

# ATLANTIC HIGHLANDS/HIGHLANDS REGIONAL SEWERAGE AUTHORITY

## RULES AND REGULATIONS FOR USE AND OPERATION OF SEWERAGE FACILITIES CONNECTED TO OR USING THE AUTHORITY'S SYSTEM<sup>1</sup>

### I. DEFINITIONS

As used in these Rules and Regulations, unless a different meaning clearly appears from the context, the following words shall have the following meaning:

- A. "Authority" means "The Atlantic Highlands/Highlands Regional Sewerage Authority".
- B. "Authority's System" means the plants, structures, on-site wastewater systems, and other real and personal property acquired, constructed, maintained, operated or used in any manner or way by the Authority for the purpose(s) of the Authority, including sewers, conduits, pipe lines, mains, pumping and ventilating stations, sewerage treatment or disposal systems, plants and works, connections, and outfalls, compensating reservoirs, and other plants, structures, boats, conveyances, and other real and personal property, and rights therein, and appurtenances necessary or useful and convenient for the collection, treatment, purification or disposal in a sanitary manner of any sewage, liquid or solid waste soils or industrial wastes.
- C. "Certificate of Occupancy" or "C/O" includes a Certificate of Occupancy, Certificate of Continued Occupancy, Certificate of Approval and any similar approval given for new construction, additions, renovations or change of user or occupancy, issued by the Borough.
- D. "Connection Fee" is an amount charged for new or additional units connecting to any collection system served by the Authority's system. State statute provides for this fee to compensate existing users for the parts of the system they have already paid for and that a new user will benefit from. Statute defines this fee as "fair payment toward the cost of the system" and requires that it be a proportionate share of the Authority's capital costs already paid by existing users. It does not include any materials or work related to the physical connection to any system. State statute requires that it be updated each year.
- E. "Grease" is material composed primarily of fat, oil and grease (FOG) from animal or vegetable sources, grease does not include petroleum based products.

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<sup>1</sup> These Rules and Regulations were adopted pursuant to N.J.S.A. 40:14A-7(11) and updated by Resolution 41-2008, 11/13/2008 and Resolution 58-2010, 12/16/2010.

- F. “Grease trap” means a device for separating, retaining and preventing the entry of oils, fats and grease into the sanitary sewer system. These devices also serve to collect settleable solids generated by food preparation activities prior to the water entering the sanitary sewer system. Also included are grease interceptors, separators, grease recovery devices or similar devices and any other sewage treatment or pre-treatment device connected to the private lateral system.
- G. “Inflow & Infiltration” or “I&I” means the entry of prohibited or non-sanitary sewerage flow into the sanitary sewer system from any source or condition. “Infiltration” means groundwater or non-sanitary sewerage flow from any source that enters the sanitary sewer system through defective joints, pipes, laterals, manholes and any other unintended point of entry. “Inflow” means any non-sanitary sewerage flow discharged into the sanitary sewer system from any source, including but not limited to: sump pumps, foundations and roof drains, outdoor paved areas, cooling water from air conditioners, and unpolluted discharges from businesses and industries.
- H. “Lateral” means the sanitary sewerage lines from a structure to the municipal collection lines, also including clean-outs and anything else attached to that part of the collection system.
- I. “Local Body” means the municipal governing body and/or any subdivision thereof including planning boards, zoning boards, construction official and zoning officer in the municipality in which the Authority’s system is operated or located.
- J. “NJDEP” means the New Jersey Department of Environmental Protection.
- K. “Property Owner” means any person as defined in N.J.S.A. 40:14A-3(4) or entity that currently holds title to the land which the existing or proposed sanitary sewerage facility serves, including a municipal corporation, agency and/or subdivision.
- L. “Sanitary sewer system”, “Sewer system” or “System” includes the Authority’s System and anything connected to, used by or involved with the sanitary sewerage collection, conveyance and treatment process without regard to ownership. This includes all municipal and private lines, laterals, grease traps and sewage control devices, or any components related to sewage, collection, conveyance or treatment.
- M. “TOMSA” means the Township of Middletown Sewerage Authority.
- N. “Unit” or “sewage unit” means a residential property as defined in N.J.S.A. 40:14A-8.1(a). For residential uses, the term unit includes a single-family dwelling or apartment. For all non-residential users, “Unit”, “sewage unit” or “EDU” shall be defined as 65,000 gallons per year of water consumption. Flow calculations for non-residential uses shall be rounded up to the nearest whole number of units, with a minimum of one unit. Additions to an existing home for the expanded residential use of a single family shall not create an additional "unit" unless there is municipal approval that increases the number of residential units permitted on the property.
- O. “USEPA” means the United States Environmental Protection Agency.

## **II. OPERATION OF SEWERAGE CONNECTIONS; VIOLATIONS AND PENALTIES**

### **A. APPLICABLE REGULATION.**

All units connected to the Sewer System, either directly or indirectly, and any person using the system in any way must comply with the Rules and Regulations of the (1) Authority, (2) TOMSA, (3) N.J.S.A & N.J.A.C., (4) NJDEP, (5) USEPA, (6) Local Body, when not in conflict with Authority Rules & Regulations, and (7) any other entity having jurisdiction.

### **B. PROHIBITED DISCHARGE.**

No Property Owner, tenant, user or any other person shall allow anything which is or may be injurious or deleterious to the sewer system or to its efficient operation, to be discharged into or enter the system in any way. This includes, but is not limited to:

1. ground, surface or stormwater or any non sanitary sewage flow;
2. Inflow connections, including but not limited to: sump pumps, downspouts and floor or area drains;
3. Infiltration occurrences, including but not limited to: leaking laterals, cleanouts or other sewage system components;
4. oil, fat or grease from food preparation or other sources exceeding 100 milligrams per liter (MgPL) as identified by EPA method 413.
5. Gasoline, naphtha, petroleum products or any substances which may harm or create an explosion hazard in the system;
6. Rubbish, ashes, cinders or garbage, except such kitchen wastes as shall have been adequately ground or chopped by appliances designed for this purpose
7. Also prohibited is any waste or substance which may cause or result in:
  - a. Chemical reaction, either directly or indirectly, with the materials of construction so as to impair the strength or durability of any system component;
  - b. Mechanical action that will damage any system component;
  - c. Anything that may restrict the hydraulic capacity of sewer system;
  - d. Placing unusual demands on the sewage treatment equipment or process;
  - e. Limitation of effectiveness of the sewage treatment process;
  - f. Danger to public health and safety;
  - g. Obnoxious conditions inimical to the public interest.

### **C. GREASE TRAPS**

Except for units used solely for residential purposes, the Property Owner, tenant or user of any property or use from which oils, fat or grease are liable to be discharged into the sewer system shall, at their own expense, install and properly maintain a grease trap of a type approved by the Borough plumbing sub-code official.

1. Each new or existing facility required to have a grease trap shall submit a Grease and Food Waste Control Plan to the Borough plumbing sub-code official. This Plan must provide for effective control of undesirable materials and be acceptable to the official.
2. Each grease trap shall be cleaned, maintained and certified for proper and continued operation by a licensed servicer as often as necessary, but at least annually. Records showing continued maintenance and effective operation shall be kept at the premise for five years. These records shall include the name and contact information of the servicer, date & time, the work done and final disposal of the waste and waste manifests, the operability of the grease trap at the start and at completion, date of next scheduled maintenance, and recommendations for any repair or maintenance.
3. Each grease trap must be accessible for inspection by the Borough and Authority sanitary sewer personnel or their designated inspectors whenever food preparation or other work is being conducted on the premises. Records of installation plus records of operation and service for the past 24 months shall be kept at the premise and readily available.

#### D. LATERALS

1. Laterals shall be maintained in a water-tight condition and shall not have any connections for, nor allow any non sanitary sewage flows to enter the system.

#### E. MAINTENANCE, INSPECTION & NOTICE OF VIOLATION

1. The Property Owner and any other responsible party shall provide for the maintenance and continued effective operation of all fixtures, grease traps, laterals and other parts of the privately owned system, and shall promptly correct any condition that may allow any prohibited discharge to enter the system.
2. Borough and Authority sanitary sewer personnel or their designated inspectors shall have reasonable access to the property for purpose of inspecting the fixtures, pipes, laterals and related items, and any potential for prohibited discharge.
3. Borough and Authority sanitary sewer supervisors or their designated inspectors may issue a Notice of Violation or summons if that person has reasonable belief that a violation has or may be occurring. Within 30 days, the property owner shall be required to submit evidence, satisfactory to the Authority Engineer, that the violation has been properly corrected or does not exist. If the violation has the potential to cause serious harm to the system, the Authority Engineer may require correction in less than 30 days.

#### F. PENALTY

1. Violation of these Rules and Regulations shall subject the Property Owner, tenant, user and/or any other person/entity responsible in whole or part, separately and jointly, to enforcement action, penalties and costs. Violations shall be heard by the court for municipality where it occurred. If found guilty for a first offense, a fine of up to two hundred and fifty dollars (\$250.00) shall be imposed; for a second offense occurring within 24 calendar months, a fine of between two hundred and fifty dollars (\$250.00) and five hundred dollars (\$500.00) shall be imposed; for subsequent offenses

occurring within 24 calendar months of the most recent conviction, a fine of between five hundred dollars (\$500.00) and up to the maximum daily amount permitted by law shall be imposed. Each day a particular violation continues shall constitute a separate offense.

2. Additionally, the Property Owner, tenant, user and/or any other person/entity responsible in whole or part shall also be subject to: (1) Payment of all increased Authority or Borough costs; (2) Payment for any damage to the Authority or Borough systems; (3) Payment of the actual or reasonable costs associated with investigation, enforcement and compliance with Authority Rules and Regulations; (4) Disconnection of the unit from the Authority's and Borough's system; (5) Revocation, suspension or delay of the Certificate of Occupancy by the Local Body.

### **III. APPLICATION FOR USE OF THE AUTHORITY SYSTEM**

#### **A. CONDITIONS REQUIRING APPLICATION TO THE AUTHORITY**

An application to the Authority is required for:

1. construction of any new home or structure;
2. any construction upon unimproved property;
3. any existing home or structure that will be replaced or undergo substantial renovation, including but not limited to additions, remodeling, repair or other work exceeding 50% of the current tax assessment value of the structure;
4. any project that could increase the number of bedrooms, bathrooms or sewerage units on a property already connected to the Authority's System;
5. any non-residential change in use or occupancy;
6. anything having the potential to impact the Authority's system;
7. the installation, replacement or change of any device or related component that pumps, regulates or otherwise impacts on the rate or quality of discharge into the Authority's system. The Authority Engineer may authorize emergency or temporary installation, replacement or change;
8. maintenance, repair or replacement of any part of the collection system, whether privately or publicly owned, including laterals and related items;
9. an application shall also be required prior to issuance of an Availability (or Unavailability) of Service Letter.

#### **B. APPLICATION, FEES, NEW CONNECTIONS, ADDITIONAL UNITS**

All applications must be filed by the owner, or his/her designee, with the Authority Administrator on a form approved by the Authority Administrator.

1. **NO FEE APPLICATION FOR CHANGES NOT EFFECTING SEWAGE LOAD**  
There shall be no application fee for applications only covering changes not effecting sewage load or for lateral inspection unless they require significant Authority review, as determined by the Authority Administrator or Authority Engineer.
2. **OTHER APPLICATIONS**  
Other applications shall be accompanied by a review fee of \$200 per unit. Applications where the actual application review costs exceed 50% of the applicable review fee shall be charged an additional review fee equal to the excess. The Administrator may require escrow funds consistent with his reasonable estimate of the potential costs.
3. **APPLICATIONS INVOLVING NEW OR ADDITIONAL SEWAGE UNITS**
  - a. **CONNECTION FEE**  
Prior to the start of construction, a connection fee of \$3,542 per sewage unit shall be paid to the Authority for every new connection or expansion of an existing connection or use, less a credit for the number of previously legally connected sewage units that are removed, except as otherwise provided for by NJSA 40:14A-8.3.
  - b. **CREDIT FOR PRIOR CONNECTIONS**
    1. In calculations of credit for previous units on the property, full credit shall be given for units disconnected and removed from municipal sewer bills within two years of the application to the Authority; if over two years, a decreasing credit of 10% per year from the municipal billing removal date shall be received; if over ten years, no credit shall be received.
    2. For projects where credit is claimed for three or more previous units, the maximum credit shall be the lesser of: the number of previous dwelling units, or for both residential and non-residential, the whole number of sewage units, without rounding, based upon the average annual water consumption of the previous units for the last five years divided by 65,000 gallons.
    3. There shall be no accrual or transfer of connection rights or connection fee credits for units removed in excess of new units.
  - c. **CONNECTION REQUIREMENTS**
    1. The size of the connection shall be limited to the minimum size needed to carry the estimated maximum daily flow for the number of units approved, a larger connection may be installed subject to Authority approval.
    2. In the event that additional equipment, infrastructure or expansion of any part of the system is required to service a new project, additional fees shall be charged. These fees shall equal all costs related to the additional equipment, infrastructure or expansion of the system, including design, legal fees and other costs incurred. During the five years following completion, new connections using these items shall pay an additional fee proportionate to their use of these items. Previous payers of these items shall be reimbursed this fee on a proportional basis, less all related Authority expenses.

#### **IV. APPLICATION REVIEW AND APPROVAL**

- A. The Authority shall review and act upon an application involving one or two Units within 21 days of the later of the receipt of the application or receipt of revisions or changes made by the applicant or receipt of information requested by the Authority.
- B. Applications involving three or more units are subject to Authority Engineer review and shall require an Authority resolution of approval or denial. After review of the application and supporting documents, the Authority shall forward its approval (conditional or unconditional) or disapproval to the Property Owner and the Local Bodies listed on the application.
- C. The review of plans and specifications by the Authority is limited to the sanitary engineering and hydraulic features of the sewerage system and its impact upon the Authority's system. Review will not include the adequacy of structural, mechanical or electrical design not directly related to the Authority's system.
- D. An application will be approved provided the construction has been designed in conformance with the applicable laws and Authority Rules and Regulations, and there is adequate conveyance and treatment capacity and that it will not adversely affect the ability of the Authority to operate its facilities or exceed the flow limitations imposed upon the Authority by others.
- E. Applications for one or two units may be approved by the signature of either the Authority Administrator or Authority Engineer, who shall report these approvals at the next Authority meeting. An application proposing three or more units shall require review of the Authority Engineer and an approving resolution of the Authority.
- F. For any non-residential property or use, the Authority may require grease traps or other sewage discharge controls it deems appropriate to ensure sewage from that location meets all regulations. Any discharge controls required for approval must be maintained in proper working condition at all times and continued evidence of their maintenance and effective operation shall be kept on the premise for five years.
- G. New collection lines from the structure to the Borough's collection system shall be required when: a new or replacement home or structure with sewer connections is built; an existing home or structure undergoes substantial renovation, including but not limited to additions, remodeling, repair or other work totaling 50% or more of the tax assessment value of the structure; or there is an increase in the number of sewerage units on a property already connected to the Authority's System. An exception may be requested by the applicant and approved by the Authority if the applicant presents information to the Authority Engineer's satisfaction that the existing lines have no I&I and that the expected life of the lines exceeds 50 years.

H. An approval shall be valid for one year from the date of execution by the Authority and may, at the sole discretion of the Authority, be extended one additional year from the approval date. Applications for extensions must be in letter-form, setting forth the reasons therefore and filed with the Authority Administrator at least ten days in advance of the date of the last regular Authority meeting prior to the expiration date of the approval.

**V. APPROVAL WHEN CONVEYANCE OR TREATMENT CAPACITY IS LIMITED**

A. When the Authority has adequate and available dry weather pumping capacity but insufficient wet weather pumping capacity, applications for projects adding three or more EDU's (net of any credits for per-existing units) may be approved by the Authority if the applicant removes or causes the removal of peak flow sewage flow or peak flow I&I from the Authority's system to offset the projected maximum sewage flow for the new development. In no case shall development approval be given where the project would reduce the ability of the Authority to serve existing customers.

B. Proposed improvements to reduce peak flow, and any subsequent changes, must be approved by the Authority before they are begun. Proposed improvements involving a Borough's collection system must be approved by them and any other body having jurisdiction prior to Authority approval of the proposal. Flow reductions achieved as part of an Authority Grant Program cannot be included in the removal calculations. Approval of the proposed improvements by the Authority or any other body does not entitle the applicant to any development approval from the Authority regardless of time, expense or effort expended. Development approval shall not be given until the applicant provides documented and demonstrable proof, acceptable to the Authority, that peak flow sewage flow or peak flow I&I of at least of 100% of the projected maximum new flow for the proposed project has been removed. The Authority, with the advice of its Engineer using generally accepted engineering principals, shall be the sole determiner of the adequacy of all calculations, documentation and proofs required.

C. During the five years following Authority approval, if removal of more than 100% of the greater of the projected maximum new flow or the peak operational flow (based upon usage after occupancy and during operation of the development) can be documented by the applicant, based solely on the applicant's improvements, and the additional capacity is used by or benefits another new development, this new development shall pay the Authority a proportionate part of the cost of these improvements, as calculated by the Authority, which shall be returned to party paying for the improvements less all related Authority expenses.

D. The Borough may assign or transfer EDU unit credits achieved from an I&I reduction project completed within the past five years that was not funded by the Authority or from the proportional part of a project exceeding the Authority grant funds and matching Borough funds. Calculations of I&I reduction for the project shall be based upon documentation of reduction in Authority pumped sewage, acceptable to the Authority

Engineer, as limited by flow regulations for both peak and off-peak conditions. Reduction credits shall be limited to 50% of the net reduction calculations, in whole EDU's without rounding up. Calculations and credits must be approved by the Authority and approvals shall be subject to the conditions limits above.

## **VI. CHANGES - COMPLETED CONSTRUCTION**

A Property Owner shall notify the Authority upon the start and completion of construction covered by these Rules and Regulations.

Any changes to an approved application must be submitted to the Authority for review and no construction shall proceed without Authority approval. An additional review fee shall be charged for any increase in units or if the changes to the approved application are deemed substantial by the Authority Engineer.

## **VII. REVOCATION AND/OR TERMINATION OF APPROVALS**

The Authority, by and through its Engineer and/or Authority Administrator, may amend, suspend or revoke an approval, in whole or in part, for cause, including but not limited to the following:

- a. Violation of any term or condition of the approval.
- b. Obtaining an approval by misrepresentation or failure to disclose all facts material to the issuance of an approval.
- c. Change in State or Federal standards.
- d. Contractual requirements with the Middletown Sewerage Authority and/or the Monmouth County Bayshore Outfall Authority.
- e. Failure to construct the proposed facilities within one year (two years with extension as described herein) of the date of Authority approval.
- f. Any modifications or changes to documents and/or approved or means of construction subsequent to the Authority's approval.

## **VIII. LOCAL BODY RESPONSIBILITY**

A. A Local Body having jurisdiction over property served by or discharging into the Authority's system, or any collection system served by the Authority's system, shall require that the Property Owner(s), tenants and users, and any other person who connects into and/or discharges material into the system, comply with the Authority's Rules and Regulations.

- B. The Local Body shall adopt rules and procedures necessary to ensure that Authority approval has been secured before issuing municipal approvals, or that Authority approval is a condition of these municipal approvals, and before issuing any permits and/or a Certification of Occupancy for new or replacement structures, vacant land or any building or occupancy permit that could increase the number of sewer units on a property. The Authority shall be notified of any application to the Planning or Zoning Boards, and the Local Body shall promptly notify the Authority of any approved sub-division or approval of construction of a new structure or any work that could increase the number of sewer units on a property.
- C. On an annual basis, the Local Body shall inspect or otherwise ensure that food handling establishments and other uses that have the potential to discharge anything that adversely effects the Authority or treatment systems, have properly operating grease traps and are in compliance with Authority Rules and Regulations. The inspections of the grease traps shall include a visual inspection as well as a review of their records showing continued maintenance and effective operation. Copies of this inspection and the service records shall be maintained by the local body.
- D. Certificate of Occupancy inspections shall include checks for the presence of: sump pumps; downspouts, roof drains, floor drains or area drains whose discharge to an approved location is not evident; a back-flow preventer; and any evidence of water damage related to the sanitary sewer system. The Property Owner shall provide the inspector and the Authority with a certification of compliance for laterals and fixtures. If the inspector cannot confirm by inspection or municipal records that the discharge of any of the above is to an approved source, the Property Owner shall provide an independent certification from a licensed plumber thereof. Records of this inspection and related documents shall be retained as part of the Borough's permanent property file.
- E. The Local Body shall promptly notify the Authority in writing of any instance of non-compliance or violation of Authority Rules and Regulations by any Property Owner, unit occupant and/or any other person/entity, as well as all follow-up action to achieve compliance.
- F. By February 28 of each year, the Local Body shall report the 12/31 status of each above event, each permanent addition or disconnection of sewer service, each change in number of billing units for a property or building, the total number of residential and non-residential units and water supplied to each category for the year.
- G. The Local Body shall immediately notify the Authority of any sewage discharge from their collection system. Full details of the discharge, corrective action and copies of any report or notification to any governmental agency shall be promptly provided.

H. If a Local Body does not adopt the above rules and procedures, or if a violation is allowed to continue with the knowledge of the Local Body, the Local Body may be held responsible for payment of any increased Authority operating costs, payment for any system or other damages, payment of any costs associated with investigation and enforcement and payment of any costs to ensure compliance with the Rules and Regulations.

**IX. MISCELLANEOUS**

The Rules and Regulations as outlined herein and any approvals issued by this Authority shall not be construed as supplanting any rules, regulations or approvals of the NJDEP or any other agency having jurisdiction. The Property Owner shall be responsible to file all applications directly with the NJDEP, or other agency, and to obtain their approvals.

If any portion of these Rules and Regulations is determined to be invalid the remainder shall remain in full force and effect.