

Public Notice

In accordance with Federal Regulation 40 CFR 403.8 (f)(2)(viii), it is required of the Passaic Valley Sewerage Commission to publish a list of Industrial Users who, during the previous twelve months, were in Significant Non-Compliance (“SNC”) with applicable Pretreatment requirements. A Significant Industrial User (or any other Industrial User which violates 40 CFR 403.8(f)(2)(viii)(C), (D), or (H)) is in SNC if its violation meets one or more of the following criteria:

- (A) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);
- (B) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- (C) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that PVSC determines caused, alone or in combination with other discharges, Interference or Pass-through (including endangering the health of PVSC personnel or the general public);
- (D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment, or has resulted in PVSC's exercise of its emergency authority under Section 310 of its Rules and Regulations and under 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;
- (E) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a Permit, Enforcement Order or Consent Order for starting construction, completing construction or attaining final compliance;
- (F) Failure to provide, within 30 days after the due date, required reports such as Baseline Monitoring Reports, 90-Day Compliance Reports, Periodic Self-Monitoring Reports, and reports on compliance with compliance schedules;
- (G) Failure to accurately report non-compliance; or
- (H) Any other violation or group of violations, which may include a violation of Best Management Practices, which PVSC determines will adversely affect the operation or implementation of the local pretreatment program.

In addition to the Federal SNC criteria, the NJ Clean Water Enforcement Act specifically lists the following standards which would trigger “State SNC”:

- (a) A Serious Violation for the same pollutant at the same discharge point source, in any two months of any consecutive six-month period;
- (b) Exceedance of an effluent limitation expressed as a monthly average, for the same pollutant, at the same discharge point source, by any amount in any four months of any consecutive six-month period;
- (c) If there is not an effluent limitation for a particular pollutant expressed as a monthly average, exceedance of the monthly average of the daily maximum for the effluent limitation, for the same pollutant, at the same discharge point source, by any amount in any four months of any consecutive six-month period;
- (d) Any exceedance of an effluent limitation for pH by any amount, excluding the excursions specifically excepted by a NJPDES Permit, with continuous pH monitoring at the same discharge point source in any four months of any consecutive six-month period; or;
- (e) Failure to submit a completed discharge monitoring report in any two months of any consecutive six-month period.

The period covered is from August 1, 2025, through July 31, 2026.