ANTRIM NH SEWER and WATER DEPARTMENT
SEWER USE ORDINANCE
UPDATED 2016

TITLE PAGE

ORDINANCE NO. 2

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

Be it ordained and enacted by the Town of the Antrim as follows: At the annual Town and Precinct meetings in 1981 it was voted to dissolve the Antrim Precinct (a municipal subdivision) and consolidate it with the new Antrim Sewer System forming the Antrim Sewer & Water Department to be governed by an independent board of three commissioners in accordance with the provisions of RSA 252:19-22.

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SECTION 1 - GENERAL PROVISIONS

1.1 Purpose and Policy

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

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

B. To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;

C. To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

D. To promote reuse of sludge from the POTW; and

E. To enable the Town to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or State law to which the POTW is subject.

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

1.2 Administration

Except as otherwise provided herein, the Superintendent shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to other Town personnel.

1.3 Abbreviations

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

- ASWD - Antrim Sewer & Water Department
- 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 Discharge Permit
- mg/l - Milligrams per liter
- DES - New Hampshire Department of Environmental Services
- NPDES - National Pollutant Discharge Elimination System
- POTW - Publicly Owned Treatment Works
- RCRA - Resource Conservation and Recovery Act
- RSA - New Hampshire Revised Statute Annotated
- SIC - Standard Industrial Classification
- TDS - Total Dissolved Solids
- TSS - Total Suspended Solids
- USC - United States Code

1.4 Definitions

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

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

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

3. Authorized Representative of the User.

a. If the user is a corporation:

i. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

ii. The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

c. If the user is a federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility.

d. The individuals described in paragraphs (a) through (c), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall

responsibility for environmental matters for the company, and the written authorization is submitted to the Town.

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

5. Building Drain. That part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

6. Building Sewer. The extension from the building drain to the public sewer or other place of disposal, also called house connection.

7. Bypass. The intentional diversion of waste streams from any portion of a wastewater treatment facility.

8. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limitations promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) that apply to a specific category of users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

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

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

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

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

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

14. DES or NHDES. The New Hampshire Department of Environmental Services.

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

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

17. Environmental Protection Agency or EPA. The United States Environmental Protection Agency or, where appropriate, the EPA Regional Water Management Division Director,

or other duly authorized official of said agency.

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

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

20. Force Main. A line without access from individual properties, providing a connection from a pump station to a pump station, trunk, or sanitary sewer main.

21. Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

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

23. Grease. The material removed from a grease interceptor (trap) serving a restaurant or other facility requiring such grease interceptors. Also means volatile and non-volatile residual fats, fatty acids, soaps, waxes and other similar materials.

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

25. Human Excrement and other Putrescible Material. The liquid or solid matter discharged from the intestinal canal of a human, or other liquid or solid waste materials that are likely to undergo bacterial decomposition; (provided, however, that these terms shall not include refuse as defined in RSA 145-M).

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

27. Industrial Discharge Permit or IDP. The written permit between the ASWD and an industrial user that outlines the conditions under which discharge to the POTW will be accepted.

28. Industrial User. A person who discharges industrial wastes to the POTW of the Town.

29. Industrial Wastes or Non-Domestic Wastewater. The wastewater and waterborne wastes from any liquid, gaseous, or solid waste substance resulting from any process of industry, manufacturing trade or business or from development of any natural resources as distinct from domestic wastewater, sewage or unpolluted water.

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

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

32. Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore is a cause of a violation of the Town's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as RCRA; any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; the Marine Protection, Research, and Sanctuaries Act; 40 CFR Part 503 Standards for Sewage Sludge Use and Disposal and RSA 485-A:4, XVI-a.

33. Local Limits. Numerical limitations on the discharge of pollutants established by the ASWD, as distinct from State or federal limitations for non-domestic wastewater discharged to the POTW.

34. May. Means permissive (see "Shall").

35. Medical/Infectious Waste Medical/infectious waste" as defined by RSA 125-N:2, VIII.

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

37. Natural Outlet. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body or surface water or groundwater.

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

39. New Source.

    a. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced subsequent to the publication of proposed pretreatment standards under Section 307(c) of the Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

        i. The building, structure, facility, or installation is constructed at a site at which no other source is located; or

        ii. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

iii. The production or wastewater-generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, will be considered.

b. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

i. Begun, or caused to begin, as part of a continuous on-site construction program

a. any placement, assembly, or installation of facilities or equipment; or

b. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that is necessary for the placement, assembly, or installation of new source facilities or equipment; or

ii. Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

c. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (a)(ii) or (a)(iii) above but otherwise alters, replaces, or adds to existing process or production equipment.

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

41. Pass Through. A discharge that exits the POTW into waters of the United States in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Town's NPDES permit, including an increase in the magnitude or duration of a violation.

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

43. pH. A logarithmic measure devised to express the hydrogen ion concentration of a solution, expressed in Standard Units. Solutions with pH values greater than 7 are basic (or alkaline); solutions with pH values less than 7 are acidic.

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

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

46. Pollution Prevention. The use of materials, processes, or practices that reduce or eliminate the creation of pollutants or wastes at the source, or minimize their release to the environment prior to recycling, treatment or disposal. It includes practices that reduce the use of hazardous materials, energy, water or other resources. It also includes practices that protect natural resources and human health through conservation, more efficient use, or effective release minimization.

47. 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.

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

49. Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

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

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

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

53. Publicly Owned Treatment Works or POTW. A “treatment works,” as defined by Section 212 of the Act (33 U.S.C. §1292) that is owned by the Town. This definition

includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if these structures convey wastewater to a POTW wastewater treatment facility. The term also means the municipality that has jurisdiction over discharges to and from such a treatment plant, and any sewer that conveys wastewater to the POTW from persons outside the Town who are, by contract or agreement with the Town, users of the Town's POTW.

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

55. Recreational Vehicle or "RV". A mobile vehicle or trailer used for temporary living e.g. a camper or wholly self-contained transport and living unit..

56. 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.

57. Screening Level. That concentration of a pollutant that under baseline conditions would cause a threat to personnel exposed to the pollutant, or would adversely impact structures of the POTW. To be administered as local limits applicable to a particular discharge, the screening levels must be adjusted to account for conditions at the point of discharge that differ from baseline conditions.

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

59. Septage or Septic Tank Waste. Any liquid, solid, or sludge pumped from chemical toilets, vaults, septic tanks, or cesspools or other holding tanks, that have received only domestic wastewater.

60. Septage Tank Truck. Any watertight vehicle that is used for the collection and hauling of septage as described above and that complies with the rules of the New Hampshire Department of Environmental Services.

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

62. Sewer. A pipe or conduit that carries wastewater, storm water, groundwater, subsurface water, or unpolluted water from any source.

63. Shall. Means mandatory (see "May").

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

    a. Is subject to national categorical pretreatment standards under 40 CFR 403.6;

    b. Discharges an average of 10,000 gallons per day or more of process wastewater;

c. Discharges a process wastewater which contributes 5 percent or more of the hydraulic or organic loading to the wastewater treatment plant;

d. Discharges medical/infectious waste, pharmaceutical waste, or radiological waste; or

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

65. Significant Industrial User. An indirect discharger that meets one or more of the following federal criteria:

a. A user subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or

b. A user that:

i. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);

ii. Contributes a process wastestream that comprises five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

iii. Is designated as such by the ASWD on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

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

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

a. Chronic violations. A pattern of violating the same pretreatment standard daily maximum or average limit (any magnitude of exceedance) sixty-six percent (66%) or more of the time in a 6-month period;

b. Technical Review Criteria (TRC violations). Thirty-three percent (33%) or more of the measurements exceed the same pretreatment standard daily maximum limit or average limit by more than the TRC factor in a six month period. The TRC factor is 1.4 for biochemical oxygen demand (BOD), total suspended solids (TSS), oil & grease and 1.2 for all other pollutants;

d. Any other discharge violation that the Superintendent believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

e. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Superintendent's exercise of its emergency authority to halt or prevent such a discharge;

f. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

g. Failure to provide within thirty (30) days after the due date, any required reports, including, Industrial Discharge Permit applications, periodic self-monitoring reports, and reports on compliance with compliance schedules;

h. Failure to accurately report noncompliance; or

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

67. Slug Load or Slug. Means:

a. Any discharge of water, wastewater, sewage, or industrial sewage which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation;

b. Any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in Section 2.3 of this Ordinance; or

c. Any discharge that may adversely affect the collection system and/or performance of the POTW.

68. Source Reduction. Any practice that:

a. Reduces the amount of any hazardous substance, pollutant, or contaminant entering any wastestream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and

b. Reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants.

The term includes 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 "source reduction" does not include any practice that alters the physical, chemical, or biological characteristics or the volume of a hazardous substance, pollutant, or

contaminant through a process or activity that itself is not integral to and necessary for the production of a product or the providing of a service.

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

70. State. The State of New Hampshire.

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

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

73. Superintendent. The person designated by the ASWD to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Ordinance, or a duly authorized representative.

74. Suspended Solids or TSS. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

75. Town. The Town of Antrim.

76. Treatment Plant, Treatment Works, or Treatment Facility. Any device or system used in the storage, treatment, equalization, recycling or reclamation of wastewater and/or wastewater sludges as defined herein.

77. Unpolluted Water. Water of quality equal to or better than the State Water Quality Standards (Part Env-Wq 1700) or water that would not cause a violation of receiving water quality standards and would not be benefitted by discharge to the POTW.

78. User or Industrial User. A source of pollutants introduced into the POTW from any non-domestic source regulated under Section 307 (b), (c), or (d) of the Act.

79. Wastewater. Liquid and water-carried industrial wastes and/or sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

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

SECTION 2 - GENERAL SEWER USE REQUIREMENTS

2.1 Use of Public Sewers

A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary

manner on public or private property within the ASWD of the Town of Antrim or in any area under the jurisdiction of said ASWD, any human or animal excrement, garbage, or objectionable waste.

B. It shall be unlawful to discharge to any natural outlet within the ASWD, or in any area under the jurisdiction of said Dept., any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance and with State and federal laws and regulations.

C. Sewers For Intended Uses Only. No person shall discharge into any public sewer of the Town, or into any fixture that thereafter discharges into any public sewer, any waste or substance other than for which the particular sewer is intended, designed or provided.

D. Applicable Permits Required. No person shall discharge into any public sewer of the Town, or into any fixture that thereafter discharges into any public sewer, any waste or substance until all applicable federal, state and local permits have been obtained.

E. Use Of Sanitary Sewers. Except as specifically provided with reference to some particular sewer, sanitary sewers shall be used only for the conveyance and disposal of domestic wastewater, and for industrial wastes that are not objectionable as hereinafter provided. No sanitary sewer shall be used to receive and convey or dispose of any storm or surface water, subsoil drainage, or unpolluted water.

F. Use Of Storm Sewers. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers, or a natural outlet approved by the Superintendent. An NPDES permit is required prior to discharging industrial cooling water, process waters, or storm water runoff generated in areas of industrial activity (as defined in 40 CFR Part 122) to a storm sewer or natural outlet.

G. Use Designation. If the intended or designated use of any particular sewer or drain and allowable discharge thereto is unclear, the Superintendent will consider the pertinent facts and make a determination. Said determination will be final and binding.

H. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater in any area where a public sewer is available, as described in paragraph (I) below.

I. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Town, is hereby required at the owner(s)' expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within ninety (90) days subsequent to the date of official notice to do so, provided that said gravity public sewer is within one hundred (100) feet of the building. This requirement for connection may be waived when permitted by the Superintendent if the household is already connected to a properly functioning, State-approved septic system approved after 1985.

J. Where a public sanitary sewer is not available under the provisions of paragraph (I) above, the

building sewer shall be connected to a private wastewater disposal system complying with the provisions of RSA 485-A:29-44 and rules promulgated thereto. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town. At no time shall any quantity of industrial waste be discharged to a private, domestic wastewater disposal facility.

K. At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, the owner shall connect to the public sewer, as provided in paragraph (I) above. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with clean mineral soils, and their use shall be discontinued.

L. No statement contained in the preceding paragraphs of this Section shall be construed to interfere with any additional requirements that may be imposed by the Superintendent.

M. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment that is part of the POTW.

2.2 Building Sewers and Connections

A. No person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining written permission from the Superintendent.

B. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service producing only domestic wastewater, and (b) for service to establishments producing industrial wastes. For residential and commercial services, the owner(s) or his agent shall make application on a special form furnished by the ASWD at least thirty (30) days prior to said service connection. For an establishment discharging industrial wastes, the application shall be made at least sixty (60) days prior to said service connection. The permit application shall be supplemented by any plans, specifications, or other information (including pollution prevention studies) considered pertinent in the judgement of the Superintendent. A permit and inspection fee in accordance with the provisions of Ordinance $1000 shall be paid to the ASWD at the time the application is filed.

C. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

D. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases, the front building sewer may be extended to the rear building and the whole considered as one building sewer, but the Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.

E. Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent to meet all requirements of this Ordinance.

F. The size, slope, alignment, materials of construction of a building sewer, and the methods to be

used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the ASWD and DES rules Env-Wq 700. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and Water Environment Federation (WEF) Manual of Practice No. FD-5 shall apply.

G. During construction of a new sanitary sewer, the Town may construct the service connections for existing buildings to the curb or the property line or the edge of a right-of-way. Construction of the building sewer, including connection to the structures served, shall be the responsibility of the owner of the improved property to be connected; and such owner shall indemnify and save harmless the ASWD, its officers, and agents from all loss or damage that may result, directly or indirectly, due to the construction of a building sewer on his premises or its connection to the service connection. The owner shall thereafter be obligated to pay all costs and expenses of operation, repair and maintenance, and of reconstruction, if needed of the building sewer and service connection.

H. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage conveyed by such building drain shall be lifted by an approved means and discharged to the building sewer at the owner's expense.

I. No person(s) shall make connection of roof downspouts, interior or exterior foundation drains, area-way drains, or other sources of surface run-off or groundwater to a building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer.

J. No person shall obstruct the free flow of air through any drain or soil pipe.

K. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town and ASWD, or the procedures set forth in appropriate specifications of the ASTM and the WEF Manual of Practice No. FD-5. All such connections shall be made gas-tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

L. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. Such notice shall be provided not less than 48 hours in advance of the time any connection is to be made to any public sewer. The connection and testing shall be made under the supervision of the Superintendent or his representative. This requirement shall also apply to repairs or alterations to building connections, drains or pipes thereto.

M. Suitable provisions shall be made at the point of connection for testing, which responsibility shall rest with the holder of the sewer connection permit.

N. No building sewer shall be covered until it has been inspected and approved by the Superintendent. If any part of building sewer is covered before being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to the public sewer.

O. The Superintendent shall maintain a record of all connections made to public sewers and drains under this Ordinance and all repairs and alterations made to building connections or drains connected to or discharging into public sewers and drains of the ASWD or intended to so discharge. All persons concerned shall assist the Superintendent in securing the data needed for such records.

P. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town at the expense of the owner.

Q. Any person proposing to construct or modify any of the following or any combination of the following shall submit an application for a Sewer Connection Permit to the DES in accordance with DES Env-Wq 700:

(1) Any extension of a collector or interceptor, whether public or private, regardless of flow;

(2) Any wastewater connection or other discharge in excess of 5,000 gpd;

(3) Any wastewater connection or other discharge to a WWTP operating in excess of 80 percent design flow capacity or design loading capacity based on actual average flow or loadings for 3 consecutive months;

(4) Any industrial wastewater connection or change in existing discharge of industrial wastewater, regardless of quality or quantity;

(5) Any sewage pumping station greater than 50 gpm or serving more than one building; or

(6) Any proposed sewer that serves more than one building or that requires a manhole at the connection.

2.3 Prohibited Discharge Standards

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

A. General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes pass-through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other federal, State, or local pretreatment standards or requirements.

B. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, gas, solid, or any substance that may generate or form any flammable, combustible or explosive substance, fluid, gas, vapor or liquid when combined with air, water or other

substances present in sewers, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;

2. Wastewater having a pH less than 5.0 or greater than 11.0, as measured at the point of connection to the sanitary sewer or other available monitoring location, or otherwise causing corrosive structural damage or hazard to the POTW equipment, or personnel, or with alkalinity in such quantities that the pH of the influent to the POTW is caused to exceed 8.0;

3. Solid or viscous substances including water or wastes containing fats, wax, grease, or oils, whether emulsified or not, or containing substances that may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees (0-65 degrees C), in amounts that will cause obstruction of the flow in the POTW resulting in interference;

4. Pollutants, including oxygen-demanding pollutants (BOD, COD, etc.), or chlorine demand requirements released in a discharge at a flow rate and/or pollutant concentration that, either singly or by interaction with other pollutants, will cause interference with the POTW, constitute a hazard to humans or animals, create a public nuisance, exceed any national categorical pretreatment standard or cause pass through ;

5. Wastewater having a temperature greater than 150°F (65°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater that causes the temperature at the introduction into the POTW treatment plant to exceed 104°F (40°C);

6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through;

7. Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

8. Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with Section 4.9 of this Ordinance; and

9. Any medical/infectious waste~~s~~, pharmaceutical waste, or radiological waste except as specifically authorized in a discharge permit;

10. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent or sludge to fail a toxicity test;

11. Household hazardous wastes including but not limited to paints, stains, thinners, pesticides, herbicides, anti-freeze, transmission and brake fluids, motor oil and battery acid.

12. Any hazardous waste listed or designated by DES under Env-Wm 400.

13. Wastewater that imparts color that may not be removed by the treatment process, such as,

but not limited to, dye wastes and vegetable tanning solutions, which consequently may impart color to the treatment facility's effluent, thereby violating the Town's NPDES permit;

14. Noxious or malodorous liquids, gases, solids, or other wastewater that, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

15. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or federal regulations;

16. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, or otherwise unpolluted wastewater;

17. Sludges, screenings, or other residues from the pretreatment of industrial wastes unless specifically authorized by the Superintendent in a wastewater discharge permit;

18. Detergents, surface-active agents, or other substances that may cause excessive foaming in the POTW;

19. Wastewater causing a reading on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 10 percent (10%) of the Lower Explosive Limit of the meter;

20. Garbage that has not been properly shredded (garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers);

21. Any quantities of flow, concentrations, or both that constitute a "slug" as defined in Section 1.4 of this Ordinance;

22. Waters or wastes that, by interaction with other water or wastes in the POTW, release dangerous or noxious gases, form suspended solids that affect the operation of the collection system, or create a condition deleterious to structures and treatment processes; or

23. Any materials that exert or cause unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime, slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

2.4 Federal Categorical Pretreatment Standards

The categorical pretreatment standards are found at 40 CFR Chapter I, Subchapter N, Parts 405-471.

EPA shall be the Control Authority for industrial users subject to categorical pretreatment standards. As the Control Authority, industrial users are responsible to the EPA for compliance with categorical pretreatment standards and the requirements of 40 CFR Part 403. Categorical industrial users shall

provide the ASWD with copies of any reports to, or correspondence with EPA relative to compliance with the categorical pretreatment standards.

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

Upon promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall, on the compliance date of the categorical pretreatment standards, immediately supersede the limitations imposed under this Ordinance.

2.5 Local Discharge Restrictions

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

Local numerical discharge limitations established by the ASWD as set forth herein, or may be added in the future (referred to as "local limits"), all State pretreatment standards and federal categorical pretreatment standards shall apply, whichever is most stringent.

In developing the list of pollutants of concern for which local limits are established, the ASWD has considered the allowable headworks loading at the wastewater treatment facility. Pollutants that exceed fifty percent (50%) of their allowable headworks loading at the wastewater treatment facility are considered to be of concern and have resulted in development of local limits

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

- Reject or prevent any discharge to the POTW after notice has been served to the discharger and the discharger has had reasonable opportunity to respond;
- Require pretreatment prior to discharge to the POTW (Section 3.0);
- Require control (e.g., equalization) over the quantities and rates of discharge; and/or
- Require payment to cover additional cost of handling and treating the wastes.

If the Superintendent 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 Superintendent and DES.

A. The Superintendent shall calculate and administer daily concentration limits (i.e., local limits) when required as described below to ensure that the combined industrial pollutant discharge loadings do not cause or contribute to exceedances of these limitations. For industrial discharge

applications, the local limits shall apply at the end of the process train prior to dilution with non-industrial wastewaters.

Daily concentrations are the concentration of a pollutant discharged, determined from the analysis of a flow-composited sample (or other sampling procedure approved by the Superintendent) representative of the discharge over the duration of a 24-hour day or industrial operating schedule of less than 24 hours.

All concentration limits for metals represent "total" metal unless indicated otherwise. The Superintendent may impose mass limitations in addition to, or in accordance with Section 2.8, in place of the concentration-based limitations.

Local limits are developed based on the identification of industrial users known to be discharging each pollutant (industrial contributory flow procedure). Unless specifically identified in an industrial discharge permit, an industrial user shall not discharge the locally limited pollutants at concentrations 20 percent greater than the background concentrations used for local limits development.

B. Screening Levels. The following pollutants shall not be discharged to the POTW exceeding concentrations listed below without approval of the Superintendent:

Screening levels are numerical values above which actions are initiated to evaluate, prevent or reduce adverse impacts due to flammability, chemical reactivity, organic/solids loadings, or worker health and safety.

If any of the screening levels are exceeded, repeat analysis must be performed to verify compliance or noncompliance with that screening level. If noncompliance is confirmed, then the industrial user may be required, at the discretion of the Superintendent, to conduct an appropriate engineering evaluation to determine the potential impact of the discharge of this pollutant to the Town's POTW or alternatively, to develop a pollution prevention plan specifically addressing the pollutant that exceeds the screening level. This study or plan must be conducted under the supervision and approval of the ASWD. Should the evaluation indicate the impact to be unsatisfactory, the Industrial User shall reduce the pollutant concentration to a satisfactory level. If the evaluation supports development of an alternate site-specific limitation, then the screening level shall be adjusted and administered as a limit for the specific discharge.

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

2.6 Town's Right of Revision

The discharge standards and requirements set forth in Sections 2.3, 2.4, and 2.5 are established for the purpose of preventing discharges to the POTW that would harm the sewers, wastewater treatment process, or equipment; would have an adverse effect on the receiving stream; or would otherwise endanger lives, limb, public property, or constitute a nuisance.

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

The Superintendent shall allow affected industrial users reasonable time to comply with any changes to the local limits. The conditions and schedule for compliance shall accompany the written notification of amended local limits.

2.7 Dilution

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

2.8 Mass-Based Limitations

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

SECTION 3 - PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all limits, prohibitions, and requirements set out in Sections 2.3, 2.4, and 2.5 of this Ordinance within the time limitations specified by EPA, the State, or the Superintendent, whichever is more stringent. All facilities required to achieve and maintain compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Superintendent for review, and shall be acceptable to the Superintendent and the DES before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the ASWD under the provisions of this Ordinance.

3.2 Additional Pretreatment Measures

A. Whenever deemed necessary to protect the POTW and determine the user's compliance with the requirements of this Ordinance, the Superintendent may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary.

B. The Superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An Industrial Discharge Permit may be issued solely for flow equalization.

C. Grease, oil, and sand interceptors shall be provided at the owner's expense when, in the judgment of the Superintendent, these devices are necessary for the preliminary treatment of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Superintendent and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense. The owner shall be responsible for the proper removal and disposal by appropriate means of the captured materials and shall maintain records of the dates and means of disposal, which shall be subject to periodic review by the Superintendent. Any removal and hauling of the collected materials shall be performed by currently licensed waste disposal firms.

D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter and alarm.

E. Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, these devices shall be maintained continuously to ensure satisfactory and effective operation by the owner at his expense.

F. A dental practice which applies, alters, maintains or removes mercury-containing dental amalgam shall install, operate and maintain an amalgam separator(s) in accordance with DES Env-Wq 306.

3.3 Accidental Discharge/Slug Control Plans

At least once every two (2) years, the Superintendent shall evaluate whether each significant indirect discharger needs an accidental discharge/slug control plan. The Superintendent may require any user to

develop, submit for approval, and implement such a plan. Alternatively, the Superintendent may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

A. Description of discharge practices, including non-routine batch discharges;

B. Description of stored chemicals;

C. Procedures for immediately notifying the Superintendent of any accidental or slug discharge, as required by Section 6.6 of this Ordinance; and

D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

SECTION 4 - INDUSTRIAL DISCHARGE PERMIT APPLICATION

4.1 Wastewater Characterization

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

4.2 Industrial Discharge Permit Requirement

A. No significant indirect discharger shall discharge wastewater into the POTW without first obtaining an Industrial Discharge Permit from the Superintendent, except that a significant indirect discharger that has filed a timely and complete application pursuant to Section 4.4 of this Ordinance may continue to discharge for the time period specified therein.

B. The Superintendent may require other users to obtain Industrial Discharge Permits, or submit an application for an Industrial Discharge Permit, as necessary to execute the purposes of this Ordinance.

C. Any violation of the terms and conditions of an Industrial Discharge Permit shall be deemed a violation of this Ordinance and shall subject the industrial discharge permittee to the enforcement actions set out in Sections 9 through 12 of this Ordinance. Obtaining an Industrial Discharge Permit does not relieve a permittee of its obligation to comply with all federal and State pretreatment standards or requirements or with any other requirements of federal, State, and local law.

4.3 Discharge Permit Request Requirement

All Significant Indirect Dischargers must receive DES approval for any new industrial discharge, or any alteration in either flow or waste characteristics, in accordance with the Town's NPDES permit. Upon receipt of a complete Industrial Discharge Permit application by the Town in accordance with Section

4.7 of this Ordinance, an Industrial Wastewater Indirect Discharge Request will be submitted by the Town to DES on behalf of the user. All applicable DES review fees shall be provided by the user.

4.4 Industrial Discharge Permitting: Existing Connections

Any user required to obtain an Industrial Discharge Permit who was discharging wastewater into the POTW prior to the effective date of this Ordinance, and is not currently covered by a valid Industrial Discharge Permit, and who wishes to continue such discharges in the future, shall, within sixty (60) days after said date, apply to the Superintendent for an Industrial Discharge Permit in accordance with Section 4.7 of this Ordinance, and shall not cause or allow discharges to the POTW to continue after one hundred twenty (120) days of the effective date of this Ordinance except in accordance with an Industrial Discharge Permit issued by the Superintendent
.

4.5 Industrial Discharge Permitting: New Connections

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

4.6 Industrial Discharge Permitting: Categorical Standards

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

4.7 Industrial Discharge Permit Application Contents

All users required to obtain an Industrial Discharge Permit, and other users subject to these rules, as required by the Superintendent, shall submit a permit application. The Superintendent shall require all users to submit as part of an application the following information where applicable, as a minimum:

A. The name, street address, and mailing address of the indirect discharger;

B. The name, position, and daytime telephone number of a responsible individual at the indirect discharger, such as a plant manager, plant engineer, president, or vice president of the company, who has certified the permit application in accordance with Section 4.8, below;

C. The “SIC” code and The North American Industry Classification System (“NAICS”) code of the indirect discharger, if available;

D. Whether the indirect discharger is subject to national categorical standards, and if so, which standards;

E. The estimated average, minimum, maximum and total daily flow for domestic discharges and each process discharge and the time and duration of those discharges;

F. A schematic of the proposed treatment process;

G. If applicable, plans, specifications, and operation and maintenance procedures for new or modified treatment facilities at the indirect discharger, stamped by a chemical, civil, sanitary, or environmental engineer registered in New Hampshire;

H. A schematic diagram showing the production process, including the origin of each waste stream;

I. A list of pollutants expected to be present in the discharge and the anticipated quantity of each, based on:

(1) Analyses of the waste stream(s) to be discharged, in which case test results shall be submitted with the discharge permit request; or

(2) Knowledge of the process which produces the wastewater;

J. Information on the toxicity and treatability of the pollutants proposed to be discharged, as available from manufacturer's testing, safety, and data publications;

K. A map showing the location within the municipality of the indirect discharger with respect to the POTW;

L. A listing of all chemicals used at the indirect discharger that will be or could be discharged, such as production chemicals, degreasers, and cleaning solvents;

M. A description and location diagram of all sampling locations at the indirect discharger;

N. A brief narrative describing those measures taken or planned to reduce water usage and implement pollution prevention techniques, if any, such as:

(1) Flow restrictors;

(2) Countercurrent rinses;

(3) Recycling of non-contact cooling water;

(4) Chemical substitutions; and

(5) Pollutant source reduction; and

O. A list of all environmental permits held by or for the indirect discharger.

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

4.8 Signatories and Certification

All Industrial Discharge Permit applications and user reports shall be signed by an authorized representative of the user and shall contain the following certification statement:

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

4.9 Hauled Wastewater Permits

A. Septic tank waste may be introduced into the POTW only at locations designated by the Superintendent, and at such times as are established by the Superintendent. Transport and discharge of such waste shall comply with Section 13.0 of this Ordinance.

B. The Superintendent shall require generators of hauled industrial waste to obtain Industrial Discharge Permits. The Superintendent may require haulers of industrial waste to obtain Industrial Discharge Permits. The Superintendent may also prohibit the disposal of hauled industrial waste. All other requirements of this Ordinance apply to the discharge of hauled industrial waste.

C. Industrial waste haulers may discharge loads only at locations designated by the Superintendent. No load may be discharged without prior consent of the Superintendent. The Superintendent may collect samples of each hauled load to ensure compliance with applicable standards. The Superintendent may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

D. Industrial waste haulers shall provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and a certification that the wastes are not hazardous wastes.

SECTION 5 - INDUSTRIAL DISCHARGE PERMIT ISSUANCE PROCESS

5.1 Industrial Discharge Permit Decisions

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

5.2 Industrial Discharge Permit Duration

An Industrial Discharge Permit shall be issued for a specified time period, not to exceed five (5) years [or three (3) years in the case of a significant indirect discharger] from the effective date of the permit.

An Industrial Discharge Permit may be issued for a period less than these intervals at the discretion of the Superintendent. Each Industrial Discharge Permit will indicate a specific date upon which it will expire.

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

5.3 Industrial Discharge Permit Contents

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

A. Industrial Discharge Permits for significant industrial dischargers shall contain:

1. Indirect discharger name, street address, mailing address, and daytime telephone number;

2. Dates of issuance and expiration;

3. The general and specific prohibitions from the sewer use ordinance which apply to the discharge;

4. A list of pollutants, allowable parameters, and discharge limits;

5. Identification of applicable EPA categorical standards;

6. A list of pollutant to be monitored and the monitoring requirements applicable thereto;

7. Sampling frequency, techniques, and locations;

8. Reporting requirements;

9. Inspection requirements;

10. Notification requirements, including for:

    a. Slug loading;

    b. Spills, bypasses, and upsets;

    c. Changes in volume or characteristics of the discharge for which a permit revision is not required; and

    d. Permit violations.

11. Record keeping requirements;

12. Applicable definitions and special conditions from the sewer use ordinance;

13. Applicable civil and criminal penalties for violations;

14. Notification requirements prior to any new or increased discharge;

15. A requirement to submit a complete new application at a specified frequency, which shall be not less than once every five years; and a statement that indicates Industrial Discharge Permit duration, which in no event shall exceed five (5) years;

16. A statement that the Industrial Discharge Permit is nontransferable without prior notification to the ASWD in accordance with Section 5.6 of this Ordinance, and provisions for providing the new owner or operator with a copy of the existing Industrial Discharge Permit;

17. For users with reporting requirements, such reports at a minimum shall require:

    a. Periodic monitoring results indicating the nature and concentration of pollutants in the discharge from the regulated processes governed by pretreatment requirements and the average and maximum daily flow for these process units;

    b. A statement as to whether the applicable pretreatment standards and requirements are being met on a consistent basis and, if not, than what additional operation and maintenance practices and/or pretreatment systems are necessary; and

    c. Submittal of any monitoring results performed in addition to the requirements of the Industrial Discharge Permit using procedures prescribed in the permit.

18. A description of identified pollution prevention opportunities at the facility;

19. A statement that compliance with the Industrial Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable federal and State pretreatment standards, including those that become effective during the term of the Industrial Discharge Permit.

20. A statement that the industrial user shall fully comply with the Town of Antrim Sewer Use Ordinance.

21. A statement that the industrial user shall not dilute its effluent as a substitute for proper pretreatment.

22. A statement that the Industrial Discharge Permit is based on and shall apply only to the subject discharge request and the associated plans and supporting information as submitted in the completed Industrial Permit Application.

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

1. Limitations on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;

3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

4. Development and implementation of pollution prevention plans to reduce the amount of pollutants discharged to the POTW;

5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

6. Requirements for installation and maintenance of inspection and sampling facilities and equipment; and

7. Other conditions as deemed appropriate by the Superintendent to ensure compliance with this Ordinance, and State and federal laws, rules, and regulations.

5.4 Industrial Discharge Permit Appeals

Any person, including the user, may petition the Superintendent to reconsider the terms of an Industrial Discharge Permit within thirty (30) days of its issuance.

A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

B. In its petition, the appellant user must indicate the Industrial Discharge Permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the Industrial Discharge Permit.

C. The effectiveness of the Industrial Discharge Permit shall not be stayed pending the appeal.

D. If the Superintendent fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied.

E. Aggrieved parties may appeal the conditions of the Industrial Discharge Permit in accordance with Section 15.2 of this Ordinance.

5.5 Industrial Discharge Permit Modification

The Superintendent may modify an Industrial Discharge Permit for good cause, including, but not limited to, the following reasons:

A. To incorporate any new or revised federal, State, or local pretreatment standards or requirements;

B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of Industrial Discharge Permit issuance;

C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

D. Information indicating that the permitted discharge poses a threat to the ASWD POTW, ASWD personnel, or the water quality in the receiving waters;

E. Violation of any terms or conditions of the Industrial Discharge Permit;

F. Misrepresentations or failure to fully disclose all relevant facts in the Industrial Discharge Permit application or in any required reporting;

G. To correct typographical or other errors in the Industrial Discharge Permit; or

H. To reflect a transfer of the facility ownership or operation to a new owner or operator.

5.6 Industrial Discharge Permit Transfer

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

A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes that generate wastewater to be discharged to the POTW;

B. Identifies the specific date on which the transfer is to occur; and

C. Acknowledges full responsibility for complying with the existing Industrial Discharge Permit.

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

5.7 Industrial Discharge Permit Reissuance

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

· The industrial user has submitted a complete permit application at least sixty (60) days prior to the expiration date of the user's existing permit; and

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

5.8 Regulation of Waste Received from Other Jurisdictions

A. If another municipality, or user located within another municipality, contributes wastewater to the POTW, the Town shall enter into an inter-municipal agreement with the contributing municipality.

B. Prior to entering into an agreement required by paragraph (A), above, the Superintendent shall request the following information from the contributing municipality:

1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

2. An inventory of all users located within the contributing municipality that are discharging to the POTW; and

3. Such other information as the Superintendent may deem necessary.

C. An inter-municipal agreement, as required by paragraph (A), above, shall contain the following conditions:

1. A requirement for the contributing municipality to adopt a sewer use ordinance that is at least as stringent as this Ordinance, and local limits that ensure that the pollutant loadings allocated to the contributing municipality are not exceeded. The requirement shall specify that such Ordinance and local limits shall be revised as necessary to reflect changes made to the Town's Ordinance or revisions to the loadings allocated to the contributing municipality;

2. A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;

3. A provision specifying which pretreatment implementation activities, including Industrial Discharge Permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Superintendent; and which of these activities will be conducted jointly by the contributing municipality and the Superintendent;

4. A requirement for the contributing municipality to provide the Superintendent with access to all information that the contributing municipality obtains as part of its pretreatment activities;

5. Limitations on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

6. Requirements for monitoring the contributing municipality's discharge;

7. A provision ensuring the Superintendent's access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Superintendent; and

8. A provision specifying remedies available for breach of the terms contained within the agreement.

D. Inter-municipal agreements shall be subject to approval by DES and the NH Attorney General.

SECTION 6 - REPORTING REQUIREMENTS

6.1 Periodic Compliance Reports

A. All significant indirect dischargers shall, at a frequency determined by the Superintendent but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge that are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports shall be signed and certified in accordance with Section 4.8 of this Ordinance.

B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to maintain its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Superintendent, using the procedures prescribed in Sections 6.11 and 6.12 of this Ordinance, the results of this monitoring shall be included in the report.

6.2 Reports of Changed Conditions

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

A. The Superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submittal of an Industrial Discharge Permit application under Section 4.7 of this Ordinance.

B. Upon approval of the request by the ASWD, a Discharge Request will be submitted by the ASWD to DES on behalf of the user. All applicable DES review fees shall be provided by the user.

C. Upon approval of the Discharge Request by DES, the Superintendent may issue an Industrial Discharge Permit or modify an existing Industrial Discharge Permit under Section 5 of this Ordinance in response to changed conditions or anticipated changed conditions.

D. A DES “Sewer Connection Permit” in accordance with Section 2.2 may be required.

6.3 Reports of Slug/Potentially Adverse Discharges

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause adverse impacts to the POTW, the user shall immediately telephone and notify the Superintendent of the incident. This notification shall include identifying the location of the discharge, type of waste, concentration and volume, if known, and corrective actions conducted by the user.

B. Within five (5) days following such discharge, the user shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be conducted by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability that may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability that may be imposed pursuant to this Ordinance.

C. A notice shall be permanently posted on the user's employee bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (A), above. Employers shall ensure that all employees who may cause such a discharge to occur or who may be present when a discharge occurs are advised of the emergency notification procedure.

6.4 Reports from Unpermitted Users

All users not required to obtain an Industrial Discharge Permit shall provide appropriate reports to the Superintendent as the Superintendent may require.

6.5 Notice of Violation/Repeat Sampling and Reporting

If the results of sampling performed by a user indicate a violation, the user shall notify the Superintendent within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent] within thirty (30) days subsequent to becoming aware of the violation. The user is not required to resample if the Superintendent monitors at the user's facility at least once a month, or if the Superintendent samples between the user's initial sampling and when the user receives the results of this sampling.

6.6 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses shall be performed in accordance with procedures approved by the ASWD.

6.7 Sample Collection

A. Except as indicated in Paragraph (B), below, the user shall collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Superintendent may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to demonstrate compliance with instantaneous discharge limitations (e.g., screening levels established to protect worker health and safety). A single grab sample may also be used in place of a composite sample with approval of the Superintendent when:

1. The effluent is not discharged on a continuous basis (i.e., batch discharges of short duration), and only when the batch exhibits homogeneous characteristics (i.e., completely mixed) and the pollutant can be safely assumed to be uniformly dispersed;

2. Sampling a facility where a statistical relationship can be established between previous grab samples and composite data; and

3. The waste conditions are relatively constant (i.e., are completely mixed and homogeneous) over the period of the discharge.

B. Samples for temperature, pH, phenols, sulfides, and volatile organic compounds shall be obtained using grab collection techniques.

6.8 Timing

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

6.9 Record Keeping

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

SECTION 7 - POWERS AND AUTHORITIES OF INSPECTORS

7.1 Compliance Monitoring

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

The ASWD shall, as necessary, sample and analyze the wastewater discharges of contributing users and conduct surveillance and inspection activities to identify, independently of information supplied by such users, occasional and continuing noncompliance with industrial pretreatment standards. Each industrial user will be billed directly for costs incurred for analysis of its wastewater.

7.2 Right of Entry: Inspection and Sampling

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

A. If a user has security measures in force that require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Inspector(s) will be permitted to enter without delay for the purposes of performing specific responsibilities.

B. The Inspector(s) shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

C. The Inspector(s) may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least annually to ensure accuracy.

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Inspector(s) and shall not be replaced. The costs of clearing such access shall be borne by the user.

E. Unreasonable delays in allowing the Inspector(s) access to the user's premises shall be a violation of this Ordinance.

F. The Inspector(s) is authorized to obtain information concerning industrial processes that have a bearing on the kind or source of discharge to the public sewer. The industrial user may request that the information in question not be disclosed to the public in accordance with Section 8 of this Ordinance. The information in question shall be made available upon written request to governmental agencies for uses related to this Ordinance, the NPDES permit, or the pretreatment program. The burden of proof that information should be held confidential rests with the user. However, information regarding wastewater discharge by the user (flow, constituents, concentrations, and characteristics) shall be available to the public without restriction.

G. While performing the necessary work on private properties referred to in this Section, the

Inspector(s) shall observe all safety rules applicable to the premises established by the user. The user shall be held harmless for injury or death to the Inspector(s), and the Town shall indemnify the user against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the monitoring activities, except as such may be caused by negligence or failure of the user to maintain safe conditions.

H. The Inspector(s) shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the POTW lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

7.3 Search Warrants

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

SECTION 8 - CONFIDENTIAL INFORMATION/PUBLIC PARTICIPATION

8.1 Confidential Information

Information and data on a user obtained from reports, surveys, Industrial Discharge Permit Applications, Industrial Discharge Permits, and monitoring programs, and from the Superintendent's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Superintendent, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report that might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person providing the report. Wastewater constituents and characteristics and other “effluent data” as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

8.2 Public Participation

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

SECTION 9 - ADMINISTRATIVE ENFORCEMENT REMEDIES

9.1 Notification of Violation

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

9.2 Compliance Schedule Development

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

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards including, but not limited to, retaining an engineer, completing preliminary and final design plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation;

B. No increment referred to above shall exceed nine (9) months;

C. The user shall submit a progress report to the Superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance which identifies, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the action being taken by the user to return to the established schedule; and

D. In no event shall more than nine (9) months elapse between such progress reports to the Superintendent.

9.3 Pollution Prevention Plan Development

The Superintendent may require any user that has violated or continues to violate any provision of this Ordinance, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, to develop a pollution prevention plan. The pollution prevention plan must specifically address violation(s) for which this action was undertaken. The pollution prevention plan shall be developed using good engineering judgment and shall be submitted to the Superintendent no later than sixty (60) days after the user was notified of this requirement.

9.4 Publication of Users in Significant Noncompliance

The Superintendent may publish annually, in the largest daily newspaper circulated in the Town where the POTW is located, a list of the users that, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements.

9.5 Show Cause Orders

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

9.6 Cease and Desist Orders

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

A. Immediately comply with all requirements; and

B. Implement such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

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

9.7 Consent Orders

The Superintendent is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such orders shall include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment systems, additional self-monitoring, and management practices. Such orders shall have the same force and effect as administrative orders issued pursuant to Sections 9.5 and 9.6 of this Ordinance and shall be judicially enforceable.

9.8 Industrial Discharge Permit Termination

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

A. Violation of permit conditions;

B. Failure to accurately report the wastewater constituents and characteristics of its discharge;

C. Failure to report significant changes in operations or wastewater constituents and characteristics; or

D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 9.5 of this Ordinance why the proposed action should not be taken. Exercise of this option by the Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the user.

9.9 Termination of Discharge

In addition to the provisions in Section 9.8 of this Ordinance, any user who violates the following conditions is subject to discharge termination:

A. Violation of Industrial Discharge Permit conditions;

B. Failure to accurately report the wastewater constituents and characteristics of its discharge;

C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

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

E. Violation of the pretreatment standards in Section 2 of this Ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 9.5 of this Ordinance why the proposed action should not be taken. Exercise of this option by the Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the user.

9.10 Emergency Suspensions

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

A. Any user notified of a suspension of its discharge shall immediately terminate or eliminate its wastewater discharge. In the event of a user's failure to immediately comply with the suspension order, the Superintendent may implement such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving

stream, or endangerment to any individuals. The Superintendent may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings in Section 9.8 or 9.9 of this Ordinance are initiated against the user.

B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures implemented to prevent any future occurrence, to the Superintendent prior to the date of any show cause or termination hearing under Sections 9.5, 9.8 or 9.9 of this Ordinance.

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

9.11 Recovery of Expenses

Any person or industrial user violating any of the provisions of this Ordinance shall be liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation. If the Superintendent or ASWD Commissioners shall have caused the disconnection of a drain from a public sewer, the Town may collect the expenses associated with completing the disconnection from any person or user responsible for, or willfully concerned in, or who profited by such violation. The Town may thereafter refuse to permit the restoration of the former connection or of any new connection to the property concerned in the violation until the claim of the Town for the cost of completing such disconnection shall have been paid in full plus interest and the reasonable cost of any legal expenses incurred by the Town in connection therewith.

9.12 Harm To Town Property

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

SECTION 10 - JUDICIAL ENFORCEMENT REMEDIES

10.1 Injunctive Relief

When the Town determines that a user has violated, or continues to violate, any provision of this Ordinance, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, the Town may petition the Hillsboro County Superior Court through the Town's Attorney for the issuance of a temporary or permanent injunction, as appropriate, that restrains or compels the specific performance of the Industrial Discharge Permit, order, or other requirement imposed by this Ordinance on activities of the user. The Town may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, implementing any other action against a user.

10.2 Civil Penalties

A. A user who has violated, or continues to violate, any provision of this Ordinance, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the Town for a maximum civil penalty of $10,000 per violation, per day, 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 Council shall petition the Court to impose, assess, and recover such sums.

C. In determining the amount of civil liability, the Court shall consider all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, implementing any other action against a user.

10.3 Criminal Prosecution

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

10.4 Nonexclusive Remedies

The remedies provided for in this Ordinance are not exclusive. The Town may take any, all, or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with the Town's enforcement response plan. However, the Town may pursue other action against any user without limitation, including *ex parte* temporary judicial relief to prevent a violation of this Ordinance. Further, the Town is empowered to pursue more than one enforcement action against any non-compliant user.

SECTION 11 - SUPPLEMENTAL ENFORCEMENT ACTION [RESERVED]

SECTION 12 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

12.1 Upset

A. For the purposes of this section, “upset” means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards due to factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused

by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with pretreatment standards if the requirements of paragraph (C), below, are met.

C. A user who intends to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and the user can identify the cause(s) of the upset;

2. At the time being of the upset, the facility was operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

3. The user has submitted the following information to the Superintendent within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):

a. A description of the discharge and cause of noncompliance;

b. The period of noncompliance, including exact dates and times or, if not corrected, the amount of time the noncompliance is expected to continue; and

c. Action being implemented and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with pretreatment standards.

F. Users shall control all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

12.2 Prohibited Discharge Standards

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

A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Town was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

12.3 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. 1. If a user knows in advance of the need for a bypass, it shall submit prior notice to the Superintendent, at least ten (10) days before the date of the bypass, if possible.

2. A user shall submit oral notice to the Superintendent of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the amount of time it is expected to continue; and steps implemented or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Superintendent may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. 1. Bypass is prohibited, and the Superintendent may initiate enforcement action against a user for a bypass, unless:

a. Bypass was required to prevent loss of life, personal injury, or severe property damage;

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

c. The user submitted notices as required under paragraph (C) of this section.

2. The Superintendent may approve an anticipated bypass, subsequent to considering its adverse effects, if the Superintendent determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

SECTION 13 - SEPTAGE DISPOSAL

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

A copy of such permit shall be filed by the permit holder with the ASWD. Upon renewal or revocation of such permit, the hauler shall be responsible for notification of such renewal or revocation to the ASWD.

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

13.1 Septage Hauler Requirements

A. A permitted hauler may discharge septage to the facilities provided at the Town's wastewater treatment facility only after paying the charges as set forth in Section 14.4 of this Ordinance.

B. Those persons, firms, corporations, municipal subdivisions or institutions that conform to state definition of "RVs" shall dispose of such septage as human excrement or other putrescible materials at the dates, times, and locations designated by the Superintendent.

C. No person, firm, corporation, municipal subdivision or institution shall discharge any toxic, poisonous, radioactive solids, liquids or gases, or the contents of grease, gas, oil and/or sand interceptors into the ASWD's wastewater treatment facility without specific authorization of the Superintendent.

13.2 Temporary Septage Permits

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

13.3 Septage Permits

A. Any septage hauler who intends to dispose of septage shall first obtain a permit therefor from the Town. ASWD only accepts septage from Antrim and Bennington.

B. Such permit as issued by the ASWD shall identify:

1. The motor vehicle;

2. The capacity of the tank;

3. The DES Permit Number; and

4. Any other details of compliance with DES rules.

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

1. Each septic tank truck shall be equipped with either a sight level by which the quantity of the contents of each tank may be ascertained by sight or an access port through which the quantity of the contents of each truck may be ascertained by depth measurements.

2. Prior to discharging the load, the hauler shall record the following information in a log at the POTW:

   a. The hauler's name;
   b. Date;
   c. Time of disposal;
   d. Volume disposed;
   e. Origin of load (property owner's name, address, and telephone number); and
   f. Nature of the waste (i.e., grease or septage) being disposed.

3. Such log as described in Section 14.3(C)(2) shall be located in the office of the Superintendent.

4. Owners of "RVs" who intend to discharger the contents of holding tanks are exempt from the permitting process.

13.4 Septage Disposal Charge

There shall be a Septage Disposal Charge as established by Ordinance ____ for the receipt of septage into the ASWD's POTW for treatment. In the event that the permittee has either a defective sight level, no sight level attached to the track, and/or no access to the contents of the truck for depth measurement, the permittee shall be charged according to the full tank capacity at the time of discharge or by other method determined by the Superintendent.

SECTION 14 - VALIDITY

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

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

parts.

SECTION 15 - INTERPRETATION OF REQUIREMENTS

15.1 Interpretation

The provisions of this Ordinance with respect to the meaning of technical terms and phrases, the classification of different types of sewers, the regulations with respect to making connections to sewers or drains, and other technical matters shall be interpreted and administered by the Superintendent acting in and for the Town of Antrim, New Hampshire through the ASWD Commissioners.

15.2 Appeals

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

SECTION 16 - EFFECTIVE DATE

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

Duly enacted and ordained this ____ day of _____ 20___ by the Antrim Sewer and Water Department of the Town of Antrim, in Hillsboro County, State of New Hampshire, at a duly noticed and duly held session of the said Superintendent and _____. This Ordinance is hereby authenticated as required by Section _____ of the Town Charter.

Antrim, New Hampshire

By: