

**November 20, 2018 – REGULAR SESSION**

President Wollert called the meeting to order at 7:50 p.m.

The Clerk read the Invocation: Almighty God who holds the fate of Man and Nation, we most humbly beseech thee to bless these deliberations, and these thy servants, that they may act with wisdom and understanding for the good of our community and thy greater glory. Amen.

Flag Salute

Council President Wollert read the Open Public Meetings Statement:

The notice requirements provided for in the “Open Public Meetings Act” have been satisfied. Notice of this meeting was properly given in a notice which was transmitted to the Times of Trenton and the Trentonian, filed with the Clerk of the Township of Ewing and posted in the Ewing Township Municipal Complex, all on the 3<sup>rd</sup> day of January 2018.

**THE PUBLIC WILL HAVE AN OPPORTUNITY TO ADDRESS THE COUNCIL DURING THE “STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC” SEGMENT OF THE MEETING. MEMBERS OF THE PUBLIC ARE REQUESTED TO SIGN IN ON SHEET PROVIDED IN THE FRONT OF THE ROOM. ALL QUESTIONS AND COMMENTS FROM THE PUBLIC WILL BE DIRECTED TO THE COUNCIL PRESIDENT. WHEN ADDRESSING THE COUNCIL, PLEASE GIVE YOUR NAME AND YOUR ADDRESS.**

**THE COUNCIL INVITES AND ENCOURAGES PARTICIPATION BY THE PUBLIC IN ITS MEETINGS, HOWEVER A MEMBER OF THE PUBLIC MAY UTILIZE FIVE MINUTES OF TIME FOR REMARKS AND QUESTIONS, UNLESS OTHERWISE ENGAGED IN A DIALOGUE WITH A MEMBER OF THE COUNCIL, ANY FURTHER REMARKS OR QUESTIONS BEYOND THE TIME LIMIT MUST BE AUTHORIZED BY THE PRESIDENT OF THE COUNCIL.**

**ROLL CALL**

- |                               |                                |
|-------------------------------|--------------------------------|
| ▪ Mr. Baxter – Excused        | Jim McManimon, Administrator   |
| ▪ Ms. Keyes-Maloney – Present | Maeve Cannon, Attorney         |
| ▪ Mr. Schroth – Present       | Kim Macellaro, Municipal Clerk |
| ▪ Ms. Steward – Excused       |                                |
| ▪ President Wollert – Present |                                |

**STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC FOR ITEMS NOT ON THE AGENDA**

The Clerk stated for the record that no members of the Public are present.

**BILLS LIST**

1. The Clerk read (**Resolution #18R-193**) A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$11,231,169.33 and to Pay Supplemental Bills per Resolution #18R-15 in the Amount of \$277,123.08

Mr. Schroth moved the Resolution, seconded by Ms. Keyes-Maloney. There were no questions or comments from Council. President Wollert asked for a roll call.

**ROLL CALL**

- |                   |     |
|-------------------|-----|
| Ms. Keyes-Maloney | YES |
| Mr. Schroth       | YES |
| President Wollert | YES |

The above referenced Bills List Resolution and the Bills List are available in the Clerk’s Office in the 2018 Resolution Book Number Two.

*All items listed under Consent Agenda are considered routine by the Township Council and will be enacted by one motion in the form listed below. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and considered separately. There will be one motion for all items listed.*

## **CONSENT AGENDA**

The Clerk read the Consent Agenda: (Resolution #18R-194/)

1. **Approval of Agenda Session Minutes for August 14, 2018, September 11, 2018; Approval of Regular Session Minutes for August 14, 2018, September 11, 2018**
2. **A Resolution Authorizing a Refund, as Recommended by the Township Construction Official in the amount of \$54.00 to Andrew Dudich, 88 Martins Lane, Hamilton, NJ 08620 for the one-day event being held at the following location River Horse, Graphics Drive, Ewing, NJ. He paid for a Type 1 permit and the event was cancelled due to inclement weather.**
3. **A Resolution Authorizing a Refund, as Recommended by the Director of EMS for Overpayment in the amount of \$605.65 for overpayment of transport service on August 24, 2018 for patient Doggett, Jacqueline to Horizon BC BS of NJ, PO Box 820, Newark, NJ 07101.**
4. **A Resolution Authorizing a Refund, as Recommended by the Municipal Clerk, for a One-Day Mobile Retail Food License in the amount of \$30.00 to Mama Dude's (Andrew Dudich), 88 Martins Lane, Hamilton, New Jersey 08620 for a one-day Mobile Retail Food License issued to Mama Dude's for an event that was cancelled at River Horse Brewery (Pint's for Pets) on October 27, 2018 due to inclement weather.**
5. **A Resolution Authorizing a Refund and Cancellation, as Recommended by the Tax Collector. A REFUND in the amount of \$3,308.84 for May 1, 2018 2<sup>nd</sup> Quarter Taxes and a CANCELLATION in the amount of \$13,817.72 for May 1, 2018 to December 31, 2018 to Ewing Realty Partners, LLC., 432 Stokes Avenue, Ewing, NJ 08638 for property owner Ewing Realty Partners, LLC., for Block: 13, Lot: 17, also known as Beakes Street. Cancellation due to lower assessment and refund of May 1<sup>st</sup>, 2018 2<sup>nd</sup> Quarter Taxes.**
6. **A Resolution Authorizing a Refund and Cancellation, as Recommended by the Tax Collector. A REFUND in the amount of \$4,529.29 for January 1, 2018 thru June 30, 2018 1<sup>st</sup> & 2<sup>nd</sup> Quarter Taxes and a CANCELLATION in the amount of \$8,852.63 for Full Year 2018 to Ewing Realty Partners, LLC., 432 Stokes Avenue, Ewing, NJ 08638 for property owner Ewing Realty Partners, LLC., for Block: 13, Lot: 10, also known as Princess Diana Lane due to Full Year Cancellation 2018 and Refund of 1<sup>st</sup> and 2<sup>nd</sup> Quarter Taxes.**
7. **A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1,916.13 for overpayment of November 1, 2018 4<sup>th</sup> Quarter Taxes to Jones Jr., Robert E., 3 Beth Ann Way, Ewing, NJ 08638, for property owner Jones Jr., Robert E., for Block: 582 Lot: 4 also known as 3 Beth Ann Way.**
8. **A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$244.15 for overpayment of November 1, 2018 4<sup>th</sup> Quarter Taxes to Pitt, Sidney & Caryl E., 29 Brophy Drive, Ewing, NJ 08638, for property owner Pitt, Sidney & Caryl E., for Block: 565 Lot: 5 also known as 29 Brophy Drive.**
9. **A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$884.23 for overpayment of November 1, 2018 4<sup>th</sup> Quarter Taxes to Lygas, Theodore M. & Diana C., 69 Brophy Ct., Ewing, NJ 08638, for property owner Lygas, Theodore M. & Diana C., for Block: 223.10 Lot: 215 also known as 69 Brophy Ct.**

10. **A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$176.83 for overpayment of October 1, 2018 2nd Half Sewer to Britton, Joyce, 26 Cambridge Drive, Ewing, NJ 08628, for property owner Britton, Joyce for Block: 588 Lot: 82 also known as 26 Cambridge Drive.**
11. **A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$2,128.93 for overpayment of November 1, 2018 4th Quarter Taxes to Smaw, Darius & Martha, 304 Ewingville Road, Ewing, NJ 08638, for property owner Smaw, Darius & Martha for Block: 559 Lot: 29 also known as 304 Ewingville Road due to being a 100% disabled veteran.**
12. **A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1,794.86 for overpayment of November 1, 2018 4th Quarter Taxes to Alexander, Leon & Lois, 10 Federal City Road, Ewing, NJ 08638, for property owner Alexander, Leon & Lois for Block: 214.01 Lot: 9 also known as 10 Federal City Road.**
13. **A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$184.38 for overpayment of November 1, 2018 4th Quarter Taxes to Scymansik, David & De Wald, Lynn, 27 Fran Avenue, Ewing, NJ 08628, for property owner Scymansik, David & De Wald, Lynn for Block: 547 Lot: 13 also known as 27 Fran Avenue.**
14. **A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1,196.57 for overpayment of November 1, 2018 4th Quarter Taxes to Sterling Title Agency, LLC, 2662 Nottingham Way, Hamilton, NJ 08619, for property owner Lee, Suining for Block: 122.01 Lot: 14 also known as 71 Groveland Avenue. Refund to title company, reference MC-25567.**
15. **A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$339.41 for overpayment of November 1, 2018 4th Quarter Taxes to Greene, Glenn Joel, 72 Jacobs Creek Road, Ewing, NJ 08628, for property owner Greene, Glenn Joel for Block: 530 Lot: 12 also known as 72 Jacobs Creek Road.**
16. **A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$621.07 for overpayment of November 1, 2018 4th Quarter Taxes to Bauer, Maria D, 4 Lochatong Road, Ewing, NJ 08628, for property owner Bauer, Maria D, for Block: 516 Lot: 21 also known as 4 Lochatong Road.**
17. **A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$2,464.02 for overpayment of November 1, 2018 4th Quarter Taxes to Tuttle, William S., 8 Locke Ct., Ewing, NJ 08628, for property owner Tuttle, William S., for Block: 420.01 Lot: 82 also known as 8 Locke Ct.**
18. **A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$837.61 for overpayment of November 1, 2018 4th Quarter Taxes to Sanjeevaraya, Deepa Rangapura, 889 Lower Ferry Road, Ewing, NJ 08628, for property owner Sanjeevaraya, Deepa Rangapura for Block: 475 Lot: 3 also known as 889 Lower Ferry Road.**
19. **A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1,622.10 for overpayment of November 1, 2018 4th Quarter Taxes to Monarch Title Agency, LLC, 427 Whitehorse Avenue, Hamilton, NJ 08610, for property owner Hoarn, Christopher & Lyden Annmarie for Block: 506 Lot: 2 also known as 1167 Lower Ferry Road. Refund to title company, file M18-304FA.**
20. **A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$340. 70 for overpayment of October 1, 2018 2nd Half Sewer to Vasquez, Andres S. & Rachel S., 517 Maple Avenue, Ewing, NJ 08618, for property owner Vasquez, Andres S. & Rachel S., for Block: 290 Lot: 23 also known as 517 Maple Avenue.**

21. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1,587.81 for overpayment of November 1, 2018 4th Quarter Taxes to Goldstone TitleSurety Title Agency Region, LLC, 853 Mill Creek Road, Manahawkin, NJ 08050, for property owner Iucolino, Fabio S. & Jennifer S., for Block: 578 Lot: 23 also known as 86 Misty Morn Lane. Refund to title company, file 8586SG-01.
22. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$551.35 for overpayment of November 1, 2018 4th Quarter Taxes to Weed, Richard M., 61 Nancy Lane, Ewing, NJ 08638, for property owner Weed, Richard M., for Block: 214.11 Lot: 12 also known as 61 Nancy Lane.
23. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$100.00 for overpayment of November 1, 2018 4th Quarter Taxes to Cader, Theodore II, 6 Newfane Avenue, Ewing, NJ 08618, for property owner Cader, Theodore II, for Block: 508 Lot: 10 also known as 6 Newfane Avenue.
24. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$62.08 for overpayment of November 1, 2018 4th Quarter Taxes to Meiris, Charles P. & Miraflor, Mary C., 2046 Pennington Road, Ewing, NJ 08618, for property owner Meiris, Charles P. & Miraflor, Mary C., for Block: 217 Lot: 43 also known as 2046 Pennington Road.
25. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$296.70 for overpayment of November 1, 2018 4th Quarter Taxes to Ditmars, Linda J., 1051 River Road, Ewing, NJ 08628, for property owner Ditmars, Linda J., for Block: 423.01 Lot: 36 also known as 1051 River Road.
26. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$727.68 for overpayment of November 1, 2018 4th Quarter Taxes to Biddulph, Claire, 1 Running Brook Road West, Ewing, NJ 08638, for property owner Biddulph, Claire for Block: 554 Lot: 18 also known as 1 Running Brook Road West.
27. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$67.56 for overpayment of November 1, 2018 4th Quarter Taxes to Phillips, Shirley L., 6 Running Brook Road West, Ewing, NJ 08638, for property owner Phillips, Shirley L., for Block: 555 Lot: 13 also known as 6 Running Brook Road West.
28. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$2,426.17 for overpayment of November 1, 2018 4th Quarter Taxes to Southern United Title Agency LLC, 30 S Maple Avenue, Marlton, NJ 08053, for property owner Paguio, Rodolfo & Azucena for Block: 193.03 Lot: 11 also known as 10 Sunglow Drive. Refund to title company, file #7494.
29. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1,091.14 for overpayment of November 1, 2018 4th Quarter Taxes to Goldstone Title, 2409 Pennington Road, Pennington, NJ 08534, for property owner Delaney, Kristi for Block: 468 Lot: 158 also known as 1042 Terrace Blvd. Refund to title company, file GS18-0046.

Mr. Schroth moved the Resolution, seconded by Ms. Keyes-Maloney. There were no questions or comments from Council. The Council President asked for a roll call.

**ROLL CALL**

Ms. Keyes-Maloney YES  
Mr. Schroth YES  
President Wollert YES

The above referenced Minutes are available in the Clerk's Office in the 2018 Agenda Session and Regular Session Minute Books. The above referenced Consent Agenda Resolutions are available in the Clerk's Office in the 2018 Resolution Book Number Two.

**ORDINANCE(S) FOR FIRST READING AND INTRODUCTION**

1. The Clerk read (Ordinance #18-32) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 225 SECTION 70, SCHEDULE XXIII; SPEED LIMITS, REDUCING THE SPEED LIMIT ON CARLTON AVENUE FROM 35 MILES PER HOUR TO 25 MILES PER HOUR

Ms. Keyes-Maloney moved the Ordinance, seconded by Mr. Schroth. There were no questions or comments from Council. President Wollert asked for a roll call.

**ROLL CALL**

Mr. Schroth            YES  
Ms. Keyes-Maloney YES  
President Wollert    YES

2. The Clerk read (Ordinance #18-33) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 225 SECTION 59, SCHEDULE XII; STOP INTERSECTIONS, CONVERTING THE INTERSECTION OF BOONE AVENUE AND DUNMORE AVENUE, BOONE AVENUE AND FARRELL AVENUE, AND DUKE STREET AND PECK AVENUE TO STOP-CONTROLLED INTERSECTIONS BY INSTALLING NEW STOP SIGNS AND STOP BARS ON BOONE AVENUE AND DUKE STREET

Mr. Schroth moved the Ordinance, seconded by Ms. Keyes-Maloney. There were no questions or comments from Council. The Council President asked for a roll call.

**ROLL CALL**

Ms. Keyes-Maloney YES  
Mr. Schroth            YES  
President Wollert    YES

3. The Clerk read (Ordinance #18-34) AN ORDINANCE AUTHORIZING THE TOWNSHIP OF EWING UNDER THE LONG TERM TAX EXEMPTION LAW, N.J.S.A. 40A:20-1, ET SEQ., TO ENTER INTO A PAYMENT IN LIEU OF TAXES ("PILOT") AGREEMENT WITH HOMES BY TLC, INC., "TLC") IN WHICH TLC WILL PAY THE TOWNSHIP OF EWING, IN LIEU OF CONVENTIONAL REAL PROPERTY TAX PAYMENTS, AN ANNUAL MONETARY PAYMENT COMPUTED IN ACCORDANCE WITH N.J.S.A. 40A:20-12(B)(1)

Mr. Schroth moved the Ordinance, seconded by Ms. Keyes-Maloney. There were no questions or comments from Council. President Wollert called for a roll call.

**ROLL CALL**

Ms. Keyes-Maloney YES  
Mr. Schroth            YES  
President Wollert    YES

4. The Clerk read (Ordinance #18-35) AN ORDINANCE OF THE TOWNSHIP OF EWING, COUNTY OF MERCER, STATE OF NEW JERSEY, VACATING THE PAPER STREET KNOWN AS WILSON AVENUE IN THE TOWNSHIP OF EWING

Ms. Keyes-Maloney moved the Ordinance, seconded by Mr. Schroth. There were no questions or comments from Council. Council President Wollert asked for a roll call.

**ROLL CALL**

**Mr. Schroth**           **YES**  
**Ms. Keyes-Maloney** **YES**  
**President Wollert**   **YES**

**ORDINANCE(S) FOR SECOND READING, PUBLIC HEARING AND FINAL ADOPTION**

- 1. The Clerk read (Ordinance #18-29) AN ORDINANCE OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY PROVIDING FOR THE RE-APPROPRIATION OF \$99,600 IN UNUSED DEBT AUTHORIZATIONS AND OTHER FUNDS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR STORM DRAIN AND SEWER REPAIRS**

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that certain debt authorizations and other funds, in the aggregate amount of \$99,600 provided for in the below reference bond ordinances and ordinance of the Township of Ewing, in the County of Mercer, New Jersey (the “Township”), is no longer needed for the purposes referenced below. The Township desires, therefore, to re-appropriate the following debt authorization:

<u>Bond Ordinance/ Ordinance Number</u>	<u>Improvement Description and Date of Adoption</u>	<u>Amount to be Re-Appropriated</u>
16-19	Up-fit of the mobile command post for the Police Department, including all related costs and expenditures incidental thereto, finally adopted December 13, 2016.	\$20,000
Section 3(g) of 17-19	<u>Pennington Road Fire Company:</u> Acquisition of various equipment, including a PPV fan, turn out gear, a hose and a StrongArm tool, including all work and materials necessary and incidental thereto and further including all related costs and expenditures incidental thereto, finally June 13, 2017.	\$21,600
Section 3(j) of 17-19	<u>Police Department:</u> (i) Command post vehicle up-fit, including all related costs and expenditures incidental thereto.	\$58,000

The aggregate amount of \$99,600 described in Section 1 hereof and made available pursuant to N.J.S.A. 40A:2-39 is hereby re-appropriated to bond ordinance #16-08, finally adopted May 10, 2016, as re-appropriated by ordinance #18-21, finally adopted September 25, 2018, to provide for storm drain and sewer repairs, including all work and materials necessary and incidental thereto and further including all related costs and expenditures incidental thereto.

Section 3. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township

is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**Ms. Keyes-Maloney made a motion to carry the Ordinance to the next meeting, seconded by Mr. Schroth. President Wollert called for a roll call.**

**ROLL CALL**

<b>Mr. Schroth</b>	<b>YES</b>
<b>Ms. Keyes-Maloney</b>	<b>YES</b>
<b>President Wollert</b>	<b>YES</b>

**2. The Clerk read (Ordinance #18-30) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, CHAPTER 300 SEWERS, ARTICLE III INDUSTRIAL DISCHARGES**

**WHEREAS**, the Ewing-Lawrence Sewerage Authority (“Authority”) adopted by Resolution 62:18, the “Sewer Use Ordinance of the Ewing-Lawrence Sewerage Authority” (“SUO”), to replace in its entirety, the existing ordinance of the Authority; and

**WHEREAS**, the SUO sets forth requirements for wastewater discharges into the Authority’s wastewater treatment system; and

**WHEREAS**, it is necessary for the Township of Ewing (“Township”), in compliance with the SUO, to amend the Revised General Ordinances of the Township of Ewing in the County of Mercer, Chapter 300 entitled “Sewers,” Article III entitled “Industrial Discharges,” accordingly; and

**WHEREAS**, this Article seeks to prevent wastewater discharges that will cause pass-through of pollutants to the waters of the State, interference or upset to the treatment works or contribute to a violation of any parameter in the Authority’s New Jersey Pollutant Discharge Elimination System (“NJPDES”) Permit or to a violation of this Article; and

**WHEREAS**, this Article requires proper installation and operation of all equipment for pretreating wastewater discharges and preventing discharges that violate this Article or the cause of a violation of any parameter in the Authority’s NJPDES Permit; and

**WHEREAS**, this Article establishes reporting requirements for new wastewater discharges, existing discharges, and accidental discharges; and

**WHEREAS**, this Article explains the requirements for procuring an industrial wastewater discharge permit from the New Jersey Department of Environmental Protection (“NJDEP”); and

**WHEREAS**, this Article contains enforcement provisions, legal actions and powers, termination of service, and county/state referral powers; and

**WHEREAS**, in all other respects Chapter 300, Article III shall remain in full force and effect; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the Township of Ewing, County of Mercer that the Code of the Township of Ewing be amended as follows:

**Section 1:** Chapter 300, SEWERS; Article III, INDUSTRIAL DISCHARGES

**§ 300-13 Purpose and policy.**

A. This section sets forth uniform requirements for industrial users discharging into the wastewater collection and treatment system owned by the Ewing-Lawrence Sewerage Authority (“ELSA” or “the Authority”) and enables the Authority to comply with all applicable state, federal, and local laws and regulations pertaining to wastewater treatment and industrial pretreatment. The objectives of this Article are:

(1) To prevent the introduction of pollutants into the publicly owned treatment works (“POTW”) which will interfere with the operation of the system or contaminate the resulting sludge;

(2) To prevent the introduction of pollutants into the POTW which will pass through the system inadequately treated into receiving waters or the atmosphere or otherwise be incompatible with the system;

(3) To improve the opportunity to recycle and reclaim wastewaters and sludge from the system;

(4) To ensure that the quality of the treatment plant sludge is maintained at a level that allows its use and disposal in compliance with applicable statutes and regulations, including composting for land application;

(5) To protect personnel of the POTW who may be affected by wastewater and sludge in the course of their employment, as well as to protect the general public; and

(6) To address conditions which would interfere with the attainment of effluent limitations contained in the Authority's New Jersey Pollutant Discharge Elimination System (“NJPDES”) permit, sludge use and disposal requirements/contracts and any other federal or state laws to which the treatment works is subject.

B. This section authorizes monitoring and enforcement activities, requires user reporting and provides for the regulation of indirect discharges to the POTW through enforcement of general requirements for all industrial users and through the issuance of permits to certain industrial users. This section shall apply to the Township of Ewing and to persons outside the Township of Ewing who are, by contract or agreement with the Ewing-Lawrence Sewerage Authority, users of the Ewing-Lawrence Sewerage Authority POTW. Except as otherwise provided herein, the Executive Director of the ELSA POTW shall administer, implement and enforce the provisions of this Article.

C. The ELSA Construction Rules and Regulations: Application, Design Instructions, and Standard Details (2012) are hereby adopted by reference, including all future amendments and supplements thereto.

### **§ 300-1314 Definitions.**

A. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Article ~~artiele~~, shall have the meanings hereinafter designated:

#### **ACT or THE ACT**

The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, 33 U.S.C. § 1251 et seq.

#### **AFFIRMATIVE DEFENSE**

A person may be entitled to an affirmative defense against legal action by the Authority for a violation of an effluent limitation occurring as a result of an upset, an anticipated or unanticipated bypass, or a testing or laboratory error.

#### **APPROVAL AUTHORITY**

The Director of the Division of Water ~~Resources~~ Quality of the Department of Environmental Protection for the State of New Jersey, or his or her authorized representative.

#### **APPROVED TEST PROCEDURE**

All analysis shall be performed in accordance with the analytical test procedures approved under 40 CFR Part 136, including all supplements and amendments thereto.

#### **AUTHORITY**

The Ewing-Lawrence Sewerage Authority



## **AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER**

The highest-ranking official having day-to-day managerial and operational responsibilities for the facility from which the indirect discharge originates. This may include authorizing capital expenditures or hiring personnel. In his or her absence, this person may authorize another responsible high-ranking official.

~~An authorized representative of an industrial user, such as:~~

~~(1) A principal executive officer of at least the level of vice president if the industrial user is a corporation;~~

~~(2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or~~

~~(3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.~~

## **BIOCHEMICAL OXYGEN DEMAND (BOD)**

The quantity of oxygen utilized in the biochemical oxidation of organic and inorganic matter under standard laboratory procedure five days at 20° C. expressed in terms of weight (kilograms per day) and concentration [milligrams per liter (mg/l)].

## **BYPASS**

The anticipated or unanticipated intentional diversion of waste streams from any portion of a treatment works.

## **CATEGORICAL PRETREATMENT STANDARDS**

Pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into a publicly owned treatment works by existing or new industrial users in specific industrial subcategories.

## **CATEGORICAL INDUSTRIAL USER (CIU)**

An industrial user subject to categorical standards in accordance with the United States Environmental Protection Agency General Pretreatment Standards (40 CFR Part 403).

## **CERTIFIED LABORATORY**

A laboratory certified by the New Jersey Department of Environmental Protection Office of Quality Assurance, to conduct wastewater analyses by approved test procedures.

## **CHEMICAL OXYGEN DEMAND (COD)**

The quantity of oxygen required for chemical oxidation of organic matter to carbon dioxide and water expressed in terms of weight (kilograms per day) and concentration [milligrams per liter (mg/l)].

## **CHLORINE DEMAND**

The amount of chlorine expressed in milligrams per liter which will complete the normal reactions with all chemicals and materials in the waste leaving an excess of 0.1 mg/l after 30 minutes contact time at room temperature.

## **COMMERCIAL USER (CU)**

Any person who discharges non-domestic wastewater and who provides a service, engages in recognizable restaurant activities, or engages in the purchase or sale of commodities.

## **COMMISSIONER**

The Commissioner of the New Jersey Department of Environmental Protection or his/her authorized representative.

## **COMPATIBLE POLLUTANT**

Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, oil and grease and such additional pollutants as are now or may be in the future specified and controlled in the Ewing-Lawrence Sewerage Authority's NJPDES permit, where the POTW is designed to treat such pollutants to the degree required by a NJPDES permit.

## **COMPOSITE SAMPLE**

~~A sample consisting of several effluent portions collected during a specific time period and combined to make a representative sample.~~

A combination of individual or continuously taken samples (aliquots) of at least 100 milliliters, collected at periodic intervals over a specified time period. Composites can be either time proportional or flow proportional; either the time interval between each aliquot or the volume of each aliquot should be proportional to either the flow at the time of sampling or the total flow since the collection of the previous aliquot. Aliquots may be collected manually or automatically. For intermittent discharges of less than four (4) hours duration, aliquots shall be taken at intervals not to exceed 15 minutes. For intermittent discharges of four (4) hours or more duration, aliquots shall be taken at intervals not to exceed 30 minutes.

## **CONDUCT OF VIOLATOR**

Major – An intentional, deliberate, knowing and willful violation.

Moderate – An unintentional but foreseeable act, omission or violation.

Minor – Any behavior which causes a violation that is not major or moderate in nature.

## **CONSTRUCTION RULES AND REGULATIONS (CRR)**

Refers to the ELSA Construction Rules and Regulations: Application, Design Instructions and Standard Details (June 2012) and all amendments or supplements thereto.

## **CONTROL AUTHORITY (CA)**

The "approval authority" defined hereinabove or the Executive Director of the Ewing-Lawrence Sewerage Authority if the Authority has an approved pretreatment program under the provisions of 40 CFR 403.11.

## **COOLING WATER**

Any water used for the purpose of carrying away excess heat and which may contain biocides used to control biological growth or other additives to protect the system against corrosion, scaling and the like.

## **CONVENTIONAL POLLUTANT**

Biochemical Oxygen Demand, Total Suspended Solids, pH, fecal coliform bacteria, Oil & Grease (O/G) and such additional pollutants as are (or may in the future be) specified and controlled in the Authority's NJPDES permit, where the POTW is designed to treat such pollutants.

## **CORPORATE OFFICER**

A person who is employed by the industrial user, not as a consultant, and has responsibility and direct knowledge of the processes, operations, and wastewater discharges conducted by the permitted facility.

## **DAILY DISCHARGE**

The discharge of a pollutant during a calendar day or 24 hour period for the purpose of sampling the average measurement of the pollutant calculated over the day. For mass units it is calculated as the total mass of the pollutant discharged over the day.

## **DISCHARGE**

Means an intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying, or dumping of a pollutant into the waters of the State, onto land or into wells from which it might flow or drain into said waters, or into waters or onto lands outside the jurisdiction of the State, from which the pollutant enters the waters of the State. "Discharge" includes the release of any pollutant into a municipal treatment works.

## **DOMESTIC WASTEWATER**

The liquid waste or liquid-borne waste discharged from residential units, normally resulting from the noncommercial preparation, cooking and handling of food and/or consisting of human excrement and similar wastes from sanitary conveniences.

## **ELSA**

The Ewing-Lawrence Sewerage Authority.

## **EMERGENCY**

A situation, which, in the opinion of the Executive Director or his/her authorized representative, may cause interference and/or pass through, upset, damage to the POTW or present a hazard to personnel, the general public, or the environment.

## **EPA**

The United States Environmental Protection Agency.

## **EXECUTIVE DIRECTOR**

The Executive Director of the Ewing-Lawrence Sewerage Authority or his/her duly appointed deputy, agent or representative.

## **EXISTING SOURCE**

Any Categorical Industrial User contributing wastewater before the proposal of a new Categorical Standard.

## **EXISTING UNPERMITTED INDUSTRIAL USERS**

Any Industrial User that would receive a permit from the State of New Jersey but has not yet received an Industrial Wastewater Discharge Permit.

## **EXISTING DISCHARGER**

Includes all persons or entities discharging wastewater to the treatment works of the Authority at the time this Article is adopted.

## **FEDERAL CATEGORICAL PRETREATMENT STANDARDS**

Pretreatment standards as codified in 40 CFR, Part 403, Chapter I, Subchapter N specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced to a publicly owned treatment works by existing or new industrial users in specific industrial subcategories.

## **GARBAGE**

Solid wastes from the domestic and commercial preparation, cooking, dispensing, handling, storage and/or sale of food or biodegradable waste. This includes other types of refuse discharged by a person or entity to the wastewater system.

## **GRAB SAMPLE**

An individual sample of at least 100 milliliters collected over a period not exceeding 15 minutes which is taken from a waste stream ~~on a one-time basis with no regard to the flow in the waste stream and without consideration of time.~~

## **GREASE**

Grease and/or oil of animal and vegetable origin, usually in a viscous or solid state.

## **HAZARDOUS POLLUTANT**

(1) Any toxic pollutant; (2) any substance regulated as a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act, Pub. L. 92-516 7 U.S.C. 136 et seq.; (3) any substance the use or manufacture of which is prohibited under the federal Toxic Substances Control Act, Pub. L. 94-469 (15 U.S.C. 2601 § et seq.); (4) any substance identified as a known carcinogen by the International Agency for Research on Cancer; (5) any hazardous waste as designated pursuant to section 3 of P.L. 1981, c. 279 (N.J.S.A. 13:1E-51) or the Resource Conservation and Recovery Act, "Pub. L. 94-580 (42 U.S.C. §6901 et seq.); or (6) any hazardous substance as defined pursuant to section 3 of P.L. 1976, c. 141 (C. 58:10-23.11b).

## **HOLDING TANK WASTE**

Any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

## **INCOMPATIBLE POLLUTANT**

Any pollutant which is not a "compatible pollutant" as defined in this section.

## **INDIRECT DISCHARGE**

The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b), ~~or (c), or (d)~~ of the Act, (33 U.S.C. § 1317) into the publicly owned treatment works (including holding tank waste discharged into the system).

## **INDUSTRIAL**

All classes of non-domestic discharges.

## **INDUSTRIAL DISCHARGE PERMIT**

A permit duly issued by the NJDEP, which may establish discharge limitations, monitoring and reporting obligations, and other requirements.

## **INDUSTRIAL PROCESS WASTEWATER**

The liquid waste or liquid-borne waste resulting from the processes employed by any user or users identified by, but not limited to, ~~in~~ the North American Industry Classification System or the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

- (1) Division A: Agriculture, Forestry and Fishing.
- (2) Division B: Mining.

## **INDUSTRIAL USER (IU)**

A source of non-domestic discharges.

## **INTERFERENCE**

~~Inhibiting or disrupting the publicly owned treatment works (POTW), its treatment processes or operations or its sludge processes, use or disposal.~~

(1) Inhibiting or disrupting the operation of a publicly owned treatment works or its treatment processes so as to contribute to, or cause a violation of, any condition of a federal, state or local permit; (2) discharging process wastewater which, in combination with exiting domestic flows, is of such quantity and/or quality as to exceed the treatment process design capacity; or (3) preventing the use or disposal of sludge produced by the publicly owned treatment works in accordance with Section 405 of the Act, Sections 2, 4 and 6 of the State Act, and any regulations, criteria or guidelines developed pursuant thereto, including, but not limited to, N.J.A.C. 7:14A-20, and the Statewide Sludge Management Plan.

## **LABORATORY ERROR**

An unanticipated test interference, sample contamination, analytical defect or procedural deficiency in sampling or other similar circumstances beyond the control of the industrial user.

## **MAXIMUM DAILY DISCHARGE LIMITATION**

The highest allowable daily discharge during the report period.

## **MEDICAL WASTE**

Any waste that is generated in the diagnosis, treatment (e.g., provision of medical services), or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals. The term does not include any hazardous waste identified or listed under 40 CFR Part 261 or any household waste generated from home self-care.

## **NJDEP**

The New Jersey Department of Environmental Protection.

## **NATIONAL PRETREATMENT STANDARD**

Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

## **NEW JERSEY POLLUTANT DISCHARGE ELIMINATION SYSTEM (NJPDES)**

The New Jersey system for the issuing, modifying, suspending, revoking and reissuing, terminating, monitoring and enforcing of discharge permits pursuant to the State Act. The term also includes discharge permits (NJPDES) issued pursuant to Section 402 of the Clean Water Act of 1977 (33 U.S.C. § 1251 et seq.).

### **NEW DISCHARGER**

(1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the occupation and/or construction of which commenced after the adoption of this Article. This term applies if: (a) the building, structure, facility or installation is constructed at a site at which no other source is located; or (b) the building structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or (c) the production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (1)(b), or (1)(c) of this section but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source, as defined under this paragraph, has commenced if the owner or operator has: (a) begun, or caused to begin as part of a continuous onsite construction program: (i) Any placement, assembly, or installation of facilities or equipment; or (ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or (b) Entered into a binding contractual obligation for the purpose of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

### **NON-CONTACT COOLING WATER**

Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product. This definition applies to closed systems and open systems subject to evaporation from cooling towers, as well as recycling of water.

### **NON-CONVENTIONAL POLLUTANT**

Any pollutant, hazardous or non-hazardous, which poses a treatment problem or health threat for conveyance, treatment or disposal in the sewer treatment works.

### **NON-DOMESTIC DISCHARGER**

Any industrial or commercial facility that is not considered a domicile. Industrial or commercial operations that are conducted within a domicile will be considered an industrial or commercial facility. Discharges that are not considered normal domestic waste are included.

### **NON-DOMESTIC DISCHARGES**

Pollutants or wastewater from industrial or commercial sources of a quantity or quality that cannot be discharged directly into the waters of the State. This discharge would include combined stormwater, groundwater remediation activities, industrial waste, waste leachate or other liquid waste.

### **NON-HAZARDOUS POLLUTANT**

Any conventional pollutant not designated as hazardous, toxic or pathogenic.

### **NON-ROUTINE DISCHARGES**

Those discharges that are in addition to the normal wastewater discharge practices of the user or are of a substantial volume as defined in this Article or of a nature as to cause upset, pass through or interference to the POTW.

## **NORMAL SEWAGE**

Analyses by the Ewing-Lawrence Sewerage Authority showing not more than the following:

- (1) BOD: 1,667 pounds per million gallons (200 mg/l) or less.
- (2) Chlorine demand: 167 pounds per million gallons (20 mg/l) or less.
- (3) Ether-soluble materials: 417 pounds per million gallons (50 mg/l) or less.
- (4) pH: not less than 5.5 nor more than 9.0.
- (5) Suspended solids: 2,083 pounds per million gallons (250 mg/l) or less.

## **NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS)**

This is the standard developed by the Office of Management and Budget for the classifying of business establishments.

## **OIL & GREASE**

Waxy, oily or greasy materials derived from organic and inorganic sources, having a specific gravity of less than one and immiscible in water. Defined as any material recovered as a substance soluble in a solvent from an approved method.

## **PERSON**

~~Any individual, firm, company, partnership, corporation, association, group or society, including the State of New Jersey and agencies, districts, commissions and political subdivisions created by or pursuant to state law, and federal agencies, departments or instrumentalities thereof.~~

## **pH**

The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions in moles per liter of solution. Solutions with a pH greater than 7.0 are said to be basic; solutions with a pH less than 7.0 are said to be acidic; pH equal to 7.0 is considered neutral.

## **PARTICIPANT**

All the municipalities, companies or customers that sign a service agreement that provides for the treatment of sewerage by the Authority's treatment works.

## **PASS THROUGH**

A discharge which exits the treatment works into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a potential cause of a violation of any requirement of the Treatment Work's NJDES permit (including an increase in the magnitude or duration of a violation).

## **PERMITS, TYPES OF**

A. Connection Permit. A permit issued by the Authority pursuant to an approved Application for Sewer Connection, and allows the making of a connection of the Authority's lateral or street sewer.

B. Industrial Wastewater Discharge Permit. A permit issued by the NJDEP to an industrial or commercial user, which authorizes the discharge of wastes to the sanitary sewer, subject to the conditions contained therein.

## **PERMITTED INDUSTRIAL USER (PIU)**

Any participant who discharges wastewater into the ELSA POTW, which is regulated by means of an Industrial Wastewater Discharge Permit.

## **PERSON**

Any individual, partnership, co-partnership firm, firm, company, corporation, association, joint stock company, trust estate, group or society, including the State of New Jersey and its agencies, districts, commissions and political subdivisions created by or pursuant to state law, government entity, federal agency or department or instrumentality thereof, or any other legal entity.

## **PETROLEUM HYDROCARBON (PHC)**

Non-volatile oil-based materials derived from inorganic sources, with a specific gravity less than one, immiscible in water, and non-polar in molecular configuration expressed as a pollutant found in wastewater or sludge. Selective removal from wastewater or sludge by partitioning into a solvent, then separation from organic grease fractions by passage through a bed of silicic acid to remove polar compounds, then evaporation of the solvent or quantification through an approved spectrophotometric method differentiates these compounds as a subset of Oil & Grease.

## **PHARMACEUTICAL WASTE**

Any discharge of a pollutant, raw material or finished product, resulting from test runs, pilot runs, research and development runs and/or regular production runs. This is not intended to include discharges of regular production wash water, rinse water and standard equipment wash downs.

## **POLLUTANT**

Any dredged spoil, solid waste, holding tank waste, incinerator residue, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, pharmaceutical waste, medical waste, biological materials, radioactive substance, thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal or agricultural waste or other substance or residue discharged into the waters of the state.

## **PRETREATMENT**

~~The application of physical, chemical and biological processes to reduce the amount of pollutants in, or alter the nature of the polluting properties of, an industrial process wastewater prior to discharging such wastewater into the treatment works.~~

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 publicly owned treatment works. 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 (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 publicly owned treatment works. 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**

All applicable federal and state rules and regulations implementing Section 307 of the ~~Clean Water Act of 1977~~ (33 U.S.C. § 1251 et seq.) or N.J.S.A. 58:11-49 et seq., as well as any non-conflicting state or local standards. In cases of conflicting standards or regulations, the more stringent thereof shall be applied.

## **PUBLICLY OWNED TREATMENT WORKS (POTW)**

A treatment works as defined by Section 212 of the Act (33 U.S.C. § 1292) which is maintained in this instance by the Authority ~~Ewing-Lawrence Sewerage Authority~~. For the purposes of this ~~Article~~ ~~article~~, POTW shall also include any sewers that convey wastewaters to the POTW from persons outside the ~~Ewing-Lawrence Sewerage Authority~~ who are, by contract or agreement with the ~~Ewing-Lawrence Sewerage Authority~~, users of ELSA's ~~the Ewing-Lawrence Sewerage Authority's~~ POTW.

## **QUALIFIED PROFESSIONAL**

A person licensed to practice professional engineering in the State of New Jersey. A person, other than an engineer, who has achieved, through schooling and/or experience, a level of competence that enables that person to effectively carry out all the duties to achieve compliance with this Article, and federal and state regulations.

## **REGIONAL ADMINISTRATOR**

The Administrator of Region II of the United States Environmental Protection Agency or his/her authorized representative.

## **SAMPLING POINT**

A representative point where wastewater is sampled to determine compliance with this Article.

## **SCREENING LIMIT**

The limit that will elicit written responses from the Authority to require further analysis and possible treatment changes or upgrades.

## **SEPTAGE**

Liquid and solid material pumped from a septic tank or cesspool during cleaning. For the purpose of this Article, septage shall be considered as waste from domestic septic tanks only.

## **SERIOUS VIOLATION (SV)**

An exceedance of an effluent limitation for a discharge point source set forth in a permit, administrative order, or administrative consent agreement, including interim enforcement limits, by 20 percent or more for a hazardous pollutant, or by 40 percent or more for a nonhazardous pollutant, calculated on the basis of the monthly average for a pollutant for which the effluent limitation is expressed as a monthly average, or, in the case of an effluent limitation expressed as a daily maximum and without a monthly average, on the basis of the monthly average of all maximum daily test results for that pollutant in any month; in the case of an effluent limitation for a pollutant that is not measured by mass or concentration, the State of New Jersey may prescribe an equivalent exceedance factor therefore. The State may utilize, on a case-by-case basis, a more stringent factor of exceedance to determine a serious violation if the State states the specific reasons therefore, which may include the potential for harm to human health or the environment. SV shall not include a violation of a permit limitation for color. For pH, 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 40 percent.

The Authority's pH range is 5.5 S.U. to 10.0 S.U.

The midpoint of the range is 7.75 S.U.

Forty percent of 7.75 is 3.1 S.U.

7.75 (midpoint) – 3.1 (40% of the midpoint) = 4.65 S.U.

7.75 (midpoint) + 3.1 (40% of the midpoint) = 10.85 S.U.

If five separate readings of pH during a given month were 4.3, 5.8, 6.5, 6.0, and 6.5, the reading of 4.3 would be a serious violation. The pH range for a serious violation is below 4.65 S.U. and above 10.85 S.U.

## **SERIOUSNESS OF VIOLATION**

Major: Exceeding the effluent limitation which is measured by concentration or mass for any discharge as follows:

- (1) By more than 50% for a hazardous pollutant
- (2) By more than 100% for a non-hazardous pollutant
- (3) Has caused or has the potential to cause serious harm to human health or the environment
- (4) Seriously deviates from the requirements of the Water Pollution Control Act or the New Jersey Underground Storage of Hazardous Substances Act and for violations of any rule, water quality standards, effluent limitation, administrative order or permit issued pursuant to; serious deviation shall include, but not be limited to, those violations which are in complete



contravention of the requirement, or if some of the requirement is met, which severely impairs or determines the operation or intent of the requirement.

Moderate: Exceeding the effluent limitation which is measured by concentration or mass for any discharge as follows:

(1) By 20% to 50% for a hazardous pollutant

(2) By 40% to 100% for a non-hazardous pollutant

(3) Has caused or has the potential to cause serious harm to human health or the environment

(4) Seriously deviates from the requirements of the Water Pollution Control Act or the New Jersey Underground Storage of Hazardous Substances Act and for violations of any rule, water quality standards, effluent limitation, administrative order or permit issued pursuant to; serious deviation shall include, but not be limited to, those violations which are in complete contravention of the requirement, or if some of the requirement is met, which severely impairs or determines the operation or intent of the requirement.

Minor: Exceeding the effluent limitation which is measured by concentration or mass for any discharge as follows:

(1) By less than 20% for a hazardous pollutant

(2) By less than 40% for a non-hazardous pollutant

(3) Any violation other than an effluent violation not considered moderate or major.

### **Sewer Use Ordinance (SUO)**

The Sewer Use Ordinance of the Ewing-Lawrence Sewerage Authority, and all amendments thereto.

### **Significant Adverse Environmental Effect**

An action or omission of the user causes: serious harm or damage to wildlife, freshwater fish, any other aquatic or marine life, water fowl, or to their habitats, or to livestock, or agricultural crops; serious harm, or degradation of, any ground or surface waters used for drinking, agricultural, navigational, recreational, or industrial purposes; or any other serious articulable harm or damage to, or degradation of, the lands or waters of the State. Further any action or omission of the user that causes a violation of the NJPDES Permit and/or cause a significant adverse environmental effect as defined within this section.

### **Significant Indirect User (SIU)**

Any user in the State including, but not limited to, any significant industrial user as defined in 40 CFR 403.3(v) but excluding municipal collection systems, who discharges wastewater into a local agency where:

A.

1. The user is subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I Subchapter N;

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

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

4. The volume of industrial process wastewater in the discharge exceeds five percent or more of the average daily dry weather flow of the local agency;

5. 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;

6. The user is designated as an SIU by the control authority on the basis that the user has a reasonable potential for adversely affecting the local agency's operation;

7. The user is designated as an SIU by the control authority 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)(viii); or

8. The control authority determines it would be consistent with the intent of the Pretreatment Act or State Act to require a permit for the indirect user; and

B. Any user in areas of the State in which the NJDEP is the control authority where:

1. The user is determined to be a hazardous waste facility that received a permit in accordance with N.J.A.C. 7:26G-12;

2. The user's discharge consists of landfill leachate, which is either pure, treated, or diluted; or

3. The user's discharge consists of 25,000 gallons per day or more of process wastewater and/or polluted ground water which is pumped from the ground in order to decontaminate an aquifer; however

C. Upon finding that any user in the State has no reasonable potential for adversely affecting the local agency's operation or for violating any federal, state, or local pretreatment standard or requirement, the control authority may at any time, on its own initiative or in response to a petition received from a user or a local agency, and in accordance with 40 CFR 403.8 (f) (6), determine that any user specified in paragraphs A or B above, unless the user is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N, is not a significant indirect user.

**Significant Non-Complier: State (N.J.S.A. 58:10A-3(w) and N.J.A.C. 7:14A-1.2)**

1. Any person who commits a serious violation for the same pollutant at the same discharge point source, in any two months of any six month period, or

2. Who exceeds the 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, or

3. Who fails to submit a completed discharge monitoring report in any two months of any consecutive six-month period, or

4. Any exceedances of an effluent limitation for pH by any amount, excluding those excursions specifically excepted by a NJPDES Permit with continuous pH monitoring, at the same discharge point source in any four months of any consecutive six month period, or

5. 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.

Any person, except a local agency for an exceedance of an effluent limitation for flow, who commits any of the violations above. The NJDEP may utilize, on a case-by-case basis, a more stringent frequency or factor of exceedance to determine a significant non-complier, if the NJDEP states the specific reasons therefore, which may include the potential for harm to human health or the environment.

**Significant Non-Complier: Federal (40 CFR 403.8(f) (2) (viii))**

For the purposes of this provision, an industrial user is in "significant noncompliance" if its violation meets one or more of the following criteria:

A. Chronic violation of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(I);

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for the same pollutant parameter during a six month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(I) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

C. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(I)(daily maximum, longer-term average, instantaneous limit, or narrative Standard)that the Control Authority determines has caused, alone or in combination with other discharges, interferences or pass through (including endangering the health of POTW personnel or the general public);

D. 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 to halt or prevent such a discharge;

E. 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;

F. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance;

H. Any other violation or group of violations which may include a violation of Best Management Practices, which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

### **Slug Discharge**

Any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge that could cause a violation of the Authority's NJPDES permit, violate this Article, or cause pass through or interference.

### **SIGNIFICANT INDUSTRIAL USER**

~~Any person who discharges into the Ewing Lawrence Sewerage Authority treatment works industrial process wastewater which either exceeds 25,000 gallons per day; or exceeds the mass equivalent of 25,000 gallons per day of the domestic waste of the Ewing Lawrence Sewerage Authority treatment works based on the values for normal sewage as defined hereinbefore; or exceeds 5% of the average daily flow of the treatment works; or contributes 5% or more of the daily mass loading of any of the pollutants listed in Table I which are entering the treatment works.~~

### **STANDARD INDUSTRIAL CLASSIFICATION (SIC)**

~~A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972. A classification pursuant to the Standard Industrial Classification Manual, 1987 (or as revised) issued by the Executive Office of the President, Office of Management and Budget.~~

### **STATE**

The State of New Jersey.

### **STATE ACT**

The New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.

### **STORMWATER**

Any flow occurring during or immediately following any form of natural precipitation or melting, and resulting therefrom. This shall also include water pumped from sump wells or other areas containing water that has infiltrated a structure. Containment areas are also considered storm water sources for the purposes of this Article.

### **SUBSTANTIAL CHANGE**

A change in the characteristics of the wastewater discharged to the ELSA POTW, including volume and loadings, which amount to a deviation of more than 20% from the six-month average discharge of pollutants.

### **SUBSTANTIAL VOLUME**

An amount of flow or pollutant loading that causes pass through and/or interference within the ELSA POTW. This may be measured in concentration or mass and/or other applicable methods of measurement appropriate to the pollutant in question.

### **TOTAL SUSPENDED SOLIDS**

The ~~total nonfilterable residue~~ Total Non-Filterable Residue as defined in the Manual of Methods for Chemical Analysis of Water and Wastes, 18th Edition, and any supplements and amendments thereto, and analyzed in accordance with an approved test procedure.

### **TOTAL TOXIC ORGANIC**

The list of compounds under N.J.A.C. 7:14A-4, Appendix A, Table II, III, IV, and V.

### **TOXIC POLLUTANT**

Those pollutants, or combinations of pollutants, including disease-causing agents, which, after discharge into the environment in sufficient quantities and upon exposure, ingestion, inhalation or assimilation into any organism, either directly or indirectly by ingestion through food chains, ~~will~~ may, on the basis of information available to the Commissioner, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction or physical deformation, in such organisms or their offspring. "Toxic pollutants" shall include but not be limited to those pollutants designated under Section 307 of the Act (33 U.S.C. § 1317) or Section 4 of the State Act (N.J.S.A. 58:10A-3).

### **TREATMENT WORKS**

Any device or system, whether public or private, used in the collection, transportation, storage, treatment, recycling or reclamation of municipal 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; elements essential to provide a reliable recycled supply, such as standby treatment units and clear well facilities; 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, including stormwater runoff or industrial waste, in combined or separate stormwater and sanitary sewer systems.

### **TREATMENT WORKS PLANT**

That portion of the treatment works designed to provide treatment to wastewater.

### **UNPOLLUTED WATER**

Water not containing any pollutants limited or prohibited by the effluent standard in effect and/or water whose discharge will not cause any violation of receiving water quality standards or interference with their designated uses.

### **UPSET**

Means an exceptional incident in which there is unintentional and temporary noncompliance with an effluent limitation because of an event beyond the reasonable control of the permittee, including fire, riot, sabotage, or a flood, storm event, natural cause, or other act of God, or other similar circumstance, which is the cause of the violation. "Upset" also includes noncompliance consequent to the performance of maintenance operations for which a prior exception has been granted by the NJDEP or a delegated local agency.

### **USER**

Any person who discharges, causes or permits the discharge of industrial process wastewater into the treatment works.

### **USER CLASSIFICATION**

A classification of users based on the 1972 (or subsequent) edition of the Standard Industrial Classification (SIC) Manual prepared by the Federal Office of Management and Budget.

### **WASTEWATER**

The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water, condensate, and stormwater that may be present, whether treated or untreated, which is discharged into or permitted to enter the ELSA POTW ~~Ewing-Lawrence Sewerage Authority Treatment Works~~.

B. Terms not otherwise defined herein shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater published by the American Public Health

Association, the American Water Works Association and the ~~Water Pollution Control Federation; the Federal Guidelines for State and Local Pretreatment Programs, EPA 430/976-017a, Volume 1, 1977, or the latest revision thereof; the Clean Water Act; N.J.S.A. 58:10A-1 et seq. or N.J.S.A. 58:11-49 et seq., 1972.~~ the Water Environment Federation; the "Federal Guidelines for State and Local Pretreatment Programs" (EPA-430/9-76-017a, Volume 1, 1977, or the latest revision thereof); the ~~Clean Water Act, 33 U.S.C. 1251 et seq.;~~ the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et. seq.; or "Pretreatment Standards for Sewerage, etc.", N.J.S.A. 58:11-49 et seq., 1972.

**§ 300-14 Purpose and policy.**

~~A. This section sets forth uniform requirements for industrial contributors into the wastewater collection and treatment system of the Ewing Lawrence Sewerage Authority and enables the Ewing Lawrence Sewerage Authority to comply with all applicable state and federal laws and regulations pertaining to wastewater treatment and industrial pretreatment. The objectives of this article are:~~

~~(1) To prevent the introduction of pollutants into the publicly owned treatment works which will interfere with the operation of the system or contaminate the resulting sludge;~~

~~(2) To prevent the introduction of pollutants into the publicly owned treatment works which will pass through the system inadequately treated into receiving waters or the atmosphere or otherwise be incompatible with the system; and~~

~~(3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system.;~~

~~B. This section authorizes monitoring and enforcement activities, requires user reporting and provides for the regulation of indirect dischargers to the publicly owned treatment works through enforcement of general requirements for all users and through the issuance of permits to certain nondomestic users. This section shall apply to the Township of Ewing and to persons outside the Township of Ewing who are, by contract or agreement with the Ewing Lawrence Sewerage Authority, users of the Ewing Lawrence Sewerage Authority publicly owned treatment works. Except as otherwise provided herein, the Executive Director of the Ewing Lawrence Sewerage Authority publicly owned treatment works shall administer, implement and enforce the provisions of this article.~~

**§ 300-15 Abbreviations.**

The following abbreviations shall have the designated meanings:

<b>Abbreviation</b>	<b>Meaning</b>
BOD	Biochemical oxygen demand
<u>CA</u>	<u>Control Authority</u>
CFR	Code of Federal Regulations
<u>CIU</u>	<u>Categorical Industrial User</u>
COD	Chemical oxygen demand
<u>CRR</u>	<u>Construction Rules and Regulations</u>
<u>CWEA</u>	<u>Clean Water Enforcement Act</u>
EPA	United States Environmental Protection Agency
<u>ELSA</u>	<u>Ewing Lawrence Sewerage Authority</u>
<u>IU</u>	<u>Industrial User</u>
l	Liter
mg	Milligrams
mg/l	Milligrams per liter
<u>mV</u>	<u>Millivolts</u>
N.J.A.C.	New Jersey Administrative Code
<u>NJDEP</u>	<u>New Jersey Department of Environmental Protection</u>
N.J.S.A.	New Jersey Statutes Annotated
NJPDES	New Jersey Pollutant Discharge Elimination System
<u>NODI</u>	<u>No Discharge</u>
<u>NOV</u>	<u>Notice of Violation</u>
NPDES	National Pollutant Discharge Elimination System
<u>NSIU</u>	<u>Non-Significant Indirect User</u>
<u>ORP</u>	<u>Oxidation-Reduction Potential</u>
<u>PHC</u>	<u>Petroleum Hydrocarbon</u>
<u>PIU</u>	<u>Permitted Industrial User</u>
POTW	Publicly owned treatment works
SIC	Standard industrial classification

U.S.C.	<u>United States Code</u>
SIU	<u>Significant Industrial or Indirect User</u>
SNC	<u>Significant Non-Compliance (State and Federal)</u>
SUO	<u>Sewer Use Ordinance</u>
SV	<u>Serious Violation</u>
TRC	<u>Technical Review Criteria</u>
TSD	<u>Treatment Storage and Disposal</u>
TSS	Total suspended solids
TTO	<u>Total Toxic Organics</u>
U.S.C.	<u>United States Code</u>

**§ 300-16 Application for industrial connections; surcharges; preliminary treatment.**

~~A. Any person desiring to make a new connection to the sewerage system for the purpose of discharging industrial wastes to the system shall submit full information regarding the wastes, including the following:~~

- ~~(1) Number of persons employed.~~
- ~~(2) Period of plant operation.~~
- ~~(3) Water consumption.~~
- ~~(4) Description of processes using water.~~
- ~~(5) List of chemicals used.~~
- ~~(6) Source, volume and rate of wastewater discharge.~~
- ~~(7) Analyses of composite samples of wastewater or anticipated characteristics of sewage and wastes to be discharged.~~

~~B. Industrial wastes may be discharged to the sewerage system only after written permission shall have been granted in each specific case by the Ewing-Lawrence Sewerage Authority. Sewage or other wastes containing unduly high concentrations of substances which add to the operating costs of the sewage treatment works shall be subject to a surcharge. Where, in the opinion of the Authority, sewage and other wastes of a deleterious character adversely affect the treatment processes, the Authority shall reserve the right to require that such sewage and wastes be treated by the contributor to remove or neutralize the objectionable substances before discharge into the sewers.~~

**§ 300-1716 Prohibitions and limitations on wastewater discharges.**

A. Prohibitions on wastewater discharges. No person shall discharge, deposit, process or store in such a manner to result in discharge, cause or allow to be discharged or deposited into the ~~Ewing-Lawrence Sewerage Authority Treatment Works~~ ELSA POTW any wastewater which causes pass-through or interference, upset to the POTW or significantly contributes to a violation of any of the parameters in the Ewing-Lawrence Sewerage Authority's NJPDES permit or to a violation of this Article, or which contains any of the following:

1. Oil and grease. Wastewater from industrial facilities containing floatable fats, wax, grease, petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in concentrations or amounts violating pretreatment standards that will cause interference or pass through. Substances which may solidify or become viscous at temperatures between 32° and 150° F (0° and 65° C) are also prohibited.

~~(a) Oil and grease from industrial facilities, in concentrations or amounts violating pretreatment standards; this includes petroleum-based hydrocarbons as determined by silica gel absorption.~~

~~(b) Wastewater from industrial facilities containing floatable fats, wax, grease or oil.~~

2. Explosive and/or flammable mixtures. Liquids, solids or gases in wastewater causing two successive readings on an explosion hazard meter, at the point of discharge into the ELSA POTW, or at any point in the POTW, of more than ten percent (10%) or any single reading over twenty-five percent (25%) of the Lower Explosive Limit (LEL) of the meter with the meter calibrated to propane. Those materials which by reason of their nature or quality quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the treatment works or to the operation of the works,; at no time shall two successive readings on an explosion hazard meter, at the point of discharge into the treatment works, be more than 5% nor any single reading over 10% of the lower explosive

~~limit (LEL) of the meter with the meter calibrated to propane; sSuch materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides. Also wastestreams with a closed cup flashpoint of less than 140° F (60° C) using the test methods specified in 40 CFR 261.21.~~

3. Noxious materials. Noxious or malodorous liquids, gases, solids, or other wastewater Pollutants which, either singly or by interaction with other wastes, are capable of creating sufficient to create a public nuisance, a hazard to life or health, or are present in sufficient concentrations to prevent entry into the treatment works for its maintenance and repair.

4. Improperly Shredded Garbage of any kind, that has not been ground or comminuted to such a degree that all particles will be floating or carried freely in suspension under flow conditions normally prevailing in the treatment works. No particle shall be greater than one-half (1/2) inch (0.7 cm) in any dimension, except that this prohibition does not apply to garbage disposal units in private dwellings whose only discharge is of domestic wastewater.

5. Radioactive wastes. Wastewater containing any Rradioactive wastes or isotopes of any type in any concentration, except in compliance with applicable State or Federal regulations.

6. Solid or viscous wastes. Solid or viscous wastes which will or may cause obstruction to the flow in a sewer or otherwise interfere with the proper operation of the treatment works. Such materials include, but are not limited to: grease, improperly shredded garbage, animal guts or tissues, human organs, paunch manure, bones, hair, hides or fleshings, entrails, feathers, ashes, cinders, iron oxide sludge, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances. Specific materials may be prohibited at the discretion of the Executive Director.

7. Excessive discharge. Wastewater at a flow rate or during a period longer than fifteen (15) minutes that exceeds more than five (5) times the average daily flow rate of the industrial user during normal operation. This includes wastewater containing such concentrations or quantities of pollutants, single or by interaction with other pollutants, that, in the judgment of the Executive Director, would may cause a treatment process upset, interference or and subsequent significant loss of treatment efficiency.

8. Toxic pollutants. Any toxic substances in amounts exceeding: (1) standards promulgated by this Article article and/or the administrator of the EPA pursuant to Section 307(a) of the Federal Act or Section 4 of the State Act; (2) standards promulgated pursuant to N.J.S.A. 58:10A-1 et seq., including but not limited to those listed in Table 4I; (3) wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity (bioassay) test; or any materials which may interfere with the biological processes or the efficiency of the treatment works or which will pass through the system.

9. Stormwater. Discharge into the treatment works from any source of stormwater, sump pump water, cellar drain water, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, and noncontact cooling water, unless specifically authorized by the Authority. including surface water and groundwater from sump pumps and cellar drains, into the treatment works from any source.

10. Discolored materials. ~~Wastes with~~ Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the Authority's NJPDES Permit would cause the treatment works to exceed water quality standards.

11. Substances interfering with sludge management. Any substance which may cause the POTW's sludge to be unsuitable for reclamation, and reuse or disposal, or to interfere with the reclamation process where the POTW Authority is pursuing a reuse and reclamation program. In no case shall a substance discharged to the ELSA POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act, 40 CFR §503, any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or, to the extent practicable, the New Jersey Guidelines for the Utilization and Disposal of Municipal and Industrial Sludges and Septage, statewide sludge management criteria for land application, the Authority's NJPDES Permit, or any other applicable regulation.

12. Corrosive wastes. Any waste ~~which will~~ that may cause corrosion or deterioration of the treatment works; all wastes discharged to the treatment works must have a pH value in the range

of 5.5 to 10 standard units; prohibited materials include, but are not limited to, concentrated acids, ~~alkalies~~ alkalis, sulfides, ~~concentrated~~ chloride and fluoride compounds, and substances which will react with water to form acidic or alkaline products which have a pH value that does not fall within the range stated herein.

13. Heat. Heat in amounts which will inhibit biological activity in the treatment works, resulting in interference or causing damage, but in no case heat in such quantities that the temperature exceeds 65° C. (150° F.) 150° F (65° C) at the treatment works and 40° C. (104° F.) 104° F (40° C) at the treatment works plant, unless the NJDEP, upon request of the ELSA POTW, approves alternate temperature limits.

14. Pathogenic bacteria (viable). Other than those normal to domestic sewage.

15. Foaming agents. Non-Biodegradable detergents, surface-active agents, or other substances, which may cause excessive foaming in the ELSA POTW or final effluent.

16. Medical waste. Undisinfected tissue fluid, diseased human or animal organ tissue, undisinfected whole blood, or other contaminated solid waste related to the transmission of disease from human or veterinary hospitals, medical facilities, pharmaceutical/research institutions, mortuaries, morgues, funeral parlors, animal shelters or related licensed facilities.

17. Oxidation Reduction Potential (ORP). Any discharge with an ORP of less than -50 mV. Any discharge containing approved reducing agents which result in an ORP of less than -50 mV will be excluded.

18. Pollutants Resulting in Toxic Gases. Pollutants that result in the presence of toxic gases, vapor, or fumes, within the ELSA POTW, in a quantity that may cause acute worker health and safety problems.

19. Reject Product. Any non-accidental slug discharge that in itself will not meet the discharge limitations listed in Table I this Article. Please note dilution in order to meet discharge limitation is prohibited.

20. Trucked and hauled wastes. Any discharge of trucked or hauled pollutants. All trucked waste must be accompanied by a Township Permit from the township the waste originated. All trucks must check in with Authority laboratory personnel before dumping the contents of their truck. Duly authorized Authority personnel shall sample all trucks.

21. Any pollutant, including oxygen demanding pollutants, released in a discharge at a flow rate and/or pollutant concentration which will cause interference, pass through, or upset at the ELSA POTW.

B. Affirmative defense. An industrial user shall have an affirmative defense in any action brought against it alleging a violation of the prohibitions established above, and specifically prohibitions (1) Oil and grease, (6) Solid or viscous wastes, (8) Toxic pollutants, (13) Heat, (17) Oxidation reduction potential, and (18) Pollutants resulting in toxic gasses above where the industrial user can demonstrate that:

1. It did not have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass through, upset, or interference; and

2. A local limit designed to prevent pass through and/or interference for each pollutant in the industrial user's discharge that caused pass through or interference, and the industrial user was in compliance with each such local limit directly prior to and during the pass through or interference; or

3. If a local limit designed to prevent pass through and/or interference has not been developed for the pollutant(s) that caused the pass through or interference, the industrial user's discharge directly prior to, and during the pass through or interference did not change substantially in nature or constituents from the industrial user's prior discharge activity when the ELSA POTW was regularly in compliance with the Authority's NJPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

BC. Specific Limitations on wastewater discharges.

1. Table I represents the maximum concentrations of certain specific pollutants allowable in wastewater discharges to the treatment works by any industrial user. This was done in accordance with the Guidance Manual on the Development and Implementation of Local Discharge Limitations under the Pretreatment Program (USEPA) including all supplements and amendments thereto. Dilution of any wastewater discharge for the purpose of satisfying these



requirements shall be considered a violation of this ~~Article~~ article. No user shall discharge wastewater with pollutant levels exceeding the concentrations in Table I, at any point in time during their connection to the sewer system.

**Table I**  
**Maximum Daily Discharge Limitations (mg/l)**  
**Monthly Average Limitations (mg/l)**

<b>Parameter</b>	<b>Maximum Daily</b>	<b>Monthly Average</b>
Biochemical Oxygen Demand (BOD5)		22,480 mg/l
Total Suspended Solids (TSS)		22,342 mg/l
Nitrogen-Ammonia (as N)	23 mg/l	
Fats, Oil and Grease (FOG)	59 mg/l	
Arsenic, Total (As, Total)	0.29 mg/l	
Cadmium, Total (Cd, Total)	0.18 mg/l	
Chromium Total (Cr, Total)	0.62 mg/l	
Lead, Total (Pb, Total)	5.36 mg/l	
Mercury, Total (Hg, Total)	0.12 mg/l	
Nickel, Total (Ni, Total)	2.70 mg/l	
pH	5.5 – 10.0 s.u.	

2. The environmental protection criteria, where applicable, used for the limits in Table I are as follows:

a. Numerical effluent limitations in the Authority’s NJPDES permit;

b. Authority’s process inhibition and upset criteria;

c. Authority’s worker health and safety protection criteria; and

d. Authority’s sludge quality criteria based on the method of sludge management.

3. The Authority must comply with the public notice and hearing requirements under N.J.A.C. 7:14A-19.10(a) when proposing and adopting local limitations under Table I.

24. All users are limited by restrictions and prohibitions set forth in applicable state and federal regulations, including categorical pretreatment standards as promulgated.

**Table I**  
**Maximum Permissible Concentration (mg/l)**

<b>Pollutant</b>	<b>1 Day Maximum</b>	<b>30 Day Average</b>
Aldrin	*	*
Dieldrin	*	*
DDD	*	*
DDE	*	*
DDT	*	*
PCB	*	*
Endrin		
(Manufacturer)	0.0075	0.0015
(Formulator)	*	*
Toxaphene		
(Manufacturer)	0.0075	0.0015
(Formulator)	*	*
Benzidine		
(Manufacturer)	0.0050	0.0010
(Dye Applicators)	0.0025	0.0010

\* Prohibited from discharge.

3. ~~The characteristics, per sample, of sewage and wastes discharged into the sewerage system shall not exceed the following standards:~~

<b>Characteristic</b>	<b>Standard (mg/l)</b>
BOD	300

Suspended solids	350
Total solids	5,000
Phenols	0.5
Cyanide as Cn	2.0
Chromium as Cr	3.0
Copper as Cu	1.0
Iron as Fe	5.0
Nickel as Ni	3.0
Zinc as Zn	2.0
Boron as B	1.0
Lead as Pb	0.5
Ether soluble matter	100
Arsenic as As	4.0
Aluminum sulfate	10.0
Cadmium as Cd	0.1
Silver as Ag	0.5
Selenium as Se	0.5
Mercury as Hg	0.1

45. Surface-active ingredients or synthetic detergents shall be an approved type with a high degree of biodegradability.

~~CD~~. Federal categorical pretreatment standards. Upon the effective date of the federal categorical pretreatment standard for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this Article ~~article~~ for sources in that subcategory, shall immediately supersede the limitations imposed under this Article ~~article~~. The Executive Director shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.

~~DE~~. Modification of federal categorical pretreatment standards. Where the ~~Ewing-Lawrence Sewerage Authority~~ ELSA wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, ~~the Ewing-Lawrence Sewerage Authority~~ ELSA may apply to the approval authority for modification of specific limits in the federal pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system as measured according to the current procedures set forth in Section 403.7(c)(2) of the General Pretreatment Regulations for Existing and New Sources of Pollution (40 CFR, Part 403) promulgated pursuant to the Act and as may be amended. The ~~Ewing-Lawrence Sewerage Authority~~ may modify pollutant discharge limits in the federal pretreatment standards if the requirements contained therein are fulfilled and prior approval from the approval authority is obtained.

~~EF~~. State requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this Article ~~article~~.

~~FG~~. Township right of revision. The Township reserves the right to establish by ordinance more stringent limitations or requirements on discharge to the treatment works than are contained in this Article for the protection of the environment, human health, human safety or the treatment works, if deemed necessary to comply with objectives presented in § 300-14. Where local requirements impose stricter discharge limitations upon the industrial user than federal or state limitations, the stricter limitation shall be applied.

~~GH~~. Dilution of discharge. No industrial user shall ever intentionally, deliberately, knowingly or willingly increase the use of process water to or in any way otherwise dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the Federal

Categorical Pretreatment Standards limitations contained in the federal categorical pretreatment standards or in any other pollutant-specific pollutant or concentration-specific limitation developed by the Authority, the State or the USEPA the Ewing Lawrence Sewerage Authority or the state. Dilution of any wastewater discharge for the purpose of satisfying these requirements is a violation of this Article. The State may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

**§ 300-1817 Control of prohibited wastes.**

A. Regulatory actions. If wastewaters containing any substance prohibited, exceeding prescribed limits or violating restrictions imposed by this Article article are discharged into the ELSA POTW treatment works of the Ewing Lawrence Sewerage Authority, the Executive Director shall take all actions necessary to:

- (1) Prohibit the discharge of such wastewater.
- (2) Require a user to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substances so as to be in conformance with this Article article.
- (3) Require pretreatment, including storage facilities or flow equalization necessary to ensure complete compliance with this Article article.
- (4) Require the user making, causing or allowing the discharge to pay all the additional cost or expense incurred by the Township of Ewing or the Ewing Lawrence Sewerage Authority for any damages caused by excess loads imposed on the treatment works.
- (5) Take such other remedial action, including discontinuation of service, as may be deemed to be desirable or necessary to achieve the purpose of this Article article.

B. Pretreatment. Industrial Users shall provide necessary wastewater treatment as required to comply with this Article article and shall achieve compliance with all federal, state and local categorical pretreatment standards within the time limitations as specified by such standards, the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the Ewing Lawrence Sewerage Authority shall be provided, and operated efficiently and maintained by the industrial user at the user's its own costs and expense, and shall be maintained in good working order subject to the requirements of this Article and all other applicable federal, state or local statutes, regulations or ordinances. Where pretreatment of pollutants, separation of wastes, or equalization of wastewater flows are required, Detailed plans, specifications and other pertinent data relating to the pretreatment facilities and operating procedures shall be submitted by the user to the Ewing Lawrence Sewerage Authority for review and comment, and shall be acceptable to the Ewing Lawrence Sewerage Authority before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Ewing Lawrence Sewerage Authority under the provisions of this Article article. Any subsequent changes in the pretreatment facilities or method of operation shall not be made without prior approval of be reported to and be acceptable to the Ewing Lawrence Sewerage Authority prior to the user's initiation of the changes. Prior to the commencement of operation of any pretreatment, separation or flow control facilities, the Authority has the right to require adequate data to determine the acceptability of the sewage, process wastes or other wastes generated.

~~C. Pretreatment facilities operations. Pretreatment facilities shall be maintained in good working order and operated efficiently by the owner or operator at his/her own costs and expense, subject to the requirements of this article and all other applicable state and federal codes, ordinances and laws.~~

C. Petroleum hydrocarbons, fats, oils, and grease. Industrial users with the potential to discharge oil and/or grease shall install, at the user's expense, properly sized grease traps or oil/water separators to prevent such discharges from occurring. These traps and/or separators must meet local plumbing codes and ELSA requirements. Grease traps and/or oil/water separators must be cleaned and maintained regularly by the industrial user. The industrial user shall maintain manifests or cleaning receipts to demonstrate compliance with regular cleaning of the required pretreatment mechanisms.

Waste oil from an industrial user shall not be discharged or hauled to ELSA without prior approval. Industrial users who use a waste hauler for the clean out of its oil/water separator must inform its respective township health department and the Authority of this action. Additionally,

the industrial user must provide the name, contact information, amount removed and date this action was completed.

~~D. Admission to property. Whenever it shall be necessary for the purpose of this article, the Executive Director, the Commissioner and/or the Regional Administrator, upon the presentation of credentials, may enter upon any property or premises at reasonable times for the purpose of inspecting/copying any records required to be kept under the provisions of this article. The Executive Director, the Commissioner and/or the Regional Administrator, upon presentation of credentials, may enter upon any property or premises at any time for the purpose of inspecting any monitoring equipment or method and/or measuring, sampling and/or testing any discharge of wastewater to the treatment works.~~

~~E. D. Accidental discharges. Each industrial user, if required, shall provide protection from accidental discharge of prohibited materials or the "slug loading" of other substances regulated by this Article article. If required by the Executive Director, facilities shall make provisions to prevent the accidental discharge of prohibited materials shall be provided and maintained at the owner or industrial user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be prepared by the industrial user and kept on file. In case of an accidental discharge, the user shall immediately make available to the Executive Director copies of these plans. The Executive Director may, at his discretion, request from any user copies of the plans prior to the occurrence of an accidental discharge. All existing industrial users, where required, shall complete such a plan within 120 days of being notified by ELSA of the need for such a plan. No user who commences contribution to the ELSA POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Executive Director. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility of modifying his/her facility as necessary to meet the requirements of this Article article.~~

(1) Telephone notice. In the case of an accidental discharge of prohibited materials or any other substances listed under this Article, or if for any reason a user does not comply or will be unable to comply with any prohibition or limitation in this Article article, the industrial user responsible for such discharge shall immediately telephone and notify the Executive Director within twenty-four (24) hours of the occurrence or becoming aware of the occurrence incident. The notification shall include location of discharge, type of waste, concentration and volume. During evening hours (after 4:30 pm), weekends or holidays, in the event of an accidental discharge or any type of emergency, please notify ELSA immediately at (609) 587-4061. During regular working hours (7:00 am to 4:30 pm, Monday through Friday), please call (609) 587-4061. Furthermore, such user shall take immediate action to contain the problem within his facility and minimize the discharge to the ELSA POTW in order so as to prevent interference, upset or pass through with the treatment process and/or damage to the treatment works.

(2) Written notice. Within five (5) working days following ~~the an~~ accidental or noncomplying discharge under this section, the industrial user shall submit to the Executive Director or his designee, a detailed written report describing the date, time and cause of the discharge, the quantity and characteristics of the discharge, ~~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 the ELSA POTW, 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 this ~~Article article~~ or other applicable law.

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

(4) Bypass and Upset Conditions. Any industrial user reporting a bypass or an upset condition shall submit the following information, pertinent to the event asserted, to the Authority within five (5) working days following the event:

(a) Unanticipated Bypass: For an unanticipated bypass, the information listed below must be submitted to the Authority:

(i) All properly signed, contemporaneous operating logs, or other relevant evidence, on the circumstances of the noncompliance;

(ii) The reasons that the unanticipated bypass occurred, including the circumstances leading to the unanticipated bypass;

(iii) Evidence that the industrial user was properly operating the facility at the time;

(iv) Evidence that the industrial user provided telephone and submitted written notice of the unanticipated bypass as required above;

(v) Evidence that the industrial user complied with all remedial measures ELSA required;

(vi) The industrial user's rationale for and all supporting documentation that the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage, including the name, title, address, and telephone number of the individual that made the determination and any other information the Authority requests;

(vii) Evidence that there was not feasible alternative to the unanticipated bypass, including but not limited to the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of downtime; and

(viii) Evidence that the unanticipated bypass did not occur during normal periods of equipment downtime or preventative maintenance when back-up equipment should have been installed to avoid the unanticipated bypass.

(b) Upset. For an upset, the information listed below must be submitted to the Authority within five-days:

(i) All properly signed, contemporaneous operating logs, or other relevant evidence, on the circumstances of noncompliance;

(ii) The reasons that the upset occurred, including the cause of the upset and the identity of the person causing the upset, as necessary, except that, in the case of a treatment works, the local agency may certify that despite a good faith effort it was unable to identify the cause of the upset or the person causing the upset;

(iii) Evidence that the industrial user was properly operating the facility at the time;

(iv) In the case of an upset resulting from the performance by the industrial user of maintenance operations, and the industrial user was provided prior notice and received prior written approval from ELSA, the industrial user should include the name, title, address, and telephone number of the individual who satisfied this requirement, the date and specific time the individual notified the Authority for the industrial user, the specific method that the individual used to notify the Authority, and the name and the title of the individual within the Authority to whom the industrial user gave such notice;

(v) Evidence that the industrial user complied with all remedial measures ELSA required.

#### E. Notification of hazardous waste discharges.

(1) All industrial users shall notify the Authority, the EPA Regional Waste Management Division Director, and State Hazardous Waste Authorities, in writing, of any discharge into the ELSA POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge, whether continuous, batch or other. If the industrial user discharges more than 100 kg of such waste per calendar month to the ELSA POTW, the notification shall also include the following information to the extent such information is known and readily available to the industrial user:

(a) an identification of the hazardous constituents contained in the wastes;

(b) an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month; and

(c) an estimation of the mass constituents in the wastestream expected to be discharged during the following twelve (12) months.

Industrial users who commence discharging after the effective date of this Article shall provide the notification no later than thirty (30) days after the discharge of the hazardous waste.

(2) Industrial users are exempt from the above requirements during a calendar month in which they discharge no more than 15 kg of hazardous waste, unless the waste(s) are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kg of non-

acute hazardous waste in a calendar month or of any quantity of acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the industrial user discharges additional quantities of such hazardous waste do not require additional notification. In the case of new regulations under section 3001 of the Resource Conservation and Recovery Act (RCRA), identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the Authority, the EPA Regional Waste Management Division Director, and the State hazardous waste authorities, of the discharge of such substance within ninety (90) days of the effective date of these regulations. In the case of any notification made under this rule, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous waste generated.

F. Change in conditions. An NJDEP permitted industrial user or unpermitted industrial user proposing to make any substantial change in its wastewater discharge shall notify the Authority at least sixty (60) days before the change is implemented. An NJDEP permitted industrial user must apply for a permit modification with the NJDEP.

### **§ 300-18 Application for industrial connections; Industrial discharge permit system.**

A. The following industrial users must apply for an NJDEP Industrial Wastewater Discharge Permit:

(1) Categorical industrial users;

(2) Significant indirect industrial users; and

(3) Existing unpermitted industrial users, subject to federal regulation, state regulation or deemed a threat by the Executive Director to the proper operation of the ELSA POTW.

B. Any person desiring to make a new connection to the sewerage system for the purpose of discharging industrial wastes to the system or desiring to increase or otherwise change the composition of industrial process wastewater shall apply for an NJDEP Industrial Wastewater Discharge Permit by submitting an ELSA Discharge Permit Application (see Table II) in accordance with the requirements of this Article, and at least 180 calendar days before connecting to such publicly owned treatment works.

C. B. No person shall discharge, caused to be discharged, or allow discharge of industrial wastes into the ELSA POTW without having first obtained an NJDEP Industrial Wastewater Discharge Permit. In violation hereof, said person is subject to enforcement procedures (§ 300-21) and/or penalties and costs (§ 300-27).

D. At the Authority's recommendation, the following requirements may be contained within an industrial user's NJDEP Industrial Wastewater Discharge Permit:

1. A limitation upon the volume of flow and the rate of flow discharged from the industrial user;

2. The following may be installed and maintained by the industrial user, at its own expense: facilities or equipment for intermittent or continuous measurement of flow, pH, process wastes and other wastes discharged; retention tanks or other equipment for holding or reducing the maximum rates of discharge; pretreatment and flow control facilities; grease traps for removal of oil and grease originating from animal or vegetable origin; and oil/water separators to remove petroleum oil or products of mineral oil origin;

3. A waste minimization plan for the reduction of pollutant loadings discharged into the ELSA POTW;

4. The submittal to, and approval by, the Authority of plans and specifications for any of the facilities and equipment required to meet pretreatment standards and requirements;

5. The development of a slug/spill control plan or other special conditions, management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

6. Requirement for the installation of proper inspection and sampling points, facilities, and/or equipment;

7. Any other terms, conditions, facilities, equipment, or treatment(s) as may be necessary, to protect the ELSA POTW and to carry out the intent and provisions of this Article.

E. NJDEP Industrial Wastewater Discharge Permits are not transferable. The permitted industrial user shall notify the Executive Director, or his designee, no later than sixty (60) days before any

proposed change in ownership. The new owner is responsible for obtaining a permit by applying to the NJDEP.

D. In the event the industrial user, the NJDEP and the Authority cannot agree as to the classification, under a particular industrial, commercial, categorical or subcategorical classification, for purposes of industrial pretreatment standards, a written certification from the appropriate federal regulatory agencies as to whether the applicant is included within a particular industrial, commercial, categorical or subcategorical classification for purposes of industrial pretreatment standards, may be obtained.

E. Within ninety (90) calendar days after the promulgation by the EPA of a categorical pretreatment standard, existing industrial users subject to such standards shall apply for an NJDEP Industrial Wastewater Discharge Permit by submitting an ELSA Discharge Permit Application (see Table II) in accordance with the requirements of this Article. The Executive Director, or his designee, shall review the draft NJDEP Industrial Wastewater Discharge Permit and submit any comments concerning the information in the document to the NJDEP.

F. If and whenever, in the sole determination of the Authority, the use or waste discharges of any establishment connected to the sewer changes in quality, characteristics, or significant volume from that identified, existing or approved at the time of the issuance of the original connection permit, the permit shall become void and the establishment shall be required to apply for a renewal of the connection permit.

G. Where, in the opinion of the Authority, sewage and other wastes have a deleterious character or adversely affect the treatment processes, the Authority reserves the right to surcharge the person causing, allowing or otherwise permitting the discharge thereof into the sewerage system, and the added operating and treatment cost occasioned thereby, and may terminate service to said person and/or require such sewage and wastes be treated by said person to remove or neutralize the objectionable substances or unduly high concentrations of substances before discharge into the system.

### **§ 300-19 Industrial wastewater monitoring and reports.**

A. Reporting requirements for industrial users.

~~(1) All industrial users shall, at a minimum, comply with the reporting requirements contained in 40 CFR 403.12.~~

(1) Permitted industrial users must submit a copy to the Executive Director, or his designee, at the frequency approved by the NJDEP, on dates specified in the user's Industrial Wastewater Discharge Permit, a description of the nature, concentration and flow of the pollutants discharged to the ELSA POTW. 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 user shall report all sample results on the NJDEP Industrial Discharge Monitoring Report. If a permitted user is at zero discharge or not actively discharging wastewater to the ELSA POTW, the permitted users is required to continue to submit NJDEP Industrial Wastewater Discharge Monitoring Report forms to ELSA, clearly specifying "No Industrial Discharge."

(2) 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."

The appropriate corporate officer must sign each report as follows:

(a) By a responsible corporate officer, if the permitted user submitting the report is a corporation. For the purpose of this paragraph, a responsible corporate officer means (a) 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 (b) the manager of one or more manufacturing, production or operation facilities employing more than 250 persons with gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) By a general partner or proprietor if the user submitting the reports is a partnership or sole proprietorship, respectively.

(c) By a duly authorized representative of the individual designated in paragraph (a) or (b) of this section if:

(i) the authorization is made in writing by the individual described in paragraph (a) or (b);

(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 NJDEP.

(d) If an authorization under paragraph (c) 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 (c) of this section must be submitted to the NJDEP and ELSA prior to or together with any reports to be signed by an authorized representative.

(3) Where the NJDEP has imposed mass limitations on the user, the report required by the paragraphs above shall indicate the mass pollutants regulated by the NJDEP Industrial Wastewater Discharge Permit. The report required by the paragraphs above shall contain a reasonable measure of the user's long-term production rate. For all other dischargers subject to categorical Pretreatment Standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by the paragraphs above shall include the User's actual average production rate for the reporting period.

~~(2)~~ (4) Periodic discharge reports.

(a) Every significant industrial user shall submit to the Executive Director on a monthly basis a flow report of the daily flow into the ELSA POTW contributed by that user. In addition, a periodic discharge report shall be submitted during the months of June and December, unless required more frequently in a pretreatment standard or by the Executive Director or approval authority. At the discretion of the Executive Director and in consideration of such factors as local high- or low-flow rates, holidays, budget cycles, etc., the Executive Director may agree to alter the months during which the above reports are to be submitted. The Executive Director may require any other industrial users discharging or proposing to discharge into the treatment works to file such periodic reports.

(b) The discharge report shall include, but not be limited to, nature of process, volume, rates of flow, concentrations of incompatible pollutants, total mass of each incompatible pollutant discharged, hours of operation and other information which relates to the generation of waste. Such reports may also include the chemical constituents and quantity of liquid materials stored on site, even though they are not normally discharged.

B. Records and monitoring.

(1) All permitted industrial users who discharge or propose to discharge wastewaters to the treatment works shall maintain the following: such records of production and related factors, effluent flows and pollutant amounts or concentrations as are necessary to demonstrate compliance with the requirements of this article and any applicable state or federal pretreatment standards or requirements.

(a) record of production;

(b) water consumption and discharge flow records;

(c) complete monitoring records;

(d) process monitoring records;

(e) incident reports;

(f) waste handling records; and

(g) any other records necessary to demonstrate compliance with the requirements of this Article, and any applicable state or federal pretreatment standards or requirements.



(2) Such records shall be made available to the Authority, upon request by the Executive Director, or his designee. All such records relating to compliance with pretreatment standards shall be made available to officials of the NJDEP and the EPA upon demand. A summary of such data indicating the user's compliance with this Article ~~article~~ shall be prepared and submitted to the Executive Director as provided in Subsection A(2)(4)(b) above. All records shall be retained for a minimum of five years.

(3) ~~The owner or operator of any premises or facility discharging industrial wastes into the treatment works may be required~~ Permitted industrial users shall, at the discretion of the Executive Director, ~~to install, at his/her~~ its own cost and expense, suitable monitoring equipment approved by the NJDEP and ELSA to facilitate the accurate observation, sampling and measurement of wastes as required by the permit. Such equipment shall be maintained in proper working order and kept safe and accessible at all times. Alternatively, the Authority may choose to install such equipment at its expense and seek compensation from the industrial user.

(4) Whether constructed on public or private property, ~~the~~ such monitoring facilities shall be constructed in accordance with the Ewing Lawrence Sewerage Authority's requirements and all applicable construction standards and specifications. Plans and specifications for all such work will be submitted to the Executive Director, or his designee, for review, comment and approval prior to construction.

### C. Admission to property, inspection, sampling and analysis.

(1) Admission to property. Whenever it shall be necessary for the purpose of this Article, the Executive Director, or his designees, the Commissioner and/or the Regional Administrator, upon the presentation of credentials, may enter upon the property or premises of any industrial user at any time for the purpose of inspection, copying any records required to be kept under this Article, federal and/or state regulations, investigation, installing monitoring equipment, and to conduct measuring, sampling or testing of wastewater that is discharged to the treatment works. Any attempt to delay and/or deny ELSA from entering the property is a direct violation of this Article.

~~(2)~~ (2) Representative sampling point. All industrial users proposing to connect to, or continue to discharge to, any part of the 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 which is acceptable to and approved 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. This point must be available to the POTW, the NJDEP or EPA for purposes of conducting sampling inspections, compliance monitoring and/or metering operations.

~~(3)~~ (3) Compliance determination. The Authority has the right to inspect, conduct surveillance, and monitoring independent of the information submitted by the industrial user. Compliance determination by the Executive Director or his designee, the Commissioner and/or the Regional Administrator with respect to § 300-18 prohibitions and limitations shall be made on the basis of either instantaneous grab samples or twenty four hour representative composite samples of wastewater, or as otherwise may be determined by ELSA, the NJDEP or the EPA.

~~(3) Analysis of industrial wastewaters. Laboratory analyses of industrial wastewater samples shall be performed in accordance with Standard Methods for the Examination of Waste and Wastewater, 15th edition, published jointly by American Public Health Association, American Water Works Association and Water Pollution Control Federation; EPA Methods for Chemical Analysis of Water Wastes, EPA 600/4-79-020; and EPA Guidelines Establishing Test Procedures for the Analysis of Pollutants, published in the Federal Register, Vol. 41, No. 232, 12-1-1976, and subsequent revisions. Analysis of those pollutants not covered by the publications referred to therein shall be performed in accordance with procedures approved by the NJDEP.~~

(4) Sampling and analysis of industrial wastewaters. All sampling and preservation of industrial wastewater samples shall be in accordance with the NJDEP Field Sampling Procedures Manual, including all supplements and amendments thereto. Laboratory analysis of industrial wastewater samples shall be performed in accordance with 40 CFR 136 or an NJDEP approved test procedure in a laboratory certified by NJDEP to perform said analysis.

~~(4)~~ (5) Sampling frequency. Sampling of industrial wastewater for the purpose of compliance determinations with respect to § 300-18 prohibitions and limitations will be done at such intervals as the Executive Director, the Commissioner and/or the EPA Regional Administrator the NJDEP may designate or as recommended by the Authority. However, it is the intention of

the Executive Director to conduct compliance sampling or to cause such sampling to be conducted for all significant industrial users at least once in every one-year period.

~~(5) (6) Annual/public notification. The Ewing-Lawrence Sewerage Authority shall annually publish in the Times of Trenton and Trentonian newspapers a list of the users which during the previous 12 months were significantly violating [as defined by 40 CFR 403.8(f)(2)(viii)] applicable categorical pretreatment standards or other pretreatment requirements. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.~~

~~(6) (7) Confidential information and public access to records. Information and data on a user obtained from reports, questionnaires, applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Ewing-Lawrence Sewerage Authority that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to the EPA and/or the NJDEP for uses related to this article, the New Jersey Pollutant Discharge Elimination System (NJPDES) and/or the state or federal pretreatment program; provided, however, that such portions of a report shall be available for use by the state in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by Ewing-Lawrence Sewerage Authority as confidential shall not be transmitted to any governmental agency by the Ewing-Lawrence Sewerage Authority until and unless a ten day notification is given to the user. Except as otherwise provided in section 3 of P.L. 1963, c.73 (C.47:1A-3), any records, reports, or other information obtained by the Authority pursuant to this section or section 5 of P.L.1972, c.42 (C.58:11-53), including any correspondence relating thereto, shall be available to the public; however, upon a showing satisfactory to the Executive Director by any person that the making public of any record, report, or information, or a part thereof, other than effluent data, would divulge methods or processes entitled to protection as trade secrets, the Authority shall consider such record, report, or information, or part thereof, to be confidential, and access thereto shall be limited to authorized officers or employees of the Authority, the NJDEP, and the Federal Government.~~

Information and data provided to the Authority pursuant to this Article, which is effluent data, shall be available to the public without restriction.

All other information, which is submitted to the Authority, shall be available to the public at least to the extent provided by 40 CFR 2.302. Any such claim must be asserted at the time of submission by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, the Authority may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR Part 2 (Public Information).

### **~~§ 300-20 Industrial discharge permit system.~~**

~~A. Any person desiring to make a connection to the sewerage system or desiring to increase or otherwise change the composition of industrial process wastewater shall apply to the Executive Director for an industrial discharge permit in accordance with the requirements of this article and in accordance with an application form approved by the Executive Director.~~

~~B. No person shall discharge, cause to be discharged or allow discharge of industrial wastes into the sewerage system without having first obtained a permit to do so. In violation hereof, said person is subject to enforcement procedures (§ 300-21) and/or penalties and costs as provided by § 300-27.~~

~~C. Where, in the opinion of the Authority, sewage and other wastes have a deleterious character or adversely affect the treatment processes, the Authority reserves the right to surcharge the person causing, allowing or otherwise permitting the discharge thereof into the sewerage system, and the added operating and treatment cost occasioned thereby, and may terminate service to said person and/or require such sewage and wastes be treated by said person to remove or neutralize the objectionable substances or unduly high concentrations of substances before discharge into the system.~~

### **~~§ 300-21~~20 Enforcement procedures.**

A. Regulatory actions. If wastewaters violating the restrictions imposed under this Article are discharged into the treatment works, the Executive Director may take any of the following actions:

(1) Prohibit/condition the discharge of such wastewaters.

(2) Require each user to install technology enabling them to meet applicable wastewater standards and prohibitions.

(3) Require a user to demonstrate that onsite modifications will reduce or eliminate the discharge so as to be in conformance with this Article.

(4) Require pretreatment, including storage facilities or flow equalization, necessary to ensure compliance with this Article.

(5) Commence legal action to require the user to pay the costs, incurred by the authority, shown to be resulting from a violation of this Article, for any damages including engineering, legal, and administrative costs.

(6) Take such other remedial action, including discontinuation of service and/or court action for injunctive relief, as may be desirable or necessary.

(7) Require the user to create an accidental discharge/slug load plan for NJDEP and ELSA approval. An accidental discharge/slug control plan shall address, at a minimum, the following:

(a) Description of discharge practices, including non-routine batch discharges;

(b) An inventory of stored chemicals;

(c) Procedures for immediately notifying the Authority of any accidental or slug discharge; and

(d) Procedures to prevent adverse impact from any accidental or slug discharge.

(i) Such procedures shall include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for energy response; and

(8) Take such other action as is deemed necessary, including referral to the NJDEP, county prosecutor and the State's Attorney General for further action.

~~AB. Harmful contributions. The Ewing-Lawrence Sewerage Authority may suspend the wastewater treatment service and/or an industrial discharge permit when such suspension is necessary, in the opinion of the Ewing-Lawrence Sewerage Authority, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, cause interference to the ELSA POTW or cause the Ewing-Lawrence Sewerage Authority to violate any condition of its NJPDES permit. Any person industrial user notified of a suspension of the wastewater treatment service shall immediately stop or eliminate cease and desist the contribution of wastewater to the ELSA POTW. In the event of a failure of the person to comply voluntarily with the suspension order, the Ewing-Lawrence Sewerage Authority shall take such steps, as deemed necessary, including, but not limited to, immediate severance of the sewer connection pursuant to this Article, to prevent or minimize damage to the ELSA POTW system or endangerment to any individuals or the environment. The Ewing-Lawrence Sewerage Authority shall reinstate the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Ewing-Lawrence Sewerage Authority within 15 days of the date of occurrence.~~

For the purposes of this section, the Authority requires the user to submit within ten (10) calendar days from the date of the occurrence, a detailed written statement containing the following:

A. Describing the cause of the contribution;

B. The measures taken to prevent any future occurrences;

C. The type and amount of pollutant(s) discharged during the event(s); and

D. The signature of the highest-ranking officer responsible for the operation of the facility.

BC. Termination of service. Any industrial user who violates the following conditions of this Article ~~article~~ or applicable state and federal regulations is subject to having his service terminated in accordance with the procedures of § 300-27:

- (1) Failure of a user to accurately report factually the wastewater constituents and characteristics of ~~his~~ its discharge.
- (2) Failure of the user to report significant changes in operations or wastewater constituents and characteristics.
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.
- (4) ~~Violation of~~ Any failure to comply with any of the provisions of this Article ~~article~~.

C. Notification of violation. Whenever the Executive Director, or his designee, finds that any person has violated or is violating this Article ~~article~~ or any prohibition, limitation or requirement contained herein, ~~he/she~~ the Executive Director, or his designee, may serve upon such person a written notice, stating the nature of the violation and providing a reasonable time, not to exceed thirty (30) days, for the satisfactory correction thereof. The notice of violation shall be sent certified mail, return receipt requested to the violator. The violator will be directed to show why the Authority should not take an enforcement action. A copy of this notice of violation may be sent to the NJDEP for further enforcement.

D. Show cause; hearing.

(1) If the violation is not corrected by timely compliance, the Executive Director may order any person who causes or allows an unauthorized discharge to show cause before the ~~Ewing-Lawrence Sewerage~~ Authority why service should not be terminated. A notice shall be served on the offending party, specifying the time and place of a hearing to be held by the ~~Ewing-Lawrence Sewerage~~ Authority regarding the violation and directing the offending party to show cause before said authority why an order should not be made directing the termination of service. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

(2) The ~~Ewing-Lawrence Sewerage~~ Authority may itself conduct the hearing and take the evidence or may designate any of its members or any officer or employee of the ~~Ewing-Lawrence Sewerage~~ Authority to:

(a) Issue in the name of the ~~Ewing-Lawrence Sewerage~~ Authority notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearings.

(b) Take the evidence.

(c) Transmit a report of the evidence and hearing, including transcripts/records and other evidence, together with recommendations to the ~~Ewing-Lawrence Sewerage~~ Authority for action thereon.

(3) At any public hearing, testimony taken before the ~~Ewing-Lawrence Sewerage~~ Authority or any person designated by it must be under oath and recorded either by a hearing officer in a summary manner, stenographically or by audio recording. In the latter cases, the transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.

(4) After the ~~Ewing-Lawrence Sewerage~~ Authority has reviewed the evidence and recommendation of the hearing officer, it may issue an order to the party responsible for the discharge directing that, following a specified time period, the sewer services be discontinued unless adequate treatment facilities, devices or other related appurtenances are properly operated, and such further orders and directives as are necessary and appropriate.

E. Legal action. Any discharge in violation of the substantive provisions of this Article ~~article~~ or an order of the ~~Ewing-Lawrence Sewerage~~ Authority shall be considered grounds for legal action. If any person discharges sewage, industrial wastes or other wastes to the treatment works contrary to the substantive provisions of this Article ~~article~~ or any order of the ~~Ewing-Lawrence Sewerage~~ Authority, the ~~Ewing-Lawrence Sewerage~~ Authority shall ~~commence an action for injunctive relief and appropriate legal damages in the Superior Court of this county.~~ may pursue the following legal remedies, either singly or in combination:

(1) Civil Remedies

(a) A temporary or permanent injunction.

(b) Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and litigating the case under this subsection.

(c) Assessment of the violator for any cost incurred by the Authority in removing, correcting or terminating the adverse effects upon water quality resulting from any discharge of pollutants for which the action under this subsection may have been brought.

(2) Criminal Action. The Authority may petition the County Prosecutor or State Attorney General to bring a criminal action seeking fines and imprisonment against any person who violates this Article.

F. Constraints on Discharges. No discharge will be permitted until the applicant, permit holder, or violator, as the case may be, has paid all fees, penalties or fines due and owing or has entered into an agreement with the Authority establishing a payment schedule therefore; except that if a penalty or fine is contested.

**§ 300-~~2221~~ Fees.**

A. Purpose. It is the purpose of this section to establish fees for users of the ~~Ewing-Lawrence Sewerage Authority's~~ wastewater disposal system for activities not included in the ~~Ewing-Lawrence Sewerage Authority's~~ annual operating budget. The applicable charges or fees shall be set forth the ~~Ewing-Lawrence Sewerage Authority's~~ Schedule of Charges and Fees.

B. Charges and fees.

(1) The ~~Ewing-Lawrence Sewerage~~ Authority may adopt charges and fees, which may include:

(a) ~~Professional F~~fees for reviewing accidental discharge procedures, plans and construction, and the resolution or elimination thereof.

(b) Fees for filing appeals.

(c) Fees for consistent removal (by the ELSA POTW) of pollutants otherwise subject to federal pretreatment standards.

(d) Other fees as the ~~Ewing-Lawrence Sewerage~~ Authority may deem necessary to carry out the requirements contained herein-, which may include but are not limited to: emergency incident response, supplies and materials, contractor cost, cost of personnel, overtime/emergency rates and equipment.

(e) Fees related to the cost of printing, reproduction, or mailing at a rate set by the Authority.

(f) Fees related to the connection of any conveyance, pipe or other means of discharge to the wastewater treatment system.

(2) These fees relate solely to the matters covered by this Article ~~article~~ and are separate from all other charges and fees chargeable by the ~~Ewing-Lawrence Sewerage~~ Authority.

**§ 300-~~2322~~ Manholes and preliminary treatment facilities; required inspection.**

A. Any establishment discharging industrial wastes into the sewerage system shall, when required by the Authority, construct and maintain a suitable control manhole at an approved location to facilitate observation, measurement and sampling of all wastes, including domestic sewage from the establishment. The control manhole shall be accessible to representatives of the Authority at all times.

B. Where preliminary treatment facilities are utilized before discharge to the Authority's sewers, they shall be subject to periodic inspection by representatives of the Authority and shall be maintained in good operating condition.

C. The removal, destruction, or vandalism of the Authority's manhole covers, treatment system, equipment, treatment works or pump stations is illegal and shall be subject to enforcement under this Article. This does not preclude the Authority from referring the action to the County Prosecutor and/or State of New Jersey Attorney General for further prosecution.

**§ 300-~~24~~ ~~Quality or volume changes in discharge; renewal permit required.~~**

~~If and whenever, in the sole determination of the Authority, the use or waste discharges of any establishment connected to the sewer changes in quality, characteristics or significant volume from that identified, existing or approved at the time of the issuance of the original connection permit, the permit shall become void and the establishment shall be required to apply for a renewal of the connection permit.~~

**§ 300-2523 Compliance with other rules and regulations.**

Anything contained herein to the contrary notwithstanding, all industrial users shall comply with any and all laws, rules and regulations concerning industrial wastes promulgated, adopted or enacted by any and all state, federal or other regulatory agencies and shall take any and all necessary steps to comply with such within a reasonable period of time. The rates concerning industrial wastes and any and all surcharge penalties shall be as adopted by the appropriate municipality.

**§ 300-2624 Enforcing authorities.**

The Plumbing Inspector of the Township, the Health Official, the Construction Official, the Plumbing Subcode Official or any member of the Board of the Ewing-Lawrence Sewerage Authority may enforce any of the provisions of this Article ~~article~~.

**§ 300-2725 Violations and penalties.**

A. Civil penalties. Any person who is found to have violated an order of the ~~Ewing-Lawrence Sewerage~~ Authority or who willfully or negligently failed to comply with any provisions of this Article ~~article~~ and the orders, rules and regulations issued hereunder shall be fined not more than \$25,000 for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalty provided herein, the treatment works may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Article ~~article~~ or the orders, rules and regulations issued hereunder.

B. Falsifying information. Any person who knowingly makes any false statements, representations or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Article ~~article~~, or any regulations promulgated thereunder, or who falsifies, tampers with, dilutes waste streams, or knowingly renders inaccurate any monitoring device or sampling methodology required to be maintained under this Article ~~article~~ shall, upon conviction, be punished by a fine of not more than \$25,000 or by imprisonment for not more than six months per violation, or by both.

C. Illegal connections. Connection of any conveyance to the ELSA POTW for the discharge of materials, chemicals, wastes, pollutants, wastewater, groundwater or storm water from a domestic or non-domestic source without the approval of the Authority will be deemed an illegal connection and may be subject to enforcement by the Authority. The connection of sump pumps and roof drains to the ELSA POTW will be subject to a \$1,000 penalty and \$100 per day, if not disconnected after a thirty (30) day grace period. Movable, temporary, or hose connections are not acceptable for compliance with this Article. The removal and reconnection of a sump pump or roof drain connection to the ELSA POTW will be treated as a separate and distinct violation.

**Section 2** Severability. Should any section, clause, sentence, phrase or provision of this Article be declared unconstitutional or invalid by a court of competent jurisdiction, such remaining provisions of this Article shall not be affected and shall continue in full force and effect.

**Section 3** Repealer. All prior ordinances or parts of the same inconsistent with any provisions of this Article are hereby repealed to the extent of such inconsistency.

**Section 4** Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.

**Mr. Schroth made a motion to open the Public Hearing, seconded by Ms. Keyes-Maloney. It was agreed by unanimous voice vote. President Wollert stated that no members of the Public are present. Ms. Keyes-Maloney made a motion to close the Public Hearing, seconded by Mr. Schroth. It was agreed by unanimous voice vote. Mr. Schroth then moved the Ordinance, seconded by Ms. Keyes-Maloney. President Wollert asked for a roll call.**

**ROLL CALL**

**Ms. Keyes-Maloney YES**

**Mr. Schroth YES**

**President Wollert YES**

**3. The Clerk read (Ordinance #18-31) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 225 VEHICLES AND TRAFFIC, ARTICLE VIII § 225-48 SCHEDULE I: NO PARKING ANYTIME**

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Ewing, as follows:

§ 225-48. Schedule I: No Parking Anytime.

In accordance with the provisions of § 225-5, no person shall park a vehicle at any time upon any of the following described streets or parts of streets:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Alley between Hammit Street and Roosevelt Street	Both	Entire length of alley
Armstrong Field Parking Lot	South	The areas on the southerly side of the parking lot easterly and westerly of the entrance to the parking lot from Green Lane, as shown on the plan attached to and made a part of this Schedule <sup>[1]</sup>
Bakun Way	North	From Nancy Drive to Susan Drive
Bear Tavern Road	Northeast	From the southeast corner of Cardinal Drive to a point 60 feet southeast
Bear Tavern Road	West	From the northerly curblineline of West Upper Ferry Road to a point 260 feet north thereof
Brae Burn Drive	North	From Pennington Road to a point 250 feet east of Pennington Road
Brae Burn Drive	South	From Pennington Road to Iowana Avenue
<b>Brenwal Avenue</b> [Added 10-16-18 by Ord. No. 18- ]	<b>East</b>	<b>From Western Avenue to Pennington Road</b>
Buttonwood Drive	East	From Parkside Avenue to Somerset Street
Calhoun Street	West	From the northwest corner of Kirkbride Avenue to a point 600 feet north on Calhoun Street
Cambridge Hall Condominium	Both	Entire front drive from entrance radius to exit radius
Carlton Avenue	Both	From Scotch Road to Pennington Road
Central Avenue	North	From a point 50 feet west of Pennington Road
Central Avenue	South	From a point 100 feet west of Pennington Road to Pennington Road
Central Avenue	South	From a point 25 feet from the intersection of Central Avenue and Pennington Road west to the Shabakunk Creek Branch
Chelsea Avenue	East	From Parkway Avenue to Brookside Avenue
Columbia Avenue [Added 4-12-2005 by Ord. No. 05-13]	North	From the driveway of 2511 Columbia Avenue to a point 70 feet east toward 8th Avenue
Columbia Avenue [Added 4-12-2005 by Ord. No. 05-13]	South	From the intersection of Ninth Street and Columbia Avenue to a point 56 feet east of Ninth Street along the Prospect Heights Fire Company parking lot
Columbia Avenue [Added 4-12-2005 by Ord. No. 05-13]	South	From the sidewalk in front of 2512 Columbia Avenue to a point 45 feet east ending at Ninth Street
Delaware Avenue	Both	From a point 25 feet from the intersection of Delaware Avenue and River Road to a point 25

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
		feet from the intersection of Delaware Avenue and High Acres Avenue
Duke Street	North	From Peck Avenue to Lower Ferry Road
Dunmore Avenue	West	From Parkway Avenue to a point 335 feet north of Parkway Avenue
Dunmore Avenue [Added 4-17-2001 by Ord. No. 01-06]	East	From Parkway Avenue to a point 355 feet north of Parkway Avenue
Ewing Township Public High School; the driveway adjacent to the school building	Both	From the beginning, on the easterly side of the school, along the front of the facility and around the westerly side to the end at the cafeteria area; all as shown on the plan attached to and made a part of this schedule <a href="#">[2]</a>
Federal City Road	Both	From Ewingville Road to Bull Run Road
Glen Clair Drive	Both	From Shabakunk Creek Branch to Glen Mawr Drive
Glen Mawr Drive	East	From Farrell Avenue to Glen Clair Drive
Grand Avenue	South	From the railroad underpass to Upper Ferry Road
Graphics Drive [Added 11-22-2011 by Ord. No. 11-24]	West	From 7 Graphics Drive to 18 Graphics Drive
Ingham Avenue	North	From Calhoun Street to Kelsey Avenue
Kirkbride Avenue [Added 2-26-2013 by Ord. No. 13-04]	Both	Entire length of street
Lake Boulevard	Both	From Pennington Road to Linwood Avenue
Latona Avenue	East	From Parkway Avenue to Pingree Avenue
Lexington Avenue	—	From Parkway Avenue to its terminus
Linwood Avenue	Both	From Chauncey Avenue to a point approximately 200 feet south
Lower Ferry Road	Both	From River Road to Hillside Avenue
Lower Ferry Road	East	From Hillside Avenue to Upper Ferry Road
Madison Avenue	Both	From Prospect Street to Ninth Street
Mountain View Road	South	From Route 29 to High Acres Avenue
Municipal Field (lower parking lot)	West	The area on the westerly side of the parking lot as shown on the plan attached to and made a part of this schedule <a href="#">[3]</a>
Ninth Street	Both	From Columbia Avenue to Madison Avenue
North Olden Avenue Extension	Both	From Princeton Avenue to Parkway Avenue
Oregon Avenue	East	From a point 75 feet north of Somerset Street to a point 20 feet north thereof
Parkway Avenue	North	From Pennington Road to DeCou Avenue
Parkway Avenue	South	From Hillcrest Avenue to DeCou Avenue
Penroad Avenue	South	From Pennington Road to a point 85 feet east thereof
Property of Ewing Township Board of Education: the roadway which circles the area in front of the main entrance to Parkway Elementary School at 446 Parkway Avenue [Added 12-28-1999 by Ord. No. 99-19]	Inside and outside perimeter of circle	No parking any time along the entire length of the semicircle, both inside and outside radius of the curve, except within the designated parking spots. Loading and unloading of passengers pursuant to N.J.S.A. 39:4-139 shall be permitted along the curbed area on the outside radius.
Prospect Street	East	From a point 100 feet south of Homestead Avenue
Railroad Avenue	East	From its intersecting curblines with Grand Avenue to a point 100 feet north thereof



<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Railroad Avenue	West	From its intersecting curblines with Grand Avenue to a point 240 feet north thereof
Robbins Avenue	East	From Troy Avenue to its terminus
Scotch Road	Both	From Hopewell Township Line south to the intersection of Parkway Avenue
Somerset Street	North	A distance of 110 feet easterly from the intersection of Somerset Street and Route 31
Somerset Street	North	From Oregon Avenue to Woodland Avenue
Somerset Street	South	From 50 feet easterly from the intersection of Somerset Street and Route 31
Southard Street	North	From Calhoun Street to Roosevelt Street
Spruce Street	Both	Throughout the Township
Stokes Avenue	Both	From Troy Avenue to its terminus
Summit Avenue	South	Beginning 35 feet from the easterly curblines of Grand Avenue to a point 125 feet east therefrom
Theresa Street	North	Beginning 247 feet from the easterly curblines of Stratford Avenue to a point 103 feet east therefrom
Theresa Street	North	Between Brandon Avenue and Dixfield Avenue
Theresa Street	North	From the westerly curblines of Pennington Road to a point 150 feet west thereof
Theresa Street	South	From Lower Ferry Road to Pennington Road
West Upper Ferry Road	Both	From River Road to Hinckle Avenue
West Upper Ferry Road	North	From the easterly curblines of Grand Avenue to a point 110 feet east thereof

[\[1\]](#)

Editor's Note: The plan referred to herein may be found on file in the office of the Municipal Clerk, attached to Ordinance No. 1993-5.

[\[2\]](#)

Editor's Note: The plan referred to herein may be found on file in the office of the Municipal Clerk.

[\[3\]](#)

Editor's Note: The plan referred to herein may be found on file in the office of the Municipal Clerk, attached to Ordinance No. 1993-5.

### **STATEMENT**

This Ordinance amends the Revised General Municipal Ordinances of the Township of Ewing to amend Chapter 225 Vehicles and Traffic, Article VIII § 225-48 Schedule I: No Parking Anytime.

**Ms. Keyes-Maloney made a motion to open the Public Hearing, seconded by Mr. Schroth. It was agreed by unanimous voice vote. The Council President stated that no members of the Public are present. Mr. Schroth made a motion to close the Public Hearing, seconded by Ms. Keyes-Maloney. It was agreed by unanimous voice vote. Mr. Schroth then moved the Ordinance, seconded by Ms. Keyes-Maloney. President Wollert called for a roll call.**

### **ROLL CALL**

**Ms. Keyes-Maloney YES  
Mr. Schroth YES  
President Wollert YES**

### **NEW BUSINESS**

- 1. The Clerk read (Resolution #18R-195) A RESOLUTION AUTHORIZING CY2018 BUDGET TRANSFERS**

Mr. Schroth moved the Resolution, seconded by Ms. Keyes-Maloney. There were no questions or comments from Council. President Wollert asked for a roll call.

**ROLL CALL**

Ms. Keyes-Maloney YES  
Mr. Schroth YES  
President Wollert YES

2. The Clerk read (Resolution #18R-196) A RESOLUTION TO CANCEL OUTSTANDING CHECKS

Ms. Keyes-Maloney moved the Resolution, seconded by Mr. Schroth. There were no questions or comments from Council. The Council President asked for a roll call.

**ROLL CALL**

Mr. Schroth YES  
Ms. Keyes-Maloney YES  
President Wollert YES

3. The Clerk read (Resolution #18R-197) A RESOLUTION TO CANCEL CERTAIN GRANT BALANCES

Mr. Schroth moved the Resolution, seconded by Ms. Keyes-Maloney. There were no questions or comments from Council. The Council President called for a roll call.

**ROLL CALL**

Ms. Keyes-Maloney YES  
Mr. Schroth YES  
President Wollert YES

4. The Clerk read (Resolution #18R-198) A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87

Ms. Keyes-Maloney moved the Resolution, seconded by Mr. Schroth. There were no questions or comments from Council. Council President Wollert called for a roll call.

**ROLL CALL**

Mr. Schroth YES  
Ms. Keyes-Maloney YES  
President Wollert YES

5. The Clerk read (Resolution #18R-199) A RESOLUTION AUTHORIZING AND APPROVING A SHARED SERVICES AGREEMENT BETWEEN THE COUNTY OF MERCER AND THE TOWNSHIP OF EWING FOR FIRE DISPATCH FOR EWING TOWNSHIP

Mr. Schroth moved the Resolution, seconded by Ms. Keyes-Maloney. There were no questions or comments from Council. Council President Wollert asked for a roll call.

**ROLL CALL**

Ms. Keyes-Maloney YES  
Mr. Schroth YES  
President Wollert YES

6. The Clerk read (Resolution #18R-200) A RESOLUTON AWARDING RICHARD T. BARRETT PAVING COMPANY, INC. A CONTRACT IN THE AMOUNT OF \$66,395.00 FOR NORTH OLDEN AVENUE ASPHALT SIDEWALK RECONSTRUCTION

Ms. Keyes-Maloney moved the Resolution, seconded by Mr. Schroth. There were no questions or comments from Council. President Wollert asked for a roll call.

**ROLL CALL**

**Mr. Schroth            YES**  
**Ms. Keyes-Maloney   YES**  
**President Wollert     YES**

7. The Clerk read (**Resolution #18R-201**) **A RESOLUTION AWARDDING STRAIGHT EDGE STRIPING A CONTRACT IN THE AMOUNT OF \$16,534.68 FOR TRAFFIC STRIPING AND SIGN INSTALLATION AT VARIOUS LOCATIONS IN THE TOWNSHIP OF EWING**

**Mr. Schroth moved the Resolution, seconded by Ms. Keyes-Maloney. There were no questions or comments from Council. President Wollert asked for a roll call.**

**ROLL CALL**

**Ms. Keyes-Maloney   YES**  
**Mr. Schroth            YES**  
**President Wollert     YES**

8. The Clerk read (**Resolution #18R-202**) **A RESOLUTION AUTHORIZING AWARD OF A CONTRACT TO PRINCETON HEALTHCARE SYSTEM IN THE AMOUNT OF \$5,267.50 FOR THE PROVISION OF AN EMPLOYEE ASSISTANCE PROGRAM FOR THE PERIOD OF JANUARY 1, 2019 TO DECEMBER 31, 2019**

**Ms. Keyes-Maloney moved the Resolution, seconded by Mr. Schroth. There were no questions or comments from Council. President Wollert called for a roll call.**

**ROLL CALL**

**Mr. Schroth            YES**  
**Ms. Keyes-Maloney   YES**  
**President Wollert     YES**

9. The Clerk read (**Resolution #18R-203**) **A RESOLUTION APPROVING CHANGE ORDER NO. 1 FINAL DECREASE TO INTEGRITY ROOFING, INC. FOR HOLLOWBROOK COMMUNITY CENTER ROOF REPLACEMENT**

**Mr. Schroth moved the Resolution, seconded by Ms. Keyes-Maloney. There were no questions or comments from Council. President Wollert asked for a roll call.**

**ROLL CALL**

**Ms. Keyes-Maloney   YES**  
**Mr. Schroth            YES**  
**President Wollert     YES**

10. The Clerk read (**Resolution #18R-204**) **A RESOLUTION AUTHORIZING A MAINTENANCE GUARANTEE RELEASE FOR RVGV REALTY, LLC, 1441 HEATH AVENUE (BLOCK 13/LOT 35) – EWING ENGINEERS REMINGTON & VERNICK ENGINEERS RVE #1102-I-067**

**Ms. Keyes-Maloney moved the Resolution, seconded by Mr. Schroth. There were no questions or comments from Council. President Wollert called for a roll call.**

**ROLL CALL**

**Mr. Schroth            YES**  
**Ms. Keyes-Maloney   YES**  
**President Wollert     YES**

**The Attorney suggested that Items Eleven and Twelve be read as a block.**

11. The Clerk read (**Resolution #18R-205**) **A RESOLUTION AUTHORIZING A PERFORMANCE BOND RELEASE FOR BEAR TAVERN GREENE (PHASE II), 750 BEAR TAVERN ROAD (BLOCK 373/LOT 2) – EWING ENGINEERS REMINGTON & VERNICK R&V #1102-I-059**

12. The Clerk read (Resolution #18R-206) A RESOLUTION AUTHORIZING A PERFORMANCE BOND RELEASE FOR PRECIOUS PETS, LLC, 1510 PENNINGTON ROAD (BLOCK 1461/LOTS 36 & 37) – EWING ENGINEERS REMINGTON & VERNICK R&V #1102-I-080

Mr. Schroth moved both Resolutions, seconded by Ms. Keyes-Maloney. There were no questions or comments from Council. The Council President asked for a roll call.

ROLL CALL

Ms. Keyes-Maloney YES  
Mr. Schroth YES  
President Wollert YES

The Clerk read Items Thirteen and Fourteen as a block.

13. The Clerk read (Resolution #18R-207) A RESOLUTION GRANTING MICHAEL DELAHANTY PERMISSION TO RECEIVE HIS SERVICE FIREARM (GLOCK 21, .45 CAL. SEMI-AUTOMATIC PISTOL SERIAL NUMBER RYA-925) UPON HIS RETIREMENT FROM THE EWING TOWNSHIP POLICE DEPARTMENT DECEMBER 31, 2018

14. The Clerk read (Resolution #18R-208) A RESOLUTION GRANTING JOHN SHALER PERMISSION TO RECEIVE HIS SERVICE FIREARM (GLOCK 21, .45 CAL. SEMI-AUTOMATIC PISTOL SERIAL NUMBER RYA-948) UPON HIS RETIREMENT FROM THE EWING TOWNSHIP POLICE DEPARTMENT DECEMBER 1, 2018

Ms. Keyes-Maloney moved both Resolutions, seconded by Mr. Schroth. There were no questions or comments from Council. President Wollert asked for a roll call.

ROLL CALL

Mr. Schroth YES  
Ms. Keyes-Maloney YES  
President Wollert YES

15. The Clerk read (Resolution #18R-209) A RESOLUTION APPROVING CAMERON W. BROWER AS A SENIOR FIREFIGHTING MEMBER OF THE PROSPECT HEIGHTS VOLUNTEER FIRE COMPANY NO. 1

Mr. Schroth moved the Resolution, seconded by Ms. Keyes-Maloney. There were no questions or comments from Council. President Wollert called for a roll call.

ROLL CALL

Ms. Keyes-Maloney YES  
Mr. Schroth YES  
President Wollert YES

16. The Clerk read (Resolution #18R-210) A RESOLUTION ENDORSING THE CONCEPT OF BUILDING 180 NEW MILES OF CIRCUIT TRAIL TO COMPLETE 500 MILES OF TRAILS IN THE GREATER PHILADELPHIA REGION BY 2025

Ms. Keyes-Maloney moved the Resolution, seconded by Mr. Schroth. There were no questions or comments from Council. President Wollert asked for a roll call.

ROLL CALL

Mr. Schroth YES  
Ms. Keyes-Maloney YES  
President Wollert YES

17. The Clerk read (Resolution #18R-211) A RESOLUTION AUTHORIZING THE TOWNSHIP TO SETTLE A DISPUTE IN THE MATTER STYLED *D. SCOTT SMITH V. EWING TOWNSHIP & KIM MACELLARO*, MER-L-001884-18, BEFORE THE SUPERIOR COURT OF NEW JERSEY, MERCER COUNTY

**Mr. Schroth moved the Resolution, seconded by Ms. Keyes-Maloney. There were no questions or comments from Council. The Council President called for a roll call.**

**ROLL CALL**

<b>Ms. Keyes-Maloney</b>	<b>YES</b>
<b>Mr. Schroth</b>	<b>YES</b>
<b>President Wollert</b>	<b>YES</b>

**The above referenced New Business Resolutions are available in the Clerk's Office in the 2018 Resolution Book Number Two.**

**CLOSED SESSION**

**(None for this Meeting)**

**ADJOURNMENT**

**There being no further business, President Wollert called for a motion to adjourn. Ms. Keyes-Maloney so moved seconded by Mr. Schroth. It was agreed by unanimous voice vote. The meeting was adjourned at 8:05 p.m.**

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**Kathleen Wollert, President**

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**Kim J. Macellaro, Municipal Clerk**