

**CHANGE TWELVE**

**FACT SHEET**

**THIS PART CONTAINS THE EXPLANATION OF  
CHANGES PROPOSED TO THE  
PVSC RULES AND REGULATIONS**

## **INTRODUCTION**

Change 12 is designed to bring PVSC's Rules and Regulations up to date with current State and/or Federal laws. Many of the modifications contained in Change 12 concern requirements that must apply to all Sewer Use Permits issued by PVSC. In most instances, the proposed modifications directly track the language found in the applicable State and/or Federal laws, with only minor modifications.

Further modifications include more fully defined procedures for Sewer Use Permit applications, issuance, renewal, modification, suspension and/or revocation, as well as more fully defined procedures for persons wishing to appeal PVSC actions, among others. These procedures also must be included in PVSC's Rules & Regulations pursuant to State and/or Federal law. Provisions regarding PVSC sewer connection fees have also been updated.

Finally, Change 12 will correct typographical and formatting errors, renumber certain subsections for internal consistency, and make changes to pronouns where appropriate. Corrections of this nature are non-substantive.

The subsequent section in this Fact Sheet describes each corresponding change in more detail.

## EXPLANATION OF CHANGES

1. **Table of Contents** – Reformatted; no substantive changes.
2. **Section 101.1** – Changes “BMP’s” to “BMP”; no substantive change.
3. **Section 104.2 Inspections** – Capitalized “Rules and Regulations” in first line; no substantive change.
4. **Section 106.2 Trade Secrets** – Change of pronoun from “his” to “its”; no substantive change.
5. **Section 107.1 Reconsideration and Appeal** – added pronoun “her” to “his/her”; no substantive change.
6. **Section 107.2 Reconsideration and Appeal** – added pronoun “her” to “him/her”; no substantive change.
7. **Section 107.3 Reconsideration and Appeal** – added pronoun “her” to “him/her”; no substantive change.
8. **Section 301.5 Sewer Use Permits** – This new section incorporates *N.J.S.A.* §58:10A-6(k) of the New Jersey Water Pollution Control Act into PVSC’s Rules & Regulations. This section provides that no Sewer Use Permit will be issued, renewed, or modified by PVSC unless and until the permit holder has either: (1) paid any and all outstanding fees, penalties and/or fines owed to PVSC; (2) entered into an agreement establishing a payment schedule therefore; or (3) if the permit holder is contesting any fee, penalty and/or fine, posted financial security with PVSC during the appeal process. This section is required to be included in PVSC’s Rules & Regulations by State law and the New Jersey Department of Environmental Protection.
9. **Section 308.4 Procedure For Obtaining a Sewer Use Permit** – This new section incorporates *N.J.A.C.* §7:14A-19.10(e) of the New Jersey Administrative Code into PVSC’s Rules & Regulations. This section provides notice requirements for PVSC when issuing any proposed new, renewed, and/or modified (major modifications only) Sewer Use Permit, or when revoking a Sewer Use Permit. This section is required to be included in PVSC’s Rules & Regulations by State law and the New Jersey Department of Environmental Protection.
10. **Section 308.5 Procedure for Obtaining a Sewer Use Permit** – This new section incorporates *N.J.A.C.* §7:14A-19.8(d)(2) of the New Jersey Administrative Code into PVSC’s Rules & Regulations. This section sets forth procedural requirements for the issuance, renewal, modification, suspension and/or revocation of a Sewer Use Permit. This section is required

to be included in PVSC's Rules & Regulations by State law and the New Jersey Department of Environmental Protection.

11. **Section 309.1 Permit Conditions** – Revised introductory sentence to read, “In addition to any other conditions and requirements deemed proper or necessary by PVSC on a case-by-case basis, the following minimum conditions and requirements shall be applicable to all Permits issued by PVSC.” This revision emphasizes the fact that the permit conditions listed thereafter are applicable to all permits issued by PVSC, in addition to any other conditions set by PVSC.
12. **Section 309.1(i) Permit Conditions** – This new section incorporates *N.J.S.A.* §58:10A-6(f)(6) of the New Jersey Water Pollution Control Act into PVSC's Rules & Regulations. This section requires that all Sewer Use Permit holders keep all equipment installed for the purpose of achieving compliance in good working order and operating as efficiently as possible at all times. This section is required to be included in PVSC's Rules & Regulations by State law and the New Jersey Department of Environmental Protection.
13. **Section 309.1(j) Permit Conditions** – This new section incorporates *N.J.S.A.* §58:10A-6(f)(5) of the New Jersey Water Pollution Control Act into PVSC's Rules & Regulations. This section sets forth certain general operation and reporting requirements for Sewer Use Permit holders and designates which representative of the holder is responsible for ensuring the accuracy of discharge monitoring reports filed with PVSC. This section is required to be included in PVSC's Rules & Regulations by State law and the New Jersey Department of Environmental Protection.
14. **Section 309.1(k) Permit Conditions** – This new section incorporates 40 *CFR* 403.12 (f) and *N.J.S.A.* §58:10A-6(f)(5) of the New Jersey Water Pollution Control Act into PVSC's Rules & Regulations. This section sets forth permit holder reporting requirements and procedures in the case of an exceedance of an effluent limitation that causes injuries to persons, or damage to the environment, or poses a threat to human health or the environment. This section is required to be included in PVSC's Rules & Regulations by Federal and State law and the New Jersey Department of Environmental Protection.
15. **Section 309.1(l) Permit Conditions** – This new section incorporates *N.J.S.A.* §58:10A-6(f)(9) of the New Jersey Water Pollution Control Act into PVSC's Rules & Regulations. This section sets forth additional reporting requirements for permit holders who: (1) in any month commit a Serious Violation (as defined in PVSC's Rules & Regulations) or fail to submit a completed discharge monitoring report and does not contest or unsuccessfully contests the same; or (2) exceeds an effluent limitation for the same pollutant at the same discharge point source by any amount for four out of six consecutive months. This section is required to be included in PVSC's Rules

& Regulations by State law and the New Jersey Department of Environmental Protection.

16. **Section 309.1(m) Permit Conditions** – This new section incorporates *N.J.S.A.* §58:10A-6(f)(10) of the New Jersey Water Pollution Control Act into PVSC’s Rules & Regulations. This section sets forth reporting requirements for permit holders who experience a Serious Violation (as defined in PVSC’s Rules & Regulations). This section is required to be included in PVSC’s Rules & Regulations by State law and the New Jersey Department of Environmental Protection.
17. **Section 309.1(n) Permit Conditions** – This new section incorporates 40 *CFR* 403.12(j) and *N.J.S.A.* §58:10A-6(f)(4) of the New Jersey Water Pollution Control Act into PVSC’s Rules & Regulations. This section requires a permit holder to submit an application for a new Sewer Use Permit for any contemplated expansion of the permit holder’s facility or change in facility process that would result in new or increased discharges to PVSC, or, in the event that such a change would not violate an effluent limitation or any other current Sewer Use Permit provision, the permit holder must notify PVSC of the same. Further, this section requires a permit holder to promptly notify PVSC in the event of any substantial change in the volume or character of pollutants in the permit holder’s discharge. This section is required to be included in PVSC’s Rules & Regulations by Federal and State law and the New Jersey Department of Environmental Protection.
18. **Section 309.1(o) Permit Conditions** – This new section incorporates 40 *CFR* 403.12(g) into PVSC’s Rules & Regulations. This section specifies certain minimum sampling and reporting requirements for all permit holders. This section is required to be included in PVSC’s Rules & Regulations by Federal law and the New Jersey Department of Environmental Protection.
19. **Section 309.1(p) Permit Conditions** – This new section incorporates 40 *CFR* 403.12(p) into PVSC’s Rules & Regulations. This section specifies procedures and notice requirements for all permit holders in the event the permit holder discharges any substance into the PVSC system that would be considered a “hazardous waste” under 40 *CFR* part 261. This section is required to be included in PVSC’s Rules & Regulations by Federal law and the New Jersey Department of Environmental Protection.
20. **Section 309.3 Permit Conditions** – Change of pronoun from “his” to “its”; no substantive change.
21. **Section 310.3 Suspension of Any Permit** – Change of pronoun from “his” to “its”; no substantive change.

22. **Section 310.4 Suspension of Any Permit** – Change of pronoun from “his” to “its”; no substantive change.
23. **Section 310.7 Suspension of Any Permit** – This new section incorporates *N.J.S.A. §58:10A-7(d)* of the New Jersey Water Pollution Control Act into PVSC’s Rules & Regulations. This section provides that a determination to grant, deny, modify, suspend or revoke a permit shall constitute a contested case for purposes of the New Jersey Administrative Procedure Act, and that any person considered a party to determination shall have the opportunity to contest the same. This section is required to be included in PVSC’s Rules & Regulations by State law and the New Jersey Department of Environmental Protection.
24. **Section 310.8 Suspension of Any Permit** – This new section incorporates *N.J.S.A. §58:10A-7(e)* of the New Jersey Water Pollution Control Act into PVSC’s Rules & Regulations. This section sets forth the procedural requirements for persons other than the permit holder itself who seek to be considered a “party” for purposes of contesting a determination by PVSC to grant, deny, modify, suspend or revoke the permit holder’s Sewer Use Permit. This section is required to be included in PVSC’s Rules & Regulations by State law and the New Jersey Department of Environmental Protection.
25. **Section 311.1 Revocation of a Permit** – Change of pronoun from “his” to “its”; no substantive change.
26. **Section 311. 3 Revocation of a Permit** – Changed the word “he” to “the user” in the first sentence; no substantive change.
27. **Section 311.4 Revocation of a Permit** – This new section incorporates *N.J.S.A. §58:10A-7(c)* of the New Jersey Water Pollution Control Act into PVSC’s Rules & Regulations. This section requires PVSC to provide public notice with regard to every proposed suspension, revocation, renewal, and/or substantial modification of a Sewer Use Permit. This section is required to be included in PVSC’s Rules & Regulations by State law and the New Jersey Department of Environmental Protection.
28. **Section 312.1(b) Prohibited Industrial Wastes** – **This section incorporates 40 CFR 403.5 and 40 CFR 401.17 into PVSC’ Rules & Regulations.** The language added tracks the federal requirement that, at no time shall the pH of a discharge be permitted below a pH of 5.0. It also provides the exceptions permitted for exceedances of the upper pH limit of 10.5. PVSC is required to set these limits pursuant to Federal Law.
29. **Section 312.1(d) Prohibited Industrial Wastes** – This Section incorporates N.J.A.C. 7:14A-12.8(d) into PVSC’s Rules & Regulations. The section changes PVSC’s local total petroleum hydrocarbons limit, as well as adding a

monthly average for this parameter, so that they coincide with the state requirements under N.J.A.C. 7:14A-12.8(d). PVSC is required to set these limits pursuant to State law.

30. **Section 312.1(l) Prohibited Industrial Wastes** – Capitalizes “Permit” in the first line and removes misplaced commas; no substantive change.
31. **Section 314.2(b) Affirmative Defenses** – adds the word “and” after the semi-colon; no substantive change.
32. **Section 314.5 Affirmative Defenses** – This new section incorporates *N.J.S.A.* §58:10A-10.2 of the New Jersey Water Pollution Control Act into PVSC’s Rules & Regulations. This section provides notice that a person may be entitled to an affirmative defense in the event that person violates his or her Sewer Use Permit and/or PVSC’s Rules & Regulations. This section is required to be included in PVSC’s Rules & Regulations by State law and the New Jersey Department of Environmental Protection.
33. **Section 314.6 Affirmative Defenses** – This new section further incorporates *N.J.S.A.* §58:10A-10.2 of the New Jersey Water Pollution Control Act into PVSC’s Rules & Regulations. This section sets forth the procedure for a person who wishes to assert an unanticipated bypass as an affirmative defense to a Notice of Violation. This section is required to be included in PVSC’s Rules & Regulations by State law and the New Jersey Department of Environmental Protection.
34. **Section 314.7 Affirmative Defenses** – This new section incorporates *N.J.S.A.* §58:10A-10.2(e) of the New Jersey Water Pollution Control Act into PVSC’s Rules & Regulations. This section sets forth the procedure for a person who wishes to assert an anticipated bypass as an affirmative defense to a Notice of Violation. This section is required to be included in PVSC’s Rules & Regulations by State law and the New Jersey Department of Environmental Protection.
35. **Section 314.8 Affirmative Defenses** – This new section incorporates *N.J.S.A.* §58:10A-10.2(f) of the New Jersey Water Pollution Control Act into PVSC’s Rules & Regulations. This section sets forth the burden of proof for a permit holder who wishes to assert a testing or laboratory as an affirmative defense to a notice of violation. This section is required to be included in PVSC’s Rules & Regulations by State law and the New Jersey Department of Environmental Protection.
36. **Section 315.2 Pretreatment Facilities** – Change of pronoun from “his” to “its”; no substantive change.

37. **Section 316.2 Industrial Waste Reporting** – Change of pronoun from “his” to “its”; no substantive change.
38. **Section 316.8 Industrial Waste Reporting** – Added introductory clause, “In addition to the requirements listed in Section 309.1(k) through (p) of these Rules & Regulations.” This language emphasizes the mandatory nature of the reporting requirements referenced, as discussed above.
39. **Section 316.14 Industrial Waste Reporting** – This new section incorporates N.J.S.A. 58:10A-6(f)(9) & (f)(10) in PVSC’s Rules & Regulations. This section provides requirements for Industrial Users to report Serious Violations. This section is required to be included in PVSC’s Rules & Regulations by State law and the New Jersey Department of Environmental Protection.
40. **Section 316.15 Industrial Waste Reporting** – This new section incorporates *N.J.A.C. §7:14A-6.10(f)(2)* of the New Jersey Administrative Code into PVSC’s Rules & Regulations. This section provides reporting requirements for most upsets and/or unanticipated bypasses, and for all anticipated bypasses, which a permit holder may experience. This section is required to be included in PVSC’s Rules & Regulations by State law and the New Jersey Department of Environmental Protection.
41. **Section 317.5 Industrial Waste Monitoring** – Change of pronouns from “his” to “its”; no substantive change.
42. **Section 320.2 Frequency of Sampling and Analysis** – Change of pronoun from “his” to “its”; no substantive change.
43. **Section 321.2 Enforcement Response Plan** – Change of the word “it” to “the Plan” for clarification; no substantive change.
44. **Section 323.3 Slug Discharges** – This new section incorporates 40 *CFR* 403.12 (f) and *N.J.S.A. §58:10A-6(f)(5)* of the New Jersey Water Pollution Control Act into PVSC’s Rules & Regulations. This section sets forth permit holder reporting requirements and procedures in the case of an exceedance of an effluent limitation that causes injuries to persons, or damage to the environment, or poses a threat to human health or the environment. This section is required to be included in PVSC’s Rules & Regulations by Federal and State law and the New Jersey Department of Environmental Protection.
45. **Section 324.2 Trucked or Hauled Wastes** – Language regarding the payment of an enhanced Permit Fee has been deleted from this section and moved to Section 602.2 for the purpose of continuity. There is no substantive change to current PVSC Rules & Regulations as a result of this deletion.

46. **Section 406.3 Compliance (Grease Traps)** – Change of pronoun from “his” to “its”; no substantive change.
47. **Section 503.2 Calculation of User Charges** – Change of pronoun from “his” to “its”; no substantive change.
48. **Section 506.1(b) Change of User Class** – adds the word “and” after the end of the clause; no substantive change.
49. **Section 602.2 Fees and Other Charges** – The following language was added: “In addition, all users that are permitted to receive and process trucked or hauled wastes shall pay an enhanced permit fee, as determined by PVSC on a case-by-case basis.” This language was moved from current Section 324.2 to this section for the purpose of continuity. There is no substantive change to current PVSC Rules & Regulations as a result of this addition.
50. **Section 602.2 Fees and Other Charges** – Changes the second word of the last sentence from “that” to “who”; no substantive change.
51. **Section 602.6 Fees and Other Charges** – This section has been expanded and reformatted to clarify several issues regarding PVSC’s collection of sewer connection fees. Subsection (a) delineates under what circumstances PVSC will collect a sewer connection fee, and under what circumstances PVSC will issue a credit to a user for a change in operation or a change in intensity of use, and defines the term “change in intensity of use”. Subsection (b) provides that a sewer connection fee is collectible from either a landlord or a tenant, or both, of a directly or indirectly connected property. Subsections (c), (d) and (e) contain no changes from the existing Section 602.6, and have merely been reformatted for easier reading. Subsection (f) provides an exemption from sewer connection fees for projects involving the construction of new or the refurbishment/remodeling of existing municipal buildings, which building projects are funded solely by public tax dollars and which buildings are used for the provision of government services (such as police or fire stations) or public education.
52. **Section 602.7(d) Fees and Other Charges** – Typographical correction separating former Subsection into two sentences. Second sentence now reads, “This notification will be used by PVSC to determine the initiation connection fee as described in Section 602.” No substantive change.
53. **Appendix A “Best Management Practice (BMP)”** – In parenthetical reference to Code of Management Practice (CMP), add the words, “this Appendix” to end of sentence. No substantive change.

54. **Appendix A “Hazardous Pollutant”** – In Subsection (c), corrected typographical error. No substantive change.
55. **Appendix B-104.3(f)** – Added the word “and” after end of the clause. No substantive change.
56. **Appendix C-302.6** – This new section incorporates *N.J.A.C.* §7:14-8.9(c), (d) and (e) of the New Jersey Administrative code into PVSC’s Rules and Regulations. This section provides for certain civil administrative penalties in the event a user fails to meet reporting requirements. This section is required to be included in PVSC’s Rules & Regulations by State law and the New Jersey Department of Environmental Protection.
57. **Appendix C-302.7 Civil Administrative Penalties** – This new section incorporates *N.J.A.C.* §7:14A-19.3(b)(4) of the New Jersey Administrative Code into PVSC’s Rules & Regulations. This section provides for payment of a portion of certain administrative penalties collected by PVSC to the Wastewater Treatment Operator’s Account. This section is required to be included in PVSC’s Rules & Regulations by State law and the New Jersey Department of Environmental Protection.
58. **Appendix C-302.8 Civil Administrative Penalties** – This new section incorporates *N.J.A.C.* §7:14A-19.3(c)(12) of the New Jersey Administrative Code into PVSC’s Rules & Regulations. This section provides for payment of a portion of certain administrative penalties collected by PVSC through a summons issued pursuant to *N.J.S.A.* §58:10A-10.4 to the municipal court from which the summons is issued. This section is required to be included in PVSC’s Rules & Regulations by State law and the New Jersey Department of Environmental Protection.
59. **Appendix C-303.1 Enforcement Procedures** – This new section incorporates *N.J.S.A.* §58:10A-6.1(e) of the New Jersey Water Pollution Control Act into PVSC’s Rules & Regulations. This section sets forth the procedure for a person who wishes to assert an anticipated bypass as an affirmative defense to a Notice of Violation. This section is required to be included in PVSC’s Rules & Regulations by State law and the New Jersey Department of Environmental Protection.