

SEWER USE ORDINANCE

PURSUANT TO ENABLING AUTHORITY IN NEW HAMPSHIRE REVISED STATES ANNOTATED 149-I:6, THE FOLLOWING IS AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM: AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE TOWN OF JAFFREY, COUNTY OF CHESHIRE, STATE OF NEW HAMPSHIRE.

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

ARTICLE I

DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated;

- Sec. 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.
- Sec. 2. "Approval Authority": For the Sewer Use Ordinance (SUO) and user charge system, the approval authority is the N.H. Department of Environmental Services (NHDES), and for the Industrial Pretreatment Program (IPP), the approval authority is the United States Environmental Protection Agency (USEPA).
- Sec. 3. "Authorized Representative of the Industrial User":

If the industrial user is a corporation, authorized representative shall mean:

- (a) the president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
- (b) the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been

APPROVED in accordance with the Jan. 1985, 265(m) Delegation Agreement between the N. H. Water Supply and Pollution Control Commission and the U. S. Environmental Protection Agency, Region I.

No exception or deviation

Exception or deviation noted on accompanying document



State Agency Official

12/29/93
Date

assigned or delegated to the manager in accordance with corporate procedures.

2. If the industrial user is a partnership, association, or sole proprietorship, and authorized representative shall mean a general partner of the proprietor.
3. If the individual user is representing Federal, State or local governments, or an agent thereof, and authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility.
4. The individuals described in paragraphs 1-3 above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the authorization is submitted to the Town.

- Sec. 4. "Biochemical Oxygen Demand (BOD)": The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees Centigrade expressed in terms of weight and concentration [milligrams per liter(mg/L)].
- Sec. 5. "Building Drain": The part of the lowest horizontal piping of a drainage system which 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 (1.5 meters) outside the inner face of the building wall.
- Sec. 6. "Building Sewer": (See Sec. 15 below).
- Sec. 7. "Bypass": The intentional diversion of wastestreams from any portion of an industrial user's pretreatment facility.
- Sec. 8. "Categorical Pretreatment Standard" or "Categorical Standard": Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of industrial users and which appears in 40 CFR Chapter 1, Subchapter N. Parts 405-471, incorporated herein by reference.

- Sec. 9. "Color": The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.
- Sec. 10. "Combined Sewer": A sewer intended to receive both wastewater and storm water.
- Sec. 11. "Composite Sample": The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
- Sec. 12. "Cooling Water": The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- Sec. 13. "Control Authority": Shall refer to the Superintendent once the Town has a U.S. EPA approved pre-treatment program according to the provisions of 40 CFR 403.11.
- Sec. 14. "Discharge": The release or introduction of wastes to a sewer which flows to the wastewater facilities.
- Sec. 15. "Domestic Wastewater" or "Sanitary Sewer": Normal water-carried household and toilet wastes or waste from sanitary conveniences excluding ground surface or storm water.
- Sec. 16. "Easement": An acquired legal right for the specific use of land owned by other.
- Sec. 17. "Environmental Protection Agency" or "EPA": The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Management Division Director or other duly authorized official of said agency.
- Sec. 18. "Existing Source": Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards under Section 307(b) and (c) (33 U.S.C. 1317) of the Act which will be applicable to such source if the standard is thereafter promulgated in accordance with section 307 of the Act.
- Sec. 19. "Floatable Oil": Is 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 fat if it is properly pretreated and the wastewater does not interfere with the collection system.

- Sec. 20. "Garbage": The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.
- Sec. 21. "Grab Sample": A sample which is taken from a wastestream on a one-time basis without regard to the flow in the wastestream and without consideration of time.
- Sec. 22. "Grease": Shall include the fats, oils, waxes and other related constituents found in wastewater.
- Sec. 23. "Grit": the sand, gravel, cinders, or other heavy solid materials that have subsiding velocities or specific gravities substantially greater than those of the organic putrescible solids in wastewater. Grit also includes eggshells, bone chips, seeds, coffee grounds, and large organic particles, such as food or waste.
- Sec. 24. "Holding Tank Waste": Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump trucks.
- Sec. 25. "Industrial User": Any person who discharges industrial wastes into the municipal wastewater system.
- Sec. 26. "Industrial Wastes or Wastewater": A nondomestic waste or wastewater originating from a nonresidential source.
- Sec. 27. "Interference": A discharge which causes or contributes to the inhibition or disruption of the municipal wastewater system, including sewerage collection facilities, the process or operations of the treatment plant, or the use or disposal of sewage sludge in accordance with the Town's NPDES permit or any of the following regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act [including title II commonly referred to as the Resource Conservation and Recovery Act (RCRA)]; any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.
- Sec. 28. "May": Is permissive (see "Shall," Sec.46).

- Sec. 29. "Medical Waste": Any waste generated from medical activities which is discharged to the wastewater facilities.
- Sec. 30. "Municipal Wastewater System" or "System": (See Sec. 65 & Sec. 66).
- Sec. 31. "Natural Outlet": Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or any other body of surface or groundwater.
- Sec. 32. "New Source":
1. Any source of a discharge, the construction or operations of which commenced after the publication of proposed Categorical Pretreatment Standards under Section 307(c) [33 U.S.C. 1317(c)] of the Act which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307(c), provided that:
 - (I) no other source is located at that site; or
 - (II) the source completely replaces the process or production equipment of an existing source at that site; or
 - (III) the new wastewater generating process of the source is substantially independent of an existing source at that site; and the construction of the source creates a new facility rather than modifying an existing source at that site.
 2. For the purposes of this definition, construction or operation 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; or³³
 - (b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement,

assembly, or installation of new source facilities or equipment; or

- Sec. 33. "Nondomestic Pollutants": Any substances other than human excrement and household gray water (shower, dishwashing operations, etc.). Nondomestic pollutants include the characteristics of the wastewater (that is ph, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor).
- Sec. 34. "Pass through": The discharge of pollutants through the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with discharges from other sources, is a cause of a violation of any requirements of the POTW's National Pollutant Discharge Elimination System (NPDES) permit (including an increase in the magnitude or duration of a violation) or of applicable water quality criteria.
- Sec. 35. "Person": Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, State, government entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, State or local government entities.
- Sec. 36. "Ph": A measure of the acidity or alkalinity of a substance, expressed in standard units; neutral wastewaters are numerically equal to 7 while the number increases to show increasing alkalinity and decreases to show increasing acidity.
- Sec. 37. "Pollutant": Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat wrecked or discharged equipment, rock, sand, cellar dirt and agricultural wastes.
- Sec. 38. "Pretreatment": The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater thereby rendering them less harmful to the municipal wastewater system prior to introducing such pollutants into the system. 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.

- Sec. 39. "Pretreatment Standards and Requirements": Any substantive or procedural requirement related to pretreatment, including National pretreatment categorical standards and prohibitive discharge standards imposed on an industrial user.
- Sec. 40. "Prohibited Discharge Standards or Prohibited Discharges": Absolute prohibitions against the discharge of certain defined types of industrial wastewater. (See Article V).
- Sec. 41. "Properly Shredded Garbage": The animal or vegetable wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.
- Sec. 42. "Public Sewer": A common sewer controlled by a governmental agency or public utility.
- Sec. 43. "Residential User": Any person discharging domestic wastewater to the wastewater facilities.
- Sec. 44. "Receiving Stream or Water of the State": All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.
- Sec. 45. "Sanitary Sewer": A sewer which carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
- Sec. 46. "Screening Level": The concentration of a pollutant which under baseline conditions would cause a threat to personnel exposed to the pollutant, or would cause a threat to structures of wastewater facilities. To be administered as limits applicable to a particular discharge, the screening levels must be adjusted to account for conditions at the point of discharge which differ from baseline conditions.
- Sec. 47. "Sewage": The spent water of a community. (See

- Sec. 64).
- Sec. 48. "Sewer": A pipe or conduit for carrying wastewater or drainage water.
- Sec. 49. "Shall": Is mandatory (See "May," Sec. 28).
- Sec. 50. "Significant Industrial User": The term significant industrial user shall mean:
- a. industrial users subject to categorical pretreatment standards, and
 - b. any other industrial use that:
 - (I) discharges an average of 25,000 GPD or more of industrial wastewater;
 - (II) contributes an industrial wastewater which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the treatment plant, or;
 - (III) is designated as significant by the Town on the basis that the industrial user has a reasonable potential for causing pass through or interference.
- Sec. 51. "Slug or Slug Load": Any pollutant (including BOD) released in a discharge at a flow rate or concentration that exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operations or which shall adversely affect the collection system and/or performance of the wastewater treatment works.
- Sec. 52. "Standard Industrial Classification (SIC) Code": A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.
- Sec. 53. "Storm Drain": Sometimes termed "Storm Sewer," shall mean a drain or sewer for conveying stormwater, groundwater, subsurface water, or unpolluted water from any source.
- Sec. 54. "Storm Water": Any flow occurring during or following any form of natural precipitation and resulting therefrom, including snowmelt.
- Sec. 55. "Superintendent": The supervisor of wastewater facilities, and/or of wastewater treatment works,

and/or of water pollution control of the Town of Jaffrey or his authorized deputy, agent, or representative.

- Sec. 56. "Suspended Solids": (SS) The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- Sec. 57. "Town": The Town of Jaffrey.
- Sec. 58. "Toxic Pollutant": One of 126 pollutants or combination of those pollutants listed as toxic in regulations promulgated by the Environmental Protection Agency under the provisions of Section 307 (33 U.S.C. 1317 of the Act.)
- Sec. 59. "Treatment Plant": (See "Wastewater Facilities", Sec. 65).
- Sec. 60. "Treatment Plant Effluent": Any discharge of pollutants from the municipal wastewater system into a receiving stream.
- Sec. 61. "Unpolluted Water": Is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- Sec. 62. "User": Any person who contributes or causes or allows the contribution of sewage or industrial wastewater into the municipal wastewater system, including persons who contribute such wastes from mobile sources such as home owners with subsurface disposal systems, holding tank wastes, etc., not on municipal sewer system.
- Sec. 63. "User Charge System": The local ordinance which prescribes the fees levied on users of the wastewater facilities to cover the costs of operation, maintenance, and replacement.
- Sec. 64. "Wastewater": The liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated.
- Sec. 65. "Wastewater Facilities": The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

- Sec. 66. "Wastewater Treatment Works": An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "Waste Treatment Plant (WTP)" or "Wastewater Treatment Facility (WWTF)" or "Water Pollution Control Plant (WPCP)" or "Publicly Owned Treatment Works (POTW)".
- Sec. 67. "Watercourse": A natural or artificial channel for the passage of water either continuously or intermittently.
- Sec. 68. "WSPCD": Shall mean the Water Supply and Pollution Control Division of the New Hampshire Department of Environmental Services.

ARTICLE II

USE OF PUBLIC SEWERS REQUIRED

- Sec. 1. It shall be unlawful for any person to place, deposit or permit to be deposited any human or animal excrement, garbage, or other objectionable waste, in any unsanitary manner on public or private property within the Town of Jaffrey, or in any area under the jurisdiction of said Town.
- Sec. 2. It shall be unlawful to discharge to any natural outlet within the Town of Jaffrey, or in any area under the jurisdiction of said Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.
- Sec. 3. 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 within the sewer service area.
- Sec. 4. 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 a public sanitary sewer of the Town is located, 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 after date of official notice to do so, provided that said public sewer is within 100 feet (30.5 meters) of

the said house or building.

ARTICLE III

PRIVATE WASTEWATER DISPOSAL

- Sec. 1. Where a public sanitary sewer is not available under the provisions of Article II, Sec. 4, the building sewer shall be connected to a private wastewater disposal system complying with the provision of this Article.
- Sec. 2. Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain design approval from the Water Supply and Pollution Control Division (WSPCD) of the New Hampshire Department of Environmental Services and a written permit signed by the Superintendent or health officer. The application for such permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent or health office. A permit and inspection fee of \$10.00 shall be paid to the Town at the time the application is filed. (see Article IV, Sec.2)
- Sec. 3. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent or health officer. The Superintendent or health officer shall be allowed to inspect the work at any stage of construction and in any event, the applicant for the permit shall notify the Superintendent or health officer when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt or notice by the Superintendent or health officer.
- Sec. 4. The type, capacities, location, layout and installation (including inspection) of a private wastewater disposal system shall comply with all requirements of the WSPCD. No permit shall be issued for any new private wastewater disposal system employing subsurface soil absorption facilities where the lot area is less than is required by subdivision lot size requirements of the WSPCD. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- Sec. 5. At such time as a public sewer becomes available

to a property served by a private wastewater disposal system, as provided in Article II, Sec. 4, upon failure of said existing system, a direct connection shall be made to the public sewer within ninety (90) days in compliance with this Ordinance, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

Sec. 6. 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.

Sec. 7. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the health officer.

ARTICLE IV

BUILDINGS SEWERS & CONNECTIONS

Sec. 1. No person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

Sec. 2. There shall be (2) classes of building sewer permits: (a) for residential and commercial service and (b) for the service to establishments producing industrial wastes. In either case, the owner(s) or his agent shall make application on a special form furnished by the Town. The permit application shall be furnished by the Town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. The permit and inspection fee for a residential or commercial building sewer permit or an industrial building sewer permit will be determined by the Board of Selectmen and shall be paid to the Town at the time the application is filed.

Sec. 3. All costs and expenses incidental to the installation and connections 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.

- Sec. 4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building sewer may be extended to the rear building and the whole considered as one building sewer, but the Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.
- Sec. 5. Old 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.
- Sec. 6. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF manual of Practice No. 9 shall apply.
- Sec. 7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the owner's expense.
- Sec. 8. No person(s) shall make connection of roof downspouts, foundation drains, area drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- Sec. 9. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in the appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections shall be

made gas tight and water tight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before insallation.

- Sec. 10. 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. The connection and testing shall be made under the supervision of the superintendent or his representative.
- Sec. 11. 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.
- Sec. 12. Any person proposing a new discharge into the system or an increase in the volume, beyond limits previously permitted, or in the strength or character of pollutants that are discharged into the system shall notify the Superintendent at least sixty (60) days prior to the proposed change or connection. Proposed new discharges from residential or commercial sources involving loadings exceeding 50 population equivalents (5,000 gpd), any new industrial discharge, or any alteration in either flow or waste characteristics in industrial discharge must be approved by the Water Supply and Pollution Control Division.
- Sec. 13. The following is an excerpt from the regulations of Water Supply and Pollution Control Division: "Except for special reasons, the WSPCD will approve plans for new systems, extensions, or replacement sewers only when designed upon the separate plan in which rain water from roofs, streets, and other areas, and groundwater from foundation drains are excluded".
- Sec. 14. For purposes of defining who is responsible for replacement, repair, cleaning, and maintenance of sewer service lines, the following will apply:
- A. The property owner will be responsible for sewer service line from the building to the property line. The Town will be responsible for the sewer service line from the property line to the sewer main.
 - B. If Town personnel are called out to work on

a service line and it is subsequently determined that the problem was on the property owner's section of the line, the property owner will reimburse the Town for all costs associated with the service call.

ARTICLE V

USE OF PUBLIC SEWERS

- Sec. 1. No person(s) shall discharge or cause to be discharged to the wastewater facilities any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or non-contact cooling water to any sanitary sewer.
- Sec. 2. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or a natural outlet approved by the Superintendent. Industrial cooling water or process waters require an NPDES permit prior to discharge to a storm sewer or natural outlet.
- Sec. 3. A. Pollutants introduced into the POTW by an industrial user shall not pass through or interfere with operation or performance of the works.
- B. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
1. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the municipal wastewater system. Included in this prohibition are wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees C). At no hazard meter at the point of discharge into the system or at any point in the system be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter.
 2. Any industrial wastes including oxygen demanding wastes (BOD, etc.) at a flow rate and/or concentration which would

cause interference with the wastewater treatment works, constitute a hazard to humans or animals, create a public nuisance, exceed any applicable National Categorical Pretreatment Standards, or cause pass through.

3. Any waters or wastes having a pH lower than 5.0 or higher than 11.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works. If a wastewater is discharged at a pH greater than 11.5, the discharger must reanalyze the wastewater within 24 hours. If the second analysis indicates a pH greater than the 11.5, the user shall conduct an evaluation of the potential impact on the collection system, under the supervision of the Town personnel.
4. Solid or viscous substances in quantities or of such size capable of causing obstruction with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
5. Wastewater sufficient hot to cause the influent at the wastewater treatment facilities to exceed 104 degrees Fahrenheit (40C) or cause inhibition of biological activity in the POTW.
6. Any substance which may cause the treatment plant effluent or any other residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the system cause the Town to be in noncompliance with sludge use or disposal regulations or permits issued under Section 405 of the Act, the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or other Federal and State requirements applicable to the sludge use and disposal practices being used by the Town.

7. Any material identified as hazardous waste according to 40 CFR Part 261 except as may be specifically authorized by the Superintendent.
8. Wastes prohibited by this section shall not be processed or stored in such a manner that these wastes could be discharged to the municipal wastewater system. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the system, otherwise the Superintendent shall order such owner(s) of such floor drains to plug them or disconnect them if deemed necessary to comply with any part of this Ordinance.
9. Any pollutants which result in the presence of toxic gases, vapors or fumes within the system in a quantity that may cause worker health and safety problems.
10. Any Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plants effluent thereby violating the Town's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10 percent (10%) from the seasonably established norm for aquatic life.
11. Any wastewater causing the treatment plant effluent to show a lethal concentration of fifty percent (LC 50) as determined by a toxicity test of ninety six (96) hours or less, and/or show a violation of the Town's NPDES permit; in regards to this or any other Toxicity Analysis of the Town's Effluent.
12. Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the municipal wastewater system and/or cause a violation of the Town's NPDES permit.

Sec. 4. The following described substances, materials, waters, or waste shall be limited in discharges

to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Superintendent may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Superintendent will give consideration to such factors as the quantity of subject waste in relation to flow and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in pertinent factors. The Superintendent shall not permit those discharges which are prohibited by section 3 of this Article. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the superintendent are as follows:

- A. Wastewater containing more than 75 mg/l of fats, grease, petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
- B. Any garbage that has not been properly shredded (see Article I, Sec. 20). 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.
- C. Any water or wastes containing heavy metals, solvents, and similar objectionable or toxic substances to such degree that any such material discharges to the public sewer exceeds the limits established by the Superintendent, the WSPCD, or the National Categorical Pretreatment Standards, as promulgated by the United States Environmental Protection Agency, for such materials.
- D. Any water or wastes containing odor-producing substances exceeding limits which may be established by the Superintendent.

- E. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- F. Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
- G. Water or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- H. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- I. Wastewater with any of the following constituents at concentrations (mg/l) greater than those indicated below may not be discharged to the sanitary sewer:

Aluminum	7.01
Arsenic	0.018
Cadmium	0.051
Chromium	9.37
Copper	1.14
Cyanide	0.64
Lead	0.068
Mercury	0.0012
Nickel	3.72
Silver	0.019
Zinc	11.06

At its discretion, the Town may impose limitations in addition to or in place of the concentration-based limitations above.

The daily maximum allowable discharge standards are concentrations limitations based on total flow from Industrial Users discharging industrial process wastewater to the Town's wastewater treatment facility. If the Industrial User intends to increase its contribution above its current level, the Industrial User must submit a formal request

to the Town for review.

The Town shall review industrial monitoring results. If a significant change in the concentration of a particular pollutant(s) is identified, the Town shall evaluate its current allowable headworks loading value(s) for that particular pollutant(s). If necessary to insure the maximum allowable headworks loading thresholds are not exceeded, the Town shall recalculate and adjust the discharge standards accordingly.

- J. If any of the following sewer screening levels are exceeded in the sewer and the repeat analyses indicate noncompliance with this screening level, then the Industrial User shall implement, within 30 days of receipt of the repeat analysis, a study to evaluate the potential impact of the discharge of this pollutant to the Town collection system or the wastewater treatment facility. This study must be conducted under the supervision and approval of the Town. The screening level for sulfate and chloride shall be adjusted to account for the type of concrete used in sewer construction and the dilution present

chlorine residual	2.0 mg/l
chloride	1500 mg/l
sulfate	1500 mg/l
sulfide	1.0 mg/l
sulfite	2.0 mg/l
oil and grease (total)	75 mg/l

- K. If any individual sewer screening levels based on fume toxicity values are exceeded in the sewer system, the Industrial User may be required at the discretion of the Town to further evaluate the health, flammability and chemical reactivity in the collection system. Such screening levels, generated on the basis of standard conditions, shall be adjusted for the particular conditions applicable to the specific discharge.

<u>POLLUTANT</u>	<u>SCREENING LEVELS (mg/l)</u>
1,1,1 Trichloroethane	1.55
1,2-Dichloropropane	3.62
1,2,4-Trichlorobenzene	0.39
1,3-Dichloropropene	0.08
Acrylonitrile	1.19
Benzene	0.13

Bromomethane	0.002
Carbon disulfide	0.06
Chlorobenzene	2.31
Chloromethane	1.1
Ethyl benzene	1.59
Ethylene dichloride	1.05
Formaldehyde	0.06
Methyl ethyl ketone	249
Methylene chloride	2.06
Phenol	1024
trans-1,2-Dichloroethylene	0.28
Trichlorethylene	0.71
Vinyl chloride	0.004
Vinylidene chloride	0.003

Sec. 5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgment of the Superintendent, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- A. Reject the wastes;
- B. Require pretreatment to an acceptable condition for discharge to the public sewers;
- C. Require control over the quantities and rates of discharge; and/or
- D. Require payment to cover the added cost of handling and treating the wastes.

If the Town permits the pretreatment or equalization of waste flows, the design and installation of the pretreatment facilities shall be subject to the review and approval of the Town, the WSPCD, and subject to the requirements of all applicable codes, Ordinances and laws. Such facilities shall not be connected until said approval is obtained in writing. Such approval shall not relieve the owner of the responsibility of discharging treated waste meeting the requirements of this Ordinance. Plans and specifications for a proposed treatment facility shall be the result of the design of a professional engineer.

Sec. 6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable

oil or grease in excessive amounts, as specified in Section 4 (A), or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms.

Sec. 7. All industrial waste shall be pretreated in accordance with Federal and State regulations and this Ordinance to the extent required by applicable National Categorical Pretreatment Standards, State pretreatment standards or standards established by the Superintendent, whichever is more stringent. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

Sec. 8. When required by the Superintendent, the owner of any property serviced by the building sewer carrying industrial wastes shall install a suitable control structure together with such necessary meters and other appurtenances in the building sewer to facilitate observations, sampling, and measurement of the wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Superintendent. This structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

All industrial users shall perform such monitoring as the Superintendent or duly authorized employees of the Town may reasonably require including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Superintendent. Such records shall be made available upon request by the Superintendent to other agencies having

jurisdiction over discharges to the receiving waters.

- Sec. 9. The Superintendent may require a user of sewer services to provide information needed to determine compliance with this Ordinance. These requirements may include:
- A. Wastewater discharge peak rate and volume over a specified time period.
 - B. Chemical analyses of wastewaters.
 - C. Information on raw materials, processes, and products affecting wastewater volume and quality.
 - D. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
 - E. A plot plan of sewers on the user's property showing sewer and pretreatment facilities.
 - F. Details of wastewater pretreatment facilities.
 - G. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.
- Sec. 10. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the EPA approved methods published in the Code of Federal Regulations, Title 40, Part 136 (40 CFR 136), or if none are available, then with methods specified in the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Superintendent.
- Sec. 11. No Statement contained in this Article, except for section 3, shall be construed as preventing any special agreement or arrangement between the Town and any industrial user whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, provided that such 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 National Categorical Pretreatment Standards.

- Sec. 12. Septic tank waste (septage) will only be accepted into the sewer system at the septage receiving station located at the Hadley Road Pump Station, and at such times as are established by the Superintendent, provided such wastes do not contain toxic pollutants or materials, and provided such discharge does not violate any other special requirements established by the Town. Permits to use such facilities shall be under the jurisdiction of the Superintendent or his duly authorized representatives. The discharge of industrial wastes as "industrial septage" requires prior approval of the WSPCD. Fees for dumping septage will be established as part of the User Charge System. The sewage treatment plant operator acting in behalf of the Town and its Superintendent shall have authority to limit the disposal of wastes, if such disposal would interfere with the treatment plant operation. Procedures for disposal of such wastes shall be in conformance with the operating policy of the Town's wastewater treatment plant supervisor and disposal shall be accomplished under his supervision unless specifically permitted otherwise.
- Sec. 13. It shall be illegal to meet requirements of this sewer Ordinance by diluting wastes in lieu of proper pretreatment.
- Sec. 14. Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharges shall be provided and maintained at the industrial user's expense.
- Sec. 15. Bypass is prohibited except where the bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. The industrial user shall notify the Superintendent immediately in the event of any bypass.
- Sec. 16. A notice shall be permanently posted plainly visible to an industrial user's personnel responsible for managing wastewater discharges, which shall instruct all employees whom to call in the event of a spill, slug discharge, pretreatment upset or bypass. Employers shall insure that all employees who may cause or suffer such a discharge to occur, know of the required notification of the Superintendent.

Sec. 17. If sampling performed by an industrial user indicates a violation, the user shall notify the Town within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Town within 30 days after becoming aware of the violation, except the industrial user is not required to resample if:

(I) The Town performs sampling at the industrial user at a frequency of at least once per month, or

(II) The Town performs sampling at the industrial user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

Sec. 18. No industrial user shall ever increase the use of process water or in any way attempt the 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 in any other pollutant-specific limitation developed by the Town.

ARTICLE VI

INDUSTRIAL PRETREATMENT

Sec. 1. Applicability. All persons discharging industrial process wastes into public or private sewers connected to the Town's wastewater facilities, shall comply with applicable requirements of Federal and State industrial pretreatment regulations (as amended), in addition to the requirements of these INDUSTRIAL PRETREATMENT RULES.

Sec. 2. Industrial Discharge Permit (IDP)

A. IDP Required. Effective 120 calendar days after this provision is adopted by the Town, the discharge of any industrial waste to the Town's wastewater facilities or to a public or private sewer connected to the Town's wastewater facilities by a significant industrial use as defined herein is prohibited without a valid Industrial Discharge Permit (IDP).

B. IDP Application. Within 60 days after the

effective date of these INDUSTRIAL PRETREATMENT RULES, and subsequently when required by the Town, persons subject to these rules shall submit an application for an IDP containing information required under applicable Federal and State industrial pretreatment reporting regulations. Such information, as a minimum, shall include:

- 1) The name and address of the facility, including the name of the operators and owners.
- 2) A list of all environmental permits held by or for the facility.
- 3) A brief description of the nature, average rate of production, and Standard Industrial Classification of the operations carried out at such facility.
- 4) An identification of the categorical pretreatment standards applicable to each regulated process.
- 5) An analysis identifying the nature and concentration of pollutants in the discharge.
- 6) Information showing the measured averaged daily and maximum daily flow, in gallons per day, to the public sewer from regulated process streams and from other streams.
- 7) A schedule of actions to be taken to comply with discharge limitations.
- 8) Additional information as determined by the Town may also be required.
- 9) Any other information which may be needed to meet the baseline monitoring requirements applicable to industrial users subject to National Categorical Pretreatment Standards.

C. Provisions. The IDP will outline the general and specific conditions under which the industrial process waste is accepted for treatment at the Town's wastewater treatment plant. Specifically, included in the agreement are the following:

- 1) Pretreatment and self-monitoring facilities required.

- 2) Type and number of samples, and sampling frequency required.
- 3) Effluent limitations on the industrial process waste.
- 4) Reporting requirements:
 - a) Industrial users shall submit periodic reports as required indicating the nature and concentration of pollutants in the discharge from the regulated processes governed by pretreatment standards and the average and maximum daily flow for these process units. The reports shall state whether the applicable categorical pretreatment standards and effluent limitations are being met on a consistent basis and, if not, what additional operation and maintenance practices and/or pretreatment are necessary. Additional requirements for such reports may be imposed by the Town.
 - b) If an individual user subject to the reporting requirements in the previous paragraph of this section monitors any pollutant more frequently than required by the Town, using procedures prescribed in Article V, Section 10, the results of this monitoring shall be included in the report.
 - c) All industrial users not subject to categorical pretreatment standards and not required to obtain an Industrial Discharge Permit shall provide appropriate reports to the Town as the Superintendent may require.
- 5) Monitoring Records:
 - a) Industrial users subject to the reporting requirements under this Section shall maintain records of information resulting from monitoring activities required to prepare such reports. Such records shall include for each sample:
 - (I) the date, exact place, method and time of sampling and names of person or persons taking the

sample;

(II) The dates analyses were performed;

(III) the laboratory performing the analyses;

(IV) the analytical techniques and methods used; and

(V) the results of such analyses.

b) such records shall be maintained for a minimum of three years and shall be made available for inspection and copying by the Town.

6) Additional Conditions:

a) The permit will be in effect for one year, and the industrial user shall apply for reissuance by submitting a complete permit application in accordance with Article VI, Section 2. B. herein a minimum of sixty (60) days prior to the expiration of the user's existing permit.

b) The permit is nontransferable, and may be revoked by the Town for any one of the following:

(I) Failure to notify the Town of significant changes to the wastewater prior to the changed discharge;

(II) Falsifying self-monitoring reports;

(III) Tampering with monitoring equipment;

(IV) Refusing to allow the Town timely access to the facility premises and records;

(V) Failure to meet effluent limitations;

(VI) Failure to pay fines;

(VII) Failure to pay sewer charges;

(VIII) Failure to meet compliance

schedules;

- (IX) Failure to complete a wastewater survey;
- (X) Failure to provide advance notice of the transfer of a permitted facility; and
- (XI) Violation of any pretreatment standard or requirement or any terms of the permit or the Ordinance.

Permits shall lapse due to: cessation of operations, non use, transfer of ownership, or issuance of a new IDP.

- c) An industry proposing a new discharge or a change in volume or character of its existing discharge must submit a completed IDP application to the Town at least sixty (60) days prior to the commencement of such discharge. The submitted Application must include plans and engineering drawings, stamped by a registered professional engineer, of the proposed pretreatment facilities. Upon approval of the Application by the Town, a discharge Permit Request is submitted by the community to the WSPCD on behalf of the industry. Upon approval of the Discharge Permit Request by the WSPCD, the industry and the Town will enter into a new or amended IDP in accordance with the procedure outlined in this subpart.
- d) Industrial users will be assessed an annual fee by the Town to defray the administrative costs of the IDP program.
- e) The Superintendent may modify the permit for good cause including, but not limited to, the following:
 - (I) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements.
 - (II) To address significant alterations or additions to the industrial user's operation,

processes, or wastewater volume or character since the time of permit issuance.

- (III) A change in the municipal wastewater system that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- (IV) Information indicating that the permitted discharge poses a threat to the Town's municipal wastewater system, Town personnel, or the receiving waters.
- (V) Violation of any terms or conditions of the IDP.
- (VI) Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting.
- (VII) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13.
- (VIII) To correct typographical or other errors in the permit.
- (IX) To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

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

f) Any person, including the industrial user, may petition the Town to reconsider the terms of the permit within ten (10) calendar days of the date of issue under the following conditions:

- (I) Failure to submit a timely petition to reconsider shall be deemed to be a waiver of the right of reconsideration.
- (II) The party requesting reconsideration must indicate

the permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the permit.

(III) The effectiveness of the permit shall not be stayed pending any reconsideration.

(IV) If the Town fails to act within fifteen (15) calendar days, of the receipt of the request for reconsideration the request shall be denied. Decisions not to consider a permit, not to issue a permit, or not to modify a permit shall be considered final administrative action for purposes of judicial review.

(V) Aggrieved parties seeking judicial review of the final administrative permit decision must do so by filing a complaint with the Jaffrey District Court for Cheshire County within the State of New Hampshire.

D. Signature For Reports. The reports required by Section 2,B, Section 2,C,(4),a and Section 3, subsections E and F, shall include the certification as set forth in Section 2,E, and shall be signed as follows:

- 1) By a responsible corporate officer, if the Industrial User submitting the reports required by this Ordinance is a corporation. For the purpose of this paragraph, a responsible corporate officer means (I) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other persons 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 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in

accordance with corporate procedures.

- 2) By a general partner or proprietor, if the Industrial User submitting the reports required by this Ordinance is a partnership or sole proprietorship respectively.
- 3) By a duly authorized representative of the individual designated in paragraph (1) or (2) of this subsection if:
 - (I) The authorization is made in writing by the individual designated in paragraph (1) and (2);
 - (II) The authorization specified either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - (III) The written authorization is submitted to the Town.
- 4) If an authorization under paragraph 3 of this subsection is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph 3 of this subsection must be submitted to the Town prior to or together with any reports to be signed by an authorized representative.

E. Certification. All reports required to be signed as specified in section 2,D shall include the following certification:

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 ensure 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.

Sec. 3. National Categorical Pretreatment Standards

- A. Notification. The Town shall provide timely notification to appropriate industries of applicable categorical pretreatment standards.
- B. Compliance Date for Categorical Standards. Compliance with categorical pretreatment standards shall be achieved within three (3) years of the date such standards are effective, unless a shorter compliance time is specified in the standards.
- C. Amendment to IDP Required. An industrial user subject to categorical pretreatment standards shall not discharge wastewater directly or indirectly to Town wastewater facilities after the compliance date of such standards unless an amendment to this IDP has been issued by the Town.
- D. Application for IDP Amendment. Within 120 days after the effective date of a categorical pretreatment standard, an industry subject to such standards shall submit an application for an IDP Amendment. The application shall contain the information noted under Section 2,B of this Article.
- E. Categorical Compliance Schedule Reports. Each user subject to a compliance schedule as required under Article VI, Sec. 2,B,7, or Federal regulation 40 CFR 403.12(b)(7), shall report on progress toward meeting compliance with these regulations as follows:
 - (1) Not later than 14 days following each date in the schedule, and the final date for compliance, the industrial user shall submit a progress report to the

Town indicating whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply, the reason for the delay, and the steps being taken by the industrial user to return the progress to the schedule established.

- (2) The time for any increment in the schedule, or the interval between reports required in paragraph (1), shall not exceed nine months. An increment is the time between the dates for commencement and completion of major events leading to the construction and operation of pretreatment facilities necessary to achieve compliance with this Ordinance and National Categorical Pretreatment Standards.

F. Report on Compliance with Categorical Standard Deadline. Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new industrial user following introduction of wastewater into the Town sewer, any industrial user subject to pretreatment standards and requirements shall submit to the Town a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and the average and maximum daily flow for these process lines. The report shall state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the industrial user into compliance with the applicable pretreatment standards. This statement shall be signed by an authorized representative (see Sec.2,D) and certified to by a qualified professional engineer.

Sec. 4. Slug Discharge Notification. All industrial users shall notify the Superintendent immediately of all discharges that could cause problems to the wastewater treatment facilities, including any slug loadings as defined in Section 51, Article I. Within five days of the unallowed discharge, the industrial user shall provide the Superintendent with a written report fully describing the unallowed discharge, the pollutants involved, the cause of the unusual discharge and the measures taken and to be taken

to avoid recurrence of the unallowed discharge.

- Sec. 5. Imminent Endangerment. The Town may, after informal notice to the industrial user discharging wastewater to the public sewer, immediately halt or prevent an imminent endangerment to the health and welfare of person, or any discharge presenting, or which may present, an endangerment to the environment, or which threatens to interfere with operation of the public sewer or wastewater treatment facilities. Actions which may be taken by the Town in response to violations of this Ordinance include ex parte judicial injunctive relief, entry on private property to halt such discharge, or demand of specific action by the industry.
- Sec. 6. Monitoring and Surveillance. The Town shall as necessary sample and analyze the wastewater discharges of contributing industrial users, and conduct surveillance and inspection activities to identify, independently of information supplied by such industrial users, occasional and continuing non-compliance with industrial pretreatment standards. Each industrial user will be billed directly for costs incurred for analysis of its wastewater. All industrial users shall allow unrestricted access by Town, WSPCD, and EPA personnel for purposes of investigating and sampling discharges from the industries.
- Sec. 7. Investigations. The Town shall investigate instances of non-compliance with industrial pretreatment standards and requirements.
- Sec. 8. Public Information. Information and data on an industrial user obtained from reports, questionnaires, permit applications, permits, and monitoring programs, and from Town inspection and sampling activities shall be available to the public without restriction unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the Town that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State law.
- a. Wastewater constituents and characteristics and other "effluent data" as defined by 40CFR Sec. 2.302 will not be recognized as confidential information and will be available to the public without restriction.
 - b. When requested and demonstrated by the industrial user furnishing a report that such

information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately upon request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) program, and in enforcement proceedings involving the person furnishing the report.

Sec. 9. 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. The Town shall annually publish, in the Keene Sentinel, a list of the industrial users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

- a. Sixty six percent (66%) or more of wastewater measurements taken during a 6 month period exceed the discharge limit for the same pollutant parameter by any amount;
- b. Thirty-three percent (33%) or more of wastewater measurements taken during a 6 month period equalled or exceeded the product of the daily maximum limit multiplied by 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except ph;
- c. Any other discharge violation that the Town believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of Town personnel or the general public);
- d. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Town's exercise of its emergency authority to halt or prevent such discharge;
- e. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- f. Failure to provide, within 30 days after the due date, any required reports, including

baseline monitoring reports, 90 day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

- g. Failure to report noncompliance; or
- h. Any other violation(s) which the Town has reason to believe is significant.

ARTICLE VII

POWERS AND AUTHORITY OF INSPECTORS

- Sec. 1. The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, inspection and copying of records and testing pertinent to discharge to the wastewater facilities, in accordance with the provisions of this Ordinance.
- Sec. 2. The superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a bearing on the kind and source of discharge to the public sewer. The industrial user may request that the information in question not be made available to the public if it can establish that revelation to the public might result in an advantage to competitors. The information in question shall be made available upon written request to governmental agencies. The burden of proof that information should be held confidential rests with the industrial user. However, information about wastewater discharged by the industrial user (flow, constituents, concentrations, and characteristics) shall be available to the public without restriction.
- Sec. 3. While performing the necessary work on private properties referred to in Article VII, Section 1 above, the Superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company. The company shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the company against loss or damage to this property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused

by negligence or failure of the company to maintain safe conditions as required in Article V, Section 8.

ARTICLE VIII

PENALTIES

- Sec. 1. No person(s) shall break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the wastewater facilities. Any person(s) violating this provision shall be guilty of a misdemeanor.
- Sec. 2. Any person found to be violating any provision of this Ordinance except Section 1 of this Article shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correcting thereof. The offender shall, within the period of time Stated in such notice, permanently cease all violations. The Town may, after informal notice to the person discharging wastewater to the wastewater facilities, immediately halt or prevent any such discharge reasonably appearing to present an imminent endangerment to the health and welfare of person, or any discharge presenting, or which may present, an endangerment to the environment, or which threatens to interfere with the operation of the public sewer or wastewater treatment facilities. Actions which may be taken by the Town in response to violations of this Ordinance include ex parte temporary judicial injunctive relief, entry on private property to halt such discharge, blockage of a public sewer to halt such discharge, or demand of specific action by the person.
- Sec. 3. Any person found to be violating any provisions of this Ordinance except Section 1 of this Article shall be fined in the amount of not to exceed \$10,000 per day of such violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- Sec. 4. Any person violating any of the provisions of this Ordinance shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation.

ARTICLE IX

VALIDITY

- Sec. 1. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
- Sec. 2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE X

ORDINANCE IN FORCE

- Sec. 1. This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.
- Sec. 2. Duly enacted and ordained this 21st day of December, 1913 by the Board of Selectmen of the Town of Jaffrey, in Cheshire County, in State of New Hampshire, at a duly noticed and duly held session of the Board of Selectmen.

Peter B. Dean

Jeanne L. Labrie

Daniel Bellet

Wm. P. Pambolin rec'd 12/21/13
(Town Clerk)