

Inspection & Compliance Bureau
Fax: (973) 344-6237
December 15, 2016

CERTIFIED MAIL

RE: SEWER USE PERMIT MODIFICATION REQUIRING THE DEVELOPMENT OF AN EMERGENCY DISCHARGE LIMITATION PLAN

On 9/23/16, the Passaic Valley Sewerage Commission (“PVSC”) issued to all Significant Industrial User facilities (such as yours) a letter entitled “*IMPENDING SEWER USE PERMIT MODIFICATION REQUIRING THE DEVELOPMENT OF AN EMERGENCY DISCHARGE LIMITATION PLAN.*” In this 12/15/16 correspondence, “IMPENDING” has been removed from the title, as Attachment 1 herein constitutes the actual Sewer Use Permit modification referred to in that 9/23/16 letter. As a reminder, this action stems from a 4/28/16 document entitled “State of New Jersey Guidance for Pretreatment Programs during Emergency Situations” issued by the N.J. Department of Environmental Protection.

In accordance with that document, PVSC placed a public notice in the Newark Star-Ledger on 10/12/16, informing the public of this intended modification (which now requires the development of an Emergency Discharge Limitation Plan) for all of its Permittees. The 30-day public comment period therefore ended on 11/11/16. Receiving none, PVSC then sought and obtained the approval of its Commissioners at their monthly meeting on 12/15/16. As such, your Permit facility’s modification is official and enclosed herein. Kindly add this letter and its Attachment 1 to your existing Permit.

As stated in the modification below, your company now has 12 months to prepare and submit its plan in writing to PVSC. **The due date then, is 12/15/17.** It is also the company’s responsibility to notify PVSC in writing upon completion of the Emergency Discharge Limitation Plan, and submit a copy in writing to PVSC at that time as well. Failure to do so would be considered a Permit violation and lead to enforcement action. **If you have already provided this Plan to PVSC, you only need to attach this correspondence to your existing Permit.** In a true emergency subsequent to 12/15/17, PVSC would contact your facility so that the plan can be invoked as designed. PVSC appreciates your anticipated efforts in this regard, and looks forward to reviewing the facility’s report. If you have any questions, please call me at (973) 817-5710.

Very truly yours,
PASSAIC VALLEY SEWERAGE COMMISSION

Andrew Caltagirone
Assistant Director, Inspection & Compliance Bureau

AC/rl
Attachment

C: Gregory A. Tramontozzi, Executive Director
Bridget McKenna, Chief Operating Officer
Herbert J. Skinner, Director, Inspection & Compliance Bureau
Anthony Gammaro, Assistant Manager, User Charge and Permit Management

ATTACHMENT 1

Sewer Use Permit Modification of December 15, 2016 – Requirement to Develop an Emergency Discharge Limitation Plan

The Permittee is required to prepare and maintain an up-to-date plan specifically intended to limit discharges to PVSC during an emergency to mitigate damage to waters of the State arising from an emergency (N.J.A.C. 7:14A-6.12). At a minimum, the Permittee shall address the elements listed below in the development of its Emergency Discharge Limitation Plan. Note that if any element does not apply, the reason for the non-applicability shall also be noted in the Emergency Discharge Limitation Plan.

1. **Water Conservation:** Water conservation that results in reduction of wastewater discharges to PVSC should be a routine part of normal operations and must be maximized during an emergency.
2. **Alterations or Reduction of Operations:** Temporary alteration or reduction of facility operations that result in reduction of wastewater discharges to PVSC shall be implemented during an emergency. For example, the Permittee could submit NJPDES permit applications for alternate disposal options for non-contact cooling water, with or without commingled stormwater, by obtaining a General Permit Authorization for Non-contact cooling water only, commingled Non-contact cooling water and storm water, or for other eligible wastewaters under the other General Permits in accordance with N.J.A.C. 7:14A-1 et seq.
3. **On-site Storage:** Identify existing capacity to safely store wastewater until the emergency passes. Existing in-house wastewater storage capacity shall be maximized prior to the onset of a predictable emergency. Addition of new storage capacity should be considered to support operations during an emergency. Any wastewater voided from storage to make room for emergency purposes, or wastewater discharged following the emergency, must be discharged at rates and at times that comply with the other conditions of this Sewer Use Permit. If the Permittee generates wastewater that is deemed to be hazardous waste, the Permittee is responsible for on-site accumulation time-limit requirements under the RCRA Regulations, 40 CFR 262, for small quantity generators and large quantity generators, and 40 CFR 261.5 for conditionally exempt small quantity generators, adopted by reference by the NJDEP in N.J.A.C. 7:26G-6.1 et seq. See Hazardous Waste Generators and Transporters and Facilities - Inspection Checklists and Compliance Assistance Packet for Hazardous Waste Generators.
4. **Hauling:** Identify the practicality of hauling wastewater to a facility unaffected by the emergency. The Permittee shall develop and maintain standing approvals for trucking and off-site receiving facility approval for disposal of wastewater. Wastewater must be discharged at rates and at times that comply with the all other conditions of this existing Sewer Use Permit, unless otherwise directed by NJDEP or by the receiving facility. If the Permittee produces a wastewater which would be deemed to exhibit a characteristic of a hazardous waste, or which is a listed hazardous waste under N.J.A.C. 7:26G, it must comply with the applicable hauling and disposal requirements for that waste.
5. **Cessation of Operations:** In an extreme emergency, when specifically notified by NJDEP or PVSC, the Permittee shall, as an option of last resort, plan for the safe and efficient reduction or cessation of operations to the maximum practicable extent.
6. **Preparedness:** The Permittee must include preparedness planning as part of the Emergency Discharge Limitation Plan. In addition to the strategies as already noted above, preparedness planning shall include, at a minimum, requirements to:

- a) Develop and maintain 24/7 contact information for primary and secondary emergency response personnel and after-hours, on-site personnel (if different from emergency response personnel) and supply the same to PVSC;
- b) Develop and maintain contact information for all vendors necessary to support discharge reduction (example: trucking companies; potential receiving sites); and
- c) Implement the appropriate components of the preparedness plan when forecasts predict a potential emergency (e.g. flooding rains, damaging winds, crippling snows) and specifically, if notified of an emergency by the NJDEP or PVSC.

The Permittee shall prioritize the components of its Emergency Discharge Limitation Plan to reflect its critical business operations. The Permittee shall be prepared to implement the Emergency Discharge Limitation Plans in whole or in part upon receiving notification from PVSC or NJDEP of either an anticipated or unexpected emergency.

The Permittee must develop this plan within 12 months of the modification (i.e. by 12/15/17). It is the Permittee's responsibility to notify PVSC in writing upon completion of the Emergency Discharge Limitation Plan, and submit a copy to PVSC by 12/15/17.