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CHAPTER 15 SEWER REGULATIONS

1500 Purpose and Definitions

The rules and regulations herein set forth for the maintenance and operations of the Exeter Municipal Publicly Owned Treatment Works (POTW) established by the Selectmen of the Town of Exeter as necessary or desirable for the efficient operation of said POTW and for accomplishing the purposes of RSA 231, as amended, and for the protection of the health and safety of the people of Exeter and for accomplishing the purposes of RSA 147 and RSA 485-A, as amended.

Pursuant to RSA 149-I and RSA 147, or revisions thereto, and every other authority thereto enabling, the Selectmen of Exeter enact and ordain the following Rules and Regulations.

Acronyms - The following acronyms, when used in these regulations, 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
- RSA - New Hampshire Revised Statutes Annotated
- RSA 147 - Public Health / Nuisances; Toilets; Drains; Expectoration; Rubbish and Waste
- RSA 149-I - Public Health / Sewers
- RSA 231 - Transportation / Cities, Towns and Village District Highways
- RSA 31:39 - Towns, Cities, Village Districts, And Unincorporated Places / Powers and Duties of Towns, Purpose and Penalties
- RSA 485-A - Water Management and Protection / Water Pollution and Waste Disposal
- RSA 595-B - Proceedings in Criminal Cases / Administrative Inspection Warrants
- TSS - Total Suspended Solids
- U.S.C. - United States Code
- °F, °C - degrees Fahrenheit, degrees Celsius

Definitions – Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in these regulations shall be as follows:

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 that 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 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.

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

Biochemical Oxygen Demand (BOD): The quantity of oxygen expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter under standard laboratory procedures (as prescribed in the latest edition of "Standard Methods for the Examination of Water and Wastewater") in five (5) days at 20 degrees Centigrade.

Building Sewer: The connection between the tap at the Town sanitary sewer and the owner's source of wastewater, and shall include all the pipe fittings and couplers necessary to make the connections (including those portions located in the public right of way.)

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

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.

Cleanout: A means for inserting cleaning tools, for flushing, or for inserting an inspection light into sewers at bends.

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

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

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

Director: The Public Works Director who is the person designated by the Town to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by these regulations, or a duly authorized representative.

Domestic Wastewater: See "Sanitary Sewage."

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

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

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.

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

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

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

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

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

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

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

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

Human Excrement and other Putrescible Material: The liquid or solid matter discharged from the human intestinal canal or other liquid or solid waste materials that are likely to undergo

bacterial decomposition; provided, however, that these terms shall not include garbage as defined by RSA 485-A, or revisions thereto.

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 shall be or may be discharged.

Industrial Establishment: Any room, group of rooms, building or other enclosure used or intended for use in the operation of one (1) business enterprise for manufacturing, processing, cleaning, laundering or assembling any product, commodity or article and from which any industrial wastewater, as distinct from Sanitary Sewage, shall be discharged.

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

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

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

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.

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

Interference: A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the Town's NPDES permit (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 thereunder, 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.

Living Unit: Any portion of a dwelling consisting as a minimum: kitchen facilities, sanitary facilities and sleeping quarters for one family or user.

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

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

Medical Waste: A waste that is generated or produced as a result of diagnosis, treatment, or immunization of human beings or animals, medical research, or production or testing of bacteria, viruses, spores, discarded live and attenuated vaccines used in human health care or research.

Examples include 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.

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

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

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

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 industrial waste or pollutants other than heat.

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

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.

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

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

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, which is no longer suitable for its intended purpose or is otherwise being discarded.

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

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

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

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

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

Private Sewer: Any collector system installed in a private road (not Town accepted) and/or as part of a private subdivision. "Private Sewers" remain the property of the developers, other private parties or their assigns. Until they are accepted by the Town through acceptance of the private party who caused it to be constructed or its successors. "Private Sewers" shall be constructed according to the Public Works Department's *Standard Specifications for Construction of Public Utilities in Exeter, NH*.

Properly Shredded Garbage: The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

Public Sewer: A generic term for a pipe or conduit that carries wastewater, stormwater, groundwater, subsurface water, or unpolluted water from any source, which is controlled by a governmental agency or public utility.

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 the sewers, pipes, and other conveyances that convey wastewater to the Town's wastewater treatment facility. The term also means the municipality that has jurisdiction over discharges to and the discharges from such a treatment works.

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

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. See also: Industrial Wastewater.

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

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.

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.

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

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

Significant Industrial User: Means an industrial user that meets one or more of the following criteria (except as provided in paragraph 6 below):

1. Is subject to national categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N;
2. Discharges an average of 10,000 gallons per day or more of industrial wastewater;
3. Discharges industrial wastewater which contributes 5 percent or more of the hydraulic or organic loading to the Wastewater Treatment Facility;
4. Discharges medical/infectious waste, pharmaceutical waste, or radiological waste (unless exempted by the Town under paragraph (6) of this definition); or
5. Is designated as such by the Town as having a reasonable potential for adversely affecting the POTW's operation or performance or for violating any pretreatment standard or requirement.
6. Upon determining that a user meeting the criteria in paragraphs 3 or 4 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 403.3(v)(3), determine that such user should not be considered a significant industrial user

Significant Noncompliance (SNC): 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. An individual excursion from the allowable range of pH values exceeds 60 minutes; or
 - b. An excursion occurs that the Town believes has caused, alone or in combination with other discharges, interference or pass-through; or endangered 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.

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 1507 of these regulations]; 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.

State: The State of New Hampshire.

Storm Drain or Storm Sewer: A drain or sewer which carries storm and surface waters and drainage, but excludes wastewater and industrial wastes, other than unpolluted water.

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

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

Town: The Town of Exeter, Rockingham County, New Hampshire, 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.

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

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

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

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

1501 Use of Public Sewers Required

Pursuant to the provisions of RSA 147:8, and 147:11, and any other authority thereto enabling, the owner of any improved property benefited, improved, served or accommodated by any sewer, or to which any sewer is available, shall connect such improved property thereto in such manner as the Town may require, within ninety (90) days after notice to such owner from the Town to make such connection, for the purpose of discharge of all sanitary sewage and industrial wastewater from such improved property into the POTW, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by the Town from time to time. Each such owner shall, within the same time limit, cease and desist from all further discharge of sanitary sewage and/or industrial wastes into any other conduit or pre-existing system whether privately or publicly owned.

- 1501.1. All sanitary sewage and industrial wastewater from any improved property, after connection of such improved property to the POTW as required under Section 1501, shall be conducted into a sanitary sewer, subject to such limitations and restrictions as shall be established by these regulations or otherwise shall be established by the Town, from time to time.
- 1501.2. No person shall place or deposit, or permit to be placed or deposited, upon public or private property within the Town of Exeter, any sanitary sewage or industrial wastewater in violation of Section 1501.
- 1501.3. No person shall discharge or permit to be discharged to any natural outlet within the Town, any sanitary sewage, industrial wastewater, and/or pollutant in violation of Section 1501, except where suitable treatment has been provided which is satisfactory to the Town, and the NHDES.
- 1501.4. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used and maintained at any time upon any improved property which has been connected to the POTW or which shall be required under Section 1501 to be connected to the POTW. The use of portable chemical toilets is allowed at construction sites and for other temporary purposes provided the wastes are properly disposed off site.
- 1501.5. No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected to the POTW.
- 1501.6. 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.
- 1501.7. 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 wastewaters 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.

- 1501.8. No person shall make connection of roof downspouts, foundation drains, areaway drains, or other surface runoff, ground water or unpolluted water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Town for purposes of disposal of polluted surface drainage.

Stormwater and all other unpolluted drainage shall be discharged to storm sewers, if available, or to a natural outlet approved by the Town. Unpolluted industrial cooling water or unpolluted process waters may be discharged, on approval of the Town, the NHDES and EPA to a storm sewer, if available, or an approved natural outlet.

- 1501.9. 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.

1502 Sewer Connection Permits and Fees

- 1502.1. No person shall uncover, repair, connect, make any opening into or use, alter or disturb in any manner any Sewer or any part of the POTW without first executing an "Application for Sewer Service Work" from the Public Works Department and paying all applicable fees.

All work must be performed and completed in accordance with all applicable regulations by persons who are: 1) certified and employed by firms that hold a valid "Utility Pipe Installers" license, or 2) with special permission of the Public Works Director, a residential building owner doing work for themselves, at their residence. Utility pipe installers shall maintain minimum insurance coverage in accordance with Selectmen's Policy 96-05.

- 1502.2. There shall be charges in all areas of the Town for a sewer tie-in or connection permit for single and multi-residential living units; for commercial establishments; and for establishments producing industrial wastes. Application for a permit must be made at the office of the Water and Sewer Billing during its normal working hours. A permit fee shall be paid for a single residential and commercial service and higher permit fee shall be paid for multi-dwelling or industrial service. These fees will be charged in accordance with a Schedule of Charges for Sewer Service which the Town may adopt from time to time.
- 1502.3. A permit fee shall be paid for each sewer service connection permit in those instances where the Town has already installed the building sewer to the street line. This charge will be charged in accordance with a Schedule of Charges for Sewer Service which the Town may adopt from time to time. In all other cases, the full cost of the connection shall be borne by the applicant.

Permits will be issued only to qualified utility pipe installers licensed to lay pipes in the Town, and homeowners qualified under section 1502.1. Permits are not transferable.

Permits will not be issued until the applicant has filed a layout plan showing the location of existing service connection, house location and route of sewer service, and said layout has been approved by the Town.

Permits shall be subject to revocation when any of the rules and regulations contained herein are not being followed.

If the work under the permit is not completed within ninety (90) days, renewal of the permit must be obtained at the then-in-effect fee for the permit, less any amount previously paid.

- 1502.4. Licenses to connect building sewers to the sanitary sewer will be issued to experienced and competent contractors. Licenses must be renewed annually on January 1. The fee for such license will be in accordance with such schedule of charges as the Selectmen may adopt from time to time and shall be payable to the Town. Said licenses shall be obtained at the office of the Public Works Director.
- 1502.5. No person, firm or corporation shall excavate any town-maintained street, roadway, sidewalk, parking lot, or right-of-way without a valid digging permit (Town Ordinance 504). An individual permit is required for each road cut.
- 1502.6. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify and obtain written approval from the Director at least sixty (60) days before the proposed change or connection. Proposed new discharges from residential or commercial sources involving loading exceeding 50 population equivalents (5,000 gallons per day average flow), any new industrial wastewater, 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 affect 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 wastewater shall be obtained in accordance with Section 1509 of these regulations.

1503 Connections to Sanitary Sewer

Except as otherwise provided in this section, each improved property shall be connected separately and independently with the sanitary sewer through a building sewer. Grouping of more than one building sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, and then only after special permission of the Director, in writing, shall have been secured and subject to such files, regulations, and specifications governing such grouping as may be prescribed by the Director. In addition to these regulations, the Town of Exeter Department of Public Works is hereby authorized to develop and implement specifications addressing the construction of public utilities within the Town.

- 1503.1. The owner will initially construct each building sewer, and all costs and expenses of construction of the building sewer, including connection to the structures served, shall be borne by the owner of the improved property to be connected; and such owner shall indemnify and save harmless the Town, its officers and agents, from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a building sewer on the owner's premises or its connection to the sanitary sewer. After the initial construction of the building sewer, the owner shall thereafter be obligated to pay all costs and expenses of operation, repair and maintenance and of reconstruction (if needed) of the building sewer beginning at the sanitary sewer and ending at the building. Every building sewer shall be maintained in a sanitary and safe operating condition by the owner.

If Town personnel are called out to work on a sewer and it is subsequently determined that the problem was on the owner's building sewer, the owner will reimburse the Town for all costs associated with the service call.

- 1503.2. 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 Section 1501, shall fail to connect such building as required, the owner shall be in violation of these regulations 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.
- 1503.3. 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.
- 1503.4. A building sewer shall be connected to the sanitary sewer at the place designated by the Town.
- 1503.5. The connection of the building sewer into the sanitary sewer shall conform to the requirements of the current building and plumbing code, NHDES Env-Wq 704.13, and the Town's *Standard Specifications for Construction of Public Utilities in Exeter, New Hampshire*.

Pipe and fittings to be used in the work shall be only SDR 35 poly-vinyl chloride (PVC) ring tight joints, (4 inches or more in diameter for single family residence and small commercial uses; 6 inches minimum for multifamily use and larger commercial uses; size shall be approved by the Director.)

In general, sewer services will not be allowed to have more than two (2) angle points, or a total angular deviation of 180 degrees, unless a variance is granted by the Town. A cleanout shall be installed at each angle point and/or every one hundred (100) ft. length where the sewer service extends more than 300 feet. The Town may require the installation of manholes subject to its approval.

All building sewers shall be laid in an envelope of washed screened gravel with not less than 6 inches of said materials all around the barrel of the pipe. Maximum stone size shall be 3/4 inch. The Town strongly recommends the installation depth to be minimum of 4.0 feet from finished grade. All pipe and fittings shall be laid to a minimum slope of 1/4 inch per foot unless otherwise approved by the Town. The Town requires the use of a backwater/one-way valve in the building sewer.

Line and grade of the pipe and fittings shall be controlled by the use of a transit or by the use of batter boards and string lines set for this purpose. Batter boards shall not exceed a distance of 30 feet apart unless otherwise allowed by the Town. Line and grade are to be established by the contractor subject to the approval of the Town.

Whenever possible, the building sewer should be brought to the building at an elevation above the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain may be lifted by a Town-approved means at the owner's expense and discharged to the building sewer.

No person shall connect a building sewer to a manhole unless permission is granted, in writing, from the Director.

The centerline of a building sewer at the point of connection shall enter the top half of the sanitary sewer. A smooth, neat joint shall be made and the connection of a building sewer to the sanitary sewer shall be made secure, watertight, and gas tight by the use of a "saddle", appropriate in size to the receiving sewer line, and shall be acceptable to the Town. A KOR-N-SEAL boot shall be provided where sewers are to be connected to manhole structures. Any deviation from the prescribed procedures and materials shall be approved by the Director before installation.

- 1503.6. Old building sewers may be used in connection with new buildings when they are found, on examination by the Town, to meet all requirements of these ordinances.
- 1503.7. 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/Code Enforcement Officer. No person shall obstruct the free flow of air through any drain or soil pipe.
- 1503.8. A backwater valve shall be installed on all new sewer services entering the Town's sanitary sewer to prevent backflow from the public sewer from entering the facility or building. Backwater valves shall be sized and installed in accordance with the most current adopted State of New Hampshire plumbing code, and with the approval of the Town Building Inspector/Code Enforcement Officer. Backwater valves shall be located and installed so their working parts are readily and easily accessible for cleaning and inspection and shall be maintained by the Owner(s) at the Owners expense, in a continuous, efficient, operating condition at all times.
- 1503.9. An interior clean-out fitting shall be provided at the discretion of the Director for each building sewer 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 positioned so that sewer cleaning equipment can be inserted to clean the building sewer. Buildings and mobile homes without foundations shall have a clean-out installed on the outside.
- 1503.10. The Director shall maintain a record of all connections made to public sewers and drains 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.
- 1503.11. When any sanitary sewer 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 wastewater of such volume or character that frequent maintenance of or access to said building sewer and sanitary sewer is anticipated, then such building sewer shall be connected to the sanitary sewer through a manhole. The Director shall determine if and where this type of connection to the sanitary 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.

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- 1503.12. When a building is demolished and not immediately replaced, the owner shall adequately seal off the building sewer where it connects to the public sewer and shall schedule an inspection by the Director.
- 1503.13. 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, and in accordance the *Standard Specifications for Construction of Public Utilities in Exeter, New Hampshire*. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Director, at the expense of the owner(s). The contractor is responsible for all other notification requirements, including DIGSAFE. 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
- 1503.14. When ledge is encountered in the excavations, a permit must be obtained for the use of explosives from the Town of Exeter Fire Department.
- All blasting shall be done in accordance with the requirements of the appropriate authorities; and by a person licensed in accordance with state laws.
- 1503.15. Trenches shall be backfilled and compacted and the street surface repaired in accordance with requirements specified by the Town's "Procedures and Specifications for Excavations on Town Streets or within Rights-of-Way."
- Power shovels, bulldozers, loaders, trucks and other equipment shall not be operated on or across sidewalks, beams, curbing, etc., until they have been properly protected from damage by planking or other approved means. All damage resulting from the utility pipe layer's operations shall be repaired by him.
- In or adjacent to State Highways the owner shall obtain necessary permits from the appropriate State Authority before the issuance, by the Town, of a sewer connection permit. All work shall then be done in accordance with the requirements set forth in the permit from the appropriate State Authority. Any costs in connection with obtaining permits shall be borne by the applicant.
- 1503.16. The owner or their agent shall notify the Town when the building sewer is ready for inspection and connection to the sanitary sewer (see Section 1503.17). The connection and testing shall be made under the supervision of the Director or authorized representative. Requests for inspections of sewer service connections shall be made to the Town forty-eight (48) hours in advance of the time any connection is to be made, and only during normal working hours.
- Inspections will ordinarily be made only during the normal working hours of the Town.
- An additional charge may be made for inspections required after normal working hours.
- Services in excess of 100 feet in length are subject to review and such other requirements as may be found necessary to assure a functional connection.
- In new construction, and where practicable in existing buildings when the common sewer is sufficiently deep, service shall be laid directly, without deflections, from the house plumbing vent stack to the connection provided at the common sewer.
- Tunneling will not be allowed unless special permission for same is given.

Connection made to the building plumbing system shall be upstream of any septic tanks or cesspools.

Upon connection of the building plumbing system to the sanitary sewer, existing septic tanks and cesspools shall be completely filled with suitable material to the satisfaction of the Town.

- 1503.17. No building sewer shall be covered until it has been inspected and approved by the Town. If any part of the building sewer is covered before so being inspected and approved, it shall be uncovered for inspection if deemed necessary at the cost and expense of the owner of the improved property to be connected to the sanitary sewer. This requirement shall also apply to repairs or alterations to building connections, drains or pipes thereto.

In the event that such work is not ready for inspection or for any other reason may not be approved by the Director, the property owner, builder, or developer shall be notified that no further inspection of such work will be made until the property owner, builder, or developer has paid a service charge in the amount as established by the Town to cover the extra expense and cost to the Town. In the event of further disapproval of the same work, a further surcharge shall be paid by the property owner, builder, or developer in accordance with the Town's charge schedule, before a further inspection shall be made.

1504 New Sewers or Sewer Extensions

- 1504.1. 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 Section 1502.1. Said property owner, builder or developer shall pay for the entire installation, including appropriate share of the cost of the wastewater treatment facility, 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 1503 and all application and inspection fees shall be paid by the applicant.
- 1504.2. Should the Town install a main line or extend a main line, by petition of the abutters, the total cost shall be determined and the proportionate cost for each abutter shall be assessed at the time of connection. If a property owner beyond the terminus of an existing sewer main desires to connect to the line, the property owner shall extend the main along the entire lot frontage owned by the potential customer (or to the limits of gravity flow with the proper cover). Unless the extension is installed via a petition as described above, all cost for this extension shall be borne by the property owner.
- 1504.3. Design and installation of sewers shall be in accordance with the NHDES Administrative Rules Env-Wq 700 - *Standards of Design and Construction for Sewerage and Wastewater Treatment Facilities*. Plans and specifications shall be submitted to, and approval obtained from, the Director 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, being compatible with the master sewerage plan adopted by the Town.

Plugged service wye fittings shall be provided along sewer extensions in locations approved by the Director to accommodate future connections from existing unimproved lots.

- 1504.4. Other components and materials of POTW installations such as pumping stations, lift stations, or force mains shall be designed and approved in accordance with Section 1504.2 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 engineer's review of the plans and specifications, and any NHDES design review fees shall be paid by the property owner, builder or developer.
- 1504.5. 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. 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.
- 1504.6. As-built plans, specifications, and other required information shall be submitted to the Town prior to acceptance of the sewer. 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.

1505 Variances

- 1505.1. The Director, with the approval of the Town Manager, may allow reasonable variances from the provisions of Sections 1501 through 1504 of these regulations, which will not result in a violation of State or federal law, provided:
1. The owner shall be responsible for any variance fee as determined by the Board of Selectmen;
 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;
 4. The variance is justified by substantial reason; and
 5. The variance is at the discretion of the Director.
- 1505.2. The owner shall apply for the variance in writing to the Director. 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.

1506 Powers of Assessment and Collection

- 1506.1. The assessment and collection of the expense of operating and maintaining the POTW shall be governed by the provisions of RSA 149-I:7-8, inclusive, and any other applicable general laws. The Selectmen of the Town shall have all the powers granted to Mayors and Boards of Aldermen thereunder with reference to establishing and assessing sewer charges and/or rentals. These charges will be in accordance with such Schedule of Charges for Sewer Service as the Selectmen may adopt from time to

time. This schedule may include special charges for wastewater flows from private property where such flows do not originate from the Water System or are subject to a surcharge. If wastewater discharged to the sewer is significantly greater than the water consumed, the owner shall be required to install a recording flow meter. If wastewater discharged to the sewer is significantly less than the water consumed, the owner may be required to install a recording flow meter. The water consumption rate will be computed by using the Town water meters quantity readings. If the owner has a special circumstance where excessive amounts of water will not be disposed of to the POTW, the owner may request, in writing to the Director, permission to install a second meter as approved by the Director to accurately measure the amount of discharge into the sewer. If a sewer utilizes a source of water other than the Town's system, the owner may either 1) pay the rate designated for such use in the Schedule of Charges for Sewer Service adopted by the Selectmen, or 2) request, in writing, permission to install a meter on that source of water to measure the amount of discharge. Such installation shall have the prior approval of the Director, and any retrofitting of plumbing to prepare a place for a meter to be installed shall be at the sewer user's expense.

1507 Restrictions on Discharge to Sewers

- 1507.1. 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.
- 1507.2. Specific Prohibitions. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, gas, 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, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
 - B. Any waters or wastes that contain toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, that constitute a hazard to humans or animals, that create a public nuisance, or that create any hazard at the wastewater treatment facility, including but not limited to heavy metals, strong acids, basic wastes and cyanides in the waste discharged to the public sewer;
 - C. Any waters or wastes having a pH less than 5.5 standard units, or greater than 11.5 standard units, as measured at the point of connection to the sanitary sewer or other available monitoring location, or otherwise having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the POTW or that contribute to or cause the wastewater treatment facility influent pH to exceed 8.0;
 - D. 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 quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the POTW, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar,

plastics, wood, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders;

- E. 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, or cause pass through;
- F. 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;
- G. 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);
- H. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- I. Any 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;
- J. Any trucked or hauled pollutants, except at discharge points designated by the Director;
- K. Any medical/infectious waste, pharmaceutical waste, or radiological waste except as specifically authorized in an IDP;
- L. Wastewater causing, alone or in conjunction with other sources, the wastewater treatment facility's effluent or biosolids to fail a toxicity test; and
- M. Any hazardous waste listed or designated by the NHDES under Env-Hw 400.

1507.3. Additional Prohibitions. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes unless specifically authorized by the Director in an IDP:

- A. Wastewater that imparts color that cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment facility's effluent, thereby violating the Town's NPDES permit;
- B. 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;
- C. Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, or otherwise unpolluted wastewater;
- D. Sludges, screenings, or other residues from the pretreatment of industrial wastes;

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- E. Detergents, surface active agents, or other substances that might cause excessive foaming in the POTW and/or cause a violation of the Town's NPDES permit;
 - F. 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;
 - G. Any garbage that has not been properly shredded (see definition of Properly Shredded Garbage in Section 1500). The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Town;
 - H. Any quantities of flow, concentrations, or both which constitute a "slug" as defined herein;
 - I. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release dangerous or noxious gases or objectionable odors, form suspended solids that interfere with the collection system, or create a condition deleterious to structures and treatment processes;
 - J. Household hazardous wastes including but not limited to paints, stains, thinners, pesticides, herbicides, anti-freeze, transmission and brake fluids, motor oil and battery acid;
 - K. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not;
 - L. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite wastewater at the wastewater treatment plant exceeds the limits established by the Town for such materials;
 - M. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Town as necessary, after treatment of the composite wastewater, to meet the requirements of the State, federal, or other public agencies having jurisdiction over such discharge to the receiving waters;
 - N. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;
 - O. Any wastes which violate federal, State or local pre-treatment standards; and
 - P. Any wastes which cause the wastewater treatment facility to violate its NPDES permit.
 - Q. Any water or waste that prevents beneficial use of sludge as defined in Env-Wq 802.05.
- 1507.4. Spills. Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.
- 1507.5. Federal Categorical Pretreatment Standards. The federal categorical pretreatment standards are found at 40 CFR Chapter I, Subchapter N, Parts 405-471. EPA shall be the control authority for industrial users subject to federal categorical pretreatment standards. As the control authority, industrial users are responsible to the EPA for compliance with categorical pretreatment standards and the requirements of 40 CFR

Part 403. Categorical industrial users shall provide the Town with copies of any reports to, or correspondence with EPA relative to compliance with the categorical pretreatment standards.

The industrial user is responsible to determine the applicability of categorical pretreatment standards. The user may request that EPA provide written certification on whether the user is subject to the requirements of a particular category.

- 1507.6. 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 these regulations.

Local regulatory controls established by the Town for the discharge of pollutants of concern as set forth herein (referred to as "local limits"), federal, 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.

A. Maximum allowable industrial limitations:

For all users connected to sewer lines that are tributary to the Town's POTW, the Director will not issue permits that in combination with other industrial loads exceed the values in the following table:

POLLUTANT	MAXIMUM ALLOWABLE INDUSTRIAL LOADING (lb/day)	POLLUTANT	MAXIMUM ALLOWABLE INDUSTRIAL LOADING (lb/day)
Arsenic	0.048	Mercury	0.021
Cadmium	0.02	Molybdenum	BMPs ⁽¹⁾
Chromium (III and VI)	1.0	Nickel	0.55
Copper	1.8	Selenium	0.06
Cyanide	0.10	Silver	0.07
Lead	0.39	Zinc	0.59

(1) The capacity associated with the molybdenum allowable loading is almost completely utilized by background levels present in the wastewater collection system. Best Management Practices will be required limiting the addition of molybdenum to wastewater discharges as an alternative to enforcement of a numerical value.

All mass loading limitations for metals represent total metals, regardless of the valence state, or the physical or chemical form of the metal. To administer these allowable loadings through IDPs, the Director may impose concentration-based limitations, or mass limitations in accordance with Section 1507.10. 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.

Daily concentration (or mass loading) is the concentration (or mass) of a pollutant discharged, determined from the analysis of a flow-composited 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 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 screening levels, and authorization to discharge at greater concentrations may be granted subject to the administrative procedures for managing mass loading limitations.

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.

The pollutants in the following table (list is not all inclusive) are representative of concentrations above which pollutants shall not be discharged to the POTW without the approval of the Director.

POLLUTANT	mg/L	POLLUTANT	mg/L
Ammonia (as Nitrogen)	20	Oil & Grease – EPA Method 1664 HEM	350
Biochemical Oxygen Demand (BOD)	276	Total Petroleum Hydrocarbons - EPA Method 1664 SGT-HEM	100
Total Suspended Solids (TSS)	306	Sulfate (Type I concrete / Type II concrete)	150 / 1,500
Sulfide	1.0	Chloride	1,500
VOLATILE ORGANIC COMPOUNDS			
Acetone	372	Fluorotrichloromethane	1.25
Acrylonitrile	0.482	Formaldehyde	1.47
Benzene	0.001	Hexachloroethane (PCA)	0.06
2-Butoxyethanol	367	Methyl ethyl ketone (MEK)	200 ⁽¹⁾
Carbon disulfide	0.007	Methyl isobutyl ketone (MIBK)	36
Chlorobenzene	0.304	Methyl tert-butyl ether (MTBE)	5.5
Chloroform	0.065	Methylene chloride	1.0
1,4-Dichlorobenzene	0.103	Tetrachloroethylene (PCE)	0.23

POLLUTANT	mg/L	POLLUTANT	mg/L
1,1-Dichloroethane	1.74	Toluene	0.69
1,2-Dichloroethane	0.08	1,2,4-Trichlorobenzene	0.64
Trans 1,2-Dichloroethylene	2.06	1,1,1-Trichloroethane (TCA)	2.7
1,2-Dichloropropane	3.0	Trichloroethene	0.32
1,3-Dichloropropene	0.01	Vinyl chloride (chloroethene)	0.002
Di-isobutlyketone (DIBK)	8.0	Xylenes	1.4
Ethylbenzene	1.35	–	–

NOTE 1. The MEK limit is a hazardous waste criterion and may not be equal to or exceeded under any circumstances.

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.

1507.7. Best Management Practices. The Town may develop Best Management Practices (BMPs) to implement Sections 1507.3 and 1507.6. Such BMPs shall be considered local limits and pretreatment standards for the purposes of these regulations.

1507.8. Special Agreements. No statement contained in Section 1507 except for Sections 1507.1, 1507.2, and Section 1507.5 shall be construed as preventing any special agreement or arrangement between the Town and any industrial user whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment provided that said agreements do not contravene any requirements of existing federal or State laws, and/or regulations promulgated thereunder, are compatible with any user charge system in effect, and do not waive applicable federal categorical pretreatment standards. Special agreement requests may require submittal of a best management practices plan that specifically addresses the discharge for which a special agreement is requested.

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- 1507.9. Dilution. No wastewaters, which otherwise will not meet the requirements of these regulations, shall be diluted with river water or other unpolluted waters in order to render the wastewater acceptable as meeting the requirements of these ordinances. 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.
- 1507.10. 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 thereunder, and may not waive applicable federal categorical pretreatment standards.
- 1507.11. Town's Right of Revision. The discharge standards and requirements set forth in Section 1507 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 set more stringent standards or requirements than those established if, in the Director's opinion, such more stringent standards or requirements are necessary to meet the above objectives. In forming this 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.

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 thereunder, and may not waive applicable federal categorical pretreatment standards.

1508 Pretreatment of Wastewater

The Town shall determine the quantity and quality of all industrial wastes which can be properly received by the POTW and treated at the wastewater treatment facility, in addition to the sanitary wastewater from the Town.

1508.1. Pretreatment Facilities. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 1507 of this Ordinance, and which in the judgment of the Town, may have a deleterious effect upon the POTW, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Town may:

- N. Reject the waters or wastes;
- O. Require pretreatment to an acceptable condition for discharge to the public sewers. If applicable or required, such pretreatment requirements will conform to the requirements of the EPA;
- P. Require control (e.g., equalization) over the quantities and rates of discharge; and/or
- Q. Require payment to cover the added cost 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.

1508.2. Town Review and Approval. Where pretreatment or equalization of wastewater flows prior to discharge into any part of the wastewater treatment system is required, plans, specifications and other pertinent data or information relating to such pretreatment of flow-control facilities shall first be submitted to the Town for review and approval. Such approval shall not exempt the discharge or such facilities from compliance with any applicable code, ordinance, rule, regulation or order of any governmental authority. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to and prior approval of the Town.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

1508.3. Fats, Oils, and Grease (FOG), and Grit Interceptors. Interceptors for oil, grease, grit or other substances harmful or hazardous to the building drainage system, the public sewer or POTW shall be provided at the owner's expense when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, as described in 1507.2, or any flammable wastes, sand or other harmful constituents as described in 1507.2 except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Town, shall be located so as to be readily and easily accessible for cleaning by the owner and inspection by the Town, and shall be maintained by the owner(s) at the owner's expense in a continuous, efficient operating

condition at all times. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Director. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms.

Concentrated greases and oils from fryers, grill and stove grease accumulation traps, and vent hoods shall be properly disposed or recycled and shall not be discharged to the sewer.

All new food service establishments (including but not limited to restaurants, hotel kitchens, hospital kitchens, school kitchens, bars, factory cafeterias and clubs) and any other facility discharging fats, oil and grease above the effluent limits described in 1507 shall be served by:

- A. An external FOG interceptor, subject to the Director's approval, installed on a separate building sewer line servicing kitchen flows and connected only to the following fixtures or drains:
- (i) pot sinks;
 - (ii) pre-rinse sinks;
 - (iii) any sink into which fats, oils, or grease are likely to be introduced;
 - (iv) soup kettles or similar devices;
 - (v) wok stations, rotisseries;
 - (vi) floor drains or sinks into which kettles may be drained;
 - (vii) automatic hood wash units;
 - (viii) dishwashers without pre-rinse sinks; and
 - (ix) any other fixtures or drains that are likely to allow fats, oils and grease to be discharged.

The FOG interceptor serving the above shall be sized at 1,000 gallons or greater and providing a minimum detention time of 24 hours.

- B. If an external interceptor is not practical, FOG-bearing wastewaters shall be served by an indoor automated grease recovery unit(s) (AGRUs) that separates grease from the wastewater by active mechanical or electrical means, and are subject to the Director's approval and the following requirements,:
- (i) An AGRU(s) shall be installed immediately downstream of each fixture or multiple fixtures listed in subsection (A) of this section.
 - (ii) The AGRU shall be sized to properly pre-treat the measured or calculated flows for all connected fixtures or drains.
 - (iii) The AGRU shall be constructed of corrosion-resistant material such as stainless steel or plastic.
 - (iv) Solids shall be intercepted and separated from the effluent flow using an internal or external strainer mechanism. This mechanism shall be an integral part of the unit.
 - (v) The unit shall operate using a skimming device, automatic draw-off, or other mechanical means to automatically remove separated fats and oils.

This automatic skimming device shall be either hard wired or cord & plug connected electrically and controlled using a timer or level control. The operation of the automatic skimming device shall be field adjustable. The AGRU shall operate no less than once per day.

- (vi) The AGRU shall be fitted with an internal or external flow control device to prevent the exceedence of the manufacturer's recommended design flow.
- (vii) The AGRU shall be located so as to permit easy access for maintenance.
- (viii) No fixture or drain other than those listed in subsection (A) of this section shall be connected to the AGRU unless approved by the authorized agent.
- (ix) All AGRUs shall be designed and installed in accordance with the manufacturer's specifications.

Existing food service establishments undergoing significant renovation, or those designated in sewer service areas experiencing problems, such as grease blockages, may be required by the Director to install or upgrade existing FOG removal systems to satisfy the requirements of these regulations.

- 1508.4. Additional Pretreatment Measures. 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 wastestreams from industrial wastestreams, and impose such other conditions as are deemed necessary to protect the POTW and determine the user's compliance with the requirements of these regulations.

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.

- 1508.5. Monitoring Facilities. When required by the Town, the Owner of any property serviced by a Building Sewer carrying industrial wastes shall install a suitable control structure together with such necessary meters and other appurtenances in the Building Sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Director. The structure shall be installed by the owner(s) at the owner's expense, and shall be maintained by the owner's so as to be safe and accessible at all times. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Town may reasonably require including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Town. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge. Such records shall be made available upon request by the Town to other agencies having jurisdiction over discharges to the receiving waters.

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.

- 1508.6. Accidental Discharge/Slug Control Plans. The Director may evaluate whether an industrial user needs an accidental discharge/slug control plan or other action to control Slug Discharges.

Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by these regulations. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Owner or Operator's own cost and expense. When required by the Director, detailed plans showing facilities and operating procedures to provide this protection and conforming to the spill prevention control regulations of the EPA shall be submitted to the Town for review. Review and acceptance of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify its facility as necessary to meet the requirements of these regulations. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the POTW of any accidental or slug discharge as required by Section 1511.3 of these regulations; and
- D. Procedures to prevent adverse impact from any accidental or slug discharge.

Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment necessary for emergency response.

- 1508.7. Best Management Practices Plans. The Director may develop or require any person discharging wastes into the POTW to develop and implement, at their own expense, a Best Management Practices Plan (BMP Plan), also referenced as a pollution prevention plan (i.e, BMPs for commercial kitchen clean-up to reduce FOG load to grease interceptors). The Director may require users to submit as part of the BMP Plan information that demonstrates adherence to the following elements:

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 wastestreams, and procedures for employee training and involvement.

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.

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.

Analysis of Waste Management Economics. Waste management economic returns shall be determined based on the consideration of:

- A. Reduced raw material purchases;

- B. Avoidance of waste treatment, monitoring and disposal costs;
- C. Reductions in operations and maintenance expenses;
- D. Elimination of permitting fees and compliance costs;
- E. Reduced liabilities for employee/public exposure to hazardous chemicals and cleanup of waste disposal sites.

Development of Best Management Practices Alternatives. Current and past best management practices 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.

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.

Recordkeeping. Documentation demonstrating implementation or compliance with best management practices shall be created, retained, and made available as required.

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 these regulations.

1509 Industrial Wastewater Discharge Permit (IDP) Application

1509.1. Wastewater Characterization. When requested by the Director, a user must submit information on the nature and characteristics of its wastewater 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.

1509.2. Industrial Wastewater Discharge Permit Requirement.

- A. No significant industrial user shall discharge wastewater into the POTW without first obtaining an IDP from the Director, except that a significant industrial user that has filed a timely and complete application pursuant to Section 1509.4 of these regulations may continue to discharge for the time period specified therein.
- B. The Director may require other users to obtain IDPs, or submit an application for an IDP, as necessary to execute the purposes of these regulations.
- C. Any violation of the terms and conditions of an IDP shall be deemed a violation of these regulations and subjects the industrial discharge permittee to the enforcement actions set out in Section 1514 of these regulations. 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.
- D. A permit fee will be assessed in accordance with the Selectmen's tables of fees and charges. All permittees will pay all Town costs to test, monitor, and report to the EPA and NHDES as required by law for said permit conditions and requirements.

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- 1509.3. State Indirect Discharge Request. Any new industrial waste, or any alteration in either flow or waste characteristics of greater than 20 percent of existing industrial wastewater that is being discharged into the POTW, or 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 1511.2 of these regulations.
- 1509.4. 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 these regulations, 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 Section 1509 of these regulations, and shall not cause or allow discharges to the POTW to continue after one hundred twenty (120) days of the effective date of these regulations except in accordance with an IDP issued by the Director.
- 1509.5. Industrial Wastewater Discharge Permitting – New Connections. Any user required to obtain an IDP who proposes to begin or recommence discharging into the POTW must obtain an IDP prior to the beginning or recommencing of such discharge. An application for this IDP, in accordance with Section 1509.6 of these regulations, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.
- 1509.6. Industrial Wastewater Discharge Permit Application Contents. When required by the Town, persons subject to these rules shall submit an application for an IDP. Such information may include some or all of the following:
- A. The name and address of the facility, including the name of the operators and owners.
 - B. A list of all environmental permits held by or for the facility.
 - C. A brief description of the nature, average rate of production, and Standard Industrial Classification of the operations carried out at such facility.
 - D. A listing of all raw materials and chemicals used or stored at the facility that are or could accidentally or intentionally be discharged to the POTW, including usage information and quantities released to the sewer.
 - E. An identification of the categorical pretreatment standards applicable to each regulated process.
 - F. An analysis identifying the nature and concentration of pollutants in the discharge.
 - G. Site plans, floor plans, and details to show all major sources of industrial wastewater and points of discharge.
 - H. Information showing the measured average daily and maximum daily flow, in gallons per day, to the public sewer from regulated process streams and from other streams.
 - I. A schedule of actions to be taken to comply with discharge limitations.
 - J. Details of wastewater pretreatment facilities.
 - K. Copies of Best Management Practices Plans, Slug Control Plans or other similar plans that describe pollution prevention activities that may exist at the facility.
 - L. Additional information as determined by the Director may also be required.

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

- 1509.7. 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.”

- 1509.8. Hauled Wastewater. No septic tank wastes shall be disposed of in the wastewater treatment facility or related structures.

1510 Industrial Wastewater Discharge Permit Issuance

- 1510.1. 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.
- 1510.2. IDP Duration. An IDP shall be issued for a specified time period, not to exceed three (3) years for significant industrial users [five (5) years for other 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 1510.6 of these regulations. All IDPs issued to a particular user are void upon the issuance of a new IDP to that user.
- 1510.3. 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.

IDPs may contain, but need not be limited to, the following conditions:

- A. Dates of IDP issuance and expiration, with a duration that in no event shall exceed five (5) years;
- B. A statement that the IDP is nontransferable without prior notification to the Town in accordance with Section 1510.6 of these regulations, and provisions for providing the new owner or operator with a copy of the existing IDP;
- C. Identification of applicable federal categorical pretreatment standards;
- D. 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 these regulations, and State and federal laws, rules and regulations;

- E. For users with reporting requirements, such reports at a minimum shall require:
 - 1. 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;
 - 2. 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;
 - 3. Submittal of any monitoring results performed in addition to the requirements of the IDP using procedures prescribed in the permit; and
 - 4. Appropriate supporting documentation for items 1 through 3 above.
 - F. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements;
 - G. Requirements to control Slug Discharges, if determined by the Director to be necessary; and
 - H. Any applicable compliance schedule. This schedule may not extend the time for compliance beyond that required by these regulations, and applicable State and federal laws, rules and regulations.
 - I. Limitations on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - J. 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;
 - K. 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 nonroutine discharges;
 - L. Development and implementation of Best Management Practices to control the amount of pollutants discharged to the POTW;
 - M. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
 - N. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
 - O. 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
 - P. Other conditions as deemed appropriate by the Director to ensure compliance with these regulations, and State and federal laws, rules, and regulations.
- 1510.4. IDP Appeals. Any person, including the user, may petition the Director to reconsider the terms of an IDP within thirty (30) days of its issuance.
- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

- B. In its petition, the appealing person or 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 1517.2 of these regulations.

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

1510.5. IDP Modifications. 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.

1510.6. 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.

1510.7. IDP Termination. The Director may terminate an IDP for good cause as described in Section 1514.6.

- 1510.8. 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 1509.6 of these regulations, 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.
- 1510.9. 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 approval.

1511 Reporting Requirements

- 1511.1. Periodic Compliance Reports.
- A. All Significant Industrial Users shall submit periodic reports as required, but not less often than semiannually, indicating the nature and concentration of pollutants in the discharge from the regulated processes governed by pretreatment standards and the average and maximum daily flow for the reporting period. The reports shall state whether the applicable categorical pretreatment standards and effluent limitations are being met on a consistent basis and, if not, what additional operation and maintenance practices and/or pretreatment are necessary. In cases where compliance with a Best Management Practice or pollution prevention alternative is required, the industrial 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 1509.7 of these regulations. Additional requirements for such reports may be imposed by the Director.
 - B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and 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 requirements in the previous paragraph of this section monitors any pollutant more frequently than required by these regulations, using procedures prescribed in Sections 1511.7 and 1511.8, the results of this monitoring shall be included in the report.
- 1511.2. 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 deemed necessary to evaluate the changed condition, including the submittal of an IDP

application under Section 1509.6 of these regulations and all information required by the NHDES under the Env-Wq 303.10 *Industrial Wastewater Discharge Request* rules.

- B. Upon approval of the request by the Town, an *Industrial Wastewater Indirect Discharge Request Application* 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 discharge request by the NHDES Water Division, the Director may issue an IDP under Section 1510 of these regulations or modify an existing IDP under Section 1510 of these regulations 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.

1511.3. Reports of Slugs or Potentially Adverse Discharges.

- A. All industrial users shall telephone and notify the Director immediately of all discharges that could cause problems to the POTW, including any slug loadings as defined in Section 1500 of these regulations. 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 of the unauthorized discharge, the industrial user shall, unless waived by the Director, submit a written report fully describing the incident, the pollutants involved, the cause of the discharge and the measures taken and to be taken to prevent recurrence. 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 these regulations. This report must be signed and certified in accordance with Section 1509.7 of these regulations.
- C. A notice shall be permanently posted plainly visible to an industrial user's personnel responsible for managing wastewater discharges that instructs all employees whom to call in the event of a spill, slug discharge, pretreatment upset or bypass. Employers shall ensure that all employees who may cause such a discharge to occur know of the required notification to the Director.
- D. The permittee shall notify the Town immediately of any changes at its facility that may affect the potential for a slug discharge. The Town may require the permittee to develop or modify a Slug Control Plan or take other actions to control slug discharges.

1511.4. Reports from Other Users. All non-significant users and users not required to obtain an IDP shall provide reports as the Director may require.

1511.5. Notice of Violation / Repeat Sampling and Reporting. If sampling performed by an industrial user 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 shall notify the Town 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 submit the results as soon as possible but no later than thirty (30) days after becoming aware of the violation, except that the industrial user is not required to resample if:

- A. The industrial user performs sampling at least once per month, or
 - B. The Town performs sampling at the industrial user between the time when the user performs its initial sampling and the time when the user receives the noncompliant sampling results.
- 1511.6. Discharge of Hazardous Waste. Any discharge into the POTW of a substance that, if otherwise disposed would be a hazardous waste under 40 CFR Part 261 or are hazardous wastes as defined in the NHDES Hazardous Waste Rules, is prohibited unless permitted by applicable State of New Hampshire and federal permits, and that is also approved by the Director.
- 1511.7. Analytical Requirements. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in these regulations shall be determined in accordance with EPA approved methods published in the Code of Federal Regulations, Title 40, Part 136 (40 CFR Part 136) or as may be revised. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analysis shall be performed by using validated analytical procedures, including procedures suggested by the POTW or other parties.

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.

- 1511.8. Sample Collection.
- A. Except as indicated in paragraph (B), below, the user shall collect wastewater samples using 24-hour flow-proportional composite collection techniques. In the event flow-proportional sampling is not feasible, the Director may authorize the use of time-proportional sampling, or grab sampling 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 multiple grabs or 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, cyanides, oil & grease, total phenols, sulfides, and volatile organic compounds shall be obtained using grab collection techniques.
 - C. The industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.
 - D. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour

period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory.

- E. Samples shall 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. Copies of chain-of-custody records shall be submitted as part of each analytical report.
- 1511.9. Timing. Written reports will be deemed to have been submitted on the date postmarked. For reports that are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.
- 1511.10. Recordkeeping. Users subject to the reporting requirements of these regulations shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by these regulations 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; chain of custody; 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.

1512 Powers and Authority of Inspectors

- 1512.1. Duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurements, sampling, copying of records and testing pertinent to discharge to the POTW and the performance of any additional duties in accordance with the provisions of these regulations.
- 1512.2. Duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. An industry may declare certain information confidential, subject to the requirements in Section 1513 of these regulations.
- 1512.3. While performing the necessary work on private properties referred to in Section 1512.1, above, duly authorized employees of the Town shall observe all safety rules applicable to the premises, and the owner shall be held harmless for injury or death to Town employees, and the Town shall indemnify the owner 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 owner and growing out of the gauging and sampling operation, except as such may be pulsed by negligence or failure of the owner to maintain safe conditions.
- 1512.4. 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.

- 1512.5. 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.
- 1512.6. 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.
- 1512.7. 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.
- 1512.8. Unreasonable delays in allowing the Director access to the user's premises, sampling or inspection sites, or pretreatment records shall be a violation of these regulations.
- 1512.9. The Director and/or other duly authorized employees of the Town, bearing proper credentials and 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 wastewater facilities 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.
- 1512.10. 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 these regulations, 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 these regulations 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.

1513 Confidential Information / Public Participation

- 1513.1. Information and data about a user obtained from reports, questionnaires, IDP applications, IDPs, monitoring programs, and from Town inspection and sampling activities, shall be available to the public without restriction unless the user specifically requests, and is able to demonstrate to the satisfaction of the Town, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable law. Any such request must be asserted at the time of submittal of the information or data.
- 1513.2. 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.
- 1513.3. When requested and demonstrated by the industrial user furnishing a report that such information should be held confidential, the portions of a report which 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 these regulations, the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report.

1514 Enforcement and Penalties

- 1514.1. Notice of Violation. The Town, upon being informed in writing of a possible violation of these regulations or on its own initiative, shall make or cause to be made an investigation of facts and an inspection of the premises where such violations may exist. When investigation reveals evidence of any violation, or whenever the Director finds that any person has violated or is violating these regulations, or a IDP or order issued hereunder, the Director shall give written notice, either hand delivered or by certified mail with receipt acknowledged, of such violation to the owner and the occupant of such premises. The Town shall demand in such notice that such violation be abated within some designated reasonable time. Within the time period specified in the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Director. Submittal of this plan in no way relieves the person of liability for any violations occurring before or after receipt of the Notice of Violation.

If, after such notice and demand, such violation has not been abated within the time specified, the Town shall institute appropriate action to prevent, correct, restrain or abate any violation of the Ordinance. The Town or its agents have the authority to enter the premises, cause the violation to be abated and recover any direct expenses. Nothing in this section 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.

- 1514.2. Compliance Schedule Development. The Director may require any user that has violated, or continues to violate, any provision of these regulations, 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 shall comply with the following conditions:
- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (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.

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- 1514.3. Best Management Practices Plan Development. The Director may develop or require any user that has violated or continues to violate any provision of these regulations, an IDP, or order issued hereunder, or any other pretreatment standard or requirement, to develop a Best Management Practices Plan acceptable to the Director in accordance with Section 1508.7 of these regulations. The Best Management Practices Plan must specifically address violation(s) for which this action was undertaken. The Best Management Practices 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.
- 1514.4. Show Cause Orders. The Director may order any person that causes or contributes to a violation of these regulations, 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 person specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the person show cause why this 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 person or authorized representative of a user. Whether or not a duly notified person appears as noticed, immediate enforcement action may be pursued. A show cause hearing shall not be a bar against, or prerequisite for, executing any other action against the person.
- 1514.5. Compliance Orders. When the Director finds that a person has violated or continues to violate the ordinance or a permit or order issued thereunder, the Director may issue an order to the person responsible for the discharge directing that, following a specified time period, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.
- 1514.6. IDP Termination. The Director 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 or fees;
 - 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.
- 1514.7. Termination of Discharge. Any user who violates a Section 1514.6 criteria, 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 1514.4 of these regulations 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.
- 1514.8. Emergency Suspensions. The Town may, after informal notice to a person discharging wastewater to the POTW, immediately halt or prevent any such discharge reasonably appearing to present an imminent endangerment to the health and welfare of the public, or any discharge presenting, or which may present, and endangerment to the environment, or which threatens to interfere with the operation of the POTW.
- A. Any person notified of a suspension of its discharge shall immediately terminate or eliminate its wastewater discharge. In the event of a person'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 person to recommence its discharge when the person has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in Section 1514.7 of these regulations are initiated against the person.
 - B. A person 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 1514.4 or 1514.7 of these regulations.
- Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.
- 1514.9. Recovery of Expenses. Any person violating any of the provisions of these regulations shall become liable to the Town for any expense, loss or damage occasioned by the Town, by reason of such violations.
- 1514.10. If any Person 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, 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. The 45-day notice period shall not apply to a condition that threatens public health and/or safety.
- 1514.11. Penalties (Fines). When the Director of Public Works finds that a person 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 of Public Works may fine such user in an amount not to exceed \$1,000. (Ref. RSA 31:39 III) Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation. The Director of Public Works is authorized to issue citations seeking penalties and for initiating judicial proceedings for penalties that are not paid.

Issuance of a penalty shall not be a bar against, or a prerequisite for, implementing any other action against a person.

- 1514.12. Civil Penalties. The Town may pursue any other or any combination of remedies for enforcement of this ordinance available to it under applicable law. Each day in which any such violation shall continue shall be deemed a separate offense.
- A. Any person 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, as authorized by RSA 149-I:6, plus actual damages incurred by the POTW. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
 - B. The Town may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Town. The Town 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 violation, corrective actions implemented by the person, the compliance history of the person, 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 person.
 - E. The Town shall give notice of the alleged violation to the NHDES within 10 days of commencement of any action under this section. (Ref. RSA 149-I:6)
- 1514.13. Criminal Penalties. 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 be subject to criminal action under prevailing sections of the criminal code of the State of New Hampshire. The Director shall cooperate with all law enforcement officials having jurisdiction over such criminal conduct in the event that a prosecution is undertaken. Every separate provision violated shall constitute a separate violation. Every day that a violation occurs shall be deemed a separate violation. Additionally, any violation may be referred to the state for criminal prosecution under its powers. (Ref. RSA 485-A:22 and RSA 485-A:5)
- 1514.14. Nonexclusive Remedies. The remedies provided for in these regulations are not exclusive. The Town may take any, all, or any combination of these actions against a noncompliant person. The Town may pursue other action against any person ser without limitation, including *ex parte* temporary judicial relief to prevent a violation of these regulations. Further, the Town is empowered to pursue more than one enforcement action against any noncompliant person

1515 Affirmative Defenses to Discharge Violations1515.1. 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; and
 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;
 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.

1515.2. Prohibited Discharge Standards. A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 1507.1 of these regulations or the specific prohibitions in Section 1507.2 of these regulations 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.
- 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.

1515.3. Bypass

- A. For the purposes of this section,
 - 1. "Bypass" means the intentional diversion of wastestreams 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 verbal 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. A bypass of the treatment system 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, including the use of auxiliary treatment, or 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.

1516 Conflict of Ordinance

- 1516.1. If a provision of this Ordinance is found to be in conflict with any provision of zoning, building, safety, 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 of health, shall prevail.
- 1516.2. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such invalid part or parts.

1517 Interpretation of Requirements

- 1517.1. 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 Exeter, New Hampshire through the Board of Selectmen.
- 1517.2. 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 Exeter District Court for equitable relief, provided that said appeal is entered within thirty (30) calendar days from the issuance of the decision of the Director.

1518 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 POTW, which additional rules and regulations, to the extent appropriate, shall be a part of these regulations.

1519 Bell and Flynn Agreement (Agreement terminated 12/19/94)

1520 Oak Haven Sewer District (Agreement terminated 04/03/95)

1521 Ordinance in Force

This ordinance shall be in full force and effect from and after its passage, approval, recording, and publications as provided by law.

Duly enacted and ordained this 28th day of January 28, 2013 by the Board of Selectmen of the Town of Exeter in Rockingham County, State of New Hampshire, at a duly noticed and duly held session of the said Board of Selectmen.

Exeter, New Hampshire

By:

