

3.0 CONTROL OF PROHIBITED WASTE

3.1 REGULATORY ACTIONS

If wastewaters violating the permit conditions or restrictions imposed under Section 2.0 of this SUO are discharged into the treatment works, the Executive Director may take any of the following actions:

1. Prohibit the discharge of such wastewaters.
2. Require an industrial user to demonstrate that in-plant modifications will reduce or eliminate the discharge so as to be in conformance with this SUO.
3. Require pretreatment, including storage facilities or flow equalization, necessary to ensure compliance with this SUO.
4. Require the discharger to pay the costs, incurred by the Authority, shown to be resulting from a violation of this permit, for any damages including engineering, legal, and administrative costs.
5. Take such other remedial action, including discontinuation of service and/or court action for injunctive relief, as may be desirable or necessary. The Authority may also issue Administrative Orders containing penalties and/or Administrative Consent Orders with stipulated penalties, and any other enforcement action listed in Section 6.0.
6. In accordance with 40 CFR 403.8(f)(2)(v), at least once every two years, the Authority shall evaluate whether each significant indirect user needs an accidental discharge/slug control plan. The Authority may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Authority may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:
 - A. Description of discharge practices, including non-routine batch discharges.
 - B. Description of stored chemicals.
 - C. Procedures for immediately notifying the Authority of any accidental or slug discharge as required by Section 3.5 of this SUO.

- D. Procedures to prevent adverse impact from any accidental or slug discharge.
- X 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.

3.2 PRETREATMENT FACILITIES

Dischargers shall provide wastewater pretreatment, if required, to comply with this SUO and shall achieve compliance with Federal Categorical Pretreatment Standards within the time limitations specified by the Federal Pretreatment Regulations. Pretreatment facilities, where required, shall be provided for and operated efficiently by the owner or operator at his/her own cost and shall be maintained in good working order subject to the requirements of this SUO and all other applicable federal, state or local statutes, regulations, or ordinances. Any violation of this section of the SUO is considered non-minor.

Discharges with the potential to discharge oil and/or grease in amounts greater than those specified in the specific pollutant Table I, shall install, at the owners expense, grease traps or oil/water separators to prevent such discharges from occurring. Grease traps and/or oil/water separators must be cleaned and maintained regularly by the owner. The owner shall maintain manifests or cleaning receipts to demonstrate compliance with regular cleaning of the required pretreatment mechanisms. Any violation of this section of the SUO is considered non-minor.

3.3 SUBMISSION OF PLANS

Where pretreatment or equalization of wastewater flows is required, plans, specifications, operating procedures, and other pertinent data and information shall be submitted by the discharger to the Executive Director and copied to the Chief of Engineering and the Chief, Division of Regulatory Compliance, for review and comments. The review of such plans and operating procedures does not relieve the discharger from the responsibility of modifying the facility as necessary, to produce acceptable wastewater characteristics. Any subsequent modifications to such pretreatment of flow-control facilities (including changes in any method of operation) affecting the discharge shall not be made without prior approval of the Executive Director. Any violation of this section of the SUO is considered non-minor.

3.4 ADMISSION TO PROPERTY

In accordance with N.J.S.A. 58:10A-6(g), the Executive Director, or his designees, upon the presentation of credentials, may enter upon the premises of any discharger at any time for the purpose of inspecting or copying any records required to be kept under this SUO, and federal

and state regulations.

The Executive Director, or his designees, upon presentation of credentials, may enter upon the premises of any discharger, at any time, for the purpose of: inspection, investigation, installing monitoring equipment or to conduct measuring, sampling, or testing of wastewater that is discharged to the treatment works. Any attempt to delay the Authority from entering the property for the purpose of altering the quantity or quality of the wastewater is a direct violation of Section 6.8 of this SUO. Any violation of this section of the SUO is considered non-minor.

3.5 ACCIDENTAL DISCHARGES

Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this SUO. If required by the Executive Director, facilities shall make provisions to prevent the accidental discharge of prohibited materials at the owner's or industrial user's own cost and expense. Upon request, of the Executive Director, the Authority shall be provided detailed plans showing facilities and operating procedures to provide this protection. These plans shall be submitted to the Executive Director for review and comment, prior to construction of the facility. All existing industrial users, where required, shall complete such a plan within 120 days of being notified by the Authority of the need for such a plan. No industrial user who commences discharge to the POTW, after the effective date of this SUO, shall be permitted to introduce pollutants into the system until accidental discharge prevention procedures have been reviewed by the Executive Director. Review of such plans and operating procedures shall not relieve the industrial user from the responsibility of modifying his/her facility, as necessary, to meet the requirements of this SUO. Any violation of this section of the SUO is considered non-minor.

Telephone Notice: In the case of an accidental discharge of prohibited materials or any other substances listed under this SUO, the industrial user responsible for such discharge shall immediately telephone and notify the Authority within 24 hours of the occurrence or becoming aware of the occurrence. The notification shall include location of discharge, type of waste, concentration and volume. During evening hours (after 3:30pm), weekends, or holidays, in the event of an accidental discharge or any type of emergency, please notify the Authority immediately at (609) 541-5200, ext 348. During regular working hours (7:00am to 3:30pm, Monday through Friday), please call 541-5200 ext 313 or 302. Furthermore, such industrial users shall take immediate action to contain and minimize the accidental discharge to the POTW so as to prevent interference with the treatment process and/or damage to the treatment works.

Written Notice: Within five (5) working days following an accidental or noncomplying discharge under this section, the industrial user shall submit to the Executive Director or his designee, a detailed written report describing the date, time and cause of the discharge, the quantity and characteristics of the discharge, corrective action taken at the time of the discharge, and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not necessarily relieve the industrial user of any expenses, loss, damage, or other liability that may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this SUO or other applicable law. Please note additional reporting requirements specified in Section 3.6 of this SUO.

Notice to Employees: All industrial users shall develop an emergency notification procedure. A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees of the responsible individual to notify in the event of an accidental or noncomplying discharge. Employers shall ensure that all employees who may cause such a discharge are advised of the emergency notification procedures.

Bypass and Upset Conditions: Any reporting of a bypass or an upset condition and possible affirmative defense against mandatory penalties shall be in compliance with N.J.A.C. 7:14A-6.10(f)1 and (f)2, and N.J.A.C. 7:14-8.3(i).

3.6 NOTIFICATION OF HAZARDOUS WASTE DISCHARGES

All Industrial Users shall notify the POTW, the EPA regional Waste Management Division Director, and State Hazardous Waste Authorities, in writing, of any discharge into the POTW 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 POTW, 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 constituents in the wastestream expected to be discharged during the following twelve months. All notifications must take place within 30 days of the effective date of this SUO. Industrial users who commence discharging after the effective date of this SUO shall provide the notification no later than 30 days after the discharge of the hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements.

Industrial users are exempt from the above requirements during a calendar month in which they discharge no more than fifteen kilograms of hazardous waste, unless the waste(s) 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 waste in a calendar month or of any quantity of acute hazardous waste 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 additional quantities of such hazardous waste do not require additional notification.

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

In the case of any notification made under this rule, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous waste generated. Any violation of this section of the SUO is considered non-minor.

3.7 ANNUAL PUBLIC NOTIFICATION

The Authority shall annually publish, in the largest local newspaper, a list of the industrial users which, during the previous twelve (12) months, were in significant noncompliance (as defined by 40 CFR Part 403.8(f)(vii) and N.J.S.A. 58:10A-14.1) with applicable pretreatment standards or other pretreatment requirements.

3.8 SLUG DISCHARGE PLANS

The Authority shall evaluate whether each such Significant Industrial User needs a plan or other action to control Slug Discharges. Each Significant Industrial User must be evaluated within 1 year of being designated a Significant Industrial User. For purposes of this subsection, a Slug Discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the Authority regulations, local limits or permit conditions. The results of such activities shall be available to the Approval Authority upon request. Significant Industrial Users are required to notify the Authority immediately of any changes at its facility affecting potential for a Slug Discharge. If the Authority decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

(A) Description of discharge practices, including non-routine batch Discharges;

(B) Description of stored chemicals;

(C) Procedures for immediately notifying the Authority of Slug Discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b) with procedures for follow-up written notification within five days;

(D) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.