

5.0 INDUSTRIAL WASTEWATER MONITORING AND REPORTING

5.1 REPORTING REQUIREMENTS FOR INDUSTRIAL USERS

- A. Permitted Industrial Users subject to categorical standards shall comply with reporting requirements under 40 CFR 403.12 including (but not limited to) Baseline Monitoring Reports, Pretreatment Deadline Compliance Reports and Periodic Compliance Reports. Significant Non-categorical Industrial Users must submit an IDMR at least once every six months (on dates specified by the Authority in the Industrial Discharge Permit). In cases where a local limit requires compliance with a Best Management Practice or pollution prevention alternative, the Significant Non-categorical Industrial User must submit documentation required by the Authority to determine the compliance status of the Significant Non-categorical Industrial User. These reports must be based on sampling and analysis performed in the period covered by the report, and in accordance with the techniques described in 40 CFR 136 and amendments thereto. This sampling and analysis may be performed the Authority in lieu of the Significant Non-categorical Industrial User. Any violation of this section of the SUO is considered non-minor.
- B. Permitted Industrial Users shall comply with applicable State pretreatment reporting requirements. Any violation of this section of the SUO is considered non-minor.
- C. Additional reporting requirements required by an Industrial/Commercial Discharge Permit are as follows:
 - 1. Monthly monitoring reports or quarterly monitoring reports.
 - 2. Compliance schedules, if required, with scheduled, written progress reports.
 - 3. Enforcement or compliance reporting deadlines, if required.
 - 4. Resampling due to noncompliance in accordance with 40 CFR Part 403.12(g) which states: If sampling performed by an industrial user indicates a violation, the user shall repeat the sampling and analysis and submit the results of the repeat analysis to the Authority within 30 days after becoming aware of the violation.

If sampling performed by an Industrial User indicates a violation, the user shall notify the Authority 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 Control Authority within 30 days after becoming aware of the violation. Where the Authority has performed the sampling and analysis in lieu of the Industrial User, the Authority will perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat analysis. Resampling is not required if:

- (i) The Authority performs sampling at the Industrial User at a frequency of at least once per month, or
- (ii) The Authority performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the Authority receives the results of this sampling.

5. The reports required in section 5 must 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. The Authority shall require that frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Authority. Where time-proportional composite sampling or grab sampling is authorized by the Authority, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Authority, as appropriate.

6. Monthly reporting due to a serious violation, in accordance with N.J.S.A. 58:10A-6.f(9) and 6.f.(10), which states: Notwithstanding the reporting requirements stipulated in a permit for discharges, a permittee shall be required to file monthly reports with the commissioner or delegated local agency 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 commissioner or delegated local agency 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.
7. In accordance with 40 CFR 403.12(f) & N.J.S.A 58:10A-6(f)8, all industrial users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined in Section 1.0 of this SUO and by 40 CFR 403.5(b).

Any violation of this section of the SUO is considered non-minor.

- D. Permitted Industrial Users must submit to the Executive Director or his designee, at least quarterly, (on dates specified) a description of the nature, concentration and flow of the pollutants required to be reported. The report shall be based on sampling analysis performed in the period covered by the report. All reporting shall be in compliance with N.J.S.A 58:10A-1 et seq. and N.J.A.C. 7:14 et seq. and regulations developed thereunder. The permittee shall report all sample results on the Industrial/Commercial Discharge Monitoring Report. All results for parameters listed on the Effluent Limitations and Monitoring Requirements Table shall be reported along with flow. The permittee shall sign this report and attach a copy of the Certificate of Analysis (on laboratory letterhead) and the Chain-of-Custody from the certified laboratory. An industrial user must report exceedances of the Industrial Discharge Permit to the Authority in accordance with Section 3.5 of this Sewer Use Ordinance. If an industrial user is at zero discharge or not actively discharging wastewater to the treatment works, the permitted industrial user is required to continue to submit Industrial/Commercial Discharge Monitoring Report forms to the Authority, clearing specifying No Discharge (NODI). Any violation of this section of the SUO is considered non-minor.

E. All reports shall 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."

Each report must be signed by the appropriate officer as follows:

1. By a responsible corporate officer, if the Permitted Industrial User submitting the reports is a corporation. For the purpose of this paragraph, a responsible corporate officer means (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any person who performs similar policy or decision making functions for the corporation, or (ii) the manager of one or more manufacturing, production or operation facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegate to the manager in accordance with corporate procedures.
2. By a general partner or proprietor if the Permitted Industrial User submitting the reports is a partnership or sole proprietorship respectively.
3. By a duly authorized representative of the individual designated in paragraph (1) or (2) of this section if: (i) the authorization is made in writing by the individual described in paragraph (1) or (2); (ii) the authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and (iii) the written authorization is submitted to the Control Authority.

4. If an authorization under paragraph (3) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (3) of this section must be submitted to the Executive Director prior to or together with any reports to be signed by an authorized representative.
5. All IDMRs must be submitted in accordance with N.J.S.A. 58:10A-6.f. (5)

Any violation of this section of the SUO is considered minor. The grace period for this violation is 30 days.

- F. All Categorical Industrial Users or Significant Indirect Users or Groundwater Remediation Projects must submit monthly IDMRs in accordance with Section 5.1 (outlined above). Any violation of this section of the SUO is considered non-minor.
- G. All NSIUs or SFCUs must submit quarterly IDMRs in accordance with section 5.1 (outlined above). Any violation of this section of the SUO is considered non-minor.
- H. Monitoring and analysis to demonstrate continued compliance.
 1. Except in the case of Non-Significant Categorical Users, the reports required in section 5.1 shall contain the results of sampling and analysis of the Discharge, including the flow and the nature and concentration, or production and mass where requested by the Authority, of pollutants contained therein which are limited by the applicable Pretreatment Standards. This sampling and analysis may be performed by the Authority in lieu of the Industrial User. Where the Authority performs the required sampling and analysis in lieu of the Industrial User, the User will not be required to submit the compliance certification required under section 5.1.E. In addition, where the Authority itself collects all the information required for the report, including flow data, the Industrial User will not be required to submit the report. Any violation of this section of the SUO is considered non-minor.

I. Net/Gross calculation –

1. Application.

Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial Users intake water in accordance with this section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the Authority. Upon request of the Industrial User, the applicable Standard will be calculated on a net basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (b) of this section are met.

2. Criteria

Either:

(i) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or

(ii) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.

3. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the Users effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

4. Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this section.

5. Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The Control Authority may waive this requirement if it finds that no environmental degradation will result.

5.2 RECORDS AND MONITORING

- A. Permitted Industrial Users discharging or proposing to discharge wastewater to the treatment works shall maintain the following: (1) records of production, (2) water consumption and discharge flow records, (3) complete monitoring records as specified in Section 5.1 of this SUO, (4) process monitoring records, (5) incident reports, (6) waste handling records, and any other records necessary to demonstrate compliance with this SUO, the Industrial Pretreatment Inspection Report and with State and Federal pretreatment standards and requirements. Any violation of this section of the SUO is considered non-minor.
- B. Such records shall be made available to the Authority, upon request, by the Executive Director or his designee. A summary of such data indicating the industrial user's compliance with this SUO, shall be prepared and submitted per permit requirements to the Executive Director or his designee. Records shall be retained for a minimum of five (5) years and throughout the course of any pertinent litigation. Any violation of this section of the SUO is considered non-minor.
- C. Permitted Industrial Users shall install (at his/her own cost) monitoring equipment approved by the Authority to facilitate the accurate observation, sampling and measurement of wastes as required by the permit. Such equipment shall be in working order and kept safe and accessible at all times. Alternatively, the Authority may choose to install such equipment at its expense. Any violation of this section of the SUO is considered non-minor.
- D. Whether constructed on public or private property, such monitoring facilities shall be constructed according to requirements of the Authority and other applicable construction standards and specifications. Plans and specifications for such work shall be submitted to the Executive Director or his designee, for review and comments before construction. Any violation of this section of the SUO is considered non-minor.
- E. The permitted industrial user will be required to monitor for Total Toxic Organics ("TTO") (See Table I) for three (3) successive months, at the commencement of said permit. If all three (3) successive monthly sampling analyses fall below the monthly maximum average for TTOs stated within the Final Industrial/Commercial Discharge Permit, the permittee may therefore apply for an exemption of the TTO test. Please note, should the permittee not qualify for an exemption of the TTO test, the permittee will remain liable to continue sampling for TTOs on a quarterly basis as per the reporting dates stated within the Final Industrial/Commercial Discharge Permit.

The permittee must continue to sample for TTOs thereafter, until approval concerning exemption of the TTO Test is granted by this Authority.

The above stated conditions are applicable to all facilities, with the exception of; 1) food industries and car washes, who are required to submit only two successive monthly sampling analyses; 2) hospitals, medical centers, learning institutions, drum cleaners, pharmaceuticals, and all laboratories (commercial, industrial, research, etc.), which are required to test for TTOs on a quarterly basis until the expiration of the Industrial/Commercial Discharge Permit; 3) Superfund Cleanup or remediation, resource recovery facilities, hazardous waste TSD facilities; 4) One additional TTO test will be required when a five year permit renewal is generated, and may be required when a change in corporate ownership of the facility occurs, requiring re-issuance of the permit.

All remaining conditions remain applicable as noted. Furthermore, all permitted industries governed by federal categorical standards may be subject to a TTO Management Plan.

All facilities having multiple point discharges may composite for their TTO samples based upon flow percentage from each of the multiple point discharge sampling locations.

Any violation of this section of the SUO is considered non-minor.

F. Sampling Waivers for Categorical pollutants

1. The Authority may authorize the Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:
 - (i) The Authority may authorize a waiver where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.
 - (ii) The monitoring waiver is valid only for the duration of the effective period of the Permit or other equivalent individual control mechanism, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent control mechanism.

(iii) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

The request for a monitoring waiver must be signed in accordance with section 5.1.E. and include the certification statement in section 5.1.E. Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(iv) Any grant of the monitoring waiver by the Authority must be included as a condition in the User's control mechanism. The reasons supporting the waiver and any information submitted by the User in its request for the waiver will be maintained by the Authority for 5 years after expiration of the waiver.

(v) Upon approval of the monitoring waiver and revision of the User's control mechanism by the Industrial User must certify on each report with the statement below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under 40 CFR 403.12(e)(1).

(vi) In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of section 5 or other more frequent monitoring requirements imposed by the Authority; and notify the Authority.

(vii) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

Any violation of this section of the SUO is considered non-minor.

5.3 INSPECTION, SAMPLING AND ANALYSIS

A. Representative Sampling Point Industrial Users proposing to connect to, or continue discharging to, any part of the Authority's treatment works, must make available, upon request of the Executive Director or his designee, a sampling point representative of the discharge. Such sampling points shall be approved by the Executive Director or his designee, and shall be located on public property, if requested by the Executive Director or his designee. The cost for installing and maintaining such representative sampling point(s) shall be borne by the Industrial User. Access to the point shall be available at all times to the Authority and Industrial Users, for the purposes of conducting sampling, inspections, compliance monitoring, and metering operations. All permittees with discharges that flow to the Authority shall notify the Authority that a tag to mark the location of the pipe has been or will be installed on the sampling point by the effective date of this SUO.

i The outfall tag shall be:

- (1) Legible;
- (2) Located on (or as close as physically possible to) the representative sampling point;
- (3) Made of a durable material such as metal; and
- (4) Maintained on a regular basis, such as cleaned and inspected to ensure that the tag is properly attached.

ii The outfall tag shall display the following information:

- (1) The name of the facility where the discharge originates;
- (2) The Industrial/Commercial Permit Number
- (3) The Sampling Point Number for that particular outfall.

Any violation of this section of the SUO is considered non-minor.

B. Compliance Determination. Compliance determination by the Executive Director or his designee, with respect to Section 2.0, Prohibitions and Limitations, shall be made on the basis of either instantaneous grab samples or representative composite samples of wastewater, or as otherwise may be determined by the Authority.

C. Sampling of Industrial Wastewater All sampling of industrial wastewater shall be in accordance with 40 CFR 136, including all supplements and amendments thereto, and the most current edition of the NJDEP Field Sampling Procedures Manual. Any violation of this section of the SUO is considered non-minor.

D. Analysis of Industrial Wastewater Laboratory analysis of industrial wastewater samples shall be performed in accordance with an approved test procedure in a laboratory certified by NJDEP to perform said analysis. Any violation of this section of the SUO is considered non-minor.

- E. Sampling Frequency Sampling of industrial wastewater for the purpose of compliance determination with respect to Section 2.1, Prohibition and Limitations, will be done at such intervals as the Executive Director or his designee, may designate. However, it is the intention of the Executive Director to conduct compliance sampling and inspection or to cause such sampling and inspection to be conducted for all permitted industrial users at least once each year.
- F. Inspection Requirements Inspections shall be performed in accordance with N.J.S.A. 58:10A-6(1) and 6(m).

5.4 CONFIDENTIAL INFORMATION AND PUBLIC ACCESS TO RECORDS

Information and data on industrial users obtained from reports, questionnaires, permit applications, monitoring programs, inspections and other sources, shall be available to the public and governmental agencies without restriction, unless the industrial user requests in writing confidential treatment and demonstrates to the satisfaction of the Executive Director or his designee, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets. Public access shall also be governed by N.J.S.A. 47:1A-2. Wastewater constituents and characteristics, however, shall not be recognized as confidential information.

Non-confidential industrial user information on file with the Authority may be obtained by interested parties (including members of the public and government agencies) by submitting a written request to the Executive Director or his designee, to arrange a time and place for review and copying of available documents. The cost of copying shall be the responsibility of such interested party.

When information classified by the Executive Director or his designee, as confidential is requested by the EPA or the NJDEP for the purposes related to this SUO, the NJPDES, or the State or Federal Pretreatment Programs, the Authority shall refer such requests to the industrial user that furnished the information in question. Confidential information shall be kept in a separate, locked file accessible only to the Executive Director or his designee.

5.5 NON-SIGNIFICANT CATEGORICAL INDUSTRIAL USER ANNUAL CERTIFICATION

Where the Authority has determined that an Industrial User meets the criteria for classification as a Non-Significant Categorical Industrial User, the Authority will evaluate, at least once per year, whether an Industrial User continues to meet the criteria for the definition of a non-significant categorical industrial user in section 1.2.

Annual certification by Non-Significant Categorical Industrial Users. An industrial user determined to be a Non-Significant Categorical Industrial User pursuant to the definition of a non-significant categorical industrial user in section 1.2 of the SUO must annually submit the following certification statement, signed in accordance with the signatory requirements in section 5.1.E. This certification must accompany any alternative report required by the Authority:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____, 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: _____