

**TOWN OF WEST NEW YORK
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE #31/17

**AN ORDINANCE GOVERNING REGULATIONS FOR USE OF THE NORTH HUDSON
SEWERAGE AUTHORITY TREATMENT WORKS AND COLLECTION SYSTEM**

WHEREAS, the Hudson County Sewerage Authority (“HCSA”) is responsible for the collection, conveyance, treatment and discharge or disposal of sewage and wastewater that is generated in the Town of West New York (“Town”); and

WHEREAS, the HCSA has experienced instances where users of the sewer system have impaired the normal function of collection, treatment and discharge by the unrestricted and uncontrolled inflow of Fats, Oil and Grease (“FOG”) and stormwater; and

WHEREAS, the HCSA seeks to address this concern with the Town’s assistance by the passage and implementation of certain regulations.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Commissioners of the Town of West New York that the following shall be added to the Town Code:

SECTION ONE

I. Findings.

- A. The Federal Water Pollution Control Act, P.L. 92-500, as amended by the Clean Water Act of 1977, P.L. 95-217, as amended, the New Jersey Pollution Control Act, N.J.S.A. §8:10A- 1, and the New Jersey Pretreatment Act, N.J.S.A. §8:11-59, (collectively the “Act”) have resulted in an unprecedented program of cleaning up our nation’s waters.
- B. The North Hudson Sewerage Authority (Authority), a public body and politic and political subdivision of the State of New Jersey existing under and by virtue of the Municipal Utilities Law, N.J.S.A. 40:14B-1 et seq., is the owner and operator of the sewage treatment and collection systems which serve the City of Hoboken, Town of West New York, Town of Weehawken, and certain portions of the City of Union City.
- C. The North Hudson Sewerage Authority, City of Hoboken, Town of West New York, the Town of Weehawken, and the City of Union City are parties to an agreement dated 1996, as may be amended and supplemented.
- D. The North Hudson Sewerage Authority has already made and will continue to make a substantial financial investment in its wastewater treatment and collection systems to achieve the goals of the Act.

E. The North Hudson Sewerage Authority seeks to provide for the use of collection systems and treatment works by industrial, commercial and residential users served by it without damage to the physical facilities, without impairment of their normal function of collecting, treating and discharging domestic wastewater, and without the discharge by the North Hudson Sewerage Authority treatment works of pollutants which would violate the discharge allowed under its New Jersey Pollutant Discharge Elimination System, NJPDES, permits, rules of the system treating its waste and the applicable rules of all governmental authorities with jurisdiction over such discharges.

II. Purpose and Policy.

The following sections set forth uniform requirements for discharges into the wastewater collection and treatment system and enable the North Hudson Sewerage Authority to comply with applicable effluent limitations, national standards of performance, toxic and pretreatment effluent standards and any other discharge criteria which are required or authorized by state or federal law, and to derive the maximum public benefit by regulating the quality and quantity of wastewater discharged into these systems.

III. Definitions.

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.

AUTHORITY

The North Hudson Sewerage Authority.

AUTHORITY SEWER USE RESOLUTION

The North Hudson Sewerage Authority Sewer Use Resolution, most recent version, references the Authority's policy and procedures for sewer connection permit applications and management of sewerage entering the Authority owned and operated combined sewer system.

BENEFICIAL USES

Uses of the waters of the state that may be protected against quality degradation, including, but not necessarily limited to, domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic equipment, navigation and the preservation and enhancement of fish, wildlife and other aquatic resources of reserves, and other uses, both tangible or intangible, as specified by federal or state law.

COMBINED SEWER

A sewer intended to receive both wastewater and stormwater or surface water.

COMMUNITY SEWER

A sewer owned and operated by the Authority, tributary to a treatment facility operated by the Authority, otherwise known as a “public sewer.”

COMPATIBLE POLLUTANTS

Compatible pollutants are BOD, suspended solids, pH and fecal coliform bacteria and such additional pollutants as are now, or may be in the future, specified and controlled in NJPDES permits NJ0029076, NJ0029084, and NJ0029092 for its wastewater treatment works where such works have been designed and used to reduce or remove such pollutants.

CONTAMINATION

An impairment of the quality of the waters of the state with waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of wastewater, whether or not waters of the state are affected.

CRITICAL USERS

Users whose standard classification is identified on the Standard Industrial Classifications, SIC, Manual in any of Divisions A, B, D, E and I, and who:

- A. Have a discharge flow of 25,000 gallons or more per average workday;
- B. Have a flow greater than 5% of the flow in the Authority’s wastewater treatment system;
- C. Have in their wastes toxic pollutants in toxic amounts, as defined in standards issued under Section 307(a) of Public Law 92-500; or
- D. Are found by the Director to have significant impact, either singly or in combination with other contributing industries, on the treatment system. A critical user is required to obtain a permit.

DIRECTOR

The Executive Director of the North Hudson Sewerage Authority, or his/her duly appointed deputy, agent, or representative.

EASEMENT

An acquired legal right for the specific use of land owned by others.

ENGINEER

The Authority Engineer, or his/her duly authorized deputy, inspector, agent or representative.

FATS OIL AND GREASE

Fats oil and grease, also referred to as FOG, in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatables if it is properly pretreated and the wastewater does not interfere with the collection system.

HEALTH OFFICER

The Town's Health Officer, or his/her duly authorized deputy, inspector, agent or representative.

HOUSE SERVICE CONNECTION

The extension from the building drain to the public sewer or other place of disposal.

INDIVIDUAL SEWER DISPOSAL SYSTEM

Any privy vault, cesspool, septic tank and discharge field, bed or seepage pit or pits used only for the disposal of the sewage from buildings on the premises on which it is located.

INDUSTRIAL WASTES

The liquid or water-carried wastes of any industrial process, trade or business not clearly included within the definitions of "sanitary sewage," "stormwater," "cooling water" or "subsoil drainage" herein. In general, wastewaters carrying any quantity of oil, greases, fats, abrasives, chemicals, residues of manufacturing, processed wastes from dye baths, felting or fur processing from slaughterhouses, or meat processing plants and similar substances, whether dissolved, in suspension or mechanically carried by water, shall be considered as industrial wastes.

NATURAL OUTLET

Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

NONRESIDENTIAL UNIT

Any unit whose primary function is one other than residential.

NUISANCE

Anything which is injurious to health, is indecent, offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property of the community, the neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

OWNER

The owner of any real estate and also all tenants, lessees or others in control or possession and use of the property in question.

POLLUTION

An alteration of the quality of the waters of the state by waste to a degree which unreasonably affects such waters for beneficial use or facilities which serve such beneficial uses. Pollution may include contamination.

PREMISES

A parcel of real estate, including any improvements thereon, which is determined by the Authority to be a single user for purposes of receiving, using and paying for service.

PRIVATE SANITARY SEWER SYTEM

A sanitary sewer system owned or controlled otherwise than by the Authority or other public body

PUBLIC SANITARY SEWER SYSTEM

A sanitary sewer system owned or controlled by the Authority or other public body.

QUALITY OF THE WATERS

The chemical, physical, biological, bacteriological, radiological and other constituents and characteristics of water which affect its use.

SANITARY SEWAGE

The common wastewater and water-carried wastes from human dwellings and from toilet and lavatory fixtures, kitchens, laundries and similar facilities of business and industrial buildings. In general, "sanitary sewage" shall not include stormwater from roofs, yards, streets or open places, water from land surfaces or brooks, clean overflows from springs, wells, large volumes of subsoil drainage, large volumes of clean water from air conditioning or other cooling or condensing facilities, clean wastewater from hydraulically operated contrivances and those wastes included within the definition of "industrial wastes."

SANITARY SEWER

A sewer intended to convey only sanitary sewage, or if so stipulated with respect to the particular sewer, sanitary sewage plus industrial or other wastes from residences, commercial buildings, industrial plants and institutions. In general, sanitary sewers shall not be intended to convey stormwater nor more than very small quantities of cooling water.

SEWAGE

The spent water of a community.

SEWAGE TREATMENT PLANT

Any structure or device, or combination of structures and devices, for treatment of sewage.

SEWAGE SYSTEM

All the facilities of the Authority for collecting, pumping, treating and disposing of wastes.

SEWER

The main pipe or conduit, manholes and other structures and equipment appurtenant thereto, provided to carry sewage, industrial wastes, stormwater, cooling water or similar wastes, subject, in each particular, to the purposes and limitations imposed upon the particular sewer.

SEWER CONNECTION PERMIT

A permit issued by the Authority to allow a connection and discharge waste into the Sewer System.

SEWER SYSTEM

All facilities for collection, conveying, pumping, treating and discharge of sewage.

SLUG

Any discharge of water or wastewater which, in concentration of any given constituent or in quality of flow, exceeds, for any period or duration longer than 15 minutes, more than five times the average twenty-four-hour concentration or flow during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

STANDARD CLASSIFICATION

A classification of users based on the 1972 Edition of the Standard Industrial Classification Manual (SIC), Bureau of the Budget of the United States of America.

STORM SEWER/STORM DRAIN

A sewer or drain, with appurtenances provided and intended for the conveyance of stormwater with and without other clean wastewaters as may have been stipulated for any particular drain or sewer.

SUSPENDED SOLIDS

The total suspended matter that floats on the surface of, or suspended in, water, wastewater or other liquids and is removable by laboratory filtering, as prescribed in "standard Methods for the Examination of Water and Wastewater," and is referred to as "nonfilterable residue."

UNPOLLUTED WATER

Water not containing any pollutants limited or prohibited by the effluent standards in effect and whose discharge will not cause any violation of receiving water quality standards.

USER

Any person who discharges, causes or permits the discharge of wastewater into the Authority's wastewater treatment works.

WASTE

Sewage and any and all other waste substances, associated with human habitation, of human or animal origin, or from any producing, manufacturing or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.

WATERS OF THE STATE

Any water, surface or underground, including saline waters, within the boundaries of the state.

IV. Regulations and Restrictions.

A. *Prohibition on wastewater discharge.* No person shall discharge or deposit, or cause or allow to be discharged or deposited, into the wastewater treatment system any wastewater which contains the following:

- (1) Explosive and/or flammable mixtures: liquids, solids or gasses which, by reason of their nature or 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. Prohibited 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.
- (2) Noxious materials incompatible pollutants which, either singly or by interaction with other wastes, are noxious or malodorous, are capable of creating a public nuisance, or are or may be sufficient to prevent entry into the treatment works for its maintenance and repair.
- (3) Improperly shredded garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the treatment works, with no particle greater than U inch in any dimension.
- (4) Radioactive wastes: radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the sewerage facilities or personnel

operating the system.

- (5) 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. Prohibited materials include, but are not limited to, uncomminuted garbage, animal guts or tissues, diseased human organs or tissue fluids, paunch manure, bones, hair, hides or fleshing entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastic, tar, asphalt, residues, residues from refining or processing of fuel or lubricating oil and similar substances. Other materials may be specified at the discretion of the Authority.
- (6) Toxic pollutants: any toxic pollutant in amounts exceeding standards promulgated by the Administrator of the United States Environmental Protection Agency pursuant to Section 307(a) of P.L. 95-217 and chemical elements or compounds, phenols or other taste- or odor-producing substances, or any other substances normally not found in unpolluted waters which are not susceptible to treatment or which may interfere with the biological process of efficiency of the treatment system, or that will pass through the system or preclude the selection of the most cost-effective alternative for wastewater treatment and sludge disposal.
- (7) Discolored material: wastes which cause discoloration or other condition in the quality of the Authority's treatment plant effluent in such a manner that the receiving water quality requirements established by law cannot be met.
- (8) Corrosive wastes: any waste which will cause corrosion or deterioration of the treatment system. All wastes discharged to the public sewer system must have a pH value in the range of 6.0 to 9.0 standard units. Prohibited materials include, but are not limited to, acids, alkalines, sulfides, concentrated chloride and fluoride compounds and substances which will react with water to form acidic or alkaline products.
- (9) Incompatible waste/water: waters or wastes containing substances which are not amenable to treatment or reduction by wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters. No waste shall be discharged to a community sewer that causes, threatens to cause, or is capable of causing, either alone or by interaction with other substances, conditions at or near the Authority's facilities which violate any statute or any rule, regulation or ordinance of any public agency or state or federal regulatory body.

B. *Limitations on wastewater strength.*

- (1) The Authority's Sewer Use Resolution, most recent version, shall dictate requirements for limitations of wastewater strength.
- (2) No person shall discharge any wastewater:
 - (a) Having a temperature higher than 40° C. (104° F.) or which, on contact with water or sewage, will generate heat in excess of 40° C. (104° F.).

- (b) Containing more than 25 mg/l of oil or grease of animal or vegetable origin.
 - (c) Containing more than 25 mg/l of oil or grease of mineral or petroleum origin. Existing installations at the time of adoption of this chapter may be permitted to discharge up to 50 mg/l, provided it had no significant adverse effect on the sewerage facilities.
 - (d) Containing any hydrogen sulfide, sulfur dioxide, nitrous oxide or any halogen gas in excess of 10.0 mg/l.
 - (e) With a chlorine demand in excess of 15 mg/l.
 - (f) In excess of the Authority's NPDES permit limits for chlorinated hydrocarbons which cannot be removed by the Authority's wastewater treatment process.
 - (g) In excess of 1.0 mg/l phenolic compounds.
 - (h) Containing materials which exert or cause:
 - (1) Unusual concentrations of inert or suspended solids, such as, but not limited to, Fuller's earth, lime slurries and lime residues, or of dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate.
 - (2) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment plant.
 - (3) Unusual volume or quantities of flow or concentration or both of wastes constituting "slugs" as defined in § 342-22.
 - (i) Any person diluting wastewater for the purpose of meeting the abovestated limitations shall be considered in violation of this service.
- C. *Holding tank waste.* Holding tank waste shall be discharged into the community sewer only at points with an approved sewer connection permit for this type and quantity of pollutant.
- D. *Storm drainage and groundwater.*
- (1) Disposal of stormwater, groundwater, rainwater, street drainage, subsurface drainage or yard drainage, directly or indirectly to any community sewer, shall be permitted through a sewer connection permit issued by the Authority.
 - (2) Treatment of said drainage water and groundwater prior to discharge into the Sewer System is required in accordance with the Authority's Sewer Use Resolution.
 - (3) If approval is granted for discharge of such water into the community sewers, the user shall pay the applicable wastewater service charge and fees and meet such other conditions that may be required by the Authority.

E. *Prohibitions on unpolluted water.*

- (1) Unpolluted water, including, but not limited to, cooling water, process water or blowdown from cooling towers or evaporative coolers, or any other unpolluted water, shall not be permitted to be discharged through direct or indirect connection to a community sewer without a sewer connection permit approval by the Authority.
- (2) The Authority may approve the discharge of such water only when no reasonable alternative method of disposal is available or such alternative is unacceptable.
- (3) If approval is granted for the discharge of such water, the user shall pay the applicable wastewater service charges and fees and shall meet such other conditions as required by the Authority.

F. *Limitations on point of discharge.* No person shall discharge any substances directly into a manhole or other opening in a community sewer, other than through a house connection approved by the Authority. Upon written application by the user and payment of the applicable wastewater service charges and fees, the Authority may grant permission for such direct discharges at approved locations.

G. *Authority's alternatives on discharges.*

- (1) If any waters or wastes are discharged, or are proposed to be discharged, into the Authority's sewers which contain the substances or possess the characteristics which, in the judgment of the Authority, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Authority may:
 - (a) Reject the wastes.
 - (b) Require pretreatment to an acceptable condition for discharge to the public sewers.
 - (c) Require control over the quantities and rates of discharge.
 - (d) Require payment to cover the added cost of handling and rerating the wastes.
- (2) If the Authority permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Authority and subject to the requirements of all applicable codes, ordinances, and laws.

V. Control of Discharge to the Sewer System

A. *Regulatory actions.* If wastewaters containing any substance prohibited in this article or containing any substance in concentrations exceeding limits by this article are discharged into the treatment works of the Authority, or my tributary treatment works hereto, the Director shall take all actions necessary to:

- (1) Prohibit the discharge of such wastewater;
- (2) Require an industrial or commercial discharger to demonstrate that modifications will cause the discharge of such substances to be in conformance with this article;
- (3) Require pretreatment, including storage facilities, or flow equalization necessary to ensure complete compliance with these rules and regulations;
- (4) Require the person making, causing or allowing the discharge to pay all the additional cost or expense incurred by the Authority for handling and treating excess loads imposed on the treatment works; and
- (5) Take such other remedial action as may be deemed to be desirable or necessary to achieve the purpose of this article.

B. *Authority approval for discharge of certain wastes.* Upon written approval of the Authority, certain wastes which exceed the limits imposed by this article may be permitted to be discharged into the public sewer if a holding tank is employed and the wastes are released at a constant rate over a twenty-four-hour period. This only applies to intermittent flows or batch releases of short duration. Such approval may be rescinded at any time by the Authority.

C. *Control structures; installation, construction and maintenance.* When required by the Authority, the owner of any property served by a house connection shall install suitable control structures for wastewater or stormwater control, together with such necessary meters and other appurtenances, in the house connection to facilitate observation, treatment, or sampling and measurement of the wastes. Manholes, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Authority. The structures' manholes shall be installed by the owner at his/her expense and shall be maintained by the owner so as to be safe and accessible at all times.

D. *Interceptors.* Grease, oil and sand interceptors shall be provided when, in the opinion of the Authority, they are necessary for the proper handling of liquid wastes containing floatable grease or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Authority and shall be located so as to be readily and easily accessible for cleaning and inspection. In the maintenance of those interceptors, the owner shall be responsible for the proper removal and disposal, by appropriate means, of the captured material and shall maintain records of the dates and means of disposal, which are subject to review by the Authority. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms.

E. *Measurements, tests and analyses.* All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at such control manhole. In the event that no special manholes have been required, the control manhole shall be considered to be the nearest

downstream manhole in the public sewer to the point at which the house connection is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken.

F. *Protection from accidental discharge.*

(1) Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or operator/s own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Authority for review and shall be approved by the Authority before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his/her facility as necessary to meet the requirements of this article.

(2) Any possible connection of entry point for a persistent or deleterious substance to the user's plumbing or drainage system shall be appropriately labeled to warn operating personnel against discharge of such a substance in violation of these regulations.

(3) In order that employees of commercial or industrial users be informed of all requirements, users shall make available to their employees copies of these regulations and such other wastewater information and notices which may be furnished by the Authority from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of these regulations.

G. *Exceptions.* No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Authority and any individual or corporation whereby a waste of unusual strength or character may be accepted by the Authority for treatment, subject to payment therefor by the individual or corporation concerned.

H. *Noncompliance provisions.* If the Authority finds that good reason exists to believe that the requirements of this article have not been or are not being observed, the Authority may require the owner, tenant or lessee of the offending property to furnish it with adequate proof that requirements are met or that such owner, tenant or lessee shall immediately take steps to provide proper treatment facilities, interceptors, or remedial action to correct conditions so that conformance to this article will be observed.

VI. Sanitary Disposal of Sewage.

A. *Deposit of objectionable waste.* No person shall place or deposit, or permit to be placed or deposited, upon the surface of land in public or private ownership any human excrement, garbage or any other objectionable waste.

B. *Effluents.* No person shall permit septic tank or privy vault effluent or other liquid containing

human excrement or residues thereof to appear on or flow over any land in the Municipality in his/her ownership or control or from his/her land to any other land in the Municipality.

- C. *Discharge of polluted liquid into natural outlets.* No person shall discharge, or permit the discharge, of any sanitary sewage, septic tank or privy vault effluent, industrial wastes or other waterborne polluted liquid emanating from any building on his/her property into any natural outlet in the Municipality.
- D. *Construction of privy vaults, cesspools, septic tanks.* No person shall construct any privy vault, cesspool, septic tank or other facility intended or used for the storage or disposal, or both, of sewage, except, as provided in this article.
- E. *Toilet facilities.* Every building or premises in the Town designed or arranged for human occupancy, or devoted by its owner to such use, shall be equipped with adequate and suitable toilet facilities and adequate and suitable provisions, as provided in this article, for the disposal of sewage originating therein.
- F. *Connection to public sewer; penalty for noncompliance.* The owner of all houses, buildings on properties used for human occupancy, employment, recreation or other purposes, situated within the Municipality abutting on any street, alley or right-of-way in which there is now located a public sanitary sewer of the Authority, is hereby required, at his/her expense, to connect the sanitary facilities within such house or building on such property with the public sewer in accordance with the provisions of this article within 60 days of public notification of construction completion of the sewer system. In the event such owner fails to connect to the sewer system within such period of time, he/she shall be liable to a fine as set forth in General Penalty of this Code.
- G. *Nonavailability of public or private sanitary sewer.*
 - (1) Where a public sanitary or combined sewer is not available, the house connection shall be connected to a private wastewater disposal system complying with the provisions of this article. Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a sewer connection permit from the Authority. The application for such permit shall be made on a form furnished by the Authority, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Authority. A permit and inspection fee as set forth in the Authority Sewer Use Resolution.
 - (2) A permit for a private wastewater disposal system shall not become effective until the installation is completed and appraised by the Authority. The Authority shall be allowed to inspect the work at any stage of construction. The applicant for the permit shall notify the Authority when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Authority.
 - (3) The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations of the New Jersey Department of Environmental Protection.
 - (4) At such time as a public sewer becomes available to a property served by a private wastewater

disposal system, a direct connection shall be made to the public sewer within 60 days, in compliance with this article, and any septic tanks, cesspools or similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

- (5) The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Authority. Sludge removal from private disposal systems shall be performed by licensed operators and disposed of in accordance with the requirements of the New Jersey Department of Environmental Protection, the Municipal Health Officer and the Authority.
- (6) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

VII. Wastewater volume determination.

- A. *Metered water supply.* For premises where, in the opinion of the Authority, a significant portion of water received from any metered source is not consumed by the user or is not removed from the premises by means other than community sewers, sewage discharged to the community sewer shall be calculated based on water consumption as indicated by the water meter reading. The amount of water used from private sources shall be determined by means of a meter installed and maintained at the expense of the user and approved by the Authority.
- B. *Metered wastewater volume and metered diversions.* For premises where, in the opinion of the Authority, a significant portion of the water received from any metered source does not flow into the community sewer because of the principal activity of the user or removal by other means, the wastewater volume shall be the volume of wastewater discharging from such premises into the community sewer. Written notification and proof of the diversion of water must be provided by the user if he/she wishes to dispute the Authority using the total amount of water used from all sources as the measure of wastewater discharged to the community sewer. If required by the authority, such user must install a meter of a type and at a location approved by the Authority and as the user's own expense. Such meters may measure either the amount of sewage discharge or the amount of water diverted. Such meters shall be tested for accuracy at the expense of the user when deemed necessary by the Director.
- C. *Estimated wastewater volume.* For users where, in the opinion of the Authority, it is unnecessary or impractical to install meters and where the quantity of water diverted from the sewers amounts to 20% or more of the total water used, the quantity of wastewater may be based upon an estimate prepared by the Authority. This estimate shall be based upon a rational determination of the wastewater discharged and may consider such factors as the number of fixtures, searing capacity, population equivalent, annual production of goods and services or such other determination of water use necessary to estimate the wastewater volume discharged.

VIII. Sewer Connection Permits.

- A. All Connections to the sewer system shall be made through submission of plans and approval of the Sewer Connection Permit. All users must obtain a sewer connection permit from the Authority before connection to or discharging into the Sewer System. Technical guidelines for the permit application and applicable fees are made available by the Authority and defined through the Authority Sewer Use Resolution, most recent version.
- B. Users seeking a sewer connection permit shall complete and file with the Authority a sewer connection permit application, in the form prescribed by the Authority, and accompanied by the applicable fee.
- C. The Authority shall evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Authority may issue a sewer connection permit subject to terms and conditions provided herein.
- D. Sewer connection permits are issued to a specific user for a specific operation. A sewer connection permit shall not be reassigned, transferred or sold to a new owner, new user, different premises or a new or changed operation.
- E. Sewer connection permits shall be expressly subject to all applicable provisions established by the Authority.
- F. Permit conditions. Sewer connection permits shall be expressly subject to all applicable provisions of this article and all other regulations established by the Authority.
- G. Revocation of permit. Any significant change in wastewater strength, volume discharged or operations affecting the characteristics of wastewater discharge may be grounds for modifying the sewer connection permit. Failure of the user to report significant changes in their operations wastewater discharge strength or characteristics, or violation of conditions of the permit, may be grounds for revoking a permit.
- H. Violations of conditions of the permit.
 - (1) The conditions of sewer connection permits shall be uniformly enforced by the Authority in accordance with this article, applicable state and federal regulations, and most practicable technology available. Any discharger who violates the conditions of the permit or this article or applicable state or federal regulations is subject to having his/her permit revoked and ceasing discharge to the community sewer following a reasonable notice period and reasonable time to comply.
 - (2) Failure of a user to factually report the strength, volume or characteristics of his/her discharge or to refuse reasonable access to their premises for the purpose of inspection or monitoring of pollution sources may be grounds for revoking the permit.

- I. Trade secrets. All information and data pertaining to a user obtained from reports, questionnaires, permit 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 Authority that the release of such information to the general public would divulge information, processes or methods which would give a business advantage to competitors who did not otherwise have this information. Contents, volume and frequency of discharge will not be recognized as confidential information.
- J. Special agreements. No statement contained in this article shall prevent any special agreement or arrangement between the Authority and any person where unusual circumstances compel special terms, conditions and charges or fees for the collection, treatment and disposal of the wastewater by the Authority.

IX. Right of Entry for Inspections.

The Town Health Officer, the Director, the Engineer and other duly authorized employees of the Authority bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurements, sampling and testing in accordance with the provisions of this article.

X. User Classification.

The Authority Sewer Use Resolution classifies users based on quantity and type of discharge by the user. The purpose of such classification is to facilitate the regulation of wastewater discharges based on quality, quantity and flow to provide an effective means of source control and to establish a system of wastewater service charges and fees which will insure an equitable recovery of the Authority's cost. The elements of quality may include, but not be limited to, the following: suspended solids, COD, oil and grease and chlorine demand.

XI. Industrial User Reporting and Monitoring Requirements.

A. Discharge reports for Industrial Users.

- (1) Every significant industrial user shall file periodic discharge reports at intervals designated by the Authority. The Authority may require any other industrial users discharging or proposing to discharge into the treatment works to file such periodic reports.
- (2) The discharge report shall include, but not be limited to, the 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 material stored on site even though they are not normally discharged. In addition to discharge reports, the Director may require information in the form of industrial discharge permit applications and selfmonitoring reports.

B. Records and monitoring for Industrial Users.

- (1) All industrial users who discharge or propose to discharge wastewaters to the treatment works shall maintain such records of production and related factors, effluent flows and pollutant amounts of concentrations as are 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 upon request by the Director. All such records relating to compliance with pretreatment standards shall be made available to officials of the NJDEP and the United States Environmental Protection Agency upon demand. A summary of such data indicating the industrial user's compliance with this article shall be prepared quarterly and submitted to the Director. All records shall be retained for a period of five years.
- (3) The owner or operator of any premises or facility discharging industrial waters into the system shall install at his/her own cost and expense suitable monitoring equipment to facilitate the accurate observation, sampling and measurement of wastes. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.
- (4) Each significant industrial discharger shall maintain separate monitoring equipment.
- (5) Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the applicable federal, state and local requirements and all applicable construction standards and specifications. Plans and specifications for all such work shall be submitted to the Director for approval prior to construction.

C. Inspection, sampling and analysis.

- (1) Compliance determination. Compliance determinations by the Director, or his/her agent, with respect to prohibitions and limitations shall be made on the basis of either instantaneous grab samples or twenty-four-hour composite sample wastewater, or as may be determined by the NJDEP or the United States EPA.
- (2) Analysis of industrial wastewaters. Laboratory analyses of industrial wastewater samples shall be performed in accordance with the United States EPA "Guidelines Establishing Test Procedures for the Analysis of Pollutants," published in the Federal Register, Volume 41, No. 232, December 1, 1976, as may be amended from time to time. Analysis of those pollutants not covered by the publications referred to therein shall be performed in accordance with procedures approved by the NJDEP.
- (3) Sampling frequency. Sampling of industrial wastewater for the purpose of compliance determination with respect to prohibitions and limitations will be done at such intervals as the Director may deem appropriate, however, such sampling shall be conducted for all significant industrial users at least once annually.

XII. Public Sewers; Connections and Extensions.

- A. Permit required. No person shall uncover, make any extension or connection to, or opening into, or use, alter or disturb any public sewer or any appurtenance thereof without having first

obtained a sewer connection permit from the Authority to do so.

- B. Extension. Every extension of any public sewer shall be made pursuant to plans and specifications prepared by or for the Authority and approved by the Engineer.
- C. Connections to Sewers.
 - (1) All persons who own or occupy any land fronting on a street through which a sewer is or shall be built shall connect all their sinks, drains, water closets and privies on such land with such sewer. No cesspool privy, privy vault, septic tank or other facility intended or used for the disposal of wastewater shall be built or maintained on such land, nor shall the Health Department issue any permit for any cesspool on land so situated.
 - (2) Every connection into any public sewer shall be made by a house service connection.
 - (3) All owners of property shall connect their respective premises with such sewers within 60 days of public notification of the construction completion of the sewer system. All persons who shall neglect to make connections within such time shall be liable to a penalty as set forth in General Penalty of this Code.
- D. Owner's responsibility. The house service connection and sewer lateral shall be made, paid for, installed and maintained by the owner.
- E. Submission of plans and specifications; conformance with New Jersey uniform construction codes. Plans and specifications for all extensions and connections to the public sewer system shall conform to the Building Code of the Municipality Plans and specifications and the Authority Sewer Use Resolution connection requirements.
- F. Grade and alignment. The house service connection shall be laid at a straight grade and, so far as possible, in a straight alignment. Changes in direction shall be made only with curved pipe and fixtures. Cleanouts shall be constructed as required by the Authority at each change in direction and for every 50 feet of house service connection.
- G. Low connection. In all buildings which the house service connection is necessarily laid low to permit gravity flow to the street curb, the sanitary sewage to be carried by such connection shall be lifted by approved artificial means and discharged into the house service connection or sewer lateral.
- H. Excavations. All excavations required for the establishment of a house service connection shall be open trench work, unless otherwise approved by the Engineer. Pipe laying and backfill shall be performed in accordance with the requirements of the Plumbing Subcode Official and shall not be done until the house service connection has been inspected, tested and approved by the Planning Subcode Official.
- I. Open trenches. Open trenches in the establishment of house service connections shall not be left unattended during the course of construction without adequate regard to the safety of the general public. Trenches left open overnight or over a weekend must have adequate covering

or, in lieu thereof, have barriers and lights so placed along the opening so as to prevent any persons or vehicles from falling therein.

- J. Inspection. The owner, or his/her agent, shall inform the Engineer when the house service connection is ready for inspection.
- K. Common House Connections. When a house connection is proposed as a house connection for a property or multiple properties where there will be more than one owner, a deed agreement shall be required which specifies the responsibility of the Owner(s) to be solely responsible for the operation and maintenance of the common lateral. The Deed Agreement shall specify the shared or common use building elements and utilities that cross property lines, including, but not limited to: rain gutters and downspouts, storm water facilities, common laterals and house connections which connect to the Authority's System. The Authority shall not be responsible for the maintenance of any components of the common house connection or common house connection system.
- L. Use of specialized equipment. The property owner shall be responsible for the maintenance of all specialized control equipment. Specialized control equipment includes and is not limited to any installed stormwater detention system components which require use of an external power source, including pumping and/or automated flow control system, FOG removal systems, and wastewater pumping systems.
- M. Installation by contractor or owner. The sewer lateral, including the connection from the curb to the sewer, the making of the tap in the sewer, the making of the connection of the sewer lateral to the house service connection, the backfilling of the trench and resurfacing the street above the trench from the street sewer to the curb, shall be installed at the owner's expense either an owner who meets the qualifications of a contractor with a New Jersey license. All work shall be inspected and approved by the Plumbing Subcode Official.

XIII. Accidental Discharges; Enforcement Remedies; Appeals.

- A. Accidental discharges; liability.
 - (1) If, for any reason, a facility does not comply with or will be unable to comply with any prohibition or limitations of this article, the facility responsible for such discharge shall take immediate corrective action to prevent continued harm to the treatment works and shall immediately notify the Director so that additional corrective action may be taken to protect the treatment works. In addition, a written report addressed to the Director detailing the date, time and cause of the accidental discharge, the quality and characteristics of this discharge and corrective action taken at the time of the discharge, and action taken to prevent future discharges, shall be filed by the responsible person within five days of the occurrence of the noncomplying discharge.
 - (2) Such notification will not relieve users of liability for any expense, loss or damage to the sewer system, treatment plant or treatment process, or for any fines imposed on the Authority.
- B. Notification of violation. Whenever the Director finds that any person has violated or is

violating this article, or any prohibition, limitation or requirement contained herein, he/she may serve upon such person a written notice stating the nature of the violation and providing a reasonable time, not to exceed 30 days, for the satisfactory correction thereof.

C. Issuance of cease and desist orders. When the Authority finds that a discharge of wastewater has been taking place, in violation of prohibitions or limitations of this article, or the provisions of a sewer connection permit, the Director may issue an order to cease and desist and direct that those persons not complying with such prohibitions, limits, requirements or provisions to:

- (1) Comply forthwith;
- (2) Comply in accordance with a time schedule set forth by the Authority, or
- (3) Take appropriate or remedial preventive action in the event of a threatened violation.

D. Submission of time schedule. When the Authority finds that a discharge of wastewater has been taking place, in violation of prohibitions or limitations prescribed in this article, wastewater source control requirements, effluent limitations or pretreatment standards, or the provisions of a sewer connection permit, the Authority may require the user to submit for approval with such modifications, as it deems necessary, a detailed time schedule of specific actions which user shall take in order to prevent or correct a violation of requirements.

E. Show cause hearing.

(1) If the violation is not corrected by timely compliance, the Director may order any person who causes or allows an unauthorized discharge to show cause before the 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 Authority regarding the violation and directing the offending party to show cause before the 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 10 days before the hearing. Service may be made on any agent or officer of a corporation.

(2) The Authority may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the assigned department to:

(a) Issue in the name of the 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 Authority for action thereof.

(3) At any public hearing, testimony taken before the Authority, or any person designated by it,

must be under oath and recorded either by the hearing officer in a summary manner or stenographically in the latter case, the transcript so recorded, or any part thereof, will be made available to any member of the public upon payment of the usual charges thereof.

- (4) After the Authority has reviewed the evidence it may issue an order to the property owner responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, divides or other related appurtenances are properly operated and such further order and directives as are necessary and appropriate.

F. Appeals.

- (1) Any user, permit applicant or permit holder affected by any decision, action or determination, including cease and desist orders made by the Director interpreting or implementing the provisions of this article or in any permit issued hereunder, may file with the Director a written request for reconsideration within 10 days of such decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration.
- (2) If the ruling made by the Director is unsatisfactory to the person requesting reconsideration, within 10 days after notification of Authority action, he/she may file a written appeal to the Authority's governing body. The written appeal shall be heard by the body within 30 days from the date of filing. The Authority's governing body shall make a final ruling on the appeal within 10 days of the close of the hearing. The Director's decision, action or determination shall remain in effect during such period of reconsideration.

XIV. Abatement of Nuisances; Violations and Penalties.

- A. Public nuisance; penalty. Discharges of wastewater in any manner in violation of this article, or of any order issued by the Director as authorized by this article, is hereby declared a public nuisance and shall be corrected or abated as directed by the Director. Any person creating a public nuisance shall be subject to the penalties set forth in this Code.
- B. Injunction. Whenever a discharge of wastewater is in violation of the provisions of this article, or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the Authority may petition the Superior Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate in restraining the continuance of such discharge.

XV. Violations and penalties for violations of North Hudson Sewerage Authority Treatment Works and Collections System Regulations.

- A. Maximum penalty for violations of North Hudson Sewerage Authority Treatment Works and Collections System Regulations shall be one or more of the following:
 - (1) A fine not exceeding \$2,000. The minimum fine for violation \$100.
 - (2) Imprisonment for a period not exceeding 90 days.

- (3) A period of community service not exceeding 90 days.
- (4) A fine not to exceed \$2,500 per violation for solid waste unlawful disposal; for a maximum penalty of \$10,000.
- B. Separate violations. Except as otherwise provided, each and every day in which a violation of any provision of this chapter or any other ordinance of the Municipality exists shall constitute a separate violation.
- C. Application. The maximum penalty stated in this section is not intended to state an appropriate penalty for each and every violation. Any lesser penalty, including a nominal penalty or no penalty at all, may be appropriate for a particular case of violation.

SECTION TWO

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION THREE

Repealer. All ordinances or portions thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, or the extent of such conflict or inconsistency, it being legislative intent that all ordinances or portions of ordinances now existing or in effect shall remain in effect unless the they are in conflict or inconsistent with any provision of this Ordinance.

SECTION FOUR

When Effective. This ordinance shall take effect upon passage and publication as required by law.

SUMMARY OF ORDINANCE

This Ordinance implements regulations involving the collection, conveyance, treatment and discharge or disposal of sewage and wastewater that is generated in the Town of West New York.

Introduced: 11/30/2017

Notice

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on **November 30, 2017** and ordered published, and will be further considered before final passage at a public hearing on **December 21, 2017 at 3:30 p.m.** at the Commission Chambers, Municipal Building, West New York, NJ. A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, N.J.

Carmela Riccio, RMC
Town Clerk