

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 Authority by submission of a formal request to the Executive Director. No such modification may be made without first obtaining approval from the Authority, 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 Authority'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 Authority'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 Authority'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 Authority'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 user 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 Violations..... Sections 10.8 and 11.2
- (b) Federal and State Requirements Sections 3.3 and 3.4
- (c) Local Limitations Section 3.5
- (d) Toxic Pollutants Section 1.2
- (e) Inspection and Entry Sections 7.3 and 7.4
- (f) Enforcement Remedies..... Section 10
- (g) Judicial Enforcement Remedies Section 11
- (h) Duty to Reapply Section 5.10
- (i) Signatory Requirements/Authorized Representative Section 1.2
- (j) Continuation of Expiring Permit Section 5.11
- (k) Permit Modification..... Section 5.7
- (l) Permit Termination Section 5.9
- (m) More Stringent Standards Sections 3.3, 3.4 and 3.5
- (n) Prohibited Discharge Standards Section 3.1
- (o) Pretreatment of Wastewater Section 4
- (p) Dilution..... Section 3.7
- (q) Fees..... Section 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 Authority 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 Authority'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
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 insure 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 insure 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% 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.)
- (C) "Flow Measurement in Open Channels and Closed Conduits", U.S. Department of Commerce, National Bureau of Standards, NBS Special Publication 484, October 1977, 982 pp. (Available in paper copy or microfiche from National Technical Information Service (NTIS), Springfield, VA 22151. Order by NTIS No. PB-273 535/5ST.)
- (D) "NPDES Compliance Sampling Manual", U.S. Environmental Protection Agency, Office of Water Enforcement, Publication MCD-51, 1977, 140 pp. (Available from the General Services Administration (8FFS), Centralized Mailing Lists Services, Building 41, Denver Federal Center, Denver CO 80225.)

(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 Authority, the permittee shall promptly submit such additional or corrected facts or information.

SECTION II. MONITORING AND REPORTING REQUIREMENTS

(A) Periodic Compliance Reports

- (1) All significant industrial users shall, at a frequency determined by the Authority but in no case less than twice per year (in June and December), submit a report 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 by the facility's Authorized Representative.
- (2) 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 that sample results are unrepresentative of its discharge.
- (3) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Authority, using the procedures prescribed in Section 7 of the MCUA Rules and Regulations, the results of this monitoring shall be included in the report.

(B) Reports of Changed Conditions

Each user must notify the Authority of any change in ownership or any planned significant changes to the user's operations 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 Authority may require the user 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 Authority 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.

(C) 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 user shall, immediately upon the occurrence of the incident, but in no case later than two (2) hours after the incident, telephone and notify the Authority 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 user, and any other information requested by the Authority.

- (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 user becoming aware of an effluent limitation for a toxic pollutant, the user 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 Authority. 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 these Rules and Regulations.
- (3) Within five (5) days of a discharge, which is identified in (C)(1) or (2) above, the user 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 user to prevent similar future occurrences, and any other information requested by the Authority. The five-day period shall not be automatically extended upon the submission to the Authority of any request for waiver or extension of the five-day period.
- (4) 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 (C)(1) above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

(D) Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a user indicates a violation, the user must notify the Authority within twenty-four (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 Authority within thirty (30) days after becoming aware of the violation. The user is not required to re-sample if the Authority monitors at the user's facility at least once a month, or if the Authority samples between the user's initial sampling and when the user receives the results of this sampling.

(E) Record Keeping

Users 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 and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least five (5) years. This period shall be automatically extended for the duration of any litigation concerning the user or user's service area, or where the user has been specifically notified of a longer retention period by the Authority.

(F) Compliance Monitoring Requirements

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

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

(G) Reporting Requirements

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

- (1) Wastewater Survey Section 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 Deadline Section 6.4
- (5) Reports from Unpermitted Users Section 6.8
- (6) Self-Monitoring Reports Section 6.10
- (7) Notification of the Discharge of Hazardous Waste Section 6.11
- (8) Data Accuracy Certification/Authorized Signatory..... Section 6.12