

MIDDLESEX COUNTY UTILITIES AUTHORITY

GENERAL CONDITIONS FOR ALL NON-DOMESTIC WASTE WATER

DISCHARGE PERMITS

SECTION I. GENERAL CONDITIONS

The permittee shall comply with all terms and conditions set forth in this permit and with all the applicable requirements incorporated into this permit by reference. The permittee is required to comply with the Middlesex County Utilities Authority (MCUA) Rules and Regulations which are in effect during the term of the final permit.

(A) Duty To Comply

- (1) The permittee shall comply with all terms and conditions of this permit. The discharge of any pollutant more frequently than, or at a concentration in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit. The discharge of any pollutant not specifically authorized in this permit shall constitute a violation of the permit, unless the permittee can prove by clear and convincing evidence that the discharge of the unauthorized pollutant did not result from any of the permittee's activities which contribute to the generation of its wastewaters. Such a violation may result in the imposition of civil and/or criminal penalties as provided in Section 10.8 and 11.2 of the Middlesex County Utilities Authority Rules and Regulations.
- (2) Any anticipated facility modification which will result in increased or decreased discharge of pollutants permitted herein or which will result in the discharge of pollutants other than those permitted herein must be reported to the MCUA by submission of a formal request to the Executive Director. No such modification may be made without first obtaining approval from the MCUA, which approval may be in the form of a modification to the permit, in accordance with Section 5.7 of the MCUA Rules and Regulations. There shall be no new connections, increased flows or changes in discharge quality permitted without the MCUA's prior approval.
- (3) The filing of a formal request by a permittee for a permit modification does not stay any permit conditions.
- (4) The permittee is required to comply with all applicable Federal, State, and local rules, regulations, or ordinances. The issuance of this permit shall not be considered as a waiver of any requirements.

(B) Duty To Mitigate

The permittee shall take all reasonable steps to minimize and/or correct any adverse impact to the MCUA's Treatment Works and its appurtenances resulting from non-compliance with any discharge limitations specified in this permit. The permittee will also provide accelerated or additional types of monitoring as necessary to determine the nature and impact of any discharge not in compliance with the limitations set forth in this permit. This condition in no way affects the MCUA's right to terminate a permit in order to stop a discharge which presents an imminent or substantial hazard to the public health, safety or welfare, the local environment; or which interferes with the operation of the MCUA's Treatment Works.

(C) Transferability of Permit/Change in Ownership

- (1) In the event of any change in control or ownership of facilities from which the authorized discharges emanate, the existing permittee shall notify the succeeding user of the existence of a Non-Domestic Wastewater Discharge Permit in writing prior to the transfer via certified mail with a copy to the Executive Director. The Non-Domestic Wastewater Discharge Permit may be transferred to a new user only if the new user gives written notice of the transfer to the Executive Director within 48 hours of the transfer. The notice to the Executive Director must include a written certification by the new user which:
 - (a) States that the new user has no immediate intent to change the facility's operations and processes;

- (b) Identifies the specific date on which the transfer occurred;
 - (c) Acknowledges full responsibility for complying with the existing Non-Domestic Wastewater Discharge Permit; and
 - (d) Includes the appropriate Non-Domestic Wastewater Discharge Permit transfer fee as defined in Section 14.1(A) of the MCUA Rules and Regulations.
- (2) Failure to provide written notice of a transfer to the Executive Director as required by Section 5.8(A) of the MCUA Rules and Regulations renders the Non-Domestic Wastewater Discharge Permit void as of the date of the transfer.
 - (3) If the new user intends to immediately change the facility's operations and processes the existing Non-Domestic Wastewater Discharge Permit shall not be transferable. The new user shall apply for a new Non-Domestic Wastewater Discharge Permit, in accordance with Section 5.2 of the MCUA Rules and Regulations.

(D) Non-Domestic Wastewater Discharge Permit Conditions

The following provisions of the Middlesex County Rules and Regulations are hereby incorporated by reference:

(1) General Conditions

- (a) Penalties for ViolationsSections 10.8 and 11.2
- (b) Federal and State RequirementsSections 3.3 and 3.4
- (c) Local LimitationsSection 3.5
- (d) Toxic PollutantsSection 1.2
- (e) Inspection and EntrySections 7.3 and 7.4
- (f) Enforcement RemediesSection 10
- (g) Judicial Enforcement RemediesSection 11
- (h) Duty to ReapplySection 5.10
- (i) Signatory Requirements/Authorized RepresentativeSection 1.2
- (j) Continuation of Expiring PermitSection 5.11
- (k) Permit ModificationSection 5.7
- (l) Permit TerminationSection 5.9
- (m) More Stringent StandardsSections 3.3, 3.4 and 3.5
- (n) Prohibited Discharge StandardsSection 3.1
- (o) Pretreatment of WastewaterSection 4
- (p) DilutionSection 3.7
- (q) FeesSection 14

(2) Applicability of Numerical Limitations

If only one analysis for a given parameter is required by the permit during any sample period, the results of such analysis shall be construed as the average value of the parameter, as well as the maximum, for said sampling period. The permittee may take samples and have analysis made by a New Jersey Certified laboratory on additional occasions to those specified in this permit. If so, the average and the maximum values of all analytical results taken during the sampling period shall be reported as the applicable average and maximum values. However, for pH, minimum and maximum values are reported rather than average values.

(3) Permit Duration

A Non-Domestic Wastewater Discharge Permit shall not be issued with a permit duration greater than five (5) years.

(4) Permit Actions

A Non-Domestic Wastewater Discharge Permit may not be issued, renewed, or modified by the MCUA 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 Authority establishing a payment schedule therefor; except that if a penalty or fine is contested, the applicant or permit holder shall satisfy the provisions of this section by posting financial security as required pursuant to paragraph (5) of subsection d. of section 10 of P.L.1977, c.74 (C. 58:10A-10).

(D) Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or Local laws or regulations; nor does it obviate the necessity of obtaining State or local assent required by law for the discharge authorized.

(E) Public Record

Except for data determined to be confidential under Section 8 of the MCUA Rules and Regulations, all monitoring reports required by this permit shall be available for public inspection at the MCUA's office. Knowingly making any false statement on any such report may result in the imposition of criminal penalties.

(F) Civil/Criminal Liabilities

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for non-compliance. Nothing in this permit shall be construed to preclude the MCUA of any legal action nor relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Act.

(G) Severability

If any provision, paragraph, word, section or article of this permit and/or the MCUA Rules and Regulations are invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and articles shall not be affected and shall continue in full force and effect.

(H) Correspondence

All correspondence concerning this permit or any of its provisions shall be sent to:

**Middlesex County Utilities Authority
P. O. Box 159
2571 Main Street
Sayreville, New Jersey 08872
ATTN: Executive Director
Re: Industrial Pretreatment Program**

(I) Flow Measurements

When flow monitoring is required, appropriate flow measurement devices and methods consistent with accepted engineering/scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. Unless specified otherwise in this permit, devices shall be installed, calibrated and maintained to ensure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flow with a maximum deviation of less than ± 10 percent from the true discharge rates throughout the range of expected discharge volumes. Guidance in selection, installation, calibration and operation of acceptable flow measurement devices can be obtained from the following references:

- (A) "A Guide to Methods and Standards for the Measurement of Water Flow", U.S. Department of Commerce, National Bureau of Standards, NBS Special Publication 421, May 1975, 97 pp. (Available from the U.S. Government Printing Office, Washington, DC 20402. Order by SD Catalog No. C13. 10:421).
- (B) "Water Measurement Manual", U.S. Department of Interior, Bureau of Reclamation, Second Edition, Revised Reprint, 1974, 327 pp. (Available from the U.S. Government Printing Office, Washington D.C. 20402. Order by Catalog No. 127.19/2:W29/2, Stock No. S/N 24003-0027.) www.usbr.gov/pmts/hydraulics_lab/pubs/wmm/
- (C) "NPDES Compliance Inspection Manual", U.S. Environmental Protection Agency, 2004, 525 pp. <http://www.epa.gov/compliance/resources/publications/monitoring/cwa/inspections/npdesinspect/npdesmanual.html>

(J) Proper Operation and Maintenance

- (1) The permittee shall operate in a manner consistent with the following:
 - (a) At all times, all facilities shall be operated and maintained as efficiently as possible and in a manner which will minimize upsets and discharges of excessive quantities of pollutants.
 - (b) The permittee shall provide an adequate operating staff which is duly qualified to carry out the operation, maintenance and testing functions to insure compliance with the conditions of this permit.

(K) Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the MCUA, the permittee shall promptly submit such additional or corrected facts or information.

SECTION II. MONITORING AND REPORTING REQUIREMENTS

(A) Reports of Changed Conditions

Each permittee must notify the MCUA of any change in ownership or any planned significant changes to the permittee's operations (including a change in operations that would cause a Waived Pollutant to be present) or system (including any change of user) which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

- (1) The MCUA may require the permittee to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Non-Domestic Wastewater Discharge Permit application under Section 5 of the MCUA Rules and Regulations.
- (2) Pursuant to Section 5 of the MCUA Rules and Regulations, the MCUA may issue a Non-Domestic Wastewater Discharge Permit, Discharge Approval and/or Temporary Discharge Approval or modify an existing Non-Domestic Wastewater Discharge Permit, Discharge Approval and/or Temporary Discharge Approval in response to changed conditions or anticipated changed conditions.
- (3) For purposes of this requirement, significant changes include, but are not limited to, flow and loading (i.e., BOD, TSS) changes of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

(B) Reports of Potential Problems

- (1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, injuries to persons, damage to the environment, or poses a threat to human health or the environment, the permittee shall, immediately upon the occurrence of the incident, but in no case later than two (2) hours after the incident, telephone and notify the MCUA of the incident at 732-721-3800. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the permittee, and any other information requested by the MCUA.
- (2) Within twenty-four (24) hours of a discharge, other than a discharge as identified in (C)(1) above, or of an exceedance or of the permittee becoming aware of an effluent limitation for a toxic pollutant, the permittee shall report the cause(s) of the discharge, the measures taken or to be taken by the user to prevent similar future occurrences, an estimate of the danger posed by the discharge to the environment, an indication whether the discharge is continuing, and any other information requested by the MCUA. Such notification shall not relieve the permittee of any expense, loss, damage, or other liability which may be incurred as a result of damage to 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 the MCUA Rules and Regulations.

- (3) Within five (5) days of a discharge, which is identified in (C)(1) or (2) above, the permittee shall submit a detailed written report describing the date, time and duration of the occurrence, the volume and material discharged, associated hazards, the cause(s) of the discharge, corrective action(s) taken, the measures taken or to be taken by the permittee to prevent similar future occurrences, and any other information requested by the MCUA. The five-day period shall not be automatically extended upon the submission to the MCUA of any request for waiver or extension of the five-day period.
- (4) A notice shall be permanently posted on the permittee's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in (C)(1) above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

(C) Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a permittee indicates a violation, the permittee must notify the MCUA within twenty-four (24) hours of becoming aware of the violation. The permittee shall also repeat the sampling and analysis and submit the results of the repeat analysis to the MCUA within thirty (30) days after becoming aware of the violation. Where the MCUA has performed the sampling and analysis in lieu of the permittee, the MCUA will perform the repeat sampling and analysis unless it notifies the permittee of the violation and requires the permittee to perform the repeat analysis. All sampling and analytical costs shall be paid by the permittee, pursuant to Section 14.1(B) of these Rules and Regulations. The permittee is not required to resample if the MCUA monitors at the permittee's facility at least once a month, or if the MCUA samples between the user's initial sampling and when the user receives the results of this sampling.

(D) Self-Monitoring Reports

- (1) (a) All permittees are required to submit Self-Monitoring Reports (SMRs) on forms provided by the MCUA. Permittees who wish to use an alternate SMR form shall receive approval from the MCUA prior to their use.
- (b) Any discrepancy between the MCUA Permit and the Self-Monitoring Report form and/or the Self Monitoring Report Instruction Manual, the Permit always takes precedence.
- (2) (a) Samples required to be obtained, in accordance with an MCUA Permit, shall be representative of the user's discharge.
- (b) Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times, except for periods of normal maintenance and except if an "upset" condition arises, as defined in Section 12.2 of the MCUA Rules and Regulations.
- (c) The failure of a permittee to keep its monitoring facility in good working order shall not be grounds for the permittee to claim that sample results are unrepresentative of its discharge.
- (d) The reports required in this Section shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period.
- (3) If a permittee monitors any pollutant more frequently than required by the MCUA, using the procedures prescribed in Section 7.8 of the MCUA Rules and Regulations, the results of this monitoring shall be included in the SMR.
- (4) The following SMR reporting requirements and procedures for permits shall be followed:
 - (a) **MONTHLY AVERAGE:** All permittees must report a monthly average on their SMR for all pollutants required to be monitored as set forth in their respective MCUA Permit. Please note, if only one sample is taken during the month, the same value must be reported for the monthly average and the daily maximum.
 - (b) **MONTHLY REPORTING:** Permittees are required to submit monthly SMRs. These SMRs must include values for all parameters monitored during that month or a "CODE=N" must be indicated in the appropriate sample measurement block(s) for any parameter not required to be monitored monthly and not sampled during that month. The use of "CODE=N" indicates that no sample for that parameter was collected. For example, if the Control Document requires that COD be monitored quarterly, the value must be reported in the month the sample was taken and "CODE=N" for the other two months of the quarter. "Code=E" should be used to indicate all situations of

laboratory non-reporting (late results) and invalid measurement and/or test results that have been accompanied by a laboratory statement explaining the situation. [Note: "CODE = E" entries should be explained in detail on the transmittal sheet].

(c) REPORTING REQUIREMENTS:

- (i) The permittee is required to fill in all the blanks on the SMR form.
- (ii) The SMR should be postmarked no later than the 25th day of the month following the completed reporting period and should be received by the MCUA no later than the 1st day of the next month. For example, the SMR for the month of January should be postmarked no later than February 25th and is due on March 1st. A violation under this section is minor and subject to a 10-day grace period.
- (iii) Permittees which have ceased discharge are still required to submit SMRs until the MCUA Permit has been officially terminated. These facilities should write "NODI" across the face of the SMR.

(d) MONITORING REQUIREMENTS DUE TO SERIOUS/SIGNIFICANT NONCOMPLIANCE VIOLATIONS:

- (i) The permittee shall be required to monitor monthly, if the permittee:
 - (A) in any month commits a serious violation or fails to submit a completed self-monitoring report and does not contest, or unsuccessfully contests, the assessment of a civil administrative penalty therefore; 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.
- (ii) The MCUA may restore the monitoring requirement stipulated in the Permit if the permittee has not committed any of the violations identified in this paragraph for six (6) consecutive months. Failure of a permittee to continue this monthly schedule until the permittee has submitted six consecutive monthly Self-Monitoring Reports that show compliance with the particular serious violation parameter at the particular discharge point is a violation under this section.

(5) REPORTING REQUIREMENTS DUE TO SERIOUS/SIGNIFICANT NONCOMPLIANCE VIOLATIONS:

The permittee shall report to the MCUA any serious violation within 30 days of the violation, and explain the nature of the serious violation and the measures taken to remedy the cause or prevent a recurrence of the serious violation.

(6) NON-SIGNIFICANT CATEGORICAL INDUSTRIAL USERS

- (a) Where the MCUA has determined that a permittee meets the criteria for classification as a Non-Significant Categorical Industrial User, the MCUA will evaluate, at least once per year, whether the permittee continues to meet the criteria stated in the Definition of a Non-Significant Categorical Industrial Users in Section 1.2 of the MCUA Rules and Regulations.
- (b) Annual certification by Non-Significant Categorical Industrial Users. A permittee determined to be a Non-Significant Categorical Industrial User pursuant to subsection (a) above must annually submit the following certification statement, signed by the Authorized Representative. This certification must accompany any alternative report required by the MCUA:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR _____ [the appropriate Categorical Pretreatment Standard(s)], I certify that, to the best of my knowledge and belief that during the period from [month, days, year], to [month, days, year]:(a) The facility described as [facility name] met the definition of a non-significant categorical Industrial User as described in 403.3(v)(2); (b) the facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based upon the following information:

(E) Data Accuracy Certification/Authorized Signatory

- (1) All Self-Monitoring Reports shall be signed by an authorized representative of the facility, as defined in Section 1.2 of the MCUA Rules and Regulations, and include 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.”

- (2) Failure to submit a new authorization satisfying the requirements of this Section, when there has been a change in authorization, prior to or together with any Self Monitoring Reports signed by an Authorized Representative is a violation.

(F) Record Keeping

Permittees subject to the reporting requirements of the MCUA Rules and Regulations shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by the MCUA Rules and Regulations, including documentation associated with Best Management Practices, and any additional records of information obtained pursuant to monitoring activities undertaken by the permittee independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least five (5) years. This period shall be automatically extended for the duration of any litigation concerning the permittee or permittee’s service area, or where the permittee has been specifically notified of a longer retention period by the MCUA.

(G) Compliance Monitoring Requirements

The following provisions of the Middlesex County Rules and Regulations are hereby incorporated by reference:

- (1) Monitoring EquipmentSection 7.1
- (2) Representative Sampling Point.....Section 7.2
- (3) Admission to PropertySection 7.3
- (4) Search Warrants.....Section 7.4
- (5) Compliance Determination.....Section 7.5
- (6) Sampling FrequencySection 7.6
- (7) Sample Collection.....Section 7.7
- (8) Analysis of Wastewaters.....Section 7.8

(H) Reporting Requirements

The following provisions of the Middlesex County Rules and Regulations are hereby incorporated by reference:

- (1) Wastewater SurveySection 6.1
- (2) Baseline Monitoring Reports.....Section 6.2
- (3) Compliance Schedule Progress Reports.....Section 6.3
- (4) Reports on Compliance with Categorical Pretreatment Standard DeadlineSection 6.4
- (5) Periodic Compliance Reports.....Section 6.5
- (6) Reports from Unpermitted Users.....Section 6.8
- (7) Notification of the Discharge of Hazardous Waste.....Section 6.11

**MIDDLESEX COUNTY UTILITIES AUTHORITY
INDUSTRIAL PRETREATMENT PROGRAM
ACCIDENTAL DISCHARGE REPORT ***

Facility Name: _____ Permit Number: _____

Address: _____ Discharge Point: _____

_____ Date: _____

Date of Occurrence: _____

Time of Occurrence: _____

Duration: _____

Volume Discharged: _____

Material Discharged: _____

Associated Hazards (include MSDS(s) with Report, if necessary): _____

Detailed Explanation of Cause of Discharge: _____

Corrective Action Taken: _____

Steps Taken to Prevent Similar Occurrences: _____

Name of Person who First Notified the MUA: _____

Name of Person Notified at the MUA: _____

Date: _____ Time: _____

Authorized Representative: _____

Title: _____ Signature: _____

* Report to be filed within five (5) days of the Accidental Discharge