

# TITLE XXXII SEWERS AND SEWAGE DISPOSAL

CROSS REFERENCE: For administrative authority, see Section 2:17-1 et seq.

## Chapter Listings:

- Chapter 1. General Provisions
- Chapter 2. Public Sewers; General Provisions
- Chapter 3. Public Sewers; Regulation of Discharge
- Chapter 4. Reserved
- Chapter 5. Public Sewers; PVSC Requirements
- Chapter 6. Public Sewers; JMEUC Requirements
- Chapter 7. Private Sewers
- Chapter 8. User Charges
- Chapter 9. Joint Meeting of Essex and Union Counties

## CHAPTER 1 GENERAL PROVISIONS

### 32:1-1. DEFINITIONS.

Unless otherwise expressly stated, the following words, phrases and abbreviations shall have the meaning respectively ascribed to them in this section. When not inconsistent with the context, words used in the present tense include the future and words used in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

**Biochemical Oxygen Demand ("BOD")** shall mean the quantity of oxygen utilized in a biochemical oxidation of organic matter. "BOD" is determined through standard laboratory procedure, as specified in the latest edition of Standard Methods for the Examination of Water and Wastewater, and expressed in parts per million.

**Building sewer** shall mean a sewer or drain extending from a structure to a public sewer connection lateral or interceptor sewer. Unless otherwise established by a binding, written arrangement involving the City and the property owner, maintenance of the building sewer shall be the responsibility of the property owner. Maintenance of the public sewer shall be the responsibility of the City. In cases where a public sewer easement traverses private property, maintenance of the entire length of the building sewer, from the public sewer to the structure, shall be the responsibility of the property owner.

**Chemical Oxygen Demand ("COD")** shall mean a measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. "COD" is determined by standard laboratory procedure, as specified in the latest edition of Standard Methods for the Examination of Water and Wastewater, and expressed in parts per million.

**City** shall mean the City of Newark, New Jersey.

**Combined sewer** shall mean a sewer that conveys sanitary and/or industrial wastes at all times, and also transports storm runoff during wet weather as designed.

**Connection fee** shall mean a fee established for the right and privilege to connect to the water or sewer system for the first time or to enlarge the size of the connection. This does not apply to fire service water lines connected to the public water main. A connection fee is separate from and in addition to the tapping fee, meter fee, and the cost of the physical installation of the water service line for water services and the cost of the physical installation of the sewer lateral for sewer services.

**Department of Water and Sewer Utilities** shall mean a department of the Newark municipal government.

**Director** shall mean the head of a department duly appointed by the City. The term "director" includes any person authorized by the director to operate as his or her representative.

**Division of Sewer and Water Supply** shall mean a division of the Department of Water and Sewer Utilities.

**Domestic sewage** shall mean the waste and wastewater from humans or household operations.

**Domestic waste:** See "Sanitary waste."

**Floatable oil** shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater through treatment in an approved pretreatment facility. A wastewater shall be considered free of "floatable oil" if it is properly pretreated such that the discharged wastewater does not interfere with the wastewater facilities.

**Heavy metals** shall mean the electro-negative metals with a density greater than five (5) grams per cubic centimeter, including but not limited to lead, chromium, mercury, nickel, and zinc, plus the nonmetallic element arsenic.

**Illicit connections** shall mean any physical or nonphysical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial wastes (other than stormwater) to the municipal separate storm sewer system operated by the City of Newark, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Nonphysical connections may include, but are not limited to, leaks, flows, or overflows into the municipal storm sewer system.

**Industrial cost recovery** shall mean a charge to industrial users based on their use of municipal, JMEUC, PVSC, or SRJM wastewater facilities to repay the capital cost outlay of the Federal share given to the City, JMEUC, PVSC, or SRJM under the provisions of applicable Federal law allocable to the treatment of the wastes from industrial users.

**Industrial user** shall mean any non-governmental user of municipal JMEUC, PVSC, or SRJM wastewater facilities identified in the Standard Industrial Classification Manual (1972), as amended and supplemented under "Divisions A, B, D, E, or I." A user may be exempt from the category of industrial user if it is determined that it introduces primarily segregated sanitary wastes.

**Industrial waste** shall mean any nondomestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act (33 U.S.C. §1317(a), (b), or (c)).

**Inflow** shall mean the water discharged into sewers from sources of surface, ground, or unpolluted water, including but not limited to roof downspouts, foundation drains, cellar, yard, and area drains, cooling water discharges, drains from springs and swamps, catch basins, storm water, surface runoff, street wash water, or groundwater

drainage.

**Inspection fee** shall mean the fee to inspection the physical connection to the sewer line or water main when the physical connection was not made or performed by the City.

**Interceptor sewer** shall mean a sewer whose major purpose is the conveyance of wastewater from lateral sewers to a treatment facility. Where conditions warrant, the direct connection of building sewers (and, in the case of combined systems, the direct connection of separate storm drains) to interceptor sewers may be permitted.

**JMEUC** shall mean the Joint Meeting of Essex and Union Counties.

**Lateral sewer** shall mean a sewer whose major purpose is the transportation of wastewater from building sewers (and, in the case of combined systems, the transportation of inflow from separate storm drains) to an interceptor sewer.

**Major industry** shall mean an industrial user of municipal, JMEUC, PVSC, or SRJM wastewater facilities that: (a) has a flow of fifty thousand (50,000) gallons or more per average work day; (b) has in its waste a toxic waste in toxic amounts; or (c) is found by USEPA, NJDEP, JMEUC, PVSC, SRJM, or the City to have a significant impact, either singly or in combination with other contributing industries, on municipal, JMEUC, PVSC, or SRJM wastewater facilities or upon the quality of effluent from these wastewater facilities.

**Mineral oil or grease** shall mean oils or grease derived from petroleum, as distinct from oils and grease derived from animal or vegetable sources.

**Minor industry** shall mean an industrial user of municipal, JMEUC, PVSC, or SRJM wastewater facilities that does not meet the definition of a major industry.

**Municipal** shall mean pertaining to the City of Newark.

**Municipal separate storm sewer system (MS4)** shall mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the City of Newark or other public body, and is designated and used for collecting and conveying storm water. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.

**Natural outlet** shall mean any outlet, including storm drains and combined sewer overflows that discharges to a watercourse, pond, ditch, lake or other body of surface or ground- water, including the Passaic River, Elizabeth River, Newark Bay, or any of their tributaries.

**NJDEP** shall mean New Jersey Department of Environmental Protection.

**NJPDES permit** shall mean a permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A.

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

**Nonstationary source** shall mean any mobile vehicle, piece of equipment or appurtenance thereof that is utilized in the discharge of waste or wastewater to any sewer or natural outlet. The term includes, but is not limited to, tank trucks and dump trucks as well as associated equipment and appurtenances. Fixed, permanent or semi-permanent equipment is excluded from the category of nonstationary source, and is regulated elsewhere in this Title.

**NPDES** shall mean National Pollutant Discharge Elimination System and successors thereto (i.e. New Jersey Pollutant Discharge Elimination System).

**Person** shall mean individual, firm, company, partnership, society, association, corporation (public or private), or group, including heirs, executors, administrators or assigns.

**pH** shall mean the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water has a pH value of 7 (a hydrogen ion concentration of  $10^{-7}$ ). Lower pH's are acid, higher pH's are alkaline.

**Pretreatment** shall mean treatment given to industrial waste prior to its direct or indirect discharge to municipal, JMEUC, PVSC, or SRJM wastewater facilities; industries use pretreatment to remove illegal and/or undesirable waste constituents, or to reduce the strength of waste prior to discharge to publicly owned wastewater facilities.

**Private sewer** shall mean a sewer for which a person other than a public agency is responsible, as distinct from a public sewer.

**Process wastewater** shall mean any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.

**Project** shall mean, with respect to Section 32:2-7, and consist of all storm drainage and sanitary sewerage facilities associated with an individual, municipally-approved building permit or Zoning Board approval.

**PVSC** shall mean Passaic Valley Sewerage Commissioners.

**Public sewer (public drain)** shall mean a sewer for which a governmental agency, public utility, or a municipality is responsible.

**Sanitary waste (domestic waste)** shall mean waste derived principally from dwellings, office buildings, and sanitary conveniences. When segregated from industrial wastes, it may come from industrial plants or commercial enterprises.

**Separate sanitary sewers** shall mean a sewer that carries liquid and waterborne sanitary and industrial wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not intentionally admitted.

**Separate storm drain (separate storm sewer)** shall mean a drain or sewer designed to convey storm runoff, groundwater, or unpolluted water from any source to a combined sewer, natural outlet, or body of water; a separate storm drain is not intended to convey inadequately treated sanitary or industrial waste at any time.

**Sewage** shall mean the spent water of a community; the preferred term is wastewater.

**Sewer** shall mean a pipe or conduit that carries wastewater or drainage water.

**Sewerage:** See "Wastewater facilities."

**Sludge** shall mean any discharge of water or wastewater during a period greater than fifteen (15) minutes that, in concentration of any constituent or in quantity of flow, is greater than five (5) times the average twenty-four (24) hour concentration or flow registered during normal operation.

**Stormwater** shall mean any water resulting from precipitation (including rain and snow) that runs off the lands surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

**Strength of waste** shall mean a measurement of suspended solids, and/or BOD, and/or COD, and/or any other parameter determined by the City, JMEUC, PVSC or SRJM as a fair indicator of the relative use, other than volumetric, of municipal, JMEUC, PVSC, or SRJM wastewater facilities by industrial wastes.

**Suspended solids** shall mean matter that is suspended in water, wastewater, or other liquids, and is removable by laboratory filtering as prescribed in the latest edition of Standard Methods for Examination of Water and Wastewater, and referred to as nonfilterable residue.

**SRJM** shall mean Second River Joint Meeting (Union Outlet Sewer).

**Tap fee** shall mean the fee established by the Director of Water and Sewer Utilities for the physical connection to the sewer line or water line.

**Toxic wastes in toxic amounts:** defined by USEPA in 40 CFR 129 (38 F.R. 24342, 9-7-73) and any superseding revisions.

**Treatment** shall mean the partial or complete removal of certain materials from wastewater; the adequacy of treatment is determined by the governmental authority having jurisdiction.

**Unpolluted water** shall mean water of a quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards, and would not be benefited by discharge to the wastewater facilities provided.

**USEPA** shall mean United States Environmental Protection Agency.

**User charge** shall mean a charge to users of public wastewater facilities consisting of two parts. The first part is established by JMEUC, PVSC, or SRJM based on volume and where applicable, on strength and/or flow rate to pay for the use of JMEUC, PVSC, or SRJM wastewater facilities. The second part is established by the City to pay for the use of the municipal wastewater facilities and to pay the administrative costs of billing and collection of the user charge.

**Wastewater** shall mean the spent water of a community; from the standpoint of source, wastewater may be a combination of the liquid and waterborne wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface, or storm water that may be present.

**Wastewater facilities (sewerage)** shall mean the structures, equipment and processes required to collect, convey and treat domestic and industrial wastes and dispose of the effluents.

(R.O. 1966 C.S. § 21:1-2; Ord. 6 S+FS, 8-3-94; Ord. 6 S+FH, 5-17-06; Ord. 6 S+FL, 5-17-06)

### **32:1-2. PROHIBITED CONDUCT.**

a. No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the City of Newark any domestic waste, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater). (Ord. 6 S+FL, 5-17-06)

### **32:1-3. ADMINISTRATION OF TITLE; RULES AND REGULATIONS.**

a. Unless otherwise specified herein, the provisions of this chapter shall be administered by the Director of the Department of Water and Sewer Utilities, who is hereby delegated the authority to develop, promulgate, and issue rules and regulations for the effective implementation of this Title.

b. 1. In enforcing this Title, the Newark Municipal Court shall utilize the form of summonses as provided by the State Administrative Office of the Courts.

2. The Director of the Department of Water and Sewer Utilities; and all employees authorized by the Director of the Department of Water and Sewer Utilities; all municipal elected officers and all law enforcement officers and all investigators are hereby authorized and empowered to perform as Law Enforcement Officers solely with respect to the enforcement of the provisions of this Title and other titles drafted and enacted by the Newark Municipal Council which have the purpose of protecting the integrity and operation of the City of Newark's Water and Sewer Utilities, empowering the aforementioned persons to issue summonses for any violations thereof in accordance with the rules governing the courts of the State of New Jersey.

3. Nothing in this section shall be construed to impair or limit in any way the power of the City of Newark to define and declare nuisances and to cause their removal and abatement by summary proceedings or otherwise nor is this Title intended to limit the authority of the Directors of the City of Newark to abate nuisances.

(R.O. 1966 C.S. § 21:1-3; Ord. 6 S+FS, 8-3-94; Ord. 6 S+FL, 5-17-06)

### **32:1-4. CERTAIN UNTREATED DISCHARGES INTO NATURAL OUTLETS PROHIBITED.**

It shall be unlawful to discharge any wastewater or other polluting material into any natural outlet within the City, except where suitable treatment has been provided and where an NPDES permit has been obtained from the appropriate governmental authority where required. (R.O. 1966 C.S. § 21:1-4)

### **32:1-5. DAMAGING OR TAMPERING WITH EQUIPMENT PROHIBITED.**

No person shall maliciously, intentionally, or negligently break, damage, destroy, uncover, deface, remove, or tamper with any structure, appurtenance, or equipment that is part of the wastewater facilities or separate storm drainage system. (R.O. 1966 C.S. § 21:1-5)

### **32:1-6. CONNECTION WITH CITY SEWER REQUIRED.**

Every owner of property with a house or other building therein shall connect the sewage line from his/her house or building to the nearest City sewer line unless the owner has received authorization to connect his/her sewer line with a private sewer line from the Director of the Department of Water and Sewer Utilities pursuant to Section 32:7-5. (RO. 1966 C.S. § 21:1-6; Ord. 6 S+FK, 6-24-87)

### **32:1-7. VIOLATIONS; PENALTIES; ALTERNATE CONSEQUENCES.**

a. Violations of any of the provisions of this Title or any permit issued under the authority of this Title, may result in the termination of the permit and/or termination of the authority to discharge to the public wastewater facilities.

b. Any person violating any of the provisions of this Title shall, upon conviction, be subject to a fine not to exceed one thousand (\$1,000.00) dollars and/or imprisonment not to exceed ninety (90) days, or both, per violation. Each and every day during which a violation of any provision of this Title exists shall constitute a separate violation.

Exceptions to the aforesaid fine shall include cases of personal and/or property damage, where, in addition to the above fine, a violator shall be liable for any expense, loss, or damage occasioned by the City by reason of a violation.

(R.O. 1966 C.S. § 21:1-7; Ord. 6 S+FK, 6-24-87)

### **32:1-8. PARTIAL INVALIDITY.**

If any portion of this Title shall be declared unconstitutional, invalid, or inoperable in whole or in part by a court of competent jurisdiction, the remaining portion not declared to be unconstitutional, invalid, or inoperable shall remain in full force and effect. (R.O. 1966 C.S. § 21:1-8; Ord. 6 S+FK, 6-24-87)

**32:2-1. PERMISSION TO CONNECT OR DISTURB SEWER.**

No person shall uncover, make any connections with or opening into, use, alter or disturb any municipally-controlled public sewer or appurtenance thereof without first obtaining a permit. (R.O. 1966 C.S. § 21:2-1; Ord. 6 S+FH, 5-17-06)

**32:2-2. CONSTRUCTION OR REPAIR UNDER CITY SUPERVISION.**

The construction, repair, or alteration of municipally-controlled public sewers, including the effecting of connections thereto, shall be performed under the supervision of the City of Newark. (R.O. 1966 C.S. § 21:2-2)

**32:2-3. CONSTRUCTION OR REPAIR OF CERTAIN SEWER LINES BY CITY AT OWNER'S EXPENSE.**

Unless otherwise arranged through a signed, written agreement between the Director of Water and Sewer Utilities and the property owner, as specified in Section 32:2-6, the portion of a building sewer extending beyond a curblin (i.e. downstream of the curblin) that discharges to a municipally-controlled lateral or interceptor sewer shall be constructed or repaired by the Division of Sewers and Water Supply at the expense of the owner whose property is served by the building sewer. (R.O. 1966 C.S. § 21:2-3)

**32:2-4. PIERCING OR OPENING PUBLIC SEWERS TO BE SUBJECT TO CONTROL OF CITY.**

The Director of the Department of Water and Sewer Utilities shall provide a list of specific materials that can be used when piercing or opening into any clay, plastic, concrete, or cast iron public sewers under the City's control, including but not limited to, the type of product, form, size, and material used to establish the connection with the sewer. (R.O. 1966 C.S. § 21:2-4; Ord. 6 S+FH, 5-17-06)

**32:2-5. NEW CONNECTIONS FROM BUILDING SEWER TO PUBLIC SEWER BEYOND CURBLIN; APPLICATION BY OWNER; COST.**

When the owner of any property on the line of any street in which there now is or shall be constructed a public lateral or interceptor sewer, and the building sewer connection for such property shall not have been constructed and laid from the lateral or interceptor sewer to the curblin in front of such property, the owner of such property shall make application in writing to the Director of Water and Sewer Utilities for the construction of a building sewer and connection from the public lateral or interceptor sewer to the curblin of the street, stating in his/her application the street number of the lot or building to be connected with the sewer and the place at the curblin to which such building sewer is to be constructed. Before such part of the building connection is constructed and laid by the City, the owner of the property shall pay to the City, in addition to the tapping fee specified in Section 32:2-9, the cost of the construction of such building sewer from the connection with the public lateral or interceptor sewer to the curblin of the street, together with the cost of taking up and relaying the pavement of the street, if the street be a paved one, to be estimated and fixed by the Director of Water and Sewer Utilities. (R.O. 1966 C.S. § 21:2-5)

**32:2-6. ALTERNATE CONSTRUCTION OR REPAIR BY AUTHORIZED PLUMBER; CONDITIONS.**

As an alternate to Section 32:2-5 the Director of the Department of Water and Sewer Utilities may authorize a plumber employed by the property owner and licensed as a master plumber by the State of New Jersey to excavate for, construct, lay, connect, and/or repair a building sewer. Such authorization shall be conditioned that the persons applying therefor shall comply with the provisions of this Title and other ordinances of the City in relation to excavating of streets; be responsible for damages or injuries caused to persons, animals or property by reason of any neglect or carelessness connected with the work permitted and save the City harmless from any damages or injuries that may result from the work; that no claim be made by them or their successors in interest if the works or installation be taken up by authority of the Municipal Council; and that they or their successors in interest will claim no exemption from assessment for building sewers or drains serving their property. Where work is performed under the provisions of this section, as hereinabove provided, the property owner shall bear the total cost for excavation of the site, construction, placement, connection, and/or repair of the sewer, and complete restoration of the site. The property-owner shall also pay the connection fees required by Section 32:2-9, the inspection fees levied by the Manager of the Division of Sewers and Water Supply pursuant to Section 32:7-8, and shall submit the bond or deposit required by Section 32:2-7. (R.O. 1966 C.S. § 21:2-6)

**32:2-7. ALTERNATE CONSTRUCTION OR REPAIRS; BOND OR DEPOSIT.**

No person shall commence any work pursuant to Section 32:2-6 unless he/she shall have posted the appropriate bond or deposit specified hereinafter. The bond or deposit shall be conditioned that persons working pursuant to Section 32:2-6 shall: carefully make openings into any sewers or drains under municipal control in a manner prescribed by the Director of the Department of Water and Sewer Utilities without damaging such sewers or drains; leave no obstructions in such sewers or drains; properly close up the sewers or drains around the connections made by the person, and make no openings into the arch of any such sewer or drain; faithfully comply with the provisions of this Title and other ordinances of the City relating to opening and excavating streets; be responsible for any damages or injuries that may occur to persons, animals, or property by reason of any negligence or carelessness on their part associated with such work; properly restore the construction site to its previously existing condition within forty-eight (48) hours after commencing work; and maintain the site in a condition acceptable to the Director of the Department of Water and Sewer Utilities for a period not less than six (6) months.

An authorized plumber working pursuant to Section 32:2-6 may elect to submit a bond or deposit according to any of the following alternatives, provided however, that he/she shall have secured the concurrence of the Director of the Department of Water and Sewer Utilities in this decision:

a. A maintenance bond or cash deposit shall be submitted to the City in the amount of one hundred (100%) percent of total project cost, such amount to be set by the Director of the Department of Water and Sewer Utilities. The bond or deposit shall be held by the City for a period of not less than six (6) months, and shall be returned to the person posting such bond or deposit when it has been determined by the Director of the Department of Water and Sewer Utilities that the conditions aforesated have been satisfied. Where noncompliance with the aforesated conditions occurs, the bond or deposit shall be forfeited to the City for correction of the noncompliant condition.

b. Where a person working pursuant to Section 32:2-6 deems it economically advantageous, he/she may elect, as an alternate to the above, to submit to the City an annual maintenance bond in the amount of five thousand (\$5,000.00) dollars or other amount approved by the Director of the Department of Water and Sewer Utilities. At no time shall the total cost of the aggregate of all projects with which such a person is involved exceed the posted annual bond, as determined by the Director of the Department of Water and Sewer Utilities. Furthermore, at no time shall a project be approved under the conditions of such annual maintenance bond unless at least six (6) months of the bond period remain unexpended. Annual bonds posted pursuant to this procedure shall be subject to review and renewal. Where noncompliance with the conditions accompanying such bond, aforesated, occurs, an appropriate amount of the bond shall be forfeited to the City in order to correct the noncompliant conditions. (R.O. 1966 C.S. § 21:2-7)

**32:2-8. INDEMNIFICATION FOR LOSS OR DAMAGE.**

Persons who have secured permission to connect a building sewer to facilities owned and operated by PVSC, JMEUC, or SRJM shall, in addition to fulfilling all other provisions of these Revised General Ordinances, bear the total costs and expenses incidental to the installation and connection of the building sewers and shall indemnify

JMEUC, PVSC, or SRJM for any loss or damage that may be occasioned by them as a result of such installation and/or connection. The method of such indemnification shall be determined by JMEUC, PVSC, and SRJM for their respective facilities. (R.O. 1966 C.S. § 21:2-8)

### 32:2-9. SEWER CONNECTION FEE.

a. The sewer connection fee shall be assessed based upon the size of the domestic use water meter. If an active, previously installed sewer connection is replaced by a connection of larger size and the water meter size is also increased, a sewer connection fee is charged only for the accompanying increase in water meter size by subtracting the connection fee for the size of the previously installed water meter from the connection fee for the size of the new, larger water meter. In accordance with N.J.S.A. 40:14B-22.3, connection fees for public housing authorities and non-profit organizations building affordable housing projects shall be fifty (50%) percent of the rates set forth herein.

Before a building permit is issued for new construction under the Uniform Commercial Code or a permit is requested for a new or enlarged connection to any sewer main under municipal control, there shall be paid to the Department of Water and Sewer Utilities the following one-time connection fees:

Water Meter Size (Inches)	Rated Meter Capacity Ratio	Sewer Connection Fee
5/8	1	\$1,244.00
1	2.5	\$3,110.00
1.5	5	\$6,220.00
2	8	\$9,950.00
3	16	\$19,900.00
4	25	\$31,100.00
6	50	\$62,200.00

For meters larger than 6-inches, the sewer connection fee shall be: 8-inch: \$99,520.00; 10-inch: \$143,300.00; 12-inch or larger: \$180,570.00.

b. Properties whose sewer billing account has become inactive as a result of being vacant for one year or more shall pay a one hundred fifty (\$150.00) dollar fee to re-establish sewer service.

c. A new sewer connection fee shall be required for connection of a new building on any site where a prior building was demolished. The existing sewer lateral may not be utilized.

(R.O. 1966 C.S. § 21:2-9; Ord. 6 S+FH, 5-17-06; Ord. 6 PSF-A(S), 11-24-15)

### 32:2-10. CONNECTION FEES—SOUTHSIDE INTERCEPTOR SEWER SYSTEM.

a. In addition to any other fee or charge imposed pursuant to this Title, every property that connects to the Southside Interceptor Sewer System, its public laterals or interceptors including any Newark tributary thereto shall pay to the City an annual assessment fee to reimburse the City for costs associated with the cost of the reconstruction of the Southside Interceptor Sewer System.

b. The annual assessment fee shall be assessed on all new structures, which connect to the Southside Interceptor after the effective date of this section, consistent with the formula noted below:

#### *Added Sewer User Fee*

For discharge of one (1) to twenty thousand (20,000) gallons per day, the fee shall be the average annual sewer assessment based on the standard billing rates x one hundred sixty (160%) percent.

For discharge over twenty thousand (20,000) gallons per day, the fee shall be the average annual sewer assessment based on the standard billing rates x one hundred fifty (150%) percent.

(R.O. 1966 C.S. § 21:2-9.1; Ord. 6 S+FT, 10-4-89)

### 32:2-11. CONNECTION OF HOUSES AND BUILDINGS TO SEWER SYSTEM REQUIRED.

a. All houses and other buildings on a premises abutting on a street or right-of-way in which a sewer is laid shall be separately and independently connected with the sewer by the owner, agent, lessee or party in control or possession of such premises.

b. A building is a walled and roofed structure which contains plumbing or sewerage facilities, including but not limited to any structure, house or dwelling devoted to residential, commercial, industrial, charitable, governmental or other uses. Each unit in a series of row houses shall be considered an individual building for the purpose of this chapter.

c. Any owner, lessee, or party in control or possession of such premises who refuses to comply with an order to connect the house or building with the sewer line after being notified to do so, by the Director of the Department of Health and Community Wellness shall be ordered to pay a fine of twenty-five (\$25.00) dollars to the Director of the Department of Health and Community Wellness.

d. In addition a fine of ten (\$10.00) dollars may be imposed for each day of delay after the expiration of thirty (30) days from the date of the order to connect the house or building with the sewer line.

e. All notices served pursuant to this section shall be served personally or by leaving a copy of such notices at the usual place of abode of the party with a member of his/her family above the age of eighteen (18) years.

(R.O. 1966 C.S. § 21:2-10; Ord. 6 S+FE, 10-17-07; Ord. 6PSF-E, 8-6-14)

## CHAPTER 3 PUBLIC SEWERS; REGULATION OF DISCHARGE

### 32:3-1. PERMISSION FOR DISCHARGE.

No person shall connect or maintain any source of inflow, or discharge or cause to be discharged any volume of inflow to municipal, JMEUC, PVSC, or SRJM wastewater facilities without the controlling organization's prior written approval. (R.O. 1966 C.S. § 21:3-1)

### **32:3-2. PROHIBITED WASTE DISCHARGES.**

No person shall discharge or cause to be discharged any of the following wastes into any public sewer:

- a. Wastes that may create a fire or explosion hazard in the sewer or wastewater facility, such as gasoline, fuel oil, cleaning solvents, etc.;
- b. Wastes that may impair or cause to impair the hydraulic capacity of the sewerage system, such as ashes, sand, metal, precipitates, etc.;
- c. Wastes that contain toxic wastes in toxic amounts;
- d. Wastes discharged at a flow rate that is excessive over a relatively short period of time, such that there is an upset of the treatment process and a substantial loss of treatment efficiency;
- e. Wastes that may: create a hazard to people; create a hazard or cause damage to the wastewater facilities; endanger or interfere with the treatment process; create a hazard to receiving waters; or result in a violation of effluent limitations or other conditions contained in any NPDES permit;
- f. Radioactive wastes or isotopes of such half-life or concentration that may exceed limits established by the City, JMEUC, SRJM, or PVSC in compliance with applicable State or Federal regulations;
- g. Noxious or malodorous wastes capable of creating a public nuisance.

(R.O. 1966 C.S. § 21:3-2)

### **32:3-3. PERMISSION FOR CERTAIN DISCHARGES.**

No industrial user shall directly or indirectly discharge or cause to be discharged any of the following wastes to the wastewater facilities controlled by the City, JMEUC, PVSC, or SRJM without the controlling organization's prior written permission:

- a. Wastes with a temperature in excess of 150°F (65°C);
- b. Wastes containing more than 100 mg/L mineral oil or grease;
- c. Wastes containing floatable oil;
- d. Waste containing heavy metals;
- e. Wastes discharged at such a concentration or rate so as to constitute a slug;
- f. Wastes with pH outside the limits of 5.0 to 9.0;
- g. Wastes containing toxic wastes in less than toxic amounts.

Permission to discharge the above wastes may be granted upon a determination by the controlling organization (i.e. the City, JMEUC, SRJM, and/or PVSC) that the proposed discharge will not be detrimental to the wastewater facilities or the receiving waters; the burden of proof in such cases shall lie with the discharger.

(R.O. 1966 C.S. § 21:3-3)

### **32:3-4. DISCHARGES FROM NON-STATIONARY SOURCES RESTRICTED.**

Without having first obtained the signed, written permission of the Director of Water and Sewer Utilities, no person shall directly or indirectly discharge or cause to be discharged any quantity of waste or wastewater to any public sewer or natural outlet from a nonstationary source, including for example, but not limited to the discharge of industrial waste from any tank truck. Each and every individual operator and/or owner of a nonstationary source that discharges in violation of this section shall, upon conviction, serve the maximum penalties allowed by Section 32:1-7. (R.O. 1966 C.S. § 21:3-4)

### **32:3-5. SAMPLING AND MONITORING FACILITIES BY MAJOR INDUSTRIES.**

a. All major industries shall provide a structure for the sampling of wastewater before the point of discharge to a public sewer or natural outlet. The sampling structure shall be constructed and maintained by the major industry at its own expense, and shall be kept safe and accessible at all times. Sampling structure designed shall be subject to the City's approval.

b. When required by the City, JMEUC, PVSC, SRJM, NJDEP, and/or USEPA, a major industry shall install and maintain additional facilities at its own expense including for example, meters, sealed automatic monitoring systems, or other appurtenances to facilitate observation, sampling and measurement of wastes. Construction, installation, and maintenance of such additional facilities shall be the responsibility of the major industry which shall keep these facilities safe and accessible at all times. Design and construction of such additional facilities shall be subject to the requirements of the governmental authority requiring them.

(R.O. 1966 C.S. § 21:3-5)

### **32:3-6. SAMPLING AND MONITORING FACILITIES BY MINOR INDUSTRIES.**

When required by the City, JMEUC, PVSC, SRJM, NJDEP, and/or USEPA, minor industries shall be subject to the requirements of Section 32:3-5. (R.O. 1966 C.S. § 21:3-6)

### **32:3-7. PRETREATMENT STANDARDS.**

When pretreatment standards are adopted by the USEPA for any given class of industries, then any industry within that class shall conform to the USEPA timetable for adherence to pretreatment requirements as well as all other applicable requirements promulgated by the USEPA in accordance with the provisions of law. Additionally, such industries shall comply with such more stringent standards necessitated by local conditions as determined from time to time by the City, JMEUC, SRJM, and/or PVSC.

(R.O. 1966 C.S. § 21:3-7)

### **32:3-8. INFORMATION REQUIRED.**

All persons subject to this Title shall be required to provide information to the City, JMEUC, PVSC, SRJM, NJDEP, and/or USEPA, as needed, to determine compliance with this Title. This information may include:

- a. Wastewater discharge rate and volume over a specified time period;
- b. Chemical analysis of wastewater;
- c. Information on raw materials, processes, and products affecting wastewater volume and quality;
- d. Quantity and disposition of specified liquid, sludge, oil, solvent, or other materials important to sewer use control;

e. A plot plan of sewers on the user's property showing sewer and pretreatment facility location;

f. Details of wastewater pretreatment facilities;

g. Details of systems designed to prevent and/or control the loss of spilled materials to the municipal sewer (i.e. spill prevention plan).

(R.O. 1966 C.S. § 21:3-8)

### **32:3-9. MEASUREMENTS, TESTS AND ANALYSIS.**

All measurements, tests, and analyses of the characteristics of wastewater, to which reference is made in this Title, shall be determined in accordance with the latest edition of Standard Methods of Water and Wastewater, published jointly by the American Public Health Association, and the Water Pollution Control Federation, or other methods of procedure that may be acceptable to the governmental authority requiring the measurements, tests, or analyses. Sampling method, location, time, duration, and frequency shall be determined on an individual basis by the governmental authority requiring the sampling. (R.O. 1966 C.S. § 21:3-9)

### **32:3-10. COMPLIANCE WITH RULES AND REGULATIONS.**

All users of the wastewater facilities shall comply with the requirements of the written rules and regulations of the City, JMEUC, PVSC, or SRJM, which regulations shall become effective upon the filing of certified copies in the office of the City Clerk after the effective date of this Title. (R.O. 1966 C.S. § 21:3-10)

### **32:3-11. DISCHARGING CERTAIN WATERS INTO SANITARY SEWERS PROHIBITED.**

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer. (Ord. 6 S+FF, 4-17-91, § 21:3-11)

### **32:3-12. STORM AND OTHER UNPOLLUTED DRAINAGE TO BE DISCHARGED THROUGH COMBINED OR STORM SEWERS OR APPROVED NATURAL OUTLETS.**

Storm and other unpolluted drainage shall be discharged to such sewers as are specially designated as combined sewers or storm sewers or to a natural outlet as approved by the Director of the Department of Water and Sewer Utilities. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Director of the Department of Water and Sewer Utilities, to a storm sewer, combined sewer or a natural outlet, provided that a NJPDES permit has been approved by the N.J. Department of Environmental Protection, Division of Water Resources. (Ord. 6 S+FF, 4-17-91 § 21:3-12)

## **CHAPTER 4 RESERVED**

### **32:4-1. RESERVED.**

## **CHAPTER 5 PUBLIC SEWERS; PVSC REQUIREMENTS**

### **32:5-1. APPLICATION TO FACILITIES OF PVSC.**

Sections 32:5-1 to 32:5-11, inclusive, of this Title apply to any and all direct or indirect discharges to the wastewater facilities owned and operated by the Passaic Valley Sewerage Commissioners. (R.O. 1966 C.S. § 21:3A-1)

### **32:5-2. APPLICATIONS FOR CONNECTIONS.**

Application for sanitary connections for dwellings, groups of dwellings, or industrial or commercial establishments with only sanitary waste shall be submitted directly to the City together with the appropriate fee, as provided in Section 32:2-9 of this Title. The Director of the Department of Water and Sewer Utilities shall maintain a record of the number of the sanitary applications and connections that are added and removed from the system and shall make an annual report to the PVSC no later than February 1 of each year. (R.O. 1966 C.S. § 21:3A-2)

### **32:5-3. APPLICATION TO PVSC BY INDUSTRIAL USER.**

Each existing industrial user which is presently connected directly or indirectly to municipal wastewater facilities that are tributary to wastewater facilities owned and operated by PVSC shall make applications to PVSC for a discharge permit no later than October 1, 1977, whether the connection be for industrial waste or storm water. Existing industrial users that have applied for permits may continue their discharge while PVSC processes their application, except for any discharges which constitute prohibited waste as otherwise provided in this Title or unless notified by PVSC to cease and desist their discharge. Any person proposing to make a new industrial connection shall submit an application for a discharge permit, together with the signed, written approval of the owner of the property whereon the connection shall be made, to the City for its approval. Upon the City's review and approval, the application shall be forwarded to PVSC for classification and possible issuance of an industrial permit. No certificate of occupancy shall be granted by the City for a use requiring a discharge permit, as herein described, without the prior award of such permit by PVSC. (R.O. 1966 C.S. § 21:3A-3)

### **32:5-4. INDUSTRIAL SEWER WASTE REVISION APPLICATION.**

Any existing industrial user which proposes to make any change in its facility or processing that may significantly affect the quality or the quantity of its discharge into the sewerage system shall submit to the City an industrial sewer waste revision application describing the contemplated changes. In addition, any new tenant or occupant of an existing industrial user shall submit an industrial sewer waste revision application to the City. Any industrial sewer waste revision application for which the City has granted written approval shall be forwarded to PVSC for its action, including the possible issuance of an industrial permit. No certificate of occupancy shall be issued for an industrial use until an industrial permit has been issued by PVSC, and no person shall occupy any building or structure for the purpose of a new industrial use until an industrial permit has been issued by PVSC. (R.O. 1966 C.S. § 21:3A-4)

### **32:5-5. FORMS FOR INDUSTRIAL PERMITS.**

All applications for industrial permits noted in this Title shall be submitted on forms to be supplied by PVSC and shall comply with the instructions presented thereon. (R.O. 1966 C.S. § 21:3A-5)

### **32:5-6. CLASSIFICATION OF INDUSTRIAL USERS.**

Industrial users shall be classified by PVSC as follows:

#### **Category I:**

Class I—A permit shall not be issued to an industry defined as a major industry and when issued shall allow the industry to discharge with no modifications or pretreatment of flow.

Class I—B permit is one issued to an industry classified as a major industry. This permit shall allow the industry to discharge with no modifications or pretreatment of flow. However, PVSC may require the installation of monitoring equipment.

#### **Category II:**

Class II—A permit shall allow an industry to discharge pretreated wastes in accordance with standards established in the permit.

Class II—B permit shall allow an industry to continue to discharge, subject to change of characteristics of its waste by pretreatment or other means in accordance with a schedule as established by the PVSC in the permit.

#### **Category III:**

A permit is denied and the discharge of prohibited materials must be halted or modified by the date established by the PVSC and in accordance with conditions contained in the permit denial.

(R.O. 1966 C.S. § 21:3A-6)

### **32:5-7. CHANGE OF CLASSIFICATION.**

The PVSC classification of an application is subject to change by PVSC upon written notification from PVSC to the applicant by certified mail. Any change shall be accompanied by a detailed explanation of the reason for the change. (R.O. 1966 C.S. § 21:3A-7)

### **32:5-8. APPEAL FROM PERMIT CLASSIFICATION.**

Any industry aggrieved by a permit classification by the PVSC shall have a right to appeal to the PVSC. Such an administrative appeal must be taken within thirty (30) days of notification by PVSC to the industry of its decision. The notice of appeal shall be delivered personally to the office of PVSC at 600 Wilson Avenue, Newark, New Jersey, 07105, or shall be sent by certified mail, return receipt requested. The taking of an appeal shall not stay the provisions of a Class III denial. During the time of appeal, however, Class II permits shall be stayed. However, the staying shall not release any industry from meeting any requirements of any schedule set by the City, SRJM, NJDEP, or USEPA. (R.O. 1966 C.S. § 21:3A-8)

### **32:5-9. HEARING OF APPEAL; FINDINGS.**

Upon the filing of an appeal, the PVSC shall set the date and time for a hearing before the Commissioners. The applicant shall have the right to present evidence, shall have the right to be represented by counsel, and shall have the right to cross-examination. Upon the conclusion of the hearing, the Commissioners shall make findings of fact and conclusions. In conformance with the findings of fact and conclusions, the Commissioners shall affirm or reverse the appealed classification. (R.O. 1966 C.S. § 21:3A-9)

### **32:5-10. INDUSTRIAL SURVEY FORM.**

In addition to the application as hereinabove described, each industrial user must complete an industrial survey form, which will be supplied by PVSC and, from time to time, shall be updated by the industry when required by PVSC. (R.O. 1966 C.S. § 21:3A-10)

### **32:5-11. ACCESS FOR INSPECTIONS.**

Pursuant to the conditions stipulated in each PVSC industrial permit, industrial users bearing such permits shall provide immediate access to their facilities at any time during normal working hours, or at any time during which there is a discharge to the wastewater facilities or to a natural outlet. Access shall be provided for the purpose of checking the quality of the discharge, taking samples, and making tests of the discharge, or for the purpose of permitting the enforcement of this Title. Access shall be made available to the employees of the City (including representatives of the departments of Water and Sewer Utilities, Health and Human Services and/or Engineering), PVSC, NJDEP, and/or USEPA. All users shall provide access to property and premises for inspection to determine if there are any violations of the terms or provisions of this Title. (R.O. 1966 C.S. § 21:3A-11)

## **CHAPTER 6 PUBLIC SEWERS; JMEUC REQUIREMENTS**

### **32:6-1. GROUND WATER ACCEPTANCE REGULATION.**

No person shall discharge or cause to be discharged any storm water, surface water, ground water (except as set forth below), roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

a. Direct or indirect discharge of ground water to the Joint Meeting Wastewater Treatment Facilities shall only be permitted under the following circumstances:

1. The proposed discharger or applicant has filed an application for and has been issued a Non-Domestic Wastewater Discharge Permit ("Permit") by the Joint Meeting.

2. For long-term, continuous discharges, the municipality where the remediation project of the applicant is located or, at the election of the municipality, the proposed discharger or applicant ("Municipality/Applicant") will be required to identify and eliminate two (2) gallons of infiltration/inflow to the Joint Meeting Wastewater Treatment Facilities for each gallon of ground water to be delivered into the Joint Meeting Wastewater Treatment Facilities on a daily average over the life of the remediation project

discharge (2 to 1 offset).

(a) The location(s) of the remedial work to be performed by the Municipality/Applicant shall be identified by the municipality and agreed to by the Joint Meeting, through the use of the Phase III Sewer System Evaluation Report, prepared by Hazen and Sawyer, dated August, 1983 and as supplemented, which was previously distributed by Joint Meeting to each member municipality in the Joint Meeting service area, or such other report as may be available in the case of nonmember municipalities.

(b) The remedial work to be performed by the Municipality/Applicant shall be completed within a time period that shall not exceed one-half (1/2) of the time frame of the remediation project discharge estimated by the proposed discharger or applicant and approved by the municipality and the Joint Meeting. In the event that extraordinary, unforeseen circumstances occur that will affect the ability of the Municipality/Applicant to meet the time period previously agreed upon by the parties for completion of the infiltration/inflow remedial work, the Municipality/Applicant may seek an extension of the time period through the filing of a written request not less than sixty (60) days before a previously defined and agreed upon milestone, fully describing the extraordinary, unforeseen circumstances and specifying the additional time necessary to complete the remedial work as a result thereof. Such requests for extensions will be considered by the Joint Meeting on a case-by-case basis, and an extension of time shall not be unreasonably withheld.

(c) An applicant may not discharge ground water to the Joint Meeting Wastewater Treatment Facilities until it has obtained a Permit and an agreement is reached between the Joint Meeting and the municipality and/or the applicant upon the terms of the remediation work to be performed to satisfy the 2 to 1 offset policy set forth in this regulation.

(d) At intervals to be mutually agreed upon by the Municipality/Applicant and the Joint Meeting, the Municipality/Applicant shall be required to demonstrate, in written progress reports, to the satisfaction of the Joint Meeting that the Municipality/Applicant is making definable progress in performing the remedial work so as to be able to complete the work within the time frame established in accordance with paragraph 2(b) above.

(e) The Engineer of the municipality where the remedial work has been performed will be required to submit to Joint Meeting a certification stating that remedial work has been completed and such certification must be submitted within one (1) week of the date of the completion of the work.

(f) The Municipality/Applicant will be required to submit to the Joint Meeting at the time the location(s) of the remedial work is identified by the municipality and agreed to by the Joint Meeting a Performance Bond in the amount of one hundred (100%) percent of the value of the remedial work to ensure that such work is completely performed.

3. For short-term batch discharges; delivery:

(a) For short-term, batch discharges, the Municipality/Applicant will be required to identify and eliminate two (2) gallons of infiltration/inflow into the Joint Meeting Wastewater Treatment Facilities for each gallon of ground water to be delivered to the Joint Meeting Treatment Works on a daily average over the life of the remediation project discharge (2 to 1 offset) or

(b) The material to be discharged from the site of the remediation project may be delivered in tanker vehicles to the Joint Meeting Wastewater Treatment Facilities in Elizabeth, New Jersey for direct discharge at the rate of three (3) cents per gallon, for example, one hundred fifty (\$150.00) dollars per five thousand (5,000) gallon trailer; to compensate Joint Meeting for the costs to sample, monitor and process the discharge. The use of this option will be at the reasonable discretion of the Joint Meeting in order to avoid the arrival of a number of trailers that will adversely impact the performance of treatment operations by the Joint Meeting.

4. In the event the 2 to 1 offset option is selected with respect to short-term, batch discharges, then the following procedures shall apply:

(a) The location(s) of the remedial work to be performed by the Municipality/Applicant shall be identified by the municipality and agreed to by the Joint Meeting, through the use of the Phase III Sewer System Evaluation Report, prepared by Hazen and Sawyer, dated August, 1983 and as supplemented which was previously distributed by Joint Meeting to each member municipality in the Joint Meeting service area, or such other report as may be available in the case of nonmember municipalities.

(b) The remedial work to be performed by the Municipality/Applicant shall be completed within a time period that shall not exceed one-half (1/2) of the time frame of the remediation project discharge estimated by the proposed discharger or applicant and approved by the municipality and the Joint Meeting. In the event that extraordinary, unforeseen circumstances occur that will affect the ability of the Municipality/Applicant to meet the time period previously agreed upon by the parties for completion of the infiltration/inflow remedial work, the Municipality/Applicant may seek an extension of the time period through the filing of a written request not less than sixty (60) days before a previously defined and agreed upon milestone, fully describing the extraordinary, unforeseen circumstances and specifying the additional time necessary to complete the remedial work as a result thereof. Such requests for extensions will be considered by the Joint Meeting on a case-by-case basis, and an extension of time shall not be unreasonably withheld.

(c) An applicant may not discharge ground water to the Joint Meeting Wastewater Treatment Facilities until it has obtained a Permit and an agreement is reached between the Joint Meeting and the municipality and/or the applicant upon the terms of the remediation work to be performed to satisfy the 2 to 1 offset policy set forth in this regulation should this option be selected with respect to a short-term, batch discharge.

(d) At intervals to be mutually agreed upon by the Municipality/Applicant and the Joint Meeting, the Municipality/Applicant shall be required to demonstrate, in written progress reports, to the satisfaction of the Joint Meeting that the Municipality/Applicant is making definable progress in performing the remedial work so as to be able to complete the work within the time frame established in accordance with paragraph 4(b) above.

(e) The Engineer of the municipality where the remedial work has been performed will be required to submit to the Joint Meeting a certification stating that remedial work has been completed and such certification must be submitted within one (1) week of the date of the completion of the work.

(f) The Municipality/Applicant will be required to submit to the Joint Meeting at the time the location(s) of the remedial work is identified by the municipality and agreed to by the Joint Meeting a Performance Bond in the amount of one hundred (100%) percent of the value of the remedial work to ensure that such work is completely performed.

5. The ground water to be discharged to the Joint Meeting Wastewater Treatment Facilities pursuant to a Permit will be, at all times, subject to analyses by the Joint Meeting, at the sole cost of the applicant, to ensure that the proposed discharge shall meet the quality limits as set forth in these sewer use rules and regulations. At any time during the period of the discharge of ground water to the Joint Meeting, a failure by the applicant to meet such quality limits shall be the basis for a revocation of the Permit and a discontinuation of the discharge, and/or such enforcement measures as are authorized by law to be taken by the Joint Meeting.

6. The proposed discharger or applicant shall be obligated to institute pretreatment measures prior to the direct or indirect discharge of ground water to the Joint Meeting in event the ground water fails to meet the parameters for acceptance of the discharge set forth in the Sewer Use Rules and Regulations.

7. Credits for future discharges of ground water through the removal of infiltration/inflow pursuant to the above provisions may be accumulated or "banked"; however, such credits may only be transferred in accordance with ownership of the site identified as the source of ground water at the time of the performance of the remediation work.

(Ord. 6 S+FB, 1-13-95 § 21:3B-1)

## CHAPTER 7 PRIVATE SEWERS

### 32:7-1. CONFORMANCE TO APPROVED SEWER PLANS.

Whenever a permit shall hereafter be granted by the Director of Water and Sewer Utilities to any person to construct, at his/her own expense, a private sewer in or through any public street, highway, or alley, the person receiving such permit shall construct the sewer or cause it to be constructed in accordance with plans approved by the Director of Water and Sewer Utilities. (R.O. 1966 C.S. § 21:4-1)

### **32:7-2. SURETY BOND FILED.**

Any person desiring to work under a permit as provided in the preceding section shall file a bond with the City Clerk with two (2) sureties to be approved by the Municipal Council. The amount of such bond shall be rated at one hundred (100%) percent of project cost by the Director of Water and Sewer Utilities. Such bonds shall be conditioned that persons working pursuant thereto shall, in all work of constructing such sewers and connecting same with any public sewer, faithfully comply with the plans, specifications, regulations, and instructions of the Director of the Department of Water and Sewer Utilities. In case any work under a permit shall be improperly done and in violation of the foregoing conditions, other provisions of this Title or other ordinances of the City, the Director of the Department of Water and Sewer Utilities shall have the right to reconstruct such defective work, and the cost thereof, together with the cost of suit, shall be deemed under such bond to be recoverable by the City by suit on such bond. (R.O. 1966 C.S. § 21:4-2)

### **32:7-3. STORM WATER INLETS AND CATCH BASIN CONNECTIONS.**

The City reserves the right to connect any storm water inlets or catch basins during the time of construction or at any time after the completion of any private sewer that is tributary to a separate storm drain or combined sewer. When any such sewer constructed under the provisions of this Title is completed, the City shall assume the responsibility of keeping the same in repair. (R.O. 1966 C.S. § 21:4-3)

### **32:7-4. STATEMENT OF COST FILED.**

Any person who shall have caused the construction of a sewer at his/her own expense shall file a sworn statement of its entire cost with the Director of the Department of Water and Sewer Utilities within one (1) month after construction is completed. (R.O. 1966 C.S. § 21:4-4)

### **32:7-5. CONNECTIONS WITH PRIVATE SEWERS.**

If at any time after construction, any person other than the original constructor or his successors in interest wishes to connect with a private sewer, he/she must produce a written consent of the original constructor or his/her successors in interest accompanying the application to the Director of the Department of Water and Sewer Utilities for making a connection with a sewer constructed by a private party. Such a written consent shall be deemed equivalent to an acknowledgment of satisfaction of payment for the privilege granted. (R.O. 1966 C.S. § 21:4-5)

### **32:7-6. DETERMINATION OF COST ON NON-AGREEMENT OF PARTIES.**

When a party desirous of making a connection fails to obtain written consent as referred to in Section 32:7-5, the Director of the Department of Water and Sewer Utilities shall proceed, upon the presentation of sworn statement in writing mentioning such non-agreement, to determine the equitable part of the cost of such sewer to be paid by the applicant. The amount fixed by the Director shall be final and conclusive. The Director shall thereupon collect the amount determined from the party desiring a permit, before the same is granted, and pay the sum to the original constructor. (R.O. 1966 C.S. § 21:4-6)

### **32:7-7. CLAIM FOR COMPENSATION FORFEITED.**

If the original constructor fails to file a sworn statement of the entire cost with the Director of the Department of Water and Sewer Utilities within one (1) month after the completion of the work, as required by Section 32:7-4, he/she shall forfeit any claim for compensation from any person connecting with such sewer who shall have received a permit from the Director of the Department of Water and Sewer Utilities to do so. (R.O. 1966 C.S. § 21:4-7)

### **32:7-8. REIMBURSEMENT FOR INSPECTORS' SERVICES.**

An inspector shall be assigned by the Manager of the Division of Sewers and Water Supply to take charge of and supervise the work in each case under the provisions of Sections 32:2-6 to 32:7-1. The City shall be reimbursed by the permittee for the services of the inspector or inspectors assigned, as aforesaid, and the amount of such reimbursement to be paid by the permittee shall be determined by the Manager of the Division of Sewers and Water Supply. (R.O. 1966 C.S. § 21:4-8)

## **CHAPTER 8 USER CHARGES**

### **32:8-1. SEWER USER CHARGES IMPOSED.**

Pursuant to 40 CFR 39.935-13 and N.J.S. 40:63-7, there is hereby imposed a sewer user charge on every property owner utilizing public wastewater facilities within the City. Sewer charges shall be composed of the following two (2) parts:

Part A. Users shall be billed according to their use of JMEUC, PVSC, or SRJM facilities in accordance with user charge regulations to be adopted by JMEUC, PVSC, or SRJM in compliance with applicable Federal regulations. The effective date for the imposition of these charges shall be established by resolution of JMEUC, PVSC, and SRJM for those areas of the City served by them. The effective dates shall be certified by JMEUC, PVSC, and SRJM for their respective service districts, and these written certifications shall be filed in the Office of the City Clerk.

Part B. Users shall also be billed for their use of municipal wastewater facilities in conformance with applicable State and Federal laws and regulations. In addition, users shall be billed for the administrative costs of billing and collection of the two (2) part user charge. (R.O. 1966 C.S. §21:5-1)

### **32:8-2. AD VALOREM TAX REVENUES RESERVED.**

No provision of this Title shall exclude the City from utilizing ad valorem tax revenues to supplement its payments for wastewater disposal where such a procedure is not prohibited by State or Federal law. (R.O. 1966 C.S. §21:5-2)

### **32:8-3. RATES OF SEWER USER CHARGES.**

a. *Residential, Industrial, Commercial, Tax Abated and Tax Exempt Users.* All residential, industrial, commercial, tax abated and tax exempt users of public wastewater facilities shall be billed for such use pursuant to this paragraph and paragraph b. For purposes of this section, such users shall be defined as all users identified as such by the regional sewer authority pursuant to the regulations of the United States Environmental Protection Agency, 35.929-1(b)(4).

1. Quarterly or monthly as determined by the Director of Water and Sewer Utilities, for its share of the operating and maintenance costs borne by the regional sewer authority in the treatment of wastewater. These billings shall be based on a method of calculation approved by the United States Environmental Protection Agency which shall at a minimum reflect the volume of waste and the strength of that waste as measured by the parameters of Biochemical Oxygen Demand (BOD) and Suspended Solids (SS) per unit volume. Calculation of the amount to be billed shall be done by the regional sewer authority, who shall present the bills to the City of Newark for distribution and collection of payments.

b. All users of Public Wastewater Facilities shall be billed as follows:

1. All such users shall also be billed periodically, by volume of potable water consumed as determined by the water meter, for all other costs associated with the collection, transmission, operation of the sewer system, and treatment of wastewater in accordance with the applicable schedule of rates which is incorporated herein:

All such meters shall be subject to the approval of the Director of the Department of Water and Sewer Utilities and shall be maintained in a continuous state of accurate operation by the property owner.

2. In lieu of using water meter flow, the property owner may, install a separate sewer meter to measure sewer flow ("direct actual metering"). Any such property owner may install metering equipment on his/her premises to measure the actual flow of sewage into public wastewater facilities. The responsibility for the purchase, installation, and proper functioning of any such meter shall be that of the property owner. All such meters shall be subject to the approval of the Director of the Department of Water and Sewer Utilities and shall be maintained in a continuous state of accurate operation by the property owner. The local sewer charge for property owners who elect direct actual metering shall be billed by the City of Newark in accordance with the rate schedule established by the Director of Water and Sewer Utilities.

3. In the event that a property owner who is subject to the terms of this section shall prove to the satisfaction of the Director of the Department of Water and Sewer Utilities that there is no substantial relation between the intake of water at the property, regardless of its source, and the output of sewage from the property, and if it be determined by the Director of the Department of Water and Sewer Utilities that it is not practicable to measure sewage emanating from the property by meters, then the property owner may elect to pay a user charge based upon engineering studies supported by substantial evidence. All such studies must be approved by the Director of the Department of Water and Sewer Utilities and shall be subject to his/her periodic review.

4. In no event shall any property owner who is subject to the terms of this section pay a local sewer user charge in an amount less than that set forth in the rate schedule established by the Director of Water and Sewer Utilities.

c. Any amount paid in excess of the amount billed in accordance with the rate schedule established by the Director of Water and Sewer Utilities shall be credited to the individual user's account.

d. Any credit or deficit received by the City of Newark from the Regional Wastewater Authorities (Passaic Valley Sewerage Commissioners, Joint Meeting of Essex and Union Counties, and Second River Joint Meeting) shall be allocated among all sewer users in such a manner that the sewer users rates are readjusted in an amount proportionate to the credit or deficit.

e. Senior citizens and/or disabled persons who qualify under N.J.S.A. 40A:14B-22.2 will be charged a discounted rate in accordance with the amended rate schedule established by the Director of the Water Sewer Utility.

f. Beginning on January 1, 2007, and annually thereafter, the Director of Water and Sewer Utilities shall adjust the sewer rate not to exceed the Cost of Living Adjustment. This shall be based on the Implicit Price Deflator for State and Local Governments for New Jersey and published by the U.S. Department of Commerce, Bureau of Economic Analysis.

(R.O. 1966 C.S. §21:5-3; Ord. 6 S+FP, 9-25-90; Ord. 6 S+FA, 1-06-93; Ord. 6 S+FL, 5-03-93; Ord. 6 S+FB, 5-04-94; Ord. 6 S+FC, 06-06-01; Ord. 6 S+FH, 08-01-01; 6 S+FF, 5-4-05; Ord. 6 S+FH, 5-17-06)

**32:8-4. SEWER USER CHARGE RATE SCHEDULE.**

Note: Pursuant to Ordinance No. 6 S+FF, 5-4-05, as amended by 6 S+FH, 5-17-06, as codified in Section 32:8-3, Rates of Sewer User Charges, beginning on January 1, 2007, and annually thereafter, the Director of Water and Sewer Utilities shall adjust the sewer rate not to exceed the Cost of Living Adjustment. This shall be based on the Implicit Price Deflator for State and Local Governments for New Jersey and published by the U.S. Department of Commerce, Bureau of Economic Analysis.

**RATES OF SEWER USER CHARGES**  
(Ord. 6 PSF-A(S), 2-10-15)

Effective March 1, 2015, the Director of Water and Sewer Utilities is implementing a three-year rate increase for the period March 1, 2015 through December 31, 2017 that shall not exceed the following:

(Rates as per monthly adjustment by the Director of Water and Sewer Utilities.)

**Rates Effective March 1, 2015 through December 31, 2015:**

(Ord. 6 PSF-A(S), 2-10-15)

CUSTOMER TYPE	MONTHLY SEWER RATE		MONTHLY P.V.S.C RATE	
	FIRST 600 CUFT	OVER 600 CUFT	FIRST 600 CUFT	OVER 600 CUFT
REGULAR - (M0&10)	\$3.34	\$5.00	\$19.12	\$28.70
DIRECT P.V.S.C. - (MX&IX)	5.10	7.66	9.21	13.86
SENIOR CITIZEN - (MS 1)	3.20	4.77	18.15	27.27

**Rates Effective January 1, 2016 through December 31, 2016:**

(Ord. 6 PSF-A(S), 2-10-15)

CUSTOMER TYPE	MONTHLY SEWER RATE		MONTHLY P.V.S.C RATE	
	FIRST 600 CUFT	OVER 600 CUFT	FIRST 600 CUFT	OVER 600 CUFT
REGULAR - (M0&10)	\$3.54	\$5.30	\$20.26	\$30.42
DIRECT P.V.S.C. - (MX&IX)	5.41	8.12	9.76	14.69
SENIOR CITIZEN - (MS 1)	3.39	5.06	19.24	28.90

**Rates Effective January 1, 2017 through December 31, 2017:**

(Ord. 6 PSF-A(S), 2-10-15)

CUSTOMER TYPE	MONTHLY SEWER RATE		MONTHLY SEWER RATE	
	FIRST 600	OVER 600 CUFT	FIRST 600	OVER 600

	CUFT	CUFT	CUFT	CUFT
REGULAR - (M0&I0)	\$3.77	\$5.65	\$21.58	\$32.40
DIRECT P.V.S.C. - (MX&IX)	5.76	8.65	10.40	15.64
SENIOR CITIZEN - (MS1)	3.61	5.39	20.49	30.78

**EXHIBIT A COST OF SEWER SERVICES FOR YEAR 1994**  
(Ord. 6 S+FB, 5-4-94)

DIRECT SEWER COST:	1994
1. • Contribution from E. Orange (1)	(1,731,283.00)
2. • South Side Interceptor Lease Payment	(590,000.00)
3. • Sew Collections O&M Cost (1104)	933,739.00
4. • Joint Meet Contract (1104)	1,738,969.00
5. • Sew Emergency Const (1108)	500,000.00
6. • WTR Acct (7501) 45%	1,607,422.43
7. •• WTR Fund Unclassified (7503)	1,063,948.60
8. • PVSC Effluent Cost-Non Dir	13,655,100.42
9. • PVSC Effluent Costs-Dir Billed	6,986,632.46
10. • PVSC Debt & Admn Costs	6,880,577.63
11. • Current Fund Debt	470,241.86
12. • Equip. Debt (Essex County Imp.)	133,737.74
13. • WTR Fund Debt	31,618.60
14. • Sew Brick Prog Debt (2)	604,959.00
Subtotal (3)	32,285,663.74
ADMINISTRATIVE SEWER COSTS:	
15. • Eng. Svsc & Contract Admn (1108)	58,603.00
16. • Eng. Dir. Dept. Overhead (1101)	116,956.00
17. • Water Division Cost (7502)	685,842.00
18. • General & Admn. Charges (4)	2,168,781.83
19. # Funding of Reserves (5)	106,090.00
Subtotal	3,136,272.83
Full Cost of Sewer Services	35,421,936.57
• Reserve for Uncollected Sewer Charges	8,160,000.00
Total Sewer Revenue Req.	43,581,936.57
• Less Direct Billed PVSC Cost	(9,315,509.95)
Net Revenue Required	34,266,426.62
Sewer Rate per 1,000 cu. ft.	\$14.40
PVSC Direct Bill User Rate	\$9.19
Senior Citizen Rate	\$13.68

(Ord. 6 S+FB, 5-04-94 § 21:5-3; Ord. 6 PSF-A(S), 2-10-15)

**32:8-5. SEWER USER CHARGES AS A LIEN.**

If any charge for the use of sewers, drains or other services connected therewith shall remain in arrears for six (6) months, the officer or Board charged with the duty of the collection thereof shall file with the officer charged with the duty of the collection of tax arrears, a statement showing such arrearages, and from the time of such filing, the water rent or other charges shall be a lien upon the real estate to which the sewer service was furnished and in connection with which the charges were incurred to the same extent as taxes are a lien upon real estate in the municipality.

Such charges shall be a lien upon the premises connected until paid, and the City shall have the same remedies for the collection thereof with interest, costs and penalties, as it has by law for the collection of taxes upon real estate. (R.O. 1966 C.S. § 21:5-4)

**32:8-6. COLLECTOR DESIGNATED.**

The Director of Water and Sewer Utilities of the City, who is hereby designated as the collector of any and all user charges, is hereby delegated the authority to develop, promulgate, and issue rules and regulations for the effective implementation of Section 32:8-1 through Section 32:8-11. (R.O. 1966 C.S. § 21:5-5)

**32:8-7. FAILURE TO PAY SEWER SERVICE CHARGE; SHUT OFF OF SERVICE.**

In the event that the sewer service charge of the Division with regard to any parcel of real property remains due and unpaid for a period of thirty (30) days, the Division, may, in its discretion, enter upon such parcel and cause any connection or connections thereof leading directly or indirectly to or from the utility system to be cut and shut off until such service charge and any subsequent service charge with regard to such parcel and all interest accrued thereon shall be fully paid to the municipality. (R.O. 1966

**32:8-8. FAILURE TO PAY SEWER SERVICE CHARGE; SHUT OFF OF WATER.**

In the event that the sewer service charge of the Division with regard to any parcel of real property remains due and unpaid for a period of thirty (30) days, the Division, may cause the supply of water to such parcel by the Division to be stopped or restricted until such sewer service charge and any subsequent sewer service charge with regard to such parcel and all interest accrued thereon shall be fully paid to the municipality. (R.O. 1966 C.S. § 21:5-7)

**32:8-9. NOTICE OF DISCONTINUANCE; LIABILITY FOR DAMAGES.**

a. The Division will exercise every precaution to give reasonable notice before the discontinuance of water service, but will not be liable for any loss, damage or other claim based on or arising out of the stopping or restricting of such water service. Any water fixture subject to damage by the sudden discontinuance of the water supply shall be properly protected against such damage by the owner or operator of such fixture; provided, that notice, except in cases of emergency, is given.

b. All persons having boilers within their premises not supplied by a tank or cistern are hereby cautioned against collapse of such boilers in case of interruption or discontinuance of service. In such case, the Division will not be liable for any damage or inconvenience suffered. (R.O. 1966 C.S. § 21:5-8)

**32:8-10. INTEREST ON UNPAID SERVICE CHARGE.**

In the event that a sewer service charge of the Division with regard to any parcel of real property shall not be paid within thirty (30) days of the due date, interest charges shall be assessed to the sewer account. Each interest charge shall be chargeable each and every additional month the account is not paid in full. The interest charge rate shall be one and one-half (1.5%) percent of the outstanding principal amount due. (R.O. 1966 C.S. § 21:5-9; Ord. 6 PSF-B(S), 1-13-10 § 1)

**32:8-11. CIVIL ACTION TO RECOVER UNPAID SEWER SERVICE CHARGE.**

The owner of any house, multiple dwelling, building or lot shall be liable for the payment of the price or rent as fixed by the Governing Body for the use of sewer service by such owner, or by occupier and for the installation, purchase price, repair and testing of any sewer meter, sewer service, connections, appliances or parts and renewal thereof, heretofore or hereafter furnished or made by the Division, in or upon such house, multiple dwelling, building or lot connecting therewith, and the interest charges.

In the event that the sewer service charge of the Division with regard to any parcel of real property shall not be paid as and when due, the unpaid account shall be referred to the Corporation Counsel, and the Corporation Counsel shall be empowered to institute civil action in any court deemed proper by him/her for the recovery of any and all unpaid sewer service charge arrearages together with interest and penalties. Nothing contained in this section shall be construed to abrogate or impair rights and powers of the City of Newark to enforce any provisions within this Title; and the power conferred by this section shall be in addition and supplemental to other remedies available to the City of Newark. (R.O. 1966 C.S. 21:5-10)

**CHAPTER 9 JOINT MEETING OF ESSEX AND UNION COUNTIES**

**32:9-1. ADOPTION OF RULES AND REGULATIONS OF THE JOINT MEETING.**

That the Rules and Regulations of the Joint Meeting adopted on December 20, 1984 and as same are modified from time to time are hereby adopted by the City of Newark as if fully set forth herein as Rules and Regulations governing the municipal sewer facilities in the Joint Meeting of Essex and Union Counties service area as well as the Joint Meeting Facilities. (Ord. 6 S+FF, 7-08-92 § 1)

**32:9-2. ENFORCEMENT PROCEDURES.**

a. Whenever the Joint Meeting finds that any person (as defined in the rules and regulations) has violated or is violating this chapter, or any prohibition, limitation or requirement contained herein, the Joint Meeting may serve upon such person a written notice stating the nature of the violation and providing a reasonable time, not to exceed thirty (30) days, for the satisfactory correction thereof. If the violation is not corrected by timely compliance, the Joint Meeting may order any person who causes or allows an unauthorized discharge to show cause before the Joint Meeting and City of Newark 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 Joint Meeting and City of Newark regarding the violation, and directing the offending party to show cause before the Joint Meeting and City of Newark why an order should not be made directing the termination of service. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing.

The Joint Meeting and City of Newark may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee to:

1. Issue in the name of the Joint Meeting and City of Newark notice of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearings;
2. Take the evidence;
3. Transmit a report of the evidence and hearing, including transcripts/records and other evidence, together with recommendations to the Joint Meeting and City of Newark for action thereof.

At any public hearing, testimony taken before the Joint Meeting and City of Newark 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, will be made available to any member of the public upon payment of the usual charges therefor. After the Joint Meeting and City of Newark have reviewed the evidence, they may issue an order to the party 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 are properly operated, and such further orders and directives as are necessary and appropriate.

Any discharge in violation of the substantive provisions of this chapter or an Order of the Joint Meeting shall be considered grounds for legal action. If any person discharges sewage, industrial wastes or other wastes into the treatment facilities contrary to the substantive provisions of this chapter or any Order of the Joint Meeting, the Executive Director of the Joint Meeting shall commence an action for injunctive relief and appropriate legal damages in the Superior Court of the respective County.

b. The Joint Meeting and/or City of Newark may suspend the wastewater treatment service (and/or the Non-Domestic Waste Water Discharge Permit) when such suspension is necessary, in the opinion of the Joint Meeting and/or City of Newark, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the Joint Meeting and/or City of Newark to violate any condition of its NJPDES Permit.

Any person notified of a suspension of the wastewater treatment service (and/or the Non-Domestic Waste Water Discharge Permit) shall immediately stop or eliminate the contribution. In the event of a failure of the persons to comply voluntarily with the suspension order, the Joint Meeting and/or City of Newark shall take such steps as

are deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Joint Meeting and/or City of Newark shall reinstate (the Non-Domestic Waste Water Discharge Permit and/or) the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the discharger describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Joint Meeting and/or City of Newark within fifteen (15) days of the date of occurrence. (Ord. 6 S+FF, 7-08-92 § 2)

**32:9-3. VIOLATIONS; PENALTIES.**

Any person who is found to have violated an Order of the Joint Meeting and/or City of Newark or who willfully or negligently fails to comply with any provision of this chapter, and the orders, rules and regulations issued hereunder shall be subject to a fine of not more than one thousand (\$1,000.00) dollars or imprisonment not to exceed ninety (90) days, or both for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Joint Meeting and City of Newark may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person(s) found to have violated this chapter or the orders, rules and regulations issued hereunder. In addition, also, to the penalties previously provided herein, the Joint Meeting and its tributary municipalities may recover reasonable costs expended to rectify damages to its treatment process, sewer lines, catch basin, manholes and other appurtenances caused as a result of violations of this chapter. (Ord. 6 S+FF, 7-8-92 § 3)

**32:9-4. SEVERANCE CLAUSE.**

If any provision, paragraph, work, section, or article of this chapter is invalidated by any Court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and articles shall not be affected and shall continue in full force and effect. (Ord. 6 S+FF, 7-8-92 § 4)

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