

WMMUA

SERVICE RULES AND REGULATIONS

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West Milford Township Municipal Utilities Authority
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CHAPTER I

INTRODUCTION

The West Milford Municipal Utilities Authority (“WMMUA” or “Authority”) was created by the Township of West Milford to provide water and sewer service to certain developments/residents of the municipality. It was organized on February 4, 1964 under the Municipal Utilities Authority Law (N.J.S.A. 40: 14B-1 et seq.). While the WMMUA has broad statutory powers to provide these essential utility services, it has certain obligations as well. Its responsibilities include compliance with the adopted bond resolutions, Federal and State laws governing water pollution control, potable water quality guidelines, public purchasing guidelines and other applicable State and municipal laws and ordinances.

All correspondence and administrative business as well as scheduled Board meetings of the Authority are carried out at the official office of the WMMUA, which is as follows:

West Milford Municipal Utilities Authority
179 Cahill Cross Road Suite 221
West Milford, New Jersey 07480-1303

Business hours are: Monday through Friday
 9:00 am. to 3:00 p.m.

The WMMUA annually sets forth the meeting schedule, which is available at the WMMUA offices during regular business hours, and when scheduled by the Chairperson, special meetings are held in accordance with the provisions of the Open Public Meetings Act (N.J.S.A. ~10: 4-6 et seq.). Information can also be found on the Authority’s website at www.westmilfordmua.org.

All business to be brought before the Authority for formal action requiring review by the Authority’s consulting professionals must be submitted to the Authority’s Administrator not less than seven (7) days prior to the public meeting in order to be placed on the agenda for consideration.

The following rules and procedures sets forth the rates (ie., water and sewer service fees), procedural guidelines, standard terms and conditions of service and other regulations under which water and sanitary sewer service will be supplied by the WMMUA to its customers.

CHAPTER II

DEFINITIONS AND ABBREVIATIONS

2-1.0 Definition of Terms: Unless the context specifically and clearly indicates otherwise, the meaning of terms used in these Service Rules shall be as follows:

1. "Act means the Municipal and County Utilities Authorities Law, constituting Chapter 183 of Pamphlet Laws of 1957, of the State of New Jersey, adopted August 22, 1957, and the acts amendatory thereof and supplemental thereto.
2. "Applicant" shall mean the property owner or property owners; or, if owned by a corporation, a corporate officer duly authorized to act on behalf of the corporation; or, if owned by a partnership, the partner(s) authorized to bind the partnership; or an authorized agent of the owner, certified to the Authority as such; making application for permission following review and approval of plans and specifications to connect to the Authority*s water or sewerage systems.
3. "Authority" means the West Milford Municipal Utilities Authority, a public body politic and corporate of the State of New Jersey (also referred to as (WMMUA).
4. "Authorized Representative of the User" means an authorized representative of the user who may be: (1) A principal executive officer being at the least a vice president, if the user is a corporation; (2) A general partner or proprietor if the user is a partnership or proprietorship, respectively; (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
5. "Biochemical Oxygen Demand" (BOD) means the quantity of oxygen, expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty (20) degrees Centigrade. The standard laboratory procedure shall be as defined in the latest publication of 40 CFR Part 136 "Guidelines Establishing Test Procedures for the Analysis of Pollutants".
6. "Building Sewer" means the extension from the building to the local sewerage system.
7. "Categorical Pretreatment Standards" means a pretreatment standard promulgated by EPA or DEP specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into a POTW by existing or new industrial users in specific industrial subcategories.
8. "Chemical Oxygen Demand" or "COD" shall mean a measure of the oxygen consuming capacity of inorganic and organic matter present in water or wastewater

- expressed as the amount of oxygen consumed from a chemical oxidant in accordance with an approved test procedure.
9. “Chlorine Demand” means the quantity of chlorine that is reduced or converted to inert or less active forms of chlorine by substances in the wastewater. The standard laboratory procedure is that found in the latest approved edition of “Standard Methods for the Examination of Water and Wastewater”.
 10. “Commissioner” shall mean the Commissioner of the New Jersey Department of Environmental Protection (NJDEP) or his/her authorized representative.
 11. “Company” means any private corporation formed under the laws of the State of New Jersey or any other state.
 12. “Compatible Pollutant” means biochemical oxygen demand, suspended solids, ammonia nitrogen, pH, fecal coliform bacteria, oil and grease, and any additional pollutants as are now or may be in the future specified and controlled in the Authority’s NJPDES permits, where the POTW is designed to treat such pollutants and, in fact, does treat such pollutants to the degree required by the permit.
 13. “Composite Sample” means a sample which is taken and consists of several portions of specific volumes collected during a specific time period and combined to make a representative sample.
 14. “Connection” means any physical change or addition to the plumbing or piping of a building, facility, or other structure, either proposed or existing, for which a building permit or other municipal approval is required and which connects directly to the sewerage system and which results in additional flow into the system.
 15. “Cooling Water” means any water used for the purpose of carrying away excess heat, and which may contain biocides or similar substances that are used to control biological growth.
 16. “Curbstop” shall mean the valve or shut-off device on a service line, under the jurisdiction of the WMMUA, which can be used to discontinue the flow of water to the property.
 17. “Customer” means an individual, association, corporation, or governmental entity, including State, County, Municipality, Sewerage or other Authority, whose wastes are accepted into the sewerage system with the consent of and pursuant to an agreement with the WMMUA.
 18. “Department” means the New Jersey State Department of Environmental Protection”.
 19. “Discharger” means any person that discharges or causes a discharge to a public sewer.
 20. “District” means the area within the territorial boundary of West Milford

as provided by N.J.S.A. 40:14B.

21. "Domestic Septage" shall mean the combination of liquid and solid residues resulting from the treatment of water-borne domestic waste in on-site treatment systems. Domestic Septage does not include the liquid or solid residues generated in on-site treatment systems from industrial or commercial establishments, unless the wastes discharged to the on-site system are strictly domestic wastes.
22. "Domestic Sludge" shall mean the solid residue, and entrained liquid, resulting from the physical, chemical, and/or biological treatment of solely domestic sewage at a sewage treatment plant.
23. "Domestic Wastewater" means the liquid waste or liquid borne waste (1) from residential dwellings, commercial establishments, institutions and industries, including the wastes from kitchens, bathrooms, water closets, lavatories and laundries or other facilities normally associated with personal uses of residential dwellings, including the non-commercial preparation, cooking and handling of food and/or (2) consisting of human excrement and similar wastes from sanitary conveniences, excluding industrial wastewater.
24. "Easement" shall mean a right, as a right of way, afforded the Authority to make limited use of a customer's or owner's real property for the installation, repair and/or replacement of water and/or sanitary sewer facilities.
25. "Engineer" shall mean the consulting professional engineer appointed by the Authority.
26. "EPA" means the United States Environmental Protection Agency.
27. "Equivalent Dwelling Unit" or "EDU" shall mean a building or structure or any portion of a building or structure not being used as a dwelling unit, but having a demand on the water and/or sanitary sewer system equal to that of a single family dwelling unit as determined herein. For the purposes of this section the demand of a single family dwelling equals 300 gallons per day (gpd) of sanitary wastes/ sewage (domestic sewage) having the strength and quality of normal domestic sewage as defined by the Service Rules.
 - a) Each commercial, industrial, professional or public user whose metered or estimated water consumption does not exceed 300 gpd;
 - b) Where a commercial, industrial, professional institutional or public user exceeds 300 gpd of water consumption, then each 300 gallons or portion thereof shall be considered one (1) Equivalent Dwelling Unit (EDU);
 - c) The Authority reserves the right to impose special conditions on all users or applicants whose actual or anticipated water consumption exceeds 300 gpd.
28. "Administrator" shall mean the representative designated to implement policy guidelines of the Board and to perform all administrative and operational tasks as

- required.
29. “Federal Act” means the Federal Water Pollution Control Act Amendments of 1972, the Clean Water Act of 1977, as amended, 33 U.S.C. 1251, et. seq.
30. “Garbage” means solid wastes, refuse, and other discarded or spent residual materials resulting from industrial, commercial and agricultural operations, and from domestic and community activities, including but not limited to solid wastes resulting from preparation, cooking, dispensing, handling, storage or sale of food and shall include containers of all types as well as paper goods.
31. “Government” means the United States of America or any department or agency thereof.
32. “Grab Sample” means a sample which is taken on a one-time basis with no regard to the flow and without consideration of time.
33. “Incompatible Pollutant” means any pollutant which is not a “compatible pollutant” as defined in this section.
34. “Indirect Discharge” means the discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33U.S.C.1317), into the Regional or Local Sewerage Systems.
35. “Industrial User” shall mean any person or entity which discharges or causes or permits the discharge of industrial waste into the Authority’s sewerage system.
36. “Industrial Wastewater” means the wastewater resulting from the processes employed by an industrial or commercial user with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is discharged into the Authority’s sewerage systems, which is distinct from or incompatible with domestic wastewater.
37. “Infiltration” means the passage of subsurface water into the sewer system from the ground, through, but not limited to, defective pipes, pipe joints, connections or manhole walls.
38. “Inflow” shall mean the water entering the sewer system from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, cooling water discharges, surface drains, manhole covers, storm sewers or catch basins.
39. “Interceptor Sewer” means a sewer of the Authority whose primary purpose is to transport and meter wastewaters to the treatment facility.
40. “Interference” shall mean:
- a) Inhibiting or disrupting a POTW system or its treatment processes or operation so as to contribute to, or cause a violation of any condition of a State or Federal permit under which the POTW operates; or

- b) Discharging industrial process wastewater which, in combination with existing domestic flows are of such volume and/or strength as to exceed the treatment process design capacity; or
 - c) Preventing the use or disposal of sludge produced by the POTW in accordance with Section 405 of the Federal Clean Water Act of 1977 (33 U.S.C. 1251 et seq.) and the New Jersey Guidelines for the Utilization and Disposal of Municipal and Industrial Sludges and Septage; or any regulations or criteria or guidelines developed pursuant to Federal Resource Conservation and Recovery Act of 1976 (42 U.S.C. 3251 et seq.), the Federal Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Toxic Substances Control Act (15 U.S.C. 2601 et seq.).
- 41. "Lateral" shall mean the sewer pipe servicing a property of an individual owner connected to the Authority's sewerage systems.
 - 42. "mg/l" means a concentration expressed in milligrams per liter.
 - 43. "NJDEP" means the New Jersey Department of Environmental Protection.
 - 44. "NJPDES" shall mean the New Jersey Pollution Discharge Elimination System for the issuing, modifying, suspending, revoking and reissuing, terminating, monitoring, and enforcing of discharge permits pursuant to the State Act. The term also includes discharge permits (NJPDES) issued pursuant to Section 402 of the Clean Water Act of 1977 (33 U.S.C. 1251 et seq.).
 - 45. "On-Site Sewage Disposal System" shall mean any septic tank or cesspool which discharges to the groundwater.
 - 46. "Owner" shall mean the person, corporation, partnership or entity which is the owner of record of the subject property needing sanitary sewer service.
 - 47. "Package Sewage Treatment Plant" shall mean small sewage treatment plants serving small developments, schools, hospitals, hotels, resorts, etc.
 - 48. "Participant" means any of the following who have executed a service agreement or contract with the Authority for sewage treatment services: government, state, municipality, local authority, or private sewer or utility company.
 - 49. "Person" means any participant, customer, individual, firm, company, partnership, corporation, association, group or society, including the State of New Jersey, and agencies, districts, commissions and political subdivisions created by or pursuant to state law, and federal agencies, departments or instrumentalities thereof.
 - 50. "pH" means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions in grams per liter of solution. Solutions with a pH greater than seven (7) are said to be basic; solutions with a pH less than seven (7) are said to be acidic; pH equal to seven (7) is considered neutral.

51. "PPM" means a concentration expressed in parts per million.
52. "Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal or agricultural waste or other residue discharged into the waters of the state.
53. "Pretreatment" means a sewage treatment process or processes that are required to produce a discharge to the Authority's sewerage system that conform to standards promulgated by the EPA, the NJDEP or the Authority.
54. "Pretreatment Standards" means any standard developed by either NJDEP or the WMMUA and adopted by the Authority specifying the quantities or concentration of pollutants or pollutant properties which may be discharged or introduced into the Authority's sewerage system by existing or new industrial users.
55. "Private Sewage Disposal System(s)", as herein referred to, shall mean any non-publicly owned on-site septic tank, cesspool, sewage disposal device or subsurface drainage system.
56. "Publicly Owned Treatment Works (POTW)" refers to Section 212 of the Act, (33 U.S.C. 1292) which is maintained in this instance by the Authority. For the purpose of these rules and regulations, "POTW" shall also include any sanitary sewer lines that convey wastewaters to the POTW from persons outside the Authority's sewer service area who are, by contract or agreement with the Authority, users of its POTW.
57. "Sanitary Sewage" means the same as "Domestic Wastewater", as defined herein.
58. "Sanitary Sewer" shall mean the Authority owned and operated sewer pipe or conduit which carries "sewage" and in which storm, surface and ground waters are not permitted, and which shall be located in public rights-of-way or easements.
59. "Sanitary Sewer Extensions" means additions, improvements, enlargements and/or extensions to sanitary sewerage facilities within the Authority's service area.
60. "Septage" means the combination of liquid and solid residues resulting from the pumped contents of septic tanks or any other on-site subsurface disposal system.
61. "Service Area" shall mean any of the areas designated in the Authority's current Wastewater Management Plan, on file in the Authority offices.
62. "Service Charges" means rents, rates, fees or other charges for direct or indirect connection with, or the use of services of, the System which the WMMUA is or may be authorized to charge and collect with regard to persons or real property, in accordance with the provisions of these Service Rules.
63. "Service Contract" means any agreement between the WMMUA and any person,

- municipality or authority outlining the terms for the provision of services by the WMMUA.
64. “Service Line” shall mean a water pipe servicing a property for an individual owner, connected to a WMMUA water main.
65. “Service Rules” means rules of the WMMUA regarding the use of the Authority’s sewerage system and the nature of wastes to be discharged into the system, as the same may be amended and supplemented.
66. “Sewage” or Wastewater” means industrial wastes and sanitary sewage discharged from residences, buildings, institutions, industrial establishments, or other places together with such groundwater infiltration, stormwater, surface waters, admixtures or other wastes as may be inadvertently present.
67. “Sewer” shall mean a pipe or conduit for carrying wastewater.
68. “Significant Industrial User” means any user who discharges industrial wastewater into the sewerage system, which either (1) exceeds 25,000 gallons per day or (2) exceeds the mass equivalent of 25,000 gallons per day of waste based upon a BOD of 300 mg/l, or (3) the discharge contributes five percent (5%) or more of the daily mass loading of any of the pollutants listed in Table I and/or in Appendix B, Tables II through VI of the State NJPDES Regulations, N.J.A.C. 7:14A-1 et. seq.; or (4) the industrial user is subject to Federal Categorical Pretreatment Standards.
69. “Sludge” shall mean the solid residue, and entrained liquid, resulting from the physical, chemical and/or biological treatment of sewage at a sewage treatment plant.
70. “Slug” means the discharge of wastewater in which the concentration of a given constituent or the quantity of flow for any period would adversely affect the Authority’s sewerage system, and/or interfere with the treatment plant process.
71. “State” means the State of New Jersey.
72. “State Act” means the New Jersey “Water Pollution Control Act”, N.J.S.A. 58: 10A-1 et. seq.
73. “Standard Industrial Classification” (SIC) means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972 and any amendments thereto.
74. “Storm Water” means any flow occurring during or immediately following any form of natural precipitation and resulting therefrom.
75. “Surcharge” means the additional charge that will be levied against a participant or a person discharging wastewater whose BOD and/or suspended solids concentrations are in excess of 300 mg/I or which wastewater contains constituents in concentrations exceeding those limits set forth in Chapter VII of these Rules, for

- which the Authority has determined an additional charge is required for their treatment.
76. “Suspended Solids” means that fraction of solids in a well mixed sample which is filtered through a weighed standard glass-fiber filter, and the residue retained on the filter is dried to a constant weight at 103-105 degrees centigrade. The standard laboratory procedure shall be that found in the 14th or latest accepted edition of Standard methods from the Examination of Water and Wastewater.
77. “Toxic Pollutant” shall mean those pollutants or combination of pollutants, including disease-causing agents, which after discharge into the environment in sufficient quantities and upon exposure, ingestion, inhalation or assimilation into any organism either directly or indirectly by ingestion through food chains, will, on the basis of information available to the Commissioner, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction or physical deformation, in such organisms or their offspring. Toxic pollutants shall include but not be limited to those pollutants designated under Section 307 of the Federal Act or Section 4 of the State Act.
78. “Treatment Works” means any device or system, whether public or private, used in the storage, treatment, recycling or reclamation of municipal or industrial waste of a liquid nature, including: interceptor sewers, force mains, outfall sewers, local sewerage systems served by the Authority, cooling towers and ponds, pumping, power and other equipment and their appurtenances; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and other works including sites for the treatment works or for ultimate disposal of residues resulting from such treatment. Additionally, “Treatment Works” means any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of pollutants, including storm water runoff, or industrial waste in combined or separate stormwater and sanitary sewer systems.
79. “Treatment Plant” means that portion of the treatment works designed to provide treatment to wastewater or sludge or septage excluding the collection or interceptor system.
80. “Upset” means an exceptional incident in which there is unintentional and temporary non-compliance due to factors beyond the reasonable control of the Authority.
81. “User” means any person who discharges, causes or permits the discharge of wastewater, sludge or septage into the treatment works.
82. “User Charge” shall mean the charge levied on each user of the Authority’s water/and or sewerage system for costs of debt service, operation, and maintenance (including replacements) of such works, allocatable to the distribution of water and/or treatment of sewage, sludge or septage, generated by said users.

- 83. "USEPA" means the United States Environmental Protection Agency.
- 84. "Wastewater" means industrial wastes and sanitary sewage discharged from residences, buildings, institutions, industrial establishments, or other places together with such groundwater infiltration, inflow, or other wastes as may be present.
- 85. "Wastewater Treatment Facility" or "Sewage Treatment Plant" means arrangements of devices and structures used for treating sewage.
- 86. "Water Main" shall mean the WMMUA owned and operated water pipe and conduit which carries "water", and which shall be located in public rights-of-way or easements acquired by the WMMUA.
- 87. "Water System" shall mean all facilities, watermains and appurtenances used in the treatment and distribution of potable water.
- 88. "WMMUA" means the West Milford Municipal Utilities Authority, a public body politic and corporate of the State of New Jersey.

2-2.0 **ABBREVIATIONS**

The following abbreviations shall have the designated meanings:

N	BOD	Biochemical Oxygen Demand
N	CFR	Code of Federal Regulations
N	COD	Chemical Oxygen Demand
N	NJDEP	N.J. Department of Environmental Protection
N	EPA	United States Environmental Protection Agency
N	l	Liter
N	mg	Milligrams per liter
N	N.J.A.C.	New Jersey Administrative Code
N	N.J.S.A.	New Jersey Statutes Annotated
N	NJPDES	New Jersey Pollutant Discharge Elimination System
N	NPDES	National Pollutant Discharge Elimination System
N	POTW	Publicly Owned Treatment Works
N	ppm	Parts per million
N	SIC	Standard Industrial Classification
N	SS	Suspended Solids
N	WMMUA	West Milford Municipal Utilities Authority
N	USC	United States Code

CHAPTER III

STANDARD TERMS AND CONDITIONS FOR SERVICE

3-1.0 General Requirements

The WMMUA, upon receipt of an application for water and/or sanitary sewer service, will identify for the applicant, on a case by case basis, terms and conditions of utility service delivery to the applicant's project(s) and/or property(s). For those existing and new customers whose service requirements necessitate capital improvements to the WMMUA's sewer and water systems, a capacity allocation and developer's on-tract and off-tract agreement will typically be necessary. Other applicants will be provided service in accordance with the requirements of this chapter.

3-2.0 Obtaining New or Modifying Existing Water and/or Sanitary Sewer Service

It is the policy and intent of the WMMUA to provide potable water and sanitary sewer service to applicants, owning or occupying properties located within the sewer and water service areas of the WMMUA, and who have received approvals from the relevant Township municipal land use agencies, consistent with applicable laws, as may be amended from time to time, and sound utility management practices. In the event that an extension or improvement of the WMMUA's water mains, sewer mains or facilities is necessary to provide service to an applicant, it shall be the applicant's obligation to pay for such extension(s) or improvements. From time to time, the capacities of the WMMUA water and/or sanitary sewer systems may be limited due to physical limitations that prohibit additional connections until an increase in capacity has been approved and/or constructed, or due to regulatory requirements, promulgated by federal and/or State agencies. At such times, applications for service may be submitted to the WMMUA, however, approvals of such applications will be postponed until the limitations or restraints have been removed.

Determination of available capacity and the processing and approval of applications for connections shall be within the sole discretion of the Authority.

3-3.0 Applications For Approval

3-3.1 *Applications For Service:* Applicants for potable water and/or sanitary sewer service are encouraged to submit as early in the land use approval process as possible an application for service to the WMMUA describing their projected needs for a project or development, subject to review by the Township Planning Board or Zoning Board of Adjustment.

The application shall be made to the WMMUA, and accompanied by the appropriate fees as outlined on Schedule IV of these Service Rules.

The purpose of this application procedure is to provide guidance through an informal review, to applicants concerning:

- a) the current status of water and/or sanitary sewer mains at or near the proposed project or development;
- b) the status of any future plans to extend utility services to the particular area, where applicable;

- c) the general construction requirements for extension(s) to the system(s);
- d) an indication of whether water and/or sanitary sewer mains serving the area are sufficient to accommodate the proposed project or development;
- e) whether a WMP amendment is necessary.

Because of a number of factors, including the amount of time between the preliminary approval and the proposed connection(s) to the system(s), the WMMUA will not be bound concerning the availability of potable water or sewage treatment capacity at this phase in the process.

3-3.2 Application Fees: The appropriate fee(s) for an application as outlined in Schedule IV shall accompany each such application. This fee shall cover all costs of processing such application including, but not limited to administration, advertising, transcription, etc., and is not reimbursable.

3-3.3 Applications for Final Approval:

A. Application Content: Checklist

An application for final approval of the designs and specifications for water or sewer improvements shall consist of the following documents, which shall constitute the application checklist.

1. A completed Application Form.
2. Two (2) copies of plans and specifications for sanitary sewer and/or water utilities, signed and sealed by a licensed professional engineer. Field verification of exact locations of WMMUA facilities including elevations are the responsibility of the applicant with the cooperation of the WMMUA.
3. A completed application for a NJDEP TWA permit, together with all necessary accompanying documents and endorsements as required;
4. A copy of the resolution of the Planning Board or Zoning Board of Adjustment applicable to the development.
5. Materials submitted with the initial application shall further indicate any changes made subsequent to the application for service, including any changes in supply of water and/or discharges to the sewer system. Further, it shall specify an estimated time schedule for completion of the development project.
6. Copies of approvals from NJDEP, Division of Water Resources, the Fresh Water Wetlands Regulation Element; NJDOT; Passaic County Engineering Department; and West Milford Township.
7. TWA for sewer extension.
8. TWA for water main extension
9. Engineer's report for sewer using NJDEP form.

10. Engineer's report for water using NJDEP form.
11. Engineer's cost estimate breakdown for sewer.
12. Engineer's cost estimate breakdown for water.

B. *Application Fee: Escrow Deposit*

The application shall be accompanied by an escrow deposit for professional review fees and other applicable fees, as set forth in Schedule IV. All professional review fees, including any and all interest, shall be paid as a condition of final approval. Any unexpended balances on escrow deposits, if any, shall be returned to the applicant. Professional review fees in excess of the escrow deposit shall be paid by the applicant as a condition of final approval.

C. *Completeness of Application*

An application for service shall be certified as complete for the purpose of commencing the time for review set forth in N.J.S.A. 40: 14B-61 once the Authority determines all the checklist requirements have been met.

D. *Time for Review*

The Authority shall approve or disapprove the application within ninety (90) days of the date of certification of submission of a complete application, which may be extended by resolution for an additional period of time not to exceed thirty (30) days. The applicant may further agree, in writing, to an additional period of time in an amount agreed upon by the respective parties to complete the review.

E. *Professional and Staff Review*

Prior to rendering a determination with respect to final approval, there shall be a professional and staff review of each application which shall consist of (1) a technical review by the Authority's Engineer; (2) a legal review by the Authority's Attorney; and (3) a review by such other experts or consultants as may be necessitated by the particular project.

1. As part of the technical review, the following determinations will be made by the Authority:
 - a) The applicability of the Authority's Sewer Allocation Policy to the specific application;
 - b) Review of the plans and designs of on-tract improvements as to technical sufficiency; acceptability of the plans and designs of common use facilities to be conveyed to the WMMUA as to technical sufficiency; and
 - c) Review for necessity of off-tract improvements and requirements, if any, for the applicant with regard to construction and/or contribution of funds towards the construction of off-tract improvements, as set forth in the Authority's rules and regulations.

2. The legal review shall include the preparation of a developer's agreement setting forth all the terms, duties and obligations of the developer and the Authority, respectively. Said agreement shall include provisions setting forth without limitation:
 - a) An allocation agreement with respect to the gallonage obtained;
 - b) The requirements for on-tract improvements; and
 - c) The requirements for off-tract improvements including terms of payment of impact fees and/or contribution of in-kind construction, if any.

F. ***Approval of Application***

Upon completion of the review of the application, the Authority may approve the application pursuant to resolution. In its resolution of approval, the WMMUA, without limitation, shall:

1. Grant design approval for the applicable improvements whether on or off-tract;
2. Authorize the execution of a developer's agreement, setting forth the terms and conditions of approval;
3. Authorize the execution of other applicable agreements, including agreements for the installation and cost of on-tract and off-tract improvements (if separate from the developer's agreement); and
4. Authorize the endorsement and submittal of the NJDEP TWA applications and all other applicable or necessary permits.

G. ***Performance Guarantee***

As a condition for final approval, the applicant shall agree to post a performance guarantee with the Authority with respect to the installation of on-tract and/or off-tract water and sanitary sewer improvements, as set forth in Schedule IV.

A. ***Preconstruction Meeting***

Applicants will be required to schedule and conduct a preconstruction meeting to outline and submit the following items:

1. Provide notice to affected parties, including governmental entities and other utilities;
2. Provide notice to affected property owners of commencement of construction activities;
3. Present performance guarantees for permitted improvements;
4. Provide evidence of insurance coverage, including naming the WMMUA, WMMUA consulting engineer, WMMUA Attorney and West Milford Township

- as additional named insureds;
5. Provide copies of related permits;
 6. Provide proposed construction schedule;
 7. Provide emergency contacts and phone numbers;
 8. Provide traffic management plan approved by appropriate State, County, and Township agencies.
 9. Payment of any outstanding fees due and owing;
 10. Provide shop drawings of all utility improvement materials and equipment for review and approval by WMMUA;
 11. Identification of all prime contractors and subcontractors.

I. ***Utilize Improvements***

An applicant shall apply in writing to the WMMUA for the final inspection, and acceptance of permitted improvements, and release of any performance guarantees posted in conjunction with the construction of those improvements. Upon a determination by the WMMUA that the improvements constructed are satisfactory, as evidenced by the presentation of an engineer's certification for the project, and that there has been full compliance by the developer with the Rules and Regulations of the Authority and terms and conditions of the developer's and other applicable agreements, the WMMUA will grant approval to connect to the water and/or sanitary sewer systems, as applicable.

Approvals to connect to the system shall expire in twelve (12) months from the date of issuance, and shall be subject to compliance with federal and State statutes and regulations governing such approvals. The WMMUA may specify a period shorter than twelve (12) months upon terms and conditions as it deems appropriate or desirable and in accordance with sound utility management practices. The connection approvals shall not be binding on the WMMUA in the event that a responsible regulatory agency should impose restrictions upon capacity.

J. ***Maintenance Guarantees***

The applicant shall be required to post maintenance guarantees with the WMMUA in accordance with these Rules and Regulations (See Schedule IV).

K. ***Payment of Outstanding Charges, Fees and/or Arrears***

Certification for water and/or sanitary sewer service shall not be authorized by the WMMUA, nor shall the WMMUA forward any permit applications to the NJDEP until all charges, fees, escrow deposits, liens or other arrears, due in connection with the project or development have been paid, and any maintenance guarantees have been paid or posted by the applicant, as set forth in Schedule IV.

L. ***Connection Permit***

The following conditions must be met prior to obtaining a connection permit to the WMTMUA water and/or sanitary sewer system(s):

1. The appropriate connection fee(s) must be submitted to the WMMUA together with the cost of the watermeter and related equipment, as outlined in Schedules III and IV. Connection fees shall be due and payable to the WMMUA upon issuance of a Building Permit by the West Milford Township Construction Code Official. Applicants for service shall pay the connection fee in effect at the time the building permit is issued. In the case of existing residences, applicants shall pay the connection fee in effect at the time of the issuance of the Plumbing Permit by the West Milford Township Plumbing Sub- Code Official.
2. The issued connection permit shall constitute a contract between the WMMUA and the owner, obliging the owner to pay to the WMMUA from the date of issue of the certificate of occupancy for the structure, the quarterly rates for water and/or sanitary sewer service as established in Schedules I and II. The WMMUA reserves its legal and statutory rights to assert all remedies against the owner of the property, as well as the customer, in cases where the customer is a party other than the owner, to receive payment for services rendered.
3. Permits shall be valid for one year from date of issuance by WMMUA. Connection permits for sewer and water services may be renewed without limitation. Upon renewal of permits, applicants shall pay any difference between the connection fee paid at the time of issuance or last renewal and the connection fee in effect at the time a renewal of the permit is sought.
4. The Authority shall have the right to enter into an *Installment Payment Agreement* for water and/or sanitary sewer connection fees with owners of individual properties, upon a showing of good cause in the nature of financial hardship absent deferral of payment of the applicable fees. Where approved by the Authority, said connection fee(s) shall be payable in quarterly installments over not more than five (5) years at an annual rate of interest which shall be the Prime Rate utilized by the Authority's lending institution on the date of the execution of said agreement plus an additional four percent (4%) per annum, and furthermore shall be assessed an additional charge in the amount of one and one-half percent (1½ %) per month on each delinquent installment. The debt for unpaid connection fees and the interest thereon shall be secured by a recordable combination promissory note and mortgage, in addition to the available statutory remedies in the nature of municipal property tax liens, upon default of the obligations of the owner under said agreement. This option is not available to residential and/or commercial developers of approved sub-divisions.

M. ***Initiation of Service***

The following steps must be completed before service will be initiated:

1. The connection(s) to the water and or sanitary sewer system(s) of the WMMUA must be made in a manner acceptable to the WMMUA and be inspected by the

authorized representative of the WMMUA.

2. Installations of service lines and laterals must conform to State and local municipal laws, codes and/or ordinances and must be inspected and certified by the West Milford Township Plumbing Inspector.
3. For water service, the location of the meter and related meter equipment on the premises must meet the specified requirements herein set forth and must be approved by the WMMUA's Inspector or authorized representative.
4. In cases where main extensions are to be connected to the water and/or sanitary sewer system(s) of the WMMUA, the engineer and/or the authorized representative of the WMMUA will determine the extent of testing required to assure the safe, clean and sound construction and condition of the main extension(s) before acceptance by the WMMUA and before service will be initiated. Such testing may include, but is not limited to, pressure, and infiltration tests, CCTV inspection, bacteriological testing, etc. Where necessary, certification by the West Milford Township Health Department's Inspector will be required.
5. Upon supplying service to a property, either new or reinstatement of prior service, it will be presumed that the piping and fixtures on the owner premises are in good condition, and the WMMUA shall not be responsible or liable, in any event, for any accident, breaks or leakage arising in any way from the connection to and initiating the supply of water from the WMMUA system to the owner's premises, nor for any damages or loss, directly or indirectly, resulting therefrom.
6. Requests for inspections and/or initiation of service must be made during the regular business hours and at the office of the WMMUA a minimum of forty-eight (48) hours in advance of the desired service.
7. Payment of applicable connection fees and all application and review fees set forth in Schedules III and IV.
8. Submissions and WMMUA approval of as-built drawings and such other information required by the WMMUA.

3-3.4 *Special Provisions For Obtaining Water Service*

A. **Construction Specifications:** Service lines must be constructed according to the specifications set forth in Appendix A, Construction Specifications. Special attention is directed to the fact that all permits, easements and notifications of the planned construction of the service line to the water system of the WMMUA, must be carried out at the owner's own time and expense. This includes the securing of a road opening permit from local, State or County agencies, where applicable, and any work, excavation, traffic controls and restoration shall conform to any ordinances, laws, rules and regulations which may be imposed by such agencies for this work.

- B. **Proper Notification:** Upon proper notice at least forty-eight (48) hours in advance

and upon proper and safe excavation to the WMMUA water main, the Authority will install the corporation valve on the water main to allow the owner or contractor to connect the service line. However, water taps may be performed by a qualified contractor or licensed plumber with approval from the WMMUA. The WMMUA Inspector or an authorized representative must be present for final inspection.

C. **Inspection Requirements:** The service line and all valves and appurtenances used in supplying water from the water main to the owner's premises must be supplied by the owner, conform to the specifications described in Appendix A, Construction Specifications, and must be inspected by the authorized representative of the WMMUA before restoration of the ground surrounding the installation.

D. **Installation Guidelines:** Curbstop valves and valve boxes, installed by the owner, shall not be located in sidewalks and driveways. Such valve and valve box, which shall be provided and installed by the owner, shall be installed to a point two (2) feet behind the property line, edge of pavement or curb, as determined by the WMMUA. Such valve shall be under the exclusive control of the WMMUA for shutting off or turning on water. Any damage or obstruction of the valve or valve box shall be reported immediately to the WMMUA.

3-3.5 *Special Provisions For Obtaining Sewer Service*

A. **Construction Specifications:** Laterals must be constructed according to the specifications set forth in Appendix A, Construction Specifications. Special attention is directed to the fact that all permits, easements and notifications of the planned construction of the lateral to the sanitary sewer system of the WMMUA, must be carried out at the owner's own time and expense. This includes the securing of a road opening permit from West Milford Township. Excavation, traffic control and restoration of the job site shall conform to any ordinances, laws, rules and regulations which may be imposed by such agencies having jurisdiction over this work.

A. **Proper Notification:** Upon proper notice of at least forty-eight (48) hours in advance to the WMMUA and in the presence of the authorized representative of the Authority, the connection of the lateral to the sanitary sewer main, meeting all specifications and requirements of the WMMUA, shall be performed by the owner or the owner's designated representative.

C. **Inspection Requirements:** The lateral which has been installed to a point two (2) feet behind the property line, edge of pavement or curb shall be inspected by the authorized representative of the WMMUA and West Milford Township Construction Code Official. No restoration shall take place before the inspection is performed.

3-3.6 *Other Utilities During Construction*

A. The attention of the applicant is directed to the existence of underground utilities, for example electric, gas, telephone, fiber optic cable, T.V. cable, storm sewers and so on, for which the Authority accepts no responsibility for damage during construction. The notification of these other utility companies is the responsibility of the applicant and the applicant shall be solely responsible for any direct or indirect damage to such utilities during the installation of the service line or lateral.

B. No service line or lateral of the WMMUA shall be installed in the same trench with any other utility service unless specifically authorized, in writing, by the Authority.

C. At no time shall a service line or lateral providing service to one building, provide

service to another on an adjoining property, or across a street, or from one side of a duplex house to the other side.

3-3.7 *Prohibited Connections*

A. Under no circumstances are any of the following connections permitted to the sanitary sewer system of the WMMUA:

1. garbage disposal units;
2. sump pumps conveying stormwater or groundwater seepage into structures;
3. roof gutters and downspouts conducting rain water;
4. storm water inlets or catchbasins; and
5. industrial and/or commercial wastewater (See special provisions in Chapter VI).

B. The WMMUA reserves the right to prohibit connections other than those listed, if, in the opinion of the Authority such connections and/or discharges through such connections are harmful or incompatible with the WMMUA sanitary sewer system or its treatment processes. Likewise, the Authority reserves the right to test and analyze discharges to the WMMUA sanitary sewer system to confirm that no prohibited discharges are taking place. Connections to the sanitary sewer system that are not permitted will result in a fine of \$500 per connection point and will continue to be penalized at a rate of \$500 per month per connection point until non-permitted connections are removed.

3-3.8 *Temporary Water Service For Construction and Related Purposes*

A customer requiring water for construction purposes on premises not already supplied by a metered water service line must make a request in writing to the WMMUA, and pay the deposit and recurring water charges as outlined in Schedule VI.

3-3.9 *Cross Connections/Backflow Prevention*

A. Cross connections will require installation of backflow prevention devices in accordance with N.J.A.C 7:10-10.1 (Physical Connection and Cross Connection). The purpose and intent of this regulation is to protect the WMMUA water system from backflow from a water supply that may be contaminated, of questionable or unknown quality, or over which the WMMUA has little or no control. (Refer to Appendix A, Construction Specifications, for backflow prevention/cross connection controls.) All devices are to be maintained by the property owner.

B. The requirements contained herein are not to be confused with the requirements of the Plumbing Subcode of the New Jersey State Uniform Construction Code, N.J.A.C. 5:23-3.5 et seq. for the prevention of illegal plumbing cross-connections, nor with any State or local requirements for the practice or procedure known as "cross connection control by containment" whereby a backflow prevention device may be required to protect a public water system from contamination as a result of possible illegal plumbing cross connections.