

TOWN OF GREENVILLE

SEWER USE ORDINANCE

HILLSBOROUGH COUNTY, NEW HAMPSHIRE

2010

**GREENVILLE SEWER USE ORDINANCE
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HILLSBOROUGH COUNTY, NEW HAMPSHIRE**

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**GREENVILLE SEWER USE ORDINANCE
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Pursuant to enabling authority in New Hampshire Revised Statutes Annotated 149-I:6, the following is an ordinance regulating the use of public and private sewers and drains, private wastewater disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system, and providing penalties for violations thereof, in the Town of Greenville, County of Hillsborough, State of New Hampshire.

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

SECTION 1 – GENERAL PROVISIONS

1.1 Purpose and Policy

This Ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) of the Town and enables the Town to comply with all applicable State and federal laws, including the Clean Water Act (33 United States Code 1251 *et seq.*) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). Recognizing that there are significant opportunities to reduce or prevent pollution at its source through cost effective practices, and that such practices can offer savings through reduced purchases of materials and resources, a decreased need for pollution control technologies and lower liability costs, as well as assisting to protect the environment, the Town establishes the following objectives of this Ordinance:

A. To promote, consistent with the policy of the federal government:

- ❖ The prevention or reduction of pollutants at the source whenever feasible;
- ❖ Recycling in an environmentally-safe manner when pollution cannot be prevented;
- ❖ Treatment in an environmentally-safe manner of pollution that cannot be prevented or recycled; and
- ❖ Disposal or other release into the environment in an environmentally-safe manner only as a last resort.

To encourage the development of these efforts, the Town may:

- ❖ Set Town-wide pollution prevention goals;
- ❖ Organize an assessment program task force;
- ❖ Review data and inspect sites;
- ❖ Develop pollution prevention options;
- ❖ Conduct a feasibility analysis of selected options; and
- ❖ Promote implementation of pollution prevention techniques.

- B. To prevent the introduction of pollutants into the POTW that will interfere with its operation.
- C. To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving water, or otherwise be incompatible with the POTW;
- D. To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- E. To promote reuse of sludge from the POTW;
- F. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and
- G. To enable the town to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or State law to which the POTW is subject.

This ordinance shall apply to all users of the POTW. The Ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.2 Administration

Except as otherwise provided herein, the Superintendent shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to other Town personnel.

1.3 Abbreviations

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

- A. BOD – Biochemical Oxygen Demand
- B. CFR – Code of Federal Regulations
- C. COD – Chemical Oxygen Demand
- D. DES – New Hampshire Department of Environmental Services
- E. gpd – Gallons per day
- F. IDP – Industrial Discharge Permit

- G. mg/L -- Milligrams per liter
- H. EPA -- United States Environmental Protection Agency
- I. NPDES -- National Pollutant Discharge Elimination System
- J. POTW -- Publicly Owned Treatment Works
- K. RCRA -- Resource Conservation and Recovery Act
- L. RSA -- Revised Statutes Annotated
- M. SIC -- Standard Industrial Classification
- N. TDS -- Total Dissolved Solids
- O. TSS -- Total Suspended Solids
- P. USC -- United States Code

1.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.

1. Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 *et seq.*
2. Approval Authority. The Regional Administrator of the EPA or his duly appointed agent and DES.
3. Authorized Representative of the User.
 - a. If the user is a corporation:
 - i. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - ii. The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- b. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - c. If the user is a federal, State or local government facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - d. The individuals described in paragraphs (a) through (c), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Town.
4. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/L).
5. Building Drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
6. Building Sewer. The extension from the building drain to the public sewer or other place of disposal, also called house connection.
7. Bypass. The intentional diversion of waste streams from any portion of a wastewater treatment facility.
8. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limitations promulgated by EPA in accordance with Sections 307 (b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of users and which appear in 40 CFR, Chapter I, Subchapter N, parts 405-471.
9. Commercial Use. Premises used for financial gain, such as business or industrial use, but excluding residential uses and related accessory uses.
10. Commissioner. The Commissioner of the New Hampshire Department of Environmental Services, or the commissioner's duly appointed agent.
11. Compatible Pollutant. Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria.
12. Control Authority. The term Control Authority as used in this Ordinance refers to the Regional Administrator of the EPA.

13. Department. Department means the New Hampshire Department of Environmental Services.
14. Domestic septage. Either liquid or solid material removed from a septic tank, cesspool, or similar containment area that receives only domestic sewage.
15. Domestic sewage. Sewage comprised of waste and wastewater from household or commercial operations that:
- i. Contains no industrial waste; and
 - ii. Is discharged to or otherwise enters a treatment works.
16. Easement. An acquired legal right for the specific use of land owned by others.
17. Environmental Protection Agency or EPA. The United States Environmental Protection Agency or, where appropriate, the EPA Regional Water Management Division Director, or other duly authorized official of said agency.
18. Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
19. 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. As wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.
20. Force Main. A line without access from individual properties, providing a connection from a pump station to a pump station, trunk, or sanitary sewer main.
21. Fume toxicity screening level. That concentration of a pollutant in water which, under equilibrium conditions, a confined environment, and a standard temperature, would cause the concentration of the pollutant in the air over that water to exceed the exposure limit.
22. Garbage. The animal and vegetable matter resulting from the handling, preparation, and cooking and serving of foods.
23. Grab Sample. A sample which 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.
24. Grease. The material removed from a grease interceptor (trap) serving a restaurant or other facility requiring such grease interceptors. Also means volatile and non-volatile residual fats, fatty acids, soaps, waxes and other similar materials.

25. Hauler. Those persons, firms or corporations, who pump, haul, transport, or dispose of septage and who are licensed by DES pursuant to RSA 485-A:4, XVI and rules adopted to implement this section.

26. Headworks. That portion of a wastewater treatment plant which first receives the total influent flow for initial treatment.

27. Headworks loading limit. The maximum allowable quantity of pollutants at the headworks of a wastewater treatment plant when the following constraints are considered:

- (1) Water quality standards for the receiving water;
- (2) Discharge permit limits;
- (3) Inhibition of biological treatment processes;
- (4) Sludge criteria;
- (5) Corrosive destruction of the POTW;
- (6) Air quality limitations; and
- (7) Worker safety.

28. Human Excrement and other Putrescible Material. The liquid or solid matter discharged from the intestinal canal of a human, or other liquid or solid waste materials which are likely to undergo bacterial decomposition (provided, however, that these terms shall not include refuse as defined in RSA 149-M.)

29. Incompatible Pollutant. Any pollutant which is not a compatible pollutant.

30. Industrial Discharge Permit of IDP. The written permit between the Town and an industrial user that outlines the conditions under which discharge to the POTW will be accepted.

31. Industrial User. A person who discharges industrial wastes into the sanitary sewer of the Town.

32. Indirect discharger. A facility that discharges waste, as defined by RSA 485A:2, XVI, alone or in combination with domestic sewage to a POTW.

33. Industrial waste. "industrial waste" as defined by RSA 485-A:2, VI, namely "any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing trade or business or from development of any natural resources."

34. Interference. An indirect discharge which, alone or in conjunction with indirect discharge(s) from other sources:

- (1) Inhibits or disrupts the POTW's treatment processes or operations, or its processing, use, or disposal of sludge in compliance with applicable statutes and rules;
- (2) Is a cause of a violation of any requirements of the POTW's federal or state discharge permit; or
- (3) Prevents sewage sludge use or disposal in compliance with the following statutory provisions and rules or permits issued thereunder:
 - a. Env-Wm 101-102,201-210,301-316, and 2100- 3700 relative to solid waste management;
 - b. Env-A 100-3800 relative to air pollution control;
 - c. The General Pretreatment Regulations For Existing and New Sources of Pollution, 40 CFR 403;
 - d. The Federal Toxic Substances Control Act;
 - e. The Federal Marine Protection, Research and Sanctuaries Act; and
 - f. Env-Ws 800 and 40 CFR 503 relative to use or disposal of sewage sludge.

35. Industrial Wastes or Non-Domestic Wastewater. The wastewater and waterborne wastes from industrial processes, trade, or business as distinct from domestic wastewater, sewage or unpolluted water.

36. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.

37. Instantaneous Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analyses of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

38. Interference. A discharge, which alone or in conjunction with a discharge or discharges by 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 the Town's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as RCRA; any State regulations contained in any State sludge 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; 40 CFR Part 503 Standards for Sewage Sludge Use and Disposal; and RSA 485-A:4, XVI-a.

39. Local limit. A pollutant quantity specified in a municipal sewer ordinance which numerically limits the amount of each specified pollutant that can be discharged to the POTW by an indirect discharger.

40. May. Means permissive (see "Shall").

41. Medical/infectious waste. "medical/infectious waste" as defined by RSA 125--N:2,V(H)(I).

42. Municipal sewer use ordinance. That set of ordinances, bylaws, or regulations duly adopted by the Town's Board of Selectmen relating to the POTW and all appurtenant structures, including any pretreatment facilities as are required for the proper maintenance and operation of the foregoing enumerated facilities.

43. Municipality. For the purposes of these rules, any state, county, city, town, district, governmental subdivision of the state, or any other public entity, other than federal agencies, responsible for the operation and maintenance of the treatment works.

44. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, chemotherapy wastes, and dialysis wastes.

45. National Pollutant Discharge Elimination System Permit or NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C 1342).

46. Natural Outlet. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body or surface water or groundwater.

47. New Source.

a. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced subsequent to the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source as such standards are thereafter promulgated in accordance with that section, provided that:

- i. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- ii. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- iii. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the

existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, will be considered.

b. Construction on a site which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (a) (ii) or (a) (iii) above but otherwise alters, replaces, or adds to existing process or production equipment.

c. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

i. Begun, or caused to begin, as part of a continuous on-site construction program

ia. any placement, assembly, or installation of facilities or equipment; or

ib. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

ii. Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

48. Non-Contact Cooling Water. Water used for cooling which does not directly contact any raw material, intermediate product, waste product, or finished product. (0) "Other wastes" means other wastes as defined by RSA 485-A:2, VIII, namely "garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, ashes, offal, oil, tar, chemicals and other substances other than sewage or industrial wastes, and any other substances harmful to human, animal, fish or aquatic life.

49. Normal Domestic Wastewater. Wastewater generated by residential users containing not more than 200 mg/L BOD and not more than 250 mg/L suspended solids.

50. Other wastes. Other wastes as defined by RSA 485-A:2, VIII, namely "garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, ashes, offal, oil, tar, chemicals and other substances other than sewage or industrial wastes, and any other substances harmful to human, animal, fish or aquatic life."

51. Pass through. A discharge to a POTW in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's federal and/or state discharge permit.

52. Person. Person as defined by RSA 485-A:2, IX, namely "any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity."

53. pH. The logarithm measure devised to express 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.

54. Pharmaceutical waste. A prescription drug, as defined by RSA 318:1, XVII, or a nonprescription or proprietary medicine, as defined by RSA 318:1, XVIII, that is no longer suitable for its intended purpose or is otherwise being discarded.

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

56. Pollution Prevention. The use of materials, processes, or practices that reduce or eliminate the creation of pollutants or wastes at the source, or minimize their release to the environment prior to recycling, treatment or disposal. It includes practices that reduce the use of hazardous materials, energy, water or other resources. It also includes practices that protect natural resources and human health through conservation, more efficient use, or effective release minimization.

57. Pretreatment. The application of physical chemical, or biological processes, either singly or in combination, to reduce the amount of pollutants in or alter the nature of the pollutant property in a waste prior to discharge into a POTW.

58. Pretreatment Requirements. Any substantive or procedural requirements related to pretreatment imposed on a user, other than a pretreatment standard.

59. Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, and local limits.

60. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions are as identified in Section 3.3 of this Ordinance.

61. Properly Shredded Garbage. Wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that particles will be transported freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2") inch in any dimension.

62. Public Sewer. A common sewer controlled by a governmental agency or public utility.

63. Publicly Owned Treatment Works or POTW. A "treatment works", as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the Town. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial waste of a liquid nature. It also includes sewers, pipes, and other conveyances only if these structures convey wastewater to a POTW. The term also means the municipality that has jurisdiction over discharges to and from such a treatment plant, and any sewer that conveys wastewater to the POTW from persons outside the Town who are, by contract or agreement with the Town, users of the Town's POTW.
64. Radiological waste. Radioactive waste as regulated by RSA 125-F.
65. Recreational Vehicle or "RV". A mobile vehicle or trailer used for temporary living (i.e., camper).
66. Sanitary Sewer. A sewer that carries liquid and water-carried wastes from residences, commercial building, industrial facilities and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.
67. Screening Level. That concentration of a pollutant which under baseline conditions would cause a threat to personnel exposed to the pollutant, or would adversely impact structures of the POTW. To be administered as local limits applicable to a particular discharge, the screening levels must be adjusted to account for conditions at the point of discharge which differ from baseline conditions.
68. Semi-Public Use. Premises of private, non-profit organizations such as schools, hospitals, and religious institutions.
69. Septage or Septic Tank Waste. Any liquid, solid, or material pumped from chemical toilets, vaults, septic tanks, or cesspools or other holding tanks, that have received only domestic wastewater.
70. Septic Tank Truck. Any watertight vehicle that is used for the collection and hauling of septage as described above and which complies with the regulations of the New Hampshire DES (RSA 485-A).
71. Sewage. "Sewage" as defined by RSA 485-A:2, X, namely "the water-carried waste products from buildings, public or private, together with such groundwater infiltration and surface water as may be present."
72. Sewer. A pipe or conduit that carries wastewater, storm water, groundwater, subsurface water, or unpolluted water from any source.
73. Shall. Means mandatory (see "May").

74. Significant Indirect Discharger/Significant Industrial User. An indirect discharger that meets one or more of the following criteria:

- (1) Is subject to national categorical pretreatment standards under 40 CFR 403.6;
- (2) Discharges an average of 10,000 gallons per day or more of process wastewater;
- (3) Discharges a process wastewater which contributes 5 percent or more of the hydraulic or organic loading to the wastewater treatment plant;
- (4) Discharges medical/infectious waste, pharmaceutical waste, or radiological waste;
or
- (5) Is designated as such by the municipality as having a reasonable potential for adversely affecting the POTW's operation or performance or for violating any pretreatment standard or requirement.

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

a. Chronic Violations. A pattern of violating the same pretreatment standard daily maximum or average limit (any magnitude of exceedence) sixty-six percent (66%) or more of the time in a six-month period;

b. Technical Review Criteria (TRC) Violations. Thirty-three percent (33%) or more of the measurements exceed the same pretreatment standard daily maximum limit or average limit by more than the TRC factor in a six-month period (The TRC factor is 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH);

c. For pH monitoring, excursions shall be considered SNC when:

i. The total time during which the pH values are outside the required range of pH values exceeds 7 hours and 26 minutes in any calendar month; or

ii. An individual excursion from the range of pH values exceeds 60 minutes; or

iii. An excursion occurs which the Town believes has caused, alone or in combination with other discharges, interferences or pass-through; or has endangered the health of the sewage treatment personnel or the general public; or

iv. Any pH less than or equal to 2.0 or greater than or equal to 12.5.

d. Any other discharge violation that the Superintendent believes caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

e. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Superintendent's exercise of its emergency authority to halt or prevent such a discharge;

f. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

g. Failure to provide, within forty five (45) days after the due date, any required reports, including Industrial Discharge Permit applications, periodic self-monitoring reports, and reports on compliance with compliance schedules;

h. Failure to accurately report noncompliance; or

i. Any other violation(s) which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

76. Sludge. "Sludge" as defined by RSA 485-A:2, XI-a, namely "the solid or semisolid material produced by water and wastewater treatment processes, excluding domestic septage; provided, however, sludge which is disposed of at solid waste facilities permitted by the department shall be considered solid waste and regulated under RSA 149-M."

77. Sludge toxicity. The degree that a sludge has a toxic effect on living organisms.

78. Surface waters of the state. "Surface waters of the state" as defined by RSA 485-A:2, XIV, namely "perennial and seasonal streams, lakes, ponds, and tidal waters within the jurisdiction of the state, including all streams, lakes, or ponds bordering on the state, marshes, water courses and other bodies of water, natural or artificial."

79. Slug Load or Slug.

a. Any discharge of water, wastewater, sewage, or industrial sewage which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation;

b. Any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in Section 3.3 of this Ordinance; or

c. Any discharge which may adversely affect the collection system and/or performance of the POTW.

80. Source Reduction. Any practice which:

a. Reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and

b. Reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or containments.

The term includes equipment or technology modification; process or procedure modifications; reformulation or redesign of products; substitution of raw materials; and improvements in housekeeping, maintenance, training, or inventory control. The term "source reduction" does not include any practice which alters the physical, chemical, or biological characteristics or the volume of a hazardous substance, pollutant, or contaminant through a process or activity which itself is not integral to and necessary for the production of a product or the providing of a service.

81. Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

82. State. The State of New Hampshire.

83. Storm Drain or Storm Sewer. A drain or sewer for conveying storm water, groundwater, subsurface water, or unpolluted water from any source.

84. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

85. Superintendent. The person designated by the Town to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Ordinance, or a duly authorized representative.

86. Suspended Solids or TSS. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

87. Town. The Town of Greenville, Hillsborough County, New Hampshire, a municipality of the State of New Hampshire, acting through its Board of Selectmen.

88. Treatment works. Any device or system used in the collection, storage, treatment, recycling, or reclamation of sewage or industrial waste and includes all collection sewers, interceptor sewers, pumping stations, treatment and appurtenant facilities essential to the operation of an entire system.

89. Unpolluted Water. Water of quality equal to or better than the State Water Quality Standards (Env-Ws 430 through Env-Ws 440) or water that would not cause a violation of receiving water quality standards and would not be benefited by discharge to the POTW.

90. Upset. An exceptional incident in which there is unintentional and temporary noncompliance with permit effluent limitations because of factors beyond the reasonable control of the permittee.

91. User or Industrial User. A source of pollutants introduced into the POTW from any non-domestic source regulated under Section 307 (b), (c), or (d) of the Act.

92. Waste. Means "waste" as defined by RSA 485-A:2, XVI, namely "industrial waste and other wastes."

93. Wastewater treatment plant. Means "wastewater treatment plant" as defined by RSA 485-A:2, XVI-a, namely "the treatment facility or group of treatment devices which treats domestic or combined domestic and industrial wastewater through alteration, alone or in combination, of the physical, chemical, or bacteriological quality of wastewater and which dewateres and handles sludge removed from the wastewater."

94. Wastewater. The liquid and water-carried wastes and/or sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

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

SECTION 2 – GENERAL SEWER USE REQUIREMENTS

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 Greenville, or in any area under the jurisdiction of said Town, any human or animal excrement, garbage, or objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of said Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance and with State and Federal laws and regulations.
- C. Sewers for Intended Uses Only. No person shall discharge into any public sewer of the Town, or into any fixture which thereafter discharges into any public sewer, any waste or substance other than for which the particular sewer is intended, designed or provided.
- D. Applicable Permits Required. No person shall discharge into any public sewer of the Town, or into any fixture which thereafter discharges into any public sewer, any waste or substance until all applicable federal, state and local permits have been obtained.
- E. Use of Sanitary Sewers. Except as specifically provided with references to some particular sewer, sanitary sewers shall be used only for the conveyance and disposal of domestic wastewater, and for industrial wastes which are not objectionable as hereinafter provided. No sanitary sewer shall be used to receive and convey or dispose of any storm or surface water, subsoil drainage, or unpolluted water.

- F. Use of Storm Sewers. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers, or a natural outlet approved by the Superintendent. Industrial cooling water, process waters, or storm water runoff generated in areas of industrial activity (as defined in 40 CFR 126) require an NPDES permit prior to discharge to a storm sewer or natural outlet.
- G. Use Designation. If the intended or designated use of any particular sewer or drain and allowable discharge thereto is unclear, the Superintendent will consider the pertinent facts and make a determination. Said determination will be final and binding.
- H. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater in any area where a public sewer is available, as described in paragraph (I) below.
- I. 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 or may in the future be located a public 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 in accordance with the provisions of this Ordinance, within ninety (90) days subsequent to the date of official notice to do so, provided that said gravity public sewer is within on hundred (100) feet of the building. This requirement for connection may be waived when permitted by the Selectmen if the household is already connected to a properly functioning, State-approved septic system approved after 1985.
- J. Where a public sanitary sewer is not available under the provisions of paragraph (I) above, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of RSA 485-A:29-44 and rules pursuant thereto. The owner(s) shall operate and maintain the private wastewater and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town. At no time shall any quantity of industrial waste be discharged to a private, domestic wastewater disposal facility.
- K. At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, the owner shall connect to the public sewer, as provided in paragraph (I) above. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with clean mineral soils, and their use shall be discontinued.
- L. No statement contained in the preceding paragraphs of this Section shall be construed to interfere with any additional requirements that may be imposed by the Superintendent.
- M. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the POTW.

2.2 Building Sewers and Connections

- A. No person(s) shall uncover, make any connections with or opening into, use, altar, or disturb any public sewer or appurtenance thereof without first obtaining written permission from the Superintendent.
- B. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service producing only domestic wastewater, and (b) for service to establishments producing industrial wastes. For residential and commercial services, the owner(s) of his agent shall make application on a special form furnished by the Town at least thirty (30) days prior to said service connection. The permit application shall be supplemented by any plans, specifications, or other information (including pollution prevention studies) considered pertinent in the judgment of the Superintendent. A permit, connection and inspection fee, as established by the Board of Selectmen (refer to permit, connection and inspection fee in effect) in accordance with the provisions of this Ordinance, shall be paid to the Town at the time the application is filed.
- C. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway. In such cases, the front building sewer may be extended to the rear building and the whole considered as one building sewer, but the Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.
- E. Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Ordinance.
- F. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town or State. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and Water Environment Federation (WEF) Manual of Practice No. FD-5 shall apply.
- G. During construction of a new sanitary sewer or the replacing of an existing sanitary sewer, the construction of the building sewer, including connection to the structures served, shall be done by a certified plumber or contractor at the owner's expense, in accordance with paragraph K of this section. The owner shall thereafter be obligated to

pay all costs and expenses of operation, repair and maintenance, and of reconstruction, if needed, of the building drain and service connection to the Town's main sewer line.

- H. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage conveyed by such building drain shall be lifted by an approved means and discharged to the building sewer at the owner's expense.
- I. No person shall make connection of roof downspouts, interior or exterior foundation drains, area-way drains, or other sources of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- J. No person shall obstruct the free flow of air through any drain or soil pipe.
- K. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the ASTM and the WEF Manual of Practice No. FD-5. All such connections shall be made gas-tight and watertight and verified by proper testing, and **shall have installed a check valve on the building sewer before connection to the Town's main sewer line.** Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
- L. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. Such notice shall be provided not less than 48 hours in advance of the time any connection is to be made to any public sewer. The connection and testing shall be made under the supervision of the Superintendent or his representative. This requirement shall also apply to repairs or alterations to building connections, drains or pipes thereto.
- M. Suitable provisions shall be made at the point of connection for testing, which responsibility shall rest with the holder of the sewer connection permit.
- N. No building sewer shall be covered until it has been inspected and approved by the Superintendent. If any part of the building sewer is covered before being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to the public sewer.
- O. The Superintendent shall maintain a record of all connections made to public sewers and drains under this Ordinance and all repairs and alterations made to building connections or drains connected to or discharging into public sewers and drains of the Town or intended to so discharge. All persons concerned shall assist the Superintendent in securing the data needed for such records.

- P. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town at the expense of the owner.
- Q. Proposed new discharges from residential or commercial sources involving loading exceeding 50 population equivalents (5,000 gpd), any new industrial discharge, any substantial sewer construction or any alteration in either flow or waste characteristics of existing industrial wastes that are being discharged into the POTW must be approved by DES. Such approvals shall be obtained in accordance with Section 6.2 of this Ordinance.

2.3 Prohibited Discharge Standards

- A. General Prohibitions. No user shall introduce or cause to be introduced any waste that contains such concentrations or quantities of pollutants that its introduction to the POTW would cause pass-through, interference, treatment process upset and/or subsequent loss of treatment. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment or any other federal, State, or local pretreatment standards or requirements.
- B. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, gas, solid, or any substance which may 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 5.0 or greater than 11.0, 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 the pH of the influent to the POTW is cause to exceed 8.0;
 3. Solid or viscous substances including water or wastes containing fats, wax, grease, or oils, whether emulsified or not, or containing substances that may solidify or become viscous at temperatures between 32° and 150° F (0-65° C), in amounts that will cause obstruction of the flow in the POTW resulting in interference;
 4. Pollutants, including oxygen-demanding pollutants (BOD, COD, etc.), or chlorine demand requirements released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

5. Wastewater having a temperature great than 150° F (65° C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperatures at the introduction into the POTW to exceed 104° F (40 C);
6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
8. Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with Section 4.9 of this Ordinance; and
9. Household hazardous wastes including but not limited to paints, stains, thinners, pesticides, herbicides, antifreeze, transmission and brake fluids, motor oil and battery acid.
10. Any hazardous waste listed or designated by the department under Env-Wm 400.
11. Any medical/infectious waste, pharmaceutical waste or radiological waste without a permit.
12. Wastewater causing, alone or in conjunction with other sources, the POTW's effluent or sludge to fail a toxicity test;

C. Additional Prohibitions. No user shall introduce or cause to be introduced into the POTW the following substances, pollutants or wastewater, unless specifically authorized by the Superintendent in a wastewater discharge permit:

1. Wastewater which imparts color that may not be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently may impart color to the treatment facility's effluent, thereby violating the Town's NPDES permit;
2. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or prevent entry into the sewers for maintenance or repair;
3. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or federal regulations;
4. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, or otherwise unpolluted wastewater;

5. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
6. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
7. Wastewater causing 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;
8. Garbage that has not been properly shredded (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 the consumption on the premises or when served by caterers);
9. Any quantities of flow, concentrations, or both which constitute a "slug" as defined in Section 1.4 of this Ordinance;
10. Water or wastes which, by interaction with other water or wastes in the POTW, release dangerous or noxious gases, form suspended solids which affect the operation of the collection system, or create a condition deleterious to structures and treatment processes; or
11. Any materials which exert of 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).

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

2.4 Federal Categorical Pretreatment Standards

The categorical pretreatment standards are found at 40 CFR Chapter I, Subchapter N, Parts 405-471.

EPA shall be the Control Authority for industrial users subject to categorical pretreatment standards. As the Control Authority, 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 EPA relative to compliance with the categorical pretreatment standards.

The industrial user is responsible for determining the applicability of categorical pretreatment standards. The user may request that EPA provide written certifications on whether the user is subject to the requirements of a particular category.

2.5 Local Discharge Restrictions

All persons discharging industrial process wastes into public or private sewers connected to the Town's POTW shall comply with applicable federal requirements and State standards for pretreatment of wastes as amended from time to time, in addition to the requirements of this Ordinance.

Local numerical discharge limitations established by the Town as set forth herein (referred to as "local limits") and all State pretreatment standards shall apply, whichever is most stringent.

If any water or wastes are discharged or are proposed to be discharged to the POTW that exceed the standards or restrictions established in Sections 2.3, 2.4, and 2.5 of this Ordinance, which in the judgment of the Superintendent may have a deleterious effect upon the POTW, processes, equipment, sludge management and disposal, or receiving waters, or which otherwise create a hazard to worker safety or health, or constitute a public nuisance, the Superintendent may:

1. Reject or prevent any discharge to the POTW after notice has been served to the discharger and the discharger has had reasonable opportunity to respond;
2. Require pretreatment prior to discharge to the POTW (Section 3.0);
3. Require control (e.g., equalization) over the quantities and rates of discharge; and/or
4. Require payment to cover additional cost of handling and treating the wastes.

If the Superintendent allows the pretreatment or equalization of waste flows, the design and installation of the systems and equipment shall be subject to the review and approval of the Superintendent and the State (see Section 3).

- A. Maximum Allowable POTW Headworks Loadings Limitations. The following numerical pollutant loading limitations are established to protect against pass through and interference:

350 mg/l BOD₅

100 mg/l Oil and grease (total)

350 mg/l Total suspended solids

- B. Special Agreements. No statement contained in this Section except for paragraphs 2.3 (A), 2.3 (B), and 2.4 shall be construed as preventing any special agreement or arrangement between the Town and any industrial user whereby an industrial waste of unusual strength or character may be accepted by the Town for the treatment provided that said agreement does 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 shall require submittal of a pollution prevention plan that specifically addresses the discharge for which a special agreement is requested. For

pollutants with numerical local limits, the Town has allocated a percentage of its allowable industrial loadings for such special agreements. Requests for special agreements that exceed this allocation will not be approved.

2.6 Town's Right of Revision

The discharge standards and requirements set forth in Sections 2.3, 2.4, and 2.5 are established for the purpose of preventing discharges to the POTW which would interfere with the safety, operation, maintenance, or performance of the POTW including the collection system; would have an adverse effect on the receiving stream; prevent beneficial use of sludge as defined in Env-Ws 802.05; or would otherwise endanger lives, limb, public property, or constitute a nuisance.

To meet these objectives, the Superintendent may, from time to time, review and set more stringent standards or requirements than those established in Sections 2.3, 2.4, and 2.5 if, in the Superintendent's opinion, such more stringent standards or requirements are necessary. In forming his/her opinion, the Superintendent 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, the sludge management and disposal option employed, capacity of the wastewater treatment facility, degree of treat ability 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 Superintendent.

The Superintendent 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.

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 a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Superintendent 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.

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 its discharge even though the total mass of the pollutant discharged 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 Superintendent. 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 categorical pretreatment standards.

SECTION 3 – PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all local limits, prohibitions, and requirements set out in Sections 2.3, 2.4, and 2.5 of this Ordinance within the time limitations specified by the EPA, the State, or the Superintendent, whichever is more stringent. All facilities required to achieve and maintain compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Superintendent for review, and shall be acceptable to the Superintendent and the DES 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.

3.2 Additional Pretreatment Measures

- A. Whenever deemed necessary, the Superintendent 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 such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Ordinance.
- B. The Superintendent 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. Grease, oil, and sand interceptors shall be provided at the owner's expense when, in the opinion of the Superintendent, these devices are necessary for the preliminary treatment of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Superintendent and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense. The owner shall be responsible for the proper removal and disposal by appropriate means of the captured materials and shall maintain records of the dates and means of disposal, which shall be subject to periodic review by the Superintendent. Any removal and hauling of the collected materials shall be performed by currently licensed waste disposal firms.

- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter and alarm.
- E. Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, these devices shall be maintained continuously to ensure satisfactory and effective operation by the owner at his expense.

3.3 Accidental Discharge/Slug Control Plans

The Superintendent may require any user to develop, submit for approval, and implement such a plan. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Superintendent of any accidental or slug discharge, as required by Section 6.4 of this Ordinance; and
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

3.4 Hauled Wastewater

A. Septic tank waste may be introduced into the POTW only at locations designated by the Superintendent, and at such times as are established by the Superintendent. Such waste shall not violate Section 2 of this ordinance or any other requirements established by the Town. The Superintendent may require septic tank waste haulers to obtain individual wastewater discharge permits.

B. The Superintendent may require haulers of industrial waste to obtain individual wastewater discharge permits. The Superintendent may require generators of hauled industrial waste to obtain individual wastewater discharge permits. The Superintendent also may 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 Superintendent. No load may be discharged without prior consent of the Superintendent. The Superintendent may collect samples of each hauled load to ensure compliance with applicable Standards. The Superintendent may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

D. Industrial waste haulers must 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 whether any wastes are listed as a RCRA hazardous waste (note that the discharge of hazardous waste is prohibited).

SECTION 4 – INDUSTRIAL DISCHARGE PERMIT APPLICATION

4.1 Wastewater Characterization

When requested by the Superintendent, a user shall submit information on the nature and characteristics of its wastewater within sixty (60) days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require users to update this information.

4.2 Industrial Wastewater Discharge Permit Requirement

- A. No significant industrial user shall discharge wastewater into the POTW without first obtaining an Industrial Discharge Permit from the Superintendent, except that a significant industrial user that 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 Superintendent 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 shall subject the Industrial Discharge permittee to the enforcement actions set out in the Section 10, 11 and 12 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 law.

4.3 Industrial Discharge Request Requirement

All industrial users must receive DES approval for any new industrial discharge, or any alteration in either flow or waste characteristics of greater than 20 percent of existing industrial wastes that are being discharged to the POTW. Such approvals shall be obtained in accordance with Section 6.2 of this Ordinance.

4.4 Industrial Discharge Permitting: Existing Connections

Any user required to obtain an Industrial Discharge Permit who was discharging into the POTW prior to the effective date of this Ordinance, and is not currently covered by a valid Industrial Permit, and who wishes to continue such discharges in the future, shall, within sixty (60) days after said date, apply to the Superintendent for an Industrial Discharge Permit in accordance with Section 4.7 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 an Industrial Discharge Permit issued by the Superintendent.

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 shall obtain an Industrial Discharge Permit prior to the beginning or recommencing of such discharge. An application for this Industrial Discharge Permit, in accordance with Section 4.7 of this Ordinance, shall be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

4.6 Industrial Discharge Permitting: Categorical Standards

Within 120 days subsequent to the effective date of a categorical pretreatment standard, an industrial user subject to such standards shall submit an application for an Industrial Discharge Permit amendment. The application shall contain the information noted under Section 4.7.

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 Superintendent, shall submit a permit application. The Superintendent may require all users to submit as part of an application the following:

- A. The name, street address, and mailing address of the indirect discharger;
- B. The name, position, and daytime telephone number of a responsible individual at the indirect discharger, such as a plant manager, plant engineer, president, or vice president of the company, who has certified the permit application in accordance with Env-Ws 904.13 (b)
- C. The North American Industry Classification System ("NAICS") code of the indirect discharger, if available;
- D. Whether the indirect discharger is subject to national categorical standards, and if so, which standards;
- E. The estimated average, minimum, maximum and total daily flow for domestic discharges and each process discharge and the time and duration of those discharges;

- F. A schematic of the proposed treatment process including 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;
- G. If applicable, plans, specifications, and operation and maintenance procedures for new or modified treatment facilities at the indirect discharger, stamped by a chemical, civil, sanitary, or environmental engineer registered in New Hampshire;
- H. A schematic diagram showing the production process, including the origin of each waste stream;
- I. A list of pollutants expected to be present in the discharge and the anticipated quantity of each, based on:
 - (1) Analyses of the waste stream(s) to be discharged, in which case test results shall be submitted with the discharge permit request; or
 - (2) Knowledge of the process which produces the wastewater;
- J. Information on the toxicity and treatability of the pollutants proposed to be discharged, as available from manufacturer's testing, safety, and data publications;
- K. A map showing the location within the municipality of the indirect discharger with respect to the POTW;
- L. A list of all chemicals used at the indirect discharger that will be or could be discharged, such as production chemicals, degreasers, and cleaning solvents;
- M. A description and location diagram of all sampling locations at the indirect discharger;
- N. A brief narrative describing those measures taken or planned to reduce water usage and implement pollution prevention techniques, if any, such as:
 - (1) Flow restricters;
 - (2) Countercurrent rinses;
 - (3) Recycling of non-contact cooling water;
 - (4) Chemical substitutions;
 - (5) Pollutant source reduction;
- O. A list of all environmental permits held by or for the indirect discharger;
- P. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- Q. Each product produced by type, amount, process or processes, and rate of production;

- R. Type and amount of raw materials processed (average and maximum per day);
- S. Flow Measurement: Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste-stream formula set out in Section 2.4
- T. An indication of whether the conditions referenced in the application are existing or proposed; and
- U. Any other information as may be deemed necessary by the Superintendent to evaluate the Industrial Discharge Permit Application.

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

4.8 Signatories and Certification

- A. All Industrial Discharge Permit applications and user reports shall be signed by an authorized representative of the user and shall contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Superintendent prior to or together with any reports to be signed by an Authorized Representative.

SECTION 5 – INDUSTRIAL DISCHARGE PERMIT ISSUANCE PROCESS

5.1 Industrial Discharge Permit Duration

An Industrial Discharge Permit shall be issued for a specified time period, not to exceed five (5) years or three (3) years in the case of a significant industrial user, from the effective date of the permit. An Industrial Discharge Permit may be issued for a period less than these intervals at the

discretion of the Superintendent. Each Industrial Discharge Permit will indicate a specific date upon which it will expire.

5.2 Industrial Discharge Permit Contents

An Industrial Discharge Permit shall include such conditions as are deemed reasonably necessary by the Superintendent to prevent pass through or interference, protect the quality of the water body receiving the treatment facility's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Industrial Discharge Permits shall contain:

1. Indirect discharger name, street address, mailing address, and daytime telephone number;
2. A statement that indicates Industrial Discharge Permit issuance and expiration, which in no event shall the duration exceed five (5) years;
3. A statement that the Industrial Discharge Permit is nontransferable 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 Industrial Discharge Permit;
4. A list of pollutants, allowable parameters, and effluent discharge limitations based on applicable pretreatment standards and requirements;
5. Self monitoring, sampling, reporting, inspection and record-keeping requirements. These requirements shall include an identification of pollutants requiring pollution prevention reports and for pollutants to be monitored, sampling location, sampling frequency, and sample type based on this Ordinance, and State and federal laws, rules and regulations;
6. For users with reporting requirements, such reports at a minimum shall require:
 - a. Periodic monitoring results indicating the nature and concentration of pollutants in the discharge from the regulated processes governed by pretreatment requirements and the average and maximum daily flow for these process units;
 - b. A statement as to whether the applicable pretreatment standards and requirements are being met on a consistent basis and, if not, than what additional operation and maintenance practices and/or pretreatment systems are necessary; and
 - c. Submittal of any monitoring results performed in addition to the requirements of the Industrial Discharge Permit using procedures prescribed in the permit.

7. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. This schedule may not extend the time for compliance beyond that required by this Ordinance, applicable State and federal laws, rules and regulations.
 8. Notification requirements, including for:
 - a. slug loading;
 - b. Spills, bypasses, and upsets;
 - c. New or increased discharges
 - d. Changes in volume or characteristics of the discharge for which a permit revision is not required; and
 - e. Permit violations.
 9. The general and specific prohibitions from the sewer use ordinance which apply to the discharge;
 10. Applicable definitions and special conditions from the sewer use ordinance;
 11. Applicable civil and criminal penalties for violations;
 12. Requirements to control Slug Discharge, if determined by the Superintendent to be necessary.
 13. Requirement to submit complete new application at a specified, which shall be not less than once every five years; and
 14. A requirement to provide a copy of the permit to the department, if the department so requests.
- B. Industrial Discharge 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 regulations 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 discharge;
4. Development and implementation of pollution prevention plans to reduce the amount of pollutants discharged to the POTW;
5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
7. A statement that compliance with the Industrial Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable federal and State pretreatment standards, including those which become effective during the term of the Industrial Discharge Permit; and
8. Other conditions as deemed appropriate by the Superintendent to ensure compliance with this Ordinance, and State and federal laws, rules, and regulations.

5.3 Industrial Discharge Permit Appeals

Any person, including the user, may petition the Superintendent to reconsider the terms of an Industrial Discharge Permit within thirty (30) days of its issuance.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administration appeal.
- B. In its petition, the appellant user must indicate the Industrial Discharge Permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the Industrial Discharge Permit.
- C. The effectiveness of the Industrial Discharge Permit shall not be stayed pending the appeal.
- D. If the Superintendent fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied.
- E. Aggrieved parties may appeal the conditions of the Industrial Discharge Permit in accordance with Section 15 of this Ordinance.

5.4 Industrial Discharge Permit Modification

The Superintendent may modify an Industrial Discharge Permit for good cause, including, but not limited to, the following reasons:

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

5.5 Industrial Discharge Permit Transfer

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

- 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. Acknowledge full responsibility for complying with the existing Industrial Discharge Permit.

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

5.6 Industrial Discharge Permit Revocation

The Superintendent may revoke an Industrial Discharge Permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Superintendent of changed conditions pursuant to Section 6 of this ordinance;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports and certification statements;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Superintendent timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this ordinance.

Industrial Discharge Permits shall be voidable upon cessation of operations or transfer of business ownership. All Industrial Discharge Permits issued to a User are void upon the issuance of a new Industrial Discharge Permit to that User.

5.7 Industrial Discharge Permit Reissuance

A user with an expiring Industrial Discharge Permit shall apply for reissuance of the Industrial Discharge Permit by submitting a complete permit application, in accordance with Section 4 of

this ordinance, a minimum of sixty (60) days prior to the expiration of the user's existing Industrial Discharge Permit. Under no circumstances shall the permittee continue to discharge without an effective permit. An expired permit will continue to be effective and enforceable until the permit is reissued if:

- 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 any act of failure to act on the part of the industrial user.

5.8 Regulation of Waste Received from Other Jurisdictions

- A. If another municipality, or user located within another municipality, contributes wastewater to the POTW, the Commissioners shall enter into an intermunicipal agreement with the contributing municipality. As of the effective date of this Sewer Use Ordinance, one such agreement exists with Greenville Estate Village District.
- B. Prior to entering into an agreement required by paragraph (A), above, the Commissioners shall request the following information from the contributing municipality:
 - 1. A description of the quality and volumes of wastewater discharged to the POTW by the contributing municipality.
 - 2. An inventory of all users located within the contributing municipality that are discharging to the POTW; and
 - 3. Such other information as the Commissioners may deem necessary.
- C. An intermunicipal agreement, as required by paragraph (A), above, shall contain the following conditions:
 - 1. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this Ordinance, and local limit which ensure that the pollutant loadings allocated to the contributing municipality are not exceeded. The requirement shall specify that such Ordinance and local limits shall be revised as necessary to reflect changes made to the Town's Ordinance or revisions to the loadings allocated to the contributing municipality;
 - 2. A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;

3. A provision specifying which pretreatment implementation activities, including Industrial Discharge Permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality, which of these activities will be conducted by the Commissioners; and which of these activities will be conducted jointly by the contributing municipality and the Commissioners;
4. A requirement for the contributing municipality to provide the Superintendent with access to all information that the contributing municipality obtains as part of its pretreatment activities;
5. Limitations on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
6. Requirements for monitoring the contributing municipalities discharge;
7. A provision ensuring the Superintendent's access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Superintendent; and
8. A provision specifying remedies available for breach of the terms contained within the agreement.

D. Intermunicipal agreements shall receive approval by DES.

SECTION 6 – INDUSTRIAL USER REPORTING REQUIREMENTS

6.1 Baseline Monitoring Reports

A. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Superintendent a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Superintendent a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described above shall submit the information set forth below.

(1) All information required in Section 4.5A (1) (a), Section 4.5A (2), Section 4.5A (3) (a), and Section 4.5A (6). [Note: See 40 CFR 403.12(b)(1)-(7)]

(2) Measurement of pollutants.

- a. The User shall provide the information required in Section 4.5 A (7) (a) through (d).
- b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
- c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined waste-stream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
- d. Sampling and analysis shall be performed in accordance with Section 6.10;
- e. The [Superintendent] may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
- f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

(3) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 1.4(C) and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

(4) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 6.2 of this

ordinance.

(5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 6.14(A) of this ordinance and signed by an Authorized Representative as defined in Section 1.4(C).

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1(B)(4) of this ordinance:

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, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

B. No increment referred to above shall exceed nine (9) months;

C. The User shall submit a progress report to the Superintendent no later than fourteen (14) 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 any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

D. In no event shall more than nine (9) months elapse between such progress reports to the Superintendent.

6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to [the Superintendent] a report containing the information described in Section 4.5A(6) and (7) and 6.1(B)(2) of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 2.2 [Note: See 40 CFR 403.6(c)], this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6.14(A) of this ordinance. All sampling will be done in conformance with Section 6.

6.4 Periodic Compliance Reports

- A. All significant industrial users shall, at a frequency determined by the Superintendent but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Superintendent or the Pretreatment Standard necessary to determine the compliance status of the User.
- B. All significant Industrial Users may be required to install and maintain monitoring and sampling equipment at the users own expense upon written request by the local or state officials. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to maintain its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- C. If a user subject to the reporting requirement in this section monitors any pollutants more frequently than required by the Superintendent, using the procedure prescribed in Section 6.9 and 6.10 of this Ordinance, the results of this monitoring shall be included in the report.
- D. All periodic compliance reports must be signed and certified in accordance with Section 6 of this ordinance.

6.5 Reports of Changed Conditions

Each user shall notify the Superintendent of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

- A. The Superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submittal of a complete Industrial Discharge Permit application in accordance with Section 4.7 of this Ordinance.
- B. Upon approval of the request by the Town, a Discharge Permit Request will be submitted by the Town to the DES on behalf of the user. All applicable DES review fees shall be paid by the user.

- C. Upon approval of the Discharge Permit Request by the DES, the Superintendent may issue an Industrial Discharge Permit under Section 5.1 of this Ordinance or modify an existing Industrial Discharge Permit under Section 5.4 of this Ordinance in response to changed conditions or anticipated changed conditions.
- D. 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.
- E. The Superintendent may issue an industrial wastewater discharge permit under Section 5.7 of this ordinance or modify an existing wastewater discharge permit under Section 5.4 of this ordinance in response to changed conditions or anticipated changed conditions.

6.6 Reports of Slug/Potentially Adverse Discharges

- A. In the case of any discharge, including, but not limited to, accidental discharge, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause adverse impacts to the POTW, the user shall immediately telephone and notify the Superintendent of the incident. This notification shall include identifying the location of the discharge, type of wastes, 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 Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be conducted by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any fines, penalties, or other liability which may be imposed pursuant to this Ordinance.
- C. A notice shall be permanently posted on the user's employee bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (A), above. Employers shall ensure that all employees who may cause such a discharge to occur or who may be present when a discharge occurs, are advised of the emergency notification procedure.
- D. Significant Industrial Users are required to notify the Superintendent immediately of any changes at its facility affecting the potential for a Slug Discharge.

6.7 Reports from Unpermitted Users

All users not required to obtain an Industrial Discharge Permit shall provide appropriate reports to the Superintendent as the Superintendent may require.

6.8 Notice of Violation/Repeat Sampling and Reporting

If the results of sampling performed by a user indicate a violation, the user shall notify the Superintendent 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 Superintendent within thirty (30) days subsequent to becoming aware of the violation. Re-sampling by the Industrial User is not required if the Town performs sampling at the User's facility at least once a month, or if the Town performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the Town receives the results of this sampling, or if the Town has performed the sampling and analysis in lieu of the Industrial User.

6.9 Discharge of Hazardous Waste

Discharge of hazardous waste is prohibited.

6.10 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Superintendent or other parties approved by EPA.

6.11 Sample Collection

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

A. Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Superintendent. Where time-proportional composite sampling or grab sampling is authorized by the Board of Selectmen or their duly authorized agent, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the

Board of Selectmen or their authorized agent, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.1 and 6.3 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Superintendent may authorize a lower minimum. For the reports required by paragraphs Section 6.4 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

6.12 Date of Receipt of Reports

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

6.13 Record Keeping

Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with Best Management Practices established under Section 2.4C. Records shall include the date, exact location, method, and time of sampling, and the name of the person(s) obtaining the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least five (5) years. This period shall be automatically extended for the duration of any litigation concerning the user or the Town, or where the user has been specifically notified of a longer retention period by the Superintendent. Upon written request by local or state officials records shall be submitted.

6.14 Certification Statements

Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 4.7; Users submitting baseline monitoring reports under Section 6.1(B)(5); Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 6.3; and Users submitting periodic compliance reports required by Section 6.4 A. The following certification statement must be signed by an Authorized Representative as defined in Section 1.4(C):

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

SECTION 7 - POWERS AND AUTHORITIES OF INSPECTORS

7.1 Compliance Monitoring

The Town may investigate instances of noncompliance with the industrial pretreatment standards and requirements. The Town may sample and analyze the wastewater discharges of contributing users and conduct surveillance and inspection activities to identify, independently of information supplied by such users, occasional and continuing noncompliance with industrial pretreatment standards. Each industrial user will be billed directly for costs incurred for these activities.

7.2 Right of Entry: Inspection and Sampling

All industrial 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 Industrial Discharge Permit or order issued hereunder. Users shall allow the Superintendent 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 which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards 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 facility'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 at least annually to ensure their accuracy.

- 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 costs of clearing such access shall be borne by the user.
- E. Unreasonable delays in allowing the Inspector(s) access to the user's premises shall be a violation of this Ordinance.
- H. While performing the necessary work on private properties referred to in this Section, the Inspector(s) shall observe all safety rules applicable to the premises established by the user. The user shall be held harmless for injury or death to the Inspector(s), and the Town shall indemnify the user against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the monitoring activities, except as such may be caused by negligence or failure of the user to maintain safe conditions.
- I. The Inspector(s) shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portions 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.
- J. The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall inspect the premises of any consumer for leaking or other waste 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 which may prevail or exist that is discovered by inspection of the Town upon request.

7.3 Search Warrants

If the Superintendent 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 a 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 Superintendent may seek issuance of a search warrant from the Jaffrey/Peterborough District Court or the Hillsborough County Superior Court - South.

SECTION 8 - CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, surveys, Industrial Discharge Permit Applications, Industrial Discharge Permits, and monitoring programs, and from the Superintendent'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 Superintendent, that the release of such information would divulge information, processes, or

methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data.

When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, 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.

SECTION 9 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the Greenville Sewer System, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Superintendent determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Superintendent's exercise of its emergency authority to halt or prevent such a discharge;

E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

H. Any other violation(s), which may include a violation of Best Management Practices, which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

40 C.F.R. 403.8(f)(2)(viii).

SECTION 10 – ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 Notification of Violation

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

10.2 Consent Orders

The Superintendent may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this ordinance and shall be judicially enforceable.

10.3 Show Cause Hearing

The Superintendent may order a user which has violated, or continues to violate, any provisions of this Ordinance, an Industrial Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Superintendent and show cause why

the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reason for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, executing any other action against the user.

10.4 Compliance Orders

When the Superintendent finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. Compliance orders may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.5 Cease and Desist Orders

When the Superintendent finds that a user has violated, or continues to violate, any provision of this Ordinance, and Industrial Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Superintendent may issue an order to the user directing it to cease and desist all such violations and directing the user to:

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

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

10.6 Emergency Suspensions

The Superintendent may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Superintendent 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 which presents, or may present, an endangerment to the environment.

A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Superintendent may take 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 Superintendent may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings in Section 10.8 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 taken to prevent any future occurrence, to the Superintendent prior to the date of any show cause or termination hearing under Sections 10.3 or 10.8 of this ordinance.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

10.7 Termination of Discharge

In addition to the provisions in Section 5.6 of this ordinance, any User who violates the following conditions is subject to discharge termination:

- A. Violation of Industrial Discharge Permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the Pretreatment Standards in Section 2 of this ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of this Ordinance why the proposed action should not be taken. Exercise of this option by the Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the user.

10.8 Recovery of Expenses

Any person or industrial user violating any of the provisions of this Ordinance shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation. If the Superintendent of Board of Selectman shall have caused the disconnection of a drain from a public sewer, the Town may collect the expenses associated with completing the disconnection from any person or user responsible for, or willfully concerned in, or who profited by such violation. The Town may thereafter refuse to permit the restoration of the former connection or of any new connection to the property concerned in the violation until the claim of the Town for the cost of completing such disconnection shall have been paid in full plus interest and the reasonable cost of any legal expenses incurred by the Town in connection therewith.

SECTION 11 – JUDICIAL ENFORCEMENT REMEDIES

11.1 Injunctive Relief

When the Town determines that a user has violated, or continues to violate, any provision of this Ordinance, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, the Town may petition the Hillsborough County Superior Court - South for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the Industrial Discharge Permit, order, or other requirement imposed by this Ordinance on activities of the user. The Town 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.

11.2 Civil Penalties

- A. Any person or industrial user who has violated or continues to violate this Ordinance or any Order or Permit issued hereunder, shall be liable to the Town of Greenville for a civil penalty of not more than \$10,000 plus actual damages incurred by the POTW per violation per day for as long as the violation continues.
 - 1. The Town shall give notice to the violating user and seek the following civil penalties:
 - A. The minimum civil penalty noticed and sought for any user's first violation in any 12 month period shall be at least \$100 per day but not more than \$10,000 per day.
 - B. The minimum civil penalty noticed and sought for any user's second violation in any 12 month period shall be at least \$500 per day but not more than \$10,000 per day.

- C. The minimum civil penalty noticed and sought for any user's third or more violation in any 12 month period shall be at least \$1,000 per day but not more than \$10,000 per day.

RSA 31:39, III; RSA 47:17; RSA 149-I:6; RSA 485-A:4-6 & 22.

- B. The Board of Selectmen may also 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 incurred by the Town as may be allowed by law.
- C. The Board of Selectmen shall petition the Court to impose, assess, and recover such sums. In determining the amount of civil liability, the Court may 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 gains through the user's violations, corrective actions 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 a user or agreeing to a final resolution of the matter.

11.3 Criminal Penalties

- A. Any person or industrial user who violates any provision of this Ordinance or any order or permits issued hereunder shall be prosecuted to the extent allowed under prevailing State and Federal law. Criminal prosecution shall not be a bar against, or a prerequisite for implementing any other action against said person or user.
- B. Any person or industrial user who willfully or negligently introduces any substance into the POTW that causes personal injury or property damage shall be prosecuted in a Court of law to the extent allowed under prevailing State and Federal law.
- C. Any person who digs or breaks up the ground in any street, highway, lane or alley in Greenville for the purpose of laying, altering, repairing or entering any main drain, storm water treatment, conveyance, and discharge system, or common sewer therein, without permission from the Greenville Board of Selectmen shall be prosecuted in a Court of law to the extent allowed under RSA 149-I:22 and any other applicable prevailing State or Federal law.
- D. Any person who shall wantonly or maliciously injure any part of Greenville's sewer system, storm-water treatment, conveyance and discharge system or wastewater treatment facility shall be prosecuted in a Court of law to the extent allowed under RSA 149-I:23 and any other applicable prevailing State or Federal law; and may be liable to pay treble damages to Greenville and may be found guilty of a misdemeanor if a natural person or a felony if any other person by a Court of law. RSA 149-I:23.

- E. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance may, upon conviction by a Court of law, be punished by a fine and/or imprisonment. RSA 485-A:4-6 & 22.
- F. Nothing in this section shall limit the prosecutor's exercise of discretion in prosecuting a case.

11.4 Nonexclusive Remedies

The remedies provided for in this Ordinance are not exclusive. The Town may take any, all, or any combination of these actions and the Supplemental Enforcement Actions, set forth in Section 12, below, against a non-compliant 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 non-compliant user.

SECTION 12 – SUPPLEMENTAL ENFORCEMENT ACTION

12.1 Penalties for Late Reports

If a report required by this ordinance or by a permit or order issued hereunder is not filed with the Town within five (days) after the due date, that report shall be deemed late. Late reports are a violation of this ordinance. The Town shall notice and seek the civil penalties set out in section 11.2, above, for each day a report is late. Actions taken by the Town to collect late reporting penalties shall not limit the Town's authority to initiate other enforcement actions.

12.2 Performance Bonds

The Superintendent 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 Superintendent to be necessary to achieve consistent compliance.

12.3 Liability Insurance

The Superintendent 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 assurance sufficient to restore or repair damage to the POTW caused by its discharge.

12.4 Payment of Outstanding Fees and Penalties

The Superintendent may decline to issue or reissue an industrial wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this ordinance, a previous industrial wastewater discharge permit, or order issued hereunder.

SECTION 13 – AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

13.1 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 being of the upset, the facility was 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 Superintendent within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) 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 amount of 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 matter, the user seeking to establish the occurrence of an upset shall have the burden of proof as may be required by a Court of law.

- E. Enforcement actions brought for non-compliance with categorical Pretreatment Standards shall be brought in a Court of competent jurisdiction, but the parties are free to resolve the matter on their own prior to the commencement of the action.
- F. Users shall control 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 fails.

13.2 Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in Section 2.3 of this ordinance, except Sections 2.3B(1), (2), and (8) (See 13.2(C), below), if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

- A. A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or
- B. No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the Town was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.
- C. The affirmative defense outlined in Section 13.2 does apply to the specific prohibitions in Sections 2.3B(1), (2) and (8). 40 CFR 403.5(a)(2),

13.3 Bypass

- A. For the purposes of this section,
 - 1. "Bypass" means the intentional diversion of waste-streams from any portion of a user's treatment facility.
 - 2. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which 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 which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation.

C. Bypass Notifications

1. These bypasses are not subject to the provisions of paragraph (C) and (D) of this section.

If a user knows in advance of the need for a bypass, it shall submit prior notice to the Superintendent, at least ten (10) days before the date of the bypass, if possible.

2. A user shall submit oral notice to the Superintendent of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission 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 amount of time it is expected to continue; and steps implemented or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Superintendent 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

1. Bypass is prohibited, and the Superintendent may initiate enforcement action against a user for a bypass, unless:
 - a. Bypass was required to prevent loss of life, personal injury, or severe property damage;
 - b. 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 which occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. The user submitted notices as required under paragraph (C) of this section.
2. The Superintendent may approve an anticipated bypass, subsequent to considering its adverse effects, if the Superintendent determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

SECTION 14 – WASTEWATER TREATMENT RATES

14.1 Connection Fees

- A. Single family dwelling - \$3,000 connection fee

- B. Multi-family dwelling will be billed a \$3,000.00 connection fee and \$1,500 for each additional unit per building.

It will be the home owner's responsibility to obtain necessary permits, bonds, contractors & plumber.

For sewer users not on metered water, the sewer customer will purchase and install a Town approved meter with a remote read out, on their water supply line. The Town will read the meter for billing purposes. The cost and installation for this will be borne by the home owner. The Town will inspect the meter installation.

14.2 Usage Fee

For cubic feet metering, the minimum charge of \$102.00 per six month billing period will cover the first 133.7 cubic feet. For flow in excess of 133.7 cubic feet per six month billing period the charge will be \$10.20 per 133.7 cubic feet.

14.3 Impact Fee

Impact fee will be determined at the time of application. It is for future growth, and will be deposited into the Greenville Sewer Expansion Fund.

14.4 Industrial Discharge

Industrial discharge rates will be determined on a case by case basis.

14.5 Pretreatment Charges and Fees

The Town will charge reasonable fees for reimbursement of costs of including:

- A. Fees for industrial wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction; and
- D. Other fees as the Town reasonably deems necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the Town.

These pretreatment charges and fees will be based on the actual costs to the Town for its employees and agents including, but not limited to engineering support, data analysis, sample

collection and laboratory testing. These costs shall include personnel charges for each hour, or portion of an hour, plus all other expenses incurred by the Town's employees and agents.

A retainage in the amount of \$5,000 will be submitted with each IU application. The Town's cost of processing the IU application will be subtracted from this retainage, any remaining funds will be returned to the applicant. In the event that these processing costs exceed the initial retainage amount, the applicant will be invoiced for these remaining costs. All other pretreatment charges and fees will be invoiced to the user as these costs are identified.

SECTION 15 – INTERPRETATION OF REQUIREMENTS

15.1 Severability

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

15.2 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 making connections to sewers or drains, and other technical matters shall be interpreted and administered by the Superintendent acting in and for the Town of Greenville, New Hampshire through the Board of Selectmen.

15.3 Appeals

Any party aggrieved by any decision, regulation or provision under this Ordinance, as amended, from time to time, shall have the right of appeal within thirty (30) calendar days of said decision to the Selectmen, who shall issue a decision within thirty (30) calendar days. If said appeal is denied by the Superintendent, then the aggrieved party shall have the right to appeal to the Hillsborough County Superior Court - South for equitable relief, provided that said appeal is entered within thirty (30) calendar days from the issuance of the Selectmen's decision.

SECTION 16 – EFFECTIVE DATE

The Ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.


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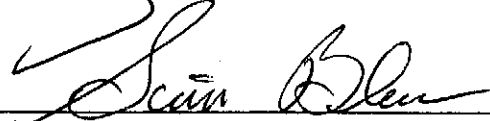
Duly enacted and ordained this 10th day of November, 2010 by the Board of Selectmen of the Town of Greenville in Hillsborough County, State of New Hampshire, at a duly noticed and duly held session of the said Board of Selectmen.

Greenville, New Hampshire

By:


Brenda Bergeron, Chairwoman


Kelle O'Keefe


Scott Blease