

Town of Whitefield, New Hampshire

Ordinance Governing the Discharge of Waters and Wastewaters into the Public Sewer System

Ordinance No. XXXX

Pursuant to enabling authority in New Hampshire Revised Statutes Annotated 149-I:6, or revisions thereto, the following is an Ordinance regulating the use of public and private sewers, private wastewater disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system(s), and providing penalties for violations thereof, in the Town of Whitefield, County of Coos, State of New Hampshire.

Date: April 2019

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Article I – General Provisions

Section 1.1 Purpose

This Ordinance regulates the use of public and private sewers and drains, private wastewater disposal, the installation and connection of building sewers, the discharge of waters and wastes into the public sewer system, and provides penalties for violations thereof, in the Town of Whitefield, County of Coos, State of New Hampshire.

The objectives of this Ordinance are to:

- Protect the public health and safety by abating and preventing pollution;
- Protect the Town's infrastructure and assets; and
- Enable the Town to comply with State and Federal laws, permits, and regulations.

Section 1.2 Authority

- A. Pursuant to enabling authority in New Hampshire Revised Statutes Annotated (RSA) 485-A, 149-I, and 147, or amendments and revisions thereto, the following is an Ordinance regarding the Publicly Owned Treatment Works (POTW) of the Town of Whitefield, hereinafter called the Town.
- B. The Town, by and through its Selectmen, reserves the right to adopt additional Ordinances, rules and regulations as it deems necessary to the extent appropriate for the government of its Publicly Owned Treatment Works (POTW).
- C. This Ordinance shall be in full force and effect immediately following its passage by the Board of Selectman, as provided by law.

Section 1.3 Definitions

Unless stated otherwise, the meaning of terms and phrases used in this Ordinance shall be as follows:

Act or the Act: The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 *et seq.*

Approval Authority: The Regional Administrator of the EPA or his duly appointed agent.

Authorized representative of the user:

1. If the user is a corporation: the president, vice-president, or other legally appointed officer of the corporation.
2. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectfully.

3. If the user is a Federal, State or local governmental facility: a director, or the highest official appointed or designated to directly oversee the operation and performance of the activities of the governmental facilities.
4. The individuals described in paragraphs (1) through (3) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the user, and the written authorization is submitted to the Town.

BOD (denoting “biochemical oxygen demand”): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius (20°C), expressed in milligrams per liter (m/L).

Building drain: That part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, or other discharge pipes inside the walls of the building and conveys it to the building sewer. The building drain includes the first five (5) linear feet of plumbing outside of the building as measured from the inner face of the building wall.

Building sewer: The building sewer connection and the sewer stub; or the full length of the pipe extending from the building drain to the public sewer (also called house connection).

Building sewer connection: The pipe installed from the property line to the building drain to receive the wastewater generated by a building or a household.

Bypass: The intentional diversion of waste streams from any portion of a pretreatment or wastewater treatment facility.

Categorical Pretreatment Standard or Categorical Standard: Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Clean Water Act (33 U.S.C. s 1317) that applies to a specific category of users and that are found in 40 CFR Chapter I, Subchapter N, Parts 405 through 471.

Combined Sewer: A sewer intended to receive both wastewater and storm or surface water.

Commercial Use: Premises used for financial gain, such as business or industrial use, but excluding residential uses and related accessory uses.

Commissioner: The Commissioner or the New Hampshire Department of Environmental Services, or the commissioner’s duly appointed agent.

Compatible Pollutant: Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria.

Composite sample: The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

Conservative pollutant: A pollutant that is presumed not to be destroyed, biodegraded, chemically transformed, or volatilized within the POTW. Conservative pollutants introduced to a POTW ultimately exit the POTW solely through the POTW's effluent and bio-solids. Most metals are considered conservative pollutants.

Control Authority: The term Control Authority as used in this Ordinance, refers to the Regional Administrator of the EPA.

DES or NHDES: The New Hampshire Department of Environmental Services

Dilution: Any increase in the use of water as a partial or complete substitute for adequate treatment to achieve compliance with a limitation on the discharge of pollutants.

Director: The Director of the Town of Whitefield Department of Public Works; any designee, authorized deputy, agent, or representative of the Director.

Domestic Wastewater or Sanitary Sewage: Normal water-carried household and toilet wastes or waste from sanitary conveniences of residences, commercial buildings, and industrial plants, excluding ground, surface, or storm water and contains no industrial waste. (See also: Industrial Wastes.)

Easement: An acquired legal right for the specific use of land owned by others.

Environmental Protection Agency (EPA): The United States Environmental Protection Agency or, the Region 1 Water Management Division Director, or other duly authorized official of the agency.

Equalization: The process of combining wastewaters to dampen fluctuations in flow or pollutant discharges prior to release of the sanitary sewer or pretreatment facilities. Equalization is normally accomplished in sumps, holding basins, ponds, or tanks.

Excessive: Amounts or concentrations or a constitution of a wastewater which, in the judgment of the Director:

1. May cause damage to the Town wastewater treatment process;
2. May be harmful to a wastewater treatment process;
3. Cannot be removed in the Town treatment works to the degree required to meet the limiting stream classification standards of the receiving water and/or EPA effluent standards;
4. May otherwise endanger life, limb or public property;

5. May constitute a nuisance.

Existing Source: Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

Floatable Oil: Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

Force main: A pipe or conduit constituting a part of the POTW where pumping is required; providing a connection from a pump station to a pump station or gravity sewer, with limited access from individual properties.

Garbage: Animal and vegetable waste from the domestic and commercial handling, preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Grab sample: A sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

Gravity sewer: Any pipe or conduit constituting a part of the sewer system used or usable for wastewater collection purposes in which wastewater flows by gravity with no pumping required.

Grease: That material removed from a grease interceptor or grease trap serving a restaurant or other facilities requiring such a device. Also means volatile and non-volatile fats, fatty acids, soaps, waxes and other similar materials.

Grease Interceptor: An underground vault, usually having two or three compartments, with a minimum rated capacity of 750 gallons or greater to collect, contain, and/or remove food wastes and grease from the waste stream while allowing the balance of the liquid wastes to discharge in the wastewater collection system by gravity.

Grease Trap: A passive device, normally installed in the kitchen with a rated maximum flow of 50 gpm or less, that is designed to collect, contain, and/or remove food wastes and grease from the waste stream while allowing the balance of the liquid wastes to discharge to the wastewater collection system by gravity.

Hauler: Those persons, firms, or corporations, who pump, haul, transport, or dispose of septage and who are licensed by the New Hampshire Department of Environmental Services pursuant to RSA 485-A:4,XVI-a and rules adopted to implement said section.

Hazardous waste: As defined in RSA 147-A:2, VII.

Human Excrement and other Putrescible Material: The liquid or solid matter discharged from the human intestinal canal or other liquid or solid waste materials that are likely to undergo bacterial decomposition; provided, however, that these terms shall not include garbage as defined in RSA 485-A, or revisions thereto.

Incompatible Pollutant: Any pollutant that is not a compatible pollutant.

Improved property: Any property located within the Town upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure wastewater will be or may be discharged.

Industry: Any room, group of rooms, buildings or other enclosure used or intended for use in the operation of one (1) business enterprise for manufacturing, processing, cleaning, laundering, or assembling any product, commodity, or article or from which any process waste, as distinct from sanitary sewage, shall be discharged.

Industrial discharge permit (IDP): The written permit between the Town and an industrial user that discharges wastewater to the POTW, which outlines the conditions under which discharge to the POTW will be accepted.

Industrial user: A person who discharges industrial wastes to the sanitary sewer of the Town.

Industrial waste: Any liquid, gaseous or solid waste substance from any process or from development of any natural resource by industry, manufacturing, trade, or business.

Industrial wastewater: Any wastewater that contains industrial waste, as distinct from sanitary sewage or unpolluted water.

Indirect Discharge or Discharge: The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.

Instantaneous maximum allowable discharge limit: The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference: A discharge, which alone or in combination with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and therefore is a cause of a violation of any requirement of the Town's NPDES permit (including an increase in the magnitude or duration of a violation), or of the prevention of bio-solids use or disposal in compliance with any state or location regulations, or any of the following provisions or permits issued thereunder: Section 405 of the Clean Water Act, the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA), any State regulations contained in any State bio-solids management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act, the Clean Air

Act, the Toxic Substances Control Act, the Marine Protection, Research, and Sanctuaries Act; and the 40 CFR Part 503 Standards for Sewage Sludge Use and Disposal and RSA 485-A:4, XVI-a.

Lateral: The part of the sewerage works extending from a sewer to a curb line, or, if there is no curb line, to the property line. If no such lateral is provided, then "Lateral" shall mean that portion of, or place in, a sewer which is provided for connection of any building sewer.

Local limits: Specific, enforceable numerical limits on the types and quantities of pollutants that may be discharged to the POTW. Local limits are established by the Town and are distinct from State and Federal limitations on the discharge of industrial wastewater to the POTW.

May: Is allowed to (permissive); see also "Shall."

Medical waste: A waste that is generated or produced as a result of diagnosis, treatment, or immunization of human beings or animals, medical research, or production or testing of bacteria, viruses, spores, discarded live and attenuated vaccines used in human health care or research. Examples include isolated wastes, infectious agents, human blood and blood products, pathological wastes, chemotherapy wastes, sharps, body parts, contaminated bedding, surgical wastes and specimens, potentially contaminated laboratory wastes, trauma scene wastes, sharps waste and dialysis wastes.

National Pollutant Discharge Elimination System (NPDES) Permit: A permit issued pursuant to Section 402 of the Clean Water Act (33 U.S.C. § 1342).

Natural outlet: Any channel for the passage of surface or groundwater into a watercourse, pond, ditch, lake or other body of surface or groundwater.

New Source:

- a. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced subsequent to the publication of proposed pretreatment standards under Section 307(c) of the Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - i. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - ii. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - iii. The production or wastewater-generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the

same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, will be considered.

- b. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - i. Begun, or caused to begin, as part of a continuous on-site construction program
 - a. any placement, assembly, or installation of facilities or equipment; or
 - b. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - ii. Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- c. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (a)(ii) or (a)(iii) above but otherwise alters, replaces, or adds to existing process or production equipment.

NHWSPCC: The New Hampshire Water Supply and Pollution Control Commission.

Non-conservative pollutant: A pollutant that is presumed to be destroyed, biodegraded, chemically transformed, or volatilized within the POTW, to some degree.

Non-contact cooling water: Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product and is not degraded in quality by mixing with or addition of process waste or other pollutants.

Normal Domestic Wastewater: Wastewater generated by residential users containing not more than 200 mg/L BOD and not more than 250 mg/L suspended solids.

Owner: A person vested with ownership, legal or equitable, sole or partial, or possession of any improved property.

Pass through: A discharge that alone, or in combination with other discharges, exits the POTW

in quantities or concentrations that cause a violation of any requirement of the Town's NDPES permit. This includes an increase in the magnitude of a violation.

Person: Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or other legal entity, or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

pH: The logarithm of the reciprocal of the hydrogen ion concentration of a solution, expressed in Standard Units. Solutions with pH values greater than 7 are basic (or alkaline); solutions with pH values less than 7 are acidic.

Pollutant: Dredged spoil, solid waste, incinerator residue, filter backwash, garbage, wastewater treatment sludges, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor.)

Pollution prevention: The use of processes, practices or products that reduce or eliminate the generation of pollutants and wastes or that protect natural resources through equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control. The term "pollution prevention" does not include any practice that alters the physical, chemical, or biological characteristics or the volume of a hazardous substance, pollutant, or contaminant through a process or activity that itself is not integral to and necessary for the production of a product or the providing of a service.

Pretreatment: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes, by processes changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Pretreatment Requirement: Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

Pretreatment standard or Standard: Prohibited discharge standards, categorical pretreatment standards, and local limits.

Private sewer: Any collector system installed in a private road (not Town accepted) and/or as part of a private subdivision. "Private sewers" remain the property of the developers, other private parties or their assigns. "Private sewers" shall be constructed in accordance with this Ordinance.

Prohibited Discharge Standards or Prohibited Discharges: Absolute prohibitions against the discharge of certain substances as identified in Section 2.3 of this Ordinance.

Properly Shredded Garbage: Wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be transported freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

Publicly owned treatment works (POTW): A "treatment works," as defined by Section 212 of the Clean Water Act (33 U.S.C. section 1292) that is owned by the Town. This includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sanitary sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances that convey wastewater to a POTW wastewater treatment facility. The term also means the municipality that has jurisdiction over discharges to and from such a treatment plant, and any sewer that conveys wastewater to the POTW from persons outside the Town who are, by contract or agreement with the Town, users of the Town's POTW.

Public sewer: A pipe or conduit that carries wastewater, storm water, groundwater, subsurface water, or unpolluted water from any source, which is controlled by a governmental agency or public utility.

Radiological Waste: Radioactive waste as regulated by RSA 125-F.

Receiving water: Any watercourse, river, pond, ditch, lake, aquifer or other body of surface or groundwater receiving discharge of wastewater.

Recreational vehicle (RV): Any of the following vehicles:

1. Motorhome or van, which is a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
2. Pickup camper, which is a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
3. Recreational trailer, which is a vehicular, portable structure built on a single chassis, 400 square feet or less when measured at the largest exterior horizontal projections, calculated by taking the measurements of the exterior of the recreational trailer including all siding, corner trim, molding, storage space and area enclosed by windows but not the roof overhang. It shall be designed primarily not for use as a permanent dwelling but as a temporary dwelling for recreational, camping, travel or seasonal use.
4. Tent trailer, which is a canvas or synthetic fiber folding structure, mounted on wheels and designed for travel, recreation and vacation purposes.

Sanitary sewage: Wastewater consisting solely of normal water-carried household and toilet wastes or waste (such as human excrement and grey water) from sanitary conveniences of

residences, commercial buildings, and industrial plants, as distinct from industrial wastewater and unpolluted water.

Sanitary sewer: A public or private sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial facilities, and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

Screening level: A numerical value for a pollutant concentration above which actions are initiated to evaluate, prevent or reduce adverse environmental or health and safety impacts. A screening level may be adjusted upward or downward within a permit to account for site-specific conditions to the point of discharge and administered as a local limit.

Semi-Public Use: Premises of private, non-profit organizations such as schools, hospitals, and religious institutions.

Septage: Any liquid, solid, or sludge pumped from chemical toilets, vaults, septic tanks, or cesspools or other holding tanks, which have received only sanitary sewage.

Sewage: Human excrement and gray water (household showers, dishwashing operations, etc.)

Sewage Treatment Plant: Any arrangement of devices and structures used for treating sewage and polluted industrial wastes.

Sewer: A generic term for a pipe or conduit that carries wastewater (including industrial and sanitary wastewater, storm water, groundwater, subsurface water, and/or unpolluted water) from any source.

Sewerage Works: All facilities for collecting, pumping, transporting, treating, and disposing of sanitary sewage and polluted industrial wastes located in the Town of Whitefield, and owned, maintained, and operated by the Town of Whitefield.

Sewer stub: The portion of the building sewer that extends from the property line and connects to the public sewer.

Shall: Is required to (mandatory). See also "May."

Significant noncompliance: An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

1. A pattern of violating the same pretreatment standard daily maximum or average limit (any magnitude of exceedance) sixty-six percent (66%) or more of the time in a six (6) month period;
2. Thirty-three percent (33%) or more of the measurements exceed the same pretreatment standard daily maximum limit or average limit by more than forty percent (40%) for BOD,

TSS, or oil & grease, or by more than twenty percent (20%) of all other pollutants (except pH), in a six (6) month period;

3. For pH monitoring, excursions shall be considered significant non-compliances when:
 - i. An individual excursion from the allowable range of pH values exceeds 60 minutes;
 - ii. An excursion occurs that the Director believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the public;
4. Any other discharge violation that the Director believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the public;
5. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Director's exercise of emergency authority to halt or prevent such a discharge;
6. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance;
7. Failure to provide within thirty (30) days after the due date, any require reports, including permit applications, periodic self-monitoring reports, and reports on compliance with compliance schedules;
8. Failure to accurately report non-compliance, or;
9. Any other violation(s) that the Director determines will adversely affect the operation or implementation of the local pretreatment program.

Significant Indirect Discharger: An indirect discharger that meets one or more of the following criteria:

1. Is subject to national categorical pretreatment standards under 40 CFR 403.6;
2. Discharges an average of 10,000 gallons per day or more of process wastewater;
3. Discharges a process wastewater that contributes 5 percent or more of the hydraulic or organic loading to the wastewater treatment plant;
4. Discharges medical/infectious waste, pharmaceutical waste, or radiological waste if such a discharge has been designated by the municipality as having a reasonable potential for adversely affecting the POTW's operation or performance or for violating any pretreatment

standard or requirement; or

5. Is designated as such by the municipality as having a reasonable potential for adversely affecting the POTW's operation or performance or for violating any pretreatment standard or requirement.

Slug: Any discharge of water, wastewater, sewage, or industrial sewage which:

- a. in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation;
- b. Any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in Section 2.4 of this Ordinance; or
- c. Any discharge that may adversely affect the collection system and/or performance of the POTW.

State: The State of New Hampshire.

Storm drain or Storm Sewer: A drain or sewer for conveying storm water, groundwater, subsurface water, or unpolluted water from any source.

Storm water: Any flow occurring during or following any form of natural precipitation and resulting therefrom, including snowmelt.

Street lateral: The portion of a public sewer lying within a public street connecting a building sewer to the public sewer.

Total suspended solids (TSS): Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquids and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and that is referred to as that fraction not soluble in water. Also referred to as non-filterable residue.

Town: The Town of Whitefield, County of Coos, State of New Hampshire, acting by and through its Selectmen or, in appropriate cases, acting by and through its authorized representatives, including The Board of Sewer Commissioners if hereafter created; any duly authorized officer, deputy, agent, or representative of the Town of Whitefield.

Unpolluted water: Water of quality equal to or better than the effluent criteria in effect, or water that would not cause a violation of receiving water quality standards and would not be benefited by discharge to the POTW.

User or Industrial user: A person who discharges industrial wastewater to the sanitary sewer of the Town.

Wastewater: The spent water of a community. Any combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, government facilities, and institutions, whether treated or untreated that is contributed to the POTW.

Wastewater Treatment Facility: That portion of the POTW that is designed to provide treatment of sanitary sewage and industrial wastewater.

Watercourse: A natural or artificial channel for the passage of water, either continuously or intermittently.

Article II – Sewer Use Requirements

Section 2.1 Use of Public Sewers

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Whitefield or in any area under the jurisdiction of the Town, any human or animal excrement, garbage, or objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of the Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance and with State and Federal laws and regulations.
- C. **Use of Sanitary Sewers.** Except as specifically designated by the Town, sanitary sewers shall be used only for the conveyance and disposal of sanitary sewage, and for industrial wastes that are not objectionable, as hereinafter provided. No sanitary sewer shall be used to receive, convey, or dispose of any storm or surface water, subsoil drainage, or unpolluted water. No industrial wastewater shall be directed to a sewer that is not connected to the POTW.
- D. **Sewers for Intended Use Only.** No person shall discharge or cause to be discharged into any public sewer of the Town, or into any fixture that thereafter discharges into a public sewer of the Town, any waste or substance other than that for which the particular sewer is intended, designed, and provided. This includes the discharge of typically unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water. If the intended or designated use of a particular sewer is unclear, the Town will make a determination. This determination shall be final and binding.
- E. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment that is part of the POTW.
- F. **Applicable Permit Required.** No person shall discharge into any public sewer of the Town, or into any fixture that discharges into a public sewer, any substance until all

applicable approvals and permits have been obtained.

- G. Except as hereinafter provided, it shall be unlawful to construct, repair, or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater in any area where a public sewer is available, as described in paragraph (H) below. The use of portable chemical toilets is allowed at construction sites and for other temporary purposes provided the wastes are properly disposed of at a lawful disposal facility.
- H. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located a sanitary sewer of the Town, is hereby required at the owner(s)' expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within ninety (90) days subsequent to the date of official notice to do so, provided that said gravity public sewer is within one hundred feet (100') of the building. This requirement for connection may be waived when permitted by the Town if the building is already connected to a properly functioning, State-approved septic system, however, such system may not be repaired, replaced or expanded, and the owner shall connect directly to the public sewer when the septic system no longer functions properly.
- I. Where a sanitary sewer is not available under the provisions of paragraph (H) above, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of RSA 485-A, or revisions thereto, of the State of New Hampshire and rules, regulations, standards, and procedures promulgated therein. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town. At no time shall any quantity of industrial waste be directed to a private sanitary sewage disposal system.
- J. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, the owner(s) shall connect to the public sewer, as provided in paragraph (H) above. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge, and their use shall be discontinued.
- K. No statement contained in the preceding paragraphs of this Section shall be construed to interfere with any additional requirements that may be imposed by the Town.

Section 2.2 Building Sewer and Connections

- A. Connections of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town of Whitefield, and the procedures set forth in appropriate specifications of ASTM and the

Water Environment Federation (WEF) Manual of Practice No. FD-5. All such connections shall be made gas-tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Town before installation.

- B. No person(s) shall uncover, make any connection with or opening into, alter, or disturb any public sewer or appurtenance thereof without first obtaining a permit, in writing. In addition, no person shall make connections to roof downspouts, foundation drains, area way drains, or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.
- C. For residential and commercial services, the owner(s) or their agent shall complete and submit to the Town a *Sewer Connection Permit* application at least thirty (30) days prior to the proposed date of the service connection. For the discharge of industrial wastes, the application shall be made at least sixty (60) days prior to the proposed date of the service connection. The *Sewer Connection Permit* shall be supplemented by completed plans, specifications, or other information (including pollution prevention studies) considered pertinent in the judgement of the Town. The Town shall have the option of denying an application if, in the opinion of the Town, the contractor is not qualified. An application fee shall be paid to the Town at the time the application is filed. A copy of the approved *Sewer Connection Permit* signed by the Town will serve as evidence of approval.
- D. In addition to obtaining a permit with the Town, a *Sewer Connection Permit* shall be obtained from NHDES in accordance with DES Env-Wq 703.07:
 - 1. Any extension of a collector or interceptor, whether public or private, regardless of flow;
 - 2. Any wastewater connection or other discharge in excess of 5,000 gallons per day (gpd);
 - 3. Any wastewater connection or other discharge to the POTW when it is operating in excess of 80 percent design flow capacity or design loading capacity based on actual average flow or loadings for 3 consecutive months;
 - 4. Any industrial wastewater connection or change in existing discharge of industrial wastewater, regardless of quality or quantity;
 - 5. Any sewage pumping station greater than 50 gpm or serving more than one building; or
 - 6. Any proposed sewer that serves more than one building or that requires a manhole at the connection.

- E. During construction of a new sanitary sewer, the Town may construct the service connections for a building, or proposed building, located on a lot of record, if such building is within 100 feet of the public sewer (see paragraph 2.1.H above). Service connections will be made to the curb or the property line or the edge of a right-of-way. All costs and expenses associated with the installation and connection of the remainder of the building sewer, including connection to the structures served, shall be the responsibility of the property owner. If the building, or proposed building, is located beyond 100 feet of the existing public sewer, and the owner desires to connect to the public sewer, then all costs associated with an extension of the public sewer to service the building will be the responsibility of the owner. The owner shall indemnify and save harmless the Town, its officers, and agents from all loss or damage that may result, directly or indirectly, due to the construction of a building sewer on his premises or its connection to the service connection. The owner shall thereafter be obligated to pay all costs and expenses of operation, repair and maintenance, and of reconstruction, if needed, of the building sewer and service connection.
- F. If the owner of any building located within the Town to which public sewer is available, after 90 days' notice from the Town, fails to connect such building as required in paragraph 2.1.H, the owner shall be in violation of this Ordinance. The Town shall have full authority upon the issuance of a court order to enter on the owner's property to do whatever is necessary to properly drain the improved property into the public sewer. The Town may make such connection and may collect from such owner the costs and expenses thereof by such legal proceeding as may be permitted by law.
- G. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot, and no private sewer is available (or can be constructed) to the rear of the building. In these instances, the front building sewer may be extended to the rear building and the whole considered as one building sewer. The Town will not assume any obligation or responsibility for damage caused by or resulting from any such single connection. Grouping of one or more building on a single building sewer shall not be permitted, except under special circumstances and for good cause, and then only after written permission is received from the Town, and as subject to such rules, regulations and conditions as may be prescribed by the Town.
- H. Existing building sewers may be used to connect with new buildings only when they are found, upon examination and testing by the Town, to meet all requirements of this Ordinance.
- I. The size, shape, slope, alignment, materials of construction of building sewer or street laterals, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing

code or other applicable rules and regulations of the Town. Sewers shall be subject to approval by the Town, and shall meet the at a minimum, the following criteria:

1. Pipe diameter shall be at least six inches (6"),
 2. Pipe slope shall be at least 0.01 feet per foot,
 3. Pipe shall have a minimum design flow velocity of two feet per second (2 ft/s) when flowing full.
 4. A six-inch (6") building sewer or street lateral shall be used for no more than three (3) connections into a single sewer service.
- J. Force main building sewer will be permitted, subject to approval by the Town, where gravity flow is not feasible. The force main shall be sized to maintain flow velocities of three feet per second (3 ft/s) and shall be furnished with adequate valving to provide shut off capability and protection against reverse flows.
- K. Building sewers (gravity and force main) shall be polyvinyl chloride (PVC) sewer pipe conforming to the following:
1. All PVC pipe and fittings shall be Class SDR-35 or Schedule 40, and shall meet or exceed all requirements of ASTM Specification D3034 "Standard Specification for Type PSM Poly(Vinyl Chloride) (PVC) Sewer Pipe and Fittings," or ASTM Specification D2241 "Standard Specification for Poly(Vinyl Chloride) (PVC) Pressure-Rated Pipe (SDR Series)."
 2. All pipe used for gravity sewer shall have integral bell and elastomeric gasket joints. The gasket shall meet or exceed all requirements of ASTM Specification D3212 "Standard Specification for Joints for Drain and Sewer Plastic Pipes Using Flexible Elastomeric Seals." The bell shall consist of an integral wall section, which securely locks the solid cross-section elastomeric rubber ring into position.
 3. Minimum pipe stiffness at 5% deflection shall be 46 psi when tested in accordance with ASTM Specification D2412 "Standard Test Method for Determination of External Loading Characteristics of Plastic Pipe by Parallel-Plate Loading."
 4. Standard pipe lengths shall be 12 feet 6 inches (12'-6") and 20+ feet.
 5. All fittings and accessories shall be manufactured and furnished by the pipe supplier and have bell and/or spigot configurations identical to that of the pipe to which they are connected.
 6. Acceptable manufacturers are Johns-Manville, Certain-Teed, Carlon, or equal.

- L. All joints and connections shall be made watertight. No paint, varnish, or other coating shall be permitted on the jointing material until after the joint has been tested and approved.
- M. At the point of connection of a building sewer to a public sewer, a standard wye fitting and a one-eighth (45-degree) bend shall be used. No lateral connection shall be made to the main sewer which permits the flow into the sewer from the lateral to enter at right angles. A cleanout shall be installed where the sewer stub connects to the building sewer connection (at the property line). The wye and one-eighth bend fittings shall be inserted in the public sewer at the time of its construction for each proposed lot of either immediate or future development. The location of all lateral connections shall be shown along with at least two-dimensional ties on a drawing. Two copies of this drawing showing the as-built location of the lateral connection(s) shall be furnished to the Town.
- N. When any street lateral is to serve a school, hospital, public housing, or similar institution; or is to serve a complex of industrial or commercial buildings, then such street lateral shall be connected to the public sewer through a manhole. Connections to existing manholes shall be made as directed by the Town; if required, a new manhole shall be installed in the public sewer.
- O. An interior clean-out fitting and backwater valve shall be provided for each building lateral at a readily accessible location, preferably just inside the basement wall. The fitting shall contain a 45-degree branch with removable watertight plug and be positioned to accommodate sewer cleaning equipment. Buildings and mobile homes without foundations shall have a clean-out installed on the outside. The clean-out shall be of similar material as the building sewer or as otherwise required by the Town, and shall be provided with a secured cap at the ground level.
- P. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage conveyed by such building drain shall be lifted by an approved means and discharged to the building sewer at the owner's expense.
- Q. All excavation required for the installation of a building sewer or street lateral shall be open trench work, unless otherwise approved by the Town. Pipe laying and backfill shall be performed in accordance with NHDES Env-Wq 700. The depth of cover over the pipe shall be sufficient to afford protection from frost, but in no case, shall such depth be less than four feet (4') unless prior approval has been granted by the Town, in writing. In such cases, an insulation board shall be installed over the pipe.
- R. All sewer service pipe, service laterals, and force main pipe shall have their locations marked by detectable tracer tape.

1. The tape shall be placed two feet (2') above the pipe.
 2. The tape shall be six inches (6") in width, with the words "Buried Sewer Line Below" permanently and indelibly printed on it.
 3. The tape shall be compatible for use with magnetic detectors. It shall not require electrical connection for location.
 4. The tape shall consist of a continuous aluminum foil core inseparably bonded on both sides with tough high-density cross-laminated plastic films. Tape color shall be in accordance with the latest American Public Works Association (APWA) Uniform Color Code standards for buried utility markings.
- S. The owner(s) shall notify the Town when the building sewer is ready for inspection and connection. Such notice shall be provided a minimum of 72 hours prior to the time of connection to the public sewer. Sewer connection and testing shall occur under the supervision of the Town. The owner is responsible for all provisions required to test the point of connection. This requirement shall also apply to repairs or alterations to building connections, drains or pipes thereto.
- T. No new or repaired building sewer shall be covered until it has been inspected and approved by the Town. If any part of building sewer is covered before being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to the public sewer. Should the work not be ready for inspection, or require additional efforts to pass inspection, the Town will establish a service charge to cover the extra expense to the Town. No further inspections will occur prior to the Town's receipt of the surcharge fee.
- U. When a building is demolished, moved, or otherwise disturbed, and not immediately replaced, the Owner shall submit a *Sewer Disconnection Permit* application, and receive approval from the Town, to seal off the building sewer where it connects to the public sewer. An inspection by the Town will be scheduled upon receipt of the permit application. An approved permit shall be received by the Owner prior to the commencement of demolition activities.
- V. Upon receipt of notice from the Town, the Owner(s) shall remedy any unsatisfactory condition with respect to the building sewer. If this does not occur within 45 days (or less, as necessary to protect the health and safety of the Town residents), the Town may remedy any unsatisfactory conditions and collect from the Owner(s) the costs and expenses thereof. The Town shall have the full authority upon the issuance of a court to enter on the owner's property to do whatever is necessary to remedy the unsatisfactory condition.

Section 2.3 New Sewers or Sewer Extensions

- A. New sewers and sewer extensions shall be properly designed and permitted in accordance with NHDES Administrative Rules Env-Wq 700 “Standards of Design and Construction for Sewerage and Wastewater Treatment Facilities.”
- B. Plans, specifications, and methods of construction shall be submitted to, and receive approval from the Town and NHDES before construction may proceed. Plans, specifications and other required information shall be submitted at least 45 days in advance of the anticipated project start date. The design of sewers shall anticipate and allow for flows from all possible future extensions or developments within the immediate sewer shed.
- C. Should the Town determine the proposed sewer or sewer extension requires incidental work based on anticipated volume and POTW capacity, in the form of treatment plant upgrades, pumping stations, force mains, or other supplementary equipment, the Owner shall be responsible for all associated costs.
- D. Plans, specifications, and methods of installation shall conform to the requirements of this Ordinance. Components and materials not covered in this Ordinance, such as pumping stations, lift stations, or force mains shall be designed in accordance with paragraph (A) above, and shall be clearly shown and detailed on the plans and specifications submitted for approval. When requested, the Owner of the proposed installation shall submit to the Town all design calculations and other pertinent data to supplement the plans and specifications review. All costs associated with the engineer’s review of the plans and specifications shall be paid by the Owner.
- E. Each building sewer shall be installed and inspected pursuant to Section 2.2. Plugged service laterals shall be provided in locations approved by the Town to accommodate future connections from existing unimproved lots.
- F. The sewer installation shall be subject to periodic inspection by the Town. The expense for this inspection shall be paid by the Owner.
- G. The sewer must pass an exfiltration test, consisting of a low-pressure air test for the pipe and a vacuum test for the manhole, and receive approval from the Town, before any building sewer is connected.
- H. The Town shall be notified at least 30 days in advance of the start of construction to establish the necessary inspection procedures. No sewers or sewer extensions will be accepted by the Town unless such inspection of construction have been made as will assure the Town of compliance with these regulations.

Section 2.4 Restrictions on Discharge to Sewers

- A. No person shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes pass through or interference, or has an adverse effect of the receiving stream. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other Federal, State, or local pretreatment standards or requirements.
- B. No person shall introduce or cause to be introduced into the POTW the following pollutants, substances, and wastewater;
 - 1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, gas, solid, or any substance that can generate or form any flammable, combustible or explosive substance, fluid, gas vapor or liquid when combined with air, water or other substances present in sewers, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140° F (60° C) using the test methods specified in 40 CFR 261.21;
 - 2. Wastewater having a pH less than 5.5 or greater than 9.0, as measured at the point of connection to the sanitary sewer or other available monitoring location, or otherwise causing corrosive structural damage or hazard to the POTW equipment, or personnel, or with alkalinity in such quantities that contributes to or cause the POTW influent pH to exceed 9.0. (NOTE: The Town may permit a pH range outside of 5.5 to 9.0 without the requirement for pretreatment, provided the Town determines the potential for adverse impact to the POTW is reasonably absent.);
 - 3. Solid or viscous substances containing fats, wax, grease, or oils, whether emulsified or not, or containing substances that can solidify or become viscous at temperatures between 32 and 150° F (0-65° C), in amounts that could cause obstruction of the flow in the POTW resulting in interference;
 - 4. Pollutants, including oxygen-demanding pollutants (BOD, COD, etc.), or chlorine demand requirements released in a discharge at a flow rate and/or pollutant concentration that, either singly or by interaction with other pollutants, will cause interference with the POTW, constitute a hazard to humans or animals, create a public nuisance, exceed national categorical pretreatment standards, cause process upset, loss of treatment ability or cause pass through;
 - 5. Wastewater having a temperature greater than 150° F (65° C), or that will inhibit biological activity in the wastewater treatment facility resulting in interference, and wastewater that causes the temperature at the introduction into the wastewater treatment facility to exceed 104° F (40° C);

6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
 7. Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause worker health and safety problems;
 8. Trucked or hauled pollutants, except at discharge points designated by the Town in accordance with Section 4.9 of this Ordinance;
 9. Hazardous wastes designated under Env-Hw 400, including but not limited to paints, stains, thinners, pesticides, herbicides, anti-freeze, transmission and brake fluids, motor oil and battery acid;
 10. Wastewater causing, alone or in conjunction with other sources, the wastewater treatment facility's effluent or sludge to fail a toxicity test.
- C. No person shall introduce or cause to be introduced into the POTW the following pollutants, substances, and wastewater, unless specifically authorized by the Town in a permit.
1. Wastewater containing any radioactive wastes or isotopes, and then only in compliance with applicable State or Federal regulations;
 2. Storm water, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, non-contact cooling water, or otherwise unpolluted wastewater;
 3. Swimming pool drainage which does not meet the following criteria:
 - i. Pool drainage water shall have a total chlorine residual of zero (0) mg/L, which has been attained by natural or chemical means;
 - ii. The test procedure verifying zero chlorine residual shall be observed by the Town prior to pool draining.
 - iii. The Town shall be notified a minimum of 72 hours in advance of draining the pool.
 4. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
 5. Medical wastes, pharmaceutical waste, or radiological waste;
 6. Quantities or concentrations of detergents, surface-active agents, or other substances that could be sufficient to cause excessive foaming in the POTW;

7. Garbage that has not been properly shredded (garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers);
8. Any quantities of flow, concentrations, or both which constitutes a “Slug” as defined herein;
9. Any materials that exert or cause unusual concentrations of inert suspended solids, such as, but not limited to: Fullers earth, lime, slurries, and lime residues, or of dissolved solids, such as, but not limited to: sodium chloride and sodium sulfate;

Section 2.5 Federal Categorical Pretreatment Standards

- A. The Federal categorical pretreatment standards are found at 40 CFR Chapter 1, Subchapter N, Parts 405-471. EPA shall be the control authority for industrial users subject to categorical pretreatment standards. Industrial users are responsible to the EPA for compliance with categorical pretreatment standards and the requirements of 40 CFR Part 403. Categorical industrial users shall provide the Town with copies of any reports to, or correspondence with, the EPA relative to compliance with the categorical pretreatment standards.
- B. The industrial user is responsible for determining the applicability of categorical pretreatment standards. The industrial user may request that EPA provide written certification on whether the user is subject to the requirements of a particular category.

Section 2.6 Local Discharge Restrictions

- A. All persons discharging industrial wastes into any sewers (public or private) connected to the Town’s POTW shall comply with applicable Federal requirements and State standards for pretreatment of wastes (as amended), in addition to the requirements of this Ordinance.
- B. Local regulatory controls established by the Town for the discharge of pollutants of concern, as set forth herein (referred to as “local limits”), and all State pretreatment standards shall apply, whichever is most stringent. Pollutants of concern include any pollutant that might reasonably be expected to be discharged to the POTW in quantities that could pass through or interfere with the POTW, contaminate the biosolids, or adversely impact human health or safety.
- C. **Maximum allowable industrial limitations.** The Town will not issue permits that, in combination with projected non-industrial and non-itemized industrial loads, collectively

authorize loadings that are excessive.

Section 2.7 Dilution

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with the requirements of this Ordinance unless expressly authorized by an applicable pretreatment standard or requirement. The Town may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

Section 2.8 Mass-Based Limitations

Users implementing process changes may request that compliance be determined based on mass limitations in lieu of concentration limitations. Such mass-based limitations will be calculated from the permitted concentration-based limitations and flows, and shall be equivalent to or less than the mass discharge in effect at the time of the request. The intent of a mass-based limit is to encourage and allow pollution prevention and/or water conservation measures that might cause a facility to increase pollutant concentrations in their discharge even though the total mass of the pollutant discharge does not increase, and may in fact decrease. Decisions on granting requests for mass-based compliance limitations will be based on user-specific information and current operating conditions of the POTW, and will be at the discretion of the Director. Implementation of mass-based limitations may not contravene any requirements of Federal or State laws and/or regulations implemented thereunder, and may not waive applicable Federal categorical pretreatment standards.

Section 2.9 Private Sewer Systems

Private sewer systems that discharge to the Town's POTW are responsible for all collection system mapping, and must perform all collection system operation and maintenance activities as required by the Town of Whitefield NPDES permit. Operation and maintenance activities, and documentation of said activities, shall be performed at the Owner's expense. Documentation/records of operation and maintenance activities shall be provided to the Town within thirty (30) days of performing the work, or from the request of the Town that the work be performed.

The Town may require private sewer systems to eliminate extraneous infiltration and inflow greater than 1,500 gallons per day per inch-diameter-mile, or the current Town standard, from the private system. The Owner shall bear the cost for the study, documentation, and performance of all remedial work, as approved by the Town.

Section 2.10 Town's Right of Revision

- A. The discharge standards and requirements set forth in Article II are established for the purpose of preventing discharges to the POTW that would harm either the public sewers,

wastewater treatment process, or equipment, would have an adverse effect on the receiving stream, or would otherwise endanger lives, limb, public property, or constitute a nuisance.

- B. To meet these objectives, the Town may, from time to time and with approval from the Board of Selectmen, review and set more stringent standards or requirements than those established in Section 2.4, 2.5, and 2.6 if, in their opinion, such more stringent standards or requirements are necessary to meet the above objectives. At a minimum, this review will be performed at least once every five years. In forming their opinion, the Town may give consideration to such factors as the quantity of waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment facility, degree of treatability at the wastewater treatment facility, pollution prevention activities, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer shall not be exceeded without the approval of the Board of Selectmen.
- C. The Town shall allow affected industrial users reasonable time to comply with any changes to the local limits. The conditions and schedule for compliance shall accompany the written notification of amended local limits.

Article III – Pretreatment of Wastewater

Section 3.1 Pretreatment Facilities

- A. Users shall provide wastewater treatment as necessary to comply with this Ordinance, and shall achieve compliance with all limits, prohibits, and requirements set out in Sections 2.4, 2.5, and 2.6 within the time limitations specified by the EPA, the State, or the Town, whichever is most stringent.
- B. All facilities required to achieve and maintain compliance shall be provided, operated, and maintained at the user's expense.
- C. Detailed plans describing such facilities and operating procedures shall be submitted to the Town for review, and shall be acceptable to the Town and the State before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Town under the provisions of this Ordinance.
- D. Plans and specifications for a proposed pretreatment facility shall be the signed and sealed by a professional engineer licensed by the State of New Hampshire.

Section 3.2 Additional Pretreatment Measures

- A. Whenever deemed necessary, the Town may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific

sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and impose such other conditions as are deemed necessary to protect the POTW and determine the user's compliance with the requirements of this Ordinance.

- B. The Town may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An *Industrial Discharge Permit* may be issued solely for flow equalization.
- C. **Fats, Oils, and Grease (FOG), and Sand Interceptors.** Interceptors for fats, oils, grease, sand or other substances harmful or hazardous to the building sewer or POTW shall be provided at the owner's expense when, in the opinion of the Town, such devices are necessary for the preliminary treatment of wastewater containing excessive amounts of fats, oils, grease, and/or sand, except that such interceptors shall not be required for solely residential users.
1. Concentrated grease and oils from fryers, grill and stove grease accumulation traps and vent hoods shall be properly disposed of or recycled, and shall not be discharged to the sewer.
 2. All new food service establishments (including, but not limited to restaurants, hotel kitchens, hospital kitchens, school kitchens, bars, factory cafeterias and clubs), and any other facility discharging fats, oils, and grease above the discharge limit described in Article II shall be served by:
 - i. An external FOG interceptor, subject to the Town's approval, installed on a separate building sewer line servicing kitchen flows and connected only to an approved fixture or drain.
 - ii. If an external interceptor is not practical, FOG-bearing wastewaters shall be served by an indoor automated grease recovery unit (or units) that separates grease from the wastewater by active mechanical or electrical means, and are subject to the Town's approval.
 3. Existing food service establishments undergoing significant renovation, or those designated in sewer service areas experiencing problems, such as grease blockages, may be required by the Town to install or upgrade a FOG removal system to satisfy the requirements of these regulations.

All interception units shall be of a type and capacity approved by the Town, and shall be so located as to be easily accessible for cleaning and inspection by the owner and the Town. Grease traps shall conform to the Plumbing and Drainage Institute Standard PDI-G101 and

shall be installed in accordance with the manufacturer's instructions. Maintenance of interceptors requires that the owner be responsible for the proper removal and disposal by appropriate means of the captured materials, in accordance with the requirements established by the Town. The owner shall maintain service records of the interceptors. The form and content of such records will be determined by the Town and the records shall be subject to periodic review by the Town. The removal and disposal of captured materials from interceptors shall be performed by an approved hauler at a legally licensed facility and proof of such placement shall be provided in writing to the owner who shall maintain such record of disposal for inspection by the Town.

- D. Users with the potential to discharge flammable substances shall, at the discretion of the Town, install and maintain an approved combustible gas detection meter and alarm.
- E. Where pretreatment of flow equalizing facilities are provided or required for any waters or wastes, these devices shall be maintained continuously in satisfactory and effective operation by the owner.
- F. **Monitoring Facilities.** The owner of any building services or a building sewer carrying industrial wastes may, at the discretion of the Director, be required to install a suitable control manhole or approved equivalent structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structures, when required, shall be accessible, safely located, and shall be constructed in accordance with this Ordinance and NHDES Env-Wq 700, and will be subject to approval by the Town. The owner shall perform such monitoring as the Town may reasonably require, including: the installation, use and maintenance of monitoring equipment; records maintenance; and upon request, reporting the results of such monitoring to the Town. Such records shall be made available upon request by the Town.
- G. A Dental practice which manages dental amalgam shall install and maintain an amalgam separator in accordance with federal and/or state regulations.

Section 3.3 Accidental Discharge/Slug Control Plans

- A. All industrial users shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's cost and expense.
- B. The Director may periodically evaluate whether a user needs an accidental discharge/slug control plan. The Director may require any user to develop, submit for approval, and implement such a plan. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his facility as necessary to

meet the requirements of this Ordinance. Alternatively, the Director may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

1. A description of discharge practices, including non-routine batch discharges;
2. A description of all stored chemicals;
3. Procedures for immediately notifying the Town of any accidental or slug discharge, as required by Section 6.3 of this Ordinance; and
4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic pollutants, including solvents, and/or measures and equipment for emergency response.

Section 3.4 Pollution Prevention Plans

The Town may require any person discharging wastes into the POTW to develop and implement, at their own expense, a pollution prevention plan. The Town may require users to submit as part of the pollution prevention plan information that demonstrates adherence to the following elements:

- A. **Management Support.** For changes to be effective, the visible support of top management is required. Management's support should be explicitly stated and include designation of a pollution prevention coordinator, goals, and time frames for reductions in volume and toxicity of waste streams, and procedures for employee training and involvement.
- B. **Process Characterization.** A detailed process waste diagram shall be developed that identifies and characterizes the input of raw materials, the outflow of products, and the generation of wastes.
- C. **Waste Assessment.** Estimates shall be developed for the amount of wastes generated by each process. This may include establishing and maintaining waste accounting systems to track sources, the rates and dates of generation, and the presence of hazardous constituents.
- D. **Analysis of Waste Management Economics.** Waste management economic returns shall be determined based on the consideration of:
 1. Reduced raw material purchases;
 2. Avoidance of waste treatment, monitoring and disposal costs;

3. Reductions in operations and maintenance expenses;
 4. Elimination of permitting fees and compliance costs; and
 5. Reduced liabilities for employee/public exposure to hazardous chemicals and cleanup of waste disposal sites.
- E. **Development of Pollution Prevention Alternatives.** Current and past pollution prevention activities shall be assessed, including estimates of the reduction in the amount and toxicity of waste achieved by the identified actions. Opportunities for pollution prevention shall then be assessed for identified process where raw materials become or generate wastes. Technical information on pollution prevention shall be solicited and exchanged, both from inside the organization and out.
- F. **Evaluation and Implementation.** Technically and economically feasible pollution prevention opportunities shall be identified, and an implementation timetable with interim and final milestones shall be developed. The recommendations that are implemented shall be periodically reviewed for effectiveness.
- G. **Recordkeeping.** Documentation demonstrating implementation or compliance with the pollution prevention plan shall be created, retained, and made available as required by the Town.

The review and approval of such pollution prevention plans by the Town shall in no way relieve the user from the responsibilities of modifying their facilities as necessary to produce a discharge acceptable to the Town in accordance with the provisions of this Ordinance.

Article IV – Industrial Discharge Permit Application

Section 4.1 Wastewater Characterization

When requested by the Director, an industrial user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Director is authorized to prepare a form for this purpose and may periodically require users to update this information.

Section 4.2 Permit Requirement

- A. No industrial users shall discharge wastewater into the POTW without first obtaining a permit from the Director, except that a user which has filed a timely and complete application pursuant to Section 4.4 of this Ordinance may continue to discharge for the time period specified therein.
- B. The Director may require other users to obtain Industrial Discharge Permits, or submit an application for an Industrial Discharge Permit, as necessary to execute the purposes of this Ordinance.

- C. Any violation of the terms and conditions of an Industrial Discharge Permit shall be deemed a violation of this Ordinance, and the industrial permittee shall be subject to the enforcement actions set out in Article X of this Ordinance. Obtaining an Industrial Discharge Permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local laws.

Section 4.3 State Discharge Request Requirement

All Significant Indirect Dischargers must receive DES approval for any new industrial discharge, or any alteration in either flow or waste characteristics, in accordance with the Town's NPDES permit. Upon receipt of a complete Industrial Discharge Permit application by the Town in accordance with Section 4.7 of this Ordinance, an Industrial Wastewater Indirect Discharge Request will be submitted by the Town to DES on behalf of the user. All applicable DES review fees shall be provided by the user.

Section 4.4 Industrial Discharge Permitting: Existing Conditions

Any user required to obtain an Industrial Discharge Permit who was discharging wastewater into the POTW prior to the effective date of this Ordinance, and is not currently covered by a valid Industrial Discharge Permit, and who wishes to continue such discharges in the future shall, within sixty (60) days after the date, apply to the Town for a permit in accordance with Section 4.2 of this Ordinance, and shall not cause or allow discharges to the POTW to continue after one hundred twenty (120) days of the effective date of this Ordinance except in accordance with a permit issued by the Town. A "valid" permit is defined as a permit which was issued under the guidance of this Ordinance.

Section 4.5 Industrial Discharge Permitting: New Connections

Any user required to obtain an Industrial Discharge Permit who proposes to begin or recommence discharging into the POTW must obtain a permit prior to the beginning or recommencing of such discharge. An application for this permit, in accordance with Section 4.2 of this Ordinance, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

Section 4.6 Industrial Discharge Permitting: Federal Categorical Pretreatment Standards

Within 120 days subsequent to the effective date of a Federal categorical pretreatment standard, an industrial user subject to such standards shall submit an application for a permit amendment. The application shall contain the information noted under Section 4.7.

Section 4.7 Industrial Discharge Permit Application Contents

All users required to obtain an Industrial Discharge Permit, and other users subject to these rules, as required by the Town, must submit a permit application. The Director may require all users to

submit as part of an application the following information:

- A. The name and address of the facility, including the name of the operators and owners.
- B. A list of all environmental permits held by or for the facility.
- C. Number and type of employees, and proposed or actual hours of operation;
- D. Description of activities, facilities, and production processes on the premises, including a list of all raw materials and chemicals used or stored at the facility that are, or could accidentally or intentionally be, discharged to the POTW;
- E. Each product by type, amount, process or processes, and rate of production;
- F. Type and amount of raw materials processed (average and maximum per day);
- G. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- H. Time, duration, and rate of discharges;
- I. An analysis identifying the nature and concentration of pollutants in the discharge.
- J. A schedule of actions to be taken to comply with discharge limitations.
- K. An identification of the categorical pretreatment standards applicable to each regulated process;
- L. Copies of existing pollution prevention plans, slug control plans or other similar plans that may describe pollution prevention activities that may exist at the facility;
- M. An indication of whether the conditions referenced in the application are existing or proposed; and
- N. Any other information as may be deemed necessary by the Director to evaluate the permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

Section 4.8 Signatures and Certification

All permit applications and user reports must be signed by an authorized representative of the user and contain the following certification Statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel

properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.”

Section 4.9 Hauled Wastewater, Industrial and Septage

- A. Septic tank waste may be introduced into the POTW only at locations designated by the Town, and at such times as are established by the Town. Transport and discharge of such waste shall comply with Article XII of this Ordinance.
- B. The Town shall require generators of hauled industrial waste to obtain Industrial Discharge Permits. The Town may require haulers of industrial waste to obtain Industrial Discharge Permits. The Town may also prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Ordinance.
- C. Industrial waste haulers may discharge loads only at locations designated by the Town. No load may be discharged without prior consent of the Town. The Town shall collect samples of each hauled load to ensure compliance with applicable standards. The Town shall require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- D. Industrial waste haulers shall provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and a certification that the waste is not hazardous.
- E. Fees for dumping septage will be established as part of the user charge system. The Town shall have the authority to limit the disposal of such wastes, if in his opinion such disposal could interfere with the wastewater treatment facility operation. Procedures for the disposal of such wastes shall be in conformance with the operating policy of the Board of Selectmen, and disposal shall be accomplished under the supervision of the Town unless specifically permitted otherwise.

Article V – Industrial Discharge Permit Issuance Process

Section 5.1 Industrial Discharge Permit Decisions

The Town will evaluate the data provided by the industrial user and may require additional information. Upon approval of the application by the Town, if required, an Industrial Wastewater Indirect Discharge Request will be submitted by the Town to NHDES on behalf of the user. All applicable NHDES review fees shall be provided by the user. Within thirty (30) days of receipt of a complete permit application, or ninety (90) days in the case of an application for a new or

increased discharge requiring review and approval by NHDES, the Town will determine whether or not to issue a permit. The Town may deny any application for a permit with just cause. An Industrial Discharge Permit approval shall be based on and apply only to the subject application and all associated plans and supporting information submitted.

Section 5.2 Industrial Discharge Permit Duration

An Industrial Discharge Permit shall be issued for a specified time period to be determined by the Town, and in no event, shall exceed five (5) years. In the case of a significant industrial user, permit shall not exceed three (3) years from the effective date of the permit.

Industrial Discharge Permits shall be terminated upon cessation of operations or transfer of business ownership, unless notification of such transfer is provided in accordance with Section 5.6 of this Ordinance. All Industrial Discharge Permits issued to a particular user are void upon the issuance of a new Industrial Discharge Permit to that user.

Section 5.3 Industrial Discharge Permit Contents

An Industrial Discharge Permit shall include such conditions as are deemed reasonably necessary by the Town to prevent pass through or interference, protect the quality of the water body receiving the POTW's effluent, protect human health and safety, facilitate biosolids management and disposal, and protect against damage to the POTW.

A. Permits shall contain:

1. Name, street address, mailing address, and daytime telephone number;
2. Applicable definitions;
3. A statement that indicates date of permit issuance, and permit duration;
4. A statement that the permit is non-transferable without prior notification to the Town in accordance with Section 5.6 of this Ordinance, and provisions for providing the new owner or operator with a copy of the existing permit;
5. Identification of applicable federal categorical pretreatment standards;
6. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants requiring pollution prevention reports. For pollutants to be monitored, those requirements shall include sampling locations, sampling frequencies, and sample types based on this Ordinance, and State and Federal laws, rules and regulations;
7. Effluent limits based on the requirements of this Ordinance;
8. For users with reporting requirements, such reports at a minimum shall require;

- i. Periodic monitoring results indicating the nature and concentration of pollutants in the discharge from the regulated processes governed by the permit and the average and maximum daily flow for those process units;
 - ii. A statement as to whether the applicable pretreatment standards and requirements are being met on a consistent basis and, if not, identification of additional operation and maintenance practices and/or pretreatment systems that are necessary;
 - iii. Submittal of any monitoring results performed in addition to the requirements of the permit using procedures prescribed in the permit.
 - iv. Appropriate supporting documentation from items (i) through (iii) above.
- 9. A description of identified pollution prevention opportunities at the facility;
 - 10. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements;
 - 11. Notification of Town prior to any new or increased discharge; and
 - 12. Any applicable compliance schedules. The schedule(s) may not exceed the time for compliance beyond that required by this Ordinance, applicable State and Federal Laws, rules and regulations.

B. Permits may contain, but need not be limited to, the following conditions:

- 1. Limitations on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- 2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW.
- 3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- 4. Development and implementation of pollution plans to reduce the amount of pollutants discharged to the POTW;
- 5. The unit charge or schedule of user charges and fees for the management of the wastewater discharge to the POTW. In accordance with this Ordinance, a surcharge may be imposed for excessive discharges of the conventional pollutants BOD and/or TSS.

6. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
7. A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those that become effective during the term of the permit; and
8. Other conditions as deemed appropriate by the Town to ensure compliance with this Ordinance, and State and Federal Laws, rules, and regulations.

Section 5.4 Industrial Discharge Permit Appeal

- A. Any person, including the user, may petition the Town to reconsider the terms of a permit within thirty (30) days of notice of its issuance.
- B. Failure to submit a timely appeal petition for review shall be deemed to be a waiver of the administrative appeal.
- C. In its petition, the appealing user must indicate the permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the permit.
- D. The effectiveness of the permit shall not be stayed pending the appeal.
- E. If the Director fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied.
- F. The aggrieved party shall have the right to appeal to the Board of Selectmen in accordance with Section 14.2 of this Ordinance, provide that said appeal is entered within thirty (30) calendar days from the issuance of the decision of the Town.
- G. Decisions by the Board of Selectman not to reconsider a permit, not to issue a permit, or not to modify a permit shall be considered final administrative actions.

Section 5.5 Industrial Discharge Permit Modification

The Director may modify a permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of permit issuance;

- C. To address a change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Upon receipt of information indicating the permitted discharge poses a threat to the Town POTW, Town personnel, or the water quality in the receiving waters;
- E. Violation of any terms or conditions of the permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the permit application or in any required reporting;
- G. Revision of a grant of variance from categorical pretreatment standards pursuant to 4 CFR 403.13;
- H. To correct typographical or other errors in the permit, or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

Section 5.6 Industrial Discharge Permit Transfer

Industrial Discharge Permits may be transferred to a new owner or operator only if the permittee provides at least sixty (60) days advance notice to the Town, and the Town approves the Industrial Discharge Permit transfer. The notice to the Town shall include a written certification by the new owner or operator that:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes that generate wastewater to be discharged to the POTW;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing permit.

Failure to provide the required advance notice of a transfer renders the permit void as of the date of the facility transfer.

Section 5.7 Permit Revocation

The Town may revoke a permit for good cause as described in Section 10.8.

Section 5.8 Permit Reissuance

A user with an expiring permit shall apply for reissuance of the permit by submitting a complete permit application, in accordance with Section 4.7 of this Ordinance, a minimum of sixty (60) days prior to the expiration of the user's existing permit. Under no circumstances shall the permittee continue to discharge without an effective permit. An expired permit will continue to be effective and enforceable until the permit is reissued if:

- A. The industrial user has submitted a complete permit application at least sixty (60) days prior to the expiration date of the user's existing permit, and
- B. The failure to reissue the permit, prior to expiration of the previous permit, is not due to the act or failure to act on the part of the industrial user.

Section 5.9 Regulation of Waste Received from Other Jurisdictions

- A. If another municipality, or user located within another municipality, contributes wastewater to the POTW via a direct connection to a public or private sewer which discharges to the POTW, the Town may enter into an intermunicipal agreement with the contributing municipality in accordance with RSA 53-A.
- B. Intermunicipal agreements shall be subject to approval by NHDES and the New Hampshire State Attorney General.

Article VI – Reporting Requirements

Section 6.1 Periodic Compliance Reports

- A. All users holding industrial discharge permits shall, at a frequency determined by the Town, submit a report as specified on their permit. This report shall include the results of the analysis of wastewater samples indicating the nature and concentration of pollutants in their wastewater that are limited by this Ordinance, and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with this Ordinance.
- B. All wastewater samples must be representative of the user's typical discharge. Wastewater monitoring and flow measurement facilities shall be at all times, properly operated, kept clean and orderly, and maintained in good working order. The failure of a user to maintain its monitoring facility in satisfactory working condition shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- C. If a user subject to the reporting requirement in this Ordinance monitors any pollutant more frequently than required by the Town, using the procedures prescribed in Sections 6.7 and 6.8 of this Ordinance, the results of the monitoring shall be included in the report.

Section 6.2 Reports of Changed Conditions

- A. All industrial discharge permit holders must notify the Town of any planned changes to the user's operations or system that might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.
- B. The Town may require the user to submit such information as is deemed necessary to evaluate the changed condition, including the submittal of a permit application under Section 4.7 of this Ordinance.

- C. If from a Significant Indirect Discharger, approval of the change must be obtained from the NHDES. All applicable NHDES review fees shall be provided by the user.
- D. Upon approval of the Discharge Permit Request by NHDES, the Town will issue a permit under Section 5.3 of this Ordinance or modify an existing permit under Section 5.5 of this Ordinance in response to changed conditions or anticipated changed conditions.

Section 6.3 Reports of Slugs or Potentially Adverse Discharges

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug, that may adversely impact the POTW, the user shall immediately telephone and notify the Town of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions conducted by the user.
- B. Within five (5) days following such discharge, the user shall, unless waived by the Town, submit a detailed written report describing the incident, the pollutants involved, the cause(s) of the discharge and the measures to be initiated by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability that may be incurred as a result of damage to the POTW, natural resources, or any damage to person or property, nor shall such notification relieve the user of any fines, penalties, or other liability that may be imposed pursuant to this Ordinance. The report must be signed and certified in accordance with Section 4.8 of this Ordinance.
- C. A notice shall be permanently posted on the user's bulletin board or other prominent location advising employees whom to call in the event of a discharge described in paragraph (A) of this section. Employers shall ensure that all employees who could cause such a discharge to occur are advised of the emergency notification procedure.
- D. The user shall notify the Town immediately of any changes at its facility that may affect the potential for a slug discharge. The Town may require the user to develop or modify a slug control plan or take other actions to prevent and/or control slug discharges.

Section 6.4 Reports from Non-Permit Holders

Users that are not required to obtain an industrial discharge permit are subject to the reporting requirements of Section 6.3. Additional reporting requirements may be established by the Town.

Section 6.5 Notice of Violation/Repeat Sampling and Reporting

If the results of sampling performed by any user indicate an exceedance of the established limit, permit limit, or screening level for a pollutant, or the presence of a previously unreported pollutant, the user must notify the Town within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Town as soon as possible, but no later than thirty (30) days after becoming aware of the

violation. The user is not required to resample if the Town monitors for the pollutant at the user's facility at least once a month, or if the Town samples for that pollutant between the user's initial sampling and when the user receives the results of this sampling.

Section 6.6 Discharge of Hazardous Waste

Any discharge into the POTW of a substance that, if otherwise disposed would be a hazardous waste under 40 CFR Part 261 or are hazardous wastes as defined in the NHDES Hazardous Waste Rules, is prohibited.

Section 6.7 Analytical Requirements

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in these regulations shall be determined in accordance with the techniques prescribed in the Code of Federal Regulations Title 40, Part 136, or as may be revised. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analysis shall be performed by used validated procedures, including those suggested by the Town or other parties.

A laboratory that is currently certified by the State of New Hampshire to perform the requested tests shall perform all analyses. Original laboratory reports, including all relevant quality control data, shall be submitted as part of each permit application or report. If, for whatever reason, any part of a laboratory report is deleted, augmented, or otherwise changed following its original issuance by the laboratory, then any permit application or report making use of that laboratory data shall clearly and completely identify the original report content and the nature of the change that was made.

Section 6.8 Sample Collection

A. Except as indicated in paragraph (B), below, the user shall collect wastewater samples using 24-hour flow-proportional composite collection techniques. In the event flow-proportional sampling is not feasible, the Town may authorize the use of time-proportional sampling, or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to demonstrate compliance with instantaneous maximum allowable discharge limitations (e.g., screening levels established to protect worker health and safety). A single grab sample may also be used in place of a composite sample with approval of the Town when:

1. The effluent is not discharged on a continuous basis (i.e., batch discharges of short duration), and only when the batch exhibits homogeneous characteristics (i.e., completely mixed) and the pollutant can be safely assumed to be uniformly dispersed;
2. Sampling is at a facility where the Town determines that a statistical relationship can be established between previous grab samples and composite data; and

3. The waste conditions are relatively constant (i.e., are completely mixed and homogeneous) over the period of the discharge.
- B. Samples for temperature, pH, phenols, sulfides, oils & grease, and volatile organic compounds shall be obtained using proper grab collection techniques in accordance with 40 CFR 403 Appendix E, where possible.
- C. Samples shall only be collected by individuals who are properly qualified, through verifiable training and experience, to perform the type of sampling required. The integrity of all samples shall be ensured by following established chain-of-custody practices for evidentiary samples. Sampling and chain-of-custody records shall be maintained in accordance with the permit. Original sampling and chain-of-custody records shall be submitted as part of each permit application or report.

Section 6.9 Timing

Written reports will be deemed to have been submitted on the date postmarked. For reports that are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

Section 6.10 Recordkeeping

Users subject to the reporting requirements of this Ordinance shall create, retain, and make available for inspection and copying by authorized local, state or federal officials, records of all information obtained pursuant to any monitoring activities required by this Ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact location, method, and time of sampling, and the name of the person(s) obtaining the samples, the dates of analysis were performed, who performed the analysis; the analytical techniques or methods used, and the results of such analysis. These records shall remain available for a period of at least five (5) years. This period shall be automatically extended for the duration of any litigation concerning the user or the Town, or where the user has been specifically notified of a longer retention period by the Town.

ARTICLE VII – Powers and Authorities of Inspectors

Section 7.1 Compliance Monitoring

The Town shall investigate instances of non-compliance with this Ordinance. The Town shall, as necessary, sample and analyze the wastewater discharges of contributing users and conduct surveillance and inspection activities to identify, independently of information supplied by such users, occasional and continuing non-compliance with the discharge requirements of this Ordinance. Each user will be billed directly for costs incurred for the sampling and analysis of its wastewater.

Section 7.2 Right of Entry, Inspection and Sampling

All users discharging to the Town's POTW shall allow unrestricted access by Town, State and EPA personnel ("Inspector(s)") for the purpose of determining whether the user is complying with all requirements of this Ordinance, and any permit or order issued hereunder. Users shall allow the Inspector(s) ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a user has security measures in force that require proper identification and clearance before entry into its premises, the user shall make and maintain all necessary arrangements so that, upon presentation of suitable identification, the Inspector(s) will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Inspector(s) shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- C. The Inspector(s) may require the user to install monitoring equipment as necessary. The user's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated in accordance with the manufacturer's recommendations (but at least annually) to ensure their accuracy. Calibration records shall be maintained.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be properly removed by the user at the written or verbal request of the Inspector(s) and shall not be replaced. The cost of clearing such access shall be borne by the user.
- E. Unreasonable delays in allowing the Inspector(s) access to the user's premises, sampling or inspection sites, or pretreatment records shall be a violation of this Ordinance.
- F. The Inspector(s) is authorized to obtain information concerning all processes that have a bearing on the kind or source of discharge to the public sewer. In accordance with the provisions of Article VIII of this Ordinance, the user may request that the information in question not be disclosed to the public if it can establish the revelation to the public might result in an advantage to competitors. While performing the necessary work on private properties referred to in this article, the Inspector(s) shall observe all safety rules applicable to the premises established by the user. The user shall be held harmless for injury or death to the Inspector(s). And the Town shall indemnify the user against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the monitoring activities, except as such may be caused by negligence or failure of the user to maintain safe conditions.
- G. The Inspector(s) shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purpose of, but limited to, inspection, observation,

measurement, sampling, repair, and maintenance of any portion of the POTW lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

- H. The Inspector(s) shall inspect the premises of any consumer for leakage or wastes of metered water upon the request of the consumer. Such a request may be required in writing by the Town. The Town shall not be held liable for any condition that may prevail or exist and discovered by inspection of the Inspector(s) upon request.

Section 7.3 Search Warrants

If the Town has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Town designed to verify compliance with this Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Town may seek issuance of a search warrant or administrative search warrant, as applicable, from the District or Superior Court having jurisdiction.

ARTICLE VIII – Confidential Information/Public Participation

Information and data about a user from reports, surveys, permit applications, permits, monitoring programs, and from the Town's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Town, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State Law. Any such request must be asserted at the time of the submittal of the information and data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portion of a report that might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to this Ordinance, the NHDES program or pretreatment programs, and in enforcement proceedings involving the person providing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

ARTICLE IX – Publication of Pollution Prevention Achievements

The Town may publish annually or more often, in the daily newspaper having the largest circulation in the Town, a list of users whom during the previous twelve (12) months, demonstrated a commitment to reducing the volume and toxicity of waste discharges. All pollution prevention efforts, not just those that affect wastewater discharges, may be subject to recognition. The following criteria may be used to identify published users:

- A. Innovative ideas the facility has used to implement process changes that eliminate or reduce the volume or toxicity of waste generated;
- B. The percentage of the facility's process water reused within the system or process;
- C. The percentage of the facility's potential waste reused within the system or process;
- D. Implementation of employee pollution prevention training and communication programs;
- E. Voluntary performance of pollution prevention audits;
- F. Spill control procedures/devices (e.g., secondary containment) the facility initiates to prevent accidental chemical spills from entering the POTW; and
- G. The environmental and/or economic benefits and successes derived from implementing pollution prevention methods.

The intent of the publication is to notify local consumers of the environmental responsiveness of local businesses, and to encourage industrial users to identify and implement opportunities for preventing pollution. As part of this publication, the Town may provide an evaluation of the impact of these changes to the POTW, and summarize the current status of pollutant loading in the POTW and goals established by the POTW for pollution prevention efforts.

ARTICLE X – Enforcement Remedies

Section 10.1 Notification of Violation

When the Town determines that a user has violated, or continues to violate, any provision of this Ordinance, a permit or order issued hereunder, or any other pretreatment standard or requirement, the Town may serve upon that user a written Notice of Violation. Within the time period specified in the violation notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Town. Submittal of this plan in no way relieves the user of liability for any violation occurring before or after receipt of the Notice of Violation. Nothing in this article shall limit the authority of the Town to take any action, including emergency actions of any other enforcement action, without first issuing a Notice of Violation.

Section 10.2 Compliance Schedule Development

The Town may require any user that has violated or continues to violate, any provision of this Ordinance, a permit or order issued hereunder, or any other pretreatment standard or requirement, to develop a compliance schedule. A compliance schedule pursuant to this section shall comply with the following condition:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional

pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, retaining an engineer, completing preliminary and final design plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

- B. No increment referred to above shall exceed ninety (90) days;
- C. The user shall submit a progress report to the Town no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for the delay, and, if appropriate, the action being taken by the user to return to the established schedule; and
- D. In no event shall more than ninety (90) days elapse between such progress reports to the Town;

Section 10.3 Pollution Prevention Plan Development

The Town may require any user that has violated or continues to violate any provision of this Ordinance, a permit, or order issued there under, or any other pretreatment standard or requirement, to develop a pollution prevention plan in accordance with Section 3.4 of this Ordinance. The pollution prevention plan must specifically address violation(s) for which this action was undertaken. The pollution prevention plan shall be developed using good engineering judgment and shall be submitted to the Town no later than sixty (60) days after the user was notified of this requirement.

Section 10.4 Publication of Users in Significant Noncompliance

The Town shall public annually, in the daily newspaper having the largest circulation in the Town, a list of the users that, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements.

Section 10.5 Show Cause Orders

The Town may order a user that has violated, or continues to violate, any provision of this Ordinance, a permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Town and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place of the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on authorized representative of the user. A show-cause hearing shall not be a bar against, or prerequisite for, executing any other action against the user.

Section 10.6 Cease and Desist Orders

When the Town determines that a user has violated, or continues to violate, any provision of this Ordinance, a permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Town shall issue an order to the user directed it to cease and desist all such violations and directing the user to:

- A. Immediately comply with all requirements; and
- B. Implement such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist shall not be bar against, or a prerequisite for, taking any other action against the user.

Section 10.7 Consent Orders

The Town is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for non-compliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period specified by the order. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment systems, additional self-monitoring, and management practices. Such orders shall have the same force and effect as the administrative order issued pursuant to Section 10.5 and 10.6 of this Ordinance and shall be judicially enforceable.

Section 10.8 Permit Termination

The Town may terminate a user's permit upon a finding of:

- A. Violation of permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations of wastewater volume, constituents, and/or characteristics prior to discharge;
- D. Refusal of reasonable access to the user's premises for inspection, monitoring, or sampling;
- E. Violation of the pretreatment standards in Article III of the Ordinance;
- F. Falsifying self-monitoring reports;
- G. Tampering with monitoring equipment;
- H. Failure to pay fines;

- I. Failure to pay sewer fees and/or charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey;
- L. Failure to provide advance notice of the transfer of a permitted facility;
- M. Discharging wastewater that presents an imminent hazard to the public health, safety or welfare, or to the local environment;
- N. Violation of any pretreatment standard or requirement, or this Ordinance or order issued hereunder, or any applicable State or Federal Law.

Section 10.9 Termination of Discharge

Any user who violates a provision of Section 10.8 of this Ordinance, or who fails to cease and desist from any discharge of wastewater upon termination of the permit for that discharge, is subject to discharge termination.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.5 of this Ordinance why the proposed action should not be taken. Termination of discharge may be achieved by termination of sewer service from the building, or by such other means as the Town deems appropriate. The Director shall notify the Town's Health Officer and/or Board of Health upon termination of discharge from any building. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the user.

Section 10.10 Emergency Suspensions

The Town may immediately suspend a user's discharge, subsequent to informal notice to the user, whenever such suspension is necessary to terminate an actual or threatened discharge that reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of the POTW personnel or the public. The Town may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or that presents, or may present, an endangerment to the environment.

- A. Any user notified of a suspension of its discharge shall immediately terminate or eliminate its wastewater discharge. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Town may implement such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Town may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Town that the period of endangerment has passed, unless the termination proceedings in Section 10.9 of this Ordinance are initiated against the user.

- B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures implemented to prevent any future occurrence to the Town prior to the date of any show cause hearing or termination hearing under Sections 10.5 or 10.9 of this Ordinance.

Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

Section 10.11 Recovery of Expenses

Any person violating any of the provisions of this Ordinance shall become liable to the Town for any expense, loss, or damage occasioned by the Town due to such violation. Employers shall be held jointly liable to the Town for any expense, loss, or damage occasioned by the Town through the actions of their employees. Property owners shall be held jointly liable to the Town for any expense, loss, or damage occasioned by the Town through the actions of their tenants.

If the Director or the Board of Selectmen implemented the discontinuance of a building sewer from a public sewer, the Town may collect the expenses associated with completing that discontinuance or disconnection from any person responsible for, or willfully concerned in, or who profited by such violation. The Town may thereafter refuse to permit the restoration of the former sewer connection or of any new connection to the property concerned in the violation until the claim of the Town for the cost of completing such discontinuance or disconnection shall have been paid in full plus interest and the reasonable cost of any legal expenses incurred by the Town in connection therewith.

Section 10.12 Harm to Town Property

No person shall maliciously, willfully, or negligently damage, discharge prohibited pollutants to any sewer, destroy, uncover, deface or tamper with any structure, appurtenance or equipment that is part of the POTW. Any person violating this provision shall be subject to immediate arrest under a charge of disorderly conduct pursuant to the local Ordinance and State and Federal statutes.

Section 10.13 Injunctive Relief

When the Director determines that any person or user has violated, or continues to violate, any provision of this Ordinance, a permit, or order issued thereunder, or any other pretreatment standard or requirement, the Director may, after notifying the Town Manager and the Board of Selectmen petition the Coos County Superior Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the permit, order, or other requirement imposed by this Ordinance on activities of the user. The Town may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, implementing any other action against a user.

Section 10.14 Civil Penalties

- A. A user who has violated, or continues to violate, any provision of this Ordinance, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the Town for a maximum civil penalty of \$10,000 per violation, per day, plus actual damages incurred by the POTW. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The Town may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages to the Town. The Board of Selectmen, or Director, if directed by the Board, shall petition the Court to impose, assess, and recover such sums.
- C. In determining the amount of civil liability, the Court shall consider all relevant circumstances including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions implemented by the user, the compliance history of the user, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, implementing any other action against the user.

Section 10.15 Criminal Prosecution

Any person who willfully or negligently violates any provision of this Ordinance, a permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a violation, punishable by a fine not to exceed \$10,000 for each violation. Every separate provision violated shall constitute a separate violation. Every day that a violation occurs shall be deemed a separate violation (Ref. RSA 47:17, I, RSA 149-I:6, RSA 31:39, III).

Section 10.16 Lien and Collection of Charges

The Town has adopted the following collection procedures for wastewater charges and the use of one collection procedure for one service shall not preclude the use of a different collection procedure for another service.

The tax collector shall be presented with a warrant signed and approved by the Board of Selectmen for the collection of water charges and the collection of the appropriate interest on past due accounts. The tax collector will compile a list of the sewer bills remaining uncollected after the due date of the final bill for the preceding year. The tax collector shall execute the lien in compliance with NHRSA 80:58-87.

The lien amount shall include the outstanding bill amount, interest at 15 percent from the due date up to and including the date of the lien, and any associated cost. The executed lien will be

registered with the Register of Deeds. Interest after the execution of the lien will be at 18 percent.

Whenever a customer has an interest in removing the lien from the property, they must contact the tax collector for the amount due. Once the customer pays the amount of the lien, interest, and costs, the tax collector shall send a notice of full redemption to the Register of Deeds.

Section 10.17 Nonexclusive Remedies

The remedies provided for in this Ordinance are not exclusive. The Town may take any, all, or any combination of these actions against a noncompliant user. The Town may pursue other action against any user without limitation, including *ex parte* temporary judicial relief to prevent a violation of this Ordinance. Further, the Town is empowered to pursue more than one enforcement action against any noncompliant user.

ARTICLE XI – Affirmative Defenses to Discharge Violations

Section 11.1 Upset

- A. For the purposes of this section, “upset” means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards due to factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with pretreatment standards if the requirements of paragraph (C), below, are met.
- C. A user who intends to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 1. An upset occurred, and the user can identify the cause(s) of the upset;
 2. At the time of the upset, the facility was being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 3. The user has submitted the following information to the Town within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submittal must be provided within three (3) days):
 - a. A description of the discharge and cause of noncompliance;
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

- c. Action being implemented and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with pretreatment standards.
- F. A user shall control production of all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fail.

Section 11.2 Bypass

- A. For the purposes of this section,
 - 1. “Bypass” means the intentional diversion of wastewaters from any portion of a user’s treatment facility.
 - 2. “Severe property damage” means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A user may allow any bypass to occur that does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (C) and (D) of this section.
- C. The user shall provide the following notifications for bypass events:
 - 1. If a user is aware in advance of the need for a bypass, the user shall submit prior notice to the Town, at least ten (10) days before the date of the bypass, if possible.
 - 2. A user shall submit oral notice to the Town of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time the user becomes aware of the bypass. A written submittal shall be provided within five (5) days of the time the user becomes aware of the bypass. The written submittal shall contain a description of the bypass and its cause, the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is

expected to continue, and steps implemented or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Town may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

- D. Bypass is prohibited, and the Town may initiate enforcement action against a user for a bypass, unless
1. The bypass was unavoidable to prevent loss of life, personal property, or severe property damage;
 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance, and
 3. The user submitted notices as required under paragraph (C) of this section.
- E. The Town may approve an anticipated bypass, subsequent to considering its adverse effects, if the Town determines that it will satisfy the treatment conditions listed in paragraph (D) of this section.

ARTICLE XII – Septage Disposal

No person shall discharge septage at the Town of Whitefield's POTW who does not hold a septage hauler permit issued pursuant to Env-Wq 1600.

Such permit, as required by Env-Wq 1600, shall be on file with the Town. Upon renewal or revocation of such permit, the hauler shall be responsible for notification of such removal or revocation to the Town.

The Town may limit the quantities of septage that can be received or refuse to receive septage to ensure proper operation of the POTW pursuant to RSA 486:13.

Priority to septage receiving capacity will be given to the Town of Whitefield with remaining capacity given to outside haulers and towns.

Section 12.1 Septage Hauling Requirements

- A. Septic tank waste may be introduced into the POTW only at locations designated by the Town, and at such times as are established by the Town.

- B. Such hauler may discharge septage to the facilities provided at the Town's wastewater treatment facility only after paying the charges as set forth in Section 12.4 of this Ordinance.
- C. Those persons, firms, corporations, municipal subdivisions or institutions that conform to the definition of "RVs" shall dispose of such septage as human excrement or other putrescible materials at the dates, times, and locations designated by the Town.
- D. No person, firm, corporation, municipal subdivision or institution shall discharge any toxic poisonous, or radioactive solids, liquids or gases; the contents of grease, gas, oil and/or sand interceptors; or industrial wastes via septage tank truck into the Town's wastewater treatment facility without specific authorization of the Town.
- E. All septage shall be subject to pH testing prior to discharge. Only septage with an acceptable pH shall be allowed to be disposed.

Section 12.2 Temporary Septage Permits

The Town shall have the right to issue a temporary permit to allow the discharge of septage at a point of discharge other than the POTW in a situation where such temporary discharge point is necessary to protect the health and welfare of the Town. The Town shall issue such permit upon such terms and condition as the Town deems to be in their best interest. The temporary permit shall not be valid for a period exceeding twelve (12) months. The Director shall have the right to revoke or suspend the temporary permit in the event the terms and conditions are not met.

Section 12.3 Septage Permits

- A. Any person, firm, corporation, municipal subdivision, institution or hauler who conforms to RSA 485-A and intends to dispose of septage, human excrement or other putrescible material within the limits of the Town shall first obtain a permit from the Town.
- B. Such permit as issued by the Town shall identify:
 - 1. The motor vehicle;
 - 2. The capacity of the tank;
 - 3. The NHDES Permit Number; and
 - 4. Any other details of compliance with the regulations of the NHDES.
- C. The following conditions shall constitute conditions precedent to the issuance of each permit by the Town:
 - 1. Each septage tank truck shall have installed thereon, a sight level by which the quantity of the contents of each tank can be ascertained by visual observation; or

2. Each septage tank truck shall have an access port in which the quantity of the contents of each truck may be ascertained by depth measurements.
3. Before the time of disposal, the hauler shall enter the following information into the logbook located in the office of the POTW.
 - a. The hauler's name;
 - b. Date;
 - c. Time of disposal;
 - d. Volume disposed;
 - e. pH of disposed material;
 - f. Origin of load (property owner's name, address, and telephone number), and
 - g. Nature of the waste (i.e., grease or septage) being disposed.
4. Owners of "RVs" who intend to discharge the contents of holding tanks are exempt from the permitting process but are subject to the conditions set forth in Section 12.1, and paragraph (C)(3) above.

Section 12.4 Septage Disposal Charge

There shall be a Septage Disposal Charge the Board of Selectman may adopt from to time or time in accordance with RSA 41:9, for the receipt of septage into the Town's POTW for treatment. If the permittee has either a defective sight level, no sight level attached to the truck, and/or no access to the contents of the truck for depth measurement, the permittee shall be charged according to the full tank capacity at the time of discharge or by other method determined by the Town. Septage disposal charge shall be in accordance with Section 15.1 of this Ordinance.

ARTICLE XIII – Conflict of Ordinance

- A. If a provision of this Ordinance is found to be in conflict with any provision of zoning, building, safety or health or other Ordinance or code of the Town, the State of New Hampshire, or the Federal government existing on or subsequent to the effective date of this Ordinance, that provision which in the judgment of the Town establishes the higher standard of safety and protection shall prevail; and that ordinance or provision which sets the lower standard is hereby declared to be invalid to the extent that it is found to be in conflict with the ordinance or provision which sets the higher standard and is hereby repealed.

- B. The invalidity of any article, section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance that can be given effect without such invalid part or parts.

ARTICLE XIV – Interpretation of Requirements

Section 14.1 Interpretation

The provisions of this Ordinance with respect to the meaning of technical terms and phrases, the classification of different types of sewers, the regulations with respect to installing or constructing connections to sewers or drains, and other technical matters shall be interpreted and administered by the Director acting in and for the Town of Whitefield, New Hampshire through the Board of Selectmen.

Section 14.2 Appeals

Any party aggrieved by any decision, regulation or provision under this Ordinance, as amended, from time to time, shall have the right to appeal within thirty (30) calendar days of said decision to the Town, who shall issue a decision within thirty (30) calendar days of the appeal. If said appeal is denied by the Town, then the aggrieved party shall have the right to appeal to the Board of Selectmen, provided that said appeal is entered within thirty (30) calendar days from the issuance of the decision of the Town.

ARTICLE XV – User Fees

To defray the costs of operating and maintaining the POTW, including the sewer system and treatment works, payment of any principal or interest on bonds, or other debt, a schedule of charges shall be established by the Town. Changes to the schedule of charges may be approved by the Board of Selectmen at a posted meeting of the Board.

Section 15.1 Sewer Fees

Refer to **Appendix A** for a schedule of sewer fees as follows:

- A. **New Sewer Hookup Fee:** A fee per new sewer hook-up shall be charged for all residential and non-residential properties being connected to the Town's POTW.
- B. **Minimum Sewer Connection Fee:** A minimum fee for connection to the Town's sewer system based on meter size, billed semi-annually.
- C. **Sewer Usage Rate:** Sewer usage, per 1,000 gallons used, is billed semi-annually based the Town's set usage rate.
- D. **System Impact Fee:** An impact fee to be assessed by the Town for a new or proposed development project upon submission of a *Sewer Connection Permit* to mitigate capital

costs and impacts to the Town's sewer system and treatment works.

- E. **Wastewater System Development Charge.** A development charge (per gallon basis) will be assessed when:
- a. An existing structure is enlarged in such a manner as the sanitary sewer load from that property is increased.
 - b. An existing structure's use is changed such that the sanitary sewer load from that property is increased.
 - c. A new structure proposes to be connected to the Town's POTW.

The Sewer Connection Fee and Wastewater System Development Charge will be assessed when a *Sewer Connection Permit* application is submitted. If the application package does not include the appropriate payment, it will be considered incomplete.

The daily flow volume used for calculating the Wastewater System Development Charge is to be determined using the design flow values provided in NHDES Env-Wq 1000, Table 1008-1, or amendments thereto.

- F. **Sewer Disconnection Fee:** A fee per sewer disconnection shall be charged for all residential and non-residential properties being disconnected from the Town's POTW.
- G. **Septage Receiving Disposal Charge:** A fee, per gallon of disposed septage, shall be charged for disposal of septage at the Town's receiving facility.
- H. **Flow and Strength Charges:** Users of the Town's POTW whose wastes entering the Town's sewer system exceed the BOD, TSS and pH standards will be charged for the amount by which the standard is exceeded. Fees will be assessed on a daily basis.

If the standards are exceeded for more than 10 consecutive days, an additional \$1,000 fine will be charged for every day past 10 days that the standards are exceeded.

Industrial Discharge Permit holders will be charged a fine of \$500/day for every instance of permit exceedance. If multiple permit conditions are exceeded, a fine will be issued for each individual exceedance.

Fees collected under this ordinance are for the collection and expenditure of funds for capital improvements to the wastewater treatment plant. Flow and Strength Charges shall be paid in full, upon notification by the Town, within 30 days of notification.

- I. **Labor Charges.** Users of the Town's POTW will be responsible for labor and equipment

costs associated with cleaning and maintenance activities required to address building sewer blockages caused by the accumulation of fats, oils, and grease (FOG).

- J. **Returned Check Fee.** Checks returned as unpaid, or other payments in any form that are returned as unpaid are subject to a fee.

ARTICLE XVI – Administration

- A. The Town reserves the right to adopt additional Ordinances, rules and regulations as it deems necessary to the extent appropriate for the government of its Publicly Owned Treatment Works (POTW) and Public Works Department.
- B. Except as otherwise provided herein, the Director of Public Works shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Director of Public Works may be delegated by the Director to other Town personnel with prior approval of the Board of Selectmen.

ARTICLE XVII – Severability

If any provision, word, clause, section, paragraph, phrase or sentence of this Ordinance is found by a court of competent jurisdiction to be unconstitutional, unlawful or unenforceable, such unconstitutionality, unlawfulness or unenforceability shall not affect the other provisions of this Ordinance, provided that the purpose of this Ordinance can still be achieved in the absence of the invalid provisions.

ARTICLE XVIII – Amendments

This Ordinance may be amended at any time at a posted meeting of the Board of Selectmen.

ARTICLE XIX – Town Meeting Votes

This article sets forth in chronological order certain warrant articles and election questions which the Town requested to be included in the Ordinance. This information is provided for reference purposes only. Refer to the **Appendix C**.

ARTICLE XX – Effective Date

This Ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

Duly enacted and ordained this ____ day of _____ 20__ by the Board Selectmen of the Town of Whitefield in Coos County, State of New Hampshire, at a duly noticed and duly held session of the said Director and Board of Selectmen.

Town of Whitefield, New Hampshire

By: _____

Appendix A

Sewer User Fee Schedule

[Appendix A]

n of Whitefield of Sewer User Fees

Service	\$1,000.00 per connection
Duplex	\$2,000.00 per connection
Building	\$1,000.00 plus \$400 per unit
Industrial	\$2,500.00 per connection

<u>Meter Size</u>	<u>Fee</u>
5/8 – inch	\$65.00
3/4 – inch	\$78.00
1 – inch	\$104.00
1.5 – inch	\$156.00
2 – inch	\$208.00
3 < – inch	\$260.00

* Billed semi-annually based on meter size.

C. Sewer Usage Rate:

Per 1,000 gallons used. Rate determined yearly by the Board of Selectmen.

D. Sewer Impact Fee:

An impact fee to be assessed by the Town for a new or proposed development project upon submission of a *Sewer Connection Permit*

E. Wastewater System Development Charge:

Rate determined yearly by the Board of Selectmen

F. Sewer Disconnection Fee:

\$50.00 per disconnection

G. Septage Receiving Disposal Charge

<u>Parameter</u>	<u>Resident</u>	<u>Non-Resident</u>
0-1,000 gallons	TBD	TBD
< 1,000 gallons	TBD	TBD
Disposal of sludge from campers, RVs, and carpet cleaning services with maximum capacity of less than 150 gallons	TBD	TBD

H. Flow and Strength Charges:

<u>Parameter</u>	<u>Standard</u>	<u>Surcharge Fee</u>
BOD	TBD	TBD / 100 lbs/day
TSS	TBD	TBD / 100 lbs/day
pH	TBD	TBD per day

I. Labor Charges

Refer to Section 15.1 of SUO

J. Returned Check Fee

\$25.00 per check

Appendix B

Sewer Permit Applications

TOWN OF WHITEFIELD
SEWER CONNECTION PERMIT APPLICATION



Whitefield Wastewater Residential or Commercial Sewer Connection Form in Consideration of Granting
A Permit the Undersigned Agrees:

1. To get State approval to connect to the Whitefield Wastewater System;
2. To provide a drawing or plan with the location tie and elevations of the proposed connection to be reviewed by the Wastewater Department prior to connection;
3. That the connection will be installed under Town of Whitefield guidelines and requirements under the Sewer Use Ordinance;
4. To pay for all materials and labor for inspection and installation for connecting to the sewer line with appropriate backfill;
5. To maintain the sewer line connection at no expense to the Town of Whitefield;
6. To schedule and inspector to oversee the connection and backfill, to ensure quality and sewer line integrity. (Please contact the Public Works Director at 837-2202);
7. If applicable, shall conform to the policy for Commercial Sewer Connection.

Part 1: Application Information

Date: _____

Applicant Name: _____

Phone Number: _____

Mailing Address: _____

Property Address: _____

Map: _____ Lot: _____

Part 2: Proposed Connection (check ONE that applies):

_____ Existing Building: Replacement or repair of sewer service in same location and no new internal connections.

_____ Existing Building: New or relocated sewer service to existing building

_____ New Residential Construction

_____ New Commercial Construction

Part 3: Fee (Refer to Town's Sewer Use Ordinance for Applicable Fees)

New Sewer Hook-Up Fee:

FEE

- Building/Service Type: _____
- Associated Sewer Hook-Up Fee¹: _____
- (Number of Connections) _____ x (Fee) \$ _____ = \$ _____

Wastewater System Development Charge:

- (# of connections) _____ x (estimated gpd)² _____ x WWSDC³ = \$ _____

TOTAL PERMIT FEE \$ _____

¹ Refer to the Town of Whitefield Sewer Use Ordinance for applicable hook-up fee.

² Estimated gallons per day (gpd) shall be based on the New Hampshire Code of Administrative Rules, Env-Wq 1000, Table 1008-1 Unit Design Flow Figures (current version).

³ WWSDC = \$5.35/gallon

FOR TOWN USE ONLY:

Comments: _____

Authorized Signature: _____ Date: _____

Permit Number: _____

TOWN OF WHITEFIELD
SEWER DISCONNECTION PERMIT APPLICATION



Date: _____
Applicant Name: _____
Phone Number: _____
Mailing Address: _____

Total number of existing connections to be removed: _____

Property Address: _____

Map: _____ Lot: _____

Disconnection Fee - \$50.00 per disconnection Total Fee: \$ _____

Signature: _____

Office Use Only

Comments: _____

Authorized Signature: _____

Date: _____

Permit Number: _____

Appendix C

Town Meeting Votes