

Appendix A-7

PVCS Sewer Use Permit No. 31630035

PVSC Sewer Use Permit #31630035

PASSAIC VALLEY SEWERAGE COMMISSION

SEWER USE PERMIT

Permit #

31630035

(Please use the Permit Number on any correspondence with PVSC)
In compliance with the provisions of the Federal Water Pollution Control Act, its amendments, the Clean Water Act and Rules and Regulations of the Passaic Valley Sewerage Commission

PPG - GARFIELD AVENUE

REMEDIATION PROJECT

(herein, after referred to as the Permittee)
is authorized to discharge from a facility located at

25 - 45 HALLADAY STREET

JERSEY CITY, NEW JERSEY 07305

to the Passaic Valley Sewerage Commission Treatment Works in accordance with discharge limitations, monitoring requirements and other conditions set forth herein.

EFFECTIVE DATE

10/01/2017

EXPIRATION DATE

09/30/2022

PASSAIC VALLEY SEWERAGE COMMISSION

BY Gregory A. Tramontozzi
Gregory A. Tramontozzi
Executive Director

CONDITION SPECIFIC TO THIS PERMIT**1. Sampling**

- 1.1 Samples and measurements taken as required under this permit shall be representative of the monitored activity. All samples shall be taken at the monitoring points approved by the PVSC and specified in this permit. Unless otherwise specified, all samples shall be drawn by a 24-hour composite sampler acceptable to the PVSC which shall be equipped with attachments appropriate for affixing seals. During and after collection, the sample shall be maintained between 1⁰C – 4⁰C.

- 1.2 In addition to the other sample requirements set forth in SECTION A, PART 2 of this permit, the Permittee shall comply with the following:
 - (a) Samples that are taken for heavy metal analysis must be drawn by an automatic 24-hour composite sampler. A grab sample is not acceptable for metals compliance determination.

**PASSAIC VALLEY SEWERAGE COMMISSION
600 WILSON AVENUE
NEWARK, NEW JERSEY 07105**

SIU FACT SHEET

Sewer Use Permit to discharge into Passaic Valley Treatment Plant

PPG, has submitted a completed Sewer Use Application for a Sewer Use Permit New Issue to discharge into the treatment works.

NAME & ADDRESS OF APPLICANT	NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS
PPG 400 College Park Drive Monroeville, PA 15146	PPG Garfield Avenue., Remediation Project 25-45 Garfield Avenue Jersey City, NJ 07305

Description of Facility Operations: Groundwater discharger

Million Gallons per Day (MGD) Industrial Wastewater: Approx. - 149,760 MGD

Number of Outlets: Industrial – 1-This outlet is used for compliance

Sample Point Location: Sample point is located at post-treatment sampling port in GWTS area.

Basis for Permit Conditions: Groundwater

Type of Pretreatment Equipment Installed: Physical and Chemical Process including Coagulation, Precipitation, pH Adjustment, Chemical Reduction, Filtration, Sludge Handling, Activated Carbon Adsorption and Cation Exchange using Zeolite Organoclay. Process are applied as necessary to achieve the required effluent characteristics.

Duration of Sewer Use Permit: 5 Years

Special Conditions or Remarks: New Issue; This company is covered under PVSC Local Limits.

2. MONITORING REQUIREMENTS AND DISCHARGE LIMITATIONS

(a) Beginning (10/01/2017) and lasting through (09/30/2022) the Permittee is authorized to discharge from outlet # (31630035-1). Such discharge shall be monitored as specified below. The table lists the limitations or procedures applicable to this outlet. The volume shall be determined from flowmeter readings. The Sample point is located at post-treatment sampling port in GWTS area. The Permittee shall submit volume in accordance with PVSC User Charge Self-Monitoring Report Form MR-2.

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS	
	MONTHLY AVERAGE	DAILY MAX	MEASUREMENT FREQUENCY	SAMPLE TYPE	REPORTING PERIOD
Volume	XXXXXX	XXXXXX	XXXXXX	XXXXXX	Monthly

2. MONITORING REQUIREMENTS AND DISCHARGE LIMITATIONS

(b) Beginning (10/01/2017) and lasting through (09/30/2022) the Permittee is authorized to discharge from outlet # (31630035-1). Such discharge shall be monitored as specified below. The table lists the limitations or procedures applicable to this outlet. The volume shall be determined from flowmeter readings. The Sample point is located at post-treatment sampling port in GWTS area. The Permittee shall submit volume and analysis results in accordance with PVSC Pretreatment Discharge Monitoring Form MR-1.

PARAMETER	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS		
	MONTHLY AVERAGE	DAILY MAX	MEASUREMENT FREQUENCY	SAMPLE TYPE	REPORTING PERIOD
SGT-HEM (Non-Polar Material)	100 mg/l	150 mg/l	Monthly	Grab*	Monthly
TTO	XXXXXX	XXXXXX	Monthly	Grab**	Monthly
TVOC	XXXXXX	XXXXXX	Monthly	Grab***	Monthly
Chromium	XXXXXX	10.9 lbs/day	Monthly	24 hr. Comp.	Monthly
BOD	XXXXXX	XXXXXX	Monthly	24 hr. Comp	Monthly
Volume	XXXXXX	XXXXXX	XXXXXX	XXXXXX	Monthly

* Sampling procedure must be in accordance with those specified by N.J.D.E.P. Analysis procedure as defined by E.P.A. Method 1664A.
 ** Sampling procedure must be in accordance with those specified by N.J.D.E.P. Analysis procedure as defined by E.P.A. Method 624.
 *** Sampling procedure must be in accordance with those specified by N.J.D.E.P. Analysis procedure as defined by E.P.A. Method 625.

2. MONITORING REQUIREMENTS AND DISCHARGE LIMITATIONS

(b) Beginning (10/01/2017) and lasting through (09/30/2022) the Permittee is authorized to discharge from outlet # (31630035-1). Such discharge shall be monitored as specified below. The table lists the limitations or procedures applicable to this outlet. The volume shall be determined from flowmeter readings The Sample point is located at post-treatment sampling port in GWTS area. The Permittee shall submit volume and analysis results in accordance with PVS C Pretreatment Discharge Monitoring Report Form MR-1.

PVSC LOCAL LIMITS		DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
PARAMETER	mg/l DAILY MAX	mg/l THRESHOLD VALUE	MEASUREMENT FREQUENCY	SAMPLE TYPE	REPORTING PERIOD
Cu	3.98	0.40	Monthly	24 hr. comp.	Monthly
Pb	1.3	0.10	Monthly	24 hr. comp.	Monthly
Hg	0.06	0.006	Monthly	24 hr. comp.	Monthly
Ni	3.12	0.30	Monthly	24 hr. comp.	Monthly
Zn	3.81	0.35	Monthly	24 hr. comp.	Monthly
Volume	XXXXXX	XXXXXX	XXXXXX	XXXXXX	Monthly

**PPG - GARFIELD AVENUE REMEDIATION PROJECT, JERSEY CITY, NJ
ID# 31630035**

SCHEDULE OF COMPLIANCE

The Permittee is required to meet the following schedule of compliance:

- A. Analysis of wastewater parameters shall be performed by a laboratory that has been certified by the State of New Jersey. Permittee is required to submit all certified analyses as an attachment to the monthly MR-1 and/or MR-2 report.
- B. The Permittee is required to submit as an attachment to the MR-1 and/or MR-2 report monthly, a water balance showing meter readings used to calculate the reported volume discharged.
- C. 11/21/2017 - First Periodic Compliance Monitoring Report Due.
Permittee to submit a periodic compliance monitoring report MR-2 form for monthly reporting requirements within twenty-one (21) days after the end date of each preceding month.
- D. Permittee to be in compliance with PVSC Local Limits.
12/04/2017 - First Periodic Compliance Monitoring Report Due
Permittee to submit a periodic compliance monitoring report MR-1 form for monthly reporting requirements within thirty-five (35) days after the end date of each preceding month in accordance with General Pretreatment Regulations 40 CFR 403.12 section (e).
- E. If the Permittee has been authorized by the PVSC to certify for non-use for one or more heavy metals, the Permittee must sample the discharge in March and September of each year in order to prove continued compliance. If any analytical results exceed the Threshold Value, but not the Local Limit, the Permittee shall analyze a sample each succeeding month until three successive monthly results are at or below the Threshold Value stated in the PVSC Rules and Regulations Section B-103.3 Table B-2.
- F. Be certain that you do not surcharge any sewer lines. The rate of discharge must not exceed 149,760 gpd (104 gpm) per TWA Approval No. #15-0106. Please NOTE that all discharge must cease during rainfall events and must not recommence until dry weather resumes.
- G. 2/01/2017 - PVSC Local Limit Baseline Monitoring Report and Slug Control Questionnaire are due.

**PPG - GARFIELD AVENUE REMEDIATION PROJECT, JERSEY CITY, NJ
ID# 31630035**

SECTION A-3 SCHEDULE OF COMPLIANCE CONTINUED

- H. All discharge shall cease 5 years from the start of discharge. If additional time is needed, you must request an extension from PVSC 60 days prior to the expiration date of the Agreement and this Sewer Use Permit.
- I. All PVSC Rules & Regulations must be adhered to (www.PVSC.com).
- J. The Final Sewer Use Permit will run concurrent with a said contract executed by both PPG Industries, Inc. and PVSC.
- K. Notify Don Yanuzzi at (973)817-5946, three (3) working days before you plan to commence the discharge, so that a PVSC Inspector can be present to observe the discharge.
- L. This discharge cannot begin until a written Agreement is entered into.
- M. PPG is modifying its pretreatment system to maximize its permitted flow. PPG –The Garfield Avenue Remediation Project may accept like wastewaters via tankers from the following list of other PPG remediation sites only: Site 016, 063, 065, 107, 108, 114, 132, 133(W), 133(E), 135, 137, 143, 156, 174 and 457 Communipaw Ave., Halladay Street, Carteret Ave., Al Smith Moving Property, Former Halsted Corp., Garfield Ave., Forrest St., Forrest Properties, Former Fishbein Properties and Ten West Apparel. If PPG seeks to treat groundwater from its other remediation areas, PPG must notify PVSC in writing and receive approval prior to discharge.
- N. Permittee shall invoke the Emergency Discharge Limitation Plan (EDLP) outlined in its letter to PVSC dated 05/05/2017(see attached copy hereto). Permittee will be notified by PVSC as to when emergency conditions exist, so that the EDLP can be invoked as designed.
- O. PVSC reserves the right to require toxicity evaluation and/or to change the conditions of this Permit, including discontinuing the discharge if it deems necessary.
- P. The Permittee shall notify in writing, all agencies as directed by 40 CFR 403.12 (p) of any discharges classified hazardous waste under 40 CFR 261.

SECTION B
CONDITIONS APPLICABLE TO ALL PERMITS

1. GENERAL

- 1.1 The Permittee shall comply with all conditions set forth in this permit and all applicable requirements which are set forth in N.J.S.A. 58:14-1 et seq. and the Rules and Regulations of the PVSC, as well as the Federal Clean Water Act, 33 U.S.C.A. § 1251 et seq. and the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. Failure to comply with all the terms and conditions of this permit shall constitute a violation of the Rules and Regulations of the PVSC.
- 1.2 All discharges shall be consistent at all times with the terms and conditions of this permit and no regulated pollutant shall be discharged more frequently than authorized or at a level in excess of that which is authorized by this permit.
- 1.3 The Permittee shall not discharge or deposit or cause or allow to be discharged or deposited into the Treatment Works or public sewer, any waste which causes or contains the following
- (a) **Explosive Wastes** - Wastes in such quantity which may create a fire or explosion hazard to the Treatment Works, collection system or to the operation of the system, including but not limited to, wastewater with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21. Additional quantitative limitations on explosive wastes are specified in Appendix B, Pretreatment Limitation #2, B-201 of the PVSC Rules & Regulations.
- (b) **Corrosive Wastes** - Wastes in such quantity which may cause corrosion or deterioration of the Treatment Works. Unless a higher limit is otherwise stated in the Sewer Use Permit issued to a user, all wastes shall have a pH not less than 5. Unless otherwise stated in the Sewer Use Permit, all wastes shall have a pH not more than 10.5. If PVSC requires the installation of a continuous pH recorder, the Permittee may exceed the upper or alkaline pH limit subject to the conditions contained in subsection 317. Prohibited materials include, but are not limited to, acids, sulfides, concentrated chloride or fluoride compounds, etc.

- (c) **Solids or Viscous Wastes** - Solids or viscous wastes in amounts which 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, bones, hides, or fleshings, cinders, sand, stone or marble dust, glass, etc.
- (d) **Floatable Pollutants** - (1) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through, (2) any wastes containing floatable fats, wax, grease, oils, or any other floatable pollutants, (3) any industrial wastes containing more than 150 mg/l daily max and /or 100 mg/l monthly average of petroleum based oil or grease.
- (e) **Noxious Materials** - (1) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems, (2) noxious liquids, or gases, which in sufficient quantity either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair.
- (f) **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 Treatment Works or personnel operating the system.
- (g) **Interference/Pass through** - Any waste, including discharges of oxygen demanding wastes (BOD, etc.) released or discharged at a flow rate and/or pollutant concentration which causes or threatens to cause an upset at the PVSC Treatment Works, or which causes or threatens to cause a violation of the PVSC's NJPDES Permit conditions.
- (h) **Excessive Discharge Rate** - Industrial wastes discharged in a slug or such volume or strength so as to cause a treatment process upset and subsequent loss of treatment efficiency.

- (i) **Heat** - (1) Any discharge in excess of 150°F (65°C). (2) Heat in amounts which would inhibit biological activity in the PVSC Treatment Works resulting in a treatment process upset and subsequent loss of treatment efficiency.
- (j) **Unpolluted Waters** - Any unpolluted water including, but not limited to, cooling water and uncontaminated storm water, which will increase the hydraulic load on the Treatment System, unless specifically authorized by PVSC in accordance with Sections 301, 303 and 602.5 of these Rules and Regulations.
- (k) **Dilution** - Increase in the use of process water, or an attempt in any other way, to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or effluent limit.
- (l) **Violations** - Wastes, which cause the PVSC treatment plant to violate its NJPDES Permit, applicable, receiving water standards, permit regulating sludge which is produced during treatment or any other Permit issued to PVSC.
- (m) **Hazardous Wastes** - Those wastes designated by EPA as hazardous under 40 CFR 261.
- (n) **Trucked Pollutants** - Any trucked or hauled pollutant, accepted at discharge points designated by the Chief Executive Officer, and only after approval is issued by PVSC.
- (o) **Ground Water** - Any ground water, whether contaminated or uncontaminated, unless specifically authorized by PVSC in accordance with Sections 301, 303, and 602.5 of these Rules and Regulations.
- (p) **Stormwater** - Any stormwater, whether contaminated or uncontaminated, unless specifically authorized by PVSC in accordance with Sections 301, 303 and 602.5 of these Rules and Regulations.

- (q) **Bypassed Wastes** – Any wastewaters which would normally be monitored or pretreated, but are discharged to the sanitary sewer without being monitored or pretreated, unless specifically authorized by PVSC.
 - (r) **Excess Heel Material** – Any quantity of trucked or hauled material meeting the definition as contained herein, unless authorized by PVSC.
- 1.4 The Permittee shall not discharge or convey or permit to be discharged or conveyed to the PVSC Treatment Works any wastes containing pollutants of such character or quantity that.
- (a) Impairs the PVSC's ability to protect the health and safety of the treatment plant workers.
 - (b) Will not be susceptible to treatment or will interfere with the process or efficiency of the Treatment Works.
 - (c) Violate any federal categorical pretreatment standard. As pretreatment standards for toxic or other hazardous pollutants are promulgated by USEPA for a given industrial category, all industrial users within that category shall conform to the USEPA timetable as well as any numeric limitations imposed by the USEPA.
 - (d) Violate a local limit imposed or adopted by the PVSC.
 - (e) Violate a Best Professional Judgment limit imposed or adopted by the PVSC.
 - (f) Cause the PVSC treatment plant to violate its NJPDES Permit, applicable receiving water standards, regulations and/or any permits governing sludge which is produced during treatment process, or any other permit issued to the PVSC.
- 1.5 The Permittee shall at all times maintain in good working order and operate all pretreatment control and monitoring equipment in strict accordance with all design specifications and manufacturer recommendations. Proper operation and maintenance includes, at a minimum, effective performance based upon specifications designed to meet applicable effluent limits, adequate funding, adequate operator staffing and training and adequate laboratory and process controls.

- 1.6. The Permittee shall dispose of all solids, sludges, filter backwash or other pollutants or hazardous waste removed in the course of pretreatment or control of wastewaters and/or the treatment of the intake waters, in accordance with applicable Federal, State and local laws and regulations. Records documenting such disposal shall be made available to the PVSC for review upon request.

- 1.7. An Upset shall constitute an affirmative defense to an action brought for non-compliance if the following requirements are met. If the Permittee wishes to establish the affirmative defense of Upset, it shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that (1) an Upset occurred and the User can identify the cause(s) of the Upset; (2) the facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operations and maintenance procedures; and (3) the Permittee has submitted the following information to PVSC within 24 hours of becoming aware of the Upset, except that a written submission must be provided within five days if the information is provided verbally:
 - (a) A description of the indirect discharge and cause of the non-compliance;
 - (b) The period of non-compliance including exact dates and time or, if not corrected, the anticipated time the noncompliance is expected to continue;
 - (c) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the non-compliance.

If the Permittee seeks to establish the occurrence of an Upset, it shall have the burden of proof. The User shall control production on all discharges to the extent necessary to maintain compliance with the prohibitions or limitations upon reduction, loss or failure of its pretreatment facility until it is restored or an alternative method of treatment is provided. This requirement shall apply to the situation where among, other things, the primary source of power to the pretreatment facility is reduced, lost or fails.

- 1.8 Bypass means the intentional diversion of wastestreams from any portion of the Permittee's treatment facility. Regarding notice:
- (a) If the Permittee knows in advance of the need for a bypass, it shall submit prior notice to PVSC, if possible at least ten days before the date of the bypass.
 - (b) The Permittee shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to PVSC within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the Permittee becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. PVSC may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

2. INDUSTRIAL WASTE REPORTING

- 2.1 **USER CHARGE:** User Charge monitoring results obtained during the previous month shall be reported monthly on a Discharge Monitoring Report Form (MR-2). The due date for properly signed reports shall be 21 days after the reporting period ends. If the 21st day falls on a Saturday, Sunday or PVSC Holiday, then the report shall be due on the next PVSC work day. If the Permittee fails to submit the MR-2 Report on a timely basis the Executive Director shall estimate the usage for the period. The estimate may be made thirty (30) days after the due date of the report.
- 2.2 **PRETREATMENT:** Pretreatment monitoring results obtained during the previous month shall be reported monthly on a Discharge Monitoring Report Form (MR-1). The due date for properly signed reports shall be 35 days after the reporting period ends. If the 35th day falls on a Saturday, Sunday or PVSC Holiday, then the report shall be due on the next PVSC work day.

2.3 **DUE DATE:** MR-1 and MR-2 Reports must be physically delivered to the PVSC by Midnight of the date by which they are due. The use of certified mail or other means to document or guarantee delivery may be used if deemed necessary. Postmarks are not valid to demonstrate compliance with the due date requirement.

2.4 **MAILING ADDRESS:** Reports required herein must be addressed to:

**PASSAIC VALLEY SEWERAGE COMMISSION
ATTN: USER CHARGE & PERMIT MANAGEMENT
600 WILSON AVENUE
NEWARK, NEW JERSEY 07105**

2.5 **FACSIMILE / ELECTRONIC MAIL:** The Permittee may meet the requirement for submission by sending the report(s) via facsimile or electronic mail provided the report is received at the PVSC on any date up to and including the due date.

2.6 **ANALYTICAL PROCEDURES:** Analytical results for BOD, TSS or any other parameter as required by this permit shall be reported on the date that the sample was removed from the sampling device for analysis. The following procedure shall be used when reporting analytical results:

- (a) The pollutant limit will define the precision, or number of digits to the right or left of the decimal point, to be reported.
- (b) Calculated results shall be rounded off to the same precision as defined for that pollutant in the limit.
- (c) Zeros in the pollutant limit are included in order to determine the precision.
- (d) The following procedure shall be followed when rounding off results:
 - (i) Round off by dropping digits that are irrelevant. If the digit 6,7,8 or 9 is to be dropped, increase the preceding digit by one unit.
 - (ii) If the digit 0,1,2,3 or 4 is to be dropped, do not alter the preceding digit.
 - (iii) If the digit 5 is to be dropped, round off the preceding digit to the nearest even number (2.25 becomes 2.2 while 2.35 becomes 2.4).

- 2.7 **RECORDING OF RESULTS:** For each measurement of a sample taken pursuant to the requirements of this permit, the Permittee shall maintain a record of the following information:
- (a) The date, exact places and time of sampling;
 - (b) The dates the analysis were performed;
 - (c) The person(s) who performed the analysis;
 - (d) The analytical techniques or methods used; and
 - (e) The results of all required analyses.
- 2.8 **RECORDS RETENTION:** The Permittee shall maintain such records as necessary to demonstrate compliance with the requirements of this permit, the PVSC Rules and Regulations and any applicable State or Federal Pretreatment standard or requirement. All records and information resulting from the monitoring activities required by this permit including, all records of analysis performed, calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be retained for a minimum of five years.
- 2.9 **SEWER USE APPLICATION (SUA) RENEWAL:** The Permittee shall submit a renewal SUA within 180 days of the expiration of current Sewer Use Permit.

3. **INDUSTRIAL WASTE MONITORING**

- 3.1 **MONITORING EQUIPMENT:** The Permittee shall install, at his own cost and expense, whatever monitoring equipment is required by the conditions of this permit to facilitate the accurate observation, sampling and measurement of the discharge. Such equipment shall be kept safe, secured from unauthorized entry or tampering and accessible at all times. Monitoring equipment shall be calibrated as recommended by the manufacturer, except that LEL recorder shall be calibrated daily and pH recorders shall be calibrated at least weekly, whichever is more frequent.
- 3.2 Permittee shall safeguard any PVSC monitoring equipment that is installed at their facility. Permittee shall reimburse PVSC for any equipment that is either damaged or stolen from its point of installation. Reimbursement costs will be determined by PVSC.

- 3.3 The volume of each sample shall be proportional to the discharge flow rates unless specifically modified by PVSC. For a 24 hour continuous discharge, a minimum of 24 individual samples shall be collected at equal intervals and at least once per hour. For a continuous discharge of less than 12 hours, individual samples shall be taken at least once every 30 minutes. For discharges which are not continuous, individual samples shall be taken such that they will be representative of the plant waste water discharge.
- 3.4 Permittee shall notify the PVSC as soon as possible, but in no case later than 2 hours from becoming aware of the same, if a sampling, monitoring, recording or other device required in accordance with this permit becomes inoperable. Unless otherwise directed by the PVSC, the Permittee shall submit a written report to the PVSC, attention Industrial and Pollution Control Department, within 5 working days of the occurrence detailing what occurred, why it happened, what will be done to correct the problem and a date when the problem will be corrected. If the PVSC approves the corrective action and it is expected to take more than two months from the date of occurrence to complete, the Permittee shall submit monthly progress reports until such time as the problem is corrected.
- 3.5 **NOTIFICATION OF NON-COMPLIANCE:** If, for any reason, the Permittee does not comply with or will be unable to comply with any effluent limitation specified in this permit, or discharges any waste and meets the Slug Discharge Definition as defined in Appendix A, of the PVSC Rules and Regulations, including any changes at its facility affecting the potential for a slug discharge, the Permittee shall notify the PVSC within 24 hours of such occurrence.
- 3.6 If this report is made orally, a written report containing the following information, shall be submitted within five (5) working days:
- (a) A description of the discharge and the cause of the period of noncompliance;
 - (b) The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and
 - (c) The steps being taken to reduce, eliminate and prevent a recurrence of the non-complying discharge.

- 3.7 The Permittee shall take all reasonable steps to minimize any adverse impact to the PVSC Treatment Works resulting from noncompliance with any pretreatment limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge. This condition in no way affects PVSC's right to suspend a permit in order to stop a discharge which presents an imminent or substantial hazard to the public health, safety or welfare to the local environment or which interferes with the operation of the PVSC Treatment Works.
- 3.8 **TEST PROCEDURES:** Samples and measurements taken as required in this permit shall be representative of the volume and nature of the monitored discharge.
- 3.9 The Permittee shall perform all analyses in accordance with the test procedures identified under 40 C.F.R. Part 136. All test procedures, other than those identified in 40 C.F.R. Part 136, shall be considered as alternative test procedures. The Permittee is authorized to utilize an alternative test procedure only if prior written approval is received from the Chief Executive Officer in accordance with Section 319.2 of the Rules and Regulations of the PVSC.
- 3.10 Sample analyses of pollutants required by this permit shall be performed by a laboratory with a New Jersey certification for each pollutant analyzed.
- 3.11 If the Permittee monitors any pollutant at the location(s) designated more frequently than required by this permit using the approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the applicable Discharge Monitoring Report Form (PVSC Form MR-1 or MR-2). Such increased frequency shall also be indicated.
- 3.12 PVSC may authorize the Permittee to forego sampling of a pollutant regulated by its categorical Pretreatment Standard(s) if the Permittee has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Permittee. This authorization would be subject to the conditions cited at 40 CFR 403.12(e)(2)(i) through (vii). The following language shall be included in the control mechanisms for any Categorical Industrial User unless a sampling waiver has previously been granted:

“The Permittee has been identified as subject to 40 CFR 4XX.XX, the Federal Categorical Pretreatment Standards for Existing sources under the _____ Point Source Category. The Permittee may, in accordance with 40 CFR 403.12(e)(2), seek to forego sampling of a pollutant regulated under the applicable categorical standard provided that it meets the conditions noted in the PVSC Rules and Regulations under Section 318.5.”

4. MANAGEMENT RESPONSIBILITIES

- 4.1 **RIGHT OF ENTRY:** The Permittee shall allow the authorized representatives of the PVSC, upon presentation of credentials to:
- (a) Have immediate access to all the facilities directly or indirectly connected to the PVSC Treatment Works during normal working hours and at such other times as may be necessary during emergencies as determined by PVSC. No person shall interfere with, delay, or refuse entrance to a PVSC Inspector attempting to inspect the facility.
 - (b) Inspect the monitoring equipment and monitoring methods required in this permit or to sample any discharge of wastewater, copy any records required to be kept by this permit or PVSC Rules and Regulations and inspect and/or sample RCRA or other type waste or substances.
- 4.2 **TRANSFER OF OWNERSHIP OR CONTROL:** This Permit is not transferable. This permit shall not be reassigned, transferred or sold to a new owner, new industrial user, or a new or changed operation. The Permittee shall notify the Chief Executive Officer in writing within (14) days of any sale or transfer of the industrial operations/facility covered by this Permit, or of any sale or transfer affecting the identity of those holding a controlling interest in the Permittee. The Permittee shall also provide written notice to the succeeding owner or controller of the existence of this Sewer Use Permit and the need to apply for a new permit. For purposes of this provision, the term "controlling interest" shall mean an interest held by a person or entity, or group of persons or entities, who possess, directly or indirectly, the power to direct or cause the direction of the management and policies of the Permittee.

- 4.3 **CHANGE IN DISCHARGE:** Any change in the discharge, any anticipated facility expansion, production increases, or modification which will result in new, different, or increased discharges of pollutants regulated by PVSC must be reported by submission of a new Passaic Valley Sewerage Commission Sewer Use Application. If such changes will not violate the effluent limitations specified in this permit, then notice only to PVSC of such changes is required. Following such notice the permit may be modified to specify and limit any pollutants not previously limited.

All Industrial Users shall promptly notify the PVSC in advance of any substantial change in the volume or character of pollutants in their discharge.

5. **OTHER CONDITIONS**

- 5.1 **PERMIT MODIFICATION:** After notice and opportunity for a hearing, this permit may be modified, or revoked in whole or in part during its term for cause including, but not limited to the following:
- (a) Violating any terms or condition of this permit;
 - (b) Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
 - (c) A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- 5.2 **TOXIC POLLUTANTS:** Notwithstanding Section A Part 2 of this permit, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition), is established under Section 307(b) of the Federal Water Pollution Control Act, its amendments, or any other subsequent law or regulation for a toxic pollutant which is present in the discharge, and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the Permittee so notified.
- 5.3 **CIVIL AND CRIMINAL LIABILITY:** A violation of the PVSC Rules and Regulations or a violation of any term or condition contained in this Sewer Use Permit may subject the Permittee to enforcement and civil penalties of up to \$50,000 per day for each violation, and each day's continuance of the violation shall constitute a separate violation. Enforcement may include the institution of a civil action for injunctive relief and/or to recover civil penalties and/or referral to the appropriate agency for criminal enforcement.

- 5.4 **STATE LAWS:** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State Law or regulation under authority preserved by Section 510, (33 U.S.C.A. § 1370) of the Federal Water Pollution Control Act as amended.
- 5.5 **PROPERTY RIGHTS:** The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or Regulations.
- 5.6 **SEVERABILITY:** The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.
- 5.7 **DEFINITIONS:** The following definitions apply to this permit:
- (a) "Composite" - a combination of individual samples obtained at regular intervals over the entire discharge day.
 - (b) "Daily" - each operating day.
 - (c) "Daily Maximum Discharge" - the highest discharge by weight or other appropriate units, as specified herein, during any calendar day.
 - (d) "Grab" - an individual sample collected in less than 15 minutes.
 - (e) "Immediate Access" - access without delay but in no event beyond 10 minutes from the time the request is made known to the guard or employee.
 - (f) "Monthly" - one day each month during a normal operating day.
 - (g) "Monthly Average Value" - the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during the month. Results may be expressed in mass loadings per day or concentration. The monthly average value does not apply to those parameters that are continuously monitored.
 - (h) "N/A" - not applicable.
 - (i) "Quarterly" - every three (3) months.
 - (j) "Weekly" - one day each week during a normal operating day.