

# Town of Hampton, New Hampshire

## Ordinance Governing the Discharge of Waters and Wastewaters into the Public Sewer System

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**Appendix**

- A. *Sewer Connection Permit Application*
- B. *Sewer Disconnection Permit Application*
- C. *Town Meeting Votes*

# Article I – General Provisions

## Section 1.1 Authority

- A. Be it ordained and enacted by the Town of Hampton Board of Selectmen of the Town of Hampton, New Hampshire, acting as the Sewer Commission of the Town of Hampton as follows:
  
- B. Pursuant to enabling authority in New Hampshire Revised Statutes Annotated (RSA) 485-A and 149-I, and amendments and revisions thereto, the following is an Ordinance regulating the use of public sewers, wastewater disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the sewer system(s), the creation and regulation of rates, and providing penalties for violations thereof in the Town of Hampton, Rockingham County, State of New Hampshire.

## Section 1.2 Purpose

This Ordinance regulates the use sewers, wastewater disposal, the installation and connection of building sewers, the discharge of waters and wastes into the public sewer system, and provides penalties for violations thereof, in the Town of Hampton, County of Rockingham, State of New Hampshire.

The objectives of this Ordinance are to:

- Protect the public health and safety by abating and preventing pollution;
- Protect the Town’s infrastructure and assets; and
- Enable the Town to comply with State and Federal laws, permits, and regulations.

## Section 1.3 Definitions

Unless stated otherwise, the meaning of terms and phrases used in this Ordinance shall be as follows:

### **Authorized representative of the user:**

1. If the user is a corporation: the president, vice-president, or other legally appointed officer of the corporation.
2. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectfully.
3. If the user is a Federal, State or local governmental facility: a director, or the highest official appointed or designated to directly oversee the operation and performance of the activities of the governmental facilities.

4. The individuals described in paragraphs (1) through (3) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the user, and the written authorization is submitted to the Town when such designation changes.

**Board:** The Board of Selectmen, Town of Hampton, New Hampshire – acting as the Board of Sewer Commissioners.

**BOD (denoting “biochemical oxygen demand”):** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius (20°C), expressed in milligrams per liter (m/L).

**Building drain:** That part of the lowest horizontal piping of a piping system that receives the discharge from soil, waste, or other discharge pipes inside the walls of the building and conveys it to the building sewer (excludes floor drains and sump pumps). The building drain includes the first five (5) linear feet of plumbing outside of the building as measured from the inner face of the building wall.

**Building sewer:** The privately-owned portion of the building sewer lateral that connects the building drain to the sewer stub at the property line. This includes the cleanout valve.

**Building sewer service lateral:** The pipe installed from the building drain to the sewer main to receive the wastewater generated by a building or a household. The building sewer service lateral is comprised of the building sewer (privately owned) and the sewer stub (publicly owned).

**Bypass:** The intentional diversion of waste streams from any portion of a pretreatment or wastewater treatment facility.

**Categorical pretreatment standard:** Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Clean Water Act (33 U.S.C. s 1317) that applies to a specific category of industrial users and that are found in 40 CFR, Subchapter N, Parts 405 through 471.

**Combined Sewer:** A sewer designed to receive both wastewater and stormwater or surface water.

**Composite sample:** The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

**Conservative pollutant:** A pollutant that is presumed not to be destroyed, biodegraded, chemically transformed, or volatilized within the POTW. Conservative pollutants introduced to a POTW ultimately exit the POTW solely through the POTW’s effluent and bio-solids. Most metals are considered conservative pollutants.



**Dilution:** Any increase in the use of water as a partial or complete substitute for adequate treatment to achieve compliance with a limitation on the discharge of pollutants.

**Director:** The Director of the Town of Hampton Public Works Department; any designee, authorized deputy, agent, or representative of the Director.

**Domestic Wastewater or Sewerage:** Normal water-carried household and toilet wastes or waste from sanitary conveniences of residences, commercial buildings and industrial plants that contains no industrial waste, excluding ground, surface or stormwater (see also: Industrial Waste).

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

**Environmental Protection Agency (EPA):** The United States Environmental Protection Agency or, the Region 1 Water Management Division Director, or other duly authorized official of the agency.

**Equalization:** The process of combining wastewaters to dampen fluctuations in flow or pollutant discharges prior to release of the sanitary sewer or pretreatment facilities. Equalization is normally accomplished in sumps, holding basins, ponds, or tanks.

**Excessive:** Amounts or concentrations or a constitution of a wastewater which, in the judgment of the Director:

1. May cause damage to the Town wastewater treatment process;
2. May be harmful to a wastewater treatment process;
3. Cannot be removed in the Town treatment works to the degree required to meet the limiting stream classification standards of the receiving water and/or EPA effluent standards;
4. May otherwise endanger life, limb or public property;
5. May constitute a nuisance.

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

**Force main:** A pipe or conduit constituting a part of the POTW where pumping is required; providing a connection from a pump station to a pump station or gravity sewer, with limited access from individual properties.

**Garbage:** Animal and vegetable waste from the domestic and commercial handling, preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

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

**Gravity sewer:** Any pipe or conduit constituting a part of the sewer system used or usable for wastewater collection purposes in which wastewater flows by gravity with no pumping required.

**Grease:** That material removed from a grease interceptor or grease trap serving a restaurant or other facilities requiring such a device. Also means volatile and non-volatile fats, fatty acids, soaps, waxes and other similar materials.

**Grease Interceptor/Trap :** A passive device, which may be installed in the kitchen with a rated maximum flow of 50 gpm or less, that is designed to collect, contain, and/or remove food wastes and grease from the waste stream while allowing the balance of the liquid wastes to discharge to the wastewater collection system by gravity; or

An underground vault, usually having two or three compartments, with a minimum rated capacity of 1,000 gallons or greater to collect, contain, and/or remove food wastes and grease from the waste stream while allowing the balance of the liquid wastes to discharge in the wastewater collection system by gravity.

**Hazardous waste:** As defined in RSA 147-A:2, VII.

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

**Improved property:** Any property located within the Town upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure wastewater will be or may be discharged.

**Industrial discharge permit (IDP):** The written permit between the Town and an industrial user that discharges wastewater to the POTW, which outlines the conditions under which discharge to the POTW will be accepted.

**Industrial user:** A person who discharges industrial wastes to the sanitary sewer of the Town.

**Industrial waste:** The wastewater and waterborne wastes from any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing, trade, or business or from development of any natural resources as distinct from domestic wastewater, sewerage or unpolluted water.

**Industrial wastewater:** Any wastewater that contains industrial waste, as distinct from sanitary sewage or unpolluted water.

**Instantaneous maximum allowable discharge limit:** The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

**Interference:** A discharge, which alone or in combination with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and therefore is a cause of a violation of any requirement of the Town's NPDES permit (including an increase in the magnitude or duration of a violation), or of the prevention of bio-solids use or disposal in compliance with any state or location regulations, or any of the following provisions or permits issued thereunder: Section 405 of the Clean Water Act, the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA), any State regulations contained in any State bio-solids management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, the Marine Protection, Research, and Sanctuaries Act; and the 40 CFR Part 503 Standards for Sewage Sludge Use and Disposal.

**Local limits:** Specific, enforceable numerical limits on the types and quantities of pollutants that may be discharged to the POTW. Local limits are established by the Town and are distinct from State and Federal limitations on the discharge of industrial wastewater to the POTW.

**May:** Is allowed to (permissive); see also "Shall."

**Medical waste:** A waste that is generated or produced as a result of diagnosis, treatment, or immunization of human beings or animals, medical research, or production or testing of bacteria, viruses, spores, discarded live and attenuated vaccines used in human health care or research. Examples include isolated wastes, infectious agents, human blood and blood products, pathological wastes, chemotherapy wastes, surgical wastes and specimens, potentially contaminated laboratory wastes, trauma scene wastes, and dialysis wastes.

**National Pollutant Discharge Elimination System (NPDES) Permit:** A permit issued pursuant to Section 402 of the Clean Water Act (33 U.S.C. § 1342).

**Natural outlet:** Any channel for the passage of surface or groundwater into a watercourse, pond, ditch, lake or other body of surface or groundwater.

**Non-conservative pollutant:** Pollutants that are transformed to non-toxic substances through physical, chemical, or biological processes in the treatment plant or receiving water. These include biochemical oxygen demand, ammonia, and certain other organic compounds.

**Non-contact cooling water:** Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product and is not degraded in quality by mixing with or addition of process waste or other pollutants.

**Owner:** A person vested with ownership, legal or equitable, sole or partial, or possession of any improved property.

**Pass through:** A discharge that alone, or in combination with other discharges, exits the POTW in quantities or concentrations that cause a violation of any requirement of the Town's NDPES permit. This includes an increase in the magnitude of a violation.

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

**pH:** The logarithm of the reciprocal of the hydrogen ion concentration of a solution, expressed in Standard Units. Solutions with pH values greater than 7 are basic (or alkaline); solutions with pH values less than 7 are acidic.

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

**Pollution prevention:** The use of processes, practices or products that reduce or eliminate the generation of pollutants and wastes or that protect natural resources through equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control. The term "pollution prevention" does not include any practice that alters the physical, chemical, or biological characteristics or the volume of a hazardous substance, pollutant, or contaminant through a process or activity that itself is not integral to and necessary for the production of a product or the providing of a service.

**Pretreatment:** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes, by processes changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

**Pretreatment standard or Standard:** Prohibited discharge standards, categorical pretreatment standards, and local limits.

**Private sewer:** Any collector system installed in a private road (not Town accepted) and/or as part of a private subdivision and/or condominium development. "Private sewers" remain the property of the developers, other private parties or their assigns. "Private sewers" shall be constructed in

accordance with this Ordinance when connected to the Public Sewer.

**Properly Shredded Garbage:** The wastes from the preparation, cooking, and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.

**Publicly owned treatment works (POTW):** A “treatment works,” as defined by Section 212 of the Clean Water Act (33 U.S.C. section 1292) that is owned by the Town. This includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sanitary sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances that convey wastewater to a POTW.

**Public sewer:** A sewer controlled by a government agency or public utility.

**Receiving water:** Any watercourse, river, pond, ditch, lake, aquifer or other body of surface or groundwater receiving discharge of wastewater.

**Recreational vehicle (RV):** A mobile vehicle or trailer used for temporary living quarters (e.g., a camper).

**Sanitary sewage:** Wastewater consisting solely of normal water-carried household and toilet wastes or waste (such as human excrement and grey water) from sanitary conveniences of residences, commercial buildings, and industrial plants, as distinct from industrial wastewater and unpolluted water.

**Sanitary sewer:** A public or private sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial facilities, and institutions.

**Screening level:** A numerical value for a pollutant concentration above which actions are initiated to evaluate, prevent or reduce adverse environmental or health and safety impacts. A screening level may be adjusted upward or downward within a permit to account for site-specific conditions to the point of discharge and administered as a local limit.

**Septage:** Any liquid, solid, or sludge pumped from chemical toilets, vaults, septic tanks, or cesspools or other holding tanks, which have received only sanitary sewage.

**Sewage:** The spent water of the community. The preferred term is “wastewater.”

**Sewer:** A generic term for a pipe or conduit that carries wastewater (including industrial and sanitary wastewater) from any source.

**Sewer and Drain Division:** Any duly authorized agent or representative of the Town of Hampton’s Sewer and Drain Division.

**Sewer stub:** The pipe that extends from the public sewer to the building sewer at the property line. The Town is the owner of the sewer stub.

**Shall:** Is required to (mandatory). See also “May.”

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

1. A pattern of violating the same pretreatment standard daily maximum or average limit (any magnitude of exceedance) fifty-five percent (55%) or more of the time in a three (3) month period;
2. Thirty-three percent (33%) or more of the measurements exceed the same pretreatment standard daily maximum limit or average limit by more than forty percent (40%) for BOD, TSS, or oil & grease, or by more than twenty percent (20%) of all other pollutants (except pH), in a three (3) month period;
3. For pH monitoring, excursions shall be considered significant non-compliances when:
  - i. An individual excursion from the allowable range of pH values exceeds 60 minutes;
  - ii. An excursion occurs that the Director believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the public;
4. Any other discharge violation that the Director believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the public;
5. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Director’s exercise of emergency authority to halt or prevent such a discharge;
6. Failure to meet, within sixty (60) days of the scheduled date, a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance;
7. Failure to provide within ten (10) days after the due date, any required reports, including permit applications, periodic self-monitoring reports, and reports on compliance with compliance schedules;
8. Failure to accurately report non-compliance, or;
9. Any other violation(s) that the Director determines will adversely affect the operation or implementation of the local pretreatment program.

**Slug:** Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or adversely affect the POTW.

**State:** The State of New Hampshire.

**Stormwater:** Any flow occurring during or following any form of natural precipitation and resulting therefrom, including snowmelt.

**Storm Drain:** A drain for conveying water, groundwater, subsurface water, or unpolluted water from any source.

**Total suspended solids (TSS):** 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 that is referred to as that fraction not soluble in water. Also referred to as non-filterable residue.

**Town:** The Town of Hampton, County of Rockingham, State of New Hampshire; any duly authorized officer, deputy, agent, or representative of the Town of Hampton.

**Town Manager:** The individual duly appointed as the Town Manager for the Town of Hampton by the Board of Selectmen.

**Unpolluted water:** Water of quality equal to or better than the effluent criteria in effect, or water that would not cause a violation of receiving water quality standards and would not be benefited by discharge to the POTW.

**User for Industrial user:** A person who discharges industrial wastewater to the sanitary sewer of the Town.

**Wastewater:** The spent water of a community. Any combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, government facilities, and institutions, whether treated or untreated that is contributed to the POTW.

**Wastewater Treatment Facility:** That portion of the POTW that is designed to provide treatment of sanitary sewage and industrial wastewater.

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

## Section 1.4 Abbreviations

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

**BOD** - Biochemical Oxygen Demand

**CFR** - Code of Federal Regulations

**COD** - Chemical Oxygen Demand

**EPA** - United States Environmental Protection Agency

**FOG** - Fats, Oils and Greases

**gpd** - Gallons per day

**IDP** - Industrial Discharge Permit

**mg/l** - Milligrams per liter

**NHDES** - New Hampshire Department of Environmental Services

**NPDES** - National Pollutant Discharge Elimination System

**POTW** - Publicly Owned Treatment Works

**RCRA** - Resource Conservation and Recovery Act

**RSA** — New Hampshire Revised Statute Annotated

**TSS** - Total Suspended Solids

## Article II – Sewer Use Requirements

### Section 2.1 Use of Public Sewers

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Hampton or in any area under the jurisdiction of the Town, any human or animal excrement, garbage, or objectionable waste.
- B. There shall be no additional out of town sewage and sewer systems added to the Hampton sewer system, except as approved by the Town through Agreements for Treatment and Disposal of Wastewater for however long as those Agreements remain in effect.
- C. It shall be unlawful to discharge to any natural outlet or municipal storm sewer within the Town, or in any area under the jurisdiction of the Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent



provisions of this Ordinance and with State and Federal laws and regulations.

- D. **Use of Sanitary Sewers.** Except as specifically designated by the Town, sanitary sewers shall be used only for the conveyance and disposal of sanitary sewage, and for industrial wastes that are not objectionable, as hereinafter provided. No sanitary sewer shall be used to receive, convey, or dispose of any storm or surface water, subsoil drainage, or unpolluted water. Unpolluted waters typically include stormwater, groundwater, flood water, roof runoff, subsurface drainage, or cooling water. No industrial wastewater shall be directed to a sewer that is not connected to the POTW or a state or federally permitted facility.
- E. **Sewers for Intended Use Only.** No person shall discharge or cause to be discharged into any public sewer of the Town, or into any fixture that thereafter discharges into a public sewer of the Town, any waste or substance other than that for which the particular sewer is intended, designed, and provided. If the intended or designated use of a particular sewer is unclear, the Director will make a determination. This determination shall be final and binding.
- F. Any person who shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment that is part of the POTW shall be liable for damages to the owner thereof, and shall be arrested on the charge of Criminal Mischief (Ref: RSA 634:2).
- G. **Applicable Permit Required.** No person shall discharge into any public sewer of the Town, or into any fixture that discharges into a public sewer, any substance until all applicable approvals and permits have been obtained.
- H. All wastewater shall be conducted into the public sewer system if there is a public sewer located within a 200-foot radius and further provided that any portion of the public sewer located in the downstream service area is not hydraulically surcharged. The determination of whether a public sewer is hydraulically surcharged shall be made by the Director, who shall make his determination based upon the data recorded in the Town of Hampton, New Hampshire 201 Facilities Plan for Wastewater Collection and Treatment, amendments thereto and consultation with Engineering Professionals contracted to perform necessary calculations to make such determination. This subsection does not apply to failed septic systems as specified in 2.1.K.
- I. Except as hereinafter provided, it shall be unlawful to construct, repair, or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater in any area where a public sewer is available, as described in paragraph (J) below. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and crushed and/or filled with soil as approved by the Director and their use shall be discontinued. The use of portable chemical toilets is allowed at

construction sites and for other temporary purposes provided the wastes are properly disposed of at a lawful disposal facility.

- J. During construction of a new public sewer, or while making repairs or replacing an existing public sewer, a sewer stub shall be installed for a building, or proposed building, located on a lot of record, if such building is located within a 200-foot (200 ft.) radius of the existing public sewer. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located a sanitary sewer of the Town, is hereby required at the owner(s)' expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer. All costs and expenses associated with the installation and connection of the remainder of the building sewer service lateral, including connection to the structures served, shall be the responsibility of the property owner. An exception to this requirement is provided to any home business operated by a family unit in a separate building, and any other building used for recreational purposes, which shall have readily accessible toilet facilities, as approved by the Building Inspector. The requirement for connection may be waived for certain undeveloped properties when permitted by the Building Inspector. The requirement for connection may be waived when permitted by the Director if the building is already connected to a properly functioning septic system, however, such system may not be repaired, replaced or expanded, and the owner shall connect directly to the public sewer when the septic system no longer functions properly.

If the building, or proposed building, is located beyond a 200-foot (200') radius of the existing or new public sewer construction, and the owner desires to connect to the public sewer, then all costs associated with an extension of the public sewer to service the building will be the responsibility of the owner. The owner shall indemnify the Town for any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer service lateral. After construction of the building sewer, the owner shall be obligated to pay all costs or expense of operation, repair, maintenance, and reconnection (if needed) of the entire building sewer beginning at the public sewer and ending at the building.

- K. Where a sanitary sewer is not available under the provisions of paragraph (J) above, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of RSA 485-A, or revisions thereto, of the State of New Hampshire and rules, regulations, standards, and procedures promulgated therein. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town. No industrial waste shall be directed to a private sanitary sewage disposal system.

- L. If the owner of any building located within the Town to which public sewer is available, after 90-days' notice from the Town, fails to connect such building as required in paragraph 2.1.J, the owner shall be in violation of this Ordinance. The Town shall have full authority upon the issuance of a court order to enter on the owner's property to do whatever is necessary to properly connect the improved property into the public sewer. The Town may make such connection and may collect from such owner the costs and expenses thereof by such legal proceeding as may be permitted by law

## Section 2.2 Building Sewer and Connections

- A. All new and reconstructed building sewers shall be constructed in accordance with the current building code, plumbing codes, and all state and federal requirements.
- B. No person(s) shall uncover, make any connection with or opening into, alter, or disturb any building sewer service lateral or public sewer or appurtenance thereof without first obtaining authorization from the Director. Building sewers shall only be installed and/or disconnected upon issuance of a permit.
- C. No person shall open or excavate any street, public way or place without first obtaining a Street Excavation Permit from the Town of Hampton Department of Public Works. An application fee, as required in the User Fee Schedule, shall be paid to the Town at the time the application is filed. All street excavations shall comply with all the provisions, including bonding and insurance provisions, set forth in the Town of Hampton's regulations governing work in public ways and places. (Pursuant to Town Ordinance 769).
- D. For residential and commercial services to disconnect from the public sewer (When a building is demolished, moved, or otherwise disturbed - including a building to be replaced) the owner(s) or their agent must complete and submit a *Sewer Disconnection Permit*. An application fee, as required in the User Fee Schedule, shall be paid to the Town at the time the application is filed. This permit will be reviewed by the Director and may take up to three (3) working days to complete review. After approval, two days' notice must be given to the Sewer and Drain Division before starting work. The building sewer must be capped at the property line if the service lateral is under 100 ft. For services greater than 100 ft the Director will make a determination with the contractor in the field. Capped services must be inspected by the Town and shall be exposed at time of inspection.
- E. For residential and commercial services, the owner(s) or their agent shall complete and submit to the Town a *Sewer Connection Permit* application at least thirty (30) days prior to the proposed date of the service connection. The *Sewer Connection Permit* shall be supplemented by completed plans, specifications, or other information (including pollution prevention studies) considered pertinent in the judgement of the Director. The Town shall have the option of denying an application if, in the opinion of the Director, the contractor is not qualified. An application fee, as required in the User Fee Schedule, shall be paid to

the Town at the time the application is filed. A copy of the approved *Sewer Connection Permit* signed by the Director will serve as evidence of approval. Once approved, two days' notice must be given to the Sewer and Drain Division before starting work. The service must be installed and tested by the contractor and inspected by the Town.

- F. In addition to obtaining a permit from the Town, a Sewer Connection Permit shall be obtained from NHDES, as required under Env-Wq 703.07 as amended.
- G. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an existing lot, and no private sewer is available (or can be constructed) to the rear of the building. In these instances, the front building sewer may be extended to the rear building and the whole considered as one building sewer, if the buildings are under the same ownership. The Town will not assume any obligation or responsibility for damage caused by or resulting from any such single connection. Grouping of one or more buildings on a single building sewer shall not be permitted, except under special circumstances and for good cause, and then only after written permission subject to such rules, regulations and conditions as may be prescribed is received from the Director. Existing building sewers may be used to connect with new buildings only when they are found, upon examination and test by the Sewer and Drain Division, to meet all requirements of this Ordinance and each building is under the same ownership.
- H. When an existing lot is subdivided and a singular building sewer was used to service multiple buildings, a new building sewer service lateral for the newly created lot will be required to service the building(s) on said lot.
- I. The size, shape and construction of building sewer or street laterals shall be subject to approval by the Director or designee, and shall meet at a minimum, the following criteria:
  - 1. Pipe diameter shall be at least four inches (4"),
  - 2. Pipe slope shall be at least 0.01 feet per foot (1%),
  - 3. Pipe shall have a minimum design flow velocity of two feet per second (2 ft/s) when flowing full.
  - 4. A six-inch (6") building sewer service lateral shall be used for no more than three (3) connections into a single sewer service, with calculations confirmed by a qualified engineer and/or plumber.
- J. Force main building sewer will be permitted, subject to approval by the Town, where gravity flow is not feasible. The force main shall be sized to maintain flow velocities of

three feet per second (3 ft/s) and shall be furnished with adequate valving to provide shut off capability and protection against reverse flows.

K. Building sewers shall be polyvinyl chloride (PVC) sewer pipe conforming to the following:

1. Building drains (within the building) must not be less than three inches in diameter and shall consist of PVC Schedule 40 pipe.
2. All gravity PVC pipe and fittings shall be Class SDR-35 or Schedule 40 and shall meet or exceed all requirements of ASTM Specification D3034 "Standard Specification for Type PSM Polyvinyl Chloride (PVC) Sewer Pipe and Fittings," or ASTM Specification D2241 "Standard Specification for Polyvinyl Chloride (PVC) Pressure-Rated Pipe (SDR Series)."
3. All pipe used for gravity sewer shall have integral bell and elastomeric gasket joints, solvent welded joints or approved by the Director.
4. Minimum pipe stiffness at 5% deflection shall be 46 psi when tested in accordance with ASTM Specification D2412 "Standard Test Method for Determination of External Loading Characteristics of Plastic Pipe by Parallel-Plate Loading."
5. The use of "fuseable" HDPE force main piping and/or other force main materials shall only be allowed as approved by the Director.
6. Standard pipe lengths shall be used.
7. All fittings and accessories shall be manufactured and furnished by the pipe supplier and have bell and/or spigot configurations identical to that of the pipe to which they are connected.

L. All joints and connections shall be made watertight to the standard set forth by the most recent National Plumbing Code. No paint, varnish, or other coating shall be permitted on the jointing material until after the joint has been tested and approved.

M. At the point of connection of a building sewer to a public sewer, a standard wye fitting and a one-eighth (45-degree) bend shall be used. No lateral connection shall be made to the main sewer which permits the flow into the sewer from the lateral to enter at right angles. The wye and one-eighth bend fittings shall be inserted in the public sewer at the time of its construction for each proposed lot of either immediate or future development. A cleanout shall be installed where the sewer stub connects to the building sewer connection (at the property line) with a tee-wye and is the responsibility of the property owner. The location of all lateral connections shall be shown along with at least two dimensional ties on a drawing. Two copies of this drawing showing the as-built location of the lateral connection(s) shall be furnished to the Town.

- N. When any street lateral is to serve a school, hospital, public housing, or similar institution; or is to serve a complex of industrial or commercial buildings, then such street lateral shall be connected to the public sewer through a manhole. Connections to existing manholes shall be made as directed by Director; if required, a new manhole shall be installed in the public sewer.
- O. An interior clean-out fitting and backwater valve (backflow preventer) shall be provided for each building lateral at a readily accessible location, preferably just inside the basement wall. The fitting shall contain a 45-degree branch with removable watertight plug, and be positioned to accommodate sewer cleaning equipment. Buildings and mobile homes without foundations shall have a clean-out installed on the outside and shall be the responsibility of the homeowner to maintain. The clean-out shall be of similar material as the building sewer or as otherwise required by the Director, and shall be provided with a secured cap at the ground level to grade.
- P. 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 conveyed by such building drain shall be lifted by an approved means and discharged to the building sewer at the owner's expense.
- Q. Floor drains in commercial or industrial buildings and all outside facilities such as showers and sinks (this does not include yard drains) shall be allowed to connect with the public sewer system in the case where suitable holding tanks with baffles are provided to prevent dirt and oils from entering the public sewer system. If holding tanks are to be used, they shall have easy access for periodic maintenance, cleaning and inspection.
- R. All excavation required for the installation of a building sewer or street lateral shall be open trench work, unless otherwise approved by the Sewer and Drain Division. Pipe laying and backfill shall be performed in accordance with NHDES Env-Wq 700. The depth of cover over the pipe shall be sufficient to afford protection from frost, but in no case, shall such depth be less than four feet (4') unless prior approval has been granted by the Director, in writing. In such cases, an insulation board shall be installed over the pipe.
- S. Streets, sidewalks, parkways, and other public property disturbed in the course of work shall be restored in a manner satisfactory to the Town.
- T. All sewer pipes shall have their locations marked by detectable tracer tape.
1. The tape shall be placed two feet (2') above the pipe.
  2. The tape shall be six inches (6") in width, with the words "Buried Sewer Line Below" permanently and indelibly printed on it.

3. The tape shall be compatible for use with magnetic detectors. It shall not require electrical connection for location.
  4. The tape shall consist of a continuous aluminum foil core inseparably bonded on both sides with tough high-density cross-laminated plastic films. Tape color shall be in accordance with the latest American Public Works Association (APWA) Uniform Color Conde standards for buried utility markings.
- U. The owner(s) shall notify the Sewer and Drain Division when the building sewer is ready for inspection and connection. Such notice shall be provided a minimum of 72 hours prior to the time of connection to the public sewer. Sewer connection and testing shall occur under the supervision of the Sewer and Drain Division. The owner is responsible for all provisions required to test the point of connection.
- V. No new or repaired building sewer shall be covered until it has been inspected and approved by the Town. Sewer pipe shall be properly bed at the time of inspection. Should the work not be ready for inspection, be completed without the appropriate permits or inspection or require additional efforts to pass inspection, a re-inspection fee will be assessed in accordance with the User Fee Schedule. No further inspections will occur prior to the Town's receipt of the fee.
- W. Upon receipt of notice from the Town, the Owner(s) shall remedy any unsatisfactory condition with respect to the building sewer. If this does not occur within 45 days (or less, as necessary to protect the health and safety of the Town residents), the Town may remedy any unsatisfactory conditions and collect from the Owner(s) the costs and expenses thereof. The Town shall have the full authority upon the issuance of a court order to enter on the owner's property to do whatever is necessary to remedy the unsatisfactory condition.

### Section 2.3 New Sewers or Sewer Extensions

- A. New sewers and sewer extensions shall be properly designed and permitted in accordance with NHDES Administrative Rules Env-Wq 700 "Standards of Design and Construction for Sewerage and Wastewater Treatment Facilities."
- B. Plans, specifications, and methods of construction shall be submitted to, and receive approval from the applicable Town Boards, the Director, and NHDES before construction may proceed. Plans, specifications and other required information shall be submitted at least 45 days in advance of the anticipated project start date. The design of sewers shall anticipate and allow for flows from all possible future extensions or developments within the applicable sewershed, being compatible with the Section 201 Facility Plan as amended.
- C. Should the Town determine the proposed sewer or sewer extension requires incidental work based on anticipated volume and POTW capacity, in the form of treatment plant

upgrades, pumping stations, force mains, or other supplementary equipment, the Owner shall be responsible for all such costs.

- D. Plans, specifications, and methods of installation shall conform to the requirements of this Ordinance. Components and materials not covered in this Ordinance, such as pumping stations, lift stations, or force mains shall be designed in accordance with paragraph (A) above, and shall be clearly shown and detailed on the plans and specifications submitted for approval. When requested, the Owner of the proposed installation shall submit to the Town all design calculations and other pertinent data to supplement the plans and specifications review. All costs associated with the engineer's review of the plans and specifications shall be paid by the Owner.
- E. The sewer installation shall be subject to periodic inspection by the Sewer and Drain Division. The expense for this inspection shall be paid by the Owner as part of the sewer collection permit. Should the work require additional efforts to pass inspection, a re-inspection fee will be assessed as detailed in the User Fee Schedules. No further inspections will occur prior to the Town's receipt of the fee.
- F. The sewer must pass final sewer testing, consisting of a low-pressure air test for the pipe and a vacuum test for the manhole, and receive approval from the Sewer and Drain Division, before any building sewer is connected.

Line acceptance test (gravity sewers):

1. Equipment:

- a. Pneumatic plugs shall have a sealing length equal to or greater than the diameter of the pipe to be inspected.
- b. Pneumatic plugs shall resist internal test pressures without requiring external bracing or blocking.
- c. All air used shall pass through a single central panel.
- d. Connect 3 individual hoses:
  - i. From the control panel to the pneumatic plugs for inflation.
  - ii. From the control panel to the sealed sewer line for introducing the low-pressure air.
  - iii. From the sealed sewer line to the control panel for continually monitoring the air pressure rise in the sealed line.

2. Testing Pneumatic Plugs:

- a. Seal test all pneumatic plugs prior to using them in the actual test.
- b. Lay one length of pipe on the ground and seal both ends with the pneumatic plugs to be tested.
- c. Pressurize the sealed pipe to 5 psig.



- d. The pneumatic plugs are acceptable if they remain in place without bracing.
3. Testing Sewer Pipeline:
- a. After the sewer pipe has been cleaned and the pneumatic plugs checked, place the plugs in the sewer line at each manhole and inflate them.
  - b. Introduce low pressure air into the sealed sewer pipeline until the air pressure reaches 4 psig greater than the average groundwater pressure.
  - c. Allow a minimum of 2 minutes for the air pressure to stabilize to a minimum of 3.5 psig greater than the groundwater pressure. Groundwater is assumed to be at ground surface unless the Contractor can prove otherwise by test pitting.
  - d. After the stabilization period, disconnect the air hose from the control panel to the air supply.
  - e. The pipeline will be acceptable if the pressure decrease is not greater than 1/2 psig in the time stated in the following table for the length of pipe being tested:

**Time (Min.) for Length of Pipe**

<b>Pipe Diameter (inches)</b>	<b>0-100 ft</b>	<b>101-200 ft</b>	<b>201-300 ft</b>	<b>301-400 ft</b>
4	2.0	2.0	2.0	2.0
6	3.0	3.0	3.0	3.0
8	4.0	4.0	4.0	5.0
10	5.0	5.0	6.0	8.0
12	5.5	5.5	8.5	11.5
15	7.0	8.5	13.0	17.0
18	8.5	12.0	19.0	25.0
21	10.0	17.5	26.0	35.0
24	11.5	23.0	34.0	45.5
27 and larger	14.5	29	43.0	58.0

- 4. Test Results: IF the installation fails the low-pressure air test, determine the source of leakage, repair or replace all defective materials and/or workmanship and repeat low pressure air test.

**Manhole Vacuum Test:**

- 1. The manhole shall be tested by a vacuum test after assembly of the manhole, connection piping and backfilling. Vacuum testing to be conducted prior to construction of invert channels.
- 2. Plug all lifting holes completely with non-shrink grout.
- 3. Properly tighten all boot clamps and brace all plugs to prevent them from being sucked into the manhole.

4. Install the testing equipment according to the manufacturer's instructions.
5. A vacuum of 10 inches of Hg shall be drawn on the manhole and the loss of 1 inch of Hg vacuum timed. The manhole shall be considered to have passed the test if the time for the loss of 1 inch of Hg vacuum is:
  - a. Greater than 2 minutes for manholes less than 10-feet deep.
  - b. Greater than 2.5 minutes for manholes 10 to 15-feet deep.
  - c. Greater than 3 minutes for manholes more than 15-feet deep.
6. If the manhole fails the initial test, the Contractor shall locate the leak(s) and make repairs. The manhole shall be retested until a satisfactory test result is obtained.

#### Section 2.4 Restrictions on Discharge to Sewers

- A. No person shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes pass through or interference or process upset or loss of treatment ability. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other Federal, State, or local pretreatment standards or requirements.
- B. Any connection or method of conveying stormwater or groundwater into the public sewer system is prohibited. All waste pipes, special waste, and drains from water closets, washing machines, sinks, tubs, showers, etc., must have an opening above the grade of the adjacent highway. For additional protection, mechanical means to prevent backflows (backflow preventatives) are required. Existing connections with openings that are below the grade of the adjacent highway equipped with/without backflow preventatives or similar mechanical devices that existed prior to the effective date of this provision may remain at the full responsibility of the owner. Periodic inspection and maintenance are recommended to ensure against the backflow of sewage from the street sewer into the premises.
- C. No person shall introduce or cause to be introduced into the POTW the following pollutants, substances, and wastewater;
  1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, gas, solid, or any substance that can generate or form any flammable, combustible or explosive substance, fluid, gas vapor or liquid when combined with air, water or other substances present in sewers, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140° F (60° C) using the test methods specified in 40 CFR 261.21;
  2. Wastewater having a pH less than 6.0 or greater than 10.0, as measured at the point of connection to the sanitary sewer or other available monitoring location, or otherwise causing corrosive structural damage or hazard to the POTW equipment, or personnel, or with alkalinity in such quantities that contributes to or cause the

POTW influent pH to exceed 8.0. (NOTE: The Town will accept Septage Waste disposed of at the WWTP with characteristic per section 12.1. Industrial Waste may only be discharged according to the limits specified within the individual permit based on the Town's determination that the potential of adverse impact to the POTW is reasonably absent.);

3. Solid or viscous substances including water or wastes containing fats, wax, grease, or oils, whether emulsified or not, or containing substances that can solidify or become viscous at temperatures between 32 and 150° F (0-65° C), in amounts that could cause obstruction of the flow in the POTW over 200 ppm;
4. Waters or wastes containing strong acid pickling waste and concentrated plating solutions whether neutralized or not;
5. Pollutants, including oxygen-demanding pollutants (BOD, COD, etc.), or chlorine demand requirements released in a discharge at a flow rate and/or pollutant concentration that, either singly or by interaction with other pollutants, will cause interference with the POTW, constitute a hazard to humans or animals, create a public nuisance, exceed national categorical pretreatment standards, or cause pass through, or have an adverse effect on the receiving stream;
6. Wastewater having a temperature greater than 140° F (60° C), or that will inhibit biological activity in the wastewater treatment facility resulting in interference, and wastewater that causes the temperature at the introduction into the wastewater treatment facility to exceed 104° F (40° C);
7. Wastewater containing more than 25 mg/L of petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
8. Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause worker health and safety problems;
9. Trucked or hauled pollutants, except at discharge points designated by the Director in accordance with Section 4.9 of this Ordinance;
10. Hazardous wastes in accordance with Env-Hw 400, including but not limited to paints, stains, thinners, pesticides, herbicides, anti-freeze, transmission and brake fluids, motor oil and battery acid;
11. Wastewater causing, alone or in conjunction with other sources, the wastewater treatment facility's effluent or sludge to fail a toxicity test.

D. No person shall introduce or cause to be introduced into the POTW the following

pollutants, substances, and wastewater, unless specifically authorized by the Director in a permit.

1. Wastewater that impacts color that may not be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently could impact color to the treatment facility's effluent, thereby violating the Town's NPDES permit;
2. Noxious or malodorous liquids, gases, solids, or other wastewater that, either singly or by interaction with other wastes, could be sufficient to create a public nuisance or a hazard to life, or to prevent entry into the public sewers for maintenance or repair;
3. Wastewater containing any radioactive wastes or isotopes, and then only in compliance with applicable State or Federal regulations;
4. Storm water, flood water (salt or brackish), surface water, groundwater, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, non-contact cooling water, or otherwise unpolluted wastewater;
5. Swimming pool drainage which does not meet the following criteria:
  - i. Pool drainage water shall have a total chlorine residual of zero (0) mg/L, which has been attained by natural or chemical means;
  - ii. The test procedure verifying zero chlorine residual shall be observed by the Director prior to pool draining.
  - iii. The Town shall be notified a minimum of 72 hours in advance of draining the pool.
6. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
7. Medical wastes, pharmaceutical waste, or radiological waste;
8. Quantities or concentrations of detergents, surface-active agents, or other substances that could be sufficient to cause excessive foaming in the POTW;
9. Wastewater that could cause a reading on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 10 percent (10%) of the Lower Explosive Limit of the meter;
10. Garbage that has not been shredded to such a degree that all particles will be transported freely under the flow conditions normally prevailing in public sewers, with no particles greater than one-half inch (1/2") in any direction. 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. The installation and operation of any garbage grinder equipped with a motor of  $\frac{3}{4}$  horsepower (0.76 horsepower metric) or greater shall be subject to the review and approval of the Director;

11. Any quantities of flow, concentrations, or both which constitutes a “Slug” as defined herein;
12. Waters or wastes which, by interaction with other water or wastes in the treatment works, release dangerous or noxious gases, from suspended solids that affect the operation of the collection system, or create a condition deleterious to structures and treatment processes;
13. Any materials that exert or cause unusual concentrations of inert suspended solids, such as, but not limited to: Fullers earth, lime, slurries, and lime residues, or of dissolved solids, such as, but not limited to: sodium chloride and sodium sulfate;
14. Wastewater permit limit established for that pollutant by the Town.

### Section 2.5 Federal Categorical Pretreatment Standards

- A. The Federal categorical pretreatment standards are found at 40 CFR Chapter 1, Subchapter N, Parts 405-471. EPA shall be the control authority for industrial users subject to categorical pretreatment standards. Industrial users are responsible to the EPA for compliance with categorical pretreatment standards and the requirements of 40 CFR Part 403. Categorical industrial users shall provide the Town with copies of any reports to, or correspondence with, the EPA relative to compliance with the categorical pretreatment standards.
- B. The industrial user is responsible for determining the applicability of categorical pretreatment standards. The industrial user may request that EPA provide written certification on whether the user is subject to the requirements of a particular category.

### Section 2.6 Local Discharge Restrictions

- A. All persons discharging industrial wastes into any sewers (public or private) connected to the Town’s POTW shall comply with applicable Federal requirements and State standards for pretreatment of wastes (as amended), in addition to the requirements of this Ordinance.
- B. Local regulatory controls established by the Town for the discharge of pollutants of concern, as set forth herein (referred to as “local limits”), and all State pretreatment

standards shall apply, whichever is most stringent. Pollutants of concern include any pollutant that might reasonably be expected to be discharged to the POTW in quantities that could pass through or interfere with the POTW, contaminate the biosolids, or adversely impact human health or safety.

- C. **Maximum allowable industrial limitations.** The Director will not issue permits that allow pollutants, in combination with projected non-industrial and non-itemized industrial loads that will cause the Town to violate its NPDES permit, or that will prevent disposal of sludge.
- D. **Methodology.** All mass loading limitations for metals represent total metals, regardless of the valance state, or the physical or chemical form of the metal. To administer allowable loadings through permits, the Director may impose concentration-based limitations, or mass limitations in accordance with Section 2.10. For industrial discharge applications, the values written into the *Industrial Discharge Permits* for pollutants shall apply at the end of the industrial wastewater and prior to dilution with non-industrial wastewater.

Permit limits will be developed based on the identification of industrial users known to be discharging each pollutant. Unless specifically identified in a permit, an industrial user is not allowed to discharge pollutants at concentrations significantly greater than background concentrations. For the purposes of this requirement, significant means twenty percent (20%) greater than the background concentrations. Background concentrations are determined by routine testing at the headworks of the POTW. Should the Town develop Local Limits in the future, those levels will be used to determine industrial discharge limits.

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

- E. **Special Agreements.** No statement contained in this Article except for Sections 2.5 and 2.6 shall be construed as preventing any special agreement or arrangement between the Town and any industrial user whereby an industrial waste of unusual strength may be accepted by the Town for treatment. The Director, with the approval of the Board of Selectmen, may allow for such arrangements provided the said agreements do not contravene any requirements of existing Federal or State laws, and/or regulations promulgated thereunder, are compatible with any user charge system in effect, and do not waive applicable Federal categorical pretreatment standards. Special agreement requests may require submittal of a pollution prevention plan that specifically addresses the discharge for which a special agreement is requested.

## Section 2.7 Dilution

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

## Section 2.8 Mass-Based Limitations

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

## Section 2.9 Private Sewer Systems

- A. Private sewer systems that discharge to the Town's POTW are responsible for all collection system mapping, and must perform all collection system operation and maintenance activities as required by the Town of Hampton NPDES permit. Operation and maintenance activities, and documentation of said activities, shall be performed at the Owner's expense. Documentation/records of operation and maintenance activities shall be provided to the Director within thirty (30) days of performing the work, or from the request of the Director that the work be performed.
- B. The Town shall be allowed to inspect the work at any stage of construction, and, in any event, the owner shall notify the Town when the work is ready for final inspection and before any underground portions are covered (including beneath a basement floor). This inspection shall be made within 72 hours of the receipt of notice by the Town, and a certificate of operation shall be issued by the Director or his designee if the system is approved.
- C. The Town may require private sewer systems to eliminate extraneous infiltration and inflow greater than 300 gallons per day per inch-diameter-mile, or the current Town

standard, from the private system. The Owner shall bear the cost for the study, documentation, and performance of all remedial work, as approved by the Director.

### Section 2.10 Town's Right of Revision

- A. The discharge standards and requirements set forth in Article II are established for the purpose of preventing discharges to the POTW that would harm either the public sewers, wastewater treatment process, or equipment, would have an adverse effect on the receiving stream, or would otherwise endanger lives, limb, public property, or constitute a nuisance.
- B. To meet these objectives, the Director may, from time to time and with approval from the Board of Selectmen, review and set more stringent standards or requirements than those established in Section 2.4, 2.5, and 2.6 if, in his opinion, such more stringent standards or requirements are necessary to meet the above objectives. At a minimum, this review will be performed at least once every three years or more frequently if required by the Director. In forming his opinion, the Director may give consideration to such factors as the quantity of waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment facility, degree of treatability at the wastewater treatment facility, pollution prevention activities, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer shall not be exceeded without the approval of the Board of Selectmen.
- C. The Director shall allow affected industrial users reasonable time to comply with any changes to the local limits. The conditions and schedule for compliance shall accompany the written notification of amended local limits.

## Article III – Pretreatment of Wastewater

### Section 3.1 Pretreatment Facilities

- A. Users shall provide wastewater treatment as necessary to comply with this Ordinance, and shall achieve compliance with all limits, prohibitions, and requirements set out in Sections 2.4, 2.5, and 2.6 within the time limitations specified by the EPA, the State, or the Director, whichever is most stringent.
- B. All facilities required to achieve and maintain compliance shall be provided, operated, and maintained at the user's expense.
- C. Detailed plans describing such facilities and operating procedures shall be submitted to the Director for review, and shall be acceptable to the Director and the State before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Town under the provisions of this Ordinance.



- D. Plans and specifications for a proposed pretreatment facility shall be the signed and sealed by a professional engineer licensed by the State of New Hampshire.

### Section 3.2 Additional Pretreatment Measures

- A. Whenever deemed necessary, the Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and impose such other conditions as are deemed necessary to protect the POTW and determine the user's compliance with the requirements of this Ordinance.
- B. The Director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An *Industrial Discharge Permit* may be issued solely for flow equalization.
- C. **Fats, Oils, and Grease (FOG), and Sand Interceptors.** Interceptors for fats, oils, grease, sand or other substances harmful or hazardous to the building sewer or POTW shall be provided at the owner's expense when, in the opinion of the Director, such devices are necessary for the preliminary treatment of wastewater containing excessive amounts of fats, oils, grease, and/or sand, except that such interceptors shall not be required for solely residential users.
1. Concentrated grease and oils from fryers, grill and stove grease accumulation traps and vent hoods shall be properly disposed of or recycled, and shall not be discharged to the sewer.
  2. All new food service establishments (including, but not limited to restaurants, hotel kitchens, hospital kitchens, school kitchens, bars, factory cafeterias and clubs), and any other facility discharging fats, oils, and grease above the discharge limit described in Article II shall be served by:
    - i. An external FOG interceptor, subject to the Director's approval, installed on a separate building sewer line servicing kitchen flows and connected only to an approved fixture or drain.
    - ii. If an external interceptor is not practical, FOG-bearing wastewaters shall be served by an indoor automated grease recovery unit (or units) that separates grease from the wastewater by active mechanical or electrical means, and are subject to the Director's approval.
  3. Existing food service establishments undergoing significant renovation, or those designated in sewer service areas experiencing problems, such as grease blockages,

may be required by the Director to install or upgrade a FOG removal system to satisfy the requirements of these regulations.

All interception units shall be of a type and capacity approved by the Director and shall be so located as to be easily accessible for cleaning and inspection by the owner and the Town. Grease traps shall conform to the Plumbing and Drainage Institute Standard PDI-G101 and shall be installed in accordance with the manufacturer's instructions. Maintenance of interceptors requires that the owner be responsible for the proper removal and disposal by appropriate means of the captured materials, in accordance with the requirements established by the Director. The owner shall maintain service records of the interceptors. The form and content of such records will be determined by the Director and the records shall be subject to periodic review by the Director. The removal and disposal of captured materials from interceptors shall be performed by an approved hauler at a legally licensed facility and proof of such placement shall be provided in writing to the owner who shall maintain such record of disposal for inspection by the Town.

- D. Users with the potential to discharge flammable substances shall, at the discretion of the Director, install and maintain an approved combustible gas detection meter and alarm.
- E. Where pretreatment of flow equalizing facilities are provided or required for any waters or wastes, these devices shall be maintained continuously in satisfactory and effective operation by the owner.
- F. **Monitoring Facilities.** The owner of any building services or a building sewer carrying industrial wastes may, at the discretion of the Director, be required to install a suitable control manhole or approved equivalent structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structures, when required, shall be accessible, safely located, and shall be constructed in accordance with this Ordinance and NHDES Env-Wq 700, and will be subject to approval by the Director. The owner shall perform such monitoring as the Town may reasonably require, including: the installation, use and maintenance of monitoring equipment; records maintenance; and reporting the results of such monitoring to the Town. Such records shall be provided to the Town.
- G. The Director shall develop, implement, and enforce such administrative rules that may be approved by the Board of Selectmen, as is determined to be necessary to manage the discharge of fat, oil, and grease into the municipal sewer system. The rules shall address the generation of grease-laden wastewaters by food production and food service establishments, the installation and operation of grease removal equipment, and the disposal of grease wastes.

- H. Dental practice which manages dental amalgam shall install and maintain an amalgam separator in accordance with federal and/or state regulations.

### Section 3.3 Accidental Discharge/Slug Control Plans

- A. All industrial users shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's cost and expense.
- B. The Director may periodically evaluate whether a user needs an accidental discharge/slug control plan. The Director may require any use to develop, submit for approval, and implement such a plan. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his facility as necessary to meet the requirements of this Ordinance. Alternatively, the Director may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:
  - 1. A description of discharge practices, including non-routine batch discharges;
  - 2. A description of all stored chemicals;
  - 3. Procedures for immediately notifying the Director of any accidental or slug discharge, as required by Section 6.3 of this Ordinance; and
  - 4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic pollutants, including solvents, and/or measures and equipment for emergency response.

### Section 3.4 Pollution Prevention Plans

The Director may require any person discharging wastes into the POTW to develop and implement, at their own expense, a pollution prevention plan. The Director may require users to submit as part of the pollution prevention plan information that demonstrates adherence to the following elements:

- A. **Management Support.** For changes to be effective, the visible support of top management is required. Management's support should be explicitly stated and include designation of a pollution prevention coordinator, goals, and time frames for reductions in volume and toxicity of waste streams, and procedures for employee training and involvement.

- B. **Process Characterization.** A detailed process waste diagram shall be developed that identifies and characterizes the input of raw materials, the outflow of products, and the generation of wastes.
- C. **Waste Assessment.** Estimates shall be developed for the amount of wastes generated by each process. This may include establishing and maintaining waste accounting systems to track sources, the rates and dates of generation, and the presence of hazardous constituents.
- D. **Analysis of Waste Management Economics.** Waste management economic returns shall be determined based on the consideration of:
1. Reduced raw material purchases;
  2. Avoidance of waste treatment, monitoring and disposal costs;
  3. Reductions in operations and maintenance expenses;
  4. Elimination or reduction of permitting fees and compliance costs; and
  5. Reduced liabilities for employee/public exposure to hazardous chemicals and cleanup of waste disposal sites.
- E. **Development of Pollution Prevention Alternatives.** Current and past pollution prevention activities shall be assessed, including estimates of the reduction in the amount and toxicity of waste achieved by the identified actions. Opportunities for pollution prevention shall then be assessed for identified process where raw materials become or generate wastes. Technical information on pollution prevention shall be solicited and exchanged, both from inside the organization and out.
- F. **Evaluation and Implementation.** Technically and economically feasible pollution prevention opportunities shall be identified, and an implementation timetable with interim and final milestones shall be developed. The recommendations that are implemented shall be periodically reviewed for effectiveness.
- G. **Recordkeeping.** Documentation demonstrating implementation or compliance with the pollution prevention plan shall be created, retained, and made available as required by the Director.

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

## Article IV – Industrial Discharge Permit Application

### Section 4.1 Wastewater Characterization

When requested by the Director, an industrial user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request or less in the case of an emergency. The Director is authorized to prepare a form for this purpose and may periodically require users to update this information.

### Section 4.2 Permit Requirement

- A. No industrial users shall discharge wastewater into the POTW without first obtaining a permit from the Director, except that a user which has filed a timely and complete application pursuant to Section 4.4 of this Ordinance may continue to discharge for the time period specified therein.
- B. The Director may require other users to obtain Industrial Discharge Permits, or submit an application for an Industrial Discharge Permit, as necessary to execute the purposes of this Ordinance.
- C. Any violation of the terms and conditions of an Industrial Discharge Permit shall be deemed a violation of this Ordinance, and the industrial permittee shall be subject to the enforcement actions set out in Article X of this Ordinance. Obtaining an Industrial Discharge Permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local laws.

### Section 4.3 State Discharge Request Requirement

Any new industrial waste, or any alteration of either flow or waste characteristics of greater than twenty percent (20%) of a user's existing industrial wastewater that is being discharged into the POTW, and that the Director believes could cause interference with the POTW or have an adverse effect on the receiving water or otherwise endangers life, limb, public property or constitute a nuisance, shall be approved by the NHDES Water Division. Such approvals shall be in accordance with Section 6.2 of this Ordinance.

### Section 4.4 Industrial Discharge Permitting: Existing Conditions

Any user required to obtain an Industrial Discharge Permit who was discharging wastewater into the POTW prior to the effective date of this Ordinance, and is not currently covered by a valid Industrial Discharge Permit, and who wishes to continue such discharges in the future shall, within sixty (60) days after the effective date of this ordinance and amendments thereto, apply to the Director for a permit in accordance with Section 4.2 of this Ordinance, and shall not cause or allow discharges to the POTW to continue after one hundred twenty (120) days of the effective date of this Ordinance except in accordance with a permit issued by the Director. A "valid" permit is defined as a permit which was issued under the guidance of this Ordinance.

#### Section 4.5 Industrial Discharge Permitting: New Connections

Any user required to obtain an Industrial Discharge Permit who proposes to begin or recommence discharging into the POTW must obtain a permit prior to the beginning or recommencing of such discharge. An application for this permit, in accordance with Section 4.2 of this Ordinance, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

#### Section 4.6 Industrial Discharge Permitting: Federal Categorical Pretreatment Standards

Within 90 days subsequent to the effective date of a Federal categorical pretreatment standard, an industrial user subject to such standards shall submit an application for a permit amendment. The application shall contain the information noted under Section 4.7.

#### Section 4.7 Industrial Discharge Permit Application Contents

All users required to obtain an Industrial Discharge Permit, and other users subject to these rules, as required by the Director, must submit a permit application. The Director may require all users to submit as part of an application the following information:

- A. The name and address of the facility, including the name of the operators and owners.
- B. A list of all environmental permits held by or for the facility.
- C. Number and type of employees, and proposed or actual hours of operation;
- D. Description of activities, facilities, and production processes on the premises, including a list of all raw materials and chemicals used or stored at the facility that are, or could accidentally or intentionally be, discharged to the POTW;
- E. Each product by type, amount, process or processes, and rate of production;
- F. Type and amount of raw materials processed (average and maximum per day);
- G. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- H. Time, duration, and rate of discharges;
- I. An analysis identifying the nature and concentration of pollutants in the discharge.
- J. A schedule of actions to be taken to comply with discharge limitations.
- K. An identification of the categorical pretreatment standards applicable to each regulated process;
- L. Copies of existing pollution prevention plans, slug control plans or other similar plans that

may describe pollution prevention activities that may exist at the facility;

- M. An indication of whether the conditions referenced in the application are existing or proposed; and
- N. Any other information as may be deemed necessary by the Director to evaluate the permit application.

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

#### Section 4.8 Signatures and Certification

All permit applications and user reports must be signed by an authorized representative of the user 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 or imprisonment for knowing violations.”

#### Section 4.9 Hauled Wastewater, Industrial and Septage

- A. Septic tank waste may be introduced into the POTW only at locations designated by the Director, and at such times as are established by the Director. Transport and discharge of such waste shall comply with Article XII of this Ordinance.
- B. The Director shall require generators of hauled industrial waste to obtain Industrial Discharge Permits. The Director may require haulers of industrial waste to obtain Industrial Discharge Permits. The Director may also prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Ordinance.
- C. Industrial waste haulers may discharge loads only at locations designated by the Director. No load may be discharged without prior consent of the Director. The Director shall collect samples of each hauled load to ensure compliance with applicable standards. The Director shall require the industrial waste hauler to provide and pay for a waste analysis of any load prior to discharge..
- D. Industrial waste haulers shall provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and

characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and a certification that the waste is not hazardous.

- E. Fees for dumping septage will be established as part of the User Fee Schedule. The Director shall have the authority to limit the disposal of such wastes, if in his opinion such disposal could interfere with the wastewater treatment facility operation. Procedures for the disposal of such wastes shall be in conformance with the operating policy of the Board of Selectmen, and disposal shall be accomplished under the supervision of the Director unless specifically permitted otherwise.

## Article V – Industrial Discharge Permit Issuance Process

### Section 5.1 Industrial Discharge Permit Decisions

The Director will evaluate the data provided by the industrial user and may require additional information. Upon approval of the application by the Director, if required, an Industrial Wastewater Indirect Discharge Request will be submitted by the Town to NHDES on behalf of the user. All applicable NHDES review fees shall be provided by the user. Within thirty (30) days of receipt of a complete permit application, or ninety (90) days in the case of an application for a new or increased discharge requiring review and approval by NHDES, the Director will determine whether or not to issue a permit. The Director may deny any application for a permit with just cause. An Industrial Discharge Permit approval shall be based on and apply only to the subject application and all associated plans and supporting information submitted.

### Section 5.2 Industrial Discharge Permit Duration

An Industrial Discharge Permit shall be issued for a specified time period to be determined by the Town, and in no event, shall exceed three (3) years.

### Section 5.3 Industrial Discharge Permit Contents

An Industrial Discharge Permit shall include such conditions as are deemed reasonably necessary by the Director to prevent pass through or interference, protect the quality of the water body receiving the POTW's effluent, protect human health and safety, facilitate biosolids management and disposal, and protect against damage to the POTW. All industries discharging into public sewer shall monitor their discharges as the Board or duly authorized Town employees may reasonably require. This includes the installation, maintenance, and recording of the results of the monitoring. Such records shall be made available upon request by the Board to other agencies having jurisdiction over the discharges into receiving waters.

#### A. Permits shall contain:

1. A statement that indicates date of permit issuance, and permit duration;
2. A statement that the permit is non-transferable without prior notification to the Town in accordance with Section 5.6 of this Ordinance, and provisions for



providing the new owner or operator with a copy of the existing permit;

3. Identification of applicable federal categorical pretreatment standards;
  4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants requiring pollution prevention reports. For pollutants to be monitored, those requirements shall include sampling locations, sampling frequencies, and sample types based on this Ordinance, and State and Federal laws, rules and regulations;
  5. Effluent limits based on the requirements of this Ordinance;
  6. For users with reporting requirements, such reports at a minimum shall require:
    - i. Periodic monitoring results indicating the nature and concentration of pollutants in the discharge from the regulated processes governed by the permit and the average and maximum daily flow for those process units;
    - ii. A statement as to whether the applicable pretreatment standards and requirements are being met on a consistent basis and, if not, identification of additional operation and maintenance practices and/or pretreatment systems that are necessary;
    - iii. Submittal of any monitoring results performed in addition to the requirements of the permit using procedures prescribed in the permit.
    - iv. Appropriate supporting documentation from items (i) through (iii) above.
  7. A description of identified pollution prevention opportunities at the facility;
  8. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements; and
  9. Any applicable compliance schedules. The schedule(s) may not exceed the time for compliance beyond that required by this Ordinance, applicable State and Federal Laws, rules and regulations.
  10. A description of when and how to file a permit renewal application.
- B. Permits may contain, but need not be limited to, the following conditions:
1. Limitations on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
  2. Requirements for the installation of pretreatment technology, pollution control, or

construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW.

3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
4. Development and implementation of pollution plans to reduce the amount of pollutants discharged to the POTW;
5. The unit charge or schedule of user charges and fees for the management of the wastewater discharge to the POTW. In accordance with this Ordinance, a surcharge may be imposed for excessive discharges of the conventional pollutants BOD and/or TSS.
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
7. A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those that become effective during the term of the permit; and
8. Other conditions as deemed appropriate by the Director to ensure compliance with this Ordinance, and State and Federal Laws, rules, and regulations.

#### Section 5.4 Industrial Discharge Permit Appeal

- A. Any person, including the user, may petition the Director to reconsider the terms of a permit within thirty (30) days of notice of its issuance.
- B. Failure to submit a petition within thirty (30) days for review shall be deemed to be a waiver of the administrative appeal.
- C. In its petition, the appealing user must indicate the permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the permit.
- D. The effectiveness of the permit shall not be stayed pending the appeal.
- E. If the Director fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied.
- F. The aggrieved party shall have the right to appeal to the Board of Selectmen in accordance with Section 14.2 of this Ordinance, provide that said appeal is entered within thirty (30) calendar days from the issuance of the decision of the Director.

- G. Decisions by the Board of Selectman not to reconsider a permit, not to issue a permit, or not to modify a permit shall be considered final administrative actions.

### Section 5.5 Industrial Discharge Permit Modification

The Director may modify a permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of permit issuance;
- C. To address a change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Upon receipt of information indicating the permitted discharge poses a threat to the Town POTW, Town personnel, or the water quality in the receiving waters;
- E. Violation of any terms or conditions of the permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the permit application or in any required reporting;
- G. Revision of a grant of variance from categorical pretreatment standards pursuant to 4 CFR 403.13;
- H. To correct typographical or other errors in the permit, or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

### Section 5.6 Industrial Discharge Permit Transfer

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

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

Failure to provide the required advance notice of a transfer renders the permit void as of the date

of the facility transfer.

### Section 5.7 Permit Revocation

The Director may revoke a permit for good cause as described in Section 10.8.

### Section 5.8 Permit Reissuance

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

- A. The industrial user has submitted a complete permit application at least sixty (60) days prior to the expiration date of the user's existing permit, and
- B. The failure to reissue the permit, prior to expiration of the previous permit, is not due to the act or failure to act on the part of the industrial user.

### Section 5.9 Regulation of Waste Received from Other Jurisdictions

- A. If another municipality contributes wastewater to the POTW via a direct connection to a public or private sewer which discharges to the POTW, the Town may enter into an intermunicipal agreement with the contributing municipality in accordance with RSA 53-A.
- B. Intermunicipal agreements shall be subject to approval by NHDES and the New Hampshire State Attorney General.
- C. Intermunicipal contributions of wastewater and intermunicipal agreements require Town Meeting approval.

## Article VI – Reporting Requirements

### Section 6.1 Periodic Compliance Reports

- A. All users holding industrial discharge permits shall, at a frequency determined by the Director, submit a report as specified on their permit. This report shall include the results of the analysis of wastewater samples indicating the nature and concentration of pollutants in their wastewater that are limited by this Ordinance, and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with this Ordinance.
- B. All wastewater samples must be representative of the user's typical discharge. Wastewater monitoring and flow measurement facilities shall be at all times, properly operated, kept clean and orderly, and maintained in good working order. The failure of a user to maintain

its monitoring facility in satisfactory working condition shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

- C. If a user subject to the reporting requirement in this Ordinance monitors any pollutant more frequently than required by the Director, using the procedures prescribed in Sections 6.8 and 6.9 of this Ordinance, the results of the monitoring shall be included in the report.

### Section 6.2 Reports of Changed Conditions

- A. All industrial discharge permit holders must notify the Director of any planned significant changes to the user's operations or system that might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.
- B. The Director may require the user to submit such information as is deemed necessary to evaluate the changed condition, including the submittal of a permit application under Section 4.7 of this Ordinance.
- C. Upon approval of the request by the Town, a Discharge Permit Request may be submitted by the Town to NHDES based on information submitted by the user. All applicable NHDES review fees shall be provided by the user.
- D. Upon approval of the Discharge Permit Request by NHDES, the Director may issue a permit under Section 5.3 of this Ordinance or modify an existing permit under Section 5.5 of this Ordinance in response to changed conditions or anticipated changed conditions.
- E. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

### Section 6.3 Reports of Slugs or Potentially Adverse Discharges

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug, that may adversely impact the POTW, the user shall immediately telephone and notify the Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions conducted by the user.
- B. Within five (5) days following such discharge, the user shall, unless waived by the Director, submit a detailed written report describing the incident, the pollutants involved, the cause(s) of the discharge and the measures to be initiated by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability that may be incurred as a result of damage to the POTW, natural resources, or any damage to person or property, nor shall such notification relieve the user of any fines, penalties, or other liability that may be imposed pursuant to this Ordinance. The report must be signed and certified in accordance with Section 4.8 of this Ordinance.

- C. A notice shall be permanently posted on the user's bulletin board or other prominent location advising employees whom to call in the event of a discharge described in paragraph (A) of this section. Employers shall ensure that all employees who could cause such a discharge to occur are advised of the emergency notification procedure.
- D. The user shall notify the Director immediately of any changes at its facility that may affect the potential for a slug discharge. The Director may require the user to develop or modify a slug control plan or take other actions to prevent and/or control slug discharges.

#### Section 6.4 Reports from Non-Permit Holders

Additional reporting requirements may be established by the Director for users that are not required to obtain an industrial discharge permit. Reports may be subject to the reporting requirements of Section 6.3.

#### Section 6.5 Notice of Violation/Repeat Sampling and Reporting

If the results of sampling performed by any user indicate an exceedance of the established limit, permit limit, or screening level for a pollutant, or the presence of a previously unreported pollutant, the user must notify the Director within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director as soon as possible, but no later than thirty (30) days after becoming aware of the violation.

#### Section 6.6 Discharge of Hazardous Waste

Any discharge into the POTW of a substance that, if otherwise disposed would be a hazardous waste under 40 CFR Part 261 or are hazardous wastes as defined in the NHDES Hazardous Waste Rules, is prohibited.

#### Section 6.7 Analytical Requirements

- A. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in these regulations shall be determined in accordance with the techniques prescribed in the Code of Federal Regulations Title 40, Part 136, or as may be revised. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analysis shall be performed by used validated procedures, including those suggested by the Town or other parties.
- B. A laboratory that is currently certified by the State of New Hampshire to perform the requested tests shall perform all analyses. Original laboratory reports, including all relevant quality control data, shall be submitted as part of each permit application or report. If, for whatever reason, any part of a laboratory report is deleted, augmented, or otherwise changed following its original issuance by the laboratory, then any permit application or report making use of that laboratory data shall clearly and completely identify the original report content and the nature of the change that was made.

## Section 6.8 Sample Collection

- A. Except as indicated in paragraph (B), below, the user shall collect wastewater samples using 24-hour flow-proportional composite collection techniques. In the event flow-proportional sampling is not feasible, the Director may authorize the use of time-proportional sampling, or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to demonstrate compliance with instantaneous maximum allowable discharge limitations (e.g., screening levels established to protect worker health and safety). A single grab sample may also be used in place of a composite sample with approval of the Director when:
1. The effluent is not discharged on a continuous basis (i.e., batch discharges of short duration), and only when the batch exhibits homogeneous characteristics (i.e., completely mixed) and the pollutant can be safely assumed to be uniformly dispersed;
  2. Sampling is at a facility where the Director determines that a statistical relationship can be established between previous grab samples and composite data; and
  3. The waste conditions are relatively constant (i.e., are completely mixed and homogeneous) over the period of the discharge.
- B. Samples for temperature, pH, phenols, sulfides, oils & grease, and volatile organic compounds shall be obtained using proper grab collection techniques in accordance with 40 CFR 403 Appendix E, where possible.
- C. Samples shall only be collected by individuals who are properly qualified, through verifiable training and experience, to perform the type of sampling required. The integrity of all samples shall be ensured by following established chain-of-custody practices for evidentiary samples. Sampling and chain-of-custody records shall be maintained in accordance with the permit. Original sampling and chain-of-custody records shall be submitted as part of each permit application or report.

## Section 6.9 Timing

Written reports will be deemed to have been submitted on the date postmarked. For reports that are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern. For electronically submitted reports, the date received shall be determined by the date sent.

## Section 6.10 Recordkeeping

Users subject to the reporting requirements of this Ordinance shall create, retain, and make available for inspection and copying, records of all information obtained pursuant to any monitoring activities required by this Ordinance and any additional records of information

obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact location, method, and time of sampling, and the name of the person(s) obtaining the samples, the dates of analysis were performed, who performed the analysis; the analytical techniques or methods used, and the results of such analysis. These records shall remain available for a period of at least five (5) years. This period shall be automatically extended for the duration of any litigation concerning the user or the Town, or where the user has been specifically notified of a longer retention period by the Director. Records shall be provided upon request to authorized local, state and federal authorities.

## ARTICLE VII – Powers and Authorities of Inspectors

### Section 7.1 Compliance Monitoring

The Town shall investigate instances of non-compliance with this Ordinance. The Town shall, as necessary, sample and analyze the wastewater discharges of contributing users and conduct surveillance and inspection activities to identify, independently of information supplied by such users, occasional and continuing non-compliance with the discharge requirements of this Ordinance. Each user will be billed directly for costs incurred for the sampling and analysis of its wastewater.

### Section 7.2 Right of Entry, Inspection and Sampling

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

- A. Where a user has security measures in force that require proper identification and clearance before entry into its premises, the user shall make and maintain all necessary arrangements so that, upon presentation of suitable identification, the Inspector(s) will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Inspector(s) shall have the right to set up on the user’s property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user’s operations.
- C. The Inspector(s) may require the user to install monitoring equipment as necessary. The user’s sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated in accordance with the manufacturer’s recommendations (but at least annually) to ensure their accuracy. Calibration records shall be maintained.



- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Inspector(s) and shall not be replaced. The cost of clearing such access shall be borne by the user.
- E. Unreasonable delays in allowing the Inspector(s) access to the user's premises, sampling or inspection sites, or pretreatment records shall be a violation of this Ordinance.
- F. The Inspector(s) is authorized to obtain information concerning all processes that have a bearing on the kind or source of discharge to the public sewer. In accordance with the provisions of Article VIII of this Ordinance, the user may request that the information in question not be disclosed to the public if it can establish the revelation to the public might result in an advantage to competitors.
- G. The Inspector(s) shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purpose of, but limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the POTW lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
- H. The Inspector(s) shall inspect the premises of any consumer for leakage or wastes of metered water upon the request of the consumer. Such a request may be required in writing by the Town. The Town shall not be held liable for any condition that may prevail or exist and discovered by inspection of the Inspector(s) upon request.

### Section 7.3 Search Warrants

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

## ARTICLE VIII – Confidential Information/Public Participation

Information and data about a user from reports, surveys, permit applications, permits, monitoring programs, and from the Director's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State or Federal Law. Any such request must be asserted at the time of the submittal of the information

and data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portion of a report that might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to this Ordinance, the NHDES program or pretreatment programs, and in enforcement proceedings involving the person providing the report. Wastewater constituents and characteristics and other “effluent data” as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

## ARTICLE IX – PUBLICATION OF POLLUTION PREVENTION ACHIEVEMENTS

The Director may publish annually or more often, on the Town’s website, or in the newspaper having the largest circulation in the Town, a list of users whom during the previous twelve (12) months, demonstrated a commitment to reducing the volume and toxicity of waste discharges. All pollution prevention efforts, not just those that affect wastewater discharges, may be subject to recognition. The following criteria may be used to identify published users:

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

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

## ARTICLE X – ENFORCEMENT REMEDIES

### Section 10.1 Notification of Violation

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

### Section 10.2 Compliance Schedule Development

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

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, retaining an engineer, completing preliminary and final design plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No increment referred to above shall exceed ninety (90) days;
- C. The user shall submit a progress report to the Director no later than ten (10) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for the delay, and, if appropriate, the action being taken by the user to return to the established schedule; and
- D. In no event shall more than thirty (30) days elapse between such progress reports to the Director;

### Section 10.3 Pollution Prevention Plan Development

The Director may require any user that has violated or continues to violate any provision of this Ordinance, a permit, or order issued there under, or any other pretreatment standard or requirement, to develop a pollution prevention plan in accordance with Section 3.4 of this Ordinance. The pollution prevention plan must specifically address violation(s) for which this action was undertaken. The pollution prevention plan shall be developed using good engineering judgment

and shall be submitted to the Director no later than sixty (60) days after the user was notified of this requirement.

#### Section 10.4 Publication of Users in Significant Noncompliance

The Director may publish annually, on the Town website or in the newspaper having the largest circulation in the Town, a list of the users that, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements.

#### Section 10.5 Show Cause Orders

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

#### Section 10.6 Cease and Desist Orders

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

- A. Immediately comply with all requirements; and
- B. Implement such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

A violation of any provision of this Ordinance, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Director. Any person(s) creating a public nuisance shall be subject to the provisions of local, state or federal laws governing such nuisances, including reimbursing the Town for any costs incurred in removing, abating, or remedying said nuisances.

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

### Section 10.7 Consent Orders

The Board of Selectmen is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for non-compliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period specified by the order. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment systems, additional self-monitoring, and management practices. Such orders shall have the same force and effect as the administrative order issued pursuant to Section 10.5 and 10.6 of this Ordinance and shall be judicially enforceable.

### Section 10.8 Permit Termination

The Director may terminate a user's permit upon a finding of:

- A. Violation of permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations of wastewater volume, constituents, and/or characteristics prior to discharge;
- D. Refusal of reasonable access to the user's premises for inspection, monitoring, or sampling;
- E. Violation of the pretreatment standards in Article III of the Ordinance;
- F. Falsifying self-monitoring reports;
- G. Tampering with monitoring equipment;
- H. Failure to pay fines;
- I. Failure to pay sewer fees and/or charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey;
- L. Failure to provide advance notice of the transfer of a permitted facility;
- M. Discharging wastewater that presents an imminent hazard to the public health, safety or welfare, or to the local environment;
- N. Violation of any pretreatment standard or requirement, or this Ordinance or order issued hereunder, or any applicable State or Federal Law.

### Section 10.9 Termination of Discharge

Any user who violates a provision of Section 10.8 of this Ordinance, or who fails to cease and

desist from any discharge of wastewater upon termination of the permit for that discharge, is subject to discharge termination.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.5 of this Ordinance why the proposed action should not be taken. Termination of discharge may be achieved by termination of sewer service from the building, or by such other means as the Director deems appropriate. The Director shall notify the Town's Health Officer and/or Board of Health upon termination of discharge from any building. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the user.

### Section 10.10 Emergency Suspensions

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

- A. Any user notified of a suspension of its discharge shall immediately terminate or eliminate its wastewater discharge. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Director may implement such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in Section 10.9 of this Ordinance are initiated against the user.
- B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment, shall submit a detailed written statement describing the causes of the harmful contribution and the measures implemented to prevent any future occurrence to the Director prior to the date of any show cause hearing or termination hearing under Sections 10.5 or 10.9 of this Ordinance.

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

### Section 10.11 Recovery of Expenses

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 due to such violation. Employers shall be held jointly liable to the Town for any expense, loss, or damage occasioned by the Town through the actions of their employees. Property owners shall be held jointly liable to the Town for any

expense, loss, or damage occasioned by the Town through the actions of their tenants.

If the Director or the Board of Selectmen implemented the discontinuance of a building sewer from a public sewer, the Town may collect the expenses associated with completing that discontinuance or disconnection from any person responsible for, or willfully concerned in, or who profited by such violation. The Town may thereafter refuse to permit the restoration of the former sewer connection or of any new connection to the property concerned in the violation until the claim of the Town for the cost of completing such discontinuance or disconnection shall have been paid in full and the reasonable cost of any legal expenses incurred by the Town, or interest charges in connection therewith.

### Section 10.12 Harm to Town Property

Any person who shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment that is part of the POTW shall be liable for damages to the owner thereof, and shall be arrested on the charge of Criminal Mischief (Ref: RSA 634:2).

### Section 10.13 Injunctive Relief

When the Director determines that any person or user has violated, or continues to violate, any provision of this Ordinance, a permit, or order issued thereunder, or any other pretreatment standard or requirement, the Director may, after notifying the Town Manager and the Board of Selectmen petition the Rockingham County Superior Court through Town Counsel for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the permit, order, or other requirement imposed by this Ordinance on activities of the user. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, implementing any other action against a user.

### Section 10.14 Civil Penalties

- A. A user who has violated, or continues to violate, any provision of this Ordinance, a permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the Town for a maximum civil penalty of \$10,000 per violation, per day, plus actual damages incurred by the POTW, In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation (Ref: RSA 149-I:6).
- B. The Director may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages to the Town. The Board of Selectmen, the Town Manager,



or Director, if directed by the Board, shall petition the Court to impose, assess, and recover such sums.

- C. In determining the amount of civil liability, the Court shall consider all relevant circumstances including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions implemented by the user, the compliance history of the user, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, implementing any other action against the user.
- E. The Director may decline to issue or reissue an Industrial Discharge Permit to any user who has failed to comply with any provision of this Ordinance, a previous Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the Town, in a sum not to exceed a value determined by the Director to be necessary to achieve consistent compliance.
- F. The Director may decline to issue or reissue an Industrial Discharge Permit to any user who has failed to comply with any provision of this Ordinance, a previous Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.
- G. The procedure to address food preparation establishments found to be in violation of this Ordinance shall be as follows:

<b>Violation</b>	<b>Penalty</b>
1 <sup>st</sup> Violation	Notice of 1 <sup>st</sup> Violation
2 <sup>nd</sup> Violation	\$250.00 Fine
3 <sup>rd</sup> Violation	\$500.00 Fine
4 <sup>th</sup> Violation	\$1,000 Fine Per Day

A written letter will be sent to each food preparation establishment that violates this Ordinance describing the Violation and the action(s) required to be taken to come into compliance. A representative(s) of the food preparation establishment can request an informal meeting with the director. The request shall be submitted within ten (10) days of the violation and the meeting scheduled during the next ten (10) days, allowing ten (10) days for the owner to correct the violation before the next inspection, which will occur



thirty (30) days after the initial violation. Thirty (30) days will be allowed between each inspection until the fourth (4th) violation. In addition to the \$1,000.00 fine for the fourth violation the name of the violating food preparation establishment may be released to local newspapers. Additionally, costs for labor for sampling and testing performed and administrative costs will be billed to the user. Failure to pay the fines will result in the sewer being shut off. If sewer service is suspended for any period of time, the owner of the food preparation establishment will also be charged for a reconnection fee.

If within a 24-month period, the food preparation establishment has had at least 4 consecutive sampling events that indicate compliance, the next violation will be addressed with a Notice of 1<sup>st</sup> Violation.

### Section 10.15 Criminal Prosecution

Any person who willfully or negligently violates any provision of this Ordinance, a permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a violation, punishable by a fine not to exceed \$10,000 for each violation. Every separate provision violated shall constitute a separate violation. Every day that a violation occurs shall be deemed a separate violation (Ref: RSA 149-I:6).

### Section 10.16 Nonexclusive Remedies

The remedies provided for in this Ordinance are not exclusive. The Town may take any, all, or any combination of these actions against a noncompliant user. The Town may pursue other action against any user without limitation, including *ex parte* temporary judicial relief to prevent a violation of this Ordinance. Further, the Town is empowered to pursue more than one enforcement action against any noncompliant user.

## ARTICLE XI – Affirmative Defenses to Discharge Violations

### Section 11.1 Upset

- A. For the purposes of this section, “upset” means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards due to factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with pretreatment standards if the requirements of paragraph (C), below, are met.
- C. A user who intends to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  1. An upset occurred, and the user can identify the cause(s) of the upset;

2. At the time of the upset, the facility was being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
  3. The user has submitted the following information to the Director within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submittal must be provided within three (3) days):
    - a. A description of the discharge and cause of noncompliance;
    - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
    - c. Action being implemented and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with pretreatment standards.
- F. A user shall control production of all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fail.

## Section 11.2 Bypass

- A. For the purposes of this section,
1. “Bypass” means the intentional diversion of wastewaters from any portion of a user’s treatment facility.
  2. “Severe property damage” means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A user may allow any bypass to occur that does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (C) and (D) of this section.

- C. The user shall provide the following notifications for bypass events:
1. If a user is aware in advance of the need for a bypass, the user shall submit prior notice to the Director, at least ten (10) days before the date of the bypass, if possible.
  2. A user shall submit oral notice to the Director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time the user becomes aware of the bypass. A written submittal shall be provided within five (5) days of the time the user becomes aware of the bypass. The written submittal shall contain a description of the bypass and its cause, the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue, and steps implemented or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- D. Bypass is prohibited, and the Director may initiate enforcement action against a user for a bypass, unless
1. The bypass was unavoidable to prevent loss of life, personal property, or severe property damage;
  2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance, and
  3. The user submitted notices as required under paragraph (C) of this section.
- E. The Director may approve an anticipated bypass, subsequent to considering its adverse effects, if the Director determines that it will satisfy the three conditions listed in paragraph (D) of this section.

## ARTICLE XII – Septage Disposal

No person shall discharge septage at the Town of Hampton’s POTW who does not hold a septage hauler permit issued pursuant to RSA 485-A.

Such permit, as required by RSA 485-A, shall be on file with the Town. Upon renewal or revocation of such permit, the hauler shall be responsible for notification of such removal or revocation to the Town.

The Director may limit the quantities of septage that can be received or refuse to receive septage

to ensure proper operation of the POTW pursuant to RSA 486:13.

Septic tank sludge and/or wastewater will only be accepted from the following towns: Brentwood, Danville, Exeter, East Kingston, Fremont, Hampton, Hampton Falls, Kensington, North Hampton, Raymond, Rye, Sandown, Seabrook, South Hampton, and Stratham. (Rev. 10-28-19)

### Section 12.1 Septage Hauling Requirements

- A. Septic tank waste may be introduced into the POTW only at locations designated by the Director, and at such times as are established by the Director.
- B. Such hauler may discharge septage to the facilities provided at the Town's wastewater treatment facility only after paying the charges as set forth in Section 12.4 of this Ordinance.
- C. Each Hauler will be responsible for the proper upkeep of the disposal site as required by the Director of Public Works or the designee.
- D. Those persons, firms, corporations, municipal subdivisions or institutions that conform to RSA 485-A and the definition of "RVs" shall dispose of such septage as human excrement or other putrescible materials at the dates, times, and locations designated by the Director.
- E. No person, firm, corporation, municipal subdivision or institution shall discharge any toxic poisonous, or radioactive solids, liquids or gases; the contents of grease, gas, oil and/or sand interceptors; or industrial wastes via septage tank truck into the Town's wastewater treatment facility without specific authorization of the Director.
- F. All septage shall be subject to pH testing prior to discharge. Only septage with an acceptable pH (6.0 – 10.0) shall be allowed to be disposed.

### Section 12.2 Temporary Septage Permits

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

### Section 12.3 Septage Permits

- A. Any person, firm, corporation, municipal subdivision, institution or hauler who conforms to RSA 485-A and intends to dispose of septage, human excrement or other putrescible material within the limits of the Town shall first obtain a permit from the Town.

- B. Such permit as issued by the Town shall identify:
1. The motor vehicle;
  2. The capacity of the tank;
  3. The NHDES Permit Number; and
  4. Any other details of compliance with the regulations of the NHDES.
- C. The following conditions shall constitute conditions precedent to the issuance of each permit by the Town:
1. Each septage tank truck shall have installed thereon, a sight level by which the quantity of the contents of each tank can be ascertained by visual observation in 500-gallon increments; or
  2. Each septage tank truck shall have an access port in which the quantity of the contents of each truck may be ascertained by depth measurements. If the director questions the size of the tank, he may require the tank to be sized by an independent agency at the expense of the owner.
  3. Before the time of disposal, the hauler shall provide a signed (by the property owner and the hauler) statement of the following information into the logbook located in the office of the POTW.
    - a. The hauler's name;
    - b. NH Public Health and Septic Disposal Number;
    - c. Date;
    - d. Time of disposal;
    - e. Volume disposed;
    - f. pH of disposed material;
    - g. Origin of load (property owner's name, address, and telephone number), and
    - h. Nature of the waste (i.e., grease or septage) being disposed.
  4. Owners of "RVs" who intend to discharge the contents of holding tanks are exempt from the permitting process, but are subject to the conditions set forth in Section 12.1.

## Section 12.4 Septage Disposal Charge

There shall be a Septage Disposal Charge, as the Board of Selectman may adopt from time to time or time in accordance with RSA 41:9 and included in the User Fee Schedule, for the receipt of septage into the Town's POTW for treatment, coupons for which can be purchased at the Town's Finance Office. Campers, recreational vehicles (RVs), and carpet cleaning services with a maximum capacity of less than 150 gallons also have the option to buy coupons at the Town of Hampton Transfer Station. If the permittee has either a defective sight level, no sight level attached to the truck, and/or no access to the contents of the truck for depth measurement, the permittee shall be charged according to the full tank capacity at the time of discharge or by other method determined by the Director.

## ARTICLE XIII – Conflict of Ordinance

- A. If a provision of this Ordinance is found to be in conflict with any provision of zoning, building, safety or health or other Ordinance or code of the Town, the State of New Hampshire, or the Federal government existing on or subsequent to the effective date of this Ordinance, that provision which in the judgment of the Town establishes the higher standard of safety and protection shall prevail.

## ARTICLE XIV – Interpretation of Requirements

### Section 14.1 Interpretation

The provisions of this Ordinance with respect to the meaning of technical terms and phrases, the classification of different types of sewers, the regulations with respect to installing or constructing connections to sewers or drains, and other technical matters shall be interpreted and administered by the Director acting in and for the Town of Hampton, New Hampshire through the Board of Selectmen.

### Section 14.2 Appeals

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

## ARTICLE XV – Administration

- A. The Town reserves the right to adopt additional Ordinances, rules and regulations as it deems necessary to the extent appropriate for the government of its Publicly Owned Treatment Works (POTW) and Public Works Department.
- B. Except as otherwise provided herein, the Director of Public Works shall administer,

implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Director of Public Works may be delegated by the Director to other Town personnel with prior approval of the Town Manager.

## ARTICLE XVI – User Fees

To defray the costs of operating and maintaining the POTW, including the sewer system and treatment works and the tax base, a schedule of charges shall be established by the Town. Changes to the schedule of charges may be approved by the Board of Selectmen at a posted meeting of the Board.

### Section 16.1 Septage Fees

A. The fees for disposal of septic tank sludge and/or wastewater are as follows:

For septage pumped from within the Town of Hampton \$0.04 per gallon

All other septage \$0.09 per gallon

Gallons	Hampton Residents	Out of Town
0-1000	\$40.00	\$90.00
1001-1500	\$60.00	\$135.00
1501-2000	\$80.00	\$180.00
2001-2500	\$100.00	\$225.00
2501-3000	\$120.00	\$270.00
3001-3500	\$140.00	\$315.00
3501-4000	\$160.00	\$360.00
4001+ (per 500 gal)	\$20.00	\$45.00
Less than 150 gallons (campers, recreational vehicles, carpet cleaning services, etc.)	\$5.00	\$10.00

B. The fees for disposal of sludge from campers, recreational vehicles (RVs), and carpet cleaning services with a maximum capacity of less than 150 gallons: \$5.00 (Hampton resident), \$10.00 (non-Hampton resident).

### Section 16.2 Sewer Fees

A. **Sewer Disconnection Fee.** A fee of \$50 per sewer disconnection shall be charged for all residential and non-residential properties being disconnected from the Town’s POTW.

B. **Sewer Connection Fee.** A fee of \$300 per sewer connection shall be charged for all residential and non-residential properties being connected to the Town’s POTW.

C. **Sewer Re-inspection Fee.** A fee of \$125.00 will be charged if a sewer disconnection or connection is required to be re-inspected.

**D. Wastewater System Development Charge.** A development charge of \$6.32/gallon will be assessed when:

1. An existing structure is enlarged in such a manner as the sanitary sewer load from that property is increased.
2. An existing structure's use is changed such that the sanitary sewer load from that property is increased.
3. A new structure proposes to be connected to the Town's POTW.

The Sewer Connection Fee and Wastewater System Development Charge will be assessed when a Sewer Connection Permit application is submitted. If the application package does not include the appropriate payment, it will be considered incomplete.

The daily flow volume use for calculating the Wastewater System Development Charge is to be determined using the design flow values provided in NHDES Env-Wq 1000, Table 1008-1, or amendments thereto.

**E. Flow and Strength Charges – Industrial Surcharge Fee.**

1. Users of the Town's POTW whose wastes entering the Town's sewer system, that have not been issued an Industrial Discharge Permit, whose effluent exceed the following standards will be charged at the rates shown for the amount by which the standard is exceeded. Fees will be assessed on a daily basis.

<u>Parameter</u>	<u>Screening Level</u>	<u>Surcharge Fee</u>
Flow	see below	\$100.00 per 1000 gal over
BOD	290 mg/l	\$100.00 per 100 lbs per day
TSS	390 mg/l	\$100.00 per 100 lbs per day
pH	6.5-10	\$1,000.00 per day

The daily flow volume use for calculating the Industrial Surcharge Fee is to be determined using the design flow values provided in NHDES Env-Wq 1000, Table 1008-1, or amendments thereto.

If the above standards are exceeded for more than 10 consecutive days, an additional \$1,000 fine will be charged for every day past 10 days that the standards are exceeded.

2. Industrial Discharge Permit holders will be charged a fine of \$1,000/day for every instance of permit exceedance. If multiple permit conditions are exceeded, a fine will be issued for each individual exceedance. If the Industrial Discharge Permit holder violates the same parameter for two consecutive testing periods, they shall be charged an additional \$500 per day per parameter until it is shown they are in



compliance.

3. Fees collected under this ordinance are for the collection and expenditure of funds for capital improvements to the wastewater treatment plant. Flow and Strength Charges shall be paid in full (upon notification by the Director), within 30 days of notification.

F. **Labor Charges.** Users of the Town's POTW will be responsible for labor and equipment costs associated with cleaning and maintenance activities required to address building sewer blockages caused by the accumulation of fats, oils, and grease (FOG).

G. **Returned Check Fee.** Checks returned as unpaid, or other payments in any form that are returned as unpaid are subject to a \$25.00 fee.

H. **Sewer Rates and Charges for State Properties.** Refer to Town of Hampton Code of Ordinances Chapter 749.

## ARTICLE XVII – Severability

If any provision, word, clause, section, paragraph, phrase or sentence of this Ordinance is found by a court of competent jurisdiction to be unconstitutional, unlawful or unenforceable, such unconstitutionality, unlawfulness or unenforceability shall not affect the other provisions of this Ordinance, provided that the purpose of this Ordinance can still be achieved in the absence of the invalid provisions.

## ARTICLE XVIII – When Effective, Repealer

This Ordinance will become effective when adopted by the Board of Sewer Commissioners and shall repeal Chapter 406 on the Town of Hampton Ordinances except for Article I of Chapter 406, Town Meeting votes that shall become Appendix C of this Ordinance.

## ARTICLE XIX – Amendments

This Ordinance may be amended at any time at a posted meeting of the Board of Selectmen acting as the Board of Sewer Commissioners.

## ARTICLE XX – Town Meeting Votes

This article sets forth in chronological order certain warrant articles and election questions which the Town requested to be included in the Ordinance. This information is provided for reference purposes only. Refer to the Appendix.

## ARTICLE XXI – Effective Date

This Ordinance shall be in full force and effect immediately following its passage, approval, and

filing with the Office of the Town Clerk as required by Law.

Appendix A  
Sewer Connection Permit Application

# TOWN OF HAMPTON SEWER CONNECTION PERMIT APPLICATION



Date: \_\_\_\_\_

Name of Property Owner: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Name of Contractor: \_\_\_\_\_ Phone Number: \_\_\_\_\_

**Check ONE box and attach to this application a sketch, and/ or plans as applicable as well as payment. (At this time payment of the Sewer Connection and the WWSDC fees must be separate.)**

Existing Building: Replacement or repair of sewer service – *only check this box if replacement or repair of sewer service is within the same location and no new internal connections are made. No fee required as new sewer service is a betterment to system.*  
 Property Address (include house number) \_\_\_\_\_  
 Tax Map \_\_\_\_\_ Lot Number \_\_\_\_\_ Number of Existing Connections \_\_\_\_\_

Existing Building: New or relocated sewer service to existing building – *only check this box if the building is existing and a new sewer service is proposed or is relocated*  
 Property Address (include house number) \_\_\_\_\_  
 Tax Map \_\_\_\_\_ Lot Number \_\_\_\_\_  
 Number of Existing Connections \_\_\_\_\_ X \$300 = \_\_\_\_\_ Fee  
 Number of New Bedrooms \_\_\_\_\_ X 150 \_\_\_\_\_ X WWSDC\* = \_\_\_\_\_ Fee  
 Number of Mother-in-Law Apts \_ X 225 x WWSDC\* = \_\_\_\_\_ Fee  
 Total \_\_\_\_\_ Fee

New Residential Construction  
 Property Address (include house number) \_\_\_\_\_  
 Tax Map \_\_\_\_\_ Lot Number \_\_\_\_\_  
 Number of Connections \_\_\_\_\_ X \$300 = \_\_\_\_\_ Fee  
 Number of Bedrooms \_\_\_\_\_ X 150 \_\_\_\_\_ X WWSDC\* = \_\_\_\_\_ Fee  
 Number of Mother-in-Law Apts X 225 x WWSDC\* = \_\_\_\_\_ Fee  
 Total \_\_\_\_\_ Fee

New Commercial Construction  
 Property Address (include building number) \_\_\_\_\_  
 Tax Map \_\_\_\_\_ Lot Number \_\_\_\_\_  
 Number of Connections \_\_\_\_\_ X \$300 = \_\_\_\_\_ Fee  
 Proposed Daily Water Usage \_\_\_\_\_ X WWSDC\* = \_\_\_\_\_ Fee  
 Total \_\_\_\_\_ Fee

Signature: \_\_\_\_\_

*Signature above indicates that the sewer connection(s) will be in accordance with the Code of the Town of Hampton \*Wastewater System Development Charge = \$6.32/gal. per BOS 01/2019*

**Office Use Only**       Sewer Available       Sewer Available at Main Only       No Sewer

Comments: \_\_\_\_\_

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_ Permit Number \_\_\_\_\_

Appendix B  
Sewer Disconnection Permit Application

TOWN OF HAMPTON  
SEWER DISCONNECTION PERMIT APPLICATION



Date: \_\_\_\_\_

Name of Property Owner: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Name of Contractor: \_\_\_\_\_ Phone Number: \_\_\_\_\_

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**Existing Building**

Total number of existing connections to be removed \_\_\_\_\_

Property Address (include building number) \_\_\_\_\_

Tax Map \_\_\_\_\_ Lot Number \_\_\_\_\_

Disconnection Fee - \$50.00 per disconnection

Total \_\_\_\_\_ Fee

Signature: \_\_\_\_\_

Signature above indicates that the sewer connection(s) will be in accordance with the Code of the Town of Hampton

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**Office Use Only**

Comments: \_\_\_\_\_

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_ Permit Number \_\_\_\_\_

Appendix C  
Town Meeting Votes

## Repeal Act Creating Selectmen as Sewer Commissioners

To see if the Town will vote to negate its adoption of Article 29 of the 1988 Annual Town Meeting Warrant which gave the Board of Selectmen the powers and duties pertaining to sewers as conferred on the mayor and alderman of cities by RSA 149-1, and to adopt the "Sewage (Sewerage/Sewer) Use and Construction Ordinance" adopted, or readopted, by the Board of Selectmen on April 4, 1988.

Article 4 was moved and seconded. An amendment was made and seconded "to delete the section beginning "and to adopt...through April 4, 1988" and add a period. "There shall be no additional out of town sewage and sewer systems added to our Hampton sewer system." The amendment was then changed to leave in "and to adopt...through April 4, 1988" adding "There shall be no additional out of town sewage and sewer systems added to our Hampton sewer system." The request for a yes/no ballot was withdrawn and Article 4 of the October 24, 1989, Special Town Meeting passed as amended. See pages 37 and 38 of the Annual Town Report.

## Sewers

Shall the Town of Hampton vote to adopt the provisions of Chapter 149-I of the New Hampshire Revised Statutes Annotated pertaining to sewers, and authorize the Selectmen to perform all the duties and possess all the powers in the Town of Hampton which, in the case of a city, are conferred by RSA 149-I upon the mayor and alderman? (Majority vote required)

Article 26 of the Annual Town Meeting of March 11, 2014, was voted: Yes 2,437, No 396. A motion was made and seconded to restrict reconsideration of Article 26. Motion passed



### Renewal of Inter-Municipal Agreement

Shall the Town of Hampton vote to rescind the direction, as given to the Board of Selectmen by Article 44 of the 2009 Town Meeting, not to renew the "Agreement between the Town of Hampton and the Town of Rye, New Hampshire regarding Treatment and Disposal of Wastewater" upon the expiration of its first renewal period on November 17, 2014, and instead vote to authorize the Board of Selectmen to renew said Agreement for an additional 5 year period after November 17, 2014 on the same terms? (Majority vote required).

Note: The initial 20-year agreement, which was entered into in 1989, has enabled the Town of Rye to dispose of its wastewater at Hampton's wastewater treatment plant, in return for Rye's initial investment of approximately \$5 million dollars to establish a Hampton-Rye sewer connection and Rye's continuing payment to Hampton of a proportionate share, based on gallons, of both a) the use of Hampton's facilities and b) Hampton's capital costs. For the year 2009 these payments from Rye to Hampton totaled \$87,531. Due to the sewer work completed in the course of the Hampton Beach Infrastructure Improvements Project, Hampton's Wastewater Treatment Plant has more than enough capacity to handle the wastewater coming from Rye.

By its terms, this Agreement is automatically renewable for successive periods of not less than 5 years unless 2 years prior to the termination date either party notifies the other that the Agreement shall not be renewed.

Results of balloting on March 9, 2010: Yes 2116, No 735. Article 20 passed.

### Connection Agreement

Shall the Town of Hampton vote:

To authorize the Board of Selectmen to enter into a Memorandum of Agreement between the Towns of Hampton and Rye and the State of New Hampshire Department of Resources and Economic Development, Division of Parks and Recreation, whereby the State will implement the above connection with the Town of Rye force main sewer line and the Town of Hampton will be paid by the Town of Rye for the resulting additional input into Hampton's wastewater treatment plant of wastewater from the North Hampton State Beach, which is not expected to have any significant effect on the available capacity or process capability of the wastewater treatment plant, on the same terms as the Town of Rye now pays the Town of Hampton under the October 1989 Agreement? (Majority vote required)

Motion was made and seconded to restrict reconsideration of Article 19. Motion passed.

Results of balloting on March 13, 2012: Yes 2611, No 596. Article 19 passed.

# Town of Hampton



## TOWN OF HAMPTON NEW HAMPSHIRE

### ORDINANCE GOVERNING THE DISCHARGE OF WATERS AND WASTEWATERS INTO THE PUBLIC SEWER SYSTEM

Adopted MARCH 11, 2019

Adopted by the Board of Sewer Commissioners of the Town of Hampton in accordance with the provisions of New Hampshire Revised Statutes Annotated Chapter 149-I and Chapter 485-A on the above date. This Ordinance became effective upon its adoption and repeals Chapter 406 - Sewers of the Code of the Town of Hampton.

**Russell D. Bridle, Chairman**

**Regina M. Barnes, Vice Chairman**

**Richard P. Griffin, Commissioner**

**James A. Waddell, Commissioner**

**Mary-Louise Woolsey, Commissioner**

**Board of Sewer Commissioners**