

TOWN OF ENFIELD NEW HAMPSHIRE

MUNICIPAL SEWER ORDINANCE

Pursuant to enabling authority in New Hampshire Revised Statutes Annotated 149-I:6 as adopted by the Town on 10 March 1992, the following is an ordinance regulating the use of public sewers and drains, the installation and connection of building sewers, and discharge of waters and wastes into public sewer systems(s): and providing penalties for violations thereof: in the Town of Enfield, county of Grafton, state of New Hampshire.

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

ARTICLE I

Definitions

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

Sec. 1 “Biochemical oxygen demand (BOD)” shall mean the quality of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.

Sec. 2 “Building Drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Sec. 3 “Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

Sec. 4 “Bypass” shall mean the intentional diversion of waste streams from any portion of a wastewater treatment facility.

Sec. 5 “Combined Sewer” shall mean a sewer intended to receive both water-carried household and toilet wastes or waste from sanitary conveniences, excluding ground, surface or storm water.

Sec. 6 “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.

Sec. 7 “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 fat if it is properly pre-treated and the wastewater does not interfere with the collection system.

Sec. 8 “Force Main” shall mean a line without access from individual properties, providing a connection from a pump station to a pump station, trunk, or sanitary sewer main.

Sec. 9 “Garbage” shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

Sec. 10 “Industrial User” shall mean a person who discharges industrial wastes to the sanitary sewer of the Town.

Sec. 11 “Industrial Wastes” shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

Sec. 12 “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 of 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 Clean Air Act, the Toxic Substances Control Act, and the Marine Protection Research and Sanctuaries Act.

Sec. 13 “May” is permissive (see “shall”, Sec. 25)

Sec. 14 “National Categorical Pretreatment Standard or “Categorical Pretreatment Standard” shall mean any regulations containing pollutant discharge limits promulgated by USEPA in accordance with Section 307 (b) and (c) of the Clean Water Act (33 U.S.C. 1347), which apply to a specific category of industrial users and which are found in the Code of Federal Regulations 40 CFR, Subchapter N, parts 401 through 471.

Sec. 15 “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. 16 “Pass Through” shall mean the discharge of pollutants through the POTW into surface waters in quantities or concentrations, which, alone or in conjunction with

discharges from other sources, is a cause of a violation of any requirements of the POTW's National Pollutant Discharge Elimination system (NHDES) permit (including an increase in the magnitude or duration of a violation) or of applicable water quality criteria.

Sec. 17 "Person" shall mean any individual, firm, company, association, society, corporation, group, partnership, municipality, government subdivision or other entity.

Sec. 18 "pH" shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. 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} .

Sec. 19 "POTW or Publicly Owned Treatment Works" shall mean a wastewater treatment works which 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 the discharges from such a treatment works.

Sec. 20 "Property Shredded Garbage" shall mean the animal or vegetable wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than $\frac{1}{2}$ inch (1.27 centimeters) in any dimension.

Sec. 21 "Public Sewer" shall mean the common sewer controlled by the Town, sometimes referred to as the municipal sewer system.

Sec. 22 "Sanitary Sewer" shall mean a gravity sewer (in contrast to a force main sewer) that carries liquid and water-carried wastes from residences, commercial building, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

Sec. 23 "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.

Sec. 24 "Sewage" is the spent water of a community. The preferred term is "wastewater", Sec. 31.

Sec. 25 "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.

Sec. 26 “Shall” is mandatory (see “may”, Sec. 12)

Sec. 27 “Significant Industrial User” shall mean all industrial users subject to categorical pretreatment standards, any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process wastream 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 Control Authority (EPA) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW or for violating any pretreatment standard or requirement.

Sec. 28 “Slug” shall mean any discharge of water or wastewater 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 shall adversely affect the collection system and/or performance of the wastewater treatment works.

Sec. 29 “Storm Drain” (sometimes termed “storm sewer”) shall mean a drain or sewer for conveying stormwater, groundwater, subsurface water, or unpolluted water from any source.

Sec. 30 “Superintendent” shall mean the supervisor of wastewater facilities, and/or of wastewater treatment works, and/or of water pollution control of the Town of Enfield, or his authorized deputy, agent, or representative.

Sec. 31 “Suspended Solids” (SS) shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Wastewater” and referred to as non-filterable residue.

Sec. 32 “Unpolluted Water” is water of a 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 benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

Sec. 33 “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 residence, commercial buildings, industrial plants, and institutions together with any groundwater, surface water, and stormwater that may be present.

Sec. 34 “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. 35 “Wastewater Treatment Works” shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge.

Sec. 36 “Watercourse” shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

Sec. 37 “WSPCD” shall mean the Water Supply and Pollution Control Division of the New Hampshire Department of Environmental Services, or any related successor division or bureau established following agency reorganization.

ARTICLE II

Use of Public Sewers Required

Sec. 1 It shall be unlawful for any person to place, deposit, or permit to be deposited any untreated and/or uncomposted human or animal excrement, uncomposted garbage, or other objectionable waste, in any unsanitary manner on public or private property within the Town of Enfield, or in any area under the jurisdiction of said Town. The restrictions set forth in this article are not intended to discourage or prohibit the practice of proper and sanitary composting of human, animal, or garbage wastes done in accordance with rules and regulations established by the New Hampshire Department of Environmental Services and in compliance with such requirements as the Town of Enfield Health Officer may impose.

Sec. 2 It shall be unlawful to discharge to any natural outlet within the Town of Enfield, or in any area under the jurisdiction of said Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with 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 within the sewer service area.

Sec. 4 The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which a public sanitary sewer (gravity system) of the Town is located, is hereby required at the owner(s) expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within one hundred twenty (120) days after the date of official notice to do so, provided that said public sewer is within three hundred (300) feet of said house or building, except as noted below:

- A. The one hundred twenty (120) day period for compliance with this section may be reduced if, in the opinion of the Town of Enfield Health Officer, a shorter time period for compliance is warranted due to health and safety concerns.

- B. A waiver for compliance with this section may be granted by the Board of Selectmen, subject to the following:
1. The building must be served by an adequate alternative wastewater disposal system approved for operation by the WSPCD, which is no more than twenty (20) years of age, and which is in good operating condition, and,
 2. The owner(s) of said building must make written application for the waiver to the Board of Selectmen within the (120)day period from the date of notification by the Board of Selectmen to have said buildings connected to the municipal sewer system and must clearly document the design, construction, and date of WSPCD approval of operation for the private wastewater disposal facility, and,
 3. The owner(s) of said building must connect said building immediately, regardless of any current connection waiver, upon written notification from the Town Health Officer and/or Board of Selectmen that make the private wastewater disposal system has failed. The owner(s) may not make substantial repairs to, or alter in any manner the original approved design of, the private wastewater disposal facility that would prevent or remedy the facility's failure, other than to conduct minor routine operating maintenance such as pump repairs and sludge pumping, and,
 4. The owner(s) of said building may be required to pay, for the period of the waiver, applicable fees and charges to guarantee that reserve capacity in the municipal sewer system is maintained for the future hook-up of said building, and, may be liable for any buy-in, construction assessment, or other similar fees, at the time municipal sewer service is made available.
 5. The Town Health Officer and/or Board of Selectmen designee may inspect a private wastewater system if they have been notified of a possible failure of said private wastewater system.

Sec. 5 The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which a force main sewer of the Town is located shall not be required to connect to the public sewer system but shall be subject to all the requirements articulated in Article 2, Section 4, at such time as a connection to the public force main sewer system is established.

ARTICLE III

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 Board of Selectmen.

Sec. 2. There shall be two classes of building sewer permits: (a) for residential and commercial service producing only domestic wastewater, and (b) for service to establishments producing industrial wastes. In either case, the owner(s) or his agent shall make a written application to the Board of Selectmen, which shall be supplemented by any plans, specifications, or other information as requested by the Board. Permit application, construction inspection, and other fees shall be charged and collected as set forth in the Water and Sewer User Charge Ordinance.

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 of the building through an adjoining alley, court, yard, or driveway, the front building sewer may be extended to the rear building and the whole considered as one building sewer, but the Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

Sec. 5 Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this ordinance.

Sec. 6 The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WEF Manual of Practice No. 9 shall apply.

Sec. 7 Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the owner's expense.

Sec. 8 No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Sec. 9 The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or procedures set forth in appropriate specifications of the ASTM and WEF Manual of Practice No. 9. 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 superintendent before installation.

Sec. 10 The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the superintendent or his representative.

Sec. 11 All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town at the expense of the owner.

Sec. 12 Any person proposing a new discharge into the system, or a discharge of listed or characteristic waste, or an increase in the volume, or in the strength or character of pollutants that are discharged beyond limits previously permitted into the system shall notify the Board at least 60 days prior to the proposed change and 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 Water Supply and Pollution Control Division.

ARTICLE IV

Use of the Public Sewers

Sec. 1 No person(s) shall discharge or cause to be discharged to the wastewater facilities any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or non-contact cooling water.

Sec. 2 Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or a natural outlet approved by the superintendent. Industrial cooling water or process waters require an NPDES permit prior to discharge to a storm sewer or natural outlet.

Sec. 3

- A. Pollutants introduced into the sanitary sewer by an industrial user shall not 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, waste streams 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 of 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 qualities 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° F (40°C) 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 POTW.

Sec. 4 The following described substances, minerals, 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 system, or will not otherwise endanger life, limb, public property, or constitute a nuisance. The superintendent may set limitations lower than the limitations established in the regulations below if in his opinion such limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The superintendent shall not permit those discharges which are prohibited by Section 3 of this Article. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the superintendent are as follows:

- A. Wastewater containing more than 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 Article I, Section 19). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- 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 superintendent, the WSPCD, 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 superintendent.
- F. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.
- 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 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.

- J. Wastewater with any of the following constituents at concentrations greater than those indicated below:
- 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 dilution present.

Sec. 5 If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgment of the superintendent, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may, subject to limitations in Sections 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 control over the qualities and rates of discharge; and/or
- D. Require payment to cover added cost of handling and treating wastes.

If the Town permits the pretreatment or equalization of waste flows, the design and installation of the pretreatment facilities shall be subject to the review and approval of the Town and the WSPCD, and subject to the requirements of all applicable codes, ordinances and laws. Such facilities shall not be connected to the sanitary sewer until said approval is obtaining 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 when, in the opinion of the superintendent, they are necessary for the property handling of liquid wastes containing floatable oil or grease in excessive amounts, as specified in Section 4(B), or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. In the

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

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

Sec. 8 When required by the superintendent, the owner of any property serviced by 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 accessible and safely located and shall be constructed in accordance with plans approved by the superintendent. 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 Board of Sewer Commissioners 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 Board. Such records shall be made available upon request by the Board to other agencies having jurisdiction over discharges to the receiving waters.

Sec. 9 The superintendent may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:

- A. Wastewater discharge peak rates and volume over a specified time period.
- B. Chemical analyses of wastewaters.
- C. Information on raw materials, processes, and products affecting wastewater volume and quality.
- D. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
- E. A plot plan of sewers on the user's property showing sewer and pretreatment 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 analyses 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, durations, and frequencies are to be determined on an individual basis subject to approval by the superintendent.

Sec. 11 No statement contained in this article, except for Section 3, shall be construed as preventing any special agreement or arrangement between the Town and any industrial user whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, provided that such agreements do not contravene any requirements of existing Federal or State laws, and/or regulations promulgated thereunder, are compatible with any User Charge System in effect, and do not waive applicable National Categorical Pretreatment Standards.

Sec. 12 Septic tank waste (septage) shall not be accepted into the sewer system.

Sec. 13 It shall be illegal to meet the requirements of this Sewer Ordinance by diluting wastes in lieu of proper treatment.

Sec. 14 Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharges shall be provided and maintained at the industrial user's expense.

Sec. 15 Bypass is prohibited except where the bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. The industrial user shall notify the superintendent immediately in the event of any bypass.

Sec. 16 A notice shall be permanently posted plainly visible to an industrial user's personnel responsible for managing wastewater discharges, which shall instruct all employees whom to call in the event of a spill, slug discharge, pretreatment upset or bypass. Employers shall insure that all employees who may cause or suffer such a discharge to occur, know of the required notification of the superintendent.

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

- (i) The Town performs sampling at the Industrial User at a frequency of at least once per month, or
- (ii) The Town performs sampling at the Industrial User between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

ARTICLE V

Industrial Pretreatment

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

Sec. 2 **Industrial Discharge Permit (IDP)**

- A. **IDP Required.** Effective 120 calendar days after this provision is adopted by the Town, the discharge of any industrial waste to the Town's wastewater works or to a public or private sewer connected to the Town's wastewater facilities is prohibited without a valid Industrial Discharge Permit (IDP).
- B. **IDP Application.** Within 60 days after the effective date of these INDUSTRIAL PRETREATMENT RULES, and subsequently when required by the Town, persons subject to these rules shall submit an application for an IDP containing information required under applicable federal and state industrial pretreatment reporting regulations. Such information, as a minimum, shall include.
 - 1. The name and address of the facility, including the name of the operators and owners.
 - 2. A list of all environmental permits held by or for the facility.
 - 3. A brief description of the nature, average rate of production, and Standard Industrial Classification of the operations carried out at such facility.
 - 4. An identification of the categorical pretreatment standards applicable to each regulated process.
 - 5. An analysis identifying the nature and concentration of pollutants in the discharge.
 - 6. Notification to the Town of any proposed or existing discharge of listed or characteristic hazardous waste (as required by 40 CFR 403.12 (p)).
 - 7. 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.

8. 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.
9. A schedule of actions to be taken to comply with discharge limitations.
10. Additional information as determined by the Town may also be required.
11. Any other information which may be needed to meet the baseline monitoring requirements applicable to industrial users subject to National Categorical Pretreatment Standards.

C. Provisions. The IDP will outline the general and specific conditions under which the industrial waste is accepted for treatment at the Town'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 of 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 often than semi-annually, indicating the nature and concentration of pollutants in the discharge from the regulated processes governed by pretreatment standards and the average and maximum daily flow for these process units. The reports shall state whether the applicable categorical pretreatment standards and effluent limitations are being met on a consistent basis and, if not, what additional operation and maintenance practices and/or pretreatment are necessary. Additional requirements for such reports may be imposed by the Town.
 - b. If an individual user subject to the reporting requirements in the previous paragraph of this section monitors any pollutant more frequently than required by the Town, using

procedures prescribed in Article V, Section 10, the results of this monitoring shall be included in the report.

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. Such records shall include for each sample.
 - i. The date, exact place, method and time of sampling and the names of persons taking the sample.
 - ii. The dates analyses were performed.
 - iii. The laboratory performing the analyses.
 - iv. The analytical techniques and methods used.
 - v. The results of such analyses.
 - b. Such records shall be maintained for a minimum of three years and shall be made available for inspection and copying the Town.
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.
 - b. The Permit is non-transferable, and may be revoked by the Town for non-compliance, or modified so as to conform to discharge limitation 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 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, a Discharge Permit Request is submitted by the community to the WSPCD on behalf of the industry. Upon approval of the Discharge Permit Request by the WSPCD, the industry and the Town will enter into a new or mended IDP in accordance with the procedure outlined in this subpart.
 - d. Industrial users will be assessed an annual fee by the Town to defray the administrative costs of the IDP program.

- D. **Signature for Reports.** The reports required by Section 2.B, Section 2.C4.a, and Section 3, subsections E and F, shall include the certification as set forth in Section 2.E, and shall be signed as follows.
1. By a responsible corporate officer, if the Industrial User submitting the reports required by this Ordinance is a corporation. For the purpose of this paragraph a responsible corporate officer means
 - a. A president, manager, treasurer, or vice-president of the corporation in charge of a principal business function, or an person who performs similar policy or decision making functions for the corporation or
 - b. The manager of one or more manufacturing, production, or operation facilities.
 2. By a general partner or proprietor if the Industrial User submitting the reports required by this Ordinance is a partnership or sole proprietorship respectively.
 3. By a duly authorized representative of the individual designated in paragraph 1 or 2 of this subsection if:
 - 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 manager, 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.
 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 Town prior to or together with any reports to be signed by an authorized representative.
- E. **Certification.** All reports required to be signed as specified in Section 2.D shall include the following certification:
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best

of knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Sec. 3 National Categorical Pretreatment Standards.

- A. Notification. The Town shall provide timely notification to appropriate industries of applicable categorical pretreatment standards.
- B. Compliance Date for Categorical Standards. Compliance with categorical pretreatment standards shall be achieved within three (3) years of the date such standards are effective, unless a shorter compliance time is specified in the standards.
- C. Amendment to IDP Required. An industrial user subject to categorical pretreatment standards shall not discharge wastewater directly or indirectly to Town wastewater facilities after the compliance date of such standards unless an Amendment to its IDP has been issued by the Town.
- D. Application for IDP Amendment. Within 120 days after the effective date of a categorical pretreatment standard, an industry subject to such standards shall submit an application for an IDP Amendment. The application shall contain the information noted under Section 2.B of the Article.
- E. Categorical Compliance Schedule Reports. Each user subject to a compliance schedule as required under 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:
 - a. 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 steps being taken by the industrial user to return the progress to the schedule established.
 - b. 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 construction and operation of pretreatment facilities necessary to achieve compliance with this ordinance and national categorical pretreatment standards.
- F. Report on Compliance with Categorical Standard Deadline. Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new industrial user following introduction of wastewater into Town sewer, any industrial user subject

to pretreatment standards and requirements shall submit to the Town a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and the average and maximum daily flow for these process lines. The report shall state whether the applicable pretreatment standards are being met on a consistent basis, and if not, what additional operation and maintenance and/or pretreatment is necessary to bring the industrial user into compliance with the application pretreatment standards. This statement shall be signed by an authorized representative (see Section 2.D) and certified by a qualified professional engineer.

Sec. 4 Slug Discharge Notification. All industrial users shall notify the superintendent immediately of all discharges which could cause problems to the wastewater treatment facilities, including any slug loadings as defined in Section 26, Article I. Within five (5) days of the unallowed discharge, the industrial user shall provide the superintendent with a written report fully describing the unallowed discharge, the pollutants involved, the cause of the unusual discharge and the measures taken and to be taken to avoid recurrence of the unallowed discharge.

Sec. 5 Imminent Endangerment. The Town may, after informal notice to the industrial user discharging wastewater to the public sewer, to 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, and 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 industry,

Sec. 6 Monitoring and Surveillance. The Town shall as necessary sample and analyze the wastewater discharges of contributing industrial users and conduct surveillance and inspection activities to identify, independently of information supplied by such industrial users, occasional and continuing non-compliance with industrial pretreatment standards. Each industrial user will be billed directly for costs incurred for analysis of its wastewater. All industrial users shall allow unrestricted access by Town, WSPCD, and EPA personnel for the purposes of investigating and a sampling discharges from the industries.

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

Sec. 8 Public Information. Information and data 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. 9 Public Participation. The Town shall comply with the public participation requirements of 40 CFR Part 25 in the enforcement of industrial pretreatment standards and requirements. A list of significant violations shall be published in the Valley News at least annually.

ARTICLE VI

Powers and Authority of Inspectors

Sec. 1 The superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, inspection and copying of records and testing pertinent to discharge to the wastewater facilities, in accordance with the provisions of this ordinance.

Sec. 2 The superintendent or other duly employees are authorized to obtain information concerning industrial processes which have a bearing on the kind and source of discharge to the public sewer. The industrial user may request that the information in question not be made available to the public if it can establish the revelation to the public might result in an advantage to competitors. The burden of proof that information should be held confidential rests with the industrial user. However, information about wastewater discharged by the industrial user (flow, constituents, concentrations, characteristics and similar information) shall be available to the public without restriction.

Sec. 3 While performing the necessary work on private properties referred to in Article VII, Section 1, above, the superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises, established by the company. The company shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V, Section 8.

ARTICLE VII

Penalties

Sec. 1 No person(s) shall break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the wastewater facilities. Any person(s) violating this provision shall be guilty of a misdemeanor.

Sec. 2 Any person found to be violating any provision of this ordinance except Section 1 of this Article shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correcting thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The Town may, after informal notice to the person discharging wastewater to the wastewater facilities, immediately halt or prevent any such discharge reasonably appearing to present an imminent endangerment to the health and welfare of the public, or any discharge presenting, or which may present, and endangerment to the environment, or which threatens 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 person.

Sec. 3 Any person found to be violating any provisions of this ordinance except Section 1 of the 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 offense.

Sec. 4 Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss or damage occasioned by the Town by reason of such violation.

ARTICLE VIII

Validity

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

Sec. 2 The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE IX (new 2021)

SEWER DEVELOPMENT CHARGE

Legislative Purpose

The Town of Enfield has had a longstanding cooperative intermunicipal agreement with the City of Lebanon for the collection and treatment of sewage collected in the Town of Enfield and delivered to the City of Lebanon for treatment and discharge in accordance with state and federal regulations.

It is regarded as inequitable to finance future capital improvements to the municipal sewer system solely through sewer use (rental) rates. Major capital improvements to a municipal sewer collection and treatment system are most frequently required to service future customers, and it appears unfair to require present users to finance this future development, except on some equitable basis. Persons and organizations responsible for development within the Town (e.g., developers) are in the best position to allocate costs applicable to the development to the persons and organizations requiring the future services.

Studies done to date by the Town of Enfield identify projects needed to upgrade and reinforce the existing sewer system to best meet existing service requirements and to accommodate system expansion. These same studies identify projects required to expand and extend the existing system to serve future customers. It is the purpose of this article to establish a sewer development fee [hereinafter a sewer development charge (SDC)] to recover the costs of maintaining and expanding the system to serve existing and new customers directly from those customers.

By imposing the charges set forth in this article, the costs of maintenance and expansion will be distributed more equitably than if they were to be recovered through the sewer use (rental) rates. This is because the charges set forth in this article allow the investment made by existing customers in core facilities on behalf of future customers, and the higher capital costs of serving new customers to be recognized.

More clearly stated; the present customers are and have been paying for the capital costs of the pipes, lift stations and treatment facility. The existing customers have been paying that debt service. The new customers using the system for the first time have not had to pay for the burden of the cost of the existing system however they are getting the advantage of using it without paying for it. The new customers are “buying” into the existing system by paying the SDC, which offsets the costs paid by existing customers

Imposition of Sewer Development Charges

An SDC is hereby imposed on all future customers of the Town sewer system and on all existing customers who seek to enlarge existing sewer services. This requirement shall apply to customers both within the Town and outside the boundaries of the Town. (Notwithstanding the foregoing, this article shall not apply to the Town, itself, in its role as a developer.) No person or organization shall be legally entitled to connect to the Town sewer system or to enlarge an existing sewer service until the sewer development charge imposed by this section is paid. This section is not in derogation of, but is in addition to, all other fees which may be required by the Town of Enfield under any other applicable codes or ordinances.

All SDC's imposed by this article shall be determined by the estimated gallons per day of sewer use of a sewer user.

Sewer development charge (SDC): Sewer development charges imposed by this article shall be determined by the estimated gallons per day of sewer use by a sewer user. The SDC is based on one sewer unit at an estimated usage of 210 gallons per day (gpd). For connections in Enfield where the flow is directed to the Lebanon Wastewater Treatment Plant, the rate for every 210 gpd of estimated usage is \$3,006. This rate is subject to change pursuant to the authority of the City of Lebanon and the Town of Enfield, separately and independently, to adjust such fees periodically to reflect the cost associated with the operation, maintenance and capital expenses of the collection and treatment systems of each municipality.

With respect to persons or organizations seeking to enlarge an existing sewer service, the sewer development charge imposed shall be the difference between the current sewer development charge and any prior paid sewer development charge for the same connection, or if none, the sewer development charge that would have been imposed if a sewer development charge had been assessed on the average actual usage for the previous five years. The Director of Public Works may take other factors into account when determining the valuation of the sewer system.

Subsequent Changes in Sewer Development Charges

A.

The sewer development charge imposed by this article shall be reviewed and updated on an as needed basis by the City of Lebanon, where appropriate and/or the Town of Enfield, where appropriate.

B.

It shall be the responsibility of the City Council of Lebanon to establish the sewer development charge with respect to the infrastructure owned, operated and maintained by the City of Lebanon. It shall be the responsibility of the Town of Enfield to establish its own Sewer Development Charge with respect to the infrastructure owned, operated and maintained by the Town of Enfield.

C.

The sewer development charge shall be paid in accordance with any rule, regulation, permitting procedure or Ordinance of the Town.

Unpaid Sewer Development Charges Constitute a Lien

If any person shall unlawfully connect to the Town sewer system without payment of the sewer development charge set forth in this article, all unpaid sewer development charges shall constitute a lien upon the property that is connected to the system. The lien pursuant to this article shall be placed on the property in accordance with the provisions of RSA 38:22. Interest on these liens shall be calculated in accordance with the provisions of RSA 76:13.

Abatement of Sewer Development Charges

The Board of Selectmen of the Town may abate, for good cause shown, any sewer development charge assessed on any person or organization pursuant to this article. Such abatements may be made on such terms and conditions as the Board of Selectmen shall deem equitable under the circumstances.

ARTICLE X

Ordinance in Force

Sec. 1 This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

Duly Enacted and Ordained this 16th day of February 2021 by the Board of Selectmen of the Town of Enfield in Grafton County, State of New Hampshire, at a duly noticed and duly held session of the said Board of Selectmen.

Enfield, New Hampshire

By:

Meredith Smith

John W. Kluge

Katherine Stewart
ENFIELD BOARD OF SELECTMEN