

TOWN OF PITTSFIELD, N.H.
WASTEWATER FACILITY AND INDUSTRIAL PRETREATMENT ORDINANCE

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, and providing penalties for the violations thereof, in the Town of Pittsfield, County of Merrimack, State of New Hampshire.

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WASTEWATER FACILITY AND INDUSTRIAL PRETREATMENT ORDINANCE

Be it ordained and enacted by the Board of Selectmen of the Town as follows:

SECTION 1- GENERAL PROVISIONS

1.1 PURPOSE AND POLICY

This Ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) of the Town of Pittsfield, New Hampshire and enables the Town to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code § 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). Recognizing that significant opportunities exist to reduce or prevent pollution at its source through cost effective practices, and that such practices can offer savings through reduced purchases of materials and resources, a decreased need for pollution control technologies, and lower liability costs, as well as assisting to protect the environment, the Town establishes the following objectives of this Ordinance:

- A. To promote, consistent with the policies of the Federal Government and the State of New Hampshire:
 - The prevention or reduction of pollutants at the source whenever feasible;
 - Recycling in an environmentally-safe manner when pollution cannot be prevented;
 - Treatment in an environmentally-safe manner of pollution that cannot be prevented or recycled; and
 - Disposal or other release into the environment in an environmentally-safe manner only as a last resort.
- B. To encourage the development of these efforts, the Town may:
 - Set town-wide pollution prevention goals;
 - Organize an assessment program task force;
 - Review data and inspect sites;
 - Develop pollution prevention options;
 - Conduct a feasibility analysis of selected options; and
 - Promote implementation of pollution prevention techniques.
- C. To prevent the introduction of pollutants into the sewer collection system and the POTW that will interfere with its operations and treatment processes;
- D. To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
- E. To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment;
- F. To promote reuse of sludge from the POTW;
- G. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW;

- H. To enable the Town to comply with its National Pollutant Discharge Elimination System (NPDES) Permit conditions on sludge use and disposal requirements, and any other federal or state law to which the POTW is subject;
- I. To protect the general public.

This Ordinance shall apply to all users of the POTW. The Ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures and requires user reporting.

1.2 ADMINISTRATION

Except as otherwise provided herein, the Board of Selectmen or its duly authorized representative or other duly authorized Town personnel shall administer, implement, and enforce the provisions of this Ordinance.

1.3 ABBREVIATIONS

The following abbreviations, when used in this Ordinance, shall have the following designated meanings:

- BOD - Biochemical Oxygen Demand
- CFR - Code of Federal Regulations
- COD - Chemical Oxygen Demand
- CWA - Clean Water Act
- EPA - United States Environmental Protection Agency
- Gpd - Gallons per day
- IDP - Industrial Discharge Permit
- mg/l - Milligrams per liter
- NHDES - New Hampshire Department of Environmental Services
- NPDES - National Pollutant Discharge Elimination System
- POTW - Publicly Owned Treatment Works
- RCRA - Resource Conservation and Recovery Act
- RSA - New Hampshire Revised Statutes Annotated
- SIC - Standard Industrial Classification
- SIU - Significant Industrial Users
- SNC - Significant Noncompliance
- TDS - Total Dissolved Solids
- TRC - Technical Review Criteria
- TSS - Total Suspended Solids
- USC - United States Code

1.4 DEFINITIONS

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.

1. 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.
2. Approval Authority. Administrator of EPA – Region 1 or their duly appointed agent.
3. Authorized Representative of the User.
 - a. If the user is a corporation:
 - i. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - ii. The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - b. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - c. If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility.
 - d. The individuals described in paragraphs (a) through (c), 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 company, and the written authorization is submitted to the Town.
4. Biochemical Oxygen Demand or BOD. The quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 200 centigrade, usually expressed as a concentration (e.g., mg/l).
5. Building Drain. That part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
6. Building Sewer. The extension from the building drain to the public sewer or other place of disposal, also called house connection.
7. Bypass. The intentional diversion of waste streams from any portion of a wastewater treatment facility.

8. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limitations promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) that apply to a specific category of users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
9. Combined Sewer. A sewer intended to receive both wastewater and storm or surface water.
10. Commercial Use. Premises used for financial gain, such as business or industrial use, but excluding residential uses and related accessory uses.
11. Commissioner. The Commissioner of the New Hampshire Department of Environmental Service or (NHDES), or the Commissioner's duly appointed agent.
12. Compatible Pollutant. Biochemical oxygen demand, suspended solids, pH, and fecal Coliform bacteria.
13. Control Authority. The term Control Authority as used in this Ordinance, refers to the Administrator of EPA – Region 1 or their duly appointed agent.
14. Domestic Wastewater or 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. (See also: Industrial Wastes.)
15. Easement. An acquired legal right for the specific use of land owned by others.
16. Environmental Protection Agency (EPA). The United States Environmental Protection Agency or, where appropriate, the EPA Regional Administrator or other duly authorized official of said agency.
17. Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standard which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
18. Facility Manager. The person designated by the Town to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Ordinance, or a duly authorized representative of the Board of Selectmen.
19. 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.
20. Force Main. A line without access from individual properties, providing a connection from a pump station to a pump station, trunk, or sanitary sewer main.
21. Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking and serving foods.

22. 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.
23. Grease. The material removed from a grease interceptor (trap) serving a restaurant or other facility requiring such grease interceptors. Also means volatile and non- volatile residual fats, fatty acids, soaps, waxes, and other similar materials.
24. Hauler. Those persons, firms, or corporations, who pump, haul, transport, or dispose of septage and who are licensed by the NHDES pursuant to RSA 485-A: 4, XVI-a and rules adopted to implement said section.
25. Headworks. The facilities where wastewater influent flow first enters the wastewater treatment facility for initial treatment.
26. Human Excrement and other Putrescible Material. The liquid or solid matter discharged from the intestinal canal of a human, or other liquid or solid waste materials that are likely to undergo bacterial decomposition (provided, however, that these terms shall not include refuse as defined in RSA 145-M).
27. Incompatible Pollutant. Any pollutant that is not a compatible pollutant.
28. Industrial Discharge Permit or IDP. The written permit between the Town and an industrial user that outlines the conditions under which discharge to the POTW will be accepted.
29. Industrial User. A person who discharges industrial wastes to the POTW of the Town.
30. Industrial Wastes or Non-Domestic Wastewater. The wastewater and waterborne wastes from any liquid, gaseous, or solid waste substance resulting from any process of industry, manufacturing trade or business or from development of any natural resources as distinct from domestic wastewater, sewage or unpolluted water.
31. 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.
32. Instantaneous Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.
33. Interference. A discharge, which alone or in conjunction 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 the Town's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as RCRA; any State regulations contained in any State sludge 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; 40 CFR Part 503 Standards for Sewage Sludge Use and Disposal and RSA 485-A: XVI- a.

34. Local Limits. Numerical limitations on the discharge of pollutants established by the Town, as distinct from state or federal limitations for non-domestic wastewater discharged to the POTW.
35. May. Means permissive (see “Shall”).
36. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminate laboratory wastes, chemotherapy wastes, and dialysis wastes as defined by RSA 125-N: 2, VIII.
37. National Pollutant Discharge Elimination System Permit (NPDES). A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
38. Natural Outlet. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body or surface water or groundwater.
39. NHDES. The New Hampshire Department of Environmental Services.
40. 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.
41. 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 of 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
 1. Any placement, assembly, or installation of facilities or equipment; or

2. 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.

42. Non-Contact Cooling Water. Water used for cooling that does not directly contact any raw material, intermediate product, waste product, or finished product.

43. Pass Through. A discharge that exits the POTW into waters of the United States in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, 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.

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

45. pH. A logarithmic measure devised to express 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.

46. Pharmaceutical waste. A prescription drug, as defined by RSA 318:1, XVII, or a nonprescription or proprietary medicine, as defined by RSA 318:1, XVIII, that is no longer suitable for its intended purpose or is otherwise being discarded.

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

48. Pollution Prevention. The use of materials, processes, or practices that reduce or eliminate the creation of pollutants or wastes at the source, or minimize their release to the environment nor to recycling, treatment or disposal. It includes practices that reduce the use of hazardous materials, energy, water or other resources. It also includes practices that protect natural resources and human health through conservation, more efficient use, or effective release minimization.

49. 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 process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
50. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
51. Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, and local limits.
52. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances as identified in Section 2.3 of this Ordinance.
53. 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.
54. 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.
55. Publicly Owned Treatment Works or POTW. A “treatment works,” as defined by Section 212 of the act (33 U.S.C. §1292) that is owned by the Town. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if these structures 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.
56. Recreational Vehicle or “RV”. A mobile vehicle or trailer used for temporary living e.g., a camper or wholly self-contained transport and living unit.
57. Sanitary Sewer. A 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.
58. Screening Level. That concentration of a pollutant that under baseline conditions would cause a threat to personnel exposed to the pollutant or would adversely impact structures of the POTW. To be administered as local limits applicable to a particular discharge, the screening levels must be adjusted to account for conditions at the point of discharge that differ from baseline conditions.
59. Semi-Public Use. Premises of private, non-profit organizations such as schools, hospitals, and

religious institutions.

60. Septage or Septic Tank Waste. Any liquid, solid, or sludge pumped from chemical toilets, vaults, septic tanks or cesspools or other holding tanks that have received only domestic wastewater.
61. Septage Tank Truck. Any watertight vehicle that is used for the collection and hauling of septage as described above and that complies with the rules of the NHDES.
62. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
63. Sewer. A pipe or conduit that carries wastewater, storm water, groundwater, subsurface water, or unpolluted water from any source.
64. Shall. Means mandatory (see “May”).
65. Significant Indirect Discharger. An indirect discharger that meets one or more of the following criteria:
- a. Is subject to national categorical pretreatment standards under 40 CFR 403.6;
 - b. Discharges an average of 10,000 gallons per day or more of process wastewater;
 - c. Discharges a process wastewater which contributes 5 percent or more of the hydraulic or organic loading to the wastewater treatment plant;
 - d. Discharges medical/infectious waste, pharmaceutical waste, or radiological waste; or
 - e. 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.
66. Significant Industrial User.
- a. A use subject to categorical pretreatment standards under 40 CFR 403.8 and 40 CFR Chapter I, Subchapter N; or
 - b. A use that:
 - i. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blow down wastewater); or
 - ii. Contributes a process waste stream that comprises five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - iii. Is designated as such by the Town on the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement.

- c. Upon that a user meeting the criteria in Subsection b. i. or b ii. has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Town may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f) (6), determine that such user should not be considered a significant industrial user.

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

- a. Chronic violations. 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 6-month period;
- b. Technical Review Criteria (TRC violations). Thirty-three percent (33%) or more of the measurements exceed the same pretreatment standard daily maximum limit or average limit by more than the TRC factor in a six-month period. The TRC factor is 1.4 for biochemical oxygen demand (BOD), total suspended solids (TSS), oil & grease, and 1.2 for all other pollutants except pH;
- c. For continuous pH monitoring, excursions shall be considered SNC when:
 - i. The total time during which the pH values are outside the required range of pH values exceeds 7 hours and 26 minutes in any calendar month; or
 - ii. An individual excursion from the range of pH values exceeds 60 minutes; or
 - iii. Any pH less than or equal to 2.0 or greater than or equal to 12.5.
- d. Any other discharge violation that the Board of Selectmen or its duly authorized representative believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- e. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Board of Selectmen or its duly authorized representative exercise of its emergency authority to halt or prevent such a discharge;
- f. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- g. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, Industrial Discharge Permit applications, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- h. Failure to accurately report noncompliance; or

- i. Any other violation(s) that the Town determines will adversely affect the operation or implementation of the local pretreatment program.

68. Sludge. Means sludge as defined by RSA 485-A: 2, XI-a: Namely the solid or domestic septage; provided, however, sludge which is disposed of at solid waste facilities permitted by the department shall be considered solid waste and regulated under RSA 149-M.

69. Slug Load or Slug. Means:

- a. Any discharge of water, wastewater, sewage, or industrial sewage which, 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 3.3 of this Ordinance; or
- c. Any discharge that may adversely affect the collection system and/or performance of the POTW.

70. Source Reduction. Any practice that:

- a. Reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and
- b. Reduces the hazards to public health and the environment associated with the release of such substances, pollutants or contaminant.
 - i. The term includes equipment or technology modifications; process or procedure modifications; reformulation or redesign of products; substitution of raw materials; and improvement in housekeeping, maintenance, training or inventory control. The term "source reduction" 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.

71. Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

72. State. The State of New Hampshire.

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

74. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

75. Suspended Solids or TSS. The total suspended matter that floats on the surface of, or is suspended in water, wastewater, or other liquid, and that are removable by laboratory filtering.
76. Town. The Town of Pittsfield, New Hampshire.
77. Treatment Plant, Treatment Works, or Treatment Facility. Any device or system used in the storage, treatment, equalization, recycling or reclamation of wastewater and/or wastewater sludge as defined herein.
78. Unpolluted Water. Water of quality equal to or better than the State Water Quality Standards (Env - Wq 1700) or water that would not cause a violation of receiving water quality standards and would not be benefited by discharge to the POTW.
79. User or Industrial User. A source of pollutants introduced into the POTW from any non-domestic source regulated under Section 307 (b), (c), or (d) of the Act.
80. Wastewater. Liquid and water-carried industrial wastes and/or sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
81. Watercourse. A natural or artificial channel for the passage of water either continuously or intermittently.

SECTION 2- GENERAL SEWER USE REQUIREMENTS

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 Pittsfield or in any area under the jurisdiction of said 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 said 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. Sewers for Intended Uses Only. No person shall discharge into any public sewer of the Town, or into any fixture that thereafter discharges into any public sewer, any waste or substance other than for which the particular sewer is intended, designed, or provided.
- D. Applicable Permits Required. No person shall discharge into any public sewer of the Town, or into any fixture that thereafter discharges into any public sewer, any waste or substance until all applicable federal, state, and local permits have been obtained.
- E. Use of Sanitary Sewers. Except as specifically provided with reference to some particular sewer, sanitary sewers shall be used only for the conveyance and disposal of domestic wastewater, and for industrial wastes that are not objectionable as hereinafter provided. No sanitary sewer shall be used to receive and convey or dispose of any storm or surface water, subsoil drainage, or unpolluted water.
- F. Use of Storm Sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers, or a natural outlet approved by the Board of Selectmen or its duly authorized representative. A NPDES permit is required prior to discharging industrial cooling water, process waters, or storm water runoff generated in areas of industrial activity (as defined in 40 CFR Part 122) to a storm sewer or natural outlet.
- G. Use Designation. If the intended or designated use of any particular sewer or drain and allowable discharge thereto is unclear, the Board of Selectmen or its duly authorized representative will consider the pertinent facts and make a determination. Said determination will be final and binding.
- H. Except as hereinafter provided, it shall be unlawful to construct 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 below.
- I. 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 or may in the future be located a public 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 and within ninety (90) days subsequent to

the date of official notice to do so, provided that said gravity public sewer is within two hundred (200) feet of the building. This requirement for connection may be waived (RSA 147:8) when permitted by the Board of Selectmen or its duly authorized representative if the household is already connected to a properly functioning, state-approved septic system approved after January 1, 1985.

- J. Where a public sanitary sewer is not available under the provisions of paragraph (I) above, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of RSA 485-A: 29-44 and rules promulgated thereto. 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 discharged to a private, domestic wastewater disposal facility.
- K. At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, the owner shall connect to the public sewer, as provided in paragraph (I) above. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with clean mineral soils, and their use shall be discontinued.
- L. 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 Board of Selectmen or its duly authorized Representative.
- M. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment that is part of the Town owned wastewater infrastructure and the Town's POTW.

2.2 BUILDING SEWERS AND CONNECTIONS

- A. No person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a permit from the Board of Selectmen or its duly authorized representative.
- B. There shall be two (2) classes of building sewer permits:
 - (1) for residential and commercial service producing only domestic wastewater, and
 - (2) for service to establishments producing industrial wastes.

For residential and commercial services, the owner(s) or their agent shall make application on a form furnished by the Town at least thirty (30) days prior to said service connection.

For an establishment discharging industrial wastes, the application shall be made at least sixty (60) days prior to said service connection. The permit application shall be supplemented by any plans, specifications, or other information (including pollution prevention studies) considered pertinent in the judgment of the Board of Selectmen or its duly authorized representative. A permit and inspection fee shall be paid to the Town at the time the application is filed.

- C. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. A separate and independent building sewer shall be provided for every building.
- E. Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the Board of Selectmen or its duly authorized representative, to meet all requirements of this Ordinance.
- F. The size, slope, alignment, materials of construction of a building sewer, 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 and NHDES rules Env-Wq 700. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and Water Environment Federation (WEF) Manual of Practice No. FD-5 shall apply.
- G. Original Sewers. The Town did, at its expense, initially construct each building sewer to the back of the curb, back of the edge of road tar or back of the edge of the sidewalk tar (where the lateral ends); in cases where a new street sewer was constructed by the Town and crosses an existing house sewer, the Town did with the owner's permission reconnect the house sewer into the new street sewer. Such reconnection did include the reconstruction of the house sewer from the newly constructed street sewer to the existing service connection or the back of the curb, back of the edge of road tar or back of the edge of the sidewalk tar, whichever is less; and all costs and expenses of construction of the remainder of the building

sewer, including connection to the structures served, will be borne by the owner of the improved property that was connected; and such owner did indemnify and save harmless the Town, its officers and agents, from all losses or damages that may be occasioned, directly or indirectly, as a result of construction of a building sewer on their premises or its connection to the sewer system. After the initial construction of the building sewer, the owner shall thereafter be obligated to pay all costs and expenses of operation, repair and maintenance and construction or reconstruction (if needed) of both the building sewer and lateral sewers beginning at the street sewer and ending at the building. All repairs under the road or sidewalk will be done by the Town or under the direct supervision of the Town and the owner shall be obligated to pay all costs. A certified licensed plumber whose plumbing license is registered with the Town shall do all plumbing.

- H. Original Sewers Not Connected. If the Town constructs a building sewer to the back at the curb, back of the edge of the roadway, or to the back of sidewalk (where the lateral ends) and the owner of the improved property does not connect to the new lateral and continues to use the old lines and connections, the owner of the improved property shall be obligated to pay all costs and expenses of operation, repair, maintenance, and reconstruction (if needed) of both the building sewer and lateral sewers beginning at the street sewer and ending at the building. All repairs under the roadway or sidewalk will be done by the Town or under the direct supervision of the Town and the owner shall be obligated to pay all costs occasioned thereby. A certified licensed plumber whose plumbing license is registered with the Town shall do all plumbing work.
- I. New Sewer Connections. During construction of a new sanitary sewer, the Town may construct the service connections for existing buildings to the back of the curb, back of the edge of road tar, or to the back of the edge of sidewalk tar. Construction of the building sewer, including the connection to the structures served, shall be the responsibility of the owner of the improved property to be connected; and such owner shall indemnify and save harmless the Town, its officers and agents from all losses or damage that may result, directly or indirectly, due to the construction of building sewer on their premises or its connection to the service connection. The owner shall hereafter be obligated to pay all costs and expenses of operation, repair, maintenance, and the construction or reconstruction (if needed) of the building sewer and service connection. All repairs made under the roadway or sidewalk will be done by the Town or under the direct supervision of the Town and the owner shall be obligated to pay all costs occasioned hereby. A certified licensed plumber whose plumbing license is registered with the Town shall do all plumbing.
- J. 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, sewage conveyed by such building drain shall be lifted by an approved means and discharged to the building sewer at the owner's expense.
- K. No person(s) shall make connection of roof downspouts, interior or exterior foundation drains, floor drains, area-way drains or other sources of surface run-off or groundwater to a building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer.
- L. No person shall obstruct the free flow of air through any drain or soil pipe.

- M. The owner of any building serviced by a building sewer carrying industrial wastewater shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Town. The manhole shall be installed by the owner at their expense and shall be maintained so as to be safe and accessible at all times. The owner shall perform such monitoring as the Town may reasonably require including installation, use and maintenance of monitoring equipment, keeping records, and reporting the results of such monitoring to the Town. Such records shall be made available upon request of the Town. The Board of Selectmen or its duly authorized representative may allow alternate observation, sampling, and measurement location if, in their opinion, an access manhole may be unsafe. Alternate access point shall be submitted to the Board of Selectmen or its duly authorized representative for approval.
- N. The connection 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, or the procedures set forth in appropriate specifications of the ASTM and the 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 Board of Selectmen or its duly authorized representative in writing before installation.
- O. The applicant for the building sewer permit shall notify the Board of Selectmen or its duly authorized representative when the building sewer is ready for inspection and connection to the public sewer. Such notice shall be provided not less than 48 hours in advance of the time any connection is to be made to any public sewer. The connection and testing shall be made under the supervision of the Board of Selectmen or its duly authorized representative. This requirement shall also apply to repairs or alterations to building connections, drains, or pipes.
- P. Suitable provisions shall be made at the point of connection for testing, which responsibility shall rest with the holder of the sewer connection permit.
- Q. No building sewer shall be covered until it has been inspected and approved by the Board of Selectmen or its duly authorized representative. 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.
- R. The Board of Selectmen or its duly authorized representative shall maintain a record of all connections made to public sewers and drains under this Ordinance and all repairs and alterations made to building connections or drains connected to or discharging into public sewers and drains of the Town or intended to so discharge. All persons concerned shall assist the Board of Selectmen or its duly authorized representative in securing the data needed for such records.
- S. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town at the expense of the owner.

- T. Proposed new discharges from residential or commercial sources involving loadings exceeding 50 population equivalents (5,000 gpd), any new industrial discharge, any new sewerage involving more than a residential connection, or any alteration in either flow or waste characteristics of existing industrial wastes that are being discharged into the POTW must be approved by NHDES. Such approvals shall be obtained in accordance with Section 6.5 of this Ordinance.
- U. When a building is demolished and not immediately replaced, the owner, having first obtained a building demolition permit, shall adequately seal off their building sewer where it connects to the public sewer and notify the Waste Water Treatment Facility Manager accordingly.

2.3 PROHIBITED DISCHARGE STANDARDS

Pollutants, substance or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be accidentally discharged to the POTW.

- A. General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes pass-through or interference. 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. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, gas, solid, or any substance that may 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 6.0 or greater than 10.0, 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 the pH of the influent to the POTW is caused to exceed 8.0;
 3. Solid or viscous substances including water or wastes containing fats, wax, grease, or oils, whether emulsified or not, or containing substances that may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (0-65 degrees C), in amounts that will cause obstruction of the flow in the collection system or 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 any national categorical pretreatment standard, cause process upset, loss of treatment ability or cause pass through;

5. Wastewater having a temperature greater than 150°F (65°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater that causes the temperature at the introduction into the POTW treatment plant 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 pump station or POTW in a quantity that may cause acute worker health and safety problems;
 8. Trucked or hauled pollutants, except at discharge points designated by the Board of Selectmen or its duly authorized representative in accordance with Section 4.9 of this Ordinance; and
 9. Medical/infectious wastes pharmaceutical or radiological waste except as specifically authorized in a discharge permit;
 10. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent or sludge to fail a toxicity test;
 11. Household hazardous wastes including but not limited to paints, stains, thinners, pesticide herbicides, anti-freeze, transmission and brake fluids, motor oil and battery acid.
 12. Any hazardous waste listed by DES under Env-Hw 400.
- C. Additional Prohibitions. No user shall introduce or cause to be introduced into the POTW the following substances, pollutants or wastewater, unless specifically authorized by the Board of Selectmen or its duly authorized representative in a wastewater discharge permit:
1. Wastewater that imparts color that may not be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently may impart color to the treatment facility's effluent, thereby violating the Town's NPD permit;
 2. Noxious or malodorous liquids, gases, solids, or other wastewater that, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
 3. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or federal regulations;
 4. Storm water, surface water, ground water, artesian well water, roof runoff, sump pump water, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, or otherwise unpolluted wastewater;
 5. Sludge, screenings, or other residues from the pretreatment of industrial wastes;

6. Medical wastes;
7. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
8. Detergents, surface-active agents, or other substances that may cause excessive foaming in the collection system, pumping stations and POTW;
9. Wastewater causing a reading on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 10 percent (10%) of the Lower Explosive Limit of the meter;
10. 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 place where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers);
11. Any quantities of flow, concentrations, or both that constitute a "slug" as defined in Section 1.4 of this Ordinance;
12. Waters or wastes that, by interaction with other water or wastes in the POTW, release dangerous or noxious gases, form suspended solids that affect the operation of the collection system, or create a condition deleterious to structures and treatment processes;
13. Any material that exerts or cause unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime, slurries, and lime residues) or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.

2.4 FEDERAL CATEGORICAL PRETREATMENT STANDARDS

- A. The categorical pretreatment standards are found at 40 CFR Chapter I, Subchapter N, Parts 405-471. EPA shall be the Control Authority for industrial users subject to categorical pretreatment standards. As the Control Authority, 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 EPA relative to compliance with the categorical pretreatment standards.
- B. The industrial user is responsible for determining the applicability of categorical pretreatment standards. The user may request that EPA provide written certification on whether the user is subject to the requirements of a particular category.
- C. Upon promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitation imposed under this Ordinance for sources in that subcategory, shall, on the compliance date of the categorical pretreatment standards, immediately supersede the limitations imposed under this Ordinance.

2.5 LOCAL DISCHARGE RESTRICTIONS

All persons discharging industrial process wastes into public or private sewers connected to the Town's POTW shall comply with applicable federal requirements and state standards for pretreatment of wastes as they may be amended from time to time in addition to the requirements of this Ordinance.

Local numerical discharge limitations established by the Town as set forth herein (referred to as "local limits"), and all State of New Hampshire pretreatment standards shall apply, whichever is most stringent.

In developing the list of pollutants of concern for which local limits are established, the Town has considered the allowable head works loading at the wastewater treatment facility. Pollutants that exceed fifty percent (50%) of their allowable head works loading at the wastewater treatment facility are considered to be of concern and have resulted in development of local limits. Pollutants that exceed twenty percent (20%) of their allowable head works loading at the wastewater treatment facility are targeted for mandatory pollution prevention action. The Town may consider reducing associated sewer use rates for those users implementing effective pollution prevention techniques with respect to pollutants on either the "local limits" or "pollution prevention action" lists.

If any waters or wastes are discharged or are proposed to be discharged to the POTW that exceed the standards or restrictions established in Sections 2.3, 2.4, and 2.5 of this Ordinance, which in the judgment of the Board of Selectmen or its duly authorized representative may have a deleterious effect upon the POTW, processes, equipment, or receiving waters, or that otherwise create a hazard to worker safety or health, or constitute a public nuisance, the Board of Selectmen or its duly authorized representative may:

- Reject or prevent any discharge to the POTW after notice has been served to the discharger and the discharger has had reasonable opportunity to respond;
- Require pretreatment prior to discharge to the POTW (Section 3);
- Require control (e.g. equalization) over the quantities and rates of discharge; and/or
- Require payment to cover additional cost of handling and treating the wastes.

If the Board of Selectmen or its duly authorized representative allows the pretreatment or equalization of waste flows, the design and installation of the systems and equipment shall be subject to the review and approval of the State of New Hampshire Department of Environmental Services (see Section 3).

- A. Maximum Allowable POTW Headworks Loadings Limitations. The following numerical pollutant loading limitations are established to protect against pass- through and interference:

POLLUTANT	ALLOWABLE POTW HEADWORKS LOADING (lb/day)	POLLUTANT	ALLOWABLE POTW HEADWORKS LOADING (lb/day)
Arsenic	To be developed as needed	Mercury	To be developed as needed
Cadmium	To be developed as needed	Molybdenum	To be developed as needed
Chromium (T)	0.8082	Nickel	To be developed as needed
Copper	To be developed as needed	Selenium	To be developed as needed
Cyanide (T)	To be developed as needed	Silver	To be developed as needed
Lead	To be developed as needed	Zinc	To be developed as needed

B. The Board of Selectmen or its duly authorized representative shall calculate and administer daily concentration limits (i.e. local limits) when required as described below to ensure that the combined industrial pollutant discharge loadings do not cause or contribute to exceedances of these limitations. For industrial discharge applications, the local limits shall apply at the end of the process train prior to dilution with non-industrial wastewaters.

- a. Daily concentrations are the concentration of a pollutant discharged, determined from the analysis of a flow-composited sample (or other sampling procedure approved by the Board of Selectmen or its duly authorized representative) representative of the discharge over the duration of a 24-hour day or industrial operating schedule of less than 24 hours.
- b. All concentration limits for metals represent “total” metal unless indicated otherwise. The Board of Selectmen or its duly authorized representative may impose mass limitations in addition to, or in accordance with Section 2.8, in place of the concentration-based limitations.
- c. Local limits are developed based on the identification of industrial users known to be discharging each pollutant (industrial contributory flow procedure). Unless specifically identified in an industrial discharge permit, an industrial user shall not discharge the locally limited pollutants at concentrations 20 percent greater than the background concentrations used for local limits development.
- d. Pollution prevention activities that result in a decreased discharge of these pollutants to the POTW, such that the head works loading of a pollutant is less than forty percent (40%) of the allowable loading, may result, at the discretion of the Facility Manager, in rescission of a local limit for that pollutant from this Ordinance.
- e. Pollution Prevention Action. Pollutants for which pollution prevention efforts are required of all significant industrial users and other industrial and non-industrial users at the discretion of the Board of Selectmen or its duly authorized representative includes:
 - List to be developed as needed in the future.

Failure to control these pollutants through pollution prevention activities will result in development and application of a local limit when a pollutant loading to the POTW exceeds fifty percent (50%) of the allowable head works loading.

- f. Screening Levels. The following pollutants shall not be discharged to the POTW exceeding concentrations listed below without approval of the Board of Selectmen or its duly authorized representative:
 - List to be developed as needed in the future.

Screening levels are numerical values above which actions are initiated to evaluate, prevent or reduce adverse impacts due to flammability, chemical reactivity, organic/solids loadings, or worker health and safety. If any of the screening levels are exceeded, repeat analysis must be performed to verify compliance or noncompliance with that screening level. If noncompliance is confirmed, then the industrial user may be required, at the discretion of the Board of Selectmen or its duly authorized representative, to conduct an appropriate engineering evaluation to determine the potential impact of the discharge of this pollutant to the Town's POTW or alternatively, to develop a pollution prevention plan specifically

addressing the pollutant that exceeds the screening level. This study or plan must be conducted under the supervision and approval of the Town. Should the evaluation indicate the impact to be unsatisfactory, the Industrial User shall reduce the pollutant concentration to a satisfactory level. If the evaluation supports development of an alternate site-specific limitation, then the screening level shall be adjusted and administered as a limit for the specific discharge.

- g. Special Agreements. No statement contained in this Section except for paragraphs 2.3(A), 2.3(B), and 2.4 shall be construed as preventing any special agreement or arrangement between the Town and any industrial user whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment provided that said agreements do not contravene any requirements of existing federal or state laws, and/or regulations promulgated thereunder, are compatible with any user charge system in effect, and do not waive applicable federal categorical pretreatment standards. Special agreement requests shall require submittal of a pollution prevention plan that specifically addresses the discharge for which a special agreement is requested. For pollutants with numerical local limits, the Town has allocated a percentage of its allowable industrial loadings for such special agreements. Requests for special agreements that exceed this allocation will not be approved.

2.6 TOWN'S RIGHT OF REVISION

The discharge standards and requirements set forth in Sections 2.3, 2.4, and 2.5 are established for the purpose of preventing discharges to the POTW that would harm the 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.

To meet these objectives, the Board of Selectmen or its duly authorized representative may, from time to time, review and set more stringent standards or requirements than those established in Sections 2.3, 2.4, and 2.5 if, in the Board of Selectmen or its duly authorized representative's opinion, such more stringent standards or requirements are necessary. At a minimum, this review will be performed at least once every five years. In forming this opinion, the Board of Selectmen or its duly authorized representative 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 or its duly authorized representative.

The Board of Selectmen or its duly authorized representative 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.

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 a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Board of Selectmen or its duly authorized representative 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

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 its discharge even though the total mass of the pollutant discharged 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 Facility Manager. 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 categorical pretreatment standards.

SECTION 3 - PRETREATMENT OF WASTEWATER

3.1 PRETREATMENT FACILITIES

Users shall provide wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all local limits, prohibitions, and requirements set out in Sections 2.3, 2.4, and 2.5 of this Ordinance within the time limitations specified by EPA, the State, or the Board of Selectmen or its duly authorized representative, whichever is more stringent. All facilities required to achieve and maintain compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Board of Selectmen or its duly authorized representative for review, and shall be acceptable to the Board of Selectmen or its duly authorized representative and the DES 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.

3.2 ADDITIONAL PRETREATMENT MEASURES

- A. Whenever deemed necessary to protect the POTW and determine the User's compliance with the requirements of this Ordinance, the Board of Selectmen or its duly authorized representative 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 such other conditions as may be necessary.
- B. The Board of Selectmen or its duly authorized representative 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. Grease, oil, and sand interceptors shall be provided at the owner's expense when, in the opinion of the Board of Selectmen or its duly authorized representative, these devices are necessary for the preliminary treatment of wastewater containing excessive amounts of grease, oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Board of Selectmen or its duly authorized representative and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense. The owner shall be responsible for the proper removal and disposal by appropriate means of the captured materials and shall maintain records of the dates and means of disposal, which shall be subject to periodic review by the Board of Selectmen or its duly authorized representative. Any removal and hauling of the collected materials shall be performed by currently licensed waste disposal firms.
- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter and alarm.
- E. Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, these devices shall be maintained continuously to ensure satisfactory and effective operation by the owner at their expense.

- F. A dental practice which manages dental amalgam shall install and maintain an amalgam separator in accordance with federal and/or state regulations.

3.3 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS

At least once every two (2) years, the Board of Selectmen or its duly authorized representative shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Board of Selectmen or its duly authorized representative may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Board of Selectmen or its duly authorized representative may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routinely batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Board of Selectmen or its duly authorized representative of any accidental or slug discharge, as required by Section 6.6 of this Ordinance; and
- D. 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 organic pollutants, including solvents, and/or measures and equipment for emergency response.

3.4 POLLUTION PREVENTION PLANS

In accordance with the provisions of Sections 2.5 and 10.3 of this Ordinance, the Board of Selectmen or its duly authorized representative may require any person discharging wastes into the POTW to develop and implement, at that person's own expense, a pollution prevention plan. The Board of Selectmen or its duly authorized representative 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:
- a. Reduced raw material purchases;
 - b. Avoidance of waste treatment, monitoring and disposal costs;
 - c. Reductions in operations and maintenance expenses;
 - d. Elimination of permitting fees and compliance costs; and
 - e. 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 should be assessed, including estimates of the reduction in the amount and toxicity of waste achieved by the identified actions. Opportunities for pollution prevention must then be assessed for identified processes where raw materials become or generate wastes. Technical information on pollution prevention should 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.

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

SECTION 4 - INDUSTRIAL DISCHARGE PERMIT APPLICATION

4.1 WASTEWATER CHARACTERIZATION

When requested by the Board of Selectmen or its duly authorized representative, a user must submit information on the nature and characteristics of its wastewater within sixty (60) days of the request. The Board of Selectmen or its duly authorized representative is authorized to prepare a form for this purpose and may periodically require users to update this information.

4.2 INDUSTRIAL DISCHARGE PERMIT REQUIREMENT

- A. No significant industrial user shall discharge wastewater into the POTW without first obtaining an Industrial Discharge Permit from the Board of Selectmen or its duly authorized representative, except that a significant industrial user that 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 Board of Selectmen or its duly authorized representative 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 shall subject the industrial discharge permittee to the enforcement actions set out in Sections 10 through 12 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 law.
- D. Any Industrial Discharge Permit issued to a significant indirect discharger will stipulate that the Town will at a minimum annually inspect the discharger's facility or sample the facility's wastewater discharge for compliance with the Industrial Discharge Permit.

4.3 DISCHARGE PERMIT REQUEST REQUIREMENT

All industrial users must receive DES approval for any new industrial discharge, or any significant alteration in either flow or waste characteristics, in accordance with the Town's NPDES permit. Such approvals shall be obtained in accordance with Section 6.5 of this Ordinance.

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 (IDR) will be submitted by the Town to DES on behalf of the user. All applicable DES review fees shall be provided by the user.

4.4 INDUSTRIAL DISCHARGE PERMITTING: EXISTING CONNECTIONS

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 said date, apply to the Board of Selectmen or its duly authorized representative

for an Industrial Discharge Permit in accordance with Section 4.7 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 an Industrial Discharge Permit issued by the Board of Selectmen or its duly authorized representative.

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 shall obtain an Industrial Discharge Permit prior to the beginning or recommencing of such discharge. An application for this Industrial Discharge Permit, in accordance with Section 4.7 of this Ordinance, shall be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

4.6 INDUSTRIAL DISCHARGE PERMITTING: CATEGORICAL STANDARDS

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

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 Board of Selectmen or its duly authorized representative, shall submit a permit application. The Board of Selectmen or its duly authorized representative shall require all users to submit as part of an application the following information:

- A. All information required by Section 6.1 of this Ordinance; (Reserved)
- B. 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 be, discharged to the POTW;
- C. A list of all environmental permits held by or for the facility.
- D. Each product produced by type, amount, process or processes, and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);
- F. 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 and sampling locations;
- G. The estimated average, maximum and total daily flow for each discharge and the time and duration of discharges;
- H. Copies of existing pollution prevention plans and/or a description of all known pollution prevention opportunities that may exist at the facility;
- I. Notification to the Town of any proposed or existing discharge of listed or characteristic hazardous waste as required by 40 CFR 403.12(p);

- J. In those instances in which the industrial user provides notification of the discharge of hazardous waste, the industrial user shall also provide the following certification: "I certify that (the company) has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree (the company) has determined to be economically practicable";
- K. An indication of whether the conditions referenced in the application are existing or proposed;
- L. Any other information as may be deemed necessary by the Board of Selectmen or its duly authorized representative to evaluate the Industrial Discharge Permit application; and
- M. If applicable, a completed original state IDR Application.

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

4.8 SIGNATORIES AND CERTIFICATION

All Industrial Discharge Permit applications and user reports shall be signed by an authorized representative of the user and shall 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 and imprisonment for knowing violations."

4.9 HAULED WASTEWATER PERMITS

- A. Septic tank waste may be introduced into the POTW only at locations designated by the Board of Selectmen or its duly authorized representative, and at such times as are established by the Board of Selectmen or its duly authorized representative. Transport and discharge of such waste shall comply with Section 14 of this Ordinance.
- B. The Board of Selectmen or its duly authorized representative shall require generators of hauled industrial waste to obtain Industrial Discharge Permits. The Board of Selectmen or its duly authorized representative may also prohibit the disposal of hauled industrial waste. All other requirements of this Ordinance apply to the discharge of hauled industrial waste.
- C. Industrial waste haulers may discharge loads only at locations designated by the Board of Selectmen or its duly authorized representative. No load may be discharged without prior consent of the Board of Selectmen or its duly authorized representative. The Board of Selectmen or its duly authorized representative may collect samples of each hauled load to ensure compliance with applicable standards. The Board of Selectmen or its duly authorized representative may 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 from every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and address 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 wastes are not hazardous wastes.

SECTION 5 - INDUSTRIAL DISCHARGE PERMIT ISSUANCE PROCESS

5.1 INDUSTRIAL DISCHARGE PERMIT DECISIONS

The Board of Selectmen or its duly authorized representative will evaluate the data provided by the industrial user and may require additional information. Within thirty (30) days of receipt of a complete Industrial Discharge Permit application or ninety (90) days in the case of an application for a new or increased discharge requiring review and approval by DES, the Board of Selectmen or its duly authorized representative will determine whether or not to issue an Industrial Discharge Permit. The Board of Selectmen or its duly authorized representative may deny any application for an Industrial Discharge Permit, with just cause.

5.2 INDUSTRIAL DISCHARGE PERMIT DURATION

An Industrial Discharge Permit shall be issued for a specified time period, not to exceed five years (or three years in the case of a significant industrial user) from the effective date of the permit. An Industrial Discharge Permit may be issued for a period less than these intervals at the discretion of the Board of Selectmen or its duly authorized representative. Each Industrial Discharge Permit will indicate a specific date upon which it will expire.

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.

5.3 INDUSTRIAL DISCHARGE PERMIT CONTENTS

An Industrial Discharge Permit shall include such conditions as are deemed reasonably necessary by the Board of Selectmen or its duly authorized representative to enforce this Ordinance, prevent pass through or interference, protect the quality of the water body receiving the treatment facility's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Industrial Discharge Permits shall contain:

1. Indirect discharger name, street address, mailing address, and daytime telephone number;
2. Dates of issuance and expiration;
3. The general and specific prohibitions from the sewer use ordinance which apply to the discharge;
4. A list of pollutants, allowable parameters, and discharge limits;
5. Identification of applicable EPA categorical standards;
6. A list of pollutant to be monitored and the monitoring requirements applicable thereto;
7. Sampling frequency, techniques, and locations;
8. Special conditions of the state IDR approval;

9. Reporting requirements;
10. Inspection requirements;
11. Notification requirements, including for:
 - a. Slug loading;
 - b. Spills, bypasses, and upsets;
 - c. Changes in volume or characteristics of the discharge for which a permit revision is not required; and
 - d. Permit violations.
12. Record keeping requirements;
13. Applicable definitions and special conditions from the sewer use ordinance;
14. Applicable civil and criminal penalties for violations;
15. Notification requirements prior to any new or increased discharge;
16. A requirement to submit a complete new application at a specified frequency, which shall be not less than once every five years; and a statement that indicates Industrial Discharge Permit duration, which in no event shall exceed five (5) years;
17. A statement that the Industrial Discharge Permit is nontransferable 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 Industrial Discharge Permit;
18. For users with reporting requirements, such reports at a minimum shall require:
 - a. Periodic monitoring results indicating the nature and concentration of pollutants in the discharge from the regulated processes governed by pretreatment requirements and the average and maximum daily flow for these process units;
 - b. A statement as to whether the applicable pretreatment standards and requirements are being met on a consistent basis and, if not, then what additional operation and maintenance practices and/or pretreatment systems are necessary; and
 - c. Submittal of any monitoring results performed in addition to the requirements of the Industrial Discharge Permit using procedures prescribed in the permit.
19. A description of identified pollution prevention opportunities at the facility;
20. A statement that compliance with the Industrial Discharge 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 Industrial Discharge Permit.
21. A statement that the industrial user shall fully comply with this Sewer Use Ordinance.

22. A statement that the industrial user shall not dilute its effluent as a substitute for proper pretreatment.
23. A statement that the Industrial Discharge Permit is based on and shall apply only to the subject discharge request and the associated plans and supporting information as submitted in the completed Industrial Permit Application.
24. A statement that the Industrial Discharge Permit may be directly enforced by the State of New Hampshire.

B. Industrial Discharge 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 prevention 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 discharged to the POTW;
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment; and
7. Other conditions as deemed appropriate by the Board of Selectmen or its duly authorized representative to ensure compliance with this Ordinance, and State and federal laws, rules, and regulations.

5.4 INDUSTRIAL DISCHARGE PERMIT APPEALS

Any person, including the user, may petition the Board of Selectmen or its duly authorized representative to reconsider the terms of an Industrial Discharge Permit within thirty (30) days of its issuance.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appellant user must indicate the Industrial Discharge Permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the Industrial Discharge Permit.

- C. The effectiveness of the Industrial Discharge Permit shall not be stayed pending the appeal.
- D. If the Board of Selectmen or its duly authorized representative fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied.

5.5 INDUSTRIAL DISCHARGE PERMIT MODIFICATION

The Board of Selectmen or its duly authorized representative may modify an Industrial Discharge 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 Industrial Discharge Permit issuance;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the Town's POTW, Town personnel, or the water quality in the receiving waters;
- E. Violation of any terms or conditions of the Industrial Discharge Permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the Industrial Discharge Permit application or in any required reporting;
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- H. To correct typographical or other errors in the Industrial Discharge Permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

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 Board of Selectmen or its duly authorized representative, and the Board of Selectmen or its duly authorized representative approves the Industrial Discharge Permit transfer. The notice to the Board of Selectmen or its duly authorized representative 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 Industrial Discharge Permit.

Failure to provide advance notice of a transfer shall render the Industrial Discharge Permit void as of the date of facility transfer.

5.7 INDUSTRIAL DISCHARGE PERMIT REISSUANCE

A user with an expiring Industrial Discharge Permit shall apply for reissuance of the Industrial Discharge 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 Industrial Discharge Permit. An expired permit will continue to be effective and enforceable until the permit is reissued if:

- 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
- The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the industrial user.

5.8 REGULATION OF WASTE RECEIVED FROM OTHER JURISDICTIONS (RESERVED)

SECTION 6 - REPORTING REQUIREMENTS

6.1 BASELINE MONITORING REPORTS FOR CATEGORICAL USERS (RESERVED)

6.2 COMPLIANCE SCHEDULES/PROGRESS REPORTS (RESERVED)

6.3 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE (RESERVED)

6.4 PERIODIC COMPLIANCE REPORTS

- A. All significant industrial users shall, at a frequency determined by the Board of Selectmen or its duly authorized representative but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge that are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports shall be signed and certified in accordance with Section 4.8 of this Ordinance.
- B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times at the user's expense. The failure of a user to maintain its monitoring facility in good working order 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 section monitors any pollutant more frequently than required by the Board of Selectmen or its duly authorized representative, using the procedures prescribed in Sections 6.11 and 6.12 of this Ordinance, the results of this monitoring shall be included in the report.

6.5 REPORTS OF CHANGED CONDITIONS

Each industrial user shall notify the Board of Selectmen or its duly authorized representative of any planned significant changes to the user's operations or system that might alter the permitted nature, quality, or volume of its wastewater at least ninety (90) days before the change.

- A. The Board of Selectmen or its duly authorized representative may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submittal of an Industrial Discharge Permit application under Section 4.7 of this Ordinance.
- B. Upon approval of the request by the Board of Selectmen or its duly authorized representative a Discharge Permit Request will be submitted by the Board of Selectmen or its duly authorized representative to NHDES on behalf of the user. All applicable NHDES review fees shall be provided by the user.
- C. Upon approval of the Discharge Permit Request by the NHDES, the Board of Selectmen or its duly authorized representative may issue an Industrial Discharge Permit under Section 5.1 of this Ordinance or modify an existing Industrial Discharge Permit under Section 5.5 of this Ordinance in response to changed conditions or anticipated changed conditions.
- D. A NHDES "Sewer Connection Permit" in accordance with Section 2.2 may be required.

6.6 REPORTS OF SLUG/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 load, that may cause adverse impacts to the POTW, the user shall immediately telephone and notify the Board of Selectmen or its duly authorized representative of the incident. This notification shall include identifying 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 Board of Selectmen or its duly authorized representative, submit a detailed written report describing the cause(s) of the discharge and the measures to be conducted 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 other 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.
- C. A notice shall be permanently posted on the user's employee bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (A), above. Employers shall ensure that all employees who may cause such a discharge to occur or who may be present when a discharge occurs are advised of the emergency notification procedure.

6.7 REPORTS FROM UNPERMITTED USERS

All users not required to obtain an Industrial Discharge Permit shall provide appropriate reports to the Board of Selectmen or its duly authorized representative as the Board of Selectmen or its duly authorized representative may require.

6.8 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING

If the results of sampling performed by a user indicate a violation, the user shall notify the Board of Selectmen or its duly authorized representative 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 Board of Selectmen or its duly authorized representative within thirty (30) days subsequent to becoming aware of the violation. The user is not required to resample if the Facility Manager monitors at the user's facility at least once a month, or if the Board of Selectmen or its duly authorized representative samples between the user's initial sampling and when the user receives the results of this sampling.

6.9 POLLUTION PREVENTION REPORTS

Permitted industrial users discharging pollutants on the "local limits" or "pollution prevention action" lists of Section 2.5 of this Ordinance, at concentrations greater than background levels, shall report annually on pollution prevention activities undertaken to reduce or minimize the generation of wastes containing these pollutants. The Board of Selectmen may publish notice of these efforts in the annual Town Report at the Board's discretion.

6.10 ANALYTICAL REQUIREMENTS

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment

standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses shall be performed in accordance with procedures approved by NHDES and the Board of Selectmen or its duly authorized representative.

6.11 SAMPLE COLLECTION

- A. Except as indicated in Paragraph (B), below, the user shall collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Board of Selectmen or its duly authorized representative 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 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 Board of Selectmen or its duly authorized representative 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 a facility where 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, and volatile organic compounds shall be obtained using grab collection techniques.

6.12 TIMING

Written reports will be deemed to have been submitted on the date postmarked. For reports that are not mailed, the date of receipt of the report by the person designated in the Industrial Discharge Permit shall govern.

6.13 RECORD KEEPING

Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records of 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 analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. 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 Board of Selectmen or its duly authorized representative. Before destroying the records, the industrial user shall request and receive permission from the Board of Selectmen or its duly authorized representative.

SECTION 7 - POWERS AND AUTHORITIES OF INSPECTORS

7.1 COMPLIANCE MONITORING

The Town shall investigate instances of noncompliance with the industrial pretreatment standards and requirements.

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 noncompliance with industrial pretreatment standards. Each industrial user will be billed directly for costs incurred for analysis of its wastewater.

7.2 RIGHT OF ENTRY: INSPECTION AND SAMPLING

All industrial users discharging to the Town's POTW shall allow unrestricted access by Town, State or EPA's authorized personnel ("Inspector(s)") for the purpose of determining whether the user is complying with all requirements of this Ordinance, and any Industrial Discharge 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. If a user has security measures in force that require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards 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 facility'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 at least annually to ensure accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Inspector(s) and shall not be replaced. The costs of clearing such access shall be borne by the user.
- E. Unreasonable delays in allowing the Inspector(s) access to the user's premises shall be a violation of this Ordinance.
- F. The Inspector(s) is authorized to obtain information concerning industrial processes that have a bearing on the kind or source of discharge to the public sewer. Subject to the requirements of RSA Chapter 91-A, such information may be treated as confidential if the industrial user satisfies the requirements of Section 8.1 of this Ordinance. The industrial user may request that the information in question not be disclosed to the public in accordance with Section 8 of this Ordinance. The information in question shall be made available upon written request to governmental agencies for uses related to this Ordinance, the NPDES permit or the

pretreatment program. The burden of proof that information should be held confidential rests with the user. However, information regarding wastewater discharge by the user (flow, constituents, concentrations, and characteristics) shall be available to the public without restriction.

- G. The Inspector(s) shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not 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 Board of Selectmen or its duly authorized representative or other duly authorized employees of the Town bearing proper credentials and identification shall inspect the premises of any consumer for leakage or other 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 that is discovered by inspection of the Town.

7.3 ADMINISTRATIVE INSPECTION WARRANTS

If the Board of Selectmen or its duly authorized representative has been refused access to a property where (a) probable cause exists to believe that a violation of the Ordinance, or (b) there is a need to conduct a routine inspection to perform testing or sampling designed to verify compliance with this Ordinance or with any permit or order issued hereunder, the Facility Manager may seek an administrative inspection warrant pursuant to the provisions of RSA Chapter 595-B.

SECTION 8 - CONFIDENTIAL INFORMATION/PUBLIC PARTICIPATION

8.1 CONFIDENTIAL INFORMATION

Subject to the requirements of RSA Chapter 91-A, information and data on a user obtained from reports, surveys, Industrial Discharge Permit Applications, Industrial Discharge Permits, and monitoring programs, and from the Board of Selectmen or its duly authorized representative's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, in writing and is able to demonstrate to the satisfaction of the Board of Selectmen or its duly authorized representative, 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, in writing at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report identified by the user 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 the NPDES program or pretreatment program, 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.

8.2 PUBLIC PARTICIPATION

The Town shall comply with the public participation requirements of 40 CFR Part 25 in the enforcement of industrial pretreatment standards and requirements.

SECTION 9 - PUBLICATION OF POLLUTION PREVENTION ACHIEVEMENTS (RESERVED)

SECTION 10 - ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 NOTIFICATION OF VIOLATION

When the Board of Selectmen or its duly authorized representative determines that a user 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, the Board or authorized representative may serve a verbal or written Notice of Violation to the user. 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 Board of Selectmen or its duly authorized representative. Submittal of this plan in no way relieves the user of liability for any violations occurring before or subsequent to receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Board of Selectmen or its duly authorized representative to take any action, including emergency actions or any other enforcement action, without initially issuing a Notice of Violation.

10.2 COMPLIANCE SCHEDULE DEVELOPMENT

The Board of Selectmen or its duly authorized representative may require any user that 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, to develop a compliance schedule. A compliance schedule pursuant to this section shall comply with the following conditions:

- 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 including, but 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 nine (9) months;
- C. The user shall submit a progress report to the Board of Selectmen or its duly authorized representative no later than fourteen (14) days following each date in the schedule and the final date of compliance which identifies, as a minimum, whether or not it complied with the increment of progress, the reason for any 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 nine (9) months elapse between such progress reports to the Board of Selectmen or its duly authorized representative.

10.3 POLLUTION PREVENTION PLAN DEVELOPMENT

The Board of Selectmen or its duly authorized representative may require any user that 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, 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 Board of Selectmen or its duly authorized representative no later than sixty (60) days after the user was notified of this requirement.

10.4 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE (RESERVED)

10.5 SHOW CAUSE ORDERS

The Board of Selectmen or its duly authorized representative may order a user that 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, to appear before the Board of Selectmen or its duly authorized representative and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for 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 any 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.

10.6 CEASE AND DESIST ORDERS

When the Board of Selectmen or its duly authorized representative determines that a user 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, or that the user's past violations are likely to recur, the Board of Selectmen or its duly authorized representative may issue an order to the user directing 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 order shall not be a bar against, or a prerequisite for, taking any other action against the user.

10.7 CONSENT ORDER

The duly authorized representative, acting on behalf of the Board of selectmen is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such orders shall include specific action to be taken by the user to correct the noncompliance within a time period also 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 administrative orders issued pursuant to Sections 10.5 and 10.6 of this Ordinance and shall be judicially enforceable.

10.8 INDUSTRIAL DISCHARGE PERMIT TERMINATION

Any industrial user, who violates the following conditions of this Ordinance or a wastewater discharge permit or order, or any applicable State or federal law, is subject to permit termination:

- 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 or wastewater constituents and characteristics; or
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.

Such user will be notified of the proposed termination of its permit and be offered an opportunity to show cause under Section 10.5 of this Ordinance why the proposed action should not be taken. Exercise of this option by the Board of Selectmen or its duly authorized representative shall not be a bar to, or a prerequisite for, taking any other action against the user.

10.9 TERMINATION OF DISCHARGE

In addition to the provisions in Section 10.8 of this Ordinance, any user who violates the following conditions is subject to suspension or termination of their discharge to the POTW:

- A. Violation of Industrial Discharge Permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the pretreatment standards in Section 2 of this Ordinance.

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. Exercise of this option by the Board of Selectmen or its duly authorized representative shall not be a bar to, or a prerequisite for, taking any other action against the user.

- F. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge;
- G. Falsifying self-monitoring reports;
- H. Tampering with monitoring equipment;

- I. Failure to meet effluent limitations;
- J. Failure to pay fines;
- K. Failure to meet compliance schedules;
- L. Failure to complete a wastewater survey or the wastewater discharge permit application;
- M. Failure to provide advance notice of the transfer of business ownership of a permitted facility;
- N. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit, or this ordinance.

10.10 EMERGENCY SUSPENSIONS

The Board of Selectmen or its duly authorized representative 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 POTW personnel or the public. The Board of Selectmen or its duly authorized representative may also immediately suspend a user's discharge, after written 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 with the suspension order, the Board of Selectmen or its duly authorized representative 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 Board of Selectmen or its duly authorized representative may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Board of Selectmen or its duly authorized representative that the period of endangerment has passed, unless the termination proceedings in Section 10.8 or 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 Board of Selectmen or its duly authorized representative prior to the date of any show cause or termination hearing under Sections 10.5, 10.8 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.

10.11 RECOVERY OF EXPENSES

Any person or industrial user violating any of the provisions of this Ordinance shall be liable to the Town of Pittsfield for any expense, loss, or damage occasioned the Town by reason of such violation. If the Board of Selectmen or its duly authorized representative shall have caused the disconnection of a drain from a public sewer, the Town may collect the expenses associated with completing the disconnection from any person or user responsible for, or willfully concerned in, or who profited by

such violation. The Town may thereafter refuse to permit the restoration of the former 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 disconnection shall have been paid in full plus interest and the reasonable cost of any legal expenses incurred by the Town in connection therewith.

10.12 HARM TO TOWN PROPERTY

No person shall maliciously, willfully, or negligently damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment that is part of the public sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct pursuant to the local Ordinances, and shall also be subject to penalties under state and federal statute.

SECTION 11 - JUDICIAL ENFORCEMENT REMEDIES

11.1 INJUNCTIVE RELIEF

When the Town determines that a user 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, the Town may petition the Merrimack County Superior Court for appropriate injunctive relief. The Town may also seek other 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.

11.2 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, as authorized by RSA 149-I:6, 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 attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Town. The Town may petition the Court to impose, assess, and recover such sums.
- C. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, implementing any other action against a user.

11.3 CRIMINAL PROSECUTION (RESERVED)

11.4 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 non-compliant user. Enforcement of pretreatment violations will generally be in accordance with the Town's enforcement response plan. However, 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 non-compliant user.

SECTION 12 - SUPPLEMENTAL ENFORCEMENT ACTION [RESERVED]

SECTION 13 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

13.1 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 being of the upset, the facility was 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 Board of Selectmen or its duly authorized representative within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) 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 amount of 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. Users shall control 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 fails.

13.2 PROHIBITED DISCHARGE STANDARDS

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.3(A) of this Ordinance or the specific prohibitions in Sections 2.3(B) of this Ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Town was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

13.3 BYPASS

- A. For the purposes of this section,
 - a. "Bypass" means the intentional diversion of waste streams from any portion of a user's treatment facility.
 - b. "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 provision of paragraphs (C) and (D) of this section.
- C.
 - 1. If a user knows in advance of the need for a bypass, it shall submit prior notice to the Board of Selectmen or its duly authorized representative, at least ten (10) days before the date of the bypass, if possible.
 - 2. A user shall submit oral notice to the Board of Selectmen or its duly authorized representative of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission 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 amount of time it is expected to continue; and steps implemented or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Board of Selectmen or its duly authorized representative may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

- D. 1. Bypass is prohibited, and the Board of Selectmen or its duly authorized representative may initiate enforcement action against a user for a bypass, unless:
- a. Bypass was required to prevent loss of life, personal injury, or severe property damage;
 - b. 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
 - c. The user submitted notices as required under paragraph (C) of this section.
2. The Board of Selectmen or its duly authorized representative may approve an anticipated bypass, subsequent to considering its adverse effects, if the Board of Selectmen or its duly authorized representative determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

SECTION 14 - SEPTAGE DISPOSAL

No person shall discharge hauled septage at the town's POTW who does not hold a septage hauler permit issued pursuant to RSA 485-A:4, XVI-a.

A copy of such permit shall be filed by the permit holder with the town's wastewater treatment facility. Upon renewal or revocation of such permit, the hauler shall be responsible for notification of such renewal or revocation to the town's wastewater treatment facility.

The Board of Selectmen or its duly authorized representative may limit the quantities of septage that can be received or refuse to receive septage to ensure proper operation of the treatment facility pursuant to RSA 486:13.

14.1 SEPTAGE HAULER REQUIREMENTS (SEE ALSO SECTION 4.9)

- A. A permitted hauler may discharge septage to the facilities provided at the town's POTW only after paying the charges as required by the Ordinance in effect.
- B. Wastewater from RVs as defined herein, may discharge to the POTW at the dates, times, and locations designated by the Board of Selectmen or its duly authorized representative.
- C. No person, firm, corporation, municipal subdivision or institution shall discharge any toxic, poisonous, radioactive solids, liquids or gases, or the contents of grease, gas, oil and/or sand interceptors into the town's wastewater treatment facility without specific authorization of the Board of Selectmen or its duly authorized representative.
- D. Septage shall comply with the restrictions of Section 2.3 of this Ordinance.

14.2 TEMPORARY SEPTAGE PERMITS

The Board of Selectmen or its duly authorized representative may issue a temporary permit to allow the discharge of septage at a point of discharge other than the wastewater treatment facility in a situation where such temporary discharge point is necessary to protect the health and welfare of the town. The Board of Selectmen or its duly authorized representative shall issue such permit upon such terms and conditions as they deem to be in the best interests of the town. The temporary permit shall not be valid for a period exceeding twelve (12) months. The Board of Selectmen or its duly authorized representative shall have the right to revoke or suspend the temporary permit in the event that the terms and conditions are not met.

14.3 SEPTAGE PERMITS

- A. Any septage hauler who intends to dispose of septage from within the limits of the Town of Pittsfield shall first obtain a permit from the Board of Selectmen or its duly authorized representative.
- B. Such permit as issued by the town shall identify:
 - 1. The motor vehicle;
 - 2. The capacity of the tank;
 - 3. The DES Permit Number; and
 - 4. Any other details of compliance with NHDES rules.

C. The following conditions shall constitute conditions precedent to the issuance of each permit.

1. Each septic tank truck shall be equipped with either a sight level by which the quantity of the contents of each tank may be ascertained by sight or an access port through which the quantity of the contents of each truck may be ascertained by depth measurements.
2. Prior to discharging the load, the hauler shall record the following information in a log at the POTW:
 - a. The hauler's name;
 - b. Date;
 - c. Time of disposal;
 - d. Volume disposed;
 - e. Origin of load (property owner's name, address, and telephone number); and
 - f. Nature of the waste (i.e., grease or septage) being disposed.
3. Such log as described in Section 14.3(C)(2) shall be located in the office of the Facility Manager of the POTW.
4. Owners of "RVs" who intend to discharge the contents of their own holding tanks are exempt from the permitting process.

14.3 SEPTAGE DISPOSAL CHARGE

There shall be a Septage Disposal Charge as listed in Appendix A of this Ordinance for the receipt of septage into the Town's POTW for treatment. In the event that 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.

SECTION 15 - SEWER USE FEES

15.1 SEWER USE FEES

As authorized by NH RSA 149-I:7 and I-8, sewer use fees shall be paid by the owner(s) of real estate connected to the Town's sewer system. Such fees shall be paid into the Town treasury for the purposes of defraying the cost of construction, management, maintenance, operation, reconstruction, replacement and repairs of town sewers and sewer systems, including treatment and disposal works, and for the payment of the interest and principal of any debt incurred to pay such costs. The sewer use fees shall be kept as a separate and distinct fund and shall be known as the Sewer Fund.

In the collection of the sewer use fees, the Town shall have the same lien and collection procedures as authorized by NH statute. Interest on overdue fees shall be assessed in accordance with NH RSA 76:13.

15.2 ASSESSEMENT AND METERING OF SEWER USE

1. Sewer use fees are assessed based on the consumption registered upon water metering, set and maintained, by the owner of the Town of Pittsfield's water supply, Pittsfield Aqueduct Company, Inc.
2. Sewer users who are not the customers of Pittsfield Aqueduct Company, Inc., shall provide metering, at their own expense, and of a type approved by and meets all of the requirements of the Town. Such metering shall conform to the state Plumbing Code and be maintained in proper working order and available for metering reading at all reasonable times.
3. Sewer users who are not the customers of Pittsfield Aqueduct Company, Inc., and who refuse to install metering as required under this Ordinance to measure the flow of materials into the sanitary sewer system, shall at the Town's option, have installed at the user(s) expense, approved metering that will measure the outflow of discharge to the sanitary sewer system. The Town is authorized to install such metering and supporting structures, manholes, and other necessary appurtenances to carry out the necessary measurement of materials discharged to the sanitary sewer system for billing purposes and to bill the customer for such work and materials.
4. Non-Registering Meters. If a meter is found which does not register, the bill for the period of non-registration will be based upon information recorded prior to or subsequent to the period of non-registration, along with any other pertinent information supplied by the customer or known to the Town, and may be estimated for the period.
5. Tampering. If a meter, including the remote register and interconnecting cable or wire or other connections or equipment are found to have been interfered with, diverted, damaged or tampered with, the customer will be required to repair such damage at their cost immediately. Breaking or removing seal or sealing device is considered tampering.
6. PUC Regulations. The regulations of the State of New Hampshire Public Utilities Commission governing water-metering devices shall be considered to be a part of these regulations except that where those regulations require testing or other requirements at the cost of the Town or Utility - it shall be considered to say at the cost of the customer.

15.3 METERING OUTSIDE WATER USAGE

Outside usage of water that has been metered, but has not returned to the municipal sewer system, may be deducted from the sewer use fee charge, with the installation of a Town-approved deduct-meter.

Sewer users shall provide metering, at their own expense, of a meter type meeting all requirements of the Town of Pittsfield. This meter shall be maintained in proper working order and comply with the state Plumbing Code.

The sewer user shall provide a clean, dry, warm, and accessible place for the inspection of the meter tracking such outside water usage. The meter shall be as close to the outside faucet as possible.

If a sewer user is found to have tampered with the meter tracking the outside water usage, such as setting it to intentionally record more usage than is actually occurring or record water that is actually entering the sewer system, the customer shall be subject to a civil penalty not to exceed \$10,000 per day of such violation.

15.4 INDUSTRIAL SEWER USERS

All industrial users contributing wastewater with strength greater than 200 mg/L in BOD and/or 250 mg/L TSS shall prepare and file with the Town, a report that shall include pertinent data relating to the wastewater characteristics, including the methods of sampling and measurement to obtain this data. This data, along with the rate in Appendix A, may be used to calculate the user charge for that user. The Town shall have the right to gain access to the waste stream and take samples. Should these sample results be substantially different from those submitted by the user, as determined by the Town, the sewer use charge for that user shall be revised for the next billing period.

Any user who discharges any substance which causes an increase in the cost of treating the wastewater or resulting biosolids, or any user who discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of treatment shall pay for such increase costs. The charge for such treatment will be determined by the Town.

The industrial sewer use fees may include the cost of pumping and treating any Infiltration/Inflow that exists within the system.

15.5 SEWER USE BILLING

Sewer use fees are billed four times per year. Notice of such billing shall be mailed to the owner of the property and include the period being billed, usage for said period, and the rate(s) in effect at the time of the billing.

Property owners are responsible for the amounts billed even if properly addressed billing notices are not delivered by the Post Office. Paperless billing notice delivery via email is available.

Bills are payable to the Town of Pittsfield at the address listed on the bill or online through the Town's website at www.pittsfieldnh.gov.

Bills shall be due at least 30 days after the postmark of the bill, with interest as set forth in NH RSA

149-I, charged on delinquent amounts.

Bills which remain unpaid 30 days after the due date of the final bill of the calendar year are subject to a lien upon the real estate served by the Town in accordance with NH RSA 149-I.

15.6 SEWER USE RATES

Sewer use rates shall be those in effect at the time of billing as approved by the Pittsfield Board of Selectmen.

The sewer use rate table is Appendix A to this Ordinance.

15.7 FEES FOR NEW SEWER CONNECTIONS

Fees for new sewer connections (current rate found in Appendix A to this Ordinance) are due upon application for connection to the sewer system.

Fees for the sewer connections are deposited in the Sewer Fund.

The Town shall have the right to require developers of non-residential facilities to provide site specific engineering data where significant discrepancies in projected sewer system impact exist. All costs shall be borne by the developer.

The developer of non-residential facilities shall have the right to submit site specific engineering data for Town review where significant discrepancies in projected sewer system impact exist. All costs shall be borne by the developer.

15.8 SEWER USE FEE APPEAL PROCEDURE

Any user who feels their sewer user charge is inaccurate or unjust may make written appeal to the Board of Selectmen requesting an abatement of the charges. The written appeal shall be submitted within thirty days of receipt of the bill and shall contain documentation substantiating the inaccuracy. In the instance of an appeal of inaccuracy in the billing, the request shall show the actual or estimated flow and /or strength of the wastewater in comparison to the values set by this ordinance to include any other estimates or measurements that have been made. This action does not relieve the user from paying bills when they come due.

If the Board of Selectmen neglects or refuses to grant an abatement, any person aggrieved may apply by petition to the Superior Court for relief at any time within ninety (90) days after the notice of the assessment, and not afterwards.

SECTION 16 - VALIDITY

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

The validity of any 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.

SECTION 17 - INTERPRETATION OF REQUIREMENTS

17.1 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 making connections to sewers or drains, and other technical matters shall be interpreted and administered by the duly authorized representative acting in and for the Town of Pittsfield, New Hampshire through the Board of Selectmen.

17.2 APPEALS

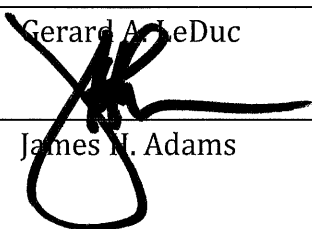
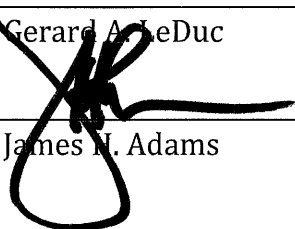
Any party aggrieved by any decision of the Town, under this Ordinance, have the right to file a petition for certiorari with the Merrimack County Superior Court.


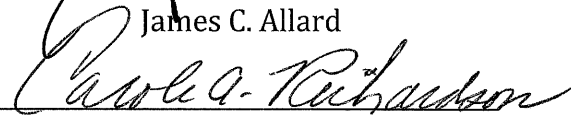
SECTION 18 - EFFECTIVE DATE

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 26 day of April, 2022 by the Board of Selectmen of the Town of Pittsfield in Merrimack County, State of New Hampshire, at a duly noticed and duly held session of the said Board of Selectmen.


Carl E. Anderson


Gerard A. LeDuc

James N. Adams


James C. Allard

Carole A. Richardson

Pittsfield Board of Selectmen

APPENDIX A - SEWER USE RATE TABLE

SEWER CONNECTION FEE - \$3,500

SEWER USE FEE – effective 2021 Quarter 2

\$10.00 per dwelling unit PLUS \$0.0975 per cubic foot of water

SEPTAGE DISPOSAL/TIPPING CHARGE – \$50.00 per thousand gallons

- breakpoint for determining the quantity will be 500 gallons
- minimum charge \$50.00