

**SEWERS**

**Chapter 159**

**SEWERS**

**15900**

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**MUNICIPAL SEWER USE ORDINANCE  
TOWN OF JAFFREY, NEW HAMPSHIRE**

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

Be it ordained and enacted by the Selectmen of the Town of Jaffrey, State of New Hampshire as follows:

**ARTICLE I – GENERAL PROVISIONS**

**Section 1.1 Purpose and Policy**

This Ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) of the Town 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). The objectives of this Ordinance are:

A. To promote the following:

- The prevention or reduction of pollutants at the source whenever feasible;
- Recycling in an environmentally safe manner when the creation of pollutants 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.

To encourage the development of these efforts, the Town may:

- Set Town-wide pollution prevention goals;
- Organize a pollution prevention 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.

B. To prevent the introduction of pollutants into the POTW that will interfere with its operation;

C. 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;

D. To protect both POTW personnel who may be affected by wastewater and biosolids in the course of their employment and the general public; to promote reuse of biosolids from the POTW;

- F. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and
- G. To enable the Town to comply with its National Pollutant Discharge Elimination System permit conditions, biosolids use and disposal requirements, State of New Hampshire Administrative Rules (RSA 485-A, or revisions thereto), and any other Federal or State laws to which the POTW is subject.

This Ordinance shall apply to all users of the POTW. The Ordinance authorizes the issuance of industrial wastewater discharge permits (IDPs); provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. These activities collectively are referred to as the Town's *Industrial Pretreatment Program*, and represent an ongoing administrative element of the Town's activities.

### Section 1.2 Administration

Except as otherwise provided herein, the Board of Selectmen (BOS) through the Director of Public Works (Director) shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the BOS may be delegated by the BOS to other Town personnel or representatives.

### Section 1.3 Acronyms

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

- BOD - Biochemical Oxygen Demand
- CFR - Code of Federal Regulations
- COD - Chemical Oxygen Demand
- EPA - United States Environmental Protection Agency
- GPD - gallons per day
- IDP - Industrial Wastewater 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
- TSS - Total Suspended Solids
- U.S.C. - United States Code
- °F, °C - degrees Fahrenheit, degrees Celsius

### Section 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.

A. Authorized Representative of the User

1. If the user is a corporation:
  - a. 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
  - b. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedure.
2. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
3. If the user is a Federal, State, or local governmental facility: a director or the highest official appointed or designated to directly oversee the operation and performance of the activities of the government facility, or their designee.
4. The individuals described in paragraphs (1) through (3), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the user, and the written authorization is submitted to the Town.

B. Best Management Practices or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the pollutant control prohibitions of this Ordinance. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

C. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20°C, usually expressed as a concentration (*e.g.*, mg/L).

D. Builder. A person or persons building or constructing a structure or structures that will or could discharge wastewater or industrial waste to the Town's POTW.

E. 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. The building drain includes the first five (5) linear feet of plumbing outside of the building as measured from the inner face of the building wall.

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1. Sewer Stub (or Street Lateral) shall mean that portion of the building sewer extending from the public sewer (main, lateral, or branch) to the property line and is available to receive the building sewer connection.
  2. Building Sewer Connection shall mean the pipe installed from the property line to the building drain to receive the wastewater generated by a building or household.
- F. Bypass. The intentional diversion of waste streams from any portion of a pretreatment or wastewater treatment facility.
- G. Categorical Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Clean Water Act (33 U.S.C. § 1317) that applies to a specific category of industrial users and that are found in 40 CFR, Subchapter N, Parts 405 through 471.
- H. Color. The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.
- I. Composite Sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
- J. Conservative Pollutant. A pollutant that is presumed not to be destroyed, biodegraded, chemically transformed, or volatilized within the POTW. Conservative pollutants introduced to a POTW ultimately exit the POTW solely through the POTW's effluent and biosolids. Most metals are considered conservative pollutants.
- K. Contractor. The person constructing the building sewer.
- L. Developer. The person or persons planning a structure or structures that will or could discharge wastewater to the Town's POTW.
- M. Dilution. Any increase in the use of water as a partial or complete substitute for adequate treatment to achieve compliance with a limitation on the discharge of pollutants.
- N. Director. 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.
- O. Easement. An acquired legal right for the specific use of land owned by others.
- P. Environmental Protection Agency (EPA). The U.S. Environmental Protection Agency or, the Region 1 Water Management Division Director, or other duly authorized official of the agency.
- Q. Equalization. The process of combining wastewaters to dampen fluctuations in flow or pollutant discharges prior to release to the sanitary sewer or pretreatment facilities. Equalization is normally accomplished in sumps, holding basins, ponds, or tanks.
- R. Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Clean Water Act.

- S. Force Main. A pipe or conduit constituting a part of the sewer system where pumping is required; providing a connection from a pump station to a pump station or gravity sewer, with limited access from individual properties.
- T. Garbage. Animal and vegetable food waste resulting from the handling, storage, packaging, sale, preparation, cooking, and serving of foods.
- U. Grab Sample. A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- V. Gravity Sewer. Any pipe or conduit constituting a part of the sewer system used or usable for wastewater collection purposes in which wastewater flows by gravity with no pumping required.
- W. Grease. That material removed from a grease interceptor or grease trap serving a restaurant or other facilities requiring such a device. Also means volatile and non-volatile residual fats, fatty acids, soaps, waxes and other similar materials.
- X. Hauler. Those persons, firms, or corporations, who pump, haul, transport, or dispose of septage and/or trucked industrial waste, and who are licensed by the Commissioner of the New Hampshire Department of Environmental Services and conform to the requirements set forth in RSA 485-A, or revisions thereto.
- Y. Health Officer. The person designated by the Town to implement programs pertaining to the public health and safety, and who is charged with certain duties and responsibilities by this Ordinance, or a duly authorized representative.
- Z. Human Excrement and other Putrescible Material. The liquid or solid matter discharged from the intestinal canal of man or other liquid or solid waste materials that are likely to undergo bacterial decomposition; provided, however, that these terms shall not include garbage as defined by RSA 485-A, or revisions thereto.
- AA. Improved Property. Any property located within the Town upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure wastewater will be or may be discharged.
- BB. Industrial Wastewater Discharge Permit (IDP). The written permit between the Town and an industrial user that discharges wastewater to the POTW, which outlines the conditions under which discharge to the POTW will be accepted.
- CC. Industrial User (or User). A person who discharges industrial wastewater to the sanitary sewer of the Town.
- DD. Industrial Waste. Any liquid, gaseous or solid waste substance from any process or from development of any natural resource by industry, manufacturing, trade, or business.
- EE. Industrial Wastewater. Any wastewater that contains industrial waste, as distinct from sanitary sewage or unpolluted water.

- FF. Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.
- GG. 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, may cause of a violation of the Town's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of biosolids use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued hereunder, or any more stringent State or local regulations: Section 405 of the Clean Water Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State biosolids management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; the Marine Protection, Research, and Sanctuaries Act; and the 40 CFR Part 503 Standards for Sewage Sludge Use and Disposal.
- HH. Local Limits. Specific, enforceable numerical limits on the types and quantities of pollutants that may be discharged to the POTW. Local limits are established by the Town and are distinct from State and federal limitations on the discharge of industrial wastewater to the POTW.
- II. May. Is allowed to (permissive); see also “Shall.”
- JJ. Medical/Infectious Waste. Any solid waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals. Examples include isolation wastes, infectious agents, human blood and blood products, pathological wastes, chemotherapy wastes, sharps, body parts, contaminated bedding, surgical wastes and specimens, potentially contaminated laboratory wastes, trauma scene wastes, sharps waste and dialysis wastes.
- KK. National Pollutant Discharge Elimination System (NPDES) Permit. A permit issued pursuant to Section 402 of the Clean Water Act (33 U.S.C. § 1342).
- LL. Natural Outlet. Any channel for the passage of water into a river, stream, ditch, pond, lake, bay, marsh, ocean, watercourse or other body of surface water or groundwater. This includes the outlets from storm sewers, and the overflows from sewers that carry a combination of wastewater and storm water.
- MM. New Source.
1. 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 Clean Water Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
    - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
    - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

- c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- 2. 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 1. (a) or 1. (b) above but otherwise alters, replaces, or adds to existing process or production equipment.
- 3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
  - a. Begun, or caused to begin, as part of a continuous on-site construction program
    - i. any placement, assembly, or installation of facilities or equipment; or
    - ii. 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
  - b. Entered into a binding contractual obligation for the purchase of facilities or equipment that is 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.
- NN. Nonconservative Pollutant. A pollutant that is presumed to be destroyed, biodegraded, chemically transformed, or volatilized within the POTW, to some degree.
- OO. Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product and is not degraded in quality by mixing with or addition of process waste or pollutants other than heat.
- PP. Notice. Written notice forwarded by document delivery service postage prepaid to any person's last known address.
- QQ. Owner. Any person vested with ownership, legal or equitable, sole or partial, or possession of any improved property.
- RR. Pass Through. A condition that exists when a discharge contains substances or their reaction or degradation products that exit the POTW 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.

- SS. 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.
- TT. 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.
- UU. Pharmaceutical Waste. Means 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.
- VV. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, garbage, wastewater treatment sludges, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (*e.g.*, pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- WW. Pollution Prevention. The use of processes, practices or products that reduce or eliminate the generation of pollutants and wastes or that protect natural resources through equipment or technology modifications; process or procedure modifications; reformulation or redesign of products; substitution of raw materials; and improvements in housekeeping, maintenance, training, or inventory control. The term "pollution prevention" does not include any practice that alters the physical, chemical, or biological characteristics or the volume of a hazardous substance, pollutant, or contaminant through a process or activity that itself is not integral to and necessary for the production of a product or the providing of a service.
- XX. 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.
- YY. Pretreatment Requirement. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- ZZ. Pretreatment Standard or Standard. Prohibited discharge standards, categorical pretreatment standards, and local limits.
- AAA. Prohibited Discharge Standard or Prohibited Discharge. An absolute prohibition against the discharge of a certain substance. Prohibited discharge standards appear in Section 2.6 of this Ordinance.
- BBB. Property Owner. The person owning an improved or unimproved property in the Town.

- CCC. Publicly Owned Treatment Works (POTW). A “treatment works,” as defined by Section 212 of the Clean Water 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 sanitary 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 the discharges from such a treatment works.
- DDD. Public Sewer. A sewer controlled by a government agency or public utility.
- EEE. Radiological Waste. Means radioactive waste as regulated by RSA 125-F.
- FFF. Sanitary Sewage. Wastewater consisting solely of normal water-carried household and toilet wastes or waste (such as human excrement and gray water [showers, dishwashing operations, etc.]) from sanitary conveniences of residences, commercial buildings, and industrial plants, as distinct from industrial wastewater and unpolluted water.
- GGG. Sanitary Sewer. A public 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.
- HHH. Screening Level. A numerical value for a pollutant concentration above which actions are initiated to evaluate, prevent or reduce adverse environmental or health and safety impacts. A screening level may be adjusted upward or downward within an IDP to account for site-specific conditions at the point of discharge and administered as a local limit.
- III. Septage. Any liquid, solid, or sludge pumped from chemical toilets, vaults, septic tanks, or cesspools or other holding tanks, which have received only sanitary sewage.
- JJJ. Septage Tank Truck. Any watertight vehicle that is used for the collection and hauling of septage and that complies with the regulations of the New Hampshire Department of Environmental Services.
- KKK. Sewer. A pipe or conduit that carries wastewater (including industrial wastewater, sanitary sewage, storm water, groundwater, subsurface water, or unpolluted water) from any source.
- LLL. Shall. Is required to (mandatory). See also "May."
- MMM. Significant Industrial User.
1. A user subject to categorical pretreatment standards under 40 CFR 403.8 and 40 CFR Chapter I, Subchapter N; or

2. A user that:
  - a. Discharges an average of ten thousand (10,000) gpd or more of industrial wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);
  - b. Contributes industrial wastewater that comprises five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;
  - c. Discharges medical/infectious waste, pharmaceutical waste, or radiological waste; or
  - d. 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.
3. The Town may determine that an Industrial User subject to Categorical Pretreatment Standards under §403.6 and 40 CFR chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total Categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
  - a. The Industrial User, prior to the Town's finding, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;
  - b. The Industrial User annually submits the certification statement required in §403.12(q) together with any additional information necessary to support the certification statement; and
  - c. The Industrial User never discharges any untreated concentrated wastewater.
4. Upon determining that a user meeting the criteria in 2(a) or 2(b) of this definition 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.

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

1. Chronic violations. A pattern of violating a numeric pretreatment standard or requirement, including instantaneous limits (any magnitude of exceedance) sixty-six percent (66%) or more of the time in a 6-month period;
2. Technical Review Criteria (TRC violations). Thirty-three percent (33%) or more of the measurements exceed the same numeric pretreatment standard or requirement, including instantaneous limits, by more than the TRC factor in a 6-month period [The TRC factor is 1.4 for BOD, TSS, oil & grease and 1.2 for all other pollutants except pH.];

3. For pH monitoring, excursions shall be considered significant noncompliance when:
  - a. 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
  - b. An individual excursion from the allowable range of pH values exceeds 60 minutes; or
  - c. Any pH value below 5.0 S.U.; or
  - d. Any pH excursion that the Director believes has endangered the structural integrity of the POTW, the health of the POTW personnel or the general public.
4. Any other discharge violation that the Director believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
5. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Director's exercise of emergency authority to halt or prevent such a discharge;
6. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an IDP or enforcement order for starting construction, completing construction, or attaining final compliance;
7. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, IDP applications, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
8. Failure to accurately report noncompliance; or
9. Any other violation(s) or group of violations, which may include a violation of Best Management Practices, that the Director determines will adversely affect the operation or implementation of the local pretreatment program.

OOO. Slug. Means:

1. Any discharge of water or wastewater that, 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;
2. Any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in Section 2.6 of this Ordinance; or
3. Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or adversely affect the collection system and/or performance of the POTW.

- PPP. State. The State of New Hampshire.
- QQQ. Storm Water. Any flow occurring during or following any form of natural precipitation and resulting there from, including snowmelt.
- RRR. Storm Sewer. A sewer for conveying storm water, groundwater, subsurface water, or unpolluted water from any source.
- SSS. Street Lateral (see also Building Sewer Stub). That portion of a public sewer lying within a public street connecting a building sewer connection to the main sewer.
- TTT. Total Suspended Solids (TSS). A measure of the suspended matter present in wastewater, effluent, or water bodies, as determined by an approved test method. Also called Nonfilterable Residue.
- UUU. Town. The Town of Jaffrey, Cheshire County, a municipality of the State of New Hampshire, acting by and through its Selectmen or, in appropriate cases, acting by and through its authorized representatives, including the Director.
- VVV. Unpolluted Water. Water of quality equal to or better than the State Water Quality Standards (Part Env-Ws 1703) or water that would not cause a violation of receiving water quality standards and would not be benefited by discharge to the POTW.
- WWW. User (or Industrial User). A person who discharges industrial wastewater to the sanitary sewer of the Town.
- XXX. User Charge System. The local ordinance which prescribes the sewer rent levied on users of the wastewater facilities to cover the costs of operation, maintenance, and replacement.
- YYY. Wastewater. The spent water of a community. Any combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, governmental facilities, and institutions, whether treated or untreated that is contributed to the POTW.
- ZZZ. Wastewater Treatment Facility. That portion of the POTW that is designed to provide treatment of sanitary sewage and industrial wastewater.
- AAAA. Watercourse. A natural or artificial channel in which a flow of water occurs, either continually or intermittently.

## **ARTICLE II – GENERAL SEWER USE REQUIREMENTS**

### **Section 2.1 Use of Public Sewers**

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Jaffrey (Town) 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 or cause to be discharged into any public sewer of the Town, or into any fixture that thereafter discharges into any public sewer, any waste, or substance other than that for which the particular sewer is intended, designed, and 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 approvals and permits have been obtained.
- E. Use of Sanitary Sewers. Except as specifically designated by the Town with reference to some particular sewer, sanitary sewers shall be used only for the conveyance and disposal of sanitary sewage, and for industrial wastes that are not objectionable as hereinafter provided. No sanitary sewer shall be used to receive and convey or dispose of any storm or surface water, subsoil drainage, or unpolluted water. No industrial wastewater shall be directed to a sewer that is not connected to the POTW.
- F. Use of Storm Sewers. Storm water and all other unpolluted drainage shall be discharged only to such sewers as are specifically designed as storm sewers, or to natural outlets approved by the Director. Industrial noncontact cooling water, process waters, or storm water runoff generated in areas of industrial activity (as defined in 40 CFR Part 122) require a NPDES permit prior to discharge 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 Director will consider the pertinent facts and make a determination. This determination shall 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 (I) below. The use of portable chemical toilets is allowed at construction sites and for other temporary purposes provided the wastes are properly disposed off site.
- 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 sanitary sewer of the Town, is hereby required at the owner(s)' expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within ninety (90) days subsequent to the date of official notice to do so, provided that said public sewer is available. This requirement for connection may be waived when permitted by the Director if it is for a residential household already connected to a properly functioning, State-approved septic system approved after 1986 and the system is not in failure.
- J. 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 POTW.

## Section 2.2 Private Wastewater Disposal

- A. Where a public sanitary sewer is not available under the provisions of paragraph 2.1(I) above, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of RSA 485-A, or revisions thereto, of the State of New Hampshire and rules, regulations, standards, and procedures promulgated thereupon. Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain design approval from the Water Division of the NHDES and a written permit from the Health Officer. The application for such permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Health Officer.
- B. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Health Officer. The Health Officer shall be allowed to inspect the work at any stage of construction and in any event, the applicant for the permit shall notify the Health Officer when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Health Officer.
- C. The type, capacities, location, layout and installation (including inspection) of a private wastewater disposal system shall comply with all requirements of the NHDES. No permit shall be issued for any new private wastewater disposal system employing subsurface soil absorption facilities where the lot area is less than is required by subdivision lot size requirements of the NHDES. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- D. 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, sanitary sewage disposal facility.
- E. 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 2.1(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.
- F. 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 Health Officer.

## Section 2.3 Building Sewers and Connections

- A. No person(s) shall uncover, make any connections with or opening into, alter, or disturb any public sewer or appurtenance thereof without first obtaining authorization from the Director. Permits to work within the NHDOT and/or Town Right-of-Way (ROW) shall be obtained in addition to DIGSAFE notification.
- B. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service producing only domestic wastewater, and (b) for service to establishments producing industrial wastes. For residential and commercial services, the owner(s) or his agent shall make application on a special ***Application for Sewer Service*** form furnished by the Town at least thirty (30) days prior to said service connection. The ***Application for Sewer Service*** shall include a plan to scale showing connections and supplemented by any plans, specifications, or other information (including pollution prevention studies) considered pertinent in the judgment of the

Director. The Town will have the option of denying an application if, in the opinion of the Director, the contractor is not qualified. An application and connection fee (specific fees are available from the Town's *Schedule of Fee's* as the Town may revise from time to time) shall be paid to the Town at the time the application is filed. A copy of the approved *Application for Sewer Service* signed by the Director will serve as evidence of approval and is available upon request at the Director's office. For an establishment discharging industrial wastes, an application shall be made in accordance with the requirements of Article IV of this Ordinance.

- C. The Town will, at its expense during construction of a new public sewer or sewer extension by the Town, construct a sewer stub for a building or proposed building located on a lot of record, if such building or proposed building is accessible to the existing public sewer, and therefore is required to connect to the public sewer as provided in paragraph 2.1(I), above. All costs including application and connection fees and expenses incidental to the installation and connection of the remainder of the building sewer, including connection to the structures served, shall be the responsibility of the owner of the improved property to be connected. 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. After the initial construction of the building sewer, the owner shall thereafter be obligated to pay all costs of expenses of operation, repair, and maintenance and of reconstruction (if needed) of the entire building sewer beginning at the public sewer and ending at the building. If Town personnel are called out to work on the public sewer and it is subsequently determined that the problem was on the property owner's section of the line, the property owner will reimburse the Town for all costs associated with the service call.
- E. If the owner of any building located within the Town and benefited, improved, served or accommodated by any public sewer, or to which any public sewer is available, after ninety (90) days' notice from the Town, in accordance with paragraph 2.1(I), shall fail to connect such building as required, the owner shall be in violation of this Ordinance and the Town may make such connection and may collect from such owner the costs and expenses thereof by such legal proceeding as may be permitted by law. The Town shall have full authority to enter on owner's property to do whatever is necessary to properly drain the improved property into the public sewer.
- F. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building sewer may be extended to the rear building and the whole considered as one building sewer, but the Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned. Grouping of more than one building on one building sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, but then only after special permission of the Town, in writing, shall have been secured and subject to such rules, regulations and conditions as may be prescribed by the Town.
- G. Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the Director, to meet all requirements of this Ordinance.
- H. The size, slope and construction of building sewer or street laterals shall be subject to approval by the Director, but in no event shall the internal diameter be less than six inches (6"), nor shall the slope of the pipe be less than one-eighth inch (1/8") per foot minimum, nor shall velocity of

flow in the pipe be less than two feet (2') per second. 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, force main building sewers will be permitted, subject to approval by the Director. The force main shall be sized to maintain flow velocities of three (3') feet per second and shall be furnished with adequate valving to provide shut off capability and protection against reverse flows and a cleanout shall be installed at the service connection. Wherever possible, force mains shall be designed to transition to a gravity sewer prior to connection to the public sewer main. Building sewers shall *not* be connected through a manhole except as provided by Section 2.3(I). In all instances, during construction, a cleanout shall be installed at the property line at the end of the sewer stub (service) or street lateral and at the building sewer connection. The cleanout shall include a detectable metal cover.

- I. When any street lateral is to serve a school, hospital, or similar institutional or public housing, or is to serve a complex of industrial or commercial buildings, or which in the opinion of the Director, will receive sanitary sewage or industrial wastes of such volume or character that frequent maintenance of said building sewer and street lateral is anticipated, then such street lateral shall be connected to the public sewer through a manhole. The Director shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by the Director. If required, a new manhole shall be installed in the public sewer. Industrial or commercial connections may be required to construct access manholes for sampling purposes at the sole discretion of the Town (Section 3.2(F)).
- J. Building sewers shall be polyvinyl chloride (PVC) sewer pipe conforming to the following: Polyvinyl Chloride Sewer Pipe Material - All PVC pipe and fittings shall be Class SDR-35 and shall meet or exceed all of the requirements of ASTM Specification D3034, "Type PSM Polyvinyl Chloride (PVC) Sewer Pipe and Fittings"; or ASTM Specification D2241, "Type PS-46 Poly (Vinyl Chloride) (PVC) Large-Diameter Plastic Gravity Sewer Pipe and Fittings". All pipe shall be suitable for use as a gravity sewer conduit with integral bell and elastomeric gasket joints. The gasket shall meet the requirements of ASTM D3212. The bell shall consist of an integral wall section, which securely locks the solid cross-section elastomeric rubber ring into position. Standard lengths shall be 12'-6" and 20'+. Acceptable manufacturers are Johns-Manville, Certain-Teed, Carlon, or equal. Color shall be green.
  1. Fittings - All fittings and accessories shall be as manufactured and furnished by the pipe supplier, and have bell and/or spigot configurations identical to that of the pipe to which they are connected.
  2. Pipe Stiffness - Minimum pipe stiffness at five percent (5%) deflection shall be 46 pounds per square inch for all sizes when tested in accordance with ASTM Designation D2412, "External Loading Properties of Plastic Pipe by Parallel-Plate Loading".
  3. Installation - Extreme care shall be taken to provide proper pipe foundations and pipe sidefills in accordance with the recommendations of the pipe manufacturer, maintaining accurate alignment of the pipe at all times.
  4. Unstable Ground / Fill - If installed on fill or unstable ground the trench bottom shall be stabilized and compacted to ninety-five percent (95%) of the maximum dry density as determined by laboratory compaction test ASTM D1577, method 10 prior to pipe installation. Special excavation and filling methods and materials, including the use of porous fabric and/or select material, may be required by the Director. The distance

between consecutive joints, as measured along the centerline of the installed pipe, shall not exceed 12'-6" except under abnormal circumstances, in which case this dimension may be exceeded if approved in advance by the Town.

- K. At the point of connection of a building sewer to a public sewer, a standard wye fitting and a one-eighth (45-degree) bend shall be used. No lateral connection shall be made to the main sewer which permits the flow into the sewer from the lateral to enter at right angles. A chimney may be required.
- L. The wye and one-eighth (45-degree) bend fittings, previously mentioned, shall be inserted in the public sewer at the time of its construction for each proposed lot for either immediate or future development. The location of all lateral connections shall be shown along with at least two dimensional ties on a drawing, and copies of this drawing showing the as-built location of these connections shall be furnished to the Town. No sanitary sewer shall be accepted by the Director until two copies of this record drawing showing lateral locations have been so filed.
- M. 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 Water Environment Federation (WEF) Manual of Practice No. FD-5. All such connections shall be made gas tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Director before installation.

All joints and connections shall be made watertight. No paint, varnish, or other coatings shall be permitted on the jointing material until after the joint has been tested and approved. The transition joint between cast iron pipe and other pipe materials shall be made with special adapters and jointing materials approved by the Director.

There shall be maintained a ten foot (10') separation of sewer and water main.

- N. In addition to providing dimensional ties, all house service laterals prior to backfilling shall have their locations marked in the following manner:
  - 1. Two feet (2') above the pipe the installer shall place a six-inch (6") wide detectable tracer tape.
  - 2. Detectable tracer tape shall consist of a continuous aluminum foil core inseparably bonded on both sides with tough high density cross-laminated plastic films, pigmented in green warning colors. Bond strength of the tracer tape must be such as to prevent pitting or degradation after 300 hours of continuous testing per ASTM B-117.
  - 3. Detectable tracer tape shall be the type that can be located by the inductive method and does not require electrical connection to be made to the tape.
  - 4. The tape shall be compatible for use with magnetic detectors which are currently in use in the Town. Magnetic locating tape shall be installed on all sewer service pipe and force main installed without exception.
  - 5. The tape shall be six inches (6") in width and shall have the words "Buried Sewer Line Below" permanently and indelibly printed on it.

- O. All excavation required for the installation of a building sewer or street lateral shall be open trench work unless otherwise approved by the Director. Pipe laying and backfill, regardless of pipe material used, shall be performed in general accordance with paragraphs 3 through 6 of ASTM Specification C-12, except that trench width measured at the top of the installed pipe shall not exceed twenty-four inches (24") and except that no backfill shall be placed until the work has been inspected by the Director. The depth of cover over the pipe shall be sufficient to afford protection from frost, but in no case shall such depth be less than four feet (4') unless prior approval has been granted by the Director, in writing to permit a lesser depth of cover. In such cases a rigid 2-inch insulation board shall be installed over the pipe.
- P. All excavations for building sewer installation shall be adequately guarded with warning signs, traffic controls, 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. It is the responsibility of the owner to coordinate work with the Town by providing written notification of any proposed work prior to initiation of excavation and comply with all requirements of the Town's street opening permit or NHDOT permit to work within the right-of-way and DIGSAFE.
- Q. An interior clean-out fitting and backwater valve at the discretion of the Director shall be provided for each building lateral at a readily accessible location, preferably just inside the basement wall. The fitting shall contain a forty-five degree (45°) branch with a removable watertight plug, and so positioned that sewer cleaning equipment can be inserted therein to clean the building lateral. Buildings and mobile homes without foundations shall have a clean-out installed on the outside and installed at the street line.
- R. No structure shall be connected to the sanitary sewer system unless there is a vent pipe extending to a point above the roof and properly vented or otherwise vented as per applicable codes and code enforcement offices in a manner approved by the Director. Vents shall be installed by the owner in all buildings as approved by the Building Inspector. No person shall obstruct the free flow of air through any drain or soil pipe.
- S. Grease, oil, and/or sand interceptors shall be installed where the Town or its duly authorized agent shall direct, and shall be maintained at the owner's expense. These shall be installed outside unless waived by the Director.
- T. No person(s) shall make connection of roof downspouts, interior or exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer.
- U. The owner(s) or their agent shall notify the Director when the building sewer is ready for inspection and connection to the public sewer. Such notice shall be provided not less than seventy-two (72) hours in advance of the time any connection is to be made to any public sewer. The contractor shall be responsible for satisfying all other notification requirements, including DIGSAFE. The connection and testing shall be made under the supervision of the Director or his representative. No building sewer or repair thereto shall be covered until it has been inspected and approved by the Town. If any part of a building sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the building to be connected to a sewer. This requirement shall also apply to repairs or alterations to building connections, drains or pipes thereto. Premature filling of trenches before an inspection is made will subject the owner(s) to opening the trench for inspection or a penalty in accordance with this Ordinance.

Failure of inspection may result in actions through code enforcement up to and including withholding a Certificate of Occupancy or discontinuing of services.

- V. Suitable provisions shall be made at the point of connection for testing, which responsibility shall rest with the owner(s).
- W. The Director 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 Director in securing data needed for such records.
- X. Proposed new discharges from residential or commercial sources involving loadings exceeding fifty (50) population equivalents (5,000 gpd); any new industrial waste, or any alteration in either flow or waste characteristics of greater than twenty percent (20%) of existing industrial wastes that are being discharged into the POTW, and that could cause interference with the POTW or have an adverse effect on the receiving water or otherwise endanger life, limb, public property or constitute a nuisance, shall be approved by the NHDES Water Division. Approvals for industrial waste shall be obtained in accordance with Article IV of this Ordinance.
- Y. If the owner of any building located within the Town shall fail or refuse, upon receipt of a notice of the Town, in writing, to remedy any unsatisfactory condition with respect to a building sewer, within forty-five (45) days of receipt of such notice (except this time period may be reduced as necessary to protect the health and safety of the residents of the Town), the Town may remedy any unsatisfactory condition with respect to a building sewer and may collect from the owner the costs and expenses thereof by such legal proceedings as may be provided by law. The Town shall have full authority to enter on the owner's property to do whatever is necessary to remedy the unsatisfactory condition.
- Z. Every building sewer shall be maintained in a sanitary and safe operating condition by the owner.
- AA. When a building is demolished and not immediately replaced, the owner shall adequately seal off his building sewer where it connects to the public sewer.

#### **Section 2.4 New Sewers or Sewer Extensions**

- A. New sanitary sewers and all extensions to sanitary sewers owned and maintained by the Town shall be properly designed in accordance with the **NHDES Administrative Rules Env-Wq 700: Standards of Design and Construction for Sewerage and Wastewater Treatment Facilities** and in strict conformance with all requirements of the NHDES. Plans and specifications shall be submitted to, and approval obtained from, the Director and the Town and the NHDES before construction may proceed. The design of sewers shall anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.

- B. When a property owner, builder, or developer proposes to construct sanitary sewers or extensions to sanitary sewers in an area proposed for subdivision, the plans, specifications, and method of installation shall be subject to the approval of the Director in accordance with paragraph 2.3(A). Said property owner, builder or developer shall pay for the entire installation, including appropriate share of the cost of treatment plant, intercepting or trunk sewers, pumping stations, force mains and all other Town expenses incidental thereto based on volume and plant capacity, as determined by the Town. Each building sewer shall be installed and inspected pursuant to Section 2.3 and all application and inspection fees shall be paid by the applicant. Design and installation of sewers shall be as specified in and in conformance with paragraphs 3 through 6 of ASTM Specification C-12. Plugged service wye fittings shall be provided along sewer extensions in locations approved by the Director to accommodate future connections from existing unimproved lots. The installation of the sewer shall be subject to periodic inspection by the Director, and the expense for this inspection shall be paid for by the owner, builder, or developer as provided in this local law. The Director's decisions shall be final in matters of quality and methods of construction. The sewer, as constructed, must pass an exfiltration test approved by the Town before any building sewer is connected thereto. Plans, specifications, and other required information shall be submitted forty-five (45) days in advance of anticipated project start date. The Town shall be notified at least thirty (30) days in advance of the start of construction operations so that such inspection procedures as may be necessary or required may be established. No sanitary sewers will be accepted by the Town until such inspection of construction has been made as will assure the Town of compliance with these regulations and any amendments or additions thereto. The Town has the right to utilize outside inspectors, the cost for which shall be paid for by the developer. Upon completion of construction, as-built drawings shall be provided to the Director.
- C. Plans, specifications, and methods of installation shall conform to the requirements of this Local law. Components and materials of POTW installations not covered in this Ordinance such as pumping stations, lift stations, or force mains shall be designed in accordance with Section 2.3 and shall be clearly shown and detailed on the plans and specifications submitted for approval. When requested, the owner, builder, or developer of the proposed installation shall submit to the Town all design calculations and other pertinent data to supplement a review of the plans and specifications. Costs associated with the Town's review of the plans and specifications, and any NHDES design review fees shall be paid by the property owner, builder, or developer.

## Section 2.5 Variances

- A. The Town Manager, with recommendation of Director, may allow reasonable variances from the provisions of Sections 2.1 through 2.4 of this Ordinance upon approval of the Board of Selectmen, which will not result in a violation of State or federal law, provided:
1. The owner pays a monthly variance fee as determined by the Board of Selectmen and published in the *Schedule of Fees*.
  2. The variance allowed is the least variance reasonable;
  3. The variance will not cause undue harm or inconvenience to the Town, the POTW, or the owner's neighbors; and
  4. The variance is justified by substantial reason.

- B. The owner shall apply for the variance in writing to the Town Manager. The application shall identify the name and address of the owner, the property in question, the specific variance sought by the owner and a substantial reason justifying the variance. The variance fee shall be paid with the application or the variance shall be deemed to have been denied. The variance as issued shall identify any changes, limitations or restrictions on the variance as applied for.

## Section 2.6 Prohibited Discharge Standards

- A. General Prohibitions. No person 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 person 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 can generate or form any flammable combustible or explosive substance, fluid, gas, vapor or liquid when combined with air, water or other substances present in sewers, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
  2. Wastewater having a pH less than 5.0 or greater than 11.5, 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 contribute to or cause the POTW influent pH 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 can solidify or become viscous at temperatures between 32°F and 150°F (0-65°C), in amounts that could cause obstruction of the flow in the POTW resulting in interference;
  4. Pollutants, including oxygen-demanding pollutants (*e.g.*, BOD, COD), or chlorine demand requirements released in a discharge at a flow rate and/or pollutant concentration that, either singly or by interaction with other pollutants, will cause interference with the POTW, constitute a hazard to humans or animals, create a public nuisance, exceed national categorical pretreatment standards, or cause pass through;
  5. Wastewater containing such concentrations or quantities of pollutants that its introduction to the POTW could cause a treatment process upset and subsequent loss of treatment ability or efficiency;
  6. Wastewater having a temperature greater than 150°F (65°C), or that will inhibit biological activity in the wastewater treatment facility resulting in interference, but in no case wastewater that causes the temperature at the introduction into the wastewater treatment facility to exceed 104°F (40°C);
  7. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

8. Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause worker health and safety problems;
  9. Trucked or hauled pollutants, except at discharge points designated by the Director in accordance with Section 4.9 of this Ordinance;
  10. Any medical/infectious waste, pharmaceutical waste, or radiological waste except as specifically authorized in an IDP;
  11. Household hazardous wastes including but not limited to paints, stains, thinners, pesticides, herbicides, anti-freeze, transmission and brake fluids, motor oil and battery acid;
  12. Wastewater causing, alone or in conjunction with other sources, the wastewater treatment facility's effluent or biosolids to fail a toxicity test; and
  13. Any hazardous waste listed or designated by the NHDES under Env-Wm 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 Director in an IDP:
1. Wastewater that imparts color that might not be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently could impart color to the treatment facility's effluent, thereby violating the Town's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established norm for aquatic life;
  2. Noxious or malodorous liquids, gases, solids, or other wastewater that, either singly or by interaction with other wastes, could be sufficient to create a public nuisance, objectionable odors, or a hazard to life, or to prevent entry into the public sewers for maintenance or repair;
  3. Wastewater containing any radioactive wastes or isotopes except as specifically authorized in an IDP and in compliance with applicable State or federal regulations;
  4. Storm water, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, or otherwise unpolluted wastewater;
  5. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
  6. Detergents, surface-active agents, or other substances that might cause excessive foaming in the POTW;
  7. Wastewater that could cause 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 ten percent (10%) of the Lower Explosive Limit;

8. Garbage that has not been shredded to such a degree that all particles will be transported freely under the flow conditions normally prevailing in public sewers, with no particles greater than one-half inch (1/2") in any direction. (Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower [0.76 horsepower metric] or greater shall be subject to the review and approval of the Director.);
  9. Any quantities of flow, concentrations, or both which constitute a "slug" as defined herein;
  10. Waters or wastes which, by interaction with other water or wastes in the treatment works, release dangerous or noxious gases or objectionable odors, form suspended solids that affect the operation of the collection system, or create a condition deleterious to structures and treatment processes;
  11. Any materials that exert or cause unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime, slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate); and
  12. Wastewater containing any pollutant at a concentration that exceeds a local limit or IDP limit established for that pollutant by the Town.
- D. Pollutants, substances, or wastewater prohibited by this article shall not be processed or stored in such a manner that they could be discharged to the POTW.

### **Section 2.7 Federal Categorical Pretreatment Standards**

The Federal categorical pretreatment standards are found at 40 CFR Chapter I, Subchapter N, Parts 405-471 and are hereby incorporated into the Ordinance.

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limitations in accordance with 40 CFR 403.6(c).
- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
- C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

The Town provides timely notification to identified industrial users of applicable categorical pretreatment standards. Upon promulgation of the federal categorical pretreatment standards for a

particular industrial subcategory, the federal standard, if more stringent than limitations 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.

Compliance with categorical pretreatment standards shall be achieved within three (3) years of the date such standards are effective, unless a shorter compliance schedule is specified in the standards.

An industrial user subject to categorical pretreatment standards shall not discharge wastewater directly or indirectly to the Town's POTW subsequent to the compliance date of such standards unless an amendment to its IDP has been issued by the Town.

### **Section 2.8 Local Discharge Restrictions**

All persons discharging industrial 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 amended) in addition to the requirements of this Ordinance.

Local numerical, Federal and regulatory controls established by the Town for the discharge of pollutants of concern as set forth herein (referred to as "local limits"), and all State pretreatment standards shall apply, whichever is most stringent. Pollutants of concern include any pollutants that might reasonably be expected to be discharged to the POTW in quantities that could pass through or interfere with the POTW, contaminate the biosolids, or adversely impact human health or safety.

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 2.6, 2.7, and 2.8 of this Ordinance, which in the judgment of the Director may have a deleterious effect upon the POTW, processes, equipment, or receiving waters, or that otherwise create a hazard to human safety or health, or constitute a public nuisance, the Director will notify the Town Manager who may:

- Reject or prevent any discharge to the POTW after making a reasonable attempt to serve notice to the user and giving the user a reasonable opportunity to respond;
- Require pretreatment prior to discharge to the POTW (Article III);
- Require control (*e.g.*, equalization) over the quantities and rates of discharge; and/or
- Require payment to cover additional costs of handling and treating the wastes.

If the Director 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 Director and the State (see Article III).

- A. Maximum allowable industrial mass loading limitations. The Director will not issue permits that in combination with other industrial loads exceed the values in the table located in Appendix I of this Ordinance.

All mass loading limitations for metals represent total metals, regardless of the valance state, or the physical or chemical form of the metal. To administer these allowable loadings through IDPs, the Director will impose concentration-based limitations, or mass limitations, or both, on a case-by-case basis into site-specific IDPs. For industrial users, the values written into IDPs for the above pollutants shall apply at the end of the industrial wastestream and prior to dilution with non-industrial wastewaters.

Unless specifically identified in an IDP, an industrial user is not allowed to discharge the locally limited pollutants at concentrations significantly greater than background concentrations. For the purposes of this requirement, significant means 67.9 percent (67.9%) greater than the background concentrations used for local limits development.

Daily concentration (or mass loading) is the concentration (or mass) of a pollutant discharged, determined from the analysis of a flow-composite sample (or other sampling procedure approved by the Director) representative of the discharge over the duration of a 24-hour day or industrial operating schedule of less than twenty-four (24) hours.

- B. Screening Levels. Screening levels are numerical values above which actions are initiated to evaluate, prevent, or reduce adverse impacts on the POTW, the environment, and/or human health and safety. The Town monitors industrial sources of conservative pollutant-bearing discharges in comparison to established uniform concentration values, and authorization to discharge at greater concentrations may be granted subject to the administrative procedures for managing mass loading limitations. Uniform concentration values for conservative pollutants will be maintained by the Town, independent of this Ordinance, to provide regulatory flexibility.

Screening levels for non-conservative pollutants are concentration-based values that, if exceeded, represent a potential to compromise worker safety, create flammability or chemical reactivity conditions in the collection system, or result in operational issues such as excessive organic/solids loadings. Screening levels for non-conservative pollutants are developed as needed using the methodology of the Town's local limits study. The data in the table located in Appendix II of this Ordinance are representative of non-conservative pollutants and the concentrations above which they shall not be discharged to the POTW without approval of the Director.

If any of the screening levels are exceeded, repeat analysis may be required by the Town to verify compliance or noncompliance with that screening level. If noncompliance is indicated, then the industrial user may be required, at the discretion of the Director, to conduct an appropriate engineering evaluation at the industrial user's expense 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 shall be approved by and conducted under the supervision 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 may, at the discretion of the Director, be adjusted as a special agreement for the industrial user and administered as a permit limitation for the specific discharge.

If an industrial user proposes to discharge at concentrations greater than the concentration-based screening level maintained by the Town, then the industrial user may be required to conduct the evaluations described in the previous paragraph. Should the evaluations support an alternate site-specific limitation, then the screening level may, at the discretion of the Director, be adjusted as a special agreement for the industrial user and administered as a permit limitation for the specific discharge.

- C. Best Management Practices. The Town may develop or require the development of Best Management Practices (BMPs) to implement Sections 2.6 and 2.8. Such BMPs shall be considered local limits and Pretreatment Standards for the purposes of this Ordinance.

- D. Special Agreements. No statement contained in this article except for paragraphs 2.6(A), 2.6(B), and Section 2.7 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 hereunder, are compatible with any *User Charge System* or ***Schedule of Fees*** in effect, and do not waive applicable Federal categorical pretreatment standards. Special agreement requests may require submittal of a pollution prevention plan that specifically addresses the discharge for which a special agreement is requested.

### **Section 2.9 Town's Right of Revision**

The discharge standards and requirements set forth in Sections 2.6, 2.7, and 2.8 are established for the purpose of preventing discharges to the POTW that would harm either the public sewers, wastewater treatment process, or equipment; would have an adverse effect on the receiving stream; or would otherwise endanger lives, limb, public property, or constitute a nuisance.

To meet these objectives, the Director may, from time to time, review and recommend to the Town Manager and Board of Selectmen more stringent standards or requirements than those established in Sections 2.6, 2.7, and 2.8 if, in his opinion, such more stringent standards or requirements are necessary to meet the above objectives. At a minimum, this review will be performed at least once every five (5) years. In forming his opinion, the Director 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 Director.

The Director 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.

### **Section 2.10 Dilution**

No user shall ever increase the use of 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 Director may impose mass limitations on users to discourage the use of dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

### **Section 2.11 Mass-Based Limitations**

Users implementing process changes may request that compliance be determined based on mass limitations in lieu of concentration limitations. Such mass-based limitations will be calculated from the permitted concentration-based limitations and flows, and shall be equivalent to or less than the mass discharge in effect at the time of the request. The intent of a mass-based limit is to encourage and allow pollution prevention and/or water conservation measures that might cause a facility to increase pollutant concentrations in their discharge even though the total mass of the pollutant 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 Director. Implementation of mass-based limitations may not contravene any requirements of Federal or State laws and/or regulations implemented hereunder. For Categorical Pretreatment Standards that are expressed only in terms of pollutant concentrations, the Town may establish equivalent mass limits only if the User meets all the conditions in 40 CFR 403.6 (c) (5).

## **ARTICLE III – PRETREATMENT OF WASTEWATER**

### **Section 3.1 Pretreatment Facilities**

Users shall provide wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Sections 2.6, 2.7, and 2.8 of this Ordinance within the time limitations specified by EPA, the State, or the Director, 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 Director for review, and shall be acceptable to the Director and the NHDES Water Division before such facilities are constructed. Such facilities shall not be connected until said approval is obtained in writing. The review of such plans and operating procedures shall in no way relieve the user of the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Town under the provisions of this Ordinance. Plans and specifications for a proposed pretreatment facility shall be the result of the design of a professional engineer licensed by the State of New Hampshire.

### **Section 3.2 Additional Pretreatment Measures**

- A. Whenever deemed necessary, the Director 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 sanitary sewage waste streams from industrial waste streams, and impose such other conditions as are deemed necessary to protect the POTW and determine the user's compliance with the requirements of this Ordinance.
- B. The Director 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 IDP may be issued solely for flow equalization.
- C. Grease, oil, and/or sand interceptors shall be provided at the owner's expense when, in the opinion of the Director, such devices are necessary for the preliminary treatment of wastewater containing excessive amounts of grease, oil, and/or sand; except that such interceptors shall not be required for solely residential users. All interception units shall be of a type and capacity approved by the Director and shall be so located as to be easily accessible for cleaning and inspection by the owner and the Town. All grease and oil traps or interceptors shall be installed outside unless waived by the Director. Maintenance of interceptors requires that the owner be responsible for the proper removal and disposal by appropriate means of the captured materials, in accordance with the requirements established by the Director. The owner shall maintain records of the servicing of grease, oil, and/or sand interceptors. The form and content of such records will be determined by the Director and the records shall be subject to periodic review by the Director. The removal and disposal of captured materials from interceptors shall be performed by a septage or sludge hauler holding a current permit issued by the State of New Hampshire, or by a Hazardous Waste Transporter currently registered with the State of New Hampshire, whichever is applicable.

- D. Users with the potential to discharge flammable substances shall, at the discretion of the Director, 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 in satisfactory and effective operation by the owner at his expense.
- F. The owner of any building serviced by a building sewer carrying industrial wastes may, at the discretion of the Director, be required to install a suitable control manhole or approved equivalent structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole shall be accessible and safely located and shall be constructed in accordance with plans approved by the Director. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times. The owner shall perform such monitoring as the Director may reasonably require including installation, use and maintenance of monitoring equipment, maintaining records and reporting the results of such monitoring to the Town. Such records shall be made available upon request of the Director, and shall be available to other agencies having jurisdiction over discharges to the receiving waters.

### **Section 3.3 Accidental Discharge/Slug Control Plans**

At least once, and as required by changing conditions, the Director shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan or other action to control Slug Discharges.

Each user shall provide protection from accidental discharge of prohibited materials or their wastes regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's own cost and expense. The Director may periodically evaluate whether a user needs an accidental discharge/slug control plan. The Director may require any user to develop, submit for approval, and implement such a plan. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his facility as necessary to meet the requirements of this Ordinance. Alternatively, the Director may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. A description of discharge practices, including non-routine batch discharges;
- B. A description of all stored chemicals;
- C. Procedures for immediately notifying the Director of any accidental or slug discharge, as required by Section 6.6 of this Ordinance;
- 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 pollutants, including solvents, and/or measures and equipment for emergency response.

### **Section 3.4 Pollution Prevention Plans**

In accordance with the provisions of Sections 2.8, 6.6, and 10.3 of this Ordinance, the Director may require any person discharging wastes into the POTW to develop and implement, at their own expense, a

pollution prevention plan. The Director may require users to submit as part of the pollution prevention plan information that demonstrates adherence to the following elements:

- A. Management Support. For changes to be effective, the visible support of top management is required. Management's support should be explicitly stated and include designation of a pollution prevention coordinator, goals, and time frames for reductions in volume and toxicity of waste streams, and procedures for employee training and involvement.
- B. Process Characterization. A detailed process waste diagram shall be developed that identifies and characterizes the input of raw materials, the outflow of products, and the generation of wastes.
- C. Waste Assessment. Estimates shall be developed for the amount of wastes generated by each process. This may include establishing and maintaining waste accounting systems to track sources, the rates and dates of generation, and the presence of hazardous constituents.
- D. Analysis of Waste Management Economics. Waste management economic returns shall be determined based on the consideration of:
  - 1. Reduced raw material purchases;
  - 2. Avoidance of waste treatment, monitoring and disposal costs;
  - 3. Reductions in operations and maintenance expenses;
  - 4. Elimination of permitting fees and compliance costs; and
  - 5. Reduced liabilities for employee/public exposure to hazardous chemicals and cleanup of waste disposal sites.
- E. Development of Pollution Prevention Alternatives. Current and past pollution prevention activities shall be assessed, including estimates of the reduction in the amount and toxicity of waste achieved by the identified actions. Opportunities for pollution prevention shall then be assessed for identified processes where raw materials become or generate wastes. Technical information on pollution prevention shall be solicited and exchanged, both from inside the organization and out.
- F. Evaluation and Implementation. Technically and economically feasible pollution prevention opportunities shall be identified and an implementation timetable with interim and final milestones shall be developed. The recommendations that are implemented shall be periodically reviewed for effectiveness.

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

**ARTICLE IV – INDUSTRIAL WASTEWATER DISCHARGE PERMT (IDP)  
APPLICATION**

**Section 4.1 Industrial User Classification System**

The Town maintains an industrial user classification system to allow the Director to group users into categories that define the degree of regulatory attention required. The classification system establishes priorities for allocation of Town resources, and promotes uniformity and fairness in the application of regulations affecting industrial users. A user may be designated at a higher classification level if the Director determines that the user has a reasonable potential for adversely affecting POTW operation, if the user has violated any pretreatment standard or requirement, or at the discretion of the Director. Every user is assigned to one of three user classes.

- A. **Class 1:** Dischargers of large volumes of industrial wastewater (greater than 10,000 gpd), high loadings (greater than five percent [5%] of the average dry weather hydraulic or organic capacity of the POTW wastewater treatment facility), and/or chemical constituents warranting a high degree of control and monitoring. Included in this class are all users that are subject to categorical pretreatment standards and users with pretreatment systems that employ automatic controls for sensing, pumping, dosing, and/or other treatment functions occurring without the manual intervention of an operator.
  
- B. **Class 2:** Discharge between 1,000 and 10,000 gpd of industrial wastewater. Also included are dischargers of greater than 100 gpd with a moderate level of pretreatment (*i.e.*, requires an operator to manually operate equipment, add chemicals, etc.). Dischargers of up to 1,000 gpd of industrial wastewater and restaurants up to 5,000 gpd. Class 2 also includes dischargers with basic pretreatment procedures (*e.g.*, batch pH adjustment, grease, oil, and/or sand interceptors, silver recovery units) and whose industrial wastewater flows do not exceed 100 gpd.
  
- C. **Class 3:** Dischargers of industrial wastewater that are not otherwise classified and are not required to possess an IDP because:
  - Pollutants of concern are not detectible in the user's effluent;
  - Pollutants of concern are present in only trace amounts and are neither causing nor likely to cause pass-through or interference;
  - Pollutants of concern are present in amounts too small to be effectively reduced by known treatment technologies; or
  - The user's wastestream contains only pollutants compatible with the POTW.
  - Non-domestic users that discharge only sanitary sewage to the POTW.

The following users are considered Class 3 unless their daily industrial flows exceed the values presented in the table:

<b>USER TYPE</b>	<b>INDUSTRIAL FLOW NOT TO EXCEED (GPD)</b>
Funeral homes. Boiler blowdown.	100
Retail food preparation ( <i>e.g.</i> , bakeries). Beauty salons. Restaurants.	500
Self-service Laundromats.	1,000

**Section 4.2 IDP Requirement**

- A. When requested by the Director, any user must submit information on the nature and characteristics of its wastewater discharge within sixty (60) days of the request. The Director is authorized to prepare a form for this purpose and may periodically require users to update this information.
- B. No industrial user shall discharge wastewater into the POTW without first obtaining an IDP from the Director with the following exceptions:
  - 1. A user who 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.
  - 2. A user who has received written notification from the Director that they do not need an IDP, but shall promptly notify the Town of any alteration in either flow or waste characteristics of the wastewater being discharged into the POTW.
- C. Any violation of the terms and conditions of an IDP shall be deemed a violation of this Ordinance and subjects the industrial discharge permittee to the enforcement actions set out in Article 10 of this Ordinance. Obtaining an IDP 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.

**Section 4.3 State Discharge Permit Request Requirement**

Any new industrial waste, or any alteration in either flow or waste characteristics of greater than twenty percent (20%) of existing industrial wastewater that is being discharged into the POTW, and that the Director believes could cause interference with the POTW or have an adverse effect on the receiving water or otherwise endanger life, limb, public property or constitute a nuisance, shall be approved by the NHDES Water Division. Such approvals shall be obtained in accordance with Section 6.5 of this Ordinance.

**Section 4.4 Industrial Wastewater Discharge Permitting: Existing Connections**

Any user required to obtain an IDP who was discharging wastewater into the POTW prior to the effective date of this Ordinance, and is not currently covered by a valid IDP, and who wishes to continue such discharges in the future, shall, within sixty (60) days after said date, apply to the Director for an IDP in accordance with Article IV 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 IDP issued by the Director.

**Section 4.5 Industrial Wastewater Discharge Permitting: New Connections**

Any user who proposes to begin or recommence discharging into the POTW must obtain either an IDP or a Class 3 exemption prior to the beginning or recommencing of such discharge. An application for this IDP, in accordance with Section 4.2 of this Ordinance, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence. All newly-connected discharges shall be in compliance with NHDES pretreatment standards prior to connection to the POTW.

**Section 4.6 Industrial Wastewater Discharge Permitting: Federal Categorical Pretreatment Standards**

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

**Section 4.7 IDP Application Contents**

All users required to obtain an IDP, and other users subject to these rules, as required by the Director, must submit an IDP application. The Director may require all users to submit as part of an application the following information:

- A. All information required by paragraph 6.1(B) of this Ordinance;
- 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 or intentionally be, discharged to the POTW;
- C. Number and type of employees, and proposed or actual hours of operation;
- 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;
- G. Time, duration, and rate of discharges;
- H. Details of wastewater pretreatment facilities;
- I. Copies of existing pollution prevention plans and/or a description of all pollution prevention opportunities that may exist at the facility;
- J. An indication of whether the conditions referenced in the application are existing or proposed; and
- K. Any other information as may be deemed necessary by the Director to evaluate the IDP application.

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

**Section 4.8 Signatories and Certification**

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

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

#### **Section 4.9 Hauled Wastewater Permits**

- A. Residential septic tank waste (septage) may be introduced into the POTW only at locations designated by the Director, and at such times as are established by the Director. Transport and discharge of such waste shall comply with Article XII of this Ordinance.
- B. The Director shall require generators of hauled waste to obtain IDPs. The Director may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Ordinance. The Town will only consider accepting industrial wastes from within the Town of Jaffrey.
- C. Industrial waste haulers may discharge loads only at locations designated by the Director. No load may be discharged without prior consent of the Director. The Director may collect samples of each hauled load to ensure compliance with applicable standards. The Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and a certification that the wastes are not hazardous wastes as defined in the State's Hazardous Waste Rules (Env-Wm 110, 211-216, 351-353, and 400-1000).

### **ARTICLE V – IDP ISSUANCE PROCESS**

#### **Section 5.1 IDP Decisions**

The Director will evaluate the data provided by the industrial user and may require additional information. Within thirty (30) days of receipt of a complete IDP application [or ninety (90) days in the case of an application for a new or increased discharge requiring review and approval by the NHDES Water Division], the Director will determine whether or not to issue an IDP. The Director may deny any application for an IDP.

#### **Section 5.2 IDP Duration**

An IDP shall be issued for a specified time period, not to exceed three (3) years [five (5) years in the case of Class 3 users] from the effective date of the permit. An IDP may be issued for a period less than these intervals at the discretion of the Director. Each IDP will indicate a specific date upon which it will expire.

IDPs 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 IDPs issued to a particular user are void upon the issuance of a new IDP to that user.

### **Section 5.3 IDP Contents**

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

**A. IDPs must contain:**

1. Dates of IDP issuance and expiration, with a duration that in no event shall exceed five (5) years;
2. A statement that the IDP 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 IDP;
3. Effluent limits and general and specific prohibitions based on the requirements of this Ordinance;
4. Identification of applicable federal categorical pretreatment standards;
5. Self-monitoring, sampling, inspection, reporting, notification, and record-keeping requirements. For pollutants to be monitored, these requirements shall include sampling locations, sampling frequencies, and sample types based on this Ordinance, and State and Federal laws, rules and regulations;
6. 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 the IDP 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, identification of additional operation and maintenance practices and/or pretreatment systems that are necessary;
  - c. Submittal of any monitoring results performed in addition to the requirements of the IDP using procedures prescribed in the permit; and
  - d. Appropriate supporting documentation for items 5.3.A.6.a through 5.3.A.6.c.
7. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements; and

8. Any applicable compliance schedule. This schedule may not extend the time for compliance beyond that required by this Ordinance, and applicable State and Federal laws, rules and regulations.
- B. IDPs 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 best 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;
  7. A statement that compliance with the IDP 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 IDP; and
  8. Other conditions as deemed appropriate by the Director to ensure compliance with this Ordinance, and State and federal laws, rules, and regulations.

#### **Section 5.4 IDP Appeals**

Any person, including the user, may petition the Director to reconsider the terms of an IDP within thirty (30) days of notice 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 appealing user must indicate the IDP provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the IDP.
- C. The effectiveness of the IDP shall not be stayed pending the appeal.
- D. If the Director fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an IDP, not to issue an IDP, or not to modify an IDP shall be considered final administrative actions for purposes of judicial review.

- E. Aggrieved parties may appeal the conditions of the IDP in accordance with Section 15.2 of this Ordinance.

The filing of a request by the permittee for an IDP modification does not stay any IDP conditions.

### **Section 5.5 IDP Modification**

The Director may modify an IDP 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 IDP 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 POTW, Town personnel, or the water quality in the receiving waters;
- E. Violation of any terms or conditions of the IDP;
- F. Misrepresentations or failure to fully disclose all relevant facts in the IDP 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 IDP; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

### **Section 5.6 IDP Transfer**

IDPs may be transferred to a new owner or operator only if the permittee provides at least sixty (60) days advance notice to the Director and the Director approves the IDP transfer. The notice to the Director must 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 IDP.

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

### **Section 5.7 IDP Termination**

The Director may terminate an IDP for good cause as described in Section 10.8.

### **Section 5.8 IDP Reissuance**

A user with an expiring IDP shall apply for reissuance of the IDP by submitting a complete IDP 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 IDP. Under no circumstances shall the permittee continue to discharge without an effective permit. An expired IDP will continue to be effective and enforceable until the IDP is reissued if:

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

### **Section 5.9 Regulation of Waste Received from Other Jurisdictions**

- A. If another municipality, or user located within another municipality, contributes wastewater to the POTW, the Town shall enter into an intermunicipal agreement with the contributing municipality.
- B. Intermunicipal agreements must receive NHDES Water Division approval.

## **ARTICLE VI – REPORTING REQUIREMENTS**

### **Section 6.1 Baseline Monitoring Reports**

- A. Within either one hundred eighty (180) days subsequent to the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a) (4), whichever is later, existing categorical users currently discharging to, or scheduled to discharge to the POTW, shall submit to the Director a report that contains the information listed in paragraph (B), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Director a report that contains the information listed in paragraph (B), below. If necessary, a new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall provide estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below:

1. Identifying Information. The name and address of the facility, including the name of the operator and owner.
2. Environmental Permits. A list of any environmental permits held by or for the facility.
3. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) conducted by such user. This description should include a schematic process diagram that indicates points of discharge to the POTW from the regulated processes.
4. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gpd, to the POTW from regulated process streams and other streams, as necessary to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
5. Measurement of Pollutants.
  - a. The categorical pretreatment standards applicable to each regulated process.
  - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this Ordinance. In cases where the categorical pretreatment standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the Town or the applicable categorical pretreatment standards to determine compliance with the Standard.
  - c. Sampling must be performed in accordance with procedures set out in Section 6.11 of this Ordinance.
6. Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether the applicable pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment systems are required to attain consistent compliance with the pretreatment standards and requirements.
7. Compliance Schedule. If additional pretreatment and/or O&M is required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 6.2 of this Ordinance.
8. Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 4.8 of this Ordinance.

## **Section 6.2 Compliance Schedules/Progress Reports**

The following conditions shall apply to the compliance schedules required by Sections 6.1(B) (7) and 10.2 of this Ordinance:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, retaining an engineer, completing preliminary and final design plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No increment referred to above shall exceed nine (9) months;
- C. The user shall submit a progress report to the Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for 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 Director.

### **Section 6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline**

Within ninety (90) days, following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Director a report containing the information described in Section 6.1(B) (1-5) of this Ordinance. For users subject to equivalent mass or concentration limitations established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.8 of this Ordinance.

### **Section 6.4 Periodic Compliance Reports**

- A. All users holding IDPs shall, at a frequency determined by the Director but in no case less than twice per year for Class 1 users (annually for Class 2 users), submit a report as specified on their IDP. This report shall include the results of the analysis of wastewater samples indicating the nature and concentration of pollutants in their wastewater that are limited by this Ordinance, and the measured or estimated average and maximum daily flows for the reporting period. In cases where compliance with a Best Management Practice or pollution prevention alternative is required, the User shall submit documentation as required by the Town or the applicable Standards to determine compliance status of the user. All periodic compliance reports must be signed and certified in accordance with Section 4.8 of this Ordinance.
- B. All wastewater samples must be representative of the user's typical discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and orderly, and maintained in good working order at all times. The failure of a user to maintain its monitoring facility in satisfactory working condition shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

- C. If a user subject to the reporting requirement in this article monitors any pollutant more frequently than required by the Director, using the procedures prescribed in Sections 6.10 and 6.11 of this Ordinance, the results of this monitoring shall be included in the report.

### **Section 6.5 Reports of Changed Conditions**

Each user must notify the Director of any planned significant changes to the user's operations or system that might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

- A. The Director may require the user to submit such information as he deems necessary to evaluate the changed condition, including the submittal of an IDP application under Section 4.7 of this Ordinance and all information required by the NHDES under the Env-Ws 904.10 Industrial Wastewater Discharge Request rules.
- B. Upon approval of the request by the Town, an *Indirect Discharge Request: Municipal Portion* may be submitted by the Town to the NHDES Water Division based on information submitted by the user. All applicable NHDES Water Division review fees shall be provided by the user.
- C. Upon approval of the *Indirect Discharge Request* by the NHDES Water Division, the Director may issue an IDP under Section 5.3 of this Ordinance or modify an existing IDP under Section 5.5 of this Ordinance in response to changed conditions or anticipated changed conditions.
- D. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

### **Section 6.6 Reports of Slugs or Potentially Adverse Discharges**

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug, that may adversely impact the POTW, the user shall immediately telephone and notify the POTW of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions conducted by the user.
- B. Within five (5) days following such discharge, the user shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be initiated by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability that may be incurred as a result of damage to the POTW, natural resources, or any 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. This report must be signed and certified in accordance with Section 4.8 of this Ordinance.
- C. A notice shall be permanently posted on the user's bulletin board or other prominent location advising employees who to call in the event of a discharge described in paragraph (A) of this section. Employers shall ensure that all employees who could cause such a discharge to occur are advised of the emergency notification procedure.

The permittee shall notify the Town of any changes at its facility that may affect the potential for a slug discharge. The Town may require the permittee to develop or modify a Slug Control Plan or take other actions to control slug discharges.

### **Section 6.7 Reports from Unpermitted Users**

All users not required to obtain an IDP shall provide appropriate reports as the Director may require.

### **Section 6.8 Notice of Violation / Repeat Sampling and Reporting**

In the event that effluent monitoring indicates a violation (*i.e.*, exceedance of a limit), the presence of a previously unreported pollutant, or an exceedance of a screening level, the user must notify the Director within twenty-four (24) hours of becoming aware of the exceedance. For violations (and unreported pollutants and screening level exceedances at the discretion of the Town), the user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) days subsequent to becoming aware of the violation. The user is not required to resample if the Director monitors for that pollutant at the user's facility at least once a month, or if the Director samples for that pollutant between the user's initial sampling and when the user receives the results of this sampling.

### **Section 6.9 Discharge of Hazardous Waste**

Any discharge into the POTW of a substance that, if otherwise disposed would be a hazardous waste under 40 CFR Part 261 or are hazardous wastes as defined in the NHDES Hazardous Waste Rules, is prohibited unless permitted by applicable State of New Hampshire and Federal permits, and that is also approved by the Director.

### **Section 6.10 Analytical Requirements**

All pollutant analyses, including sampling techniques, to be submitted as part of an IDP 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 the Director.

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

### **Section 6.11 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 not feasible, the Director may authorize the use of time-proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to demonstrate compliance with instantaneous maximum allowable discharge limitations (*e.g.*, screening levels established to protect worker health and safety). A single grab sample may also be used in place of a composite sample with approval of the Director when:

1. The effluent is not discharged on a continuous basis (*i.e.*, batch discharges of short duration), and only when the batch exhibits homogeneous characteristics (*i.e.*, completely mixed) and the pollutant can be safely assumed to be uniformly dispersed;
  2. Sampling is at a facility where the Director determines that a statistical relationship can be established between previous grab samples and composite data; and
  3. The waste conditions are relatively constant (*i.e.*, are completely mixed and homogeneous) over the period of the discharge.
- B. Samples for temperature, pH, oil & grease, sulfides, and volatile organic compounds shall be obtained using proper grab collection techniques in accordance with 40 CFR Part 136.
- C. Samples shall only be collected by individuals who are properly qualified, through verifiable training and experience, to perform the type of sampling required. The integrity of all samples shall be ensured by following established chain-of-custody practices for evidentiary samples. Sampling and chain-of-custody records shall be maintained in accordance with the IDP. Copies of chain-of-custody records shall be submitted as part of each IDP application or report.

#### **Section 6.12 Timing**

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

#### **Section 6.13 Recordkeeping**

Users subject to the reporting requirements of this Ordinance shall create, retain, and make available for inspection and copying, records of all information obtained pursuant to any monitoring activities, including documentation associated with Best Management Practices, required by this Ordinance or IDP 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 Director. The Town may require records be submitted upon written request to local or State officials.

#### **Section 6.14 Program Administration Fee**

Industrial users may be assessed an annual fee by the Town to defray the administrative costs of the industrial pretreatment program as determined by the BOS.

**ARTICLE VII – POWERS AND AUTHORITIES OF INSPECTORS**

**Section 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 may be billed directly for costs incurred for the sampling and analysis of its wastewater.

**Section 7.2 Right of Entry: Inspection and Sampling**

All industrial users discharging to the Town's POTW shall allow unrestricted access by Town, State and EPA personnel for the purpose of determining whether the user is complying with all requirements of this Ordinance, and any IDP or order issued hereunder. Users shall allow the Director and other duly authorized representatives of the Town bearing proper identification ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a user has security measures in force that require proper identification and clearance before entry into its premises, the user shall make and maintain all necessary arrangements so that, upon presentation of suitable identification, the Director will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Director 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 Director 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 in accordance with the manufacturer's recommendations (but at least annually) to ensure their accuracy. Calibration records shall be maintained.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be borne by the user.
- E. Unreasonable delays in allowing the Director access to the user's premises, sampling or inspection sites, or pretreatment records shall be a violation of this Ordinance.
- F. The Director or other duly authorized employee(s) is authorized to obtain information concerning all industrial processes that have a bearing on the kind or source of discharge to the public sewer. In accordance with the provisions of Article 8 of this Ordinance, the industrial user may request that the information in question not be disclosed to the public if it can establish that revelation to the public might result in an advantage to competitors.
- G. While performing the necessary work on private properties referred to in this article, the Director or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the user. The user shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the user against loss or damage to its property by

Town employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the monitoring activities, except as such may be caused by negligence or failure of the user to maintain safe conditions.

- H. The Director and other duly authorized representatives of the Town bearing proper identification 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.

### **Section 7.3 Search Warrants**

If the Director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Town designed to verify compliance with this Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Director may obtain an administrative inspection warrant under RSA 595-B.

## **ARTICLE VIII – CONFIDENTIAL INFORMATION / PUBLIC PARTICIPATION**

Information and data about a user obtained from reports, surveys, IDP Applications, IDPs, monitoring programs, and from the Director's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submittal 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 that might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to this Ordinance, the 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.

## **ARTICLE IX – PUBLICATION OF POLLUTION PREVENTION ACHIEVEMENTS**

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

- A. Innovative ideas the facility has used to implement process changes that eliminate or reduce the volume or toxicity of waste generated;
- B. The percentage of the facility's process water reused within the system or process;

- C. The percentage of the facility's potential waste reused within the system or process;
- D. Implementation of employee pollution prevention training and communication programs;
- E. Voluntary performance of pollution prevention audits;
- F. Spill control procedures/devices (*e.g.*, secondary containment) the facility initiates to prevent accidental chemical spills from entering the POTW; and
- G. The environmental and/or economic benefits or successes derived from implementing pollution prevention methods.

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

## **ARTICLE X – ENFORCEMENT REMEDIES**

### **Section 10.1 Notification of Violation**

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

### **Section 10.2 Compliance Schedule Development**

The Director may require any user that has violated, or continues to violate, any provision of this Ordinance, an IDP or order issued hereunder, or any other pretreatment standard or requirement, to develop a compliance schedule. A compliance schedule pursuant to this section must meet the requirements set out in Section 6.2 of this Ordinance.

### **Section 10.3 Pollution Prevention Plan Development**

The Director may require any user that has violated or continues to violate any provision of this Ordinance, an IDP, 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 Director no later than sixty (60) days after the user was notified of this requirement.

### **Section 10.4 Publication of Users in Significant Noncompliance**

The Director will publish annually, in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of the users that, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements.

### **Section 10.5 Show Cause Orders**

The Town Manager upon recommendation by the Director may order a user that has violated, or continues to violate, any provision of this Ordinance, an IDP or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Director 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.

### **Section 10.6 Cease and Desist Orders**

When the Town Manager, upon advice from the Director, determines that a user has violated, or continues to violate, any provision of this Ordinance, an IDP or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Town Manager 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.

### **Section 10.7 Consent Orders**

The Town Manager 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 will include specific action to be taken by the user to correct the noncompliance within a time period specified by the order. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment systems, additional self-monitoring, and management practices. Such orders shall have the same force and effect as the administrative orders issued pursuant to Sections 10.5 and 10.6 of this Ordinance and shall be judicially enforceable.

### **Section 10.8 IDP Termination**

The Town Manager may terminate a user's IDP for good cause, including but not limited to the following:

- A. Violation of IDP 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;
- D. Misrepresentation or failure to fully disclose all relevant facts in the IDP application;
- E. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling;
- F. Falsifying self-monitoring reports;
- G. Tampering with monitoring equipment;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey;
- L. Failure to provide advance notice of the transfer of a permitted facility;
- M. Discharging wastewater that presents an imminent hazard to the public health, safety or welfare, or to the local environment; or
- N. Violation of any pretreatment standard or requirement, or this Ordinance or order issued hereunder, or any applicable State or Federal law.

### **Section 10.9 Termination of Discharge**

In addition to the provisions in Section 10.8 of this Ordinance, any user who violates a Section 10.8 cause, or fails to cease and desist from any discharge of wastewater upon termination of their IDP for that discharge, is subject to discharge termination.

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

### **Section 10.10 Emergency Suspensions**

The Director 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 Director may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or that presents, or may present, an endangerment to the environment.

- A. Any user notified of a suspension of its discharge shall immediately terminate or eliminate its wastewater discharge. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Director may implement such steps as deemed necessary, including immediate severance of the sewer connection and entry on private property to halt such discharge, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in Section 10.9 of this Ordinance are initiated against the user.
- B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures implemented to prevent any future occurrence, to the Director prior to the date of any show cause or termination hearing under Sections 10.5 or 10.9 of this Ordinance.

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

#### **Section 10.11 Recovery of Expenses**

Any person violating any of the provisions of this Ordinance shall become liable to the Town for any expense, loss, or damage occasioned by the Town by reason of such violation. If the Town Manager or Board of Selectmen implemented the disconnection of a building sewer from a public sewer, the Town may collect the expenses associated with completing the disconnection from any person responsible for, or willfully concerned in, or who profited by such violation. The Town may thereafter refuse to permit the restoration of the former 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.

#### **Section 10.12 Harm to Town Property**

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

#### **Section 10.13 Injunctive Relief**

When the Town Manager determines that any person or user has violated, or continues to violate, any provision of this Ordinance, an IDP, or order issued hereunder, or any other pretreatment standard or requirement, the Town Manager may petition the Jaffrey/Peterborough District Court through the Town's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the IDP, order, or other requirement imposed by this Ordinance on activities of the user. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition

for injunctive relief shall not be a bar against, or a prerequisite for, implementing any other action against a user.

**Section 10.14 Civil Penalties**

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

**Section 10.15 Criminal Prosecution**

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

**Section 10.16 Nonexclusive Remedies**

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

**ARTICLE XI – AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**

**Section 11.1 Upset**

- A. For the purposes of this section, “upset” means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards due to factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with pretreatment standards if the requirements of paragraph (C), below, are met.
- C. A user who intends to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - 1. An upset occurred and the user can identify the cause(s) of the upset;
  - 2. At the time of the upset, the facility was being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
  - 3. The user has submitted the following information to the Director within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submittal 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 anticipated time the noncompliance is expected to continue; and
    - c. Action being implemented and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with pretreatment standards.
- F. A user shall control production of all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

**Section 11.2 Prohibited Discharge Standards**

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in paragraph 2.6(A) of this Ordinance or the specific prohibitions in paragraph 2.6(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 biosolids use or disposal requirements.

**Section 11.3 Bypass**

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

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

## **ARTICLE XII – SEPTAGE DISPOSAL**

RSA 485-A, or revisions thereto, of the State rules, regulations, standards, and procedures promulgated thereupon require that "any person, firm, corporation, municipal subdivision or institution who removes, transports, or disposes, or intends to remove, transport or dispose of any human excrement or other putrescible material by portable or mobile container shall hold an unrevoked permit for that purpose from the NHDES." Therefore, the holding of such a permit shall be a condition precedent to the privilege to dispose such material at the Town's wastewater treatment facility.

Such permit, as required by RSA 485-A, shall be on file with the Town. Upon renewal or revocation of such permit, the hauler shall be responsible for notification of such renewal or revocation to the Town.

### **Section 12.1 Septage Hauler Requirements**

- A. Residential septic tank waste (septage) may be introduced into the POTW only at locations designated by the Director, and at such times as are established by the Director.
- B. Such hauler may discharge septage to the facilities provided at the Town's wastewater treatment facility only after paying the charges as set forth in the ***Schedule of Fees*** as approved by the Board of Selectmen.
- C. Those persons, firms, corporations, municipal subdivisions or institutions that conform to RSA 485-A and the definition of "RVs" shall dispose of such septage as human excrement or other putrescible materials at the dates, times, and locations designated by the Director.
- D. No person, firm, corporation, municipal subdivision or institution shall discharge any toxic, poisonous, or radioactive solids, liquids or gases; the contents of grease, gas, oil and/or sand interceptors; or industrial wastes via septage tank truck into the Town's wastewater treatment facility without specific authorization of the Director.
- E. The wastewater treatment plant operator acting on behalf of the Director shall have authority to limit the disposal of septage if such disposal could interfere with the treatment facility operation. Procedures for disposal of septage shall be in conformance with the operating policy of the Director and disposal shall be accomplished under a wastewater treatment facility operator's supervision unless specifically permitted otherwise.

### **Section 12.2 Temporary Septage Permits**

The Director shall have the right to 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 Director shall issue such permit upon such terms and conditions as the Director deems to be in the best interests of the Town. The temporary permit shall not be valid for a period exceeding twelve (12) months. The Director shall have the right to revoke or suspend the temporary permit in the event that the terms and conditions are not met.

### **Section 12.3 Septage Permits**

- A. Any person, firm, corporation, municipal subdivision, institution or hauler who conforms to RSA 485-A and intends to dispose of septage, human excrement or other putrescible material within the limits of the Town shall first obtain a permit from the Town.
- B. Such permit as issued by the Town shall identify:
  - 1. The motor vehicle;
  - 2. The capacity of the tank;
  - 3. The NHDES Permit Number; and
  - 4. Any other details of compliance with the regulations of the NHDES.
- C. The following conditions shall constitute conditions precedent to the issuance of each permit by the Town:
  - 1. Each septic tank truck shall have installed thereon, a sight level by which the quantity of the contents of each tank may be ascertained by visual observation; or
  - 2. Each septic tank truck shall have an access port in which the quantity of the contents of each truck may be ascertained by depth measurements.
  - 3. Before the time of disposal, the hauler shall enter the following information into a manifest form located at the wastewater treatment facility:
    - 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.*, septage) being disposed.
  - 4. Owners of "RVs" who intend to discharge the contents of holding tanks are exempt from the permitting process.

### **Section 12.4 Septage Disposal Charge**

There shall be a Septage Disposal Charge as established by a *Schedule of Fees* as approved by the Board of Selectmen, as the Town may adopt from time to time, for the receipt of septage into the Town's wastewater treatment facility 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 or by other method determined by the Director.

## **ARTICLE XIII – SEWER USE RATES – FEES**

### **Section 13.1 Applications for Sewer Service**

- A. All applications for sewer service must be made at the office of the Director by the owner of the property or his authorized agent.
- B. The Director reserves the right to defer action on any application between November 1 and April 15

### **Section 13.2 Sewer Connection Fee**

- A. All properties shall pay a sewer connection fee as a condition of entrance into the town sanitary sewer system.
- B. A schedule of rates for the Sewer Connection Fee is contained in Appendix III.
- C. For properties not provided for in the schedule of rates, the question of charges for connection shall be determined by the Director.

### **Section 13.3 Payment of Bills**

- A. General
  - 1. Each property owner will be billed for sewer usage according to the current rates as established by the Board of Selectmen. Billing will occur at a frequency as approved by the Board of Selectmen. Customers with active sewer services will receive sewer bills that will include a minimum charge as established by the Board of Selectmen
  - 2. Payment for services provided may be made in form customary and in compliance with existing town policy. Checks shall be made payable to the Town of Jaffrey. If receipts are desired a stamped, self-addressed envelope must be sent with the remittance.

3. Payment is due within 30 calendar days of the date of the bill. Bills remaining unpaid 30 days after billing date shall incur interest as set by RSA.
4. The failure of the property owner or agent to receive notice of the sewer bill does not relieve him/her of the obligation of its payment nor the consequences of its non-payment.
5. Failure of a property owner to make payment shall subject the property owner to the provisions for delinquent accounts.
6. Property Owners will be billed for Sewer Department Services provided as established and set forth in these regulations and as in Appendix III.
7. In the event that water meters are stopped, frozen or otherwise damaged, or entry for reading purposes cannot be made, sewer usage shall be estimated based on the previous usage at the discretion of the Water and Sewer Departments.
8. Sewer bills shall be issued to properties as long as the water service to the property is active and has not been shut off by the Water Department. To cease billing, the water department is required shut off the water service at the service shut off and remove the water meter. Customers will be responsible for Turn Off fee as determined by the Board of Selectmen (see Water Use Regulations - Schedule A)
9. Sewer bills will be issued for the minimum charge for usage between zero and the minimum gallon usage established by the Board of Selectmen.
10. The current fees to be charges to the Sewer Customers are as approved by the Board of Selectmen and outlined in Appendix III.

**B. Delinquent Accounts & Discontinuance of Service**

1. Overdue accounts are due upon receipt.
2. Overdue accounts will be assessed interest at a rate established by RSA. Balances due after 30 days of the billing rate will accrue interest.
3. Any account deemed delinquent under the terms of these Rules & Regulations may be subject to additional actions including but not limited to the following:
  - a. Discontinuance of service after proper notice. Such Notice to include:
    1. Accounts with amounts in arrears 90 days will receive notice at the property detailing the terms to avoid termination of service. The length of time in arrears may from time to time be changed at the discretion of the Collector with approval of the Town Manager.
    2. Payment not received by the terms in the notice will result in discontinuance of service. Once service is discontinued, the Property Owner is subject to the Shut Off and Turn On fees as established – Schedule A
  - b. Collection through small claims court or any other court having appropriate jurisdiction

c. Attachment of property by use of a lien.

4. Delinquent sewer accounts are subject to the Tax Lien process in accordance with RSA 80:63.

**C. Transfer of Ownership**

1. Transfer of ownership will occur once the deed has been delivered by the Registry of Deeds to the Town of Jaffrey.

2. Prior to transfer of ownership, the person purchasing, selling or their agent shall contact the Tax Collector to arrange for a final meter reading and preparation of final amount due by the seller which will be placed on the account. The determination of the final bill is subject to fee as determined in Schedule A. The Seller must make available the property for inspection if deemed necessary by the Department. Any balance on the account remains on the account of the property until paid.

3. Failure by the seller to pay any outstanding balances due on account shall not affect the Sewer Department's right to recover such payments due by legal remedy. Any outstanding balance not paid at the time of the sale or transfer shall be considered as a lien on the property and be subject to collection by the Town of Jaffrey in accordance Section E above and applicable laws.

**ARTICLE XIV- VALIDITY**

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

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

**ARTICLE XV- INTERPRETATION OF REQUIREMENTS**

**Section 15.1 Interpretation**

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

**Section 15.2 Appeals**

Any party aggrieved by any decision, regulation or provision under this Ordinance, as amended, from time to time, shall have the right of appeal within thirty (30) calendar days of said decision to the

Director, who shall issue a decision within thirty (30) calendar days. If said appeal is denied by the Director, then the aggrieved party shall have the right to appeal to the Town Manager, Board of Selectmen or Jaffrey/Peterborough District Court for Cheshire County for equitable relief, provided that said appeal is entered within thirty (30) calendar days from the issuance of the decision of the Director.

**ARTICLE XVI - MODIFICATIONS**

The Town reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a sewer and the sewer system, which additional rules and regulations, to the extent appropriate, shall be a part of these regulations.

## JAFFREY MUNICIPAL SEWER USE ORDINANCE

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### ARTICLE XVII- ORDINANCE IN FORCE

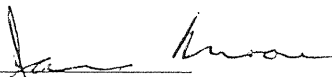
This Ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

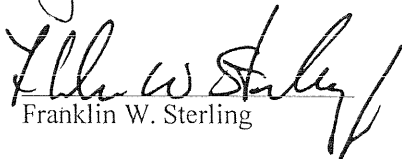
Duly enacted and ordained this 23 day of Jan. 2017 by the Board of Selectmen of the Town of Jaffrey in Cheshire County, State of New Hampshire, at a duly noticed and duly held session of the said Board of Selectmen.

Jaffrey, New Hampshire

By: Board of Selectmen

  
Donald MacIsaac

  
James Moore

  
Franklin W. Sterling

**Appendices**

**Appendix I – Maximum Allowable Industrial Mass Loading Limitations**

**Appendix II – Screening Levels**

**Appendix III – Wastewater Schedule of Fees**

**Appendix IV – Typical House Sewer Service Schematic**

## **Appendix I**

### **Maximum Allowable Industrial Mass Loading Limitations**

The Director will not issue permits that in combination with other industrial loads exceed the values in the table located in Appendix I of this Ordinance:

<b>POLLUTANT</b>	<b>MAXIMUM ALLOWABLE INDUSTRIAL LOADING (lbs/day)</b>	<b>POLLUTANT</b>	<b>MAXIMUM ALLOWABLE INDUSTRIAL LOADING (lbs/day)</b>
Biochemical Oxygen Demand (BOD)	495	Total Suspended Solids (TSS)	578
Aluminum	7.208	Mercury	0.002
Arsenic	0.000*	Molybdenum	0.008
Cadmium	0.004	Nickel	0.107
Chromium	0.304	Selenium	0.013
Copper	0.274	Silver	0.013
Cyanide (T)	0.036	Zinc	0.498
Lead	0.027	-	-

\* No discharge greater than background concentration will be permitted.

All mass loading limitations for metals represent total metals, regardless of the valance state, or the physical or chemical form of the metal. To administer these allowable loadings through IDPs, the Director will impose concentration-based limitations, or mass limitations, or both, on a case-by-case basis into site-specific IDPs. For industrial users, the values written into IDPs for the above pollutants shall apply at the end of the industrial wastestream and prior to dilution with non-industrial wastewaters.

Unless specifically identified in an IDP, an industrial user is not allowed to discharge the locally limited pollutants at concentrations significantly greater than background concentrations. For the purposes of this requirement, significant means 67.9 percent (67.9%) greater than the background concentrations used for local limits development.

Daily concentration (or mass loading) is the concentration (or mass) of a pollutant discharged, determined from the analysis of a flow-composite sample (or other sampling procedure approved by the Director) representative of the discharge over the duration of a 24-hour day or industrial operating schedule of less than twenty-four (24) hours.

## **Appendix II**

### **Screening Levels.**

Screening levels are numerical values above which actions are initiated to evaluate, prevent, or reduce adverse impacts on the POTW, the environment, and/or human health and safety. The Town monitors industrial sources of conservative pollutant-bearing discharges in comparison to established uniform concentration values, and authorization to discharge at greater concentrations may be granted subject to the administrative procedures for managing mass loading limitations. Uniform concentration values for conservative pollutants will be maintained by the Town, independent of this Ordinance, to provide regulatory flexibility.

Screening levels for non-conservative pollutants are concentration-based values that, if exceeded, represent a potential to compromise worker safety, create flammability or chemical reactivity conditions in the collection system, or result in operational issues such as excessive organic/solids loadings. Screening levels for non-conservative pollutants are developed as needed using the methodology of the Town's local limits study. The data in the table located in Appendix II of this Ordinance are representative of non-conservative pollutants and the concentrations above which they shall not be discharged to the POTW without approval of the Director.

<b>POLLUTANT</b>	<b>mg/L</b>	<b>POLLUTANT</b>	<b>mg/L</b>
Acetone	372	Methyl tert-butyl ether	5.5
Acrylonitrile	0.48	Methylene chloride	1.0
Benzene	0.001	Nitrogen (Total Kjeldahl / Ammonia)	35 / 20
Biochemical Oxygen Demand	191	Oil & Grease (animal and vegetable origin)	100
bis-2-Ethylhexyl phthalate	0.012	Oil & Grease (petroleum	100
Carbon disulfide	0.007	Perchlorate	0.43
Chloride	1,500	Phenol	50
Chlorine (Total Residual)	6.0	Phenols (total)	1.0
Chlorobenzene	0.30	Phosphorus	6.9
Chloroform	0.065	Sulfate	1,500
p-Cresol (4-methylphenol)	0.0025	Sulfide	1.0
1,4-Dichlorobenzene	0.103	Sulfite	280
1,1-Dichloroethane	1.74	Tetrachloroethylene (PCE)	0.23
1,2-Dichloroethane (Ethylene Dichloride)	0.08	Tetrahydrofuran	205
1,2-Dichloropropane	3.0	Toluene	0.69

## JAFFREY MUNICIPAL SEWER USE ORDINANCE

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POLLUTANT	mg/L	POLLUTANT	mg/L
1,3-Dichloropropene	0.01	1,2,4-Trichlorobenzene	0.64
Ethylbenzene	1.35	1,1,1-Trichloroethane (TCA)	2.7
Formaldehyde	1.47	Trichloroethene	0.32
Isopropyl alcohol	1,488	Total Suspended Solids	242
Methyl bromide (Bromomethane)	0.015	Vinyl Chloride (chloroethene)	0.0023
Methyl ethyl ketone	160	Vinylidene Chloride	0.019
Methyl isobutyl ketone	36	Xylenes	1.4

If any of the screening levels are exceeded, repeat analysis may be required by the Town to verify compliance or noncompliance with that screening level. If noncompliance is indicated, then the industrial user may be required, at the discretion of the Director, to conduct an appropriate engineering evaluation at the industrial user's expense 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 shall be approved by and conducted under the supervision 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 may, at the discretion of the Director, be adjusted as a special agreement for the industrial user and administered as a permit limitation for the specific discharge.

If an industrial user proposes to discharge at concentrations greater than the concentration-based screening level maintained by the Town, then the industrial user may be required to conduct the evaluations described in the previous paragraph. Should the evaluations support an alternate site-specific limitation, then the screening level may, at the discretion of the Director, be adjusted as a special agreement for the industrial user and administered as a permit limitation for the specific discharge.

## **Appendix III**

### **Wastewater Schedule of Fees** **(Effective January 1, 2016)**

#### **Sewer Rent (Billed Monthly)**

Based on metered water usage	\$13.01 first 1000 gallons \$1.72 per 100 gallons thereafter	Effective 1/1/2016
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#### **New Wastewater Connections**

Residential (Single Family)	\$2170	1/1/2016
Residential (Multi-Family)	\$2170 per unit	1/1/2016
Commercial	\$11.82 per gallon (min charge equal to residential fee)	1/1/2016
Industrial	\$11.82 per gallon (min charge equal to residential fee)	1/1/2016
Institutional/Government	\$11.82 per gallon (min charge equal to residential fee)	1/1/2016
Other	\$11.82 per gallon (min charge equal to residential fee)	1/1/2016

The per gallon design flow for non-residential and multi-family users to be determined based on the design flow values contained in Table 1008-1 from Chapter Env-Wq 1000 of the NH Code of Administrative Rules or if unable to be determined from Table 1008-1, as calculated by the Town based on best engineering principles.

Annual adjustment to these fees to take place beginning January 1, 2014 based on the Engineering News Record (ENR) Construction Costs Index from the previous December.

Effective the approval of these fees, the applicant for a new wastewater connection will be responsible for complete installation of the wastewater service.

<b>Sump Pump User (Prior Approval Required)</b>	\$10.00 per month	4/28/2008
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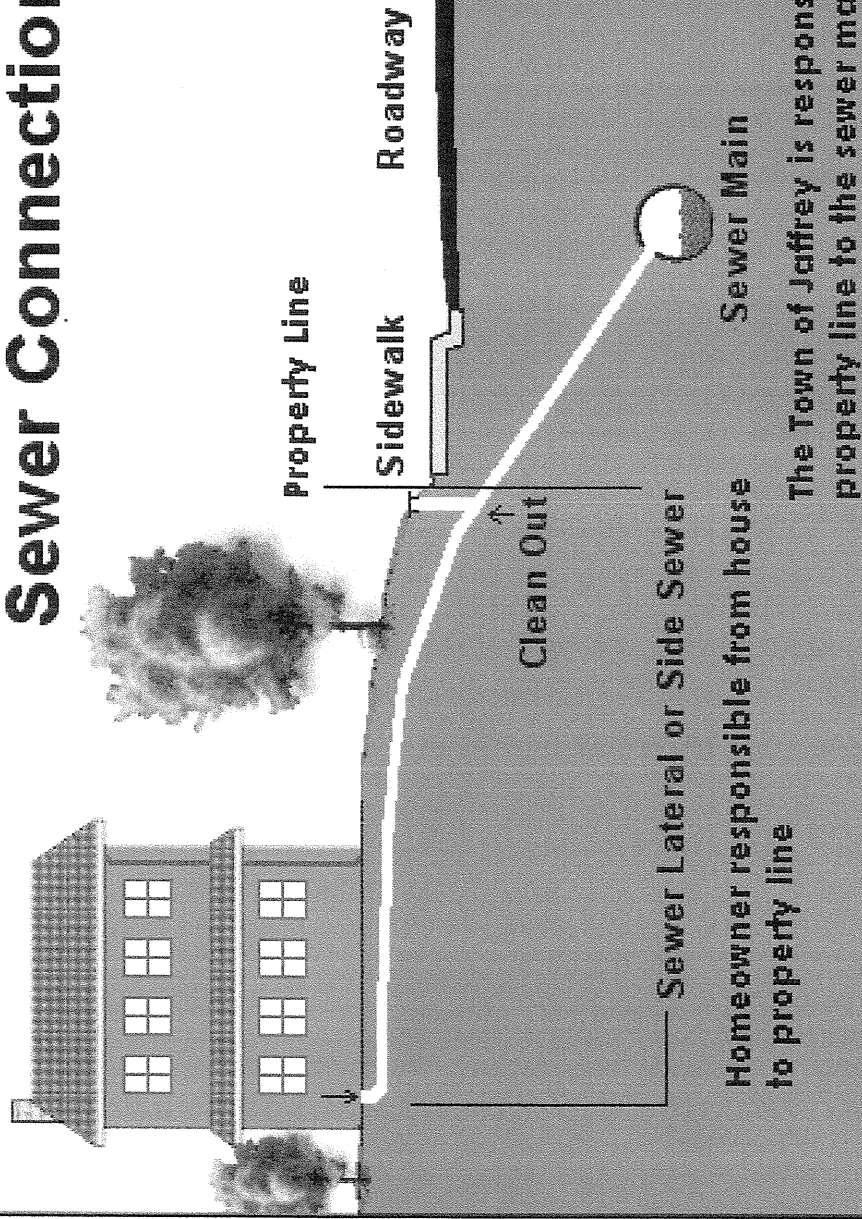
<b>Septage Disposal</b>	\$0.05 per gallon (Jaffrey) \$0.075 per gallon (In-District) \$0.10 per gallon (Outside District) \$10.00 per drop (Camper/RV) \$25.00 seasonal (Camper/RV)	4/22/2010
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**Appendix IV**

**Typical House Sewer Service Schematic**

All house plumbing  
drains into the lateral.

## Typical House Sewer Connection



Sump pump connections should not be discharged into the sewer system.