

**LOGAN TOWNSHIP MUNICIPAL UTILITIES AUTHORITY
69 JEFFERSON LANE
LOGAN TWP, NEW JERSEY 08085**

NON-DOMESTIC WASTEWATER DISCHARGE AGREEMENT

In Accordance with the provisions of the Clean Water Act (here-in referred to as “the Act”), its Amendments, and the Logan Township Sewer Use Rules and Regulations,

(Herein referred to as the Discharger) identified by their facility billing account number 5100, is authorized to discharge industrial wastewater from a facility located at:

ADDRESS

To the Logan Township MUA’s wastewater reclamation facility, which includes their biological treatment plant, wastewater collection system and pump stations, in accordance with the discharge limitations, monitoring requirements, and other conditions set forth herein.

Effective Date:

Expiration Date:

ARTICLE I

Service to be Provided, Pretreatment Facilities.

Section 101. Authority to Provide Service

The Logan Township MUA (also referred to as the “Authority”) owns and operates a wastewater collection system and wastewater treatment plants and maintains the same for the treatment of wastewater from its customers and users. The Authority will continue to operate and maintain and take all necessary steps to alter, renew, replace, enlarge and extend their system so as to accept, treat and dispose of all wastewater discharged into the System by Customer pursuant to the terms of this Agreement.

Section 102. Connections to System

So that Customer may discharge wastewater into the System, Customer will, at its expense, cause its building sewer system to be connected to MUA’s Local Wastewater Collection System. If at any time in the future Customer desires to make additional internal or external connections to the system it shall request consent from the Authority to do so, but Authority shall not unreasonably withhold its consent. Any such additional connections shall be at Customer’s expense.

Section 103. Meters and Testing

Customer shall install “Certified” flow meters for determining the quantity of wastewater which it shall discharge into the system. The costs of installing the flow meter and sampling device shall be borne by Customer. All costs for the maintenance, calibration repair, and replacement of meters and sampling devices shall be borne by Customer.

The Authority and/or the Customer shall monitor the quality and characteristics of wastewater discharged into System by Customer in accordance with the Authority’s Sewer Use Rules and Regulations. The costs of such monitoring and testing shall be borne by the Customer. The Authority and Customer shall keep permanent records of volume and quality of the wastewater discharged which shall be made available to each other upon written request for the same.

The Customer has the right to request that samples collected by the Authority shall be split with Customer at no cost to the Authority. All samples shall be analyzed by a laboratory certified by the NJDEP to perform such analysis.

Section 104. Pretreatment

The LTMUA shall have the right to require Customer to pre-treat all non-domestic wastewater being discharged into the LTMUA system at the Customer's expense and on the following basis:

- (1) The quality of all of Customer's wastewater being discharged into the System shall meet pretreatment standards required of the Customer by USEPA, NJDEP, and the prevailing LTMUA Sewer Use Rules and Regulations.
- (2) Wastewater discharged into the system by or on behalf of the Customer shall comply with the specific requirements prescribed hereto marked, and hereinafter called "Schedule A", and by this reference made part hereof.
- (3) Customer shall notify the LTMUA of process or product changes where such changes might have a significant impact (20% or greater change in flow or loadings, or if the changes exceed limits in schedule "A") on the quantity or quality of sewage to be discharged into the LTMUA System

Section 105. Sewage Flow Rate.

Customer shall not discharge wastewater in any single day that exceeds a daily average of 300 GPD times the number of connection units purchased which equates to GPD

Section 106. Origin of Wastewater

All wastewater being discharged by Customer into the LTMUA System must originate on or from operations occurring on any portion of Customer's premises which is located on

607 Heron Drive, Bridgeport, N.J.

ARTICLE II

Charges and Establishments of Rates by the LTMUA

Section 201. Charges by LTMUA

The LTMUA will make and impose charges with respect to all wastewater or other waste delivered into the System by Customer. Said charges may and shall at all times be such that the receipts of the LTMUA shall be sufficient to pay or provide for expenses of operation, repair, and maintenance of the System including insurance, renewals and replacements and

the costs of all enlargements and alterations of the System not otherwise provided for, to pay the principal and interest on any and all bonds or other obligations of the Authority as the same becomes due, and to provide for any deficits of the LTMUA resulting from failure to receive sums payable to the Authority by any Customer or any other person, partnership, firm or corporation, or from any other case, and to provide and maintain such reserves or contingencies funds for any of the foregoing purposes as may be required by the terms of any contract or other obligation of the LTMUA. The LTMUA may revise the schedule of rates as necessary from time to time, but only after a public hearing thereon is held by the LTMUA. Notice of such hearing will be mailed to the Customer no later than twenty days preceding the public meeting.

Section 202: Uniformity of Rate

The same schedule of rates shall apply to Industrial Customer as applies to all other users connected to the system.

Section 203: Payment of Treatment Charges

As our Customer you shall pay the actual billing submitted to you by the LTMUA. The LTMUA shall provide such bill by the tenth day of each month. Customer shall pay the bill by the 15 th day of the following month in which it receives the bill.

Any Customer discharging wastewater into the system whose BOD and Total Suspended Solids (TSS) concentrations exceed 300 mg/l when measured at the Customer's metering manhole or agreed upon sampling point shall be subject to a user Surcharge for the treatment of such wastewater. The user's surcharge for the treatment of this high strength shall be in addition to any other charges to the Customer for treatment of its wastewater. Surcharges will be calculated for the previous billing quarter.

ARTICLE III

Miscellaneous

Section 301: Late Payment Charges:

If any payment or part thereof due to the LTMUA from the Customer shall remain unpaid for thirty days following its due date, the Customer shall be charged with and will pay to the LTMUA interest on the amount unpaid from its due date until paid at the rate of 18 percent (18 %) per annum.

Section 302: Remedies of the LTMUA

Every obligation assumed by or imposed upon Customer by this agreement shall be enforceable by the LTMUA by appropriate action, suit or proceeding at law or in equity, and the LTMUA may have and pursue any and all remedies provided by law for the enforcement of such obligation including the remedies and processes provided by the LTMUA Sewer Use Rules and Regulations with respect to Service Charges, Surcharges, Discharge Standards (Schedule “A”), Pretreatment Standards or other obligations.

Section 303: Remedies of Customer

Failure on the part of the LTMUA in any instance or under any circumstance to observe or fully perform any obligation assumed by or imposed by this agreement shall not make the LTMUA liable in damages to the Customer or relieve Customer from making any payments to the LTMUA or fully performing any other obligation required of it under this Service Agreement, but Customer may have and pursue any and all other remedies provided under this Agreement or by law for compelling performance by the LTMUA of its obligation hereunder.

Section 304: Certain Acts not a Waiver

Acceptance of Customer’s Wastewater into the LTMUA’s System in a volume or at a rate or with characteristics exceeding or violating any limit or restriction provided for by or pursuant to this Agreement 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 agreement and shall not in any way obligate the LTMUA thereafter to accept or make provisions for wastewater 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.

ARTICLE IV

GENERAL CONDITIONS

401 Scope

The issuance of this agreement and the terms contained herein shall not be considered as a waiver of any applicable federal, state and local rules, regulations and ordinances.

402 Sewer Service Agreement Renewal Requirement

This agreement will remain in effect and enforceable until and unless the agreement is modified, renewed or revoked by the LTMUA. You must reapply for a new Service Agreement at least 90 days before the expiration date.

403 Notification of Non-Compliance

The Discharger shall notify the LTMUA of all non-compliance with the LTMUA Sewer Use Rules and Regulations.

All violations shall be reported to the Logan Township MUA by phone within 24 hours, and in writing within five days, of the commencement of the discharge or of the discharger becoming aware of non-compliant discharge.

404. Notification of Changes

The discharger shall give written notification to the LTMUA of any physical or operational alterations or additions to their facility when the alteration is expected to result in a significant change of 20% or more in the discharger's wastewater.

Within 30 days after a firm commitment to change ownership the discharger shall give verbal & written notification to the LTMUA.

405 Access to Information

The Discharger shall allow an authorized representative of the LTMUA to enter upon the Discharger's premises for purpose of inspection, and to access / copy any non confidential information or records that must be kept under the conditions of this agreement or the LTMUA Sewer Use Rules & Regulations.

406 Residuals Management

The Discharger shall comply with the requirements for management of residuals and grit and screenings under N.J.A.C. 7:14A - 6.15(a).

407 Reopener Clause

Notwithstanding any other conditions of this agreement, if any applicable toxic discharge standards, limitation, or prohibition is promulgated under the Federal Clean Water Act, or Sections 4 or 5 of the State Act, for a toxic pollutant and that discharge standard, limitation or prohibition is more stringent than any limitation

On the pollutant in this agreement (or controls a pollutant not limited in the permit) this agreement shall be promptly modified or revoked and reissued to conform to that discharge standard, limitation or prohibition. The Authority will notify the Customer by “certified mail” as soon as they determine that the agreement will be modified or revoked and when the new agreement will be issued.

408 Operation & Maintenance

The Discharger shall be responsible for supervising and managing the operation and maintenance of his facility and to incorporate any BMPs to achieve compliance with the conditions of this agreement.

409 Good Housekeeping

The Discharger must have a good housekeeping program to help reduce the introduction of source materials into the wastewater flow stream through floor drains and sumps.

ARTICLE V

MONITORING and REPORTING REQUIREMENTS

501 General

All monitoring shall be conducted as specified in the Schedule “A”.

All sample frequencies expressed in the above Table are minimum requirements. However, if additional samples are taken at the point of compliance and analyzed using analysis methods as specified in 503 below the analytical results shall be reported to the LTMUA.

502 Sampling Methods

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

All sampling, including composite sampling, shall be conducted in accordance with the NJDEP’s current “Field Sampling Procedures Manual” or an alternate method approved by the NJDEP in writing.

503 Analysis Methods

The Discharger shall perform all wastewater analyses in accordance with the analytical test procedures specified in 40 CFR 136 unless other test procedures have been approved by the NJDEP in writing or as otherwise specified in this agreement. All analyses required by this agreement shall be performed by a laboratory certified by New Jersey DEP to perform that analysis

504 RECORDKEEPING

1. Retention

The Discharger shall retain copies of all reports required by this agreement and the LTMUA Sewer Use Rules and Regs for a period of at least five (5) years unless otherwise required by 40 CFR Part 503.

2. O&M Manuals

The discharger shall maintain an Operation and Maintenance Manual for each and every component of their pretreatment system. That O&M Manual will be given to the persons responsible for operating and maintaining your pretreatment systems. Copies of those manuals will be provided to the LTMUA upon request.

505 REPORTING

1. Addresses

a. All reports required by the agreement shall be submitted by “Certified Mail” or a professional delivery service, supplying a delivery receipt to:

Logan Township MUA
P.O. Box 71
69Jefferson Lane
Bridgeport NJ 08014

Effective Date:

This agreement shall be in full force and effect and be legally binding upon the Authority and upon the Customer upon its execution and delivery by the Authority.

Attest: The Logan Township MUA

Joseph Weber, Executive Director

Christopher M Whalen,
Chief Operator/IPPIInnspector

Attest: Facility Owner

Definitions:

- 1.1 Administrative Fee is the filing fee at the prevailing rate assessed to each application as determined by the Authority.
- 1.2 Authority shall mean the Logan Township Municipal Utilities Authority.
- 1.3 Biochemical Oxygen Demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degree C, expressed in the milligrams per liter.
- 1.4 Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other wastewater drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- 1.5 Building Sewer shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection or lateral.
- 1.6 Connection Fee is a fee assessed by the Authority for the physical connection on a per unit basis to the sanitary sewer system.
- 1.7 DEP shall mean the New Jersey Department of Environmental Protection.
- 1.8 Domestic Consumer Unit shall mean the dwelling or structure normally occupied by a single family.
- 1.9 Domestic Wastewater shall mean the normal waterborne fluid wastes from residences, commercial establishments, institutions, and industrial establishments, limited to the wastes from kitchens, bathrooms, water closets, lavatories, and laundries.
- 1.10 Easement shall mean an acquired legal right for the specific use of land owned by others.
- 1.11 Escrow Account is an account maintained to assure payment of all costs of projects before the Authority.
- 1.12 Executive Director shall mean the Executive Director of the Logan Township MUA, or his authorized deputy, designee, or representative.
- 1.13 Floatable Oil is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pre-treatment facility. The wastewater shall be considered free of floatable fat if it is properly pre-treated and the wastewater does not interfere with the collection system.
- 1.14 Garbage shall mean solid waste from the domestic and commercial preparation, cooking, dispensing, handling, storage and/or sale of food or biodegradable waste.
- 1.15 Industrial Wastes shall mean the wastewater from the commercial or industrial processes, trades or business as distinct from domestic or sanitary wastes or Wastewater.
- 1.16 Infiltration is the leakage of water into sewers at joints or at breaks in the sewer pipes when the ground water table is at or above the elevation of the sewer.
- 1.17 Inflow is the leakage of the surface water into the sanitary sewer system.
- 1.18 Shall is mandatory
- 1.19 Person shall mean any individual, firm, company, association, society, corporation, or group.

- 1.20 pH shall mean the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the concentration of hydrogen ions, in grams per liter of solution. Neutral water has a pH value of 7.
- 1.21 PID is planned industrial development as approved by Logan Township. This shall also include planned commercial development.
- 1.22 Pretreatment means the reduction of the amounts 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 the General Pretreatment Regulations for existing and New Sources of Pollution Under 40 CFR 403.6(d).
- 1.23 Properly Shredded Garbage shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch (1.27 centimeters) in any dimension.
- 1.24 Public Sewer shall mean a common sewer controlled by a governmental agency or public utility.
- 1.25 PUD is planned unit development as approved by Logan Township.
- 1.26 Sanitary Sewer shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface water that are not admitted intentionally.
- 1.27 Wastewater is the spent water of a community. The preferred term is “wastewater”.
- 1.28 Sewer shall mean a pipe conduit that carries wastewater or drainage water.
- 1.29 Slug Discharge shall mean any discharge of non-routine, episodic nature, including but not limited to, an accidental spill or non-customary batch discharge.
- 1.30 Stop Work Order is an order issued to any project to stop all construction reviews, inspections, legal and administrative services by the Authority. Stop work orders will be issued for non payment of professional service fees; failure to replenish escrow account; construction not proceeding as indicated in the approved plans and specifications.
- 1.31 Storm Drain (sometimes termed “storm sewer”) shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.
- 1.32 Suspended Solids shall mean 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 as prescribed in the latest edition of “Standard Methods for the Examination of Water and Wastewater”, published by the American Public Health Association, Washington, D.C., and referred to as nonfilterable residue.
- 1.33 User Classification I refers to the owners of capacity in the original treatment plant as established in the January 26, 1989 sewer agreement.
- 1.34 User Classification II refers to the owners capacity in the Phase I (SBR) plant expansion as established in the February 27, 1991 Wastewater treatment plant agreement.
- 1.35 Unpolluted Water is water of quality equal to or better than the effluent criteria in effect for the receiving water or water that would not cause violation of receiving water quality standards.
- 1.36 Wastewater shall mean the spent water of a community. From the stand point of source, it may be a combination of the liquid and water carried wastes from residences, commercial

buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

1.37 Wastewater Facilities shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic, commercial and industrial wastes and dispose of the effluent.

1.38 Wastewater Treatment Works shall mean an arrangement of devices and structures for treating wastewater, commercial or industrial wastes, and sludge. It is often referred to as “POTW” or “wastewater treatment plant” or “water pollution control facility” or “water reclamation facility”.

“Schedule A”

Chelten House Products Inc. shall discharge wastewater to the LTMUA wastewater collection system only as authorized herein and consistent with the terms and conditions of this agreement.

The following table summarizes the major specific discharge requirements.

Chelten House Inc. Specific Discharge Limitations			
Parameter (units)	Discharge Limit	Monitoring Requirements	Reporting Requirements
BOD mg/l	REPORTED LBS (24 Hr Composite)	weekly	monthly
COD mg/l	REPORTED LBS (24 Hr Composite)	monthly	monthly
TSS mg/l	REPORTED LBS (24 Hr Composite)	weekly	monthly
Ph units	6 to 10 units (Grab)	weekly	monthly
FOG	REPORTED LBS (Grab)	weekly	monthly
Oxidation Reduction Potential ORP	> - 50 mv (Grab)	monthly	monthly
FLOW MGD	TOTAL UNITS GPD MAX* (Continuous)	daily	monthly

* Based on number of connection fees or capacity that was purchased.

Grease Traps and Interceptors

Use of bacteria, enzymes, chemicals, hot water or other agents used to cause Fats, Oils and Greases to pass through a grease trap or interceptor into the sewer collection system is strictly prohibited. The only exception to this is if the product is tested on that site specific waste stream and receives a “Notice of Product Acceptability” from the Executive Director. Before commencing your study it must be reviewed and approved by the Executive Director.

SCHEDULE “B”

ENFORCEMENT RESPONSE PLAN

- B1 ERP STEP 1- AUTHORITY TO ENFORCE AND GENERAL INFORMATION**
- B1.1 AUTHORITY AND PURPOSE [NJAC 7:14-8.1(a) AND NJAC 7:14-8.1(b)]**
LTMUA may assess a civil administrative penalty against any indirect discharger of not more than \$50,000, for each violation of each provision of the Water Pollution Control Act and for each violation of any rule, pretreatment standard, effluent limitation, administrative order or service agreement issued pursuant thereto as outlined in NJAC 7:14-8.1(a) and NJAC 7:14-8.1(b).
- B1.2 SEPARATE AND DISTINCT VIOLATIONS [NJAC 7:14-8.1(c)]** Each day during which a violation continues shall constitute an additional, separate and distinct violation as outlined in NJAC 7:14-8.1(c).
- B1.3 OTHER ENFORCEMENT PROVISIONS [NJS A 58:10A-10 AND NJAC 7:14-8.1(d)]** Neither the assessment of a civil administrative penalty nor the payment of any such civil administrative penalty shall affect the availability of any other enforcement provision provided by NJS A 58:10A-10, or any other statute, in connection with the violation for which the assessment is levied as outlined in NJAC 7:14-8.1(d).
- B1.4 EFFECTIVE DATE [NJAC 7:14-8.1(e)]** This enforcement response plan shall apply to all violations which occur on or after August 1, 2000 as outlined in NJAC 7:14-8.1(e).
- B1.5 NJDEP POWERS VS. LTMUA POWERS [NJAC 7:14-8.1(f)]** As outlined in NJAC 7:14-8.1(f) the LTMUA draws its authority under NJS A 58:10A-B5 through B10 but is not required to meet the requirements of NJAC 7:14-8.4(a).
- B1.6 WHERE TO SUBMIT REQUESTS FOR AN ADJUDICATORY HEARING [NJAC 7:14-8.1(f)]** As outlined in NJAC 7:14-8.1(f) a violator requesting an adjudicatory hearing to contest an administrative order, notice of civil administrative penalty assessment, or notice of civil administrative cost assessment issued by the LTMUA shall submit the request to the LTMUA.

B1.7 OTHER ENFORCEMENT RESPONSES OUTSIDE THE ERP [NJAC 7:14A-19.4(e)] The LTMUA is not precluded from initiating other available enforcement responses where the violations are not specifically identified in this Enforcement Response Plan as outlined in NJAC 7:14A-19.4(e).

ERP STEP 2 - DETERMINATION OF THE TYPE OF VIOLATION [NJAC 7:14A-19 - APPENDIX A]

NJAC 7:14A-19 APPENDIX A				
Noncompliance	Nature of the Violation	Enforcement Response	Time Frame	Personnel
UNAUTHORIZED DISCHARGES				
Discharge without a permit (Permit required)	No harm to LTMUA or the environment	NOV&Fines with application form, if needed	30 days	Supervisor
	Harm to LTMUA or the environment	Take action to halt activity, Fines	Immediately	Supervisor
	Noncompliance with order to submit application	Seek a penalty under NJAC 7:14-8.16	30 days	Executive Director
Failure to renew	Failure to submit application before 180 days of expiration of current permit	NOV	30 days	Supervisor
	Failure to apply continues after notice by LTMUA	Seek a penalty under NJAC 7:14-8.16	30 days	Executive Director
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	30 days	Executive Director
DISCHARGE LIMIT VIOLATIONS				
Exceedance of local or Federal standard (permit limit)	Individual or monthly non-serious violation	NOV; compliance response/corrective action plan, if needed	10 days from receipt	Supervisor
	Serious violation (individual or monthly)	Seek penalty under NJAC 7:14-8.16	30 days or notify NJDEP if enforcement will exceed 30 days	Executive Director

NJAC 7:14A-19 APPENDIX A

Noncompliance	Nature of the Violation	Enforcement Response	Time Frame	Personnel
Exceedance of local or Federal standard (permit limit)	Significant Noncompliance (IU meets SNC criteria under 40 CFR 403)	May Require Public Notice	Annually, but not later than 30 days after 403 annual report submitted to NJDEP	Executive Director
	Significant noncompliance (IU meets SNC criteria in NJWPCA, under NJSA 58:10A-3.w.)	Seek Penalty under NJAC 7:14-8.16	30 days or notify NJDEP if enforcement will exceed 30 days	Executive Director
MONITORING AND REPORTING VIOLATIONS				
Reporting violation	Late, 5 to 30 days after due date (but complete)	NOV; seek penalty	10 days	Supervisor / NOV Penalty Executive Director
	Late 30 days or more after due date (but complete)	May Require Public notice and seek penalty under NJAC 7:14-8.16	30 days	Executive Director
	Incomplete for data omission (IU meets SNC criteria under NJWPCA)	May Require Public notice and seek penalty under NJAC 7:14-8.16	30 days	Executive Director
	Incomplete for data omission (IU meets SNC under 40 CFR 403)	May Require Public notice and seek penalty under NJAC 7:14-8.9	30 days	Executive Director
	Incomplete for other omissions	NOV	30 days	Supervisor
	Falsification	Seek penalty under NJAC 7:14-8.9 or refer to county prosecutor	30 days	Penalty - Executive Director Criminal - County Prosecutor

NJAC 7:14A-19 APPENDIX A

Noncompliance	Nature of the Violation	Enforcement Response	Time Frame	Personnel
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 under NJAC 7:14-8.16 (note: penalty may be waived if final compliance is met by due date)	30 days	Supervisor-..... NOV Penalty - Executive Director
	Missed milestone by more than 30 days (IU meets SNC criteria under 40 CFR 403)	May Require Public notice (note: penalty may be waived if final compliance is met by due date)	30 days	Executive Director
	Failure to meet final compliance date	NOV; seek penalty under NJAC 7:14-8.16	30 days	Supervisor..... NOV Executive Director Penalty
Failure to notify	Failure to report spill or changed discharge	NOV; seek penalty under NJAC 7:14-8.16 where necessary	NOV within 10 days of discovery; penalty no later than 30 days of discovery	Supervisor..... NOV Executive Director Penalty
Failure to monitor correctly	Incorrect sample location, incorrect sample type, incorrect sample collection techniques, or incorrect sample analyses	NOV; with proper resampling, including sample analysis as required under NJAC 7:14- 8.9	30 days	Supervisor..... NOV
Failure to report additional monitoring	LTMUA inspection finds additional files	NOV with request to submit additional monitoring data as required under NJAC 7:14-8.9	30 days	Supervisor..... NOV
OTHER PERMIT VIOLATIONS				
Wastestreams are diluted to achieve discharge limits	Dilution	NOV; seek penalty under NJAC 7:14-8.16	NOV within 10 days; penalty within 30 days	Supervisor..... NOV Penalty - Executive Director
Continuing failure to halt or	Refusal to discontinue	Take physical (effective)		

NJAC 7:14A-19 APPENDIX A

Noncompliance	Nature of the Violation	Enforcement Response	Time Frame	Personnel
Prevent a discharge which causes imminent endangerment to human health, welfare, or the environment or has resulted in the LTMUA's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B)	activity upon notification	action or seek court order to halt discharge	2 days maximum	Executive Director
Failure to maintain in good working order and properly operate, any facilities or systems of control installed to achieve compliance with the terms and conditions of the permit	Violation of operating requirements	NOV / possible fine	30 days	Supervisor..... NOV
Entry denial	Entry denied or consent withdrawn. Copies of records denied	NOV; seek penalty under NJAC 7:14-8.7	24 hours	Supervisor..... NOV Penalty - Executive Director
Inadequate record keeping	LTMUA inspector finds files incomplete or missing	NOV	30 days	Supervisor

B2 ERP STEP 2 PERFORM ENFORCEMENT REQUIRED BY NJAC 7:14A-19 - APPENDIX A The following enforcement action shall be performed when required:

B2.1 ISSUE A NOTICE OF VIOLATION (NOV) WHEN REQUIRED This NOV is not a penalty, only a notice that a violation has occurred.

B2.2 SEEK A PENALTY WHEN REQUIRED

B2.3 PUBLIC NOTICING THE VIOLATION IN THE NEWSPAPER

B2.4 REFER THE MATTER TO THE COUNTY PROSECUTOR OR ATTORNEY GENERAL FOR PROSECUTION WHEN REQUIRED

B2.5 SEEK A COURT ORDER TO HALT THE DISCHARGE WHEN DISCHARGE

B2.6 TAKE EFFECTIVE PHYSICAL ACTION TO STOP THE DISCHARGE WHEN REQUIRED

ERP STEP 3 - CIVIL ADMINISTRATIVE PENALTY DETERMINATION [NJAC 7:14-8.16(e)]

B3.1 SERIOUSNESS OF THE VIOLATION The LTMUA shall assess a civil administrative penalty as outlined in NJAC 7:14-8.16(e) by first determining the seriousness of the violation. The LTMUA shall determine the seriousness of the violation as:

Major Seriousness

A violation of a hazardous effluent limitation that is measured by concentration or mass by more than 50 percent; a violation of a non-hazardous effluent limitation that is measured by concentration or mass by more than 100 percent; any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment; 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 of the range excluding the excursions specifically excepted by the permit with continuous pH monitoring; any other violation that caused or has the potential to cause serious harm to human health the environment, or to the LTMUA system or treatment plant; any violation which seriously 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; serious deviation shall include, but not be limited to, those violations that are in complete contravention of the requirement, or if some of the requirement is met, which impair or undermine the operation or intent of the requirement.

Moderate Seriousness

A violation of a hazardous effluent limitation that is measured by concentration or mass by 20 to 50 percent; a violation of a non-hazardous effluent limitation that is measured by concentration or mass by 40 to 100 percent; 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 not more than 50 percent of the midpoint of the range excluding the excursions specifically excepted by the permit with continuous pH monitoring; any other violation which causes or has the potential to cause substantial harm to human health or the environment; any violation 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 be 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 Seriousness

A violation of a hazardous effluent limitation that is measured by concentration or mass by less than 20 percent; a violation of a non-hazardous effluent limitation that is measured by concentration or mass by less than 40 percent; 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 of the range excluding the excursions specifically excepted by the permit with continuous pH monitoring;

B3.2 CONDUCT OF THE VIOLATOR After determining the seriousness of the violation the LTMUA shall assess a civil administrative penalty as outlined in NJAC 7:14-8.16(e) by determining the seriousness of the conduct of the violator. The LTMUA shall determine the conduct of the violator as:

Major Conduct: Intentional, deliberate, purposeful, knowing or willful act or omission by the violator.

Moderate Conduct: Any unintentional but foreseeable act or omission by the violator.

Minor Conduct: Any other conduct not included as major conduct or moderate conduct.

B4 ERP STEP 5 PENALTY MATRIX

B4.1 ASSESS PENALTY FROM PENALTY MATRIX After determining the seriousness of the violation and the conduct of the violator the LTMUA shall assess a penalty from the penalty matrix in NJAC 7:14-8.16(f).

B4.2 REQUIREMENT TO ASSESS PENALTY AT MIDPOINT OF RANGE The LTMUA shall assess this penalty at the midpoint of the range as required by NJAC 7:14-8.16(e) (2).

NJAC 7:14-8.16(f)	Major Seriousness	Moderate Seriousness	Minor Seriousness
Major Conduct	\$10,000 - \$50,000	\$5,000 - \$25,000	\$2,000 - \$13,000
Moderate Conduct	\$5,000 - \$ 10,000	\$2,500 - \$5,000	\$500 - \$3,000
Minor Conduct	\$500 - \$7,500	\$500 - \$2,500	\$250 - \$1,250

B5 ERP STEP 5 - ADJUSTMENT OF PENALTY [NJAC 7:14-8.16(i)]

B5.1 UPPER AND LOWER LIMITS ON ADJUSTMENT OF PENALTY [NJAC 7:14-8.16(i)] The LTMUA may only adjust the penalty required by the penalty matrix in NJAC 7:14-8.16(f) as follows:

B5.1.1 To an amount not greater than the maximum amount in the range

B5.1.2 To an amount no less than the minimum amount in the range.

B5.2 FACTORS FOR ADJUSTING PENALTY The LTMUA may adjust the penalty based on the following factors:

B5.2.1 COMPLIANCE HISTORY OF THE VIOLATOR

B5.2.1.1 The LTMUA shall reduce the penalty by 25 percent if there were no violations of the same effluent limitation at the same discharge point in the two years immediately preceding the pending violation as outlined in NJAC 7:14-8.16(i)(1)(i).

B5.2.1.2 The LTMUA shall reduce the penalty by 10 percent if there were no serious violations or fewer than four lesser violations of the same effluent limitation at the same discharge point in the two years immediately preceding the pending violation as outlined in NJAC 7:14-8.16(i)(1)(ii).

B5.2.1.3 The LTMUA shall reduce the penalty by 10 percent if there was one isolated serious violation or four or more lesser violations of the same effluent limitation at the same discharge point in the two years immediately preceding the pending violation as outlined in NJAC 7:14-8.16(i)(1)(iii).

B5.2.1.4 The LTMUA shall increase the penalty by 25 to 100 percent for any violation(s) which results in significant noncompliance or results in staying in significant noncompliance as outlined in NJAC 7:14-8.16(i)(1)(iv).

B5.2.1.5 The LTMUA shall increase the penalty by 25 to 100 percent for two or more isolated serious violations where such violations are of the same effluent limitation and the same discharge point in the two years immediately preceding the date of the pending violation as outlined in NJAC 7:14-8.16(i)(1)(iv).

B5.2.2 MITIGATION MEASURES BY THE VIOLATOR Where the nature, timing and effectiveness of any measures taken by the violator to mitigate the effects of the violation for which the penalty is being assessed results in compliance within 30 days of receipt of the notice of violation from the LTMUA as outlined in NJAC 7:14-8.16(i)(2);

B5.2.2.1 Any unusual or extraordinary costs or impacts directly or indirectly

B5.2.2.2 Any impacts on the receiving water, including stress upon the aquatic biota, or impairment of receiving water uses, such as for recreational or drinking supply, resulting from the violation as outlined in NJAC 7:14-8.16(i)(4); and

B5.2.2.3 Other specific circumstances of the violator or violation as outlined in NJAC 7:14-8.16(i)(5).

- B6 ERP STEP 6- PENALTY ASSESSMENT METHODS** When a penalty is required, the LTMUA shall assess the penalty by one of the following methods:
- B6.1 ORDER** The LTMUA is authorized to issue an order by NJS A 58:10A-10a(1).
- B6.2 CIVIL ACTION** The LTMUA is authorized to commence a civil action in Superior Court, including injunctive relief, by NJS A 58:10A-10a(2) and NJS A 58:11-55(b).
- B6.3 PETITION THE COUNTY PROSECUTOR OR ATTORNEY GENERAL TO BRING CRIMINAL ACTION** The LTMUA is authorized to petition the county prosecutor or Attorney General to bring criminal action by NJS A 58:10A-6.i and NJS A 58:10A-10a(5).
- B6.4 CIVIL ADMINISTRATIVE PENALTY** The LTMUA is authorized to issue a civil administrative penalty by NJS A 58:10A-B5. If the violator requests a hearing the civil administrative penalty is considered contested. The violator must make a written request for a hearing to the LTMUA. The hearing will be held at the Office of Administrative Law according to NJS A 52:14B-9 and NJS A 52:14B-B
- B6.5 CIVIL PENALTY** The LTMUA is authorized to bring an action for a civil penalty by NJS A 58:10A-10a(4).
- B6.6 SUMMONS** The LTMUA is authorized to issue a summons before a judge, for \$5,000 or less, by NJS A 58:10A-B3.
- B6.7 SIGNIFICANT NONCOMPLIER INDIVIDUAL VIOLATIONS** The LTMUA has the ability to assess a penalty for each violation that causes a violator to be, or continue to be, a significant noncomplier as defined in NJAC 7:14-8.2.
- B6.8 CIVIL ADMINISTRATIVE PENALTY FOR SUBMITTING INACCURATE OR FALSE INFORMATION** The LTMUA has the ability to assess a penalty for submitting inaccurate or false information by NJAC 7:14-8.6.
- B6.9 CIVIL ADMINISTRATIVE PENALTY FOR FAILURE TO PROPERLY CONDUCT MONITORING OR SAMPLING UNDER THE WATER POLLUTION CONTROL ACT** [NJAC 7:14-8.9(a)] The LTMUA has the ability to assess a penalty for failure to properly conduct monitoring or sampling activities.
- B6.10 CIVIL ADMINISTRATIVE PENALTY FOR FAILURE TO SUBMIT REPORTS** [NJAC 7:14-8.9(a)] The LTMUA has the ability to assess a penalty for failure to submit discharge monitoring reports, or other pretreatment monitoring reports.

B7 GRACE PERIOD LAW [NJS 13:1D-105 et seq.] The Grace Period Law establishes grace/compliance periods for minor violations.

B8. Minor Violations are defined as :

B8.1 Not purposeful, knowing, reckless, criminally negligent conduct

B8.2 Minimal risk to public and environment

B8.3 Does not impair regulatory goals

B8.4 Violation is less than 10 months old

B8.5 Same permit violation has not occurred in the preceding 10 months

B8.6 Permit, violation has not occurred in the preceding 10 months

B8.7 Cannot be pattern of illegal conduct

B8.8 Capable of being corrected with "grace period"

B9.2 Non-Minor Violations are defined as :

B9.2.1 Serious violation

B9.2.2 Significant non-compliance