CITY OF SOMERSWORTH

SEWER ORDINANCE

CHAPTER 8A

Amended 02/04/1987.

Amended 07/27/1987 - Pages 26 and 27.

Amended 08/22/1988 - Pages 26, 27, 28, 29 and 30.

Amended 11/21/1988 - Pages 7. 13 and 26.

Amended 02/06/1989 - Page 15.

Amended 10/16/1989 - Page 26.

Amended 05/18/1992 - Page 14.

Amended 05/17/1993 - Page 26.

Amended 04/17/1995 - Entire Chapter.

Amended 08/14/1995 - Pages 17, 19, 21, 33, 34, 35.

Amended 01/06/1997 - Page 20 - Article VII, Section 2.

Page 33 - Article XV, Section 7B.

Amended 05/03/1999 - Page 33 - Article XV, Section 7B.

Amended 03/01/2004 – Page 23 - Article IX, Section 4J.

Page 24 – Article IX, Section 4M.

Page 32 – Article XV, Section 4D.

Page 32 – Article XV, Sections 7B, 7C, 7D

Page 33 – Article XV, Section 9D

Amended 08/13/2007- Page 34 –Article XV, Section 11.

Amended 06/16/2008- Page 32- Article XV, Section 7B.

CHAPTER 8A
SEWER ORDINANCE
SOMERSWORTH, NEW HAMPSHIRE

WASTEWATER CONTROL

To provide for the abatement and prevention of pollution by regulating the private sewers and drains; private, commercial and industrial wastewater disposal; the installation and connection of building sewers; and the discharge of waters and wastes into the public sewer system; and providing penalties for violation thereof: in the City of Somersworth, County of Strafford, State of New Hampshire:

Be it ordained and enacted by the Council of the City of Somersworth, State of New Hampshire as follows:

AUTHORITY AND PURPOSE ARTICLE I

This ordinance is adopted by the City Council of the City of Somersworth, hereinafter called the City, in pursuance of the authority vested in it by the New Hampshire Legislature (Charter of the City of Somersworth, New Hampshire, as amended, Laws of 1963, Chapter 442), for the purpose of protecting the public health and safety by abating and preventing pollution, and for the purpose of enabling the City to protect the ability of its sewerage systems, interceptors, wastewater disposal and treatment plants, works and facilities, to satisfactorily perform the function for which they were designed, and for the purpose of maintaining the stable operation of said systems and facilities, by controlling the nature, volume, and manner of discharge of domestic, commercial and industrial wastewaters into said system, facilities, waters, watercourses and natural outlets under the jurisdiction of the City.

DEFINITIONS ARTICLE II

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

Section 1. Access Fee shall mean a fee charged for the right to connect to the sewerage system and to utilize a portion of the capacity of that system.

Section 2. Average shall mean the arithmetic mean of values taken at the frequency required for each parameter over the specified period. For total and/or fecal coliforms, the average shall be the geometric mean.

Section 3. Average Monthly Discharge Limitation means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges

measured during a calendar month divided by the number of daily discharges measured during that month.

Section 4. Bedroom Equivalent Unit shall mean the amount of sewage generated by a non-residential use equivalent to that generated by one bedroom of a residential use. One unit shall be equal to 75 gallons per day actual or estimated water consumption by the premises in question.

Section 5. BOD (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 C, as defined by 40 CFR part 136, and expressed in milligrams per liter.

Section 6. Building Drain shall mean the part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer. The latter begins five (5) feet outside the inner face of the building wall.

Section 7. Building Sewer shall mean the extension from the building drain to the public sewer or other place of disposal.

Section 8. Bypass shall mean the intentional diversion of wastestreams from any portion of a wastewater treatment facility.

Section 9. Chief Operator shall mean that individual employed by the City who is responsible for the operation and maintenance of the Wastewater Treatment Plant.

Section 10. City shall mean the duly elected Council of the City of Somersworth, or their authorized agent or representative.

Section 11. Code Enforcement Officer shall mean the duly appointed Code Enforcement Officer of the City of Somersworth or his authorized deputy, agent or representative.

Section 12. Cooling Water shall mean the clean wastewater from air conditioning, industrial cooling, condensing and similar apparatus and from hydraulically powered equipment. Cooling water shall include only water which is sufficiently clean, uncontaminated and unpolluted and to be discharged without treatment or purification, to a natural open stream or watercourse, subject to the conditions of an NPDES permit.

Section 13. Commercial Establishment shall mean any building or portion thereof where people go and where commerce is transacted.

Section 14. Composite Sample shall mean a sample consisting of a minimum of eight grab samples collected at equal intervals during 24-hour period (or lesser period as specified) and combined proportional to flow, or a sample continuously collected proportionally to flow over that same time period.

Section 15. CWA means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act Amendment of 1972) Pub. L. 92-500, as amended by Pub. L. 95-217 and Pub. L. 95-576; 33 U.S. C. 1251 et seq.

Section 16. Daily Discharge shall mean the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurements, the daily discharge is calculated as the average measurement of the pollutant over the day.

Section 17. Director shall mean the City Manager of the City of Somersworth, or his authorized deputy, agent or representative.

Section 18. Domestic Wastewater or Sanitary Sewage shall mean normal water-carried household and toilet wastes or waste from sanitary conveniences, excluding ground, surface or storm water.

Section 19. Dwelling Unit shall mean a building or portion of a building in which no more than one family lives.

Section 20. Easement shall mean an acquired legal right for the specific use of land owned by others.

Section 21. EPA means the United States Environmental Protection Agency.

Section 22. Floatable Oil is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the wastewater treatment facilities.

Section 23. Garbage shall mean solid wastes, including offal, from the domestic and commercial preparation, cooking, and dispensing of food, both plant and animal, and from the handling, storage and sale of produce.

Section 24. Grab Sample is an individual sample collected in a period of less than 15 minutes.

Section 25. Hazardous Substance means any substance designed under 40 CFR Part 116 pursuant to Section 311 of CWA.

Section 26. Industrial Establishment shall mean any building or portion thereof where people and/or company is engaged in Industrial Production or enterprise.

Section 27. Industrial User shall mean any non-domestic source of wastewater.

Section 28. Industrial Wastes shall mean 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.

Section 29. Interference shall mean a discharge which alone or in conjunction with discharges by other sources both:

1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA)), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Section 30. Maximum Daily Discharge Limitation (Daily Maximum) means the highest allowable daily discharge.

Section 31. May is permissive. Shall is mandatory.

Section 32. Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

Section 33. NPDES denotes National Pollutant Discharge Elimination System.

Section 34. Pass Through shall mean a discharge that alone or in combination with other discharges exits the POTW into US waters and causes the POTW to violate its NPDES permit.

Section 35. Penalty shall mean any enforcement action taken under authority of this ordinance or the City's Industrial Pretreatment Program in response to violations of this

ordinance or the City's Industrial Pretreatment Program.

Section 36. Person shall mean any individual, partnership, firm, company, association, society, governmental entity (local, state or federal), corporation or group, public or private, or any other entity.

Section 37. pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter solution.

Section 38. Pollutant shall mean dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), heat wrecked or discarded equipment, rock sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

Section 39. POTW or Publicly Owned Treatment Works shall mean a wastewater treatment works is owned by a State or a municipality. This definition includes any devices and systems used in the 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 they convey wastewater to a POTW wastewater treatment works. The term also means the municipality which has jurisdiction over discharges to and the discharges from such a treatment works.

Section 40. Pretreatment shall mean the application of physical, chemical and biological processes to reduce the amount of pollutants in, or alter the nature of, the pollutant waste prior to discharging such waste into a publicly owned treatment works.

Section 41. Private Sewer shall mean a sewer or sewer system privately owned and used by one or more properties.

Section 42. Private Wastewater Disposal System shall mean any privately owned and operated system, device, or facility for the collection, treatment and disposal of wastewaters.

Section 43. Properly Shredded Garbage shall mean the wastes in the handling, storage, preparation, cooking and dispensing of food and produce that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

Section 44. Public Sewer shall mean a sewer in which all owners of abutting properties have equal rights, and that is controlled by public authority.

Section 45. Sanitary Sewer shall mean a sewer which carries wastewater and to which storm, surface and groundwaters are not intentionally admitted.

Section 46. 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 limits applicable to a particular discharge, the screening levels must be adjusted to account for conditions at the point of discharge which differ from baseline conditions.

Section 47. Significant Industrial User shall mean (i) all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and (ii) any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact 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 treatment plant; or is designated as such by the Control Authority as defined in 40 CFR 403.12(a) 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 (in accordance with 40 CFR 403.8(f)(6)).

Section 48. Significant Noncompliance shall mean an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

(A) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(B) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC =1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(C) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(l)(vi)(B) of 40 CFR 403.8 to halt or prevent such a discharge;

(E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance;

(H) Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program; or

(I) For industrial users who continuously measure the pH of wastewater, the following will be considered significant noncompliance:

1) If the total time during which the pH values are outside the required range of pH values exceeds 7 hours and 26 minutes in any calendar month.

2) If an individual excursion from the range of pH values exceeds 60 minutes.

For the purposes of this section, an excursion is defined as an unintentional and temporary incident in which the pH value of discharge wastewater exceeds the range set forth in the industrial user's permit.

Section 49. Sewer shall mean a pipe or conduit for carrying wastewater.

Section 50. Sewerage shall mean a system for the collection and pumping of domestic wastewater.

Section 51. Sewerage Committee shall mean that Board appointed according to the provisions of Article XIV of this ordinance.

Section 52. Shall is mandatory. May is permissive.

Section 53. Slug shall mean any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

Section 54. Small Multi-family Residential Structure shall mean a structure containing not more than four (4) dwelling units and being a single principal structure on a subdivided parcel of property.

Section 55. Standard Laboratory Procedure shall mean those procedures or tests for the examination of Water and Wastewater, latest edition, as published jointly by the American Public Health Association, Inc., American Water Works Association, and Water Pollution Control Federation, or EPA approved methods published in the Code of Federal Regulations, Title 40, Part 136 (40 CFT Part 136).

Section 56. Storm Drain (sometimes termed storm sewer) shall mean a sewer which carries storm and surface waters and drainage but excludes wastewater and industrial

wastes, other than unpolluted cooling water.

Section 57. Surcharge shall mean an additional charge rendered for the treatment of certain pollutant loadings above the specified values listed in Article XV, Section 7C, but below the limits contained in Article IX, Section 4M.

Section 58. Suspended Solids shall mean solids that either float on the surface of, or are in suspension in water, wastewater, or other liquids, and which are removable by laboratory filtering.

Section 59. Total Toxic Organics (TTO) shall mean the sum of the masses or the concentrations of specific toxic organic compounds found in the industrial user's process discharge at a concentration greater than 0.01 mg/1. Each categorical standard lists the specific toxic organic compounds that are to be included in the summation to define TTO for the category.

Section 60. Toxic Pollutants means any pollutant listed as toxic in Appendix D of 40 CFR Part 122, under Section 306(a)(l) of CWA.

Section 61. Unpolluted Water is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

Section 62. Wastewater shall mean a combination of the liquid and water-carried wastes from residences, commercial buildings, institutions, and industrial establishments, together with such ground, surface and stormwaters as may be present.

Section 63. Wastewater Facilities shall mean all facilities required for collecting, pumping, treating and disposing of wastewater.

Section 64. Wastewater Treatment Plant shall mean any arrangement of devices and structures used for treating wastewater and sludge.

Section 65. Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently;

Section 66. WSPCD shall mean the Water Supply and Pollution Control Division of the New Hampshire Department of Environmental Services.

USE OF PUBLIC SEWERS REQUIRED ARTICLE III

Section 1. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City of Somersworth, or in any area under the jurisdiction of said City, any human or animal excrement, garbage or other objectionable waste or wastewater.

Section 2. It shall be unlawful to discharge to any natural outlet within the City of Somersworth, or in any area under the jurisdiction of said City, any wastewater or polluted water, except where suitable treatment has been provided in accordance with existing Federal, State, or City regulations or with subsequent provisions of this ordinance.

Section 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.

Section 4. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the City of Somersworth and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined toilet facilities therein, will connect such facilities directly with proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within two hundred (200) feet of the property line.

Section 5. Exceptions for unusual circumstances. A property may be excused from connecting to a public sewer which is within two hundred (200) feet of the property line when:

(A) the property is occupied by a single family residence, the structure is more than 250 feet from the property line along which the sewer runs and the on-site disposal system is functioning properly; or

(B) the property is occupied by a single family residence at which an approved on-site disposal system has been installed within the past five (5) years and which is functioning properly. Such a property must connect to the sewer within five (5) years of notification or when the property is sold or transferred, whichever comes first.

(C) property would be serviced by the Dover Road (Route 16) Interceptor Sewer Project. (Passed 11/21/1988.)

INDUSTRIAL PRETREATMENT ARTICLE IV

Section 1. Applicability. All persons discharging non-domestic wastes into public or private sewers connected to the City's wastewater works, shall comply with applicable requirements of federal and state industrial pretreatment regulations (as amended), in addition to the requirements of these INDUSTRIAL PRETREATMENT RULES and the City Industrial Pretreatment Program.

Section 2. Industrial User Permit (IUP)

(A) IUP Required. The discharge of any non-domestic waste to the City's wastewater works or to a public private sewer connected to the City's wastewater works is prohibited without a valid Industrial User Permit (IUP).

(B) IUP Application. Persons subject to these rules shall submit an application for an

IUP containing information required under applicable federal and state industrial pretreatment reporting regulations. Such information, as a minimum, shall include:

(1) The name and address of the facility, including the name of the operators and owners;

(2) A list of all environmental permits held by or for the facility;

(3) A brief description of the nature, average rate of production, and Standard Industrial Classification of the operations carried out at such facility;

(4) An identification of the categorical pretreatment standards applicable to each regulated process;

(5) An analysis identifying the nature and concentration of pollutants in the discharge;

(6) Information showing the measured averaged daily and maximum daily flow, in gallons per day, to the public sewer from regulated process streams and from other streams;

(7) A schedule of actions to be taken to comply with discharge limitations; and

(8) Additional information as determined by the Director.

(9) Notification to the City of any proposed or existing discharge of listed or characteristic hazardous waste (as required by 40 CFR 403.12(p)).

(10) 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.

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

(1) Pretreatment and self-monitoring facilities required;
(2) Type, and number of samples, and sampling frequency required;
(3) Effluent limitation on the industrial process waste;
(4) Reporting requirements;
(5) A statement of applicable civil and criminal penalties;
(6) Parameters to be monitored, type of samples and monitoring frequencies required;
(7) Location of sampling site;
(8) Notification by the industrial user of slugs, bypass or noncompliance;
(9) Penalties for noncompliances; and

(10) Compliance schedules.

(a) Significant Industrial users shall submit periodic reports at least twice per year 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 City.

(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 City, using procedures prescribed in 40 CFR 136, the results of this monitoring shall be included in the report.

(c) Signature for Reports. Reports submitted under this Section shall be signed by an authorized representative. An authorized representativemay be:

1. A responsible corporate officer, if the Industrial User submitting the reports required by this Ordinance is a corporation. For the purpose of this paragraph, a responsible corporate officer means (i) a president, 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 (ii) the manager of one or more manufacturing, production, or operation facilities.

2. A general partner or proprietor if the Industrial User submitting the reports required by this Ordinance is a partnership or sole proprietorship respectively.

3. A duly authorized representative of the individual designated in paragraph (1) or (2) of this sub-section if: (i) the authorization is made in writing by the individual described in paragraph (1) or (2); (ii) the authorization specified either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originated, such as the position of plant manager, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and (iii) the written authorization is submitted to the City.

4. If an authorization under paragraph (3) of this sub-section 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 City prior to or together with any reports to be signed by an authorized representative.

(d) Certification Statement. Baseline monitoring reports, 90-day compliance reports and periodic compliance reports for CIU's must be signed by the appropriate official and contain the following certification statement: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(D) Monitoring Records

(1) Industrial users subject to the reporting requirements under this Section shall maintain records of information resulting from monitoring activities required to prepare such reports. Such records shall include for each sample:

(a) the date, exact place, method and time of sampling and the names of person or persons taking the sample;

(b) the dates analyses were performed;

(c) the laboratory performing the analyses;

(d) the analytical techniques and methods used; and

(e) the results of such analyses.

(2) Such records shall be maintained for a minimum of three years, or longer in the case of unresolved litigation or when requested by the Director and shall be made available for inspection and copying by the City.

(E) Additional Conditions

(1) If the permittee wishes to continue to discharge after the expiration date of the permit, an application for renewal should be filed with the City no later than ninety days prior to the expiration date.

(2) The permit is non-transferable, and may be revoked by the City for non-compliance, or modified so as to conform to discharge limitation requirements that are enacted by Federal or State Rules and or Regulations.

(3) An industry proposing a new discharge or a change in volume or character of its existing discharge must submit a completed IUP application to the City at least 60 days prior to the commencement of such discharge. The submitted Application must include plans and engineering drawing, stamped by a registered professional engineer, of the proposed pretreatment facilities. Upon approval of the Application by the City, a Discharge Permit Request is submitted by the community to the New Hampshire Water Supply and Pollution Control Division on behalf of the industry.

Upon approval of the Discharge Permit Request by the New Hampshire Water Supply and Pollution Control Division, the industry and the City will enter into a new or amended IUP in accordance with the procedure outlined in this Article.

(4) The permit shall endure for a period of no longer than five years.

(F) Industrial users will be assessed an annual fee by the City to defray the administrative costs of the IUP.

(G) The following conditions shall apply to compliance schedule required for meeting categorical Pretreatment Standards:

(1) The schedule shall contain increments of progress 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 Industrial User to meet the applicable categorical Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(2) No increment shall exceed 9 months.

(3) Not later than 14 days following each date in the schedule and the final date for compliance, the IU shall submit a progress report including, at a minimum, 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 with this increment of progress, the reason for delay, and the steps being taken by the IU to return the construction to the schedule established, and any other information required by the Director. In no event shall more than 9 months elapse between such progress reports.

Section 3. National Categorical Pretreatment Standards

(A) Application for IUP Agreement. Within 120 days after the effective date of a categorical pretreatment standard, an industry subject to such standards shall submit an application for an IUP Amendment. The application shall contain the information noted under Sec. 2(b) of this Article.

(B) Amendment to IUP Required. An industrial user subject to categorical

pretreatment standards shall not discharge wastewater directly or indirectly to the City wastewater works after the compliance date of such standards unless an Amendment to its IUP has been issued by the City.

(C) Categorical Compliance Report. A CIU must submit a report, within 90 days after the final date for compliance (or, if a new source, following the commencement of its discharge), which contains flow and pollutant measurements; a certification of whether pretreatment standards are being met consistently; and, if not, a description of needed additional O & M or pretreatment. This report must contain a statement reviewed by an authorized representative of the IU, and certified by a qualified professional about the user's compliance with applicable categorical standards and whether any pretreatment or O & M is required to attain compliance.

Section 4. Slug Discharge Notification. Industrial users shall immediately notify the City of all problem discharges (including slug loads) discharged by such user to the City system.

Section 5. Imminent Endangerment. The City may, after informal notice to the industry discharging wastewater to the public sewer, immediately halt to 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 City include ex parte temporary judicial injunctive relief, entry on private property to halt such discharge, blockage of the public sewer to halt such discharge, or demand of specific action by the industry.

Section 6. Monitoring and Surveillance. The City shall as deemed necessary by the Director sample and analyze the wastewater.

Section 7. Investigations. The City shall investigate instances of non-compliance with industrial pretreatment standards and requirements.

Section 8. Public Information. Information and data submitted to the City 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.

Section 9. Public Participation. The City shall comply with the public participation requirements of 40 CFR Part 25 in the enforcement of industrial pretreatment standards and requirements. This includes annual publication in the largest daily newspaper published in the City, of IUs in SNC during the previous 12 months.

Section 10. Slug Control Plan. If requested by the Director, the IU shall develop a slug control plan. This plan will include discharge practices (including nonroutine batch discharges); a description of stored chemicals; procedures to notify the POTW immediately of

slug discharges); a description of stored chemicals; procedures to notify the POTW immediately of slug discharges; and procedures to prevent adverse impacts from any accidental spill (such as operation and maintenance, general housekeeping, or training).

Section 11. Re-sampling. If sampling by an industrial user indicates a violation, the industrial user must notify the POTW within 24 hours of becoming aware of the violation. The industrial user must also resample and submit results of this resampling to the POTW within 30 days.

Section 12. Hazardous waste. All IUs must notify the POTW in writing of any discharge, which if otherwise disposed of, would be considered a hazardous waste as defined in 40 CFR 261.

Section 13. Noncompliance. The following are responses to noncompliance:

(A) Notification of Violation: Whenever the Director finds that any industrial user has violated or is violating this Ordinance, or a wastewater permit or order issued hereunder, the Director or his agent may serve upon said user written notice of the violation. Within 10 days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation.

(B) Consent Orders: The director is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as administrative orders.

(C) Compliance Orders: When the Director finds that an industrial user has violated or continues to violate the ordinance or a permit or order issued there under, he may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

(D) Administrative Fines: Notwithstanding any other section of the Ordinance, any user who is found to have violated any provision of this Ordinance, or Permits and Orders issued hereunder, shall be fined in an amount not to exceed ten thousand ($10,000) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Unpaid charges, fines, and penalties shall constitute a lien against the individual user's property. Industrial users desiring to dispute such fines must file a request for the Director to reconsider the fine within 10 days of being notified of the fine. Where the Director believes a request has merit, he shall convene a hearing on the matter within 15 days of receiving the request from the industrial user. (Revised 8/14/1995.)

PRIVATE SEWERAGE FACILITIES ARTICLE V

Section 1. It shall be unlawful for any person to construct any private sewer or sewerage system that will discharge, either directly or indirectly, into any sewer or other wastewater facility maintained and operated by the City without having obtained a written permit from the Director.

Section 2. The application for the permit referred to in Article V, Section 1 shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Director. A permit fee of twenty-five (25) dollars shall be paid to the City at the time the application is filed.

Section 3. It shall be one of the conditions for issuing permit for the construction of private sewerage facilities described in the application to post with the City a bond or other security with sufficient surety to guarantee full and complete performance of the project described in the permit application and its supplements. Said bond shall be approved as to form and legality by the City's chief legal counsel or his duly authorized deputy, agent or representative, and as to engineering details by the Director.

Section 4. The Director shall, within twenty (20) working days review the application, and either approve same and issue the permit, or submit to the applicant a note of rejection together with his recommendations for such revisions and/or modifications as shall be required to meet with his approval.

Section 5. All construction performed under authority of the permit required in Article V, Section 1 of this ordinance shall be done in strict compliance and conformity with the approved plans and specification.

Section 6. Should it be necessary or desirable to make material changes in the construction proposed under plans and specifications that have been approved as required under Article V, Section 4 of this ordinance, revised plans and specifications shall be submitted together

with a written statement as to the reason for the proposed changes, and the Director may approve such revised plans and specifications, in which case he shall cause a supplemental written permit to be issued, or he may reject such revised plans and specifications on the same terms in the same manner as is provided for rejections under Article V, Section 4 of this Ordinance.

Section 7. It shall be the duty of the Director to establish appropriate written rules and regulations as to minimum engineering standards governing the design and construction of any private sewer or sewerage system that will discharge, either directly or indirectly, into any sewer or other wastewater facility maintained and operated by the City, including requirements as to types of materials, methods of installation, and other engineering parameters. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the Water Pollution Control Federation.

Section 8. Inspection of all construction performed under authority of the permit required in Article V, Section 1 of this ordinance shall be done in a manner acceptable to the Director. The cost of inspection services shall be borne by the holder of the permit.

Section 9. Upon completion of all construction performed under authority of the permit required in Article V, Section 1 of this ordinance, or under authority of the supplemental permit required in Article V, Section 6, of this ordinance, the owner shall make application to the City for approval and acceptance of the newly constructed private sewer or sewerage system. Within forty-five (45) working days the City shall either approve this application or submit to the applicant a notice of rejection together with recommendations for such improvements and/or modifications as shall be required to meet with its approval.

Section 10. Upon approval of the application specified in Article V, Section 9 of this ordinance, the owner of the private sewer or sewerage system shall, within twenty (20) working days connect them to the City wastewater facilities, and shall from this time onward assume responsibility for their maintenance and operation.

PRIVATE WASTEWATER DISPOSAL ARTICLE VI

Section 1. Where a public sanitary or combined sewer is not available under the provisions of Article III, Section 4, the building sewer shall be connected to a private wastewater disposal system complying with appropriate Federal or State regulations or with the provisions of this article.

Section 2. Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the Code Enforcement Officer. The

application for such permit shall be made on a form furnished by the City, which the applicants shall supplement by any plans, specifications, and other information as are deemed necessary by the Code Enforcement Officer. A permit and inspection fee in the amount of twenty-five dollars ($25.00) shall be paid to the City at the time the application is filed.

(Amended 8/14/1995.)

Section 3. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Code Enforcement Officer. He shall be allowed to inspect the work at any stage of construction and in any event, the applicant for the permit shall notify the Code Enforcement Officer when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within seventy-two (72) hours of the receipt of notice by the Code Enforcement Officer.

Section 4. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the Code Enforcement Officer, and with all pertinent regulations of the City and of the State of New Hampshire Water Supply and Pollution Control Division. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet, if it is served by City water, and 30,000 square feet if it is not served by City water, without obtaining special permission from the Sewerage Committee. No septic tank drain field, seepage pit, or cesspool shall be permitted to discharge to any natural outlet.

Section 5. At such time as a public sewer (except the Dover Road (Route 16) Interceptor Sewer Project) becomes available to a property served by a private wastewater disposal system as provided in Article III, Section 4, the owner of the property shall make an application for a direct connection to the public sewer which shall be in compliance with Article VIII, Section 3 of this ordinance. When septic tanks, cesspools, or similar private wastewater disposal facilities are taken out of service, they shall be cleaned of sludge and either dismantled, or with the approval of the Director and the Code Enforcement Officer, filled with suitable material.

Section 6. The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the City. At no time shall any quantity of industrial waste be discharged to a private wastewater disposal facility or to a private subsurface disposal system.

Section 7. No statement contained in this article shall be construed to interfere with any additional requirement that may be imposed by the Code Enforcement Officer.

DISPOSAL OF SEWAGE SLUDGES FROM PRIVATE WASTEWATER FACILITIES ARTICLE VII

Section 1. All sewage sludges, wastes, and wastewaters removed from private wastewater facilities, such as but not limited to septic tanks, cesspools, holding tanks, shall be transported to the City's wastewater treatment plant and disposed of there in the manner approved by the chief operator provided such wastes do not contain toxic pollutants or materials. The discharge of industrial wastes as "industrial septage" requires prior approval of the Water Supply and Pollution Control Division.

Section 2. Septic haulers will be billed monthly at the rate of $.06 per gallon for residents and $.11 per gallon for non residents. Payment will be made in check form only. No cash will be accepted at the treatment plant. Failure to pay septic dumping fees will result in loss of dumping privileges at the treatment plant. (Passed 01/06/1997.)

Section 3. Holding tanks from recreational type vehicles such as boats, camping trailers, and self-propelled travel homes with holding tanks of less than 100 gallons shall be exempt from fee. However, such wastes should be discharged at the wastewater treatment plant. Wastes from such vehicles may be discharged after permission from the chief operator or his designate, any time during the normal workday. Persons discharging holding tank wastes shall be responsible for maintaining the discharge area clean after such pumping.

Section 4. Septic waste pumpers, duly engaged in the pumping and transporting of septic waste shall be approved by the wastewater treatment chief operator for discharging the waste loads at the wastewater treatment plant. The initial approval shall remain continuously in effect unless revoked. Pumpers shall be responsible for maintaining the discharge area clean after each pumping.

BUILDING SEWERS AND CONNECTIONS ARTICLE VIII

Section 1. No unauthorized person shall uncover, make any connections with or opening in, to use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Director.

Section 2. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Director at least sixty (60) days prior to the proposed change or connection. Proposed new discharges from residential or commercial sources involving loading exceeding fifty (50) population equivalents or any increase in industrial discharge must be approved by the New Hampshire Water Supply and Pollution Control Division.

Section 3. There are two (2) classes of building sewer permits: (a) for residential and commercial service and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent by the Director. For buildings not required to pay an access fee a permit and inspection fee of one hundred ($100.00) dollars for each residential structure of four or less units and two hundred fifty ($250.00) dollars for commercial, industrial and all other residential sewer connections shall be paid to the City at the time the application is filed.

Section 4. All costs and expense to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. It shall be the responsibility of the owner of the property serviced by a building sewer to maintain that building sewer from the building up to and including its connection to the public sewer including restoration of any pavement or roadway as provided elsewhere in the City Code. (Amended 8/14/1995.)

Section 5. A separate and independent building sewer shall be provided for every building: except where one building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

Section 6. Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the Director, to meet all requirements of this ordinance.

Section 7. 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 City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth the appropriate specifications of the American Society for the Testing and Materials, and the Water Pollution Control Federation Manual of Practice No. 9 shall apply.

Section 8. 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 City, or the procedures set forth in appropriate specifications of the American Society for Testing and Materials and the Water Pollution Control Federation Manual of Practice No. 9. All sewer 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 Director before installation.

Section 9. 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, wastewater carried by such a building drain shall be lifted by an approved means and discharged to the building sewer.

Section 10. No person shall make connections of roof downspouts, foundation drains, area drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Section 11. The applicant for the building sewer permit shall notify the Director when the building sewer is ready for inspection and connection to the public sewer. The connection of the building sewer into the public sewer shall be made by the City or its authorized representative within fifteen (15) days of the receipt of payment of $500.00 or the total estimated cost of the connection.

Section 12. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored at the expense of the Owner in a manner satisfactory to the City.

Section 13. The following is an excerpt from the regulations of the New Hampshire Water Supply and Pollution Control Division: Except for special reasons, the Division will

approve plans for new systems, extensions, or replacement sewers only when designed upon the separate plan, in which rain water from roofs, streets and other areas, and groundwater from foundation drains are excluded.

USE OF THE PUBLIC SEWER ARTICLE IX

Section 1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process water to any sanitary sewer.

Section 2. No person shall be permitted to dilute wastewater which otherwise will not meet the requirements of this ordinance with river water, unpolluted water or other diluent, in order to render the wastewater acceptable for discharge to the public sewer as stipulated in this ordinance.

Section 3. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Director. Industrial cooling water or process waters require an NPDES Permit prior to discharge to a storm sewer or natural outlet.

Section 4. The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems of concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Director may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be allowed are as follows:

(A) Any gasoline, benzene, naphtha, fuel oil, crankcase oil or other flammable or explosive liquid, solid or gas 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 F (60 degrees C);

(B) Solid waters or wastes having a pH lower than 6.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater facilities;

(C) Solid or viscous substances in quantities 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, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch, manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders;

(D) Wastewater sufficiently hot to cause the influent at the wastewater treatment facilities to exceed 104 degrees F (40 degrees C);

(E) Any water or waste containing fats, wax, grease, or floatable oils of petroleum or mineral origin, whether emulsified or not, in excess of one hundred (100) mg/1, measured by approved methods in 40 CFR Part 136, or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F;

(F) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the Director;

(G) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not;

(H) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Director as necessary, after treatment of the composite wastewater, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters;

(I) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with State, Federal or other applicable regulations;

(J) Any waters or wastes having a pH in excess of 12.0; (amended 03/01/2004);

(K) Any pollutant, including oxygen-demanding pollutants, released in a discharge at a flow rate or pollutant concentration which will cause interference is prohibited. Also prohibited are the following described materials which exert or cause:

(1) Unusual concentrations of inert suspended solids such as, but not limited to Fullers earth, lime slurries, and lime residues or dissolved solids such as, but not limited to, sodium chloride and sodium sulfate;

(2) Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions);

(3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works; or

(4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(L) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes;

(M) Local Limits: Wastewater with any of the following constituents at daily maximum concentrations greater than those listed in the Industrial User's individual Industrial Pretreatment Program Wastewater Discharge Permit. The concentrations will be based upon the following MAIL (maximum allowable industrial loadings) in lbs/day:

Pollutant	lbs/day
Arsenic	0.75
Cadmium	0.40
Chromium	6.48
Copper	5.61
Lead	0.76
Mercury	0.11
Nickel	9.53
Silver	0.83
Zinc	21.02
Cyanide	0.61

(Amended03/01/2004.)

(N) New discharges may be required to perform analysis applicable to the following screening levels in mg/1. Wastewater which has a concentration of any pollutant above the following screening levels may be limited in its discharge to the POTW by the Director. 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. Specific list of screening levels:

Acrylonitrile	1.25	Aldrin	0.38
Benzene	0.13	Bromomethane	0.0024
Carbon disulfide	0.061	Carbon tetrachloride	0.032
Chlordane	0.13	p-Chloro-m-cresol	29
Chlorobenzene	2.4	Chloroethane	0.43
Chloroform	0.42	Chloromethane	0.0068
DDT	1.55	1,2-Dichlorobenzene	3.7
1,3-Dichlorobenzene	2.0	1,4-Dichlorobenzene	3.6
Dichlorodifluoromethane	1,2-	1,1-Dichloroethane	4.6
Dichloropropane	3.7	1,3-Dichloropropene	0.092
Dieldrin	13,000	Diethyl Phthalate	102
Dimethyl Phthalate	57	2,4-Dinitrotoluene	8.2
Endosulfan	0.24	Endrin	6.1
Ethyl Benzene	1.6	Ethylene Dichloride	1.1
Formaldehyde	0.072	Heptachlor	0.003
Hexachloro-1,3-Butadiene	0.00023	Hexachloroethane	0.98
Isobutyl Alcohol	356	Isophorone	106
Methyl Ethyl Ketone	249	Methylene Chloride	4.2
Napthalene	2.7	Pentachlorophenol	4.4
Pyridine	52401	Toluene	I.4
Tetrachloroethene	0.54	1,2,4-Trichlorobenzene	
Toxaphen	0.000058		0.43
1,1,1-Trichloroethane	1.5	1,1,2-Trichloroethane	1.5
Trichloroethene	0.73	Trichlorofluoromethane	1.24
Vinyl Chloride	0.0030	Vinylidene Chloride	0.0026
Aroclor 1242	0.012	Aroclor 1254	0.0047
Acetone	1160	Acetic Acid	450
Cresols	480	DDE	0.21
Di-n-Butyl Phthalate	440	Hydrogen Sulfide	0.036
Isopropyi Alcoho	I9.2	Nitrobenzene	5.1
Styrene	2.0	Sulfite	0.24
Tetrahydrafuran	130	1,2,4-Trichlorobenzene	
Vinyl Acetate	1.2		0.43
Phenols	0.1		
Chlorides	500.0		

Sulfide	20.0	Xylenes	0.40
Trans-1,2-Dichloroethene	0.29	Hexavalent Chromium	0.5
1,1,2,2-Tetrachloroethane	0.45	Sulfate	250.0
		Iron	200.0
2,4-Dichlorophenoxy acetic acid	>1,000,000		

Section 5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgment of the Director and/or the New Hampshire Department of Environmental Services may have a deleterious effect upon the wastewater facilities or receiving waters, or which otherwise create a hazard to lie or constitute a public nuisance, the Director may:

(A) Reject the wastes;

(B) Require pretreatment to an acceptable condition for discharge to the public sewers;

(C) Require control over the quantities and rates of discharge; and/or

(D) Require payment to cover the added cost of handling and treating the wastes.

If the Director permits pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subjected to the review and approval of the Director and of the New Hampshire Department of Environmental Services and subjected to the requirements of all applicable codes, ordinances, and laws. Such facilities shall not be connected until said approval is obtained in writing. Plans and specifications for a proposed treatment facility shall be the result of the design of a professional engineer. Such approval shall not relieve the owner of the responsibility of discharging treated waste meeting the requirements of this ordinance.

Section 6. Grease, oil and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All such interceptors shall be of a type and capacity approved by the Director and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates,

and means of disposal which are subject to review by the Director. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms.

Section 7. All industrial waste shall be pretreated in accordance with federal and state regulations and this ordinance to the extent required by applicable National Pretreatment Standards located in 40 CFR, Chapter I, Subchapter N, Parts 405-471, and any other Federal Categorical Standards adopted by the United States Environmental Protection Agency, after the proposed ordinance is adopted, state pretreatment standards or standards established by the Director, whichever is more stringent. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continually in satisfactory and effective operation by the owner at his expense.

Section 8. When required by the Director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Director. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. If, in the opinion of the Director, no special control manhole is required, the control manhole shall be the downstream manhole in the public sewer which is located downstream nearest to the point at which the building sewer in question is connected to the public sewer.

Section 9. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Director and/or other duly authorized employees of the City may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Director. Such records shall be made available upon request by the Director to other agencies having jurisdiction over discharges to the receiving waters.

Section 10. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the EPA approved methods published in the Code of Federal Regulations, Title 40, Part 136 (40 CFR 136), and shall be sampled at the control manhole provided or upon suitable samples taken at said control manhole. Sampling shall be carried out by

customarily accepted methods to reflect the effect of constituents upon the wastewater facilities and to determine the hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analysis are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

Section 11. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City 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.

Section 12. The Director may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include, but are not limited to;

(A) Wastewaters discharge peak rate and volume over a specified time period;

(B) Chemical analyses of wastewaters;

(C) Information on raw materials, processes, and products affecting wastewater volume and quality;

(D) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control;

(E) A plot plan of sewers of the user's property showing sewer and pretreatment facility location;

(F) .Details of wastewater pretreatment facilities; and

(G) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

PROTECTION FROM DAMAGE ARTICLE X

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person violating this provision shall be subjected to Immediate arrest.

POWERS AND AUTHORITY OF INSPECTORS ARTICLE XI

Section 1. The Director and other fully authorized employees of the City bearing proper credentials and identification shall be permitted to enter any premises of any industrial user in which a discharge source or treatment system is located or in which records are kept for the purposes of carrying out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by IUs, compliance or noncompliance with applicable pretreatment standards and requirements of industrial users. The industry may request that certain information be held confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

Section 2. While performing the necessary work on private properties referred to in Article XI, Section I above, the Director or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article IX Section 9.

PENALTIES ARTICLE XII

Section 1. Any person found to be violating any provision of this ordinance except Article X will be served by the City with notice stating the nature of the violation. Unless otherwise regulated by the City's Industrial Pretreatment Program the City may provide a time limit for the satisfactory correction of said violation. The offender shall within the granted time limit permanently cease all violations. The City may, after informal notice to the person 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 the operation of the public sewer or wastewater treatment facilities.

Section 2. Any person who shall continue any violation beyond the time limit provided for in Article XII, Section 1 may be fined in the amount of at least $1000 per day, but not to exceed $10,000 per day, for each day that the violation continues.

Section 3. Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violations.

INJUNCTIVE RELIEF ARTICLE XIII

Section 1. In addition to the penalties provided in Article XII of this ordinance, whenever any person violates any provision of this ordinance or fails to comply with any order of the City, the City, acting through the Director, may apply to the responsible court for the issuance of an injunction restraining the person violating the ordinance or failing to comply with the City order, from making any further discharges into the waters, watercourses, natural outlets, sewers or wastewater facilities under the jurisdiction of the City. On application of the City, the superior court, or any justice thereof, in term time or in vacation, may enjoin any act in violation of this ordinance.

SEWERAGE COMMITTEE ARTICLE XIV

Section 1. A Sewerage Committee shall be a standing committee of the City Council appointed by the Mayor for arbitration of differences between the Director and sewer users on matters concerning interpretation and execution of the provisions of ordinance by the Director. The cost of the arbitration will be divided equally between the City and the sewer user.

Section 2. The Sewerage Committee shall consist of the Mayor as Chairman, and two members of the City Council who shall be the voting members and such ex-official members as may be deemed necessary by the voting members. Appointment to the Sewerage Committee shall be by the same method as provided in the City Charter, City Council rules and regulations and the Administrative Code for appointment to independent boards and commissions.

CHARGES ARTICLE XV

Section 1. The income from the sewer rents as hereinafter set forth shall be used for defraying the cost of construction, management, maintenance, operation, reconstruction, replacement, and repairs of City Sewers and sewer systems, including treatment and disposal works and for the payment of the interest and principal of any debt incurred to pay such costs.

Section 2. The income from sewer rents shall be paid into the City Treasury and shall be kept and applied exclusively for the purposes set forth in Article XV, Section 1 and shall be known as the sewer fund. The City Treasurer is hereby authorized in his/her discretion to deposit any present or future surplus income from sewer rents in commercial and/or savings account and withdraw or transfer the same for proper purposes, as provided for in RSA 149-1:10.

Section 3. Sewer rents shall be paid by the owner or owners of real estate connected by sewer drain with the City sewers and sewer systems or those real estate which received special benefit therefrom in any way.

Section 4. Sewer rents shall be paid as follows:

(A) Upon the metered consumption of water on premises connected with the sewerage;

(B) Upon non-metered premises or upon premises where there is both a metered public supply of water and a non-metered private supply of water, the rate shall be determined by metering the use at the point of discharge;

(C) Upon non-metered premises, the minimum rate shall apply unless it appears such rate would be inequitable, when the charge shall be made by the execution of a contract between the owner and owners and the Mayor and City Council;

(D) In all other instances where the foregoing sections of this ordinance cannot reasonably by applied, an adjustment as to sewer rents may be made by the execution of a contract between the owner and owners and the Mayor and City Council, or upon application by the user to the Water Department for adjustment limited to a maximum of 3,000 cubic feet (30 units) of water, including a $10.00 fee to cover special billing expenses, and limited to two adjustments per calendar year. (Amended 6/15/1998.) (Amended 03/01/2004.)

(E) In the event a premise discharges into the sewerage system wastes which, in the opinion of the Mayor and City Council, contains unduly high concentrations or any substances which add to the normal costs of the sewerage disposal plant or sewerage system, then the Mayor and City Council may elect to establish special rates or charges based on the quantity of these circumstances, which rate of charge may be established in such a manner as the Mayor and City Council may elect.

Section 5. In all instances for metering other than by water works department meters, the owner or owners of the premises shall furnish, at their expense, a meter acceptable to the Director.

Section 6. Any owner may place on his premises, at his own expense, a meter which shall be approved by the Director, to measure the amount of water used on the premises which does not enter the sewerage system, and an adjustment of the rent shall be made in conformance with said metered use.

Section 7. The sewer rates shall be as follows:

(A) <u>Service charges (Quarterly):</u>

1. Single dwelling unit $10.00

2. Two dwelling units	$ 8.50 per unit
3. Multiple dwelling units 3 or more	$ 7.50 per unit
4. Commercial Establishments	$25.00 per establishment
5. Industrial Establishments	$50.00 per establishment

(B) Sewer Use Volume Charges: All sewer users will be charged at a rate of $3.64 per 100 cubic feet of water used beginning July 1, 2008; $4.55 per 100 cubic feet of water used beginning July 1, 2009; $5.00 per 100 cubic feet of water used beginning July 1, 2010; $5.50 per 100 cubic feet of water used beginning July 1, 2011. (Amended 05/03/1999.) (Amended 03/01/2004.) (Amended 06/16/2008.)

(C) Industrial User Charges: (Effective July 1, 2004.) Industrial users whose wastes entering the City's sewer system exceed the following standards will be charged at the rates shown for the amount by which the standard is exceeded.

Parameter	Standard	Surcharge
BOD	200 mg/1	$ 7.00 per 100 lbs

All testing and reporting shall be the responsibility of the industrial user at no cost to the City. Reports submitted by industrial users and approved by the Director will be used for calculating industrial user charges.

Industrial User testing for required parameters is stated individually in each Industrial User's Industrial User Permit.

(Amended 03/01/2004.)

(D) Access and Connection Fees. Pursuant to RSA 149-1:7, the owners of real property shall be assessed a fee upon connection with the City sewer system for the right to connect and utilize a portion of the capacity of that system.

(Amended 03/01/2004.)

Upon adoption of the Ordinance establishing the Dover Rd. (Route 108) Sewer Special Assessment District, the access fee for all structures on properties in that district shall be two hundred and fifty dollars ($250) per bedroom or bedroom equivalent. (Amended 03/01/2004.)

All Other Sewer Connection – Fees. The owner of any structure which connects to a City sewer line, which is outside of the Sewer Special Assessment District, shall upon connecting to that sewer line pay a fee of one thousand eight hundred dollars ($1,800) per bedroom or bedroom equivalent (defined as the use of 75 gallons of water per day). (Added 03/01/2004.)

Change in Use. If a permanent change in the use of a structure occurs at any time after payment of a sewer access fee and if such change in use is reasonably expected to increase the water consumption and sewer discharge from the structure, then the owner of the structure shall pay an additional sewer fee based on the number of additional bedrooms or bedroom equivalents resulting from the change in use. The additional fee shall be due and payable at the time the change in use is approved by the appropriate City body.

No refund of sewer fees will be due on account of a change in use of a structure which can reasonably be expected to reduce the consumption of water or sewer usage. (Amended 8/14/1995.)

Section 8. Notice of the charges for sewer rents shall be given by mail to the owner or owners of property responsible for such charges approximately quarterly during the year at times coinciding with the rendering of bills for water service. Each bill shall set forth the total amount of charges then due and payable.

Section 9. The following rules and regulations shall apply to the collection of the sewer rents:

(A) Sewer rents are due and payable to the Tax Collector when rendered and deposited in first class mail with correct postage placed thereon. Bills which are unpaid 10 days prior to the date on which the subsequent bill is prepared shall be subject to the interest and other charges as are applicable to delinquent taxes.

(B) Remittances by mail are at the risk of the sender and should be accompanied by a stamped envelope properly addressed, if return of receipt is desired.

(C) In case of a meter stopping or failure to register, the quantity of water used shall be estimated by the Director as the average quarterly amount which ordinarily passes through the meter when the meter is in operation.

(D) Any request for meter test made to the Water Works Department shall be accompanied by a deposit of fifty dollars ($50.00) which deposit shall be retained if the meter test shows the meter to be registering properly or registering in favor of the consumer. If, however, the meter test shows the meter to be registering more than the actual amount of water passing through it, the fifty dollar ($50.00) deposit will be returned to the applicant and whatever adjustment the Director deems advisable shall be made. (Amended 08/14/1995.) (Amended 03/01/2004).

(E) The Wastewater Treatment Facility will be exempt from paying sewer rents.

Section 10. All charges for sewer rents become a lien upon real estate served by the City Sewerage System in accordance with the terms of said RSA 149-1:11.

Section 11. Upon petition to the Mayor and City Council, or their designee who shall be the City Manager unless otherwise voted by the City Council, not later than ninety (90) days after the sewer rent is due and payable, may, for good cause shown, abate in whole or in part any sewer rent. (Amended 08/13/2007.)

Section 12. No person, firm or corporation shall do any act or commit any deed to obstruct or interfere with the proper metering of water or discharge by meter.

VALIDITY ARTICLE XVI

Section 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 2. If any provisions of this ordinance or the application thereof, to any person, firm or corporation, or circumstances other than those to which it is held invalid, shall not be affected thereby.

Section 3. Any Federal or State statute or regulation which supersedes or amplifies any statute or regulation cited in this ordinance shall be considered to have been cited or referenced by the ordinance.

ORDINANCE IN FORCE ARTICLE XVI

Section 1. This Ordinance shall be in force in effect on the first Tuesday of January, 1972. Passed 9/7/1971. Amendment effective 4/1/1975. Amended Feb. 1975. Amended May 1984. Amended August 6, 1984. Amended February 4, 1987. Amended April 17, 1995. Amended August 14, 1995. Amended January 6, 1997. Amended 5/3/1999. Amended 3/1/2004. Amended 08/13/2007.