

**CHANGE FIFTEEN TO THE PVSC RULES & REGULATIONS**

**FACT SHEET**

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

## **INTRODUCTION**

Change 15 incorporates modifications to PVSC's Rules and Regulations (R&R) which are deemed necessary based on experience in the operation of PVSC's Industrial Pretreatment Program. Significant revisions include the authority to suspend any Permit for non-payment of fees or user charges that are six months overdue, the establishment of four new categories of food preparation entities applicable to oil and grease control, and the incorporation/formalization of existing policies concerning the calculation of connection fees mainly as they relate to credits and waivers. Change 15 will also correct typographical and formatting errors. Corrections of this nature are non-substantive.

The following section in this Fact Sheet describes each corresponding, substantive change in more detail; non-substantive changes are not addressed.

## EXPLANATION OF SUBSTANTIVE CHANGES

1. **Section 101.1** - Modified this section to include the word “applicability” of the Rules & Regulations (rather than merely infer it), as well as to provide other clarifying language and delete references to direct and indirect discharges.
2. **Section 308.1** - Modified this section to clarify that, not only will Persons *desiring* a Permit fill out an application, but Persons whom PVSC deems *may or will require* a Permit shall also fill out an application to discharge.
3. **Section 309.4(d)** - Modified this section to include Sampling Waiver Applicability language which must appear in all Categorical Industrial User control mechanisms (unless a Sampling Waiver was previously granted). This is keeping with NJDEP’s 5/14/12 “Pretreatment Implementation Memorandum (PIM) #21.” Other provisions of PIM #21 were already included in the PVSC Rules & Regulations under Section 318.5.
4. **Section 310.1** - Modified this section to provide a reference to the appeals procedures for suspended Permits, which follow at a later Section (310.4).
5. **Section 310.2** - Modified this section to provide a reference to the expedited appeals procedures for suspended Permits, which follow at a later Section (310.4).
6. **Section 310.3** - Modified this section to clarify that suspended Permits involve the immediate cessation of discharge.
7. **Section 310.4** - Modified this section to clarify that PVSC shall render a determination concerning a hearing outcome within 72 hours after the close of the hearing.
8. **Section 310.6** – Added this new section to provide PVSC with the ability to indefinitely suspend the Permit of any User who fails to pay any applicable fee or User Charge for six months.
9. **Section 310.7** – Modified this Section (formerly 310.6) to include the provision for Permits to be reinstated once the fees or User Charges specified in new Section 310.6 have been paid.
10. **Section 310.8** – Renumbered this “Reserved” Section, formerly 310.7.
11. **Section 310.9** – Renumbered this “Reserved” Section, formerly 310.8.
12. **Section 312.1(m)** - Modified this section to replace the prohibition of “Ultra-Hazardous Toxics” and its description, with the prohibition of “Hazardous Wastes” and its specific description.

13. **Section 312.1(n)** - Modified this section to more accurately designate “Trucked Pollutants” as “Hauled Wastes.” Changed the word “accepted” to “except,” to correct a previous typographical but prominent error.
14. **Section 315.2** - Modified this section to not only require a User make pretreatment system modifications when problems are revealed during inspection, but to actually state that there is a violation when these problems are revealed during inspection (rather than merely infer it).
15. **Section 316.11(e)** - Modified this section to require that “less than” analytical values be reported below the corresponding limit(s) for any parameter.
16. **Section 317.3** - Modified this section to clearly state that accurate monitoring is required, rather than infer it. Also added language that requires a spare pH probe be in-hand, that manual readings be taken and logged during discharge hours if there is no spare probe or if the problem is mechanical, and that monthly pH, LEL, or other charts be changed on the first of the month or next business day. Also requires signing and dating of monitoring tapes or charts each business day.
17. **Section 323.1** - Modified this section to include the requirement for Significant Industrial User to complete and submit a Slug Discharge Plan Questionnaire within 30 days of receipt. This will formalize an existing policy, and make it a stated requirement.
18. **Section 405.1** - Modified this section to remove “non-industrial” Users as the only Users applicable to oil and grease control. The PVSC has found that certain Industrial Users also require such control.
19. **Section 406.3** - Modified this section to assign a completion deadline (30 days of receipt of written notice from PVSC) for installation or modification of the oil and grease control Best Management Practice (oil/water separator, grease trap, grease interceptor).
20. **Section 406.4** - Modified this section to introduce the new categorization of food preparation establishments applicable to oil and grease control, and stipulated conditions for waiver of the Monitoring Fee for qualifying tax-exempt and locally-based entities, at PVSC’s discretion.
21. **Section 602.6** - Modified the first paragraph to denote it as subsection “(a);” such designation was previously missing. The remainder of this paragraph is unchanged.
22. **Section 602.6 (c)** - Modified this section to include other occupancy-related certificates (in addition to the existing “Building Permits”) as prohibited from issuance prior to the applicant’s submission of Connection Application and any fees. Also stated that, where applicable, PVSC will utilize N.J.A.C. 7:14A-23.3 Projected Flow Criteria as the basis for any assigned connection fee-related gallonage.

23. **Section 602.6 (g)** - Added this new subsection, which formalizes existing PVSC policy to waive up to \$2,000 in Connection Fees for certain qualifying tax exempt and locally-based organizations.
24. **Section 602.6 (h)** - Added this new subsection to allow for a 50% reduction in the connection fee assessed for new connections to be charged to public housing authorities or non-profit organizations building affordable housing projects. It also allows, for units previously connected, for a credit against the connection fee to be assessed to public housing authorities or non-profit organizations building affordable housing projects. Finally, it lists documentation requirements for applicants in demonstrating the justification for the awarding of the 50% credit.
25. **Section 602.6 (i)** - Added this new subsection to address public housing authorities / non-profit organizations as they relate to connection fees.
26. **Section 602.6 (j)** - Added this new subsection to list the documentation required of the applicant when connection fee credits are granted for changes in use or increases in flow intensity.
27. **Section 602.6 (k)** - Added this new subsection to state that no credit will be issued for abandoned or vacant properties. It additionally allows no credit for any location that had not had a physical connection or absence of discharge for the five years preceding the connection application. Allows for credit if demonstration can be made as to discharge during that five year period.
28. **Section 602.6 (l)** - Added this new subsection to allow for partial connection fees for temporary hook-ups or discharges.
29. **Section 602.7** - Modified this section to also reference that municipalities or authorities must establish procedures for notifying PVSC as to changes to connections (in addition to the existing requirement for them notifying PVSC of new connections). Also added a paragraph requiring municipalities or authorities to issue a halt work order or rescind the permanent occupancy-related certificate in the event that any occupancy-related certificates are issued without PVSC prior approval.
30. **Appendix A – Definitions** – Added the definition of “Non-Significant Categorical Industrial User (NSCIU).”
31. **Appendix A – Definitions** – Added the definition of “Process Wastewater.”
32. **Appendix A – Definitions** – Modified the definition of “SPCC” to define it as a “Plan” and to more closely resemble its actual purpose.
33. **Appendix A – Definitions** – Added the definition of “Treatment District.”

34. **Appendix B – Section B-102** – Changed the title from “MILESTONE DATES” to “NEW SOURCE REPORTING REQUIREMENTS”), to more accurately describe the content matter in this Section .
35. **Appendix B – Section B-102.1** – Deleted this section as it is no longer necessary.
36. **Appendix B – Section B-102.2** – Modified this section to delete obsolete milestone date and incorrect references to 40 CFR 403 requirements. Due to the deletion of B-102.1, renumbered this section to B-102.1.
37. **Appendix B – Section B-102.3** – Due to the deletion of B-102.1, renumbered this section to B-102.2.
38. **Appendix B – Section B-102.4** – Due to the deletion of B-102.1, renumbered this section to B-102.3.
39. **Appendix B – Section B-103** – Modified the title by adding “- HEAVY METALS” to clarify that this section (previously titled “LOCAL LIMITS”) was specific for metals, and not the only section dealing with local limits.
40. **Appendix B – Section B-103.3 - Table B-1** – Added the notation “(MR-1)” to clarify which monitoring report that the limits apply to.
41. **Appendix B – Section B-103.3 - Table B-2** – Added the notation “(MR-3)” to clarify which monitoring report that the limits apply to.
42. **Appendix B – Section B-201.2** - Modified this section to prohibit dilution of vapor space with outside air when monitoring for Lower Explosive Limit levels.
43. **Appendix B – Section B-201.7** - Modified this section to more clearly designate that the existing 30% LEL value is an actual local limit.
44. **Appendix B – Section B-201.8** - Modified this section to remove “limitation” from the 40% LEL reference, restoring it more clearly to its “action level” status.
45. **Appendix B – Section B-201.9** - Modified this section to clarify the requirements for gaining approval for a substitute instrument to use in place of the required flame type LEL instrument.
46. **Appendix B – Section B-201.10** - Modified this section to clarify language concerning the reservation of right for PVSC to establish a limit other than the local limit.
47. **Appendix C – Section C-301.1 - Table C-4** – Modified the “Enforcement Responses” column for “Entry Denial” to include a penalty for denial of access (in addition to the existing NOV requirement) for Pollution Prevention inspections.

This is in keeping with the similar “Enforcement Response” under the “IU/SIU ENFORCEMENT RESPONSE PLAN” outlined in Table C-3.

48. **Appendix C – Section C-302.1(d)** – Modified this section to remove redundant words and provide clarification as to the applicability grace period fines.
49. **Appendix C – Table C-5** – Modified existing rows for Sections 317.3 and 406.3, and added rows for Sections 323.1, 602.6(g),(h) and(k), to reflect changes to the Rules and Regulations.