding to the monitoring data. Limited pollutants shall be those with a specific limit or trigger value in the user's permit. Where actual data is not available, point charge will be calculated based upon the permit application, historic data or estimated data.

The maximum point charge used to compute any industrial user's fee shall be equal to fifty-five (55%) percent of the total point charge.

- 2) Minimum Permit Fee: Minimum permit fee shall be \$1,000.00.
- 3) Sample Costs: The sample cost is determined by the Direct cost to the Authority for the services of a certified laboratory to calibrate and analyze samples and the frequency of sampling specified in an individual permit.
- 4) Special HSA Costs: Any costs which the Authority incurs due to the discharge of a specific industrial user group of users shall be allocated to that user or users in their permit fees. Where costs are incurred due to more than one user, the cost shall be allocated among the users based on the Authority's estimate of the percent to which each user is responsible for the cost. Where the additional costs are related to monitoring for specific pollutants, the costs shall be allocated between the users based on the average loadings discharged by each user.

Example:

Point Charge Calculation

$$\begin{aligned}
 \text{Point Charge} &= (\text{Budgeted Cost} - \text{Total Minimum Fees}) / \\
 &\quad \text{Total Points} \\
 &= (\$166,125 - 17,000) / 5198.338 \\
 &= (\$149,125) / 5198.338 \\
 &= 28.6878 \text{ (See Footnote a)}
 \end{aligned}$$

Permit Fee Calculation

$$\begin{aligned}
 \text{XYZ Industry} &\quad \text{Special HSA Cost} = 0 \\
 \text{Flow} &= .0214 \text{ MGD (See Footnote b)} \\
 \text{Environmental Risk Factor} &= 8941.6 \text{ (See Footnote b)} \\
 \text{Minimum Fee} &= \$1,000.00 \\
 \text{Sampling Cost} &= \$6,682.21 \text{ (See Footnote a)} \\
 \text{No. of Points} &= \text{Environmental Value} \\
 \text{Environmental Value} &= \text{Environmental Risk Factor} \times \text{Flow} \\
 \text{PERMIT FEE} &= (\text{Per Point Charge}) (\text{No. of Points}) + \\
 &\quad \text{Minimum Fee} + \text{Sampling Cost} + \text{Special HSA} \\
 &\quad \text{Cost} \\
 &= (28.6878) (191.85) + \$1,000 + \$6,682.21 + \\
 &\quad 0 \\
 &= \$5,503.60 - \$1,000 + \$6,682.21 +) \\
 &= \$13,185.81
 \end{aligned}$$

(b) Point Charge and Sampling Cost are subject to change annually.

- (c) Flow and Environmental Risk Factor are subject to change annually based on actual data for existing users. Application data will be used to determine a new users initial fee.

5) Discharge Location:

If permittee has more than one connection into the HSA system, a separate permit fee shall be calculated for each such discharge.

6) Special Provisions:

a) Billing will be on a fiscal year basis.

b) Users who hold permits for any part of a fiscal year will be billed for the full minimum permit fee. Users who obtain a new permit during a fiscal year will be billed a prorated point charge from the date the permit is issued if they begin discharging, whichever is earlier, through the end of the fiscal year. Users who terminate a permit during the fiscal year will be billed a prorated point charge based upon the date the permit is terminated or the process discharge ceases. Users who hold a permit application or historic discharge.

b. Recovery of Costs Incurred Due to Unusual Discharge Events or Spills: In the event the Authority incurs related to unusual discharge events, spills, pretreatment by-passes, or other similar events, the user or users who created the circumstances which required the Authority to incur additional costs shall reimburse the Authority for the costs incurred. The costs shall include but not be limited to monitoring, engineering, legal, laboratory and administrative costs as well as direct salaries and benefits. Where costs are incurred due to the actions of more than one user, the Authority will determine the percent to which each user will be required to reimburse the Authority.

- c. Industrial Sewer Discharge Permit Application Fee: The application fee for a new Industrial Sewer Discharge Permit shall be \$1,000 plus an additional \$100 for each 10,000 gpd of discharge up to a maximum of \$5,000. The application fee to renew an Industrial Sewer Discharge Permit where there are no changes in operation shall be \$500. These fees are in addition to any plan review study or laboratory fees.

Revision 15

9. FEE SCHEDULE⁸

- a. Plan or Feasibility Review: Minimum escrow amounts are as follows. Larger amounts may be required if the scope of the study or review appears to so require. Additional amounts will be requested if needed during the course of review. Any unexpended funds will be returned at the completion of the study or start of construction.
- | | |
|--|------------|
| Feasibility studies, preliminary in nature | \$2,500.00 |
| Major Subdivision review, 9 lots or less | \$2,500.00 |
| Major Subdivision review, 10 or more lots | \$5,000.00 |
| Site Plan Review, building area to 20,000 sq.ft. | \$2,500.00 |
| Site Plan Review, building area over 20,000 sq.ft. | \$5,000.00 |
- b. Application Review Fee
- i. Residential Development: \$1,000.00 plus \$100.00 per lot or unit for the first 10 lots or units plus \$25.00 per lot or unit for each additional lot or unit.
 - ii. Non-Residential Building Development: \$1,000.00 plus \$50.00 per 1000 sq. ft. gross floor area or part thereof up to 50,000 sq. ft. plus \$10.00 per each additional 1,000 sq. ft. gross floor area or part thereof.
 - iii. Non-Residential Subdivision (without application for buildings): \$1,000.00 plus \$1,000.00 for each lot.
 - iv. Pretreatment Facilities: \$1,000.00 plus \$100.00 per 1,000 gpd of capacity.
 - v. Sewer Construction or Replacement (not included in previous application): \$1,000.00
 - vi. Feasibility Studies: \$1,000.00
 - vii. Minor Site Plan (SPEC): \$ 100.00
- c. Basic Connection Charge \$3,900.00

d.	<u>Sewer Inspection Permit</u>	
	i. Where tap on main is required	\$ 250.00
	ii. Where tap on main is not required	\$ 125.00
e.	<u>User Charges:</u>	
	Facilities Charge per ccf	\$ 1.44
	Volume Charge per ccf	\$ 2.52
f.	<u>Floor Drains (each)</u>	\$ 6.00
g.	<u>Regulations, Specifications and Rate Schedule and Industrial Pretreatment Program Manual (per copy)</u>	
	i. Picked up at Authority's Office	\$ 50.00
	ii. Delivered by mail	\$ 60.00
	iii. Deposit for copies borrowed	\$ 100.00
h.	<u>Duplicate Sewer Charge Bill</u>	\$ 5.00
i.	<u>Photocopying</u> (Price per page, when machine and personnel are available, in addition to to labor costs)	\$.50
j.	<u>Industrial Discharge Permit Fee Point Charge</u>	\$ 95.63
k.	<u>Grease, Oil and Sand Interceptor or Trap Inspection Fee</u>	\$ 125.00
l.	<u>High Strength Waste Sample Collection and Processing Charge (per sampling event)</u>	
	a. Conventional Pollutants	\$ 60.00
	b. Additional for Oil & Grease	\$ 15.00
m.	<u>Variance Application Fee</u>	\$1,000.00

APPENDIX K -
HIGH STRENGTH WASTEWATER MONITORING PROGRAM¹

- 1) Users to be Monitored - Users whose facilities contain commercial food handling facilities or who have facilities which may discharge high strength waste but do not have an Industrial Sewer Discharge Permit shall be monitored in accordance with this section.
- 2) Parameters to be Monitored - Users shall be monitored for BOD, TSS, ammonia, TKN and oil and grease as may be appropriate for their facility. Other pollutants of concern may be monitored on a case by case basis.
- 3) Sampling Frequency - Sampling will generally be done six (6) times per year. If a user demonstrates compliance for a parameter during six (6) consecutive samples, the sampling frequency for that parameter will be reduced to two (2) times per year. If a monitoring result exceeds the limitation, the frequency will revert to six (6) times per year.
- 4) Sample Type - Grab samples will be utilized for compliance purposes. If a user desires alternate sample techniques or time, they may submit a proposed sampling plan for approval. Any costs incurred for the review and implementation of the proposal will be borne by the user.
- 5) Monitoring by User - The user may perform additional monitoring at his own expense. Results of said monitoring will be considered when calculating bills if an Authority inspector is present during the sample collection.
- 6) Monitoring Results - Users will be notified of the result of monitoring as data becomes available. All monitoring results will be utilized in compliance and surcharge calculations except where the results meet the criteria contained for a laboratory error in the NJ Administrative Code.

¹ Resolution No. 49-95 dated July 26, 1995

SERVICE CONTRACT

AGREEMENT made this day of , 1997, by and between:

The HANOVER SEWERAGE AUTHORITY
a public body corporate and politic
of the State of New Jersey

(hereinafter "the Authority")

and:

(hereinafter "the Customer")

WITNESSETH:

WHEREAS, the Authority is presently operating a sewer system and wastewater treatment plant ("the System") pursuant to the Sewerage Authorities Law and other statutes and regulations of the State of New Jersey; and

WHEREAS, the Customer desires to utilize a new or existing connection to the System and associated sewerage capacity to the extent of gpd with respect to its occupancy of property located at Block and Lot on the Tax Map of the Township of Hanover, commonly known as ; and

WHEREAS, the Authority is agreeable to the same based upon the terms and conditions stated below:

NOW THEREFORE, in consideration of the premises, the provision of sewerage service, and of the mutual covenants and agreements herein stated and of the undertaking of each party to the other, the parties hereto, each binding itself, do mutually promise and agree as follows:

I DEFINITIONS

Unless otherwise noted, all terms used in this contract shall have the same meaning as set forth in the Sewerage Authorities Law (N.J.S.A. 40:14A-1 et seq), the regulations pursuant thereto and the Regulations, Specifications and Rate Schedule of the Authority ("the Regulations") as presently in effect and as amended from time to time.

II GENERAL SCOPE

1. Treatment - For the term of this Contract the Authority will provide capacity at the Treatment Plant for treatment and disposal of sewage from Customer's property up to a flow of gallons in any 24 hour period.
2. Compliance - Customer agrees to conduct its operations so as to assure at all times that its use of the System is in full compliance with the Regulations as presently in effect and as amended from time to time. Any and all amendments to the Regulations are made at public meetings and in accordance with the requirements and procedures set forth in the Sewerage Authorities Law. If applicable, Customer agrees to comply with any revised discharge limitations granted by the Authority in accordance with the variance provisions contained in the Regulations and as may hereinafter be set forth. In the event of a violation by Customer which shall cause any extraordinary enforcement and/or treatment expense to the Authority, then Customer shall reimburse the Authority within thirty (30) days of receipt of notice from the Authority as to the amount thereof. This reimbursement shall be separate from and exclusive of any fines and penalties imposed upon Customer pursuant to the Regulations.

3. Variance Limitation - In the event that Customer has applied for and the Authority has granted variance limitations for the parameters listed below then the provisions of this Paragraph 3 of Section II shall apply. The variance limitations granted by the Authority are as follows:

Parameter	Daily Maximum (mg/l)	Yearly Average (mg/l)
BOD		
TSS		
TKN		
Ammonia		

Exceedence of the limitations listed above is a violation of the Authority's Regulations. Variances shall remain in effect for a period of five (5) years from the date granted by Resolution of the Authority. If Customer desires to continue the variance after this five (5) year period, it shall reapply a minimum of sixty (60) days prior to the expiration of the variance.

The Authority reserves the right in its absolute discretion, to revoke any and all variances on thirty (30) days notice if conditions at the Treatment Plant warrant. Sampling shall be conducted in accordance with the Regulations.

4. Rates - Customer shall be charged in accordance with the Regulations as presently in effect and as amended from time to time. Example based upon current rates:

User Charge: Based on ccf annual flow (gpd)

Facilities Charge = \$1.80/ccf x ccf = \$

Volume Charge = \$1.96/ccf x ccf = \$

Total Annual User Charge \$

Connection/Capacity Charge:

Charge for gpd total flow at \$

per gpd (paid) \$

Other Charges/Fees: The Regulations include other charges and fees which include but are not limited to inspection fees, high strength wastewater monitoring fees and high strength wastewater monitoring fees and high strength wastewater treatment fees (surcharges). If applicable to the operations and/or discharges of Customer, billing for these charges and fees will be done in accordance with the Regulations.

In the event that Customer shall exceed either the contracted maximum 24 hour rate of flow or the annual average daily flow based upon the contracted maximum flow per 24 hours, the Authority shall have the right each year to bill a user charge Surcharge for the greater of such excess flows at a rate equal to one third

of the then current Connection/Capacity Charge to be applied to each equivalent unit of such overage. Bills for use of the System for volumes up to the contracted flow will be in accordance with the Regulations.

5. Increase in Capacity

- a) In any given year in which Customer shall exceed its contracted capacity and assuming the availability of capacity at the Treatment Plant, the Authority shall either increase the aforesaid contracted flow by the amount of such augmented flows or part thereof; or if the circumstances warrant, the Authority shall restrict Customer to its contracted flow and advise Customer that it shall be liable for any and all Surcharges for which it would be liable under the terms of this Contract and the Regulations.

- b) In the event that Customer shall increase its use of the System beyond that for which it has contracted herein by reason of increased flows from new connections, changes in its operations, or for any other cause, Customer shall pay such additional Connection/Capacity Charge as billed by the Authority and thereafter shall have the right to capacity at the revised amount of flow.

6. No Waiver - Acceptance by the Authority into the System from Customer of sewage in a volume or at a rate or with characteristics exceeding or violating any limit or restriction provided for in the Authority's Regulations by or pursuant to this Contract in one or more instances or under one or more circumstances shall not constitute a waiver of such limit or restriction or of any of the provisions of this Contract and shall not in any way obligate the Authority thereafter to accept or make provision for sewage delivered and discharged into the System in a volume or at a rate or with characteristics exceeding or violating any such limit or restriction in any other instance or under any other circumstance.
7. Term - This Contract shall remain in effect, unless terminated as hereinafter provided, for such time as the Authority operates its System in the service area and for such time as Customer shall continue the use of the System.

In the event that Customer shall discontinue its use of the subject premises the following provisions shall apply:

- a) Customer shall give sixty (60) days notice of its intention to discontinue use of the Authority System.
- b) Provided that the Authority is not constrained by a sewer connection ban or similar legal impediment, and further provided that the Authority shall consent to the same, which consent shall not be unreasonably withheld,

Customer may assign this Service Contract to a subsequent user of the premises.

- c) In the event that the Authority will not consent to an assignment for reasons including but not limited to the fact that the subsequent user proposes to discharge to the System flows of a different quality or quantity than Customer, or because the Authority in its regulatory discretion pursuant to the Sewerage Authorities Law or other applicable law determines that provisions differing from those herein should be negotiated, then the successor to Customer's use shall execute a new Service Contract with the Authority for use of the System.

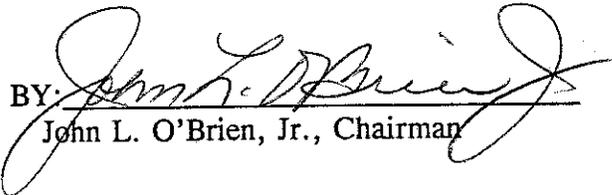
8. Receipt of Regulations - Customer acknowledges that it has received a copy of the Regulations, Specifications and Rate Schedule of the Authority. The Authority agrees to provide Customer with any amendments thereto as published.

IN WITNESS WHEREOF, the parties have caused this Agreement to be signed by their respective officers or other persons duly authorized and this Agreement be dated as of the day and year first above written.

HANOVER SEWERAGE AUTHORITY

ATTEST:

Robert E. O'Hare, Secretary

BY: 
John L. O'Brien, Jr., Chairman

CUSTOMER:

ATTEST:

BY: _____

RESOLUTION NO. 48-04

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

WHEREAS, the Authority adopted the “Regulations and Specifications and Rate Schedule of the Hanover Sewerage Authority” (hereinafter “the Regulations”) on November 30, 1960 and amended the same from time to time including a comprehensive revision dated January 1, 2004; and

WHEREAS, the Authority has reviewed the current Rate Schedule and desires to implement changes in the following areas:

- 1) Adjust the connection fee for the 2005 fiscal year.
- 2) Adjust the user charges for the 2005 fiscal year.
- 3) Adjust the Industrial Discharge Permit Fee point charges to reflect the budget for the 2005 fiscal year.
- 4) Update provisions related to connection fee payments and metering

WHEREAS, the Authority has considered certain amendments to the Rate Schedule of the Authority at the meeting of October 4, 2004 as set forth in Resolution No. 47-04; and

WHEREAS, the Authority has caused notice of the proposed amendments to be published and made in accordance with the requirements of N.J.S.A. 40:1A-8c and has held a Public Hearing on the proposed amendments all as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Hanover Sewerage Authority as follows effective December 1, 2004:

- 1) Appendix I, Charge Systems and Fees, is amended as follows:
 - a) Paragraph 3d. Non-Residential Units

For purpose of this section, the term “user” means not only the party paying the initial connection fee but all successors in interest.

The basic connection charge for the current fiscal period shall be in accordance with the attached Fee Schedule.

The connection fee for non-residential units shall be a minimum of the basic connection fee based upon the applicant’s anticipated daily flow as hereinafter provided. In the case of each non-residential use, the Authority’s Consulting Engineer shall recommend approval of a projected current daily flow (gpd) and, where applicable, future daily flow

(gpd) following analysis of data submitted by the applicant, generally accepted engineering and planning data on flow generation for the use proposed, the site plan as approved by the Township including especially any deferred parking, build-out/phasing analysis and other information about the proposed use. Thereafter, the connection fee shall be calculated as follows:

Approved flow (gpd) ÷ Average residential flow (gpd) x Basic connection charge = connection fee (rounded to next highest \$100.00).

If it is the intention of the applicant to initially use less than the entire flow allocated to it on the basis of the foregoing analysis, then it can request that payment of the portion of the connection fee relating to any later phase of development/use be deferred until such time as it implements its full, intended build-out/use of the site.

- b) Paragraph e. Time of Payment - The connection fee shall be paid prior to the issuance of a building permit by the appropriate municipal agency or officer, execution of a Developer's Agreement with the Township or final approval of a site plan except that in the case of a development or project requiring TWA approval by the New Jersey Department of Environmental Protection and endorsement thereof by the Authority, then in that event the fee shall be paid within six (6) months of Authority endorsement of any such application or approval thereof by the New Jersey Department of Environmental Protection, which ever occurs first.

The aforesaid procedure may only be modified by the Authority in the event that:

- 1) The terms of a Service Agreement with the owner or developer makes provision otherwise based upon unique and peculiar circumstances applicable to the particular case;
- 2) The terms of a service agreement with another municipality in which the subject property or project is located makes provision otherwise;
- 3) The Authority determines under Section 703 of these Regulations, Specifications and Rate Schedule that the circumstances so require.

- c) Paragraph 5.a.8 Average Sewage Flow: The average sewage flow from a single family dwelling for purposes of calculating connection charges shall be determined and published annually. This shall be the equivalent to the average volume bill for single family residence in the preceding five fiscal years.

- d) Paragraph 5, footnote c.6) Meters:

- a) Metering of Non-Residential Customer Properties served by Private Well Systems: Any and all non-residential properties served by the Authority which are served by private well systems and which are not metered for flow by sewerage meter shall install at the expense of the owner thereof a water meter meeting the requirements of AWWA C-108 and shall read in cubic feet.
- b) Water Meter Recorder and Totalizer for Certain Non-Residential Customer Properties: Any and all non-residential properties served by the Authority

which are not metered for flow by a sewerage meter and which discharge ten (10) or more equivalent units (based upon maximum flow in any 24 hour period) shall install a water meter meeting the specifications of the Southeast Morris County Municipal Utilities Authority, or its successor, and which meter shall include a recorder and a totalizer.

c) Metering of Residential Customer Properties Served by Private Wells:
Residential users using private well systems rather than public water supply shall install meters on their well discharge. Water meters must meet requirements of AWWA C-108 and read in cubic feet.

e) Paragraph 9, Fee Schedule

c) Connection Charges	
Basic Connection Charge	\$ 3,900.00
Average Sewage Flow	205 gpd
e) User Charges –	
Facilities Charge per ccf	\$ 1.44
Volume Charge per ccf	\$ 2.60
j) Industrial Discharge Permit Fee	
Point Charge	\$ 95.82

- 2) The balance of Appendix I shall remain unchanged.
- 3) If any provision of this Resolution or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such validity shall not affect other provisions of the Resolution and to this end the provisions of this Resolution are declared to be severable.
- 4) This Resolution shall take effect as provided by law.

DATED: October 27, 2004

ATTEST:

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

John L. O'Brien, Chairman

Joseph Schleifer, Secretary

CERTIFICATION

I, Joseph Schleifer, Secretary of the Hanover Sewerage Authority, County of Morris and State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the said Authority on the 27^h day of October 2004 at a meeting duly convened of said Body.

RESOLUTION NO. 61-05

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

WHEREAS, the Authority adopted the "Regulations and Specifications and Rate Schedule of the Hanover Sewerage Authority" (hereinafter "the Regulations") on November 30, 1960 and amended the same from time to time including a comprehensive revision dated January 1, 2004; and

WHEREAS, the Authority has reviewed the current Rate Schedule and desires to implement changes in the following areas:

- 1) Adjust the connection fee for the 2006 fiscal year.
- 2) Adjust the user charges for the 2006 fiscal year.
- 3) Adjust the Industrial Discharge Permit Fee point charges to reflect the budget for the 2006 fiscal year.

WHEREAS, the Authority has considered certain amendments to the Rate Schedule of the Authority at the meeting of September 28, 2005 as set forth in Resolution No. 59-05; and

WHEREAS, the Authority has caused notice of the proposed amendments to be published and made in accordance with the requirements of N.J.S.A. 40:14A-8c and has held a Public Hearing on the proposed amendments all as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Hanover Sewerage Authority as follows effective December 1, 2005:

- 1) Appendix I, Charge Systems and Fees, is amended as follows:

- a) Paragraph 9, Fee Schedule

- c) Connection Charges

Basic Connection Charge	\$4,000.00
Average Sewage Flow	205 gpd

- e) User Charges –

Facilities Charge per ccf	\$ 1.44
Volume Charge per ccf	\$ 2.72

- j) Industrial Discharge Permit Fee
Point Charge

\$75.17

- 2) The balance of Appendix I shall remain unchanged.
- 3) If any provision of this Resolution or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such validity shall not affect other provisions of the Resolution and to this end the provisions of this Resolution are declared to be severable.
- 4) This Resolution shall take effect as provided by law.

DATED: October 26, 2005

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

Robert E. O'Hare, Chairman

Joseph Schleifer, Secretary

CERTIFICATION

I, Joseph Schleifer, Secretary of the Hanover Sewerage Authority, County of Morris and State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the said Authority on the 26th day of October, 2005 at a meeting duly convened of said Body.

RESOLUTION NO. 62-05

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

WHEREAS, the Authority adopted the "Regulations and Specifications and Rate Schedule of the Hanover Sewerage Authority" (hereinafter "the Regulations") on November 30, 1960 and amended the same from time to time including a comprehensive revision dated January 1, 2004; and

WHEREAS, the Authority has reviewed the current Rate Schedule and desires to implement changes in the following areas to reflect current costs:

Adjust the application, inspection and sampling fees for the 2006 fiscal year.

WHEREAS, the Authority has considered certain amendments to the Rate Schedule of the Authority at the meeting of September 28, 2005 as set forth in Resolution No. 60-05; and

WHEREAS, the Authority has caused notice of the proposed amendments to be published and made in accordance with the requirements of N.J.S.A. 40:14A-8c and has held a Public Hearing on the proposed amendments all as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Hanover Sewerage Authority as follows effective December 1, 2005:

1) Appendix I, Charge Systems and Fees, is amended as follows:

a. Application Review Fee:

- i. Residential Development: \$2,000 plus \$100 per lot or unit for the first 10 lots or units plus \$25 per lot or unit for each additional lot or unit.
- ii. Non-Residential Building Development: \$2,000 plus \$50 per 1000 sq. ft. gross floor area or part thereof up to 50,000 sq. ft. plus \$10 per additional 1,000 sq. ft. gross floor area or part thereof.
- iii. Non-Residential Subdivision (without application for buildings): \$2,000 plus \$1,000 for each lot.
- iv. Pretreatment Facilities: \$2,000 plus \$100 per 1000 gpd of capacity.
- v. Sewer Construction or Replacement (not included in previous application). \$2,000.00
- vi. Feasibility Studies: \$2,000.00
- vii. Minor Site Plan (SPEC): \$ 200.00

d. Sewer Inspection Permit:

- i. Where tap on main is required \$ 400.00
- ii. Where tap on main is not required \$ 200.00

k. Grease, Oil and Sand Interceptor or Trap Inspection
Fee \$ 200.00

1. High Strength Waste Sample Collection and
Processing Charge (per sampling event)

- i. Conventional Pollutants \$ 90.00
- ii. Additional for Oil and Grease \$ 20.00

- 2) The balance of Appendix I shall remain unchanged.
- 3) If any provision of this Resolution or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such validity shall not affect other provisions of the Resolution and to this end the provisions of this Resolution are declared to be severable.
- 4) This Resolution shall take effect as provided by law.

DATED: October 26, 2005

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

Robert E. O'Hare, Chairman

Joseph Schleifer, Secretary

CERTIFICATION

I, Joseph Schleifer, Secretary of the Hanover Sewerage Authority, County of Morris and State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the said Authority on the 26th day of October, 2005 at a meeting duly convened of said Body.

RESOLUTION NO. 65-06

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

WHEREAS, the Authority adopted the "Regulations and Specifications and Rate Schedule of the Hanover Sewerage Authority" (hereinafter "the Regulations") on November 30, 1960 and amended the same from time to time including a comprehensive revision dated January 1, 2004; and

WHEREAS, the Authority has reviewed the current Rate Schedule and desires to implement changes in the following areas:

- 1) Adjust the connection fee for the 2007 fiscal year.
- 2) Adjust the user charges for the 2007 fiscal year.

WHEREAS, the Authority has considered certain amendments to the Rate Schedule of the Authority at the meeting of September 27, 2006 as set forth in Resolution No. 58-06; and

WHEREAS, the Authority has caused notice of the proposed amendments to be published and made in accordance with the requirements of N.J.S.A. 40:14A-8c and has held a Public Hearing on the proposed amendments all as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Hanover Sewerage Authority as follows effective December 1, 2006:

- 1) Appendix I, Charge Systems and Fees, is amended as follows:
 - a) Paragraph 9, Fee Schedule
 - c) Connection Charges

Basic Connection Charge	\$4,100.00
Average Sewage Flow	200 gpd
 - e) User Charges –

Facilities Charge per ccf	\$ 1.48
Volume Charge per ccf	\$ 2.80
- 2) The balance of Appendix I shall remain unchanged.
- 3) If any provision of this Resolution or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such validity shall not affect other provisions of the Resolution and to this end the provisions of this Resolution are declared to be severable.
- 4) This Resolution shall take effect as provided by law.

DATED: October 25, 2006

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

Joseph Schleifer, Chairman

Robert E. O'Hare, Secretary

CERTIFICATION

I, Robert E. O'Hare, Secretary of the Hanover Sewerage Authority, County of Morris and State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the said Authority on the 25th day of SOctober, 2006 at a meeting duly convened of said Body.

RESOLUTION NO. 81-06

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

WHEREAS, the Authority adopted the "Regulations and Specifications and Rate Schedule of the Hanover Sewerage Authority" (hereinafter "the Regulations") on November 30, 1960 and amended the same from time to time including a comprehensive revision dated January 1, 2004; and

WHEREAS, the Authority has reviewed the current Rate Schedule and desires to implement changes in the following areas:

- 1) Adjust the IPP fee for the 2007 fiscal year.

WHEREAS, the Authority has considered certain amendments to the Rate Schedule of the Authority at the meeting of November 21, 2006 as set forth in Resolution No. 72-06; and

WHEREAS, the Authority has caused notice of the proposed amendments to be published and made in accordance with the requirements of N.J.S.A. 40:14A-8c and has held a Public Hearing on the proposed amendments all as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Hanover Sewerage Authority as follows effective December 1, 2006:

- 1) Appendix I, Charge Systems and Fees, is amended as follows:
 - a) Paragraph 9, Fee Schedule
 - j) Industrial Discharge Permit Fee
Point Charge \$81.66
- 2) The balance of Appendix I shall remain unchanged.
- 3) If any provision of this Resolution or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such validity shall not affect other provisions of the Resolution and to this end the provisions of this Resolution are declared to be severable.
- 4) This Resolution shall take effect as provided by law.

DATED: January 24, 2007

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

Joseph Schleifer, Chairman

Robert E. O'Hare, Secretary

CERTIFICATION

I, Robert E. O'Hare, Secretary of the Hanover Sewerage Authority, County of Morris and State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the said Authority on the 24th day of January, 2007 at a meeting duly convened of said Body.

RESOLUTION NO. 57-07

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

WHEREAS, the Authority adopted the "Regulations and Specifications and Rate Schedule of the Hanover Sewerage Authority" (hereinafter "the Regulations") on November 30, 1960 and amended the same from time to time including a comprehensive revision dated January 1, 2004; and

WHEREAS, the Authority has reviewed the current Rate Schedule and desires to implement changes to allow for more cost effective and accurate meter reading:

WHEREAS, the Authority has considered certain amendments to the Rate Schedule of the Authority at the meeting of October 1, 2007 as set forth in Resolution No. 51-07; and

WHEREAS, the Authority has caused notice of the proposed amendments to be published and made in accordance with the requirements of N.J.S.A. 40:14A-8c and has held a Public Hearing on the proposed amendments all as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Hanover Sewerage Authority as follows effective December 1, 2007:

1) Appendix I, Charge Systems and Fees, is amended as follows:

c) Paragraph 5, footnote c.6) Meters:

- a) Metering of Non-Residential Customer Properties served by Private Well Systems: Any and all non-residential properties served by the Authority which are served by private well systems and which are not metered for flow by sewerage meter shall install at the expense of the owner thereof a water meter meeting the requirements of AWWA C-108 and shall read in cubic feet.
- b) Water Meter Recorder and Totalizer for Certain Non-Residential Customer Properties: Any and all non-residential properties served by the Authority which are not metered for flow by a sewerage meter and which discharge ten (10) or more equivalent units (based upon maximum flow in any 24 hour period) shall install a water meter meeting the specifications of the Southeast Morris County Municipal Utilities Authority, or its successor, and which meter shall include a recorder and a totalizer.
- c) Metering of Residential Customer Properties Served by Private Wells: Residential users using private well systems rather than public water supply

shall install meters on their well discharge. Water meters must meet requirements of AWWA C-108 and read in cubic feet.

- d) Diverted Use Meters: Water meters shall meet the requirements of AWWA C-108 and read in cubic feet. Meters measuring wastewater shall be suitable for the waste stream being measured and approved by the Authority.
- e) Calibration: Any user who utilizes any meter two inches in diameter or larger shall have the meter calibrated annually by an approved testing agency. Meters which fail calibration shall be repaired or replaced by the user.
- f) All new meters installed to meet the requirements of above sections shall be equipped with RF reading transmission capability.

When directed, existing meters shall be retrofitted with RF reading transmission equipment or shall be replaced with new meters with RF transmission capability. Retrofitting or replacing the meter shall be at the expense of the user except as noted hereinafter. The Authority shall subsidize a maximum amount of \$100 towards the cost of RF equipment.

- 2) The balance of Appendix I shall remain unchanged.
- 3) If any provision of this Resolution or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such validity shall not affect other provisions of the Resolution and to this end the provisions of this Resolution are declared to be severable.
- 4) This Resolution shall take effect as provided by law.

DATED: October 24, 2007

ATTEST:

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

Joseph Schleifer, Chairman

Robert E. O'Hare, Secretary

CERTIFICATION

I, Robert E. O'Hare, Secretary of the Hanover Sewerage Authority, County of Morris and State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the said Authority on the 24th day of October, 2007 at a meeting duly convened of said Body.

RESOLUTION NO. 58-07

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

WHEREAS, the Authority adopted the "Regulations and Specifications and Rate Schedule of the Hanover Sewerage Authority" (hereinafter "the Regulations") on November 30, 1960 and amended the same from time to time including a comprehensive revision dated January 1, 2004; and

WHEREAS, the Authority has reviewed the current Rate Schedule and desires to implement changes in the following areas for the 2008 fiscal year:

- 1) Adjust the connection fee.
- 2) Adjust the user charges.
- 3) Adjust the IPP point charge.
- 4) Adjust the sampling fees.

WHEREAS, the Authority has considered certain amendments to the Rate Schedule of the Authority at the meeting of October 1, 2007 as set forth in Resolution No. 52-07; and

WHEREAS, the Authority has caused notice of the proposed amendments to be published and made in accordance with the requirements of N.J.S.A. 40:14A-8c and has held a Public Hearing on the proposed amendments all as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Hanover Sewerage Authority as follows effective December 1, 2007:

1) Appendix I, Charge Systems and Fees, is proposed to be amended as follows:

a) Paragraph 9, Fee Schedule

c) Connection Charges

Basic Connection Charge	\$4,400.00
Average Sewage Flow	200 gpd

e) User Charges –

Facilities Charge per ccf	\$ 1.48
Volume Charge per ccf	\$ 2.92

j) Industrial Discharge Permit Fee
Point Charge

\$84.27

l) High Strength Waste Sample Collection
and Processing Charge (per sampling event)

\$85.00

- 2) The balance of Appendix I shall remain unchanged.
- 3) If any provision of this Resolution or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such validity shall not affect other provisions of the Resolution and to this end the provisions of this Resolution are declared to be severable.
- 4) This Resolution shall take effect as provided by law.

DATED: October 24, 2007

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

Joseph Schleifer, Chairman

Robert E. O'Hare, Secretary

CERTIFICATION

I, Robert E. O'Hare, Secretary of the Hanover Sewerage Authority, County of Morris and State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the said Authority on the 24th day of October, 2007 at a meeting duly convened of said Body.

RESOLUTION NO. 24-08

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

WHEREAS, the Authority adopted the "Regulations and Specifications and Rate Schedule of the Hanover Sewerage Authority" (hereinafter "the Regulations") on November 30, 1960 and amended the same from time to time including a comprehensive revision dated January 1, 2004; and

WHEREAS, the Authority has reviewed the current Rate Schedule and desires to implement changes to reflect the current costs associated with review of applications.

WHEREAS, recent applications have required excessive review by the Authority staff, resulting in increased but un-recovered costs; and

WHEREAS, this increase has largely been caused by the failure of applicants and their professionals to address the review comments by the Authority, staff and Engineer; and

WHEREAS the Executive Director and Engineer have determined that the application which addresses the Authority's Regulations and comments should take no more than three (3) submission; and

WHEREAS the Authority only wishes to recover costs due to excessive reviews without increasing costs of properly completed applications; and

WHEREAS, the Authority has considered certain amendments to the Rate Schedule of the Authority at the meeting of January 23, 2008 as set forth in Resolution No. 73-07; and

WHEREAS, the Authority has caused notice of the proposed amendments to be published and made in accordance with the requirements of N.J.S.A. 40:14A-8c and has held a Public Hearing on the proposed amendments all as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Hanover Sewerage Authority:

1) Appendix I, Charge Systems and Fees, is amended as follows:

Paragraph 2. CONSTRUCTION APPLICATION FEE is proposed to be amended as follows:

Prior to acceptance or review by the Authority of plans for construction as described in Section 404 of the Regulations, pretreatment facilities, sewer replacement or construction or feasibility studies a non-refundable Initial Construction Application Fee must be submitted in accordance with the attached Fee Schedule.

The Initial Construction Application Fee is intended to cover the Authority's in house costs for a maximum of three (3) plan reviews. The three (3) reviews include reviews performed by the Authority's staff for Township Departments or agencies, as well as reviews performed by the Authority's staff and Engineer after submission of an application.

Paragraph 9 FEE SCHEDULE b. Application Review Fee is proposed to be amended by the addition of:

vii Supplemental Application Fee \$1,000.00

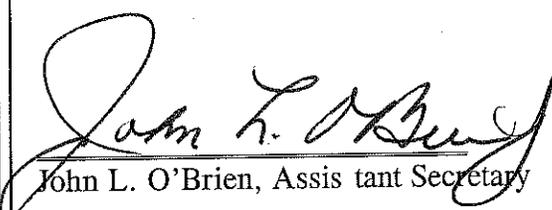
- 2) The balance of Appendix I shall remain unchanged.
- 3) A copy of this Resolution shall be published in accordance with N.J.S.A. 40:14A-8 and a hearing held thereon on February 27, 2008 at 8:30 p.m. at the Municipal Building, 1000 Route 10, Whippany, New Jersey.
- 4) If any provision of this Resolution or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such validity shall not affect other provisions of the Resolution and to this end the provisions of this Resolution are declared to be severable.
- 5) This Resolution shall take effect as provided by law.

DATED: February 27, 2008

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

Walter B. Galacki, Vice Chairman


John L. O'Brien, Assistant Secretary

CERTIFICATION

I, John L. O'Brien, Assistant Secretary of the Hanover Sewerage Authority, County of Morris and State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the said Authority on the 27th day of February, 2008 at a meeting duly convened of said Body.

RESOLUTION NO. 25-08

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

WHEREAS, the Authority adopted the "Regulations and Specifications and Rate Schedule of the Hanover Sewerage Authority" (hereinafter "the Regulations") on November 30, 1960 and amended the same from time to time including a comprehensive revision dated January 1, 2004; and

WHEREAS, the Authority has reviewed the current Rate Schedule and desires to implement changes related to the time of payment of connection fees:

NOW, THEREFORE, BE IT RESOLVED by the Hanover Sewerage Authority as follows:

WHEREAS, the Authority has considered certain amendments to the Rate Schedule of the Authority at the meeting of January 23, 2008 as set forth in Resolution No. 72-07; and

WHEREAS, the Authority has caused notice of the proposed amendments to be published and made in accordance with the requirements of N.J.S.A. 40:14A-8c and has held a Public Hearing on the proposed amendments all as required by law.

1) Appendix I, Charge Systems and Fees, is amended as follows:

Paragraph e. Time of Payment - For projects which involve site plan approval, major subdivisions which require a TWA, or require a TWA, the connection fee shall be paid prior to execution of a Developer's Agreement with the Township or final approval of a site plan except that in the case of a development or project requiring TWA approval by the New Jersey Department of Environmental Protection and endorsement thereof by the Authority, then in that event the fee shall be paid within six (6) months of Authority endorsement of any such application or approval thereof by the New Jersey Department of Environmental Protection, which ever occurs first.

For projects which only require building permits, or subdivisions which do not require a TWA, the connection fee shall be paid prior to the issuance of a building permit by the appropriate municipal agency or officer.

The aforesaid procedure may only be modified by the Authority in the event that:

- 1) The terms of a Service Agreement with the owner or developer makes provision otherwise based upon unique and peculiar circumstances applicable to the particular case;
- 2) The terms of a service agreement with another municipality in which the subject property or project is located makes provision otherwise;
- 3) The Authority determines under Section 703 of these Regulations, Specifications

and Rate Schedule that the circumstances so require.

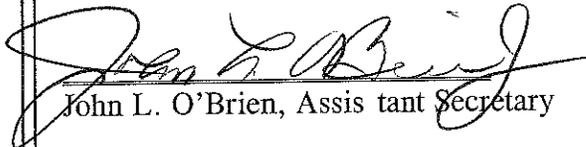
- 2) The balance of Appendix I shall remain unchanged.
- 3) If any provision of this Resolution or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such validity shall not affect other provisions of the Resolution and to this end the provisions of this Resolution are declared to be severable.
- 4) This Resolution shall take effect as provided by law.

DATED: FEBRUARY 27, 2008

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

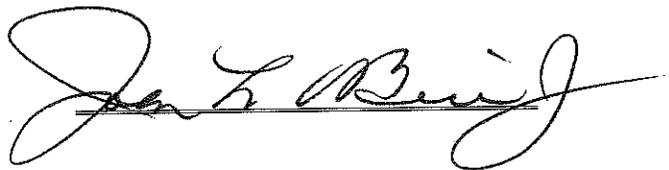
ATTEST:

Walter B. Galacki, Vice Chairman


John L. O'Brien, Assistant Secretary

CERTIFICATION

I, John L. O'Brien, Assistant Secretary of the Hanover Sewerage Authority, County of Morris and State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the said Authority on the 27th day of February, 2008 at a meeting duly convened of said Body.



RESOLUTION NO. 53-08

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

WHEREAS, the Authority adopted the "Regulations, Specifications and Rate Schedule of the Hanover Sewerage Authority" (hereinafter "the Regulations") on November 30, 1960 and amended the same from time to time including a comprehensive revision on January 1, 2004; and

WHEREAS, the Authority's Pretreatment Program and local limitations were approved by the Department on January 9, 1985; and

WHEREAS, the Authority was required by letter from the NJDEP dated August 30, 2007 to update its Regulations to reflect Grace Period requirements; and

WHEREAS, the Authority submitted the proposed changes by letter dated January 31, 2008; and

WHEREAS, the Authority submitted supplemental information on January 31, February 1 and April 17, 2008; and

WHEREAS, the Department approved the revised regulations by letter dated May 30, 2008; and

WHEREAS, the Authority provided public notice and a period of public comment and held a Public Hearing on the local regulations on July 23, 2008; and

WHEREAS, the Authority desires to adopt and implement the revised regulations approved.

NOW, THEREFORE, BE IT RESOLVED by the Hanover Sewerage Authority as follows:

1. The Regulations, Specifications and Rate Schedule of the Hanover Sewerage Authority (the "Regulations") are amended as follows:
 - a. Table of Contents
 - b. Section VII

Added 701.18 Penalty for Failure to Comply with an Information Request or Administrative Subpoena, and Destruction of Records.

Added 712-Grace Period Applicability; Procedures

c. Article II:

Person definition can be found on page 8.

Grace Period definition can be can be found on page 3.

Minor Violation proposed language can be found on page 6.

d. Appendix C 4- Enforcement Response Plan Updated to reflect required grace periods.

e. Appendix C 5- Table of Minor and Non-Minor Violations

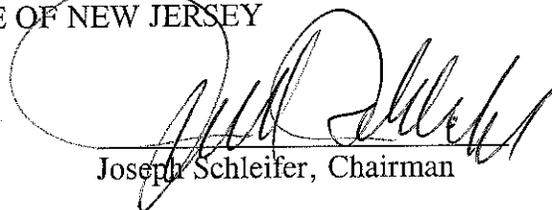
2. The balance of the Regulations shall remain unchanged.
3. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions of the Resolution and to this end the provisions of this Resolution are declared to be severable.
4. This Resolution shall take effect as provided by law.

DATE: July 23, 2008

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

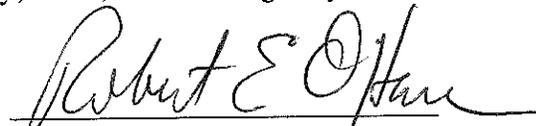
ATTEST:


Robert E. O'Hare, Secretary


Joseph Schleifer, Chairman

CERTIFICATION

I, Robert E. O'Hare, Secretary of the Hanover Sewerage Authority, County of Morris and State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the said Authority on the 23rd day of July, 2008, at a meeting duly convened of said Body.



RESOLUTION NO. 73-08

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

WHEREAS, the Authority adopted the "Regulations and Specifications and Rate Schedule of the Hanover Sewerage Authority" (hereinafter "the Regulations") on November 30, 1960 and amended the same from time to time including a comprehensive revision dated January 1, 2004; and

WHEREAS, the Authority has reviewed the current Rate Schedule and desires to implement changes in the following areas for the 2009 fiscal year:

- 1) Adjust the connection fee.
- 2) Adjust the user charges.
- 3) Adjust the IPP point charge.
- 4) Adjust the application, sampling, inspection and permit fees.

WHEREAS, the Authority has considered certain amendments to the Rate Schedule of the Authority at the meeting of September 24, 2008 as set forth in Resolution No. 66-08; and

WHEREAS, the Authority has caused notice of the proposed amendments to be published and made in accordance with the requirements of N.J.S.A. 40:14A-8c and has held a Public Hearing on the proposed amendments all as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Hanover Sewerage Authority as follows effective December 1, 2008:

- 1) Appendix I, Charge Systems and Fees, is amended as follows:

- a) Paragraph 9, Fee Schedule

- d) Application Review Fee

vii. Minor Site Plan (SPEC):	\$ 250.00
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- c) Connection Charges

Basic Connection Charge	\$4,400.00
Average Sewage Flow	195 gpd

- d) Sewer Inspection Permit

i. Where tap on main is required	\$ 500.00
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ii. Where tap on main is not required	\$ 250.00
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- e) User Charges –
 - Facilities Charge per ccf \$ 1.20
 - Volume Charge per ccf \$ 3.52
- j) Industrial Discharge Permit Fee
 - Point Charge \$154.59
- k) Grease, Oil and Sand Interceptor
or Trap Inspection Fee \$250.00
- l) High Strength Waste Sample Collection \$90.00
and Processing Charge (per sampling event)

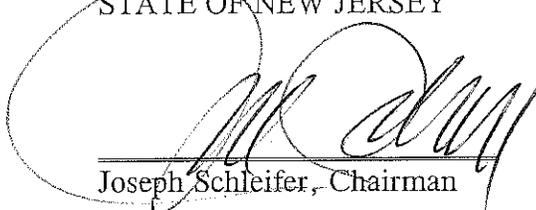
- 5) The balance of Appendix I shall remain unchanged.
- 6) If any provision of this Resolution or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such validity shall not affect other provisions of the Resolution and to this end the provisions of this Resolution are declared to be severable.
- 7) This Resolution shall take effect as provided by law.

DATED: October 29, 2008

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

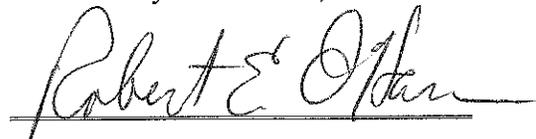
ATTEST:


Robert E. O'Hare, Secretary


Joseph Schleifer, Chairman

CERTIFICATION

I, Robert E. O'Hare Secretary of the Hanover Sewerage Authority, County of Morris and State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the said Authority on the 29th day of October, 2008 at a meeting duly convened of said Body.



RESOLUTION NO. 74-08

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

WHEREAS, the Authority adopted the "Regulations and Specifications and Rate Schedule of the Hanover Sewerage Authority" (hereinafter "the Regulations") on November 30, 1960 and amended the same from time to time including a comprehensive revision dated January 1, 2004; and

WHEREAS, the Authority has reviewed the current Regulations and desires to implement changes to Section 505 Grease, Oil and Sand Interceptor or Traps :

- 1) Section 505 GREASE, OIL AND SAND INTERCEPTOR OR TRAPS, is amended as follows:

505. GREASE, OIL AND SAND INTERCEPTOR OR TRAPS

a) PURPOSE

Grease, oil and sand interceptors shall be provided in all restaurants, food preparation facilities, vehicle maintenance and storage facilities, hangars and in other locations where, in the opinion of the Authority, they are necessary for the proper handling of liquid wastes which may contain excessive quantities of oil, grease, flammable wastes, sand, or other harmful ingredients; except that such interceptor shall not be required for private living quarter or dwelling units.

b) DESIGN

Grease and oil interceptors shall be designed to meet the Authority's discharge requirements. Units shall be constructed of materials impervious to the material handled, capable of withstanding abrupt and extreme changes in temperature; and shall be gastight and watertight, and equipped with easily removable covers. Interceptors may be of the mechanical grease removal type, underground type or a specific design for the application. In all cases, sanitary, cooling water or other waste streams that do not contain materials that are intended to be removed by the interceptor shall be diverted around the interceptor. Interceptor shall be located in areas that are immediately accessible upon request of the Authority. Equipment or materials that would limit or hinder accessibility shall not be located on top of or adjacent to interceptors. Where an interceptor is located out of doors, the cover shall be protected in a manner that prevents parking or storage over the interceptor. Construction shall be water tight.

c) MAINTENANCE

In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal of the captured material and shall maintain records for the review of the Authority. The required maintenance and records shall be as required by the manufacturer and as directed by the Authority for the type of equipment installed. The owner shall be responsible for removing the cover of an interceptor for inspection immediately upon request of an Authority inspector.

The cleaning of underground units must be inspected by an Authority inspector. The owner shall schedule the inspection with the Authority a minimum of three work days in advance of the planned cleaning by contacting the Treatment Plant at 973/428-2486.

d) FEES

Application fees, inspection fees, and use fees for grease, oil and sand interceptors or traps shall be paid to the Authority in accordance with the Rate Schedule.

Annual inspection fees cover quarterly routine inspections performed during normal business hours. Where a user performs or is required to perform more frequent cleaning during normal business hours or performs cleaning outside normal business hours, they shall be billed for the additional cost incurred by the Authority.

- 2) If any provision of this Resolution or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such validity shall not affect other provisions of the Resolution and to this end the provisions of this Resolution are declared to be severable.
- 3) This Resolution shall take effect as provided by law.

DATED: October 29, 2008

ATTEST:

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY


Joseph Schleifer, Chairman


Robert E. O'Hare, Secretary

CERTIFICATION

I, Robert E. O'Hare, Secretary of the Hanover Sewerage Authority, County of Morris and State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the said Authority on the 29th day of October, 2008 at a meeting duly convened of said Body.

Robert E. O'Hare

RESOLUTION NO. 75-08

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

WHEREAS, the Authority adopted the "Regulations and Specifications and Rate Schedule of the Hanover Sewerage Authority" (hereinafter "the Regulations") on November 30, 1960 and amended the same from time to time including a comprehensive revision dated January 1, 2004; and

WHEREAS, the Authority has reviewed the current Regulations and desires to implement changes Section 300.2 Sewer Connection Required:

1) Section 300.2 SEWER CONNECTION REQUIRED, is amended as follows:

300.2 SEWER CONNECTION REQUIRED: The owner of all houses, buildings or properties used for human occupancy, commerce, industry, recreation, or other purposes, situated within the Township of Hanover and abutting any street, alley or right of way in which there is now located or may in the future be located a Public Sewer is hereby required at the owner's expense to install suitable Wastewater facilities therein, and to connect such facilities directly or indirectly with the proper Public Sewer in accordance with the provisions of these Regulations after receipt of a notice to do so, provided that said buildings or properties have reasonable access to the Public Sewer as determined by the Authority. A property shall be presumed to have reasonable access if it is located within 200 feet of said sanitary sewer.

New houses, buildings or properties shall be connected prior to occupancy. Existing houses, buildings or properties shall submit an application to connect, including required plans, within a period designated by the Authority but not exceeding 60 days from receipt of notice. Following approval by the Authority, the owner shall connect within a period designated by the Authority which shall not exceed 90 days from notice.

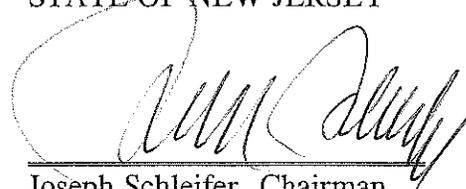
2) If any provision of this Resolution or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such validity shall not affect other provisions of the Resolution and to this end the provisions of this Resolution are declared to be severable.

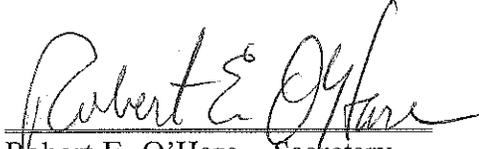
3) This Resolution shall take effect as provided by law.

DATED: October 29, 2008

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

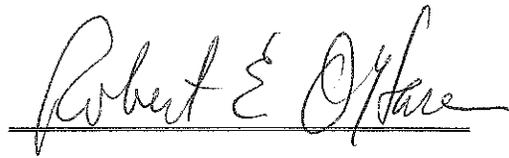


Joseph Schleifer, Chairman

Robert E. O'Hare, Secretary

CERTIFICATION

I, Robert E. O'Hare, Secretary of the Hanover Sewerage Authority, County of Morris and State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the said Authority on the 29th day of October, 2008 at a meeting duly convened of said Body.



RESOLUTION NO. 48-09

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

WHEREAS, the Authority adopted the "Regulations and Specifications and Rate Schedule of the Hanover Sewerage Authority" (hereinafter "the Regulations") on November 30, 1960 and amended the same from time to time including a comprehensive revision dated January 1, 2004; and

WHEREAS, the Authority has reviewed the current Rate Schedule and desires to implement changes in the following areas for the 2010 fiscal year:

- 1) Adjust the connection fee.
- 2) Adjust the user charges.
- 3) Adjust the IPP point charge.

WHEREAS the Authority only wishes to recover costs due to excessive reviews without increasing costs of properly completed applications; and

WHEREAS, the Authority has considered certain amendments to the Rate Schedule of the Authority at the meeting of September 30, 2009 as set forth in Resolution No. 44-09; and

NOW, THEREFORE, BE IT RESOLVED by the Hanover Sewerage Authority as follows effective December 1, 2009:

- 1) Appendix I, Charge Systems and Fees, is amended as follows:

- a) Paragraph 9, Fee Schedule

- c) Connection Charges
 - Basic Connection Charge \$4,700.00
 - Average Sewage Flow 195 gpd

- e) User Charges –
 - Facilities Charge per ccf \$1.24
 - Volume Charge per ccf \$3.60

- j) Industrial Discharge Permit Fee
 - Point Charge \$146.73

- 5) The balance of Appendix I shall remain unchanged.
- 6) If any provision of this Resolution or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such validity shall not

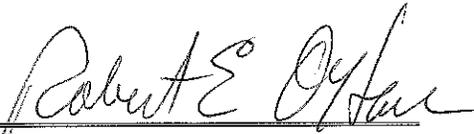
affect other provisions of the Resolution and to this end the provisions of this Resolution are declared to be severable.

7) This Resolution shall take effect as provided by law.

DATED: October 28, 2009

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

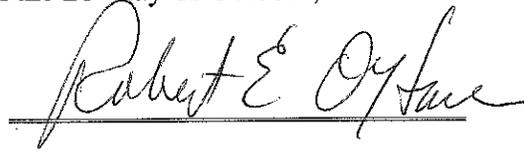
ATTEST:


Robert E. O'Hare, Secretary


Joseph Schleifer, Chairman

CERTIFICATION

I, Robert E. O'Hare Secretary of the Hanover Sewerage Authority, County of Morris and State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the said Authority on the 28th day of October, 2009 at a meeting duly convened of said Body.


Robert E. O'Hare

RESOLUTION NO. 49-09

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

WHEREAS, the Authority adopted the "Regulations and Specifications and Rate Schedule of the Hanover Sewerage Authority" (hereinafter "the Regulations") on November 30, 1960 and amended the same from time to time including a comprehensive revision dated January 1, 2004; and

WHEREAS, the Authority has reviewed the current Rate Schedule and desires to implement changes to reflect the current costs associated with review of applications for individual building connection fees.

WHEREAS, recent applications have required excessive review by the Authority staff, resulting in increased but un-recovered costs; and

WHEREAS, this increase has largely been caused by the need to review individual connection plans and the failure of applicants and their professionals to address the review comments by the Authority staff; and

WHEREAS the Executive Director has determined that an application which addresses the Authority's Regulations and comments should take no more than two (2) submission; and

WHEREAS the Authority only wishes to recover costs due to excessive reviews without increasing costs of properly completed applications; and

WHEREAS, the Authority has considered certain amendments to the Rate Schedule of the Authority at the meeting of September 30, 2009 as set forth in Resolution No. 42-09; and

WHEREAS, the Authority has caused notice of the proposed amendments to be published and made in accordance with the requirements of N.J.S.A. 40:14A-8c and has held a Public Hearing on the proposed amendments all as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Hanover Sewerage Authority:

- 1) Appendix I, Charge Systems and Fees, is amended as follows effective December 1, 2009:

Paragraph 2. CONSTRUCTION APPLICATION FEE is proposed to be amended with the addition of the following:

Prior to acceptance and review by the Authority of plans for an individual building sewer, a non-refundable Building Sewer Construction Application Fee must be submitted in accordance with the attached fee schedule.

The initial building sewer construction application fee is intended to cover the Authority's in-house costs for a maximum of two (2) plan reviews. For applications which require three (3) or more reviews, a Building Sewer Supplemental Application Fee shall be submitted with each additional request for review.

Paragraph 9 FEE SCHEDULE b. Application Review Fee is proposed to be amended by the addition of:

viii Building Sewer Construction Application	\$ 200.00
ix Building Sewer Construction Supplemental Application Fee	\$100.00

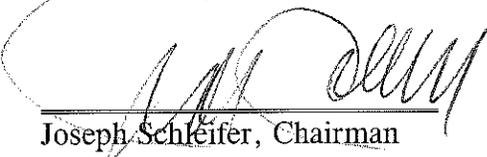
- 2) The balance of Appendix I shall remain unchanged.
- 3) If any provision of this Resolution or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such validity shall not affect other provisions of the Resolution and to this end the provisions of this Resolution are declared to be severable.
- 4) This Resolution shall take effect as provided by law.

DATED: October 28, 2009

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

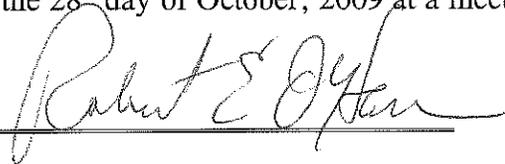
ATTEST:


Robert E. O'Hare, Secretary


Joseph Schaefer, Chairman

CERTIFICATION

I, Robert E. O'Hare Secretary of the Hanover Sewerage Authority, County of Morris and State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the said Authority on the 28th day of October, 2009 at a meeting duly convened of said Body.



RESOLUTION NO. 27-10

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

WHEREAS, the Authority adopted the "Regulations, Specifications and Rate Schedule of the Hanover Sewerage Authority" (hereinafter "the Regulations") on November 30, 1960 and amended the same from time to time including a comprehensive revision on January 1, 2004; and

WHEREAS, the Authority's Pretreatment Program and local limitations were approved by the Department on January 9, 1985; and

WHEREAS, the Authority was required by the NJDEP via e-mail dated January 14, 2009 to update its Regulations to reflect changes in the both the Federal Pretreatment Regulations that became effective January 11, 2006 and are commonly referred to as the Pretreatment Streamlining Regulation and to reflect changes in the NJPDES Regulations adopted January 5, 2009; and

WHEREAS, the Authority submitted the proposed changes via e-mail and by letter dated July 2, 2009; and

WHEREAS, the Authority received comments from the Department on the draft submissions by letter dated September 4, 2009.

WHEREAS, the Authority submitted supplemental information on October 16, 2009, December 15, 2009, January 5, 2010, January 15, 2010, February 18, 2010; and

WHEREAS, the Department approved the revised regulations by letter dated February 22, 2010; and

WHEREAS, the Authority was not required to provide public notice as the Federal Streamlining Regulations and the NJPDES Regulations had been previously public noticed and the changes made to the Hanover Sewerage Authority Regulations, Specification and Rate Schedule reflect only those changes; and

WHEREAS, the Authority desires to adopt and implement the revised regulations approved.

NOW, THEREFORE, BE IT RESOLVED by the Hanover Sewerage Authority as follows:

1. The Regulations, Specifications and Rate Schedule of the Hanover Sewerage Authority (the "Regulations") are amended as follows:

a. Table of Contents

b. Article II

Best Management Practice definition can be found on page 1

Corporate Officer definition can be found on page 3

Non-Significant Categorical User definition can be found on page 14

Significant Non-Compliance definition can be found on page 15

c. Article III as per the attached NJDEP legal check list

d. Appendix C-4 Enforcement Response Plan

e. Administrative changes to the Grace Period table found at Appendix C-5

2. The balance of the Regulations shall remain unchanged.

3. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions of the Resolution and to this end the provisions of this Resolution are declared to be severable.

4. This Resolution shall take effect as provided by law.

DATE: April 28, 2010

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:


Robert E. O'Hare, Secretary


Joseph Schleifer, Chairman

CERTIFICATION

I, Robert E. O'Hare, Secretary of the Hanover Sewerage Authority, County of Morris and State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the said Authority on the 28th day of April 2010, at a meeting duly convened of said Body.

Robert E. O'Hare

RESOLUTION NO. 47-10

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

WHEREAS, the Authority adopted the "Regulations and Specifications and Rate Schedule of the Hanover Sewerage Authority" (hereinafter "the Regulations") on November 30, 1960 and amended the same from time to time including a comprehensive revision dated January 1, 2004; and

WHEREAS, the Authority has reviewed the current Rate Schedule and desires to implement changes in the following areas for the 2011 fiscal year:

- 1) Adjust the connection fee.
- 2) Adjust the user charges.
- 3) Adjust the IPP point charge.

WHEREAS, the Authority has considered certain amendments to the Rate Schedule of the Authority at the meeting of September 29, 2010 as set forth in Resolution No. 44-10; and

WHEREAS, a copy of Resolution 44-10 was published in accordance with N.J.S.A. 40:14A-8 and a hearing was held thereon on October 27, 2010 at 8:30 p.m. at the Municipal Building, 1000 Route 10, Whippany, New Jersey.

NOW, THEREFORE, BE IT RESOLVED by the Hanover Sewerage Authority as follows effective December 1, 2010:

- 1) Appendix I, Charge Systems and Fees, is to be amended as follows:

- a) Paragraph 9, Fee Schedule

- c) Connection Charges

Basic Connection Charge	\$5,000.00
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Average Sewage Flow	195 gpd
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- e) User Charges –

Facilities Charge per ccf	\$1.00
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Volume Charge per ccf	\$4.44
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- j) Industrial Discharge Permit Fee

Point Charge	\$265.99
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- 2) The balance of Appendix I shall remain unchanged.

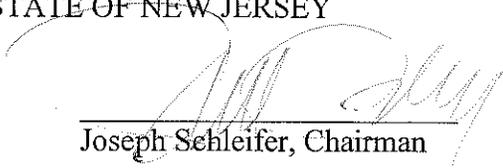
- 3) If any provision of this Resolution or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such validity

shall not affect other provisions of the Resolution and to this end the provisions of this Resolution are declared to be severable.

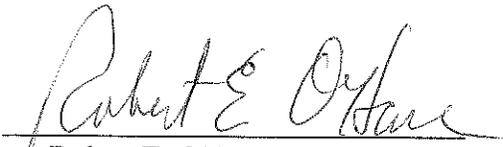
- 4) This Resolution shall take effect as provided by law.

DATED: October 27, 2010

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY



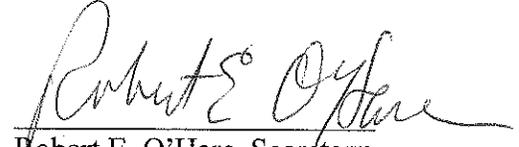
Joseph Schleifer, Chairman



Robert E. O'Hare, Secretary

CERTIFICATION

I, Robert E. O'Hare, Secretary of the Hanover Sewerage Authority, County of Morris and State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the said Authority on the 27th day of October, 2010 at a meeting duly convened of said Body.



Robert E. O'Hare, Secretary