

ORDINANCE 62-2007

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 155 OF THE BOROUGH CODE ENTITLED "SEWERS"

BE IT ORDAINED, by the Municipal Council of the Borough of Madison as follows:

1. Article I, "CONNECTIONS," is amended and supplemented as follows:

A. Section 155-1. DEFINITIONS is hereby amended and supplemented to provide in its entirety as follows:

BIOCHEMICAL OXYGEN DEMAND (BOD)- The quantity of oxygen, expressed in milligrams per liter (mg/l), utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty (20) degrees Celsius. The standard laboratory procedure shall be that found in the latest edition of "Standard Methods for the Examination of Water and Wastewater"; ASTM Standards, Part 23, Water; Atmospheric Analysis (1972); EPA Methods for Chemical Analysis of Water and Wastes (1971).

Chemical oxygen demand (COD) - Means a measure of the oxygen required to oxidize all compounds in water, both organic and inorganic (in milligrams per liter, mg/l) in a waste sample under specific conditions of an oxidizing agent, temperature and time as determined by analytical procedures set forth in the for Chemical Analysis of Water and Wastes (USEPA, Office of Technology Transfer, Washington, D.C., March 1983).

CATEGORICAL STANDARD - Any limitation upon the discharge of pollutants adopted by the United States Environmental Protection Agency pursuant to Section 307(b) of the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977.

COMPOSITE SAMPLE - See "Samples, Types of".

DISCHARGE - The action of pumping, leaching, releasing, spilling, leaking, pouring emitting, emptying, or dumping and also means the causing of permitting of any of the aforesaid.

DISPOSAL - The storage, treatment, utilization or processing and final disposition of septage.

FOOD ESTABLISHMENTS – Those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption by the public such as restaurant, commercial, kitchen, caterer, hotel, school, hospital, prison, correctional facility, and care institution, These establishments use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also include are infrared hearing, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

Governmental entity - Means a Federal, State, interstate agency, county or municipal government or school district whose jurisdiction is partially or entirely within the State.

GRAB SAMPLE - See "Samples, Types of".

HAZARDOUS POLLUTANT -

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1. Any toxic pollutant;

2. Any hazardous substance as defined by the New Jersey Spill Compensation and Control Act, N.J.S.A. 58:10-23.11; or

3. Any substance regulated as a pesticide under the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. § 136 et seq.; or

4. Any substance the use or manufacture of which is prohibited under the Federal Toxic Substances Control Act, 15 U.S.C. § 2601 et seq.; or

5. Any substance identified as a known carcinogen by the International Agency for Research on Cancer; or

6. Any hazardous waste designated pursuant to the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. or the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq.

IMMEDIATE ACCESS - Access without delay but in no event beyond ten minutes from the time the request for access is made by authorized Madison-Chatham Joint Meeting personnel to any employee of the User.

INDIRECT DISCHARGE - Any discharge into Madison-Chatham Joint Meeting's domestic treatment works.

INDUSTRIAL USER - The term "Industrial User" means a source of discharge of industrial waste.

INDUSTRIAL WASTES - The liquid wastes from industrial manufacturing processes, as defined in the 1972 Edition of the "Standard Industrial Classification Manual", as distinct from sanitary sewage. Industrial wastes includes the leachate from landfills or other contaminated areas.

INHIBITORY POLLUTANT - Any pollutant which, when entering a domestic treatment works, in sufficient quantity will interfere with the treatment works' physical, chemical, and/or biological processes.

INTERFERENCE - A Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

1. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

2. Therefore is a cause of a violation of any requirement of the POTW's NJPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

JOINT MEETING - The legal entity which owns or operates the Molitor Water Pollution Control Facility.

Local limits - Any restriction on quantities, quality, or concentrations of pollutants discharged into a local agency's treatment works, developed to prevent upset, interference, or pass-through of pollutants to the treatment works, and to protect worker health and safety, and protect/improve the quality of the sludge generated by the treatment works.

MCJM - Abbreviation for Madison-Chatham Joint Meeting

MG/L - Abbreviation for milligrams per liter.

NATIONAL PRETREATMENT STANDARD - "National Pretreatment Standard", "Pretreatment Standard," or "Standard" means any regulation containing pollutant discharge limits promulgated by the USEPA in accordance with section 307(b) and (c) of the Clean Water Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR § 403.5.

NJPDES - The New Jersey Pollutant Discharge Elimination System or "NJPDES" means the New Jersey system for the issuance of permits pursuant to the Water Pollution Control Act.

NJDEP - The New Jersey Department of Environmental Protection.

Non-contact cooling water - Water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water may however contain algacides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

Oil and grease - Includes the nonpetroleum-based pollutants of animal and vegetable origin, and petroleum-based pollutants, which are analyzed by a USEPA and/or New Jersey State Certified Laboratory approved method for oil and grease referenced in 40 CFR Part 136, as amended, including subsequent amendments, and the petroleum-based pollutants analyzed by a USEPA and/or New Jersey State Certified Laboratory approved method for petroleum hydrocarbons cited in Methods for Chemical Analysis of Water and Wastes, USEPA, as amended.

OIL, GREASE AND SAND INTERCEPTOR OR TRAPS – A device designed and installed so as to separate and retain deleterious hazardous or undesirable matter from sanitary waste while permitting sanitary sewerage or liquid wastes to discharge into the drainage system by gravity.

PASS THROUGH - A Discharge which exits the POTW into waters of the United States or Waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NJPDES permit (including an increase in the magnitude or duration of a violation).

PERSON - Any individual, firm, company, partnership, corporation, association, group or society.

Petroleum hydrocarbons or petroleum-based oil and grease - The petroleum-based pollutants analyzed by an EPA and/or New Jersey State Certified Laboratory approved method for petroleum hydrocarbons cited in Methods for Chemical Analysis of Water and Wastes, USEPA, as amended.

pH - The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of the hydrogen-ions, in grams, per liter of solution.

POLLUTION - The condition of water resulting from the introduction therein of substances of any kind and in quantities rendering it detrimental or immediately or potentially dangerous to public health, or unfit for public or commercial use.

PRETREATMENT - The reduction of the amount 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 40 CFR § 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR § 403.6(e).

PRETREATMENT REQUIREMENTS - Any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

PRETREATMENT STANDARDS - Means all applicable Federal Rules implementing Section 307 of the Clean Water Act, as well as any non-conflicting State, or local standards. In cases of conflicting standards or regulations, the more stringent thereof shall apply.

Process wastewater - Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water. This definition includes the terms commercial wastewater and industrial wastewater as used in 40 CFR Part 503.

"POTW" OR Publicly owned treatment works: Any device or system used in the storage and treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a State, municipality or political subdivision. This definition includes sewers, pipes, or other conveyances if they convey wastewater to a POTW providing treatment.

PUBLIC SEWER - See "Sewers, Types of".

Radioactive waste - Any waste which contains radioactive material in concentrations which exceed those listed in 10 CFR Part 20, Appendix B, Table II, Column 2, or exceed the "Criteria for Identifying and Applying Characteristics of Hazardous Waste and for Listing Hazardous Waste" in 40 CFR Part 261, whichever is applicable.

SAMPLES, TYPES OF -

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GRAB SAMPLE - "Grab sample" means an individual sample collected over a time period of less than 15 minutes.

COMPOSITE SAMPLE - "Composite sample" means a sample composed of several discrete samples combined in a known proportion. For wastewater monitoring, a composite sample is a sample composed of several discrete samples collected at equal time intervals, or proportionally to the flow rate of the discharge.

SANITARY SEWAGE - Means any liquid waste containing animal or vegetable matter in suspension or solution, or the water carried wastes resulting from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers, or any other source of water carried waste

of human origin or containing putrescible material. The term specifically excludes industrial, hazardous or toxic wastes and materials.

SANITARY SEWER - See "Sewers, Types of".

Septage - The liquid and solid material pumped from a septic tank, cesspool, or similar domestic sewage treatment system, or a holding tank when the system is cleaned or maintained.

SEWAGE - means any wastes, including wastes from humans, households, commercial establishments, and industries that are discharged to or otherwise enter a sewage treatment works.

SEWER - A pipe or conduit that carries or is intended to carry wastewater or drainage water.

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SEWER SYSTEM - All trunks, sub-trunks, sewers, interceptors, laterals, branches, and all other sewer appurtenances, whether privately owned or owned by the Borough of Madison, Borough of Chatham or the Madison-Chatham Joint Meeting, the sewage from which is delivered to the sewage treatment plant.

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SEWERAGE SYSTEM - Any facility or extension thereof designed to provide for the collection, treatment or discharge of sewage. Also, see "Sewers, Types of".

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SEWERAGE TREATMENT PLANT - An arrangement of devices and structures used for treating of sewage other than that used on and for a property under one ownership as an individual sanitary disposal system.

SEWERS, TYPES OF - An underground pipe or drain used to carry off water and waste matter as follows:

BRANCH SEWER - A sewer which receives wastewater from a relatively small area and discharges into a main sewer.

OUTFALL SEWER - A sewer which receives wastewater from a collecting system or treatment plant and carries it to a point of final discharge.

PUBLIC SEWER - A sewer owned or controlled by the Joint Meeting, a public utility, or other governmental agency.

SANITARY SEWER - A sewer that carries water carried wastes from residences, commercial building, industrial plants and institutions.

SIGNIFICANT INDUSTRIAL USER-

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1. The term Significant Industrial User means any user including, but not limited to, any significant industrial user as defined in 40 CFR 403.3(t) where:

i. The User is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N;

ii. The User's average volume of process wastewater exceeds 25,000 gallons per day;

iii. The amount of BOD, COD or Suspended Solids in the industrial process wastewater discharge exceeds the mass equivalent of 25,000 gallons per day of the domestic waste;

iv. The volume of industrial process wastewater in the discharge exceeds five percent or more of the average daily dry weather flow of the Madison-Chatham Joint Meeting;

v. The User's discharge of process wastewater contributes, five percent or more of the daily mass loading of any of the pollutants listed in N.J.A.C. 7:14A-4, Appendix A Tables II through V;

vi. The User is designated as an Significant Industrial User by NJDEP on the basis that the User has a reasonable potential for adversely affecting the Madison-Chatham Joint Meeting's operation;

vii. The User is designated as a Significant Industrial User by the NJDEP on the basis that the User has been in violation of any Federal, State, or local pretreatment standard or requirement, including, but not limited to, significant noncompliance as defined in 40 CFR 403.8(f)(2)(vii); or

viii. The NJDEP determines it would be consistent with the intent of Federal or State law or regulation to require a permit for the User.

SIGNIFICANT NONCOMPLIER - "Significant Noncomplier," "Significant Noncompliance" or "SNC" means any person who commits any of the violations described below, unless the NJDEP uses, on a case-by-case basis, a more stringent frequency or factor of exceedance to determine a significant noncomplier and the NJDEP states the specific reasons therefor, which may include the potential for harm to human health or the environment.

A. Violations which cause a person to become or remain an SNC under the state definition of significant noncomplier include:

1. A serious violation for the same pollutant, at the same discharge point source, in any two months of any consecutive six month period;

2. Exceedance of an effluent limitation expressed as a monthly average, for the same pollutant, at the same discharge point source, by any amount in any four months of any consecutive six month period;

3. If there is not an effluent limitation for a particular pollutant expressed as a monthly average, exceedance of the monthly average of the daily maximums for the effluent limitation, for the same pollutant, at the same discharge point source, by any amount in any four months of any consecutive six month period;

4. Any exceedance of an effluent limitation for pH by any amount, excluding the excursions specifically excepted by a permit issued by the NJDEP with continuous pH monitoring, at the same discharge point source in any four months of any consecutive six month period; or

5. Failure to submit a completed discharge monitoring report in any two months of any consecutive six month period.

B. Under the federal definition set forth at 40 CFR 403.8(f)(2)(vii), an Industrial User is in Significant Noncompliance if its violation meets one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, SS, fats, oil, and grease, and 1.2 for all other pollutants except pH).

3. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the NJDEP determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;

5. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

6. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self- monitoring reports, and reports on compliance with compliance schedules;

7. Failure to accurately report noncompliance;

8. Any other violation or group of violations which the NJDEP determines will adversely affect the operation or implementation of the pretreatment program.

Sludge - The solid residue and associated liquid resulting from the physical, chemical or biological treatment of domestic or industrial wastewaters.

Slug discharge - Any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge.

STORM DRAIN OR STORM SEWER - A drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

Stormwater - Water resulting from precipitation (including rain and snow) that:

1. Runs off the land's surface;
2. Is transmitted to the subsurface; or

3. Is captured by separate storm sewers or other sewerage or drainage facilities, or conveyed by snow removal equipment.

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SUSPENDED SOLIDS, (SS) - 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 and prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as non-filterable residue.

SYSTEM - All trunks, interceptors, conduits, pipe lines, mains, pumping and ventilation stations, appurtenances, treatment or disposal systems, plants and works, outfalls, and all other structures and conveyances and real and tangible personal property acquired, constructed or operated by the Madison-Chatham Joint Meeting for the purposes of the Madison-Chatham Joint Meeting.

TREATMENT WORKS - Any device or systems, whether publicly or privately owned or operated, used in the storage, treatment, recycling, or reclamation of domestic or industrial waste of a liquid nature including intercepting sewers, outfall sewers, sewage collection systems, cooling towers, and ponds, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; and any other works including sites for the treatment process or for ultimate disposal of residues resulting from such treatment. Additionally, "treatment works" means any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of pollutants, or industrial waste in the sanitary sewer systems.

UNPOLLUTED WATER - Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

USEPA - Abbreviation for the Environmental Protection Agency, an agency of the United States Government.

USER - Any individual, firm, company, partnership, corporations, association, group or society, which discharges wastewater into a treatment works.

WASTEWATER - A combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions.

WASTEWATER FACILITIES - The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

WASTEWATER TREATMENT WORKS - An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with "wastewater treatment plant" or "waste treatment plant" or "water pollution control plant."

B. Any provisions of this Section, 155.1 DEFINITIONS, as amended and supplemented that are inconsistent with the provisions of this amendment and supplement are hereby repealed.

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2. ARTICLE II, "DISCHARGE OF WASTES," is hereby amended and supplemented as follows:

A. Section 155-8. ENUMERATION OF PROHIBITED DISCHARGES is hereby amended and supplemented as follows:

SECTION 155.8 PROHIBITED WASTES AND SEWER USE

A. GENERAL PROHIBITIONS

No person shall discharge, deposit, cause or allow to be deposited or discharged into the MCJM wastewater facilities and wastewater treatment works or public sewer, any substance, wastewater or pollutant which may cause pass through or interference or that will:

1. Not be susceptible to treatment or will interfere with the process or efficiency of the treatment system, or will exhibit inhibitory toxicity in the treatment system;
2. Violate State or Federal Statutes, Rules or Regulations or Pretreatment standards as the same may be promulgated from time to time;
3. Cause the MCJM facilities to violate State or Federal Statutes, Rules or Regulations or Pretreatment standards as the same may be promulgated from time to time, the MCJM NJPDES Permit, applicable receiving water standards, MCJM's permit regulating sludge which is produced during the treatment process or any other permit issued to the MCJM.

B. SPECIFIC PROHIBITIONS

No person shall discharge, deposit, cause or allow to be deposited or discharged into the MCJM wastewater facilities, wastewater treatment works or public sewer, any substance, wastewater or pollutant which contains the following:

1. Storm waters, surface water, groundwater, roof runoff, swimming pool water, sub-surface drainage, foundation, floor drain or basement sump drainage, pond water, non-contact cooling water or unpolluted industrial wastes.
2. Any liquid containing fats, wax, grease, or oils, either emulsified or not, in excess of 100 mg/l of solvent soluble materials or containing substances which may solidify or become viscous at temperatures between 32 and 140 degrees F. (0 degrees and 60 degrees C.).

3. The discharge of petroleum hydrocarbons in excess of 100 mg/L monthly average or 150 mg/L daily maximum as set forth at N.J.A.C. 7:14A-21.2(a) is prohibited.
4. Any residues from petroleum storage, refining or processing; waste fuels, lubricants, solvents, or paints.
5. Any wastewater containing any liquids, solids or gases which, by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to create an explosive, flammable or combustible atmosphere in any part of the MCJM wastewater facilities or wastewater treatment works, including, but not limited to wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.
6. Any solid or viscous substance in quantities or of such size capable of causing obstruction to the flow in sewers or interference with the proper operation of the MCJM wastewater facilities or wastewater treatment works, such as, but not limited to, mud, straw, metal, rags, glass, tar, plastics, wood and shavings, ashes, cinders, sand, feathers, whole blood, paunch manure, hair and fleshing, entrails, paper or plastic containers, etc.
7. Any ground or un-ground garbage, either from a commercial garbage disposal units or any other source, except residential garbage disposal systems.
8. Any pollutant, including oxygen demanding pollutants (Biochemical Oxygen Demand, Chemical Oxygen Demand, etc.) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with the MCJM wastewater facilities or wastewater treatment works.
9. Heat in amounts which will inhibit biological activity in the MCJM wastewater facilities or wastewater treatment works resulting in Interference, but in no case heat in such quantities that the temperature at said wastewater facilities or wastewater treatment works exceeds 40°C (104°F) unless alternate temperature limits are approved.

10. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

11. Pollutants which result in the presence of toxic gases, vapors, or fumes within the MCJM wastewater facilities, wastewater treatment works or public sewer in a quantity that may cause acute worker health and safety problems.

12. Any waste having a pH lower than 5 or higher than 9 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the MCJM.

13. Any radioactive waste or isotope of such half-life or concentration as to be in excess of that permitted by appropriate regulatory agencies having control over their use or in such quantity as to cause damage or hazard to structures, equipment, personnel of the Borough of Madison, Borough of Chatham or MCJM, the wastewater facilities or wastewater treatment works.

14. Any waste containing phenols, noxious or malodorous solids, liquids or gases, which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair.

15. Any wastewater containing toxic pollutants or other substances which may, in sufficient quantity, cause injury, damage or hazard to personnel, structures or equipment, or interference with the MCJM wastewater facilities, wastewater treatment works, public sewer system or any portion of the liquid or solids treatment or handling processes, or that may pass through the treatment facilities in such condition that it may not achieve State, Federal or other existing requirements for the effluent or for the receiving waters. Except as permitted under Section 155.8.2 Local Limits, the following chemicals are specifically prohibited: alcohols, aldehydes, arsenic, and arsenicals, bromine, chlorinated hydrocarbons, compounds with chlorine demands in excess of 100 ppm, chromium or chromium compounds, copper and copper salts, creosol, cyanide or cyanide compounds, fluorine, iodine, mercury or mercury compounds, nickel and nickel compounds, pesticides, silver and silver compounds, sulfonamide, toxic dyes (organic or mineral), zinc and zinc compounds or other heavy metals; all strong oxidizing agents such as peroxide, chromates, dichromate, permanganates, etc., compounds producing hydrogen sulfide or any other toxic inflammable or explosive gases, either upon acidification, alkalization, reduction or oxidation; strong reducing agents such as nitrates, sulfites, sulfides; strong acids or strong alkalis, except to the extent set forth herein.

16. Any material which exerts or causes:

a. Unusual concentrations of inert Suspended Solids (such as, but not limited to, Fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

b. Excessive discoloration (such as, but not limited to, dye solutions and vegetable tanning solutions) which cannot be removed by the wastewater treatment works. In no case shall a discolored discharge be permitted if, in the opinion of the MCJM, said discharge is likely to interfere with the operation of the wastewater treatment system or to cause a violation of the facility's NJPDES permit, applicable water quality criteria, or sludge disposal regulations.

c. Unusual BOD, COD, or chlorine requirements in such quantities as to constitute an unacceptable load or interference on the MCJM wastewater facilities or wastewater treatment works.

d. Any unusual volume of flow or concentration of wastes constituting a "slug" of such volume or strength so as to cause a treatment process upset and subsequent loss of treatment efficiency.

17. Septage or wastes from septic tanks, cesspools or other such sources of sanitary sewage.

18. Any water added for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limits.

SECTION 155.8.1 CATEGORICAL STANDARDS

No person shall discharge, deposit, cause or allow to be deposited or discharged into the wastewater facilities wastewater treatment works of the MCJM, or public sewer any waste which

violates applicable categorical standards. As pretreatment standards for toxic or other industrial wastes are promulgated by the USEPA for a given category of Industrial User, all Industrial Users shall conform to the USEPA timetable for complying with applicable discharge limitations. Notwithstanding anything set forth herein, an Industrial User shall comply with all Local Limits and any more stringent standards which are established by the MCJM or other regulatory agencies. Changes and additions may be implemented as necessary from time to time by resolution of the MCJM or ordinance of the Borough. Categorical standards can be modified only through the Federal regulatory mechanisms available pursuant to 40 CFR 403.7.

SECTION 155.8.2 LOCAL LIMITS

{RESERVED}

SECTION 155.8.3 COMPLIANCE DETERMINATION

A. Compliance determinations with respect to any conformance with ordinances or permit conditions or limitations may be made on the basis of instantaneous grab samples, sequential grab samples, or composite samples. Sequential grab samples or composite samples may be taken over a 24-hour period, or any other time span, as deemed necessary by the NJDEP, to meet the requirements of a specific situation.

B. Whenever it shall be necessary for the purpose of these general sewer use requirements, authorized representatives of the MCJM, NJDEP, USEPA or other governmental authorities having jurisdiction may, upon presentation of credentials, enter upon the premises of any User as follows:

1. During business hours, on notice to authorized personnel of the User, but without the necessity of a warrant, for the purposes of inspecting, copying or photographing any records required to be kept.

2. At any time without a warrant or prior notice for the purpose of installing or inspecting any monitoring equipment or method, inspecting the process wastewater pretreatment

facility, and/or measuring, sampling and/or testing any discharge of wastewater either from process wastewater pretreatment facilities or the point of discharge to the MCJM wastewater facilities or wastewater treatment works. The User shall instruct security personnel to provide immediate access to such representatives upon presentation of valid credentials at any hour and under any and all circumstances. The User's security personnel will be entitled to accompany the entering representatives.

3. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the MCJM and shall not be replaced. The costs of clearing such access shall be born by the User.

4. Immediate access shall be granted to authorized representatives of the MCJM, NJDEP, USEPA or other governmental authorities having jurisdiction upon presentation of valid credentials. Unreasonable delays in allowing access to the User's premises shall be a violation of this ordinance.

C. Each User shall reimburse the MCJM for the actual costs incurred by the MCJM for such monitoring, sampling, investigation, engineering evaluation, administrative costs, legal or other services which are necessary or appropriate, in addition to those services which are minimally required and which are properly allocable to the User's operation. Payment for such expenses shall be made by the User within ten (10) days after the submission of an invoice by the MCJM.

SECTION 155.8.4 EMERGENCY SUSPENSIONS

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A. Upon advance notice to the Borough Administrator and the Health Officer, the Superintendent of the MCJM may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. Upon advance notice to the Borough Administrator and the Health Officer, the Superintendent of the MCJM may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, which presents, or may present, an endangerment to the environment, or for noncompliance with pretreatment standards and requirements.

B. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, and upon advance notice to the Borough Administrator and the Health Officer, the Superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent of the MCJM and/or the NJDEP may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Superintendent and/or the NJDEP that the period of endangerment has passed.

SECTION 155.8.5 AFFIRMATIVE DEFENSES TO GENERAL PROHIBITIONS

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A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the General Prohibitions in Section 155.8, if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or cause Interference and that either:

A. A local limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or

B. No local limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the MCJM was regularly in compliance with its NJPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

SECTION 155.8.6 NOTIFICATION OF CHANGED CONDITIONS

Each User must notify the Superintendent of the MCJM, and obtain prior written approval, at least ten (10) days in advance of any planned significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater, or result in the User meeting the definition of Significant Indirect User established at N.J.A.C. 7:14A-1.2, or of any substantial change in the volume or character of pollutants in their discharge. The MCJM reserves the right to deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, where such

contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the MCJM to violate its NJPDES permit.

A. The Superintendent may require the User to submit such information as may be deemed necessary to evaluate the changed condition.

For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

SECTION 155.8.7 NOTIFICATION OF SLUG DISCHARGES

A. An Industrial User shall immediately notify the MCJM of any incident of accidental or slug discharge. The notification shall include the location of the discharge, type of waste, concentration and volume.

B. An Industrial User shall take immediate action to contain and minimize the accidental or slug discharge so as to prevent interference with the treatment process, damage to the treatment system, and pass through to the receiving stream or contamination of the sludge.

C. Within five (5) days following accidental and or slug discharge, the Industrial User shall submit to the NJDEP and MCJM a detailed written report describing the date, time and cause of the discharge, the quantity and characteristics of the discharge and corrective action taken at the time of the discharge, and the measures to be taken by the user to prevent similar future occurrences. 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 treatment system, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by any permit or other applicable law.

SECTION 155.8.8 NOTIFICATION OF SIGNIFICANT INDIRECT USER STATUS

The MCJM shall notify the NJDEP at least annually which facilities within the sewer service area meet the definition of Significant Indirect User as set forth at N.J.A.C. 7:14A-1.2. The MCJM may use a variety of sources to identify SIUs including, but not limited to user surveys, existing MCJM files, water use and billing records, utility company records, sewer connection permits, business license records, Chamber of Commerce rosters, the local telephone directory, property tax records, industrial directories, newspapers, advertisements, world wide web, and drive-bys. Once a potential discharger has been identified, the MCJM may, if it is uncertain of the operations of that facility, send the user a questionnaire in order to better evaluate the users' potential of being classified as an SIU. Alternatively, the MCJM may conduct inspections of some or all such facilities.

SECTION 155.8.9 INDEMNIFICATION

The Industrial User shall indemnify and save harmless the MCJM for any expense, loss or damage occasioned the MCJM, by reason of permit violation, the discharge of process wastewater or any prohibited substance, including, but not limited to the following:

- A. Any cost incurred by the MCJM in removing, correcting, preventing or terminating any adverse effects upon the MCJM wastewater facilities or wastewater treatment works;**

- B. Any increase in the cost of sludge processing or disposal;**

- C. Any fines or penalties assessed against the MCJM for such violations of its permits;**

- D. The reasonable costs of any investigative inspection or monitoring survey which leads to the establishment of a violation of a NJPDES Significant Indirect User Permit and the reasonable costs of preparing and litigating any action successfully concluded against the User for such violation; and**

- E. Any other actual or compensatory damages to the MCJM resulting from the discharge.**

B. Any provisions of this Section 155.8 PROHIBITED WASTES as amended and supplemented that are inconsistent with this amendment and supplement are hereby repealed.

C. Section 155-9. REQUIRED GREASE AND OIL SEPARATORS is hereby amended in its entirety. It shall now read as follows:

SECTION 155.9 GREASE, OIL AND SAND INTERCEPTORS OR TRAPS

A. Grease, oil and sand interceptors or traps shall be provided for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand and other harmful ingredients for all Food Establishments and when in the Opinion of the Plumbing Code Official or Health Officer, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Plumbing Code Official and designed in accordance with Standard PDI-G 101 entitled, "Testing and Rating Procedure for Type 1 Hydro Mechanical Grease Interceptors with Appendix of Installation and Maintenance" and shall be located as to be readily and easily accessible for cleaning and inspection.

B. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

C. Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times. The User shall be responsible for the maintenance of said interceptor(s) or traps and for the removal and disposal of the captured material and shall maintain records of the dates and means of disposal. All interceptors or traps shall be in conformance with applicable plumbing code requirements.

D. Where installed, all grease and oil interceptors or traps shall be inspected every six months by the Health Department and provisions of Section 155-9 shall be enforced by the Health Department. Failure to maintain grease interceptors or traps in a satisfactory

manner will result in notification of said condition by the inspecting officer. The owner shall have five (5) days to correct routine maintenance violations, and ten (10) days to effect mechanical repairs, from the date of written notice, or shall be subject to the violations and penalties more fully set forth in § 155.10 of this article.

E. Application fees, inspection fees, and use fees for grease, oil and sand interceptors or traps shall be paid to the Borough in accordance with the applicable rate schedule.

F. This provisions of this Section 155.9 shall be graced and shall not become effective until one year after the date of enactment of the Ordinance herein.

D. Any provisions of this Section 155.9 GREASE, OIL AND SAND INTERCEPTORS OR TRAPS as amended that are inconsistent with this amendment are hereby repealed.

This Ordinance is deemed severable and if any part or provisions is deemed invalid, the reminder shall continue in full force and effect.

This Ordinance, with the exception of Section 155.9, shall take effect upon passage, New Jersey Department of Environmental Protection approval and publication as provided by law.

ADOPTED AND APPROVED September 24, 2007

Ellwood R. Kerkeslager, Mayor

ATTEST:

Marilyn Schaefer, Borough Clerk

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