

SEWER USE ORDINANCE



TOWN OF NEWINGTON NEW HAMPSHIRE

APRIL 2000

Prepared For: Newington Sewer Commission
115 Gosling Road
Newington, New Hampshire

Prepared By: Earth Tech, Inc.
500 Southborough Drive
South Portland, Maine

E

INDEX

	Page
PART - 1:	
Article I	Definitions..... 1
Article II	Use of Public Sewer Requirements..... 10
Article III	Private Wastewater Disposal..... 11
Article IV	Building Sewers and Connections 12
Article V	Use of Public Sewers and Prohibited Discharges 15
Article VI	Industrial Pretreatment..... 22
Article VII	Powers and Authorities of Inspectors 41
Article VIII	Violations and Penalties..... 43
Article IX	Validity..... 48
Article X	Ordinance in Force..... 49
PART - 2:	
Article I	Application..... 50
Article II	Plan of Sewer System..... 51
Article III	Duties of the Commission..... 52
Article IV	Limits of Liability 53
PART - 3:	
Article I	User Rates 54

APPENDIX A	Rate Schedule
APPENDIX B	Application for Sewer Connection
APPENDIX C	Over Due Notice
APPENDIX D	Notice of Lien
APPENDIX E	Industrial Discharge Permit Forms

PART - 1

ARTICLE I Definitions

Unless a provision explicitly states otherwise, the meaning of terms used in this Sewer Use Ordinance shall be as follows:

- Sec. 1 “Accessibility fee” shall mean a fee paid at the time of application for a sewer permit.
- Sec. 2 “Biochemical Oxygen Demand (BOD)” shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at 20 degrees centigrade, expressed as a concentration in milligrams per liter.
- Sec. 3 “Biosolids” shall mean the organic solid or semi-solid material by-product of the wastewater treatment processes, formerly referred to as sludge.
- Sec. 4 “Building drain” shall mean 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 (1.5 meters) outside the inner face of the building wall.
- Sec. 5 “Building sewer” shall mean the extension from the building drain to the public sewer or other place of disposal, also called the house connection.
- Sec. 6 “Bypass” shall mean the intentional diversion of waste streams from any portion of a wastewater treatment facility.
- Sec. 7 “Combined sewer” shall mean a sewer intended to receive both wastewater and storm or surface water.
- Sec. 8 “Commercial user” shall mean all retail stores, restaurants, office buildings, laundries, and other private business and service establishments.
- Sec. 9 “Commission” shall mean the Newington Sewer Commission.
- Sec. 10 “Commission’s Authorized Representative” shall mean the person designated by the Town to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Ordinance, or a duly authorized deputy, agent or representative.
- Sec. 11 “Connection fee” shall mean the cost to cover the administration and inspection of sewer connections.
- Sec. 12 “Domestic wastewater” or “sanitary sewage” shall mean normal water-carried household and toilet wastes or waste from sanitary conveniences of residences, commercial buildings, and industrial buildings, excluding ground, surface or stormwater.

- Sec. 13 “Enterprise fund” shall mean a system of finance similar to a business system where the cost of operation is paid solely by user fees. The Town financial management system.
- Sec. 14 “Equivalent use” shall mean the system of charges where no water meters are in use and the charges are based on a standard volume of water used.
- Sec. 15 “Existing source” shall mean 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.
- Sec. 16 “Floatable oil” shall mean 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 POTW.
- Sec. 17 “Floor drain” shall mean the part of the drainage system located inside the building that conveys waste into the building drain.
- Sec. 18 “Garbage” shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.
- Sec. 19 “Grab Sample” shall mean a sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- Sec. 20 “Grease” shall mean 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.
- Sec. 21 “Hauler” shall mean 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.
- Sec. 22 “Industrial Discharge Permit” or “IDP” shall mean the written permit between the Town and an industrial user that outlines the conditions under which discharge to the POTW will be accepted.
- Sec. 23 “Industrial User” shall mean a person who discharges industrial wastes to the POTW of the Town.
- Sec. 24 “Industrial septage” shall mean any liquid, solid, or sludge pumped from chemical toilets, vaults, septic tanks, or cesspools or other holding tanks, that have received industrial wastes or non-domestic wastewater.

- Sec. 25 “Industrial wastes” or “Non-Domestic wastewater” shall mean the wastewater and water borne 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.
- Sec. 26 “Indirect discharge” or “Discharge” shall mean the introduction of pollutants into the POTW from any non-domestic source regulated under Section 307 (b), (c), or (d) of the Clean Water Act.
- Sec. 27 “Infiltration/Inflow (I/I)” shall mean seepage from the ground or flow from surface sources, respectively, that occur in the system.
- Sec. 28 “Instantaneous Discharge Limit” shall mean 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.
- Sec. 29 “Interference” shall mean a discharge by an industrial user which alone or in conjunction with discharges by other sources inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal and which is a cause of a violation of any requirement in the POTW’s National Pollutant Discharge Elimination System (NPDES) permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the POTW in accordance with groundwater protection rules, Ws 410, solid waste rules, He-P 1901, hazardous waste rules, He-P 1905 and Appendix III, the Protection Research and Sanctuaries Act.
- Sec. 30 “Local limits” shall mean the numerical limitations on the discharge of pollutants established by the Town, as distinct from State or federal limitations for non-domestic wastewater discharged to the POTW.
- Sec. 31 “May” is permissive (see “shall”).
- Sec. 32 “Meter or water meter” shall mean a water measuring and recording device which is approved by the Town and furnished and installed at the users expense.
- Sec. 33 “National Categorical Pretreatment Standard” or “Categorical Pretreatment Standard” shall mean any regulations containing pollutant discharge limits promulgated by EPA in accordance with Section 307 (b) and (c) of the Clean Water Act (33 U.S.C. § 1317), which apply to a specific category of industrial users and which are found in the code of Federal Regulations 40 CFR, Chapter I, Subchapter N, Parts 405 - 471.
- Sec. 34 “NHDES” shall mean the New Hampshire Department of Environmental Services or its successors.
- Sec. 35 “National Pollutant Discharge Elimination System Permit or NPDES Permit” shall mean a permit issued pursuant to Section 402 of the Clean Water Act (33 U.S.C. § 1342).

Sec. 36 “Natural outlet” shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or any other body of surface or groundwater.

Sec. 37 “Normal domestic wastewater” shall mean wastewater generated by residential users containing not more than 200 mg/L BOD and not more than 250 mg/L suspended solids.

Sec. 38 “New source” shall mean 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:

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:

- (1) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- (2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (3) 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:

- (1) 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

(2) 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 28 A. (2) or A. (3) above but otherwise alters, replaces, or adds to existing process or production equipment.

Sec. 39 “Non-Contact cooling water” shall mean water used for cooling that does not directly contact any raw material, intermediate product, waste product, or finished product.

Sec. 40 “Operation and maintenance” shall mean those functions that result in expenditures during the useful life of the wastewater facilities for materials, labor, utilities and other items which are necessary for managing and maintaining the facilities to achieve the capacity and performance for which these facilities were designed and constructed. The term operation and maintenance includes replacement as defined herein.

Sec. 41 “Pass through” shall mean the discharge of pollutant through the POTW into surface water 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 Town’s NPDES (NPDES) permit (including an increase in the magnitude or duration of a violation) or of applicable water quality criteria.

Sec. 42 “Person” shall mean any individual, firm, company, association, society, corporation, group, partnership, municipality, governmental subdivision or other entity.

Sec. 43 “pH” shall mean a logarithmic measure devised to express the hydrogen-ion concentration of a solution, expressed in Standard Units. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} . Solutions with pH values greater than 7 are basic (or alkaline); solutions with pH values less than 7 are acidic.

Sec. 44 “Pollutant” shall mean dredged soil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Sec. 45 “Pollution prevention” shall mean 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.

- Sec. 46 “Pretreatment” shall mean 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.
- Sec. 47 “Pretreatment requirements” shall mean any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- Sec. 48 “Pretreatment standards” or “Standards” shall mean prohibited discharge standards and local limits.
- Sec. 49 “Prohibited discharge standards” or “Prohibited discharges” shall mean absolute prohibitions against the discharge of certain substances as identified in Part 1, Article V of this Ordinance.
- Sec. 50 “Properly shredded garbage” shall mean 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.
- Sec. 51 “Public Sewer” shall mean 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.
- Sec. 52 “Publicly Owned Treatment Works” or “POTW” shall mean a wastewater treatment works, as defined by Section 212 of the Clean Water Act (33 U.S.C. 1292) that is owned by the Town. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or industrial waste of a liquid nature. It also includes sewers, pipes and other conveyances only if these structures convey wastewater to a POTW wastewater treatment works. 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.
- Sec. 53 “Residential user” shall mean any contributor to the facility whose lot, parcel, real estate, or building is used for domestic dwelling purposes only.
- Sec. 54 “Replacement” shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance for which the facility was designed and constructed.
- Sec. 55 “Sanitary sewer” shall mean 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.

- Sec. 56 “Screening level” means that 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 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.
- Sec. 57 “Semi-Public use” shall mean premises of private, non-profit organizations such as schools, hospitals, and religious institutions.
- Sec. 58 “Septage” or “Septic tank waste” shall mean any liquid, solid, or sludge pumped from chemical toilets, vaults, septic tanks, or cesspools or other holding tanks, that have received only domestic wastewater.
- Sec. 59 “Sewage” shall mean the spent water of a community. The preferred term is “wastewater,” and is comprised of human excrement and gray water (household showers, dishwashing operations, etc.).
- Sec. 60 “Sewer” shall mean a pipe or conduit that carries wastewater, stormwater, groundwater, surface water, or unpolluted water from any source.
- Sec. 61 “Sewer Commission” shall mean the Newington Sewer Commission.
- Sec. 62 “Sewer rental” shall mean the fee paid by the user for the services received as used in RSA 149-I.
- Sec. 63 “Sewer service area” shall mean the area within one hundred (100) feet of a public sewer.
- Sec. 64 “Shall” is mandatory (see “may”).
- Sec. 65 “Significant industrial user” shall mean an industrial user subject to categorical pretreatment standards under 40 CFR 403.8 and 40 CFR Chapter I, Subchapter N; or any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW; or is designated as such by the Town on the basis that the industrial user has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement. Upon determining that a user meeting the above criteria has no reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement, the Town may at any time, on its own initiative or in response to a petition received from an industrial 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.

- Sec. 66 “Slug” shall mean 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 flows during normal operation; or which could cause a violation of the prohibited discharge standards in Part 1, Article VI of this Ordinance; or which shall adversely affect the collection system and/or performance of the wastewater treatment works.
- Sec. 67 “Special assessment” shall mean the charge for extending sewers to a new area of the Town.
- Sec. 68 “Standard industrial classification (SIC) code” shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
- Sec. 69 “State” shall mean the State of New Hampshire.
- Sec. 70 “Storm drain” or “Storm sewer” shall mean a drain or sewer for conveying stormwater, groundwater, subsurface water or unpolluted water from any source.
- Sec. 71 “Storm water” shall mean any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- Sec. 72 “Suspended solids” or “TSS” shall mean the total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Wastewater.”
- Sec. 73 “Town” shall mean the local authority for matters concerning wastewater facilities.
- Sec. 74 “Treatment Plant, Treatment Works, or Treatment Facility” shall mean any device or system used in the storage, treatment, equalization, recycling or reclamation of wastewater and/or wastewater sludges as defined herein.
- Sec. 75 “Unpolluted water” shall mean water of quality equal to or better than the State Water Quality Standards (Part Env-Ws 430 through Env-Ws 440) or water that would not cause a violation of receiving water quality standards and would not be benefited by discharge to the POTW.
- Sec. 76 “Useful life” shall mean the estimated period during which the facility will be operated.
- Sec. 77 “User” or “Industrial user” shall mean a source of pollutants introduced into the POTW from any non-domestic source regulated under Section 307 (b), (c), or (d) of the Clean Water Act.
- Sec. 78 “User charge” shall mean a charge levied on the users of a facility for the cost of operation, maintenance, replacement, capital expenditures and debt service.

- Sec. 79 “Wastewater” shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which are contributed to the POTW.
- Sec. 80 “Wastewater facilities” shall mean the structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.
- Sec. 81 “Wastewater treatment works” shall mean an arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with “waste treatment plant” or “wastewater treatment facility” or “water pollution control plant.”
- Sec. 82 “Water course” shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

ARTICLE II
Use of Public Sewer Requirements

- 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, 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, or in any area under jurisdiction of said Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance and with federal, state and local requirements.
- 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 in any area where a public sewer is available.
- Sec. 4 The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within Newington and abutting on any street, alley, or right-of-way in which a public sanitary sewer of Newington 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 subsequent to the date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the said house or building.
- Sec. 5 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.
- Sec. 6 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.
- Sec. 7 No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment that is part of this POTW.

ARTICLE III
Private Wastewater Disposal

- Sec. 1 Where a public sanitary sewer is not available under the provisions of Part 1, Article II, Section 4, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Article and the provisions of RSA 485-A:29-44 and rules promulgated thereto.
- Sec. 2 Before commencement of construction of a private wastewater disposal system the owner(s) shall first obtain design approval from the Water Department of Environmental Services and a written permit signed by the Commission's Authorized Representative. The application for such permit shall be made on a form furnished by the Town of Newington, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Commission's Authorized Representative. A permit and inspection fee of fifty dollars (\$50.00) shall be paid to the Town of Newington at the time the application is filed.
- Sec. 3 A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Commission's Authorized Representative. The Commission's Authorized Representative shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Commission's Authorized Representative when the work is ready for final inspection, and before any underground portions are covered.
- Sec. 4 The type, capacities, location, layout and installation (including inspection) of a private wastewater disposal system shall comply with all requirements of the New Hampshire Department of Environmental Services (NHDES).
- No permit shall be issued for any new private wastewater disposal system employing subsurface soil absorption facilities where the lot area is less than is required by subdivision lot size requirements of the NHDES. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- Sec. 5 At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Part 1, Article II, Section 4, a direct connection shall be made to the public sewer within 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, and at no expense to the Town of Newington. 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 pursuant to RSA 147:8.

ARTICLE IV
Building Sewers and 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 written permission from the Commission's Authorized Representative.
- Sec. 2 There shall be two classes of building sewer permits: (1) for residential and commercial service producing only domestic wastewater, and (2) for 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 supplemented by any plans, specifications, or other information considered pertinent in the judgement of the Commission's Authorized Representative. A permit and inspection fee of fifty (\$50.00) dollars for a residential or commercial building sewer permit and fifty dollars (\$50.00) for an industrial building sewer permit shall be paid to the Town at the time the application is filed.
- Sec. 3 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.
- 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 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 Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the Commission's Authorized Representative, 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 and NHDES rules Env-Ws700. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials (ASTM) and Water Environment Federation (WEF) Manual of Practice No. FD-5 shall apply.

- Sec. 7 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 Town, 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.
- Sec. 8 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 carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the owner's expense.
- Sec. 9 No person(s) shall make connection of roof down spouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer.
- Sec. 10 The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the ASTM and WEF Manual of Practice No. FD-5. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Commission's Authorized Representative before installation.
- Sec. 11 The applicant for the building sewer permit shall notify the Commission's Authorized Representative 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 Commission's Authorized Representative. This requirement shall also apply to repairs or alterations to building connections, drains, or pipes thereto.
- Sec. 12 Suitable provisions shall be made at the point of connection for testing, which responsibility shall rest with the holder of the sewer connection permit.
- Sec. 13 No building sewer shall be covered until it has been inspected and approved by the Commissioner's Authorized Representative. If any part of building sewer is covered before being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to the public sewer.
- Sec. 14 The Commissioner's Authorized Representative shall maintain a record of all connections made to public sewers and drains under this Ordinance and all repairs and alterations made to building connections or drains connected to or discharging into public sewers and drains of the Town or intended to so discharge. All persons concerned shall assist the Commissioner's Authorized Representative in securing the data needed for such records.

- Sec. 15 All excavations for building sewer installation shall be adequately guarded with barricades and lights 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. 16 Any person proposing a new discharge into the system, or a discharge of listed or characteristic waste, or an increase in the volume, or in the strength or character of pollutants that are discharges beyond limits previously permitted into the system shall notify the Sewer Commission at least 60 days prior to the proposed change or connection. Proposed new discharges from residential or commercial sources involving loading 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 New Hampshire Department of Environmental Services (NHDES).

ARTICLE V
Use of Public Sewers and Prohibited Discharges

- 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.
- 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 Commission's Authorized Representative. Industrial cooling water or process waters, or stormwater runoff generated in areas of industrial activity (as defined in 40 CFR Part 122) require a NPDES permit prior to discharge to a storm sewer or natural outlet.
- Sec. 3 A. No person shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes pass through or interfere with operation or performance of the POTW.
- B. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.
 - (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 pH lower than 5.0 or higher than 12.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
 - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference 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 sufficiently hot to cause the influent at the wastewater treatment facilities to exceed 104 degrees Fahrenheit (40 degrees Centigrade) or cause inhibition of biological activity in the POTW.

- (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- (7) Pollutants which 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) Any trucked or hauled pollutants, except at discharge points designated by the Commission's Authorized Representative.
- (9) Medical wastes 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) Hazardous wastes including but not limited to paints, stains, thinners, pesticides, herbicides, anti-freeze, transmission and brake fluids, motor oil and battery acid.

Sec. 4 The following described substance, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability, the Commission's Authorized Representative will give consideration to such factor as the quantity of subject 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 plant, and other pertinent factors. The Commission's Authorized Representative 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 wastewater discharged to the sanitary sewer which shall not be violated without approval of the Commission's Authorized Representative are as follows:

- A. Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.
- B. Wastewater containing more than 100 milligrams per liter of oil and grease or floatable oil not limited by paragraphs A of this Section.
- C. Any garbage that has not been properly shredded (see Part 1, Article I). 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 of the premises or when served by caterers.

- D. Any waters or wastes containing heavy metals, solvents, and similar objectionable or toxic substances to such degree that any such material discharged to the public sewer exceeds the limits established by the Commission's Authorized Representative, the NHDES, or the National Categorical Pretreatment Standards, as promulgated by the U.S. Environmental Protection Agency, for such materials.
- E. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Commission's Authorized Representative.
- F. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Commission's Authorized Representative in compliance with applicable state or federal regulations.
- G. Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
- H. Waters or wastes containing substances which are not amenable to treatment by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the permitted discharge.
- I. Any water or wastes that, 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.
- J. Wastewater with any of the following constituents at concentrations greater than those indicated below:

	<u>Mg/l</u>
Arsenic	0.2
Cadmium	0.01
Chromium (Hexavalent)	0.5
Copper	0.5
Cyanide, total	0.05
Lead	0.05
Mercury	0.05
Nickel	0.5
Zinc	0.04
Silver	1.0

- K. Wastewater which has a concentration of any pollutant above the following screening levels. Such screening levels, generated on the basis of standard conditions, shall be adjusted for the particular conditions applicable to the specific discharge. Fume toxicity screening levels shall be adjusted when administered as limits to account for the pH, temperature, dilution, other toxic fumes and ventilation present at the site of the particular discharge. The screening level for sulfate shall be adjusted when administered as a limit to account for the type of concrete used in sewer construction and the dilution present.

Sulfate (SO ₄)	150/1000
Sulfide	1.00
Sulfite	2.00

- L. Excessive discoloration (such as, but not limited to, dye washes and vegetable tanning solutions);
- M. Unusual BOD, chemical oxygen demand, or chlorine requirements in such qualities as to constitute a significant load on wastewater treatment works;

Sec. 5 If any waters or wastes are discharged or are proposed to be discharged to the POTW, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgement of the Commission's Authorized Representative, may have a deleterious effect upon the POTW, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Commission's Authorized Representative may, subject to limitations in Section 3 and 11 of this Article:

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

Such facilities shall not be connected to the sanitary sewer 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 pretreatment facility shall be the result of the design of a professional engineer registered in New Hampshire.

- Sec. 6 Grease, oil, and sand interceptors shall be provided on floor drains and other applications when, in the opinion of the Commission's Authorized Representative, they are necessary for the proper handling of liquid wastes containing floatable oil or grease in excessive amounts, as specified in Section 4(B) or this Article, or any flammable wastes, sand, or other harmful ingredients, except that such interceptors or floor drains shall not be required for private living quarters or dwelling units. All interceptors or floor drains shall be of a type and capacity approved by the Commission's Authorized Representative, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors or floor drains 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 Commission's Authorized Representative. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms. At all floor drains, signage shall be provided at the owner's expense, except for private living quarters or dwelling units, prohibiting the dumping of hazardous wastes as identified in Part 1, Article V of this Ordinance.
- 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 Commission's Authorized Representative, 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 Commission's Authorized Representative, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure together with such necessary meters and other appurtenances in the building sewer to facilitate observations, sampling, and measurement of the wastes. Such structure, when required, shall be constructed in accordance with plans approved by the Commission's Authorized Representative. The 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 Sewer Commission 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 Sewer Commission. Such records shall be made available upon request by the Sewer Commission to other agencies having jurisdiction over discharges to the receiving waters.

- Sec. 9 The Commission's Authorized Representative 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 rates and volume over a specified time period.
 - B. Chemical analysis of wastewater.
 - 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 facility location.
 - F. Plans & specifications 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 analysis of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with 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, locations, times, duration, and frequencies are to be determined on an individual basis subject to approval by the Commission's Authorized Representative.
- Sec. 11 No statement contained in this Article, except for Section 3 of this Article, 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) may be accepted into the sewer system at a designated receiving structure within the treatment plant area, and at such times as are established by the Commission's Authorized Representative, 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 of Newington.

Permits to use such facilities shall be under the jurisdiction of the Newington Sewer Commission or their duly authorized representatives. The discharge of industrial wastes as “industrial septage” requires prior approval by the NHDES. 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 of Newington and its Sewer Commission shall have authority to limit the disposal of such wastes, if such disposal would interfere with the treatment plant operation or violate the NPDES permit. Procedures for the disposal of such wastes shall be in conformance with the operating policy of the Town of Newington’s sewage 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 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 Commission’s Authorized Representative 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 discharge to occur, know of the required notification of the Commission’s Authorized Representative.
- Sec. 17 If sampling performed by an industrial user indicates a violation, the user shall notify the Town of Newington 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 that the industrial user is not required to resample if: (1) The Town performs sampling at the industrial user at a frequency of at least once per month, or (2) 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.

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 provide wastewater treatment to comply with this Ordinance and shall achieve compliance with all applicable requirements of federal and state industrial pretreatment regulations (as amended), categorical pretreatment standards, local limits, and prohibitions. 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 Commission's Authorized Representative for review, and shall be acceptable to the Commission's Authorized Representative and the NHDES before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Town under the provisions of this Ordinance.
- Sec. 2 Pretreatment Measures. Whenever deemed necessary to protect the POTW and determine the user's compliance with the requirements of this Ordinance, the Commission's Authorized Representative may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary.

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

Grease, oil, and sand interceptors shall be provided on floor drains and other applications at the owner's expense when, in the opinion of the Commission's Authorized Representative, these devices are necessary for the preliminary treatment of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors or floor drains shall not be required for residential users. All interception units or floor drains shall be of a type and capacity approved by the Commission's Authorized Representative and shall be so located to be easily accessible for cleaning and inspection. Such interceptors or floor drains 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 Commission's Authorized Representative. Any removal and hauling of the collected materials shall be performed by currently licensed waste disposal firms. At all floor drains, signage shall be provided at the owner's expense prohibiting the dumping of hazardous wastes as identified in Part 1, Article V of this Ordinance.

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

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.

Sec. 3 Accidental Discharge/Slug Control Plans. At least once every two (2) years, the Commission's Authorized Representative shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Commission's Authorized Representative may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Commission's Authorized Representative may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Commission's Authorized Representative of any accidental or slug discharge, as required by 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.

Sec. 4 Pollution Prevention Plans. In accordance with the provisions of this Ordinance, the Commission's Authorized Representative may require any person discharging wastes into the POTW to develop and implement, at that person's own expense, a pollution prevention plan. The Commission's Authorized Representative may require users to submit as part of the pollution prevention plan information that demonstrates adherence to the following elements:

- A. Management Support. For changes to be effective, the visible support of top management is required. Management's support should be explicitly stated and include designation of a pollution prevention coordinator, goals, and time frames for reductions in volume and toxicity of wastestreams, and procedures for employee training and involvement.
- B. Process Characterization. A detailed process waste diagram shall be developed that identifies and characterizes the input of raw materials, the outflow of products, and the generation of wastes.
- C. Waste Assessment. Estimates shall be developed for the amount of wastes generated by each process. This may include establishing and maintaining waste accounting systems to track sources, the rates and dates of generation, and the presence of hazardous constituents.

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

- (1) Reduced raw material purchases;
- (2) Avoidance of waste treatment, monitoring and disposal costs;
- (3) Reductions in operations and maintenance expenses;
- (4) Elimination of permitting fees and compliance costs; and
- (5) Reduced liabilities for employee/public exposure to hazardous chemicals and cleanup of waste disposal sites.

E. Development of Pollution Prevention Alternatives. Current and past pollution prevention activities should be assessed, including estimates of the reduction in the amount and toxicity of waste achieved by the identified actions. Opportunities for pollution prevention must then be assessed for identified processes where raw materials become or generate wastes. Technical information on pollution prevention should be solicited and exchanged, both from inside the organization and out.

F. Evaluation and Implementation. Technically and economically feasible pollution prevention opportunities shall be identified and an implementation timetable with interim and final milestones shall be developed. The recommendations that are implemented shall be periodically reviewed for effectiveness.

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

Sec. 5 Industrial Discharge Permit (IDP)

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

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 herein.

No significant industrial user shall discharge wastewater into the POTW without first obtaining an Industrial Discharge Permit from the Commission's Authorized Representative, except that a significant industrial user that has filed a timely and complete application pursuant to this Ordinance may continue to discharge for the time period specified therein.

The Commission's Authorized Representative may require other users to obtain Industrial Discharge Permits, or submit an application for an Industrial Discharge Permit, as necessary to execute the purposes of this Ordinance.

Any violation of the terms and conditions of an Industrial Discharge Permit shall be deemed a violation of this Ordinance and shall subject the industrial discharge permittee to the enforcement actions set out in Sections 10 through 12 of this Article. 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.

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

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 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 Commission's Authorized Representative.

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 this Ordinance, shall be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

- B. IDP Application. Within 60 days after the effective date of these rules, and subsequently when required by the Town of Newington, 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) An indication of whether the conditions referenced in the application are for an existing discharge or proposed discharge.
- (2) The name, physical address and mailing address of the facility; the name, address and telephone number of the owner(s); the name and telephone number of the responsible individual at the facility who has been designated as the signatory authority in responsible charge of the facility and who has certified the permit application; and the name and telephone number of the person to contact concerning information provided in the permit application.
- (3) Signature of Authorized Representative, as defined in the Industrial Wastewater Discharge Permit Application, with representative's title and signature date.
- (4) A list of all environmental permits (description and permit number) held by or for the facility, including any federal, State or local environmental permit(s).
- (5) A copy of the Slug Control Plan (as defined in the Industrial Discharge Permit Application) established for the facility if one is available.
- (6) A copy of all existing pollution prevention plans and/or description of all known pollution prevention opportunities that may exist at the facility.
- (7) A brief description of the nature, average rate of production, and Standard Industrial Classification (SIC) code of the operations carried out at the facility.
- (8) A list of all processes in any of the industrial categories (subject to National Categorical Pretreatment Standards), regardless of whether any of the processes generates wastewater or waste sludge.
- (9) Any other information which may be needed to meet the baseline monitoring requirements applicable to industrial users subject to National Categorical Pretreatment Standards.
- (10) An analysis identifying the nature and concentration of pollutants in the discharge.
- (11) Information pertaining to whether or not the processes at the facility are subject to seasonal variations and an explanation of the periods of peak operations and production at the facility.
- (12) A description of each product or service produced at the facility by type, amount, process or processes, average rate of production, and how often.

- (13) Schematic Flow Diagram: A diagram showing the flow of materials, products, water, or wastes from the start of the activity to its completion, showing all unit processes for each major activity that generates or will generate wastewater, provide. An indication of which processes use water and which generate wastestreams, including the average daily volume and maximum daily volume of each wastestream (new facilities may estimate). If estimates are used for flow data, this must be indicated.
- (14) Building Layout Diagram: An overall site plan, floor plans for each building, mechanical and plumbing plans (including locations of water/flow meters), and details to show all sanitary and storm sewer lines, floor drains, signage prohibiting dumping of hazardous waste, monitoring equipment and pretreatment facilities, chemical storage areas, numbered unit processes (see Schematic Flow Diagram), wells and appurtenances by size, location, and elevation and all points of discharge and sampling locations.
- (15) Potential Expansion Plans: A description of potential expansion plans within the next 3 to 5 years, including a description of possible impacts on wastewater discharges to the sewer.
- (16) Notification to the Town of Newington of any proposed or existing discharge of listed or characteristic hazardous waste (as required by 40 CFR 403.12.12 (p)).
- (17) In those instances in which the industrial user provides notification of the discharge of hazardous waste, the industrial user shall also provide the following certification:

“I certify that [the company] has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree [the company] has determined to be economically practical.”
- (18) Working shift information showing the number of employees working per shift, including the number of hours for each day of the week.
- (19) Information showing the measured water usage and discharge (average day and maximum day flow) in gallons per day to the public sewer from domestic sources, regulated process streams and from other streams. Information showing the measures water usage and discharge (average day and maximum day flow) in gallons per day other than to the public sewer from domestic sources, regulated process streams and from other streams. An indication of whether or not the maximum flows reported are expected to change within the next year and what the expected change will be.
- (20) A description of the flow characteristics of continuous/batch/intermittent process discharges consisting of the estimated average, maximum and total daily flow for each discharge source and the time and duration of the discharges.

- (21) A list of the past four quarters of water usage from City water bills, indicating the year, quarter, and water use in cubic feet.
- (22) A schedule of actions to be taken to comply with discharge limitations.
- (23) A description of any raw water treatment processes employed at the facility.
- (24) A description of any water recycling or material reclaiming process used and a list of practices that reduce or eliminate the creation of pollutants or wastes at the source.
- (25) A description of any wastewater treatment equipment or processes in use and processes from which they receive wastewater.
- (26) Plans and specifications (if not previously submitted to the Newington POTW) covering any existing or proposed pretreatment facilities.
- (27) Information pertaining to the wastewater discharged from buildings, including the sewer connection location, indication of where the discharge connects to, and the average volume in gallons per day discharged.
- (28) A description of any liquid wastes that are hauled away for disposal, if any, including the type of waste, name of waste hauler and the disposal site.
- (29) A description of all sampling locations, including the manufacturer and model type of sampler and the location of the sampler.
- (30) A description of all flow meters, including the manufacturer and model type of flow meter and the location of the meter.
- (31) Wastewater testing analysis results for all analytes as required by the Industrial Discharge Permit Application, including chain of custody forms and analytical results obtained from a State of New Hampshire certified laboratory for each discharge point in the Newington sewer system. All monitoring and analytical procedures must comply with procedures specified in 40 CFR Part 136.
- (32) Each type and amount of raw materials, chemicals and/or pollutants used at the facility, including process or purpose, amount used per year, and estimated percent loss to sewer.
- (33) Additional information as determined by the Town of Newington may also be required.

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

- (1) Pretreatment and self-monitoring facilities required.
- (2) Parameters to be monitored, type of samples and monitoring frequencies required.
- (3) Location of sampling site.
- (4) Notification by the industrial user of slugs, bypass or noncompliance.
- (5) Penalties for noncompliance.
- (6) Compliance schedules.
- (7) Effluent limitations on the industrial process waste.
- (8) Reporting requirements.
 - (a) Industrial users shall submit periodic reports as required, but not less than semiannually, indicating the nature and concentration of pollutants in the discharge from the regulated processes governed by pretreatment standards and the average and maximum daily flow for 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 of Newington.
 - (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 Part 1, Article V, the results of this monitoring shall be included in the report.
- (9) 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. Information shall include an identification of pollutants requiring pollution prevention reports for pollutants to be monitored, for each sample:
 - (i) the date, exact location of sampling, method and time of sampling and the name(s) of person(s) taking the sample;
 - (ii) the date analyses were performed;
 - (iii) the laboratory performing the analyses;
 - (iv) the analytical technique and methods used; and
 - (v) the results of such analyses.
 - (b) Such record shall be maintained for a minimum of five years and shall be made available for inspection and copying by the Town of Newington.

(10) Additional Conditions.

- (a) The permit will be in effect for one year, and will be automatically renewed for one year periods by issuance on the anniversary, of a revised cover page or complete IDP, unless the applicant is notified otherwise by the Town of Newington.
- (b) The Permit is non-transferable, and may be revoked by the Town of Newington for noncompliance, or modified so as to conform to discharge limitations requirements that are enacted by Federal or State Rules and/or Regulations.
- (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 of Newington at least 60 days prior to the commencement of such discharge. The submitted Application must include plans and engineering drawings, stamped by a professional engineer registered in New Hampshire, of the proposed pretreatment facilities. Upon approval of the Application by the Town of Newington, a Discharge Permit Request is submitted by the community to the NHDES on behalf of the industry. Upon approval of the Discharge Permit Request by the NHDES, 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 cost of the IDP program.

D. IDP may contain, as deemed necessary by the Commission's Authorized Representative:

- (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;

- (7) Other conditions as deemed appropriate by the Commission's Authorized Representative to ensure compliance with this Ordinance, and State and federal laws, rules, and regulations.

E. Signature for Reports. The reports required in this Article shall include the certification as indicated 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 (1) a president, manager, 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 (2) the manager of one or more manufacturing, production, or operation facilities.
- (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 sub-section if:
 - (a) The authorization is made in writing by the individual described in paragraph (1) or (2);
 - (b) 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 manger, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - (c) The written authorization is submitted to the Town of Newington.
- (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 sub-section must be submitted to the Town prior to or together with any reports to be signed by an authorized representative.

F. Certification. All reports required to be signed as specified in Section 2.D of this Article 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 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."

Sec. 6 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 Newington's wastewater facilities after the compliance date of such standards unless an Amendment to its IDP has been issued by the Town of Newington.
- 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 Part 1, Article VI, Section 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 9 months. An increment is the time between the dates for commencement and completion of major events leading to the 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 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 and certified by a qualified professional engineer.
- Sec. 7 Slug discharge Notification. All industrial users shall notify the Commission’s Authorized Representative immediately of all discharge which could cause problems to the wastewater treatment facilities, including any slug loadings as defined in Part 1, Article I. Within five (5) days of the unallowed discharge, the industrial user shall provide the Commission’s Authorized Representative 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. 8 Imminent Endangerment. The Town may, after informal notice to the industrial user discharging wastewater to the public sewer, 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 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, blockage of a public sewer to halt such discharge, or demand of specific action by the industrial user.
- Sec. 9 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, WSPD, and EPA personnel for the purposes of investigating and sampling discharges from the industries.
- Sec. 10 Investigations. The Town shall investigate instances of non-compliance with industrial pretreatment standards and requirements.
- Sec. 11 Public Information. Information and data submitted to the Town under this Part relating to wastewater discharge characteristics shall be available to the public without restriction. Other such information shall be available to the public at least to the extent provided by 40 CFR Section 2.302.

Sec. 12 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. A list of significant violators shall be published in the *Portsmouth Herald*, *Foster's Daily Democrat*, or the largest local newspaper circulated in the Town at least annually.

Sec. 13 Pollution Prevention Achievements. The Town shall publish annually, in the *Portsmouth Herald*, *Foster's Daily Democrat*, or the largest local newspaper circulated in the Town, a list of users who during the previous twelve months demonstrated a commitment to reducing the volume and toxicity of waste discharges. All pollution prevention efforts are subject to recognition. The following criteria shall be used to evaluate users:

- A. Innovative ideas the facility has used to implement process changes that eliminate or reduce the volume or toxicity of waste generated;
- B. The percentage of the facility's process water reused within the system or process;
- C. The percentage of the facility's potential waste reused within the system or process;
- D. Implementation of employee pollution prevention training and communication programs;
- E. Voluntary performance of pollution prevention audits;
- F. Spill control procedures/devices (e.g., secondary containment) the facility implements to prevent accidental chemical spills from entering the sewer system; and
- G. The environmental and/or economic benefits or successes derived from implementing pollution prevention methods.

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

Sec. 14 Industrial Discharge Permit Appeals. Any person, including the user, may petition the Commission's Authorized 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 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 Commission's Authorized Representative 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 this Ordinance.

Sec. 15 Industrial Discharge Permit Modification. The Commission's Authorized Representative may modify an Industrial Discharge Permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised federal, State, or local pretreatment standards or requirements;
- B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of Industrial Discharge Permit issuance;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the Town's POTW, Town personnel, or the water quality in the receiving waters;
- E. Violation of any terms or conditions of the Industrial Discharge Permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the Industrial Discharge Permit application or in any required reporting;
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- H. To correct typographical or other errors in the Industrial Discharge Permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

Sec. 16 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 Commission's Authorized Representative, and the Commission's Authorized Representative approves the Industrial Discharge Permit transfer. The notice to the Commission's Authorized Representative shall include a written certification by the new owner or operator that:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes that generate wastewater to be discharged to the POTW;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing Industrial Discharge Permit.

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

Sec. 17 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 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.

Sec. 18 Periodic Compliance Reports

- A. All significant industrial users shall, at a frequency determined by the Commission's Authorized Representative but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge that are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports shall be signed and certified in accordance with 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 Commission's Authorized Representative, using the procedures prescribed in this Ordinance, the results of this monitoring shall be included in the report.

Sec. 19 Reports of Changed Conditions. Each industrial user shall notify the Commission's Authorized Representative of any planned significant changes to the user's operations or system that might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

- A. The Commission's Authorized Representative may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submittal of an Industrial Discharge Permit application as provided for within this Ordinance.
- B. Upon approval of the request by the Town, a Discharge Permit Request will be submitted by the Town to NHDES on behalf of the user. All applicable NHDES review fees shall be provided by the user.
- C. Upon approval of the Discharge Permit Request by the NHDES, the Commission's Authorized Representative may issue an Industrial Discharge Permit or modify an existing Industrial Discharge Permit in response to changed conditions or anticipated changed conditions.

Sec. 20 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 Commission's Authorized Representative of the incident. This notification shall include identifying the location of the discharge, type of waste, concentration and volume, if known, and corrective actions conducted by the user.
- B. Within five (5) days following such discharge, the user shall, unless waived by the Commission's Authorized Representative, submit a detailed written report describing the cause(s) of the discharge and the measures to be conducted by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability that may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability that may be imposed pursuant to this Ordinance.
- C. A notice shall be permanently posted on the user's employee bulletin board or other prominent place advising employees 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.

- Sec. 21 Reports from Unpermitted Users. All users not required to obtain an Industrial Discharge Permit shall provide appropriate reports to the Commission's Authorized Representative as the Commission's Authorized Representative may require.
- Sec. 22 Notice of Violation/Repeat Sampling and Reporting. If the results of sampling performed by a user indicate a violation, the user shall notify the Commission's Authorized Representative within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Commission's Authorized Representative within thirty (30) days subsequent to becoming aware of the violation. The user is not required to resample if the Commission's Authorized Representative monitors at the user's facility at least once a month, or if the Commission's Authorized Representative samples between the user's initial sampling and when the user receives the results of this sampling.
- Sec. 23 Notification of the Discharge of Hazardous Waste.
- A. Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Commissioner, and NHDES, in writing, of any discharge into the POTW of a substance that, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges in excess of one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications shall occur no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph shall be submitted only once for each hazardous waste discharged. However, notifications of changed conditions shall be submitted as described herein. The notification requirement in this section does not apply to pollutants already reported by users subject to national categorical pretreatment standards.
- B. Dischargers are exempt from the requirements of paragraph (A), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

- C. In the case of any new regulations under Section 3001 of the federal Resource Conservation and Recovery Act (RCRA) identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user shall notify the Superintendent, the EPA Regional Waste Management Waste Division Commissioner, and NHDES of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- D. In the case of any notification made under this section, the user shall certify that it has implemented a Pollution Prevention Plan as described in this Ordinance to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically and technologically practicable.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Ordinance, a permit issued thereunder, or any applicable federal and State laws, rules and regulations.

Sec 24 Pollution Prevention Reports. Permitted industrial users discharging pollutants on the "local limits" or "pollution prevention action" lists of this Ordinance, at concentrations greater than background levels, shall report annually on pollution prevention activities undertaken to reduce or minimize the generation of wastes containing these pollutants. The Town may publicize these efforts in the annual notification provided for in this Ordinance.

Sec. 25 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 Town.

Sec. 26 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 Commission's Authorized Representative may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to demonstrate compliance with instantaneous discharge limitations (e.g., screening levels established to protect worker health and safety). A single grab sample may also be used in place of a composite sample with approval of the Commission's Authorized Representative when:

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;

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

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.

Sec. 27 Written reports will be deemed to have been submitted on the date postmarked. For reports that are not mailed, the date of receipt of the report by the person designated in the Industrial Discharge Permit shall govern.

Sec. 28 Record Keeping. Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact location, method, and time of sampling, and the name of the person(s) obtaining the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least five (5) years. This period shall be automatically extended for the duration of any litigation concerning the user or the Town, or where the user has been specifically notified of a longer retention period by the Commission's Authorized Representative. Before destroying the records, the industrial user shall request and receive permission from the Town.

ARTICLE VII
Powers and Authorities of Inspectors

- Sec. 1 The Town shall investigate instances of noncompliance with the industrial pretreatment standards and requirements.
- Sec. 2 The Town shall, as necessary, sample and analyze the wastewater discharges of contributing users and conduct surveillance and inspection activities to identify, independently of information supplied by such users, occasional and continuing noncompliance with industrial pretreatment standards. Each industrial user will be billed directly for costs incurred for analysis of its wastewater.
- Sec. 3 The Commission's Authorized Representative and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, metering, installing monitoring equipment, records examination and copying, and testing pertinent to discharge to the community POTW in accordance with the provisions of this Ordinance.
- Sec 4 The Commission's Authorized Representative is to obtain information concerning industrial processes which have a bearing on the kind and source of discharge to the public sewer. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.
- Sec. 5 While performing the necessary work on private properties referred to in Part 1, Article VII, above, the Commission's Authorized Representative shall observe all safety rules applicable to the premises established by the industrial user, and the industrial user shall be held harmless for injury or death to the Town employees, and the town shall indemnify the industrial user against liability claims and demands for personal injury or property damage asserted against the industrial user and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the industrial user to maintain safe conditions.
- Sec. 6 The Commission's Authorized Representative shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Sec. 7 The Commission's Authorized Representative 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 Part 1, Article VI 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.

ARTICLE VIII
Violations and Penalties

- Sec. 1 Notification of Violation. When the Commission's Authorized Representative determines that a user has violated, or continues to violate, any provision of this Ordinance, an Industrial Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, the Commission's Authorized Representative may serve a verbal or written Notice of Violation to the user. Within the time period specified in the violation notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Commission's Authorized Representative. Submittal of this plan in no way relieves the user of liability for any violations occurring before or subsequent to receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Commission's Authorized Representative to take any action, including emergency actions or any other enforcement action, without initially issuing a Notice of Violation.
- Sec. 2 Compliance Schedule Development. The Commission's Authorized Representative may require any user that has violated or continues to violate any provision of this Ordinance, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, to develop a compliance schedule. A compliance schedule pursuant to this section shall comply with the following conditions:
- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards including, but not limited to, retaining an engineer, completing preliminary and final design plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation;
 - B. No increment referred to above shall exceed nine (9) months;
 - C. The user shall submit a progress report to the Commission's Authorized Representative no later than fourteen (14) days following each date in the schedule and the final date of compliance which identifies, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the action being taken by the user to return to the established schedule; and
 - D. In no event shall more than nine (9) months elapse between such progress reports to the Commission's Authorized Representative.

Sec. 3 Pollution Prevention Plan Development. The Commission's Authorized Representative may require any user that has violated or continues to violate any provision of this Ordinance, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, to develop a pollution prevention plan in accordance with this Ordinance. The pollution prevention plan must specifically address violation(s) for which this action was undertaken. The pollution prevention plan shall be developed using good engineering judgment and shall be submitted to the Commission's Authorized Representative no later than sixty (60) days after the user was notified of this requirement.

Sec. 4 Show Cause Orders. The Commission's Authorized Representative may order a user that has violated, or continues to violate, any provision of this Ordinance, an Industrial Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Commission's Authorized Representative and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, executing any other action against the user.

Sec. 5 Cease and Desist Orders. When the Commission's Authorized Representative determines that a user has violated, or continues to violate, any provision of this Ordinance, an Industrial Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Commission's Authorized Representative may issue an order to the user directing it to cease and desist all such violations and directing the user to:

A. Immediately comply with all requirements; and

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

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

Sec. 6 Consent Orders. The Commission's Authorized Representative 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 4 and 5 of this Article and shall be judicially enforceable.

Sec. 7 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 4 of this Article why the proposed action should not be taken. Exercise of this option by the Commission's Authorized Representative shall not be a bar to, or a prerequisite for, taking any other action against the user.

Sec. 8 Termination of Discharge. In addition to the provisions in Section 7 of this Article, 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 this Ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 4 of this Article why the proposed action should not be taken. Exercise of this option by the Commission's Authorized Representative shall not be a bar to, or a prerequisite for, taking any other action against the user.

Sec. 9 Emergency Suspensions. The Commission's Authorized Representative may immediately suspend a user's discharge, subsequent to informal notice to the user, whenever such suspension is necessary to terminate an actual or threatened discharge that reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of POTW personnel or the public. The Commission's Authorized Representative 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 Commission's Authorized Representative may implement such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Commission's Authorized Representative may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Commission's Authorized Representative that the period of endangerment has passed, unless the termination proceedings in Section 7 or 8 of this Article 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 Commission's Authorized Representative prior to the date of any show cause or termination hearing under Sections 4, 7 or 8 of this Article.

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

Sec. 10 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 Commission's Authorized Representative or Town Council 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.

- Sec. 11 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.
- Sec. 12 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. 13 Any person found to be violating any provision of this Ordinance except Section 1 of this Article shall be served by the Town of Newington 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 reasonable appearing to present an imminent endangerment to the health and welfare of the public, 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 the Ordinance include ex parte judicial injunctive relief, entry on private property to halt such discharge, blockage of a public sewer to halt discharge, or demand of specific action by the person.
- Sec. 14 Any person found to be violating any provisions of this Ordinance except Section 1 of this Article shall be fined in the amount not to exceed \$10,000 per day of such violation. Each day in which any such violation shall continue shall be deemed a separate violation. Ref. RSA 47:17,I, RSA 149-I:6, RSA 31:39, III.
- Sec. 15 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 an Ordinance 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 immediately following its passage, approval, recording and publication as provided by law.

Sec. 2 Ordinance In Force. This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law. Be it hereby resolved that the Town of Newington, New Hampshire hereby passes the foregoing Sewer Use Ordinance this day of _____, 20____.

Chairman_____

Commissioner/Selectman_____

Commissioner/Selectman_____

Commissioner/Selectman_____

PART - 2

**ARTICLE I
Application**

- Sec. 1 This Ordinance shall apply to any person, firm, proprietorship, partnership, corporation, association, government, governmental division, or quasi-governmental corporation.
- Sec. 2 The Town of Newington, upon its own Motion, or upon application and for good cause shown, may modify, suspend, repeal, or amend the provisions of any section herein contained. The section of this Ordinance and the parts are separable. If any portion of this Ordinance or the application to any person or circumstance shall be held invalid, the remainder, of the application of such invalid portions to other persons or circumstances shall not be affected.
- Sec. 3 All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

ARTICLE II
Plan of Sewer System

- Sec. 1 It shall be the duty of the Sewer Commission to keep a chart or plan upon which shall be represented the street and places in and through which the sewer pipes are laid, and upon which chart shall be designated, by appropriate figures and characters, the exact size and length of the pipes, the precise location in such street, and places of each pipe and each connection therewith, each branch Y, T, manhole and any other appurtenances.
- Sec. 2 Extension of Public Sewers. No extensions of the public sewer shall be made costing in excess of \$2,000.00 except by direction of the Sewer Commission.

ARTICLE III
Duties of the Commission

Sec. 1 The Sewer Commission shall have general management and supervision of the public sewer system, and appurtenances, and shall enforce all Ordinances, rules and regulations. All public sewers shall be laid in accordance with the provisions of Part 1, Article IV, Building Sewers and Connections. The Sewer Commission may require sewer lines that the party proposing to install or extend public and private sewer lines that the party proposing to install or extend such sewer lines furnish a bond of indemnity to the Town of Newington in such sum and with such sureties as the Sewer Commission may deem proper.

ARTICLE IV
Limits of Liability

Sec. 1 The approval of permit applications or the acceptance of any sewer construction by any of the Town's appointed officials does not indicate nor should it be construed as to mean acceptance of any liability by the Town of Newington or any of its employees for claims which may arise due to errors, oversights, inferior material, poor workmanship or damages incurred in connection with construction of building sewers or private sewer disposal systems as set forth in this Ordinance.

PART - 3

**ARTICLE I
User Rates**

Sec. 1 Purpose. The availability of a POTW not only protects the public health by treating wastewater, it enhances the value of the property it serves by allowing more intensive uses of property, particularly in areas where on-site wastewater disposal may be difficult or impossible.

Pursuant to enabling authority in New Hampshire Revised Statutes Annotated (RSA) 149-I, the following are provisions establishing user charges to provide the funds needed to pay for the operation, maintenance (including replacement) and other costs associated with the wastewater treatment facilities in the Town of Newington, County of Rockingham, State of New Hampshire. The Town of Newington has determined that it is, appropriate to charge all the costs of the Town's wastewater facilities on the basis of the volume of wastewater treated. The Town has determined that the cost of facility operation and routine maintenance will be charged on the basis of the volume of wastewater treated.

WHEREAS, it is the intent of the Town to: prevent pollution, conserve water, maintain self-sufficiency, establish proportionate user charges that place the cost of wastewater treatment directly on the source of pollution and,

WHEREAS, the Town must pay the operation, maintenance, replacement, and debt service expenses associated with said facilities and charge the users of said facilities accordingly:

THEREFORE, BE IT ORDAINED BY THE SEWER COMMISSIONERS/SELECTMEN, of the Town of Newington, New Hampshire that the following rules be established:

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the people of the Town to collect charges from all users of the wastewater facilities. The proceeds of charges so derived will be used only for the purpose of operating and maintaining and paying down the debt service of the public wastewater facilities.

Sec. 2 Fund Management. The revenues collected, as a result of the user charges levied, shall be deposited in a separate non-lapsing account known as the Enterprise Fund.

This fund will be managed as an enterprise fund where excess funds may be retained from year to year.

Fiscal year-end balances in the Enterprise Fund shall be used for no other purpose than those designated. Monies which have been transferred to or from other sources to meet temporary shortages in funds shall be returned to their respective accounts upon appropriate adjustments. The user charge rates will be revised as necessary such that monies transferred will be returned to the respective accounts within six months of the fiscal year end.

The TOWN shall review the user charges at least annually and revise the rates as necessary to ensure that adequate revenues are generated to pay the costs of operation, maintenance and replacement as required by the Code of Federal Register (CFR) 35.2140(a)(b), and that the system continues to provide for the proportionate distribution of operation and maintenance including replacement cost among all users.

The TOWN shall notify each user at least annually of the rate being charged for operation and maintenance including replacement of the facility, to include any debt service portion of the bill.

The TOWN shall maintain a financial management system to account for all revenues and expenditures as required by CFR 35.2140(c).

Sec. 3 Rates and Charges. All users shall pay a fee for the services provided, these fees will consist of a basic charge, to cover some of the fixed cost of the facility, including debt service, and a charge for the proportionate use of the facility based on a water meter reading, equivalent use or other equitable system established by the Town. The Town has determined that all of the cost of operating and maintaining the wastewater facilities shall be recovered through a charge related to the actual amount of wastewater generated by customers for treatment by the Town.

Each property connected to the Town's wastewater facilities shall pay the charge(s) specified for the treatment of wastewater discharged into the collection system. The volume of wastewater discharged shall be presumed to be the amount of water from all sources used on the property which could be discharged to the public sewers. Water meters shall be installed as directed by the Commission's Authorized Representative in such a manner as to insure that all water which might enter the public sewers is measured.

Each customer wishing to use an alternative measurement device shall submit to the Commission's Authorized Representative plans and/or descriptions of the device to be used. The Commission's Authorized Representative, upon being satisfied that the device will correctly measure wastewater entering the Town's facilities, shall issue a permit which will describe the device to be used and specify any special operating conditions which shall apply to it. All the costs of constructing, operating, calibrating and repairing alternative measurement devices shall be the user's. The Commission's Authorized Representative is authorized to direct any maintenance or repair necessary to insure the devices correctly measure the flows.

Each user shall pay a fee for operation, maintenance and replacement including debt service at a rate indicated in Appendix A. The rates found in Appendix A shall be reviewed and amended at least bi-annually or more often if required. Prior to making any change, the Newington Sewer Commission shall notify users of the proposed change in rates and shall conduct at least one public hearing for the purpose of accepting testimony on the proposed rate structure. Notice of said hearing shall be given in such a manner as to allow as many customers as possible to respond in person or in writing.

The discharge rate given in Appendix A shall be calculated by dividing the capital costs, O&M costs, and annual debt service costs by the total consumption (x 100 cu. ft.). This rate shall be multiplied by each customer's water consumption to determine the user charge for the cost of operating and maintaining the wastewater facilities.

All users contributing more than 5,000 gallons per day (on average) or whose wastewater strength is greater than 400 mg/L in BOD and/or 400 mg/L SS shall prepare and file with the Town, a report that shall include pertinent data relating to the wastewater characteristics, including the methods of sampling and measurement to obtain these data. The results of the BOD and/or SS testing shall be used along with the quantity of wastewater discharge to the POTW to determine the user charge, as defined in Appendix A, for that user. The Town shall have the right to gain access to the waste stream and take samples. Should these sample results be substantially different from those submitted by the user, as determined by the Town, the user charge for that user shall be revised for the next billing period. The cost for treating other wastewater components may be charged in a similar manner as indicated in Appendix A.

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

The user fees will include the cost of pumping and treating any infiltration/inflow that exists within the system.

Sec. 4 Collection Procedures. All users shall be billed bi-annually (twice a year). The Assessors shall bill the properties identified above as provided by statute and commit said bills to the Tax collector for collection in the same manner as property taxes. Bills shall be mailed within ten days of the end of the sixth month. Payment is due within thirty days after the end of the sixth month. Payments received after thirty days shall be considered delinquent.

Upon receiving payments for the bills above, the Tax Collector shall promptly remit the same to the Town Treasurer for deposit in such accounts as may be directed by the Newington Sewer Commission.

The Newington Sewer Commission annually following the adoption of the Sewer Fund's Budget shall certify to the Town's Assessors the amount of capital cost in the budget, a list of properties to which wastewater facilities are available and a list of properties connected to the wastewater facilities with the metered water consumption for each.

A late payment penalty of twelve (12) percent of the bill shall be added to each delinquent bill for each thirty days of delinquency as provided by RSA 76:13. When the bill is more than ninety days overdue, water service to the premises may be discontinued until such bill is paid. The owner of the premises shall pay for all charges involved with discontinuance or reestablishment of service.

When any bill (including interest and penalty) remains unpaid for one year after the date due, such bill shall be referred to the town tax collector by warrant for collection. The tax collector will initiate a lien procedure against the premises in the same manor as collection for unpaid taxes, according to RSA 38:22. If such lien remains unpaid for a period of one year after recordation of the lien, such property shall be subject to public sale according to the laws of the state.

Sec. 5 Connection Procedures. An application for sewer connection will be submitted by the owner of the property whenever a new connection to the sewer is requested.

A connection fee will be required at the time of filing this form. The current fee will be according to the schedule in appendix A. These funds will be deposited in a capital reserve account for future expansion for the facility according to RSA 149-I: 10 and 35:7.

The owner will be responsible for all costs of the installation and will comply fully with the SEWER USE ORDINANCE in force.

The Town may permit a developer to extend sewer service to a subdivision with no cost or obligation to the Town. All local approvals must be obtained prior to approval of the application for sewer connection for the development.

The district may defer the cost of the connection fees for the development to offset the cost of the sewer extension until lots are sold.

The developer will provide a bond in the total amount of the sewer extension prior to the commencement of construction. Additional details will be documented in an agreement between the developer and the Town.

Sec. 6 Appeal Procedure. Any user who feels his user charge is unjust may make written application to the Town requesting an abatement of the charges. The application shall be submitted within sixty days of receipt of the bill. This request shall show the actual or estimated flow and/or strength of the wastewater in comparison to the values set by this ordinance to include any other estimates or measurements that have been made. This action does not relieve the user from paying bills when they come due.

The application for abatement shall be reviewed by the Town with-in sixty days of receipt of the application and if substantiated, the user charge for that user shall be adjusted and the new charges shall be applied to the next billing cycle.

Sec. 7 Ordinance In Force. This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law. Be it hereby resolved that the Town of Newington, New Hampshire hereby passes the foregoing User Charge Ordinance this day of _____, 20____.

Chairman _____

Commissioner/Selectman _____

Commissioner/Selectman _____

Commissioner/Selectman _____

APPENDIX A

RATE SCHEDULE

The following charges are set for the users of the Town wastewater facilities:

Accessibility fee \$ 0.00

Application fee \$ 50.00

Connection fee \$ 0.00 (plus labor and materials)

Discharge rate for 100 cubic feet ¹ Currently at \$ 7.20 per 100 cu. ft. (This rate is set annually, See Part 3, Article I of the Sewer Use Ordinance for calculation method)

¹ For users whose wastewater strength is greater than 400 mg/l BOD and/or 400 mg/l SS, the following additional fees shall also be charged to the user:

\$ 0.35 per pound of BOD

\$ 0.21 per pound of SS

\$ 0.00 per unit of (other waste (nutrients))

Basic charge \$ 0.00 per quarter

Water turn off/on \$ 0.00 min or service call rate

Service call \$ 0.00 per hour

Septage \$ 15.00 per 1000 gallons for Newington, NH residents

Septage \$ 60.00 per 1000 gallons for Greenland, NH residents (no commercial or industrial septage)

Septage hauler permit \$ 0.00 per year

Drain layer license \$ 0.00 per year

APPENDIX B

APPLICATION FOR SEWER CONNECTION

NAME: _____

ADDRESS: _____

TELEPHONE NO. _____

LOCATION OF PROPERTY TO BE CONNECTED _____

TAX MAP NUMBER _____ LOT NUMBER _____

TYPE OF SERVICE REQUESTED:

RESIDENTIAL _____ COMMERCIAL _____

INDUSTRIAL¹ _____ OTHER _____

NAME OF CONTRACTOR _____ DRAIN LAYER LICENSE # _____

I WILL COMPLY WITH THE REQUIREMENTS OF THE NEWINGTON SEWER USE ORDINANCE AND USER CHARGE ORDINANCE.

DATE _____ SIGNATURE (owner) _____

APPLICATION FEE ² PAID \$ _____ RECEIVED BY _____

ACCESSABILITY FEE² PAID \$ _____ RECEIVED BY _____

RECEIPT # _____

APPROVED BY _____
Newington Wastewater Treatment Facility, Manager/Superintendent

¹ Additional information and fees may be required for an industrial permit, see Part 1, Article V & VI of the Sewer Use Ordinance.

² See Appendix A of the Sewer Use Ordinance for details regarding fees.

APPENDIX C

OVER DUE NOTICE

The Town of Newington, NH does hereby notify:

Name of owner: _____

Address: _____

Property: _____

Tax map number: _____ Lot number: _____

Amount due: _____ Amount overdue: _____

Interest: _____

You are requested to remit the above amount as soon as possible, or contact the office of the _____ at address _____ in writing within 15 days.

None payment of the amount in arrears may result in a lien being placed against the property.

Signed

Clerk
Newington Sewer Commission

APPENDIX E

INDUSTRIAL DISCHARGE PERMIT FORMS