

Chapter 255
SEWAGE DISPOSAL

GENERAL REFERENCES

Solid waste — See Ch. 270.

ARTICLE I
General Provisions

§ 255-1. Definitions.

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

ACT — The Federal Water Pollution Control Act, also known as the Clean Water Act, 33 U.S.C. § 1251 et seq.

APPLICANT — Any person requesting approval to discharge industrial wastes or domestic wastewater into the publicly owned treatment works (POTW).

APPROVAL AUTHORITY — The Environmental Protection Agency Region I Administrator.

BIOCHEMICAL OXYGEN DEMAND (BOD5) — The quantity of oxygen utilized in the biochemical oxidation of the wastewater under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

BOARD OF HEALTH — The Board of Health as established in Sections 78 through 81 of the City Charter, or its authorized agents or representatives.

BOARD OF PUBLIC WORKS — The Board of Public Works as established in Sections 59 through 63 of the City Charter, or its authorized agents or representatives.

BUILDING DRAIN — That part of the lowest horizontal piping of a drainage system which receives discharge from soil, waste or other drainage pipes inside the walls of the building and conveys it to the building sewer termination.

BUILDING SEWER — The extension from the building drain to public sewer or other place of disposal.

BYPASS — The intentional diversion of waste streams from any portion of an industrial user's wastewater treatment facility.

CATEGORICAL PRETREATMENT STANDARD — Any regulations containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with 33 U.S.C. § 1317 of the Clean Water Act which apply to a specific category of industrial users and which are found in the Code of Federal Regulations, Title 40 - Protection of Environment, Chapter 1 - Environmental Protection Agency, Subchapter N - Effluent Guidelines and Standards.

CITY — The City of Nashua, or its authorized agents or representatives.

CITY ENGINEER — The Engineer of the City or an authorized agent or representative.

COMBINED SEWER — A sewer receiving both wastewater and surface runoff.

COMMERCIAL USER — Any retail store, restaurant, office building, laundry or other private business or service establishment.

COMPOSITE SAMPLE — The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

CONTROL AUTHORITY — The City of Nashua, or its authorized agents or representatives.

CORPORATION COUNSEL — The City Solicitor/Corporation Counsel for the City or an authorized agent or representative.

DILUTION — The watering down of a discharge.

DIRECTOR — The Director of the Public Works Division of the City or an authorized agent or representative.

DOMESTIC WASTEWATER — Water-carried household or toilet wastes discharged from any improved property, excluding groundwater, surface water and stormwater.

EPA — The Environmental Protection Agency of the United States.

EXCESSIVE — Amounts or concentrations of any constituent of wastewater which in the judgment of the City:

- A. Will adversely affect any part or function of the publicly owned treatment works;
- B. Will be present in abnormally high quantities in the sludge produced at the wastewater treatment facility;
- C. Will be harmful to a wastewater treatment process or interfere with the effective operation of the wastewater treatment facility;
- D. Which cannot be removed in the wastewater treatment facility of the City to the degree required to meet the limited stream classification standard of the receiving water, or otherwise affects the ability of the wastewater treatment facility to meet any required effluent or influent parameters;
- E. Which can endanger life, health, the environment, or public property; or
- F. Which constitutes a nuisance.

EXISTING SOURCE — Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with 33 U.S.C. § 1317 of the Act.

FRONTAGE — The side of a property which is common to the side line of a street.

GARBAGE — Animal or vegetable wastes resulting from the handling, preparation, cooking or serving of food.

GOVERNMENTAL USER — Any legislative, judicial, administrative or regulatory activity of federal, state or local government.

GRAB SAMPLE — A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

HEALTH OFFICER — The Health Officer of the Environmental Health Department of the City or an authorized agent or representative.

HUMAN EXCRETA — Human fecal or urinary discharge and includes any waste containing such material.

IMPROVED PROPERTY — Any property located within the City upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure domestic wastewater or industrial wastes shall be or may be discharged.

INCOMPATIBLE POLLUTANT — Any pollutant, other than biochemical oxygen demand, suspended solids, coliform bacteria or additional pollutants identified in the wastewater treatment facility's National Pollutant Discharge Elimination System permit, which the wastewater treatment facility was not designed to treat or which it does not remove to a substantial degree.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM — A sewer disposal system with the source of wastes limited to sewage originating from or on an individual property, dwelling or premise, designed and constructed to receive, treat and dispose of liquidborne wastes in such a manner as to retain settleable solids in a liquid type tank and to discharge the liquid portion in an approved manner to an adequate disposal area. Examples include, but are not limited to, septic tanks with soil absorption systems, incinerator type toilets and holding tank systems.

INDUSTRIAL DISCHARGE — The introduction of nondomestic pollutants into the publicly owned treatment works from any nondomestic source regulated under 33 U.S.C. § 1317 of the Act.

INDUSTRIAL USER — Any room, group of rooms, building or other enclosure used or intended for use in the operation of one or more business enterprise for manufacturing, processing, cleaning, laundering, assembling or preparing any produce, commodity or article from which any process waste, as distinct from domestic wastewater, may be discharged. Industrial user shall include any government nonresidential user of the wastewater system as identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions: Division A, Agricultural, Forestry and Fishing; Division B, Mining; Division D, Manufacturing; Division E, Transportation, Communications, Electric, Gas and Sanitary; and Division I, Services.

INDUSTRIAL WASTE — Any and all waste and pollutants discharged from any industrial establishment, other than domestic wastewater.

INSTITUTIONAL USER — Any social, charitable, religious or educational activity such as schools, churches, hospitals, nursing homes, and similar institutions.

INTERFERENCE — A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the publicly owned treatment works, its treatment processes or operations, or its sludge processes, use or disposal; or is a cause of a violation of the publicly owned treatment works' National Pollutant Discharge Elimination System permit or a cause of the prevention of sewage sludge disposal in compliance with any of the following statutory or regulatory provisions: 33 U.S.C. § 1345 of the Act; the Solid Waste Disposal Act, 42 U.S.C. § 6901 et seq.; any state statutes or regulations including but not limited to state sludge management plans; the Clean Air Act, 42 U.S.C. § 7401 et seq.; the Toxic Substances Control Act, 15 U.S.C. § 2601 et seq.; the Marine Protection, Research, and Sanctuaries Act, 16 U.S.C. § 1431 et seq., § 1447 et seq., 33 U.S.C. § 1401 et seq., and § 2801 et seq.; Code of Federal Regulations, Title 40 - Protection of Environment, Chapter 1 - Environmental Protection Agency, Subchapter O - Sewage Sludge, Part 503 Standards for the Use or Disposal of Sewage Sludge; or any other state or federal requirements for sludge use and disposal.

MEDICAL WASTE — Isolation waste, infectious agents, human blood or blood products, pathological waste, sharps, needles, body parts, contaminated bedding, garments or gloves, surgical waste, potentially contaminated laboratory waste, dialysis waste, or other similar waste. **[Amended 2-26-2008 by Ord. No. O-08-07]**

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT — The document issued by the Environmental Protection Agency designed to control all discharges of pollutants from point sources within United States waterways.

NATURAL OUTLET — Any outlet, including but not limited to, storm sewers and combined sewer overflows, which flow into watercourses, ponds, drainage areas, ditches, lakes or other bodies of surface water or groundwater.

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 after the publication of proposed pretreatment standards under 33 U.S.C. § 1317 of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, providing that:
- (1) The building, structure, facility or installation is constructed at a site which no other source is located;
 - (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharges of pollutants at an existing source; or

- (3) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these processes 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 at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Subsection A(2) or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.
- C. Construction of a new source has commenced if the owner or operator has:
- (1) Begun, or caused to begin as part of a continuous on-site construction program:
 - (a) Any placement, assembly, or installation of facilities or equipment; or
 - (b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of facilities or equipment; or
 - (2) Entered into a contractual building obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase, 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.

NEW SUBDIVISION — A subdivision whose plat or plot plan has been approved by the Nashua Planning Board after the effective date of this chapter.

NHDES — The New Hampshire Department of Environmental Services.

NONCONTACT COOLING WATER — Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

OWNER — Any person vested with ownership, legal or equitable, sole or partial, or possession of any improved property.

PASS-THROUGH — The discharge of pollutants through the publicly owned treatment works into surface waters in quantities or concentrations, which alone or in conjunction with discharges from other sources, is a cause of a violation of any requirement of the wastewater treatment facility's

National Pollutant Discharge Elimination System permit or of any other legally required standard to which the City is subject.

PERSON — Any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state or local government entities.

pH — The reciprocal of the logarithm of the hydrogen ion concentration in grams per liter of solution. **[Amended 2-26-2008 by Ord. No. O-08-07]**

PHOTOPROCESSOR — Any industry with discharges resulting from the development or printing of paper prints, slides, negatives, enlargements, movie film, or other sensitized materials. A nonphotoprocessor is any industry which does not meet any of the above criteria.

POLLUTANTS —

- A. Dredged soil, soiled waste, incinerator residue, filter backwash, medical waste, garbage, sewage sludge, munitions, chemical waste, biological material, radioactive material, heat wrecked or discarded equipment, rock, sand, cellar dirt or industrial and agricultural waste discharged into any natural outlet;
- B. Toxic pollutants which are those pollutants or combination of pollutants which are disease causing agents, or, upon assimilation into any organism either directly from the environment, or indirectly by ingestion through food chains, will, as determined by the Environmental Protection Agency, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformities in such organisms or their offspring; or
- C. Any substance which is subject to an effluent limitation, or pretreatment standard, as established by federal, state or local authorities, and is discharged in violation of said standards.

POLLUTION — Contamination or other alteration of the physical, chemical or biological properties of any water which will or may create a public health nuisance or render water or land harmful, detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses, or to livestock, animals, birds, fish or other aquatic life.

PRETREATMENT — The treatment of wastewater at its source before discharge with the intention to remove or neutralize substances injurious to the wastewater treatment facilities of the City or to effect a partial reduction in the load on the wastewater treatment process.

PRETREATMENT REQUIREMENTS — Any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.

PRETREATMENT STANDARDS — Prohibitive discharge standards, categorical pretreatment standards, and local limits.

PRIVATE SEWER — Any sewer which has not been dedicated and accepted for public use and maintenance.

PROPERLY SHREDDED GARBAGE — Garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 0.5 inch (1.27 centimeters) in any dimension.

PUBLIC SEWER — A sewer which is controlled by public authority and is maintained by the City.

PUBLICLY OWNED TREATMENT WORKS (POTW) — A wastewater treatment facility which is owned by a state or municipality, plus any devices or systems used in the collection, storage, treatment, recycling, or reclamation of municipal sewage or industrial waste of a liquid nature. It also includes sewers, pipes and other conveyances if they convey wastewater to a wastewater treatment facility.

RCRA — The Resource Conservation and Recovery Act.

REACTIVE POLLUTANTS — Substances which, when mixed with certain substances have the potential for chemical transformation which may generate heat, fumes, gases or other by-products which may be hazardous to life, health or property.

RECEIVING WATERS — Any waters receiving discharge of wastewater.

REFUSE — All putrescible and nonputrescible solid and semisolid wastes, including garbage, rubbish, trash, ashes, manure, street cleanings, or dead animals, but not human excreta.

RESIDENTIAL USER — Any contributor to the City's wastewater system whose lot, parcel, real estate or building is connected to the wastewater system and is used for domestic dwelling purposes only.

SANITARY SEWER — A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of groundwater, stormwater and surface water that are not admitted intentionally.

SCREENING LEVEL — The level of concentration of a pollutant which under baseline conditions would cause a threat to personnel exposed to the pollutant or would cause a threat to structures of the publicly owned treatment works. To apply limits to a particular discharge, the screening levels must be adjusted to account for conditions at the point of discharge which differ from baseline conditions.

SEPTAGE — Liquid and solid wastes removed from residential septic tanks.

SEPTIC TANK — A liquidtight receptacle which receives raw sewage for storage and digestion, and which has been designed and constructed so as to retain the solids and to allow the liquids to discharge through a secondary system of piping into an approved form of subsurface disposal area.

SEWAGE — Wastes from toilets, baths, sinks, lavatories, washing machines, or other plumbing fixtures in residences, institutions, public or business buildings, mobile homes, water craft or other places of human habitation, employment or recreation.

SEWER — A pipe or conduit for carrying wastewater or stormwater.

SEWERAGE SYSTEM — The pipes or conduits, pumping stations, force mains and all other devices, appurtenances and facilities used for collecting, treating or conducting wastewater to point of final disposal.

SIGNIFICANT INDUSTRIAL USER (SIU) — An industrial user who is:

- A. Subject to categorical pretreatment standards; or
- B. Any other industrial user that:
 - (1) Discharges an average of 25,000 gallons per day or more of wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - (2) Contributes a waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the publicly owned pretreatment works; or
 - (3) Is designated by the City as having:
 - (a) A reasonable potential for adversely affecting the publicly owned treatment works; or
 - (b) Violated any pretreatment standard or requirement.

SIGNIFICANT NONCOMPLIANCE (SNC) — An industrial user whose violation or violations meet one or more of the following criteria:

- A. Chronic violations of wastewater discharge limits, defined as those in which 66% or more of all measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- B. Technical review criteria (TRC) violations, defined as those violations in which 33% or more of all measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable technical review criteria (TRC = 1.4 for biochemical oxygen demand, total suspended solids, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the control authority determines has caused, alone or in combination with other discharges, interference, pass-through, or an endangerment of the health of publicly owned treatment works personnel or the general public;

- D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the publicly owned treatment works' exercise of its emergency authority to halt or prevent such discharge;
- E. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide, within 30 days after the due date, required reports such as the baseline monitoring report, ninety-day compliance report, periodic report, or reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation or group of violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

SLUG — Any discharge of water or wastewater:

- A. In which the concentration of any given constituent or quantity of flow exceeds more than five times the average twenty-four-hour concentration or flows during the normal operation for a period of duration longer than 15 minutes; or
- B. Which shall adversely affect the publicly owned treatment works.

SPILL — The release, accidental or otherwise, of any material not normally released to the publicly owned treatment works or which by virtue of its volume, concentration or physical or chemical characteristics, creates a hazard to the publicly owned treatment works, any aspect of its operation or its personnel. Such characteristics shall include, but are not limited to, volatile, explosive, toxic, or otherwise unacceptable materials.

STANDARDS — Prohibitive discharge standards, categorical pretreatment standards, and local limits.

STORM DRAIN or STORM SEWER — A pipe or conduit for conveying rainwater, groundwater, subsurface water, condensate, cooling water or other similar unpolluted water from any source.

STORMWATER — Any flow occurring during or following any form of natural precipitation, and resulting therefrom, including snow melt.

SUBDIVISION — Any lot, tract or parcel of land which is hereafter divided into two or more parcels.

SUPERINTENDENT — The Superintendent of the wastewater treatment facility of the City or any authorized agent or representative.

TOTAL SUSPENDED SOLIDS (TSS) — The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering, and are referred to as

nonfilterable residue in the laboratory test prescribed in Standard Methods for the Examination of Water and Wastewater.

UNPOLLUTED WATER — Water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards.

USER — Any person who discharges wastewater to the publicly owned treatment works.

WASTE DISPOSAL SYSTEM — Any system for the disposal of sewage and other waste, including but not limited to, public or franchised sewerage systems, individual sewage disposal systems, chemical toilets, privies, wastewater treatment facilities, sanitary landfill operations, dumps, incinerators or composting operations.

WASTEWATER — The spent water of a community, and may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants or institutions, together with any groundwater, surface water or stormwater that may be present.

WASTEWATER TREATMENT FACILITY — Any arrangement of devices and structures used for treating wastewater.

WATERS — All rivers, streams, lakes, ponds, marshes, watercourses, waterways, wells, aquifers, springs, irrigation systems, drainage systems, groundwater and any other bodies of accumulated water, surface or underground, natural or artificial, public or private.

WHOLESALE USER — Municipalities and other municipal corporations which discharge wastewater from a municipal collection system into the City wastewater system.

§ 255-2. Purpose, scope and public participation.

- A. In accordance with NH RSA 149:I and other applicable federal and state laws, this chapter regulates the use of public and private sewers; the installation and connection of private sewers; and the discharge of water and waste into the public sewer system.
- B. It is the intent of this chapter that the City, in issuing a permit to discharge certain waste, reserves the right to impose more stringent requirements on any person who discharges waste or wastewater based on the conditions actually encountered either at the point of discharge or at the wastewater treatment facilities. Therefore, the City's issuance of a industrial user wastewater permit, or approval of a discharge, a system of pretreatment, or no pretreatment shall not be construed to mean that changes cannot be required by the City in the future, even though there maybe no change in the nature of the discharge.
- C. The City will establish a public participation program and shall annually provide public notification in the largest daily newspaper published in the City of industrial users during the previous 12 months who were in significant noncompliance of the applicable pretreatment requirements

at least once. The notification will also contain enforcement actions taken by the City during the same 12 months. Information and data submitted to the City under the provisions of this chapter will be available to the public in accordance with federal and state law.

§ 255-3. Conflicting provisions.

If a provision of this chapter is found to be in conflict with any provision of any zoning, building, safety, health or other ordinance or code of the City, the ordinance or provision which in the judgment of the Director or the Board of Health establishes the higher standard of safety and protection of health shall prevail; and the ordinance or provision which sets the lower standard is hereby declared to be invalid to the extent that it is found to be in conflict with the ordinance or provision which sets the higher standard.

§ 255-4. Special agreements.

Nothing in this chapter shall be construed as preventing any special agreement or arrangement between the City and any industrial concern, provided that such agreements do not violate any requirements of existing federal, state or local laws, regulations, or pretreatment standards or requirements. Such agreements must be ratified by both the Board of Public Works and the Board of Aldermen.

§ 255-5. Violations and penalties.

- A. Any person who violates any provision of this chapter shall be subject to a civil penalty not to exceed \$10,000 per day of such violation, as provided in NH RSA 149-I:6.
- B. All charges and penalties shall be collected as provided in NH RSA 149-I.
- C. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the violator.
- D. The Board of Public Works may adopt a schedule of fines as appropriate from time to time.

§ 255-6. Liability for damage.

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

§ 255-7. Storage and transport of sewage, refuse, excreta and waste.

- A. All sewage, refuse, human excreta or industrial waste shall be kept, transported, treated, disposed of, or reclaimed by a method or methods which are in compliance with City ordinances and regulations, state

statutes, and any federal regulations pertinent to disposal of wastes and control of pollution.

- B. No sewage, refuse, human excreta, or industrial waste shall be permitted in, placed, or deposited into any water, or upon or under the lands of the City, in any manner determined by the Board of Health to be detrimental to the quality of the receiving body of water, or to the use of the receiving lands, or prejudicial to the health, safety or welfare of persons who may be affected by the resulting environmental conditions.
- C. The design of any system of waste storage, collection, transportation, treatment, composting or disposal shall take into consideration proximity to wells, waters, topography, water table, soil characteristics, available area, residential concentration and present and future property use, and shall provide for adequate handling, treatment and disposal facilities for the amount and nature of the waste materials anticipated, so as to prevent nuisance, pollution or hazard to the public health, safety or welfare.
- D. The Health Officer shall be permitted to make such inspections of any place, premises, container, process equipment or vehicle used for the collection, storage, transportation, disposal or reclamation of sewage, refuse, human excreta or industrial waste as are necessary to insure compliance with statutes, ordinances and regulations.

§ 255-8. Disposal of wastewater.

- A. No person shall discharge to any natural outlet or waters within the City any wastewater or other polluted water, except where suitable wastewater treatment has been provided in accordance with the provisions of this chapter and Chapter 170 of the City Code.
- B. The disposal of wastewater from all improved property shall be done only in accordance with the provisions of this chapter and Chapters 105, 123, 170, and 280 of the City Code. The Building and Housing Inspectors of the City shall report to the Environmental Health Department all situations in which the wastewater from existing improved property is not discharged into the public sewer or an individual sewage disposal system approved by the Environmental Health Department. No building permit for new construction shall be issued unless the wastewater from the proposed improvements is discharged into the public sewer or an individual sewage disposal system approved by the Environmental Health Department.

§ 255-9. Authority of Board of Public Works.

The Board of Public Works shall have full authority over the construction, installation and repair of all public sewers, and shall have full authority over private sewer design specifications and method of construction.

ARTICLE II
General Regulations

§ 255-10. Discretion of the Board of Public Works.

The City shall construct all sewers, sewage pumping stations and force mains, except those constructed within the limits of the development of land or structures, subject to the availability of funds and subject to the opinion of the Board of Public Works that such construction is in the best interests of the City.

§ 255-11. Construction and design specifications.

The size, slope, alignment, construction materials, and the methods to be used in excavating, placing of pipe, jointing, testing and backfilling the trench for all public and private sewers (including building sewers) shall conform to the requirements of the Building and Plumbing Codes and the specifications of the Board of Public Works.

§ 255-12. Lifting of wastewater for gravity flow.

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such drain shall be lifted by an approved means and discharged to the building sewer.

§ 255-13. Interceptors and traps.

Grease, oil and sand interceptors shall be required when, in the opinion of the City Engineer, they are necessary for the proper handling of liquid waste containing grease, oil, sand or other materials which will damage or interfere with the operation of sewers or drains or give rise to hazardous conditions therein. All interceptors shall be of the type and capacity approved by the City Engineer and shall be located to be readily and easily accessible for cleaning and inspection. All interceptors shall be vented and equipped with easily removable covers. Grease and oil interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. All interceptors shall be continuously and efficiently maintained and operated by the owner, at the owner's expense. In maintaining and operating these interceptors, the owner is responsible for the proper removal and disposal of the collected material by appropriate means, subject to review by the Superintendent. The owner shall maintain records of dates and means of disposal of the collected material subject to review by the Superintendent. Removal and disposal of the collected material not performed by the owner's personnel must be performed by currently licensed waste disposal firms.

§ 255-14. Damaging or tampering with publicly owned treatment works.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment

which is part of the publicly owned treatment works. Any person violating this section shall be subject to immediate arrest and charged accordingly.

ARTICLE III
Service Permits

§ 255-15. When required.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written wastewater service permit from the City Engineer.

§ 255-16. Types; application.

- A. There shall be two classes of wastewater service permits:
- (1) Residential wastewater service permit. Issued only to users discharging domestic wastewater; excludes all industrial users.
 - (2) Industrial user wastewater permit. Issued to industrial users.
- B. For either type of permit, the owner or an authorized agent or representative shall submit an application at least 90 days prior to the proposed commencement of service. The industrial user wastewater permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City Engineer or the Superintendent.
- C. Proposed new discharges from residential, commercial or industrial sources exceeding 50 population equivalents, or an increase in flow, pollutant characteristics or concentration, must be approved by the New Hampshire Department of Environmental Services. New systems, extensions or replacement sanitary sewers should be designed so that rainwater from roofs, streets and other areas, and groundwater from foundation drains are excluded.
- D. After the applicant has complied with the requirements in this chapter, the requirements of other applicable ordinances, and any rules and regulations as may be established by the Board of Public Works, the permit shall be issued to the applicant by the City Engineer.

§ 255-17. Revocation.

Permits to connect with a sewer issued under §§ 255-16 and 255-30 of this chapter may be revoked and annulled by the Board of Public Works, at any time, for such cause as they determine sufficient, and all parties in interest shall be held to have waived the right to claim damages on account of such revocation, provided that such revocation shall be annulled upon compliance with the provisions in this chapter and the rules and regulations of the Board of Public Works.

ARTICLE IV
Construction of Sewers

§ 255-18. Construction by licensee.

No public or private sewer or connection shall be laid or constructed except by the City or its authorized representative or a drainlayer duly licensed by the Board of Public Works.

§ 255-19. Issuance of drainlayer's license.

- A. By vote of the Board of Public Works, drainlayer's licenses may be issued to parties who apply for the privilege of laying public or private sewers. Such applicants shall execute a bond to the City in the sum of \$1,000. The bond shall provide that it will not be changed or cancelled except upon 30 days written notice to the Board of Public Works. To be licensed by the Board of Public Works, the drainlayer will:
- (1) Comply with the City ordinances and rules and regulations passed by the Board of Public Works under which the work is performed;
 - (2) Cause the excavation to be properly guarded at all times for the protection of the public;
 - (3) Properly make all connections and joints in every sewer and leave no obstruction of any kind in any sewer; and
 - (4) Indemnify and hold harmless the City from any damage or cost for which it may be liable by reason of injuries resulting from neglect, carelessness or incompetence in constructing, repairing or connecting any sewer, or properly fencing or lighting any excavation or obstruction or in performing any other work connected therewith.
- B. Such licenses shall be good during the calendar year unless sooner revoked.
- C. Such licenses may be revoked and annulled by the Board of Public Works, at any time, for such cause as they determine sufficient, and all parties in interest shall be held to have waived the right to claim damages on account of such revocation, provided that such revocation shall be annulled upon compliance with City ordinances and the rules and regulations of the Board of Public Works.

§ 255-20. Inspection and approval of work.

The entire work of laying a private sewer to connect with a public sewer is subject to the inspection of, and shall be done in a manner satisfactory to, the Board of Public Works and the City Engineer. The drainlayer shall not perform any of the work making the connection unless the City's Sewer or Plumbing Inspector or authorized representative is present. The drainlayer

shall be held responsible for any expenses to the City on account of any imperfect work.

ARTICLE V
Building Sewers

§ 255-21. Owner's responsibility.

- A. All costs and expenses incident to the installation and connection of a building sewer shall be borne by the owner. The owner shall indemnify the City for any loss or damage that may directly or indirectly be occasioned by the installation of a building sewer. In addition to the initial construction of a building sewer, the owner is also obligated to pay all costs and expenses of operation, repair, maintenance and reconstruction of both the building sewer and the building drain.
- B. The City retains the right to levy sewer rentals to provide for the construction, operation, maintenance, management and replacement of the publicly owned treatment works.

§ 255-22. Separate sewer for every building.

- A. A separate and independent private building sewer shall be provided for every building on an individual lot. Any lot legally containing more than one building may have a private sewer servicing the buildings upon that lot.
- B. The Board of Public Works may authorize a private sewer servicing more than one lot when in the opinion of the Board, such an arrangement is in the best interest of the City and to require separate sewers would result in significant impracticality. Such authorization may be conditioned upon such other reasonable requirements as the Board of Public Works or corporation counsel may impose.

§ 255-23. Reuse of old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and testing by the City Engineer, to meet all current requirements or if they can be upgraded to meet the current requirements of this chapter.

ARTICLE VI
Waste Discharge

§ 255-24. Unpolluted waters discharge to sewer prohibited.

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

§ 255-25. Unpolluted waters proper disposal.

- A. Stormwater, surface water, groundwater, roof runoff, subsurface drainage, and unpolluted drainage shall be discharged to storm sewers or to a natural outlet which has been approved by the Superintendent.
- B. Unpolluted cooling water or process water may be discharged to a storm sewer if available, or to a natural outlet, on approval of the City Engineer, the Superintendent, and the NHDES. A NPDES permit issued by the EPA is required prior to discharge.

§ 255-26. Prohibited discharges.

- A. No person shall discharge or cause to be discharged any of the following pollutants, substances or wastewater to any public sewer or direct connection to a public sewer:
 - (1) Any wastewater or waste containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other waste, to injure or interfere with any sewage treatment process, constitute a hazard to humans, animals or the environment, create a public nuisance, or create any hazard to the publicly owned treatment works, including but not limited to the following substances in excess of the stated concentrations:

Substance	Concentration (mg/l)
Arsenic	0.16
Boron	17.48
Cadmium	0.33
Carbon Disulfide	1.17
Chloroform	1.07
Chromium, hexavalent	1.85
Chromium, total	1.85
Copper	7.53
Cyanides, total	0.19
Hydrogen sulfide	0.550

Substance	Concentration (mg/l)
Lead	1.20
Mercury	0.006
Nickel	25.57
Phenols	0.83
Selenium	0.11
Silver:	
Nonphotoprocessors	0.05
Photoprocessors	1.89
Sulfates	810
Toxic organics, total	5.0
Zinc	6.57

All concentrations for metallic substances are for total metal unless otherwise indicated.

- (2) Any wastewater or vapor having a temperature higher than 150° F. (65.5° C.) or any wastewater sufficiently hot to cause the influent at the wastewater treatment facility to exceed 104° F. (40° C.) or heat in lesser amounts which would inhibit biological activity.
- (3) Any wastewater containing an increase in caustic alkalinity calculated as CaCO (calcium carbonate) in excess of 75 mg/l or in volumes which may be excessive.
- (4) Any wastewater having a pH lower than six or higher than 10.5 or having any other corrosive property capable of causing damage or hazard to the publicly owned treatment works, the treatment process or personnel at the publicly owned treatment works.
- (5) Any wastewater containing fats, wax, grease or oil, whether emulsified or not, in excess of 100 mg/l, or containing substances which may solidify or become viscous at temperatures between 32° F. (0° C.) and 150° F. (65.5° C.).
- (6) Any wastewater containing gasoline, benzene, naphtha, fuel oil or other volatile, flammable or explosive liquid, solid or gas with closed-cup flashpoints below 140° F. (60° C.) or boiling points below 150° F. (65.5° C.), using the test method specified in the Code of Federal Regulations, Title 40 - Protection of Environment, Chapter 1 - Environmental Protection Agency, Part 261 - Identification and Listing of Hazardous Waste, Subpart C - Characteristics of Hazardous Waste, .21 - Characteristics of Ignitibility.

- (7) Any wastewater containing hazardous, toxic or reactive pollutants, including but not limited to halogenated hydrocarbons, organic solvents and organochlorine insecticides, pesticides, herbicides and fungicides.
- (8) Any solid or viscous substance in such quantity or size to be capable of causing obstruction to the flow in the publicly owned treatment works or other interference with the proper operation of the wastewater treatment facility, including, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, manure, hair, fleshings, entrails, paper dishes, cups and milk containers, either whole or ground by garbage grinders.
- (9) Any garbage or solids that have not been properly shredded. The installation and operation of any grinder equipped with a motor of 0.75 horsepower or greater shall be subject to the review and approval of the City Engineer.
- (10) Any wastewater containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.
- (11) Any wastewater containing heavy metals, solvents or similar objectionable or toxic substances to such degree that any such material discharged to the public sewer exceeds the limits established by the Superintendent, the NHDES or the EPA for such materials.
- (12) Any wastewater containing taste or odor producing substances in such quantity that it inhibits wastewater treatment, causes harm to the publicly owned treatment works, creates a public nuisance, or causes the wastewater facility to fail any state or federal requirements.
- (13) Any radioactive waste or isotopes in amounts in excess of such half-life or concentration limits established in applicable state or federal regulations or by the Superintendent.
- (14) Any noxious or malodorous liquids, gases, solids, or other materials which, either singly or by interaction with other materials are sufficient to create a public nuisance, a hazard to life or health or a bar to entry into the sewers for maintenance and repair.
- (15) Any wastewater containing an average concentration of suspended solids in excess of 300 mg/l.
- (16) Any wastewater which imparts color that cannot be easily removed by the treatment process, including, but not limited to, dye wastes and vegetable tanning solutions. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by

more than 10% from the seasonably established norm for aquatic life.

- (17) Any wastewater containing an average concentration BOD in excess of 250 mg/l or material which cause unusual oxygen demand, chemical oxygen demand, or chlorine requirements.
- (18) Any wastewater in which the concentration of any given constituent or quantity of flow constitutes a slug, or is excessive.
- (19) Any wastewater containing materials which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only by such a limited degree that the publicly owned treatment works effluent cannot meet the requirements of other agencies having jurisdiction over the discharge to the receiving waters.
- (20) Any wastewater containing pollutants which would pass through the wastewater treatment facility or cause interference with the operation or performance of the wastewater treatment facility. This shall apply to any source introducing wastewater containing pollutants, whether or not the source is subject to the categorical pretreatment standards or any other federal, state or local pretreatment requirements.
- (21) Any wastewater which, by interaction with other water or waste in the publicly owned treatment works, releases obnoxious gases, forms suspended solids which interfere with the collection system, or creates a condition detrimental to structures and treatment processes.
- (22) Any wastewater which has a concentration of any pollutant above screening levels. Such screening levels, generated on the basis of standard conditions, shall be adjusted for the particular conditions applicable to the specific discharge as needed. Fume toxicity screening levels shall be adjusted when administered as limits to account for the pH, temperature, dilution, other toxic fumes and ventilation present at the site of the particular discharge.
- (23) Any trucked or hauled pollutants, except at discharge points designated by the City.
- (24) Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, or unpolluted industrial wastewater, unless specifically authorized by the Superintendent.
- (25) Any sludges, screenings, or other residues from the pretreatment of industrial waste.
- (26) Any medical waste, except as specifically authorized by the Superintendent in an industrial user wastewater permit.

- (27) Any wastewater causing the publicly owned treatment works effluent to fail a toxicity test.
 - (28) Any wastewater containing detergents, surface active agents, or other substances which may cause excessive foaming in the publicly owned treatment works.
 - (29) Any petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.
 - (30) Any pollutants that will result in the presence of toxic gases, vapors, or fumes within the publicly owned treatment works in a quantity that may cause worker health or safety problems.
 - (31) Any household hazardous waste including but not limited to paints, stains, thinners, pesticides, herbicides, antifreeze, transmission fluid, brake fluid, motor oil and battery acid.
 - (32) Any substance the Superintendent may deem harmful to the treatment process, the publicly owned treatment works, or its personnel.
- B. All industrial wastewater shall be pretreated in accordance with federal and state regulations and this chapter, or standards established by the Superintendent, whichever is more stringent.
 - C. If pretreatment or flow-equalizing facilities are provided or required for any wastewater, they shall be continuously maintained in satisfactory and effective operation by the owner at the owner's expense.
 - D. The Superintendent may, with discretion, reallocate industrial loadings, establish mass-based discharge limits, adjust present discharge limits, and establish new limits to meet the needs of the publicly owned treatment works.

§ 255-27. Standard tests, measurements, analyses.

- A. All measurements, tests and analyses of the characteristics of wastewater shall be determined in accordance with EPA methods, and shall be performed at the control manhole, on suitable samples taken at the control manhole or at a site designated by the Superintendent.
- B. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the publicly owned treatment works and to determine the existence of hazards to life, health, property or the environment. The Superintendent will determine whether a 24 hours composite of all outfalls is appropriate or whether a grab sample shall be taken. Results may be used for assessments of penalties and payments as provided for under §§ 255-5, 255-29 and 255-40.

§ 255-28. Dilution.

It is illegal to meet the requirements of this chapter by using dilution.

§ 255-29. Control of discharge.

If any wastewater is discharged or proposed to be discharged to the public sewers, the City may choose any or all of the following actions:

- A. Reject the wastewater or waste;
- B. Require the pretreatment of wastewater to an acceptable condition for discharge to the public sewers;
- C. Require control over the quantities and rates of discharge of the wastewater;
- D. Require payment to cover the added costs of handling and treating the wastewater; and
- E. Require adequate bond or other surety in amount deemed appropriate by the Superintendent.

§ 255-30. Industrial user wastewater permit.

- A. Requirement of a permit. All industrial users must obtain an industrial user wastewater permit.
- B. Application. Any industrial user proposing a new discharge into the publicly owned treatment works or an existing discharger proposing a change in the volume or character of its existing discharge, a change in location of discharge, or a significant change in production shall submit an application for an industrial user wastewater permit. The industrial user shall submit an application to the Superintendent no later than 90 days prior to the proposed change or connection. Said application, at a minimum, shall include:
 - (1) The name and address of the facility, including the name of the operators and owners;
 - (2) A list of all environmental permits held by or for the facility;
 - (3) A description of the nature, average rate of production, quantities of products manufactured and Standard Industrial Classification Code of the operations carried out at the facility;
 - (4) An identification of the categorical pretreatment standards applicable to each regulated process;
 - (5) An analysis identifying the nature and concentration of pollutants in the discharge or data illustrating the expected levels of pollutants in a proposed wastewater discharge;

- (6) Information showing the measured average daily flow in gallons per day, the maximum daily flow in gallons per day, and the expected peak rate in gallons per minute to the public sewer from regulated process streams and other streams and the time and duration of discharges;
 - (7) A plan showing the essential characteristics of all wastewater outlets and analysis of existing and expected average and maximum wastewater flows;
 - (8) A list of raw materials, process chemicals, chemical products and treatment substances;
 - (9) A schedule of actions to be taken to comply with discharge limitations;
 - (10) Requirements and plans for the design and installation of pretreatment technology, pollution control, and construction of appropriate containment devices designed to reduce, eliminate, or prevent the introduction of pollutants into the publicly owned treatment works;
 - (11) Notification of any proposed or existing discharge of listed or characteristic hazardous waste, as well as any proposed or ongoing shipments of hazardous waste to outside disposal facilities. If there has been a discharge of hazardous waste, the industrial user shall provide the following certification: "I certify that [Industrial User Name] has a program in place to reduce the volume and toxicity of hazardous wastes generated";
 - (12) Any other information required to meet the baseline monitoring requirements applicable to industrial users subject to National Categorical Pretreatment Standards;
 - (13) An agreement stating that the applicant agrees to abide by all ordinances and rules of the City, that a bond sufficient to cover the costs to the City of any violation of this chapter will be supplied upon demand of the Director or Superintendent, that the applicant will provide works for the pretreatment of the wastewater as may be required by the Superintendent, and the applicant will permit duly authorized representatives of the City to enter the premises to the applicant to sample wastewater; and
 - (14) Any other information requested by the Superintendent or Director.
- C. Specifications and conditions of the permit. The industrial user wastewater permit will outline the general and specific conditions under which industrial wastewater will be accepted from that industrial user for treatment at the publicly owned treatment works. Specifically included in the permit are the following:
- (1) Whether pretreatment and self-monitoring facilities are required;

- (2) Type, frequency, and location of samples required;
- (3) Effluent limitations on the industrial wastewater;
- (4) Parameters to be monitored and type, frequency, and location of monitoring samples;
- (5) Provision for notification of any noncompliance with any of the permit conditions or any provision of this chapter including but not limited to a slug discharge, as well of notification of any prior noncompliance, bypass or excessive situation by the industrial user;
- (6) Penalties for noncompliance, including but not limited to denial of access to the publicly owned treatment works;
- (7) Compliance schedules; and
- (8) Reporting requirements:
 - (a) Periodic reports. Industrial users shall submit periodic reports to the Superintendent indicating the nature and concentration of pollutants in the discharge from the regulated processes governed by pretreatment standards and the average and maximum daily flow for these process units. The reports shall state whether the applicable pretreatment standards and effluent limitations are being met on a consistent basis and, if not, what additional operation and maintenance practices and pretreatment are necessary. The report shall be reviewed by an authorized representative of the industrial user and analysis shall be certified by a qualified laboratory professional. Due dates for reports are as specified in the permit. Additional requirements for such reports may be imposed at the discretion of the Superintendent.
 - (b) Categorical pretreatment standards. Any industrial facility which is subject to EPA categorical pretreatment standards shall, within 180 days after the effective date of the standard or 180 days after the final EPA administration decision upon a category determination submission, submit a schedule containing dates for the start of and completion of major events in construction and operation of additional pretreatment required for the industrial facility to meet the categorical pretreatment standards. Increments between dates in the schedule shall not exceed nine months. Within 14 days following each due date in the schedule, including the final date for compliance, the industrial facility shall submit a progress report indicating whether or not it complied with the schedule; and if not, the date on which it expects to comply, the reason for the delay and the steps being taken by the facility to return to the established schedule.

- (c) Certification. All reports shall be signed and shall include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations. I further certify that any changes to the process or in the materials used or in the wastewater discharge of this facility will be brought to the attention of the Superintendent immediately."

- (d) Certification signature. The certification will be signed by:

- [1] A responsible corporate officer, if the industrial user submitting the reports is a corporation. For the purpose of this paragraph, a responsible corporate officer means (1) a president, vice president, secretary, or treasurer of the corporation in charge of a principal business function, or any other person who performs similar policy or decisionmaking functions of the corporation, or (2) the manager or one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- [2] A general partner or proprietor if the industrial user submitting the reports is a partnership or sole proprietorship respectively; or
- [3] A duly authorized representative of the individual designated in Subsection C(8)(d)[1] or [2] of this subsection if:
- [a] An authorization is made in writing by an individual described in Subsection C(8)(d)[1] or [2];
- [b] The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well or well field, superintendent, or a position of equivalent responsibility, or having overall

responsibility for environmental matters for the company; and

- [c] The written authorization is submitted to the Superintendent.
- (e) If an authorization under this subsection is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this subsection must be submitted to the Superintendent prior to or together with the required reports and certification.
- (f) Monitoring records.
 - [1] Industrial users subject to reporting requirements shall maintain records of information resulting from monitoring activities. Such records shall include for each sample:
 - [a] The date, time, exact location, and method of sampling and the names of person or persons taking the sample;
 - [b] The dates analyses were performed;
 - [c] The laboratory performing the analyses;
 - [d] The analytical techniques and methods used;
 - [e] The results of such analyses;
 - [f] The chain of custody of the records;
 - [g] Flows during the monitoring period; and
 - [h] Production figures for the monitoring period.
 - [2] Such records shall be maintained for a minimum of three years, or longer in the case of unresolved litigation or when requested by the Superintendent. Such records shall be made available for inspection and copying by the Superintendent at any time.
 - [3] If an industrial user subject to the reporting requirements of this section monitors any pollutant more frequently than required by the Superintendent, using procedures approved by the EPA, the results of this monitoring shall be included in the monitoring records and reports.
 - [4] If monitoring performed by an industrial user indicates a violation, the user shall notify the Superintendent within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent

on a schedule determined by the Superintendent but in no event longer than 30 days after becoming aware of the violation.

(g) Additional conditions:

- [1] The granting of a permit shall not create any expectations of vested rights to any future permit. An industrial user who has committed any violation of this chapter shall not be granted a new permit until such conditions and mechanisms as the Superintendent deems necessary are included to ensure that no future violation shall occur.
- [2] A permit is nontransferable and may be revoked for noncompliance with this chapter or modified so as to conform to discharge limitation requirements that are enacted by federal or state rules or regulations at any time.
- [3] Industrial users may be assessed fees by the City to defray the costs of the industrial pretreatment program.

§ 255-31. Annual reports.

Each industrial user shall submit an annual report at a time designated by the Superintendent, containing all relevant monitoring records and reports as well as any additional information which the Superintendent may request. Each significant industrial user shall submit self-monitoring reports at least twice per year.

§ 255-32. National Categorical pretreatment standards.

- A. Notification. The City shall provide timely notification to appropriate industries of applicable categorical pretreatment standards. Industries shall also independently maintain current knowledge of applicable National Categorical Pretreatment Standards.
- B. Compliance date. All industries subject to categorical pretreatment standards shall comply with the standards immediately and at all times; and all industries that become subject to any future standards that are promulgated by the EPA at some future time shall comply with those standards within the EPA designated time period, unless a shorter compliance time is specified by the Superintendent.
- C. Application for industrial user wastewater permit amendment. Within 60 days after the effective date of a categorical pretreatment standard, an industry subject to such standard shall submit an application for an industrial user wastewater permit amendment. The application shall contain the information noted in § 255-30.
- D. Categorical pretreatment standards. The National Categorical Pretreatment Standards, found in the Code of Federal Regulations, Title

40-Protection of Environment, Chapter 1 - Environmental Protection Agency, Subchapter N - Effluent Guidelines and Standards, are hereby incorporated into this chapter.

§ 255-33. Monitoring and surveillance.

- A. All industrial users shall regularly monitor their discharges in accordance with the terms of their permit, and submit reports to the Superintendent as indicated in the permit. Submission of said reports does not relieve the industrial user of any other report required by federal, state, or local statute, regulation, or ordinance, including but not limited to the annual report.
- B. The City shall sample and analyze the wastewater discharges of contributing industries and conduct surveillance and inspection activities to identify, independently of information supplied by such industries, occasional or continuing noncompliance with industrial pretreatment standards. The City, NHDES, and EPA personnel shall have unrestricted access to all industries discharging to the publicly owned treatment works for the purposes of investigating and sampling discharges from the industries. Each industry will be billed directly for costs incurred for analysis of its wastewater.

§ 255-34. Bypass, spills, slugs, and excessive discharges.

- A. Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharges shall be provided and maintained at the industrial users' expense.
- B. Any bypass, spill, slug, or excessive discharge shall be reported immediately to the Superintendent. In addition, a complete written report shall be sent by the user to the Superintendent within five days of the incident describing the reason for the bypass, spill, slug, or excessive discharge, the remedial action taken, and the steps taken to prevent its recurrence.
- C. Any damages experienced by the City as the result of a bypass, spill, slug or excessive discharge are considered a violation of this chapter, and costs for repair, replacement, other associated costs, or any costs incurred by the City due to imposition of fines or penalties pursuant to an administrative order or judicial decree are recoverable from the user.
- D. Bypass, spill, slug, and excessive discharge control plan. At least once a year the Superintendent shall evaluate whether each significant industrial user needs a bypass, spill, slug, and excessive discharge control plan. The Superintendent may require any user to develop, submit for approval, and implement such a plan. At a minimum, a bypass, spill, slug, and excessive discharge control plan shall address the following:

- (1) Description of discharge practices, including nonroutine batch discharges;
 - (2) Description of the process;
 - (3) Procedures for immediately notifying the Superintendent of any bypass, spill, slug, or excessive discharge, as required by this chapter; and
 - (4) Procedures to prevent any adverse impact from any bypass, spill, slug, or excessive 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 measures and equipment for emergency response.
- E. Refusal or failure to provide a suitable plan approved by the Superintendent within the time designated by the Superintendent shall result in the immediate loss of access to the publicly owned treatment works.

§ 255-35. Control manhole and monitoring.

- A. When required by the Superintendent, the owner of any property discharging industrial waste to a public sewer shall install a suitable control manhole or sampling site together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, measurement and flow control of the waste. Said control manhole or sampling site shall be installed by the owner at the owner's expense and shall be maintained by the owner so as to be safe and accessible at all times. The control manhole or site approved by the Superintendent shall convey all of the industrial wastewater generated at an industrial facility unless other agreements are made with the Superintendent.
- B. All industries discharging into the publicly owned treatment works shall perform such monitoring of their discharges as the Superintendent and other duly authorized employees of the City may reasonably require.

§ 255-36. Notification of discharge of hazardous waste.

- A. Any user who commences the discharge of hazardous waste shall notify the Superintendent, the EPA Regional Waste Management Director, and the state hazardous waste authorities, in writing, of any discharge into the publicly owned treatment works of a substance which if otherwise disposed of, would be a hazardous waste under the Code of Federal Regulations, Title 40 - Protection of Environment, Chapter 1 - Environmental Protection Agency, Part 261 - Identification and Listing of Hazardous Waste. Such notification must include the name of the

hazardous waste as set forth in the Code of Federal Regulations, Title 40 - Protection of Environment, Chapter 1 - Environmental Protection Agency, Part 261 - Identification and Listing of Hazardous Waste, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than the one 100 kilograms of such waste per calendar month to the publicly owned treatment works, the notification shall also contain the following information: an identification of the hazardous constituents contained in the waste, an estimation of the mass and concentration of such constituents in the wastewater discharged during the calendar month, and an estimation of the mass of constituents in the wastewater expected to be discharged during the following 12 months. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted 60 days prior to the change. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of their permit.

- B. Dischargers are exempt from the above requirements during a calendar month in which they discharge no more than 15 kilograms of hazardous waste, unless the waste is acute hazardous waste as specified in the Code of Federal Regulations, Title 40 - Protection of Environment, Part 261 - Identification and Listing of Hazardous Waste, Subpart D - Lists of Hazardous Waste, 30 - General and .33 - Discarded Commercial Chemical Products, Off-Specification Species, Container Residues, and Spill Residues Thereof. Discharge of more than 15 kilograms of nonacute hazardous waste in a calendar month, or of any quantity of acute hazardous waste as specified in the Code of Federal Regulations, Title 40 - Protection of Environment, Part 261 - Identification and Listing of Hazardous Waste, Subpart D - Lists of Hazardous Waste, .30 - General and .33 - Discarded Commercial Chemical Products, Off-Specification Species, Container Residues, and Spill Residues Thereof, requires notification as provided in Subsection A.
- C. In the case of any new regulations under 42 U.S.C. § 6921 identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Superintendent, the EPA Regional Waste Management Director, and the state hazardous waste authorities, in writing, of the discharge of such substance within 90 days of the effective date of such regulations, and include the same information as required in Subsection A.
- D. For any discharge under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous waste generated.
- E. This section does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder, and any applicable federal, state, or local law.

§ 255-37. Discharge prevention.

- A. Whenever it reasonably appears to the Director or Superintendent that the discharge of pollutants by any user: imminently endangers the health or welfare of persons; interferes with the operation of the publicly owned treatment works; endangers the environment; violates the water quality limits for the receiving waters; violates any effluent limit of any federal, state or local authority, or any provisions of their industrial user wastewater permit; constitutes an interference, pass-through, slug, spill, or excessive discharge; bypasses the user's treatment system; causes an action prohibited under § 255-26; or violates any City ordinance; the Director or Superintendent shall have the authority, after taking reasonable action to inform the user, to immediately halt or prevent such discharge and discontinue treatment services. A facsimile transmission during business hours or a phone call to an emergency number during nonbusiness hours shall be deemed to be reasonable notice pursuant to this section.
- B. Whenever the Director or Superintendent acts to prevent discharge and discontinue treatment services such action shall be reviewed by the Board of Public Works as soon as possible. The Director or Superintendent shall notify the user of the time and place of the meeting. The Director or Superintendent shall, and the user may, submit a report to the Board setting forth the actions and reasons for the response. Upon review the Board may reinstitute treatment services in full, in part, or upon condition. The Board may withhold treatment services for a definite period of time or until the occurrence of any event or condition, or they may revoke the industrial user wastewater permit. The user shall not have a right to any damages on account of termination of service under this section.
- C. The Director or Superintendent shall have the authority to take such action necessary to halt or prevent such discharges, including but not limited to criminal prosecution, suspension of sewer permits, referral to state or federal authorities, termination of sewer services, and imposition of penalties as provided for in NH RSA 149-1:6.

§ 255-38. Investigations of noncompliance.

The City shall investigate instances of noncompliance with any provision of this chapter or any permit requirements. Any violation of a pretreatment standard may be referred to NHDES or EPA irrespective of any action taken under this chapter.

§ 255-39. Public and confidential information.

- A. Information and data submitted to the City under this chapter relating to wastewater discharge characteristics shall be available to the public without restriction. Other such information shall be available to the public at least to the extent provided by the Code of Federal Regulations, Title 40 - Protection of Environment, Chapter 1 -

Environmental Protection Agency, Part 2 - Public Information, Subpart B - Confidentiality of Business Information, .302 - Special Rules Governing Certain Information Obtained Under the Clean Water Act.

- B. Information and data on a user obtained from reports, surveys, industrial user wastewater permits and applications, monitoring programs, and information gathered from the Superintendent's inspection and sampling activities, shall be made 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 upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and effluent data as defined by the Code of Federal Regulations, Title 40 - Protection of Environment, Chapter 1 - Environmental Protection Agency, Part 2 - Public Information, Subpart B - Confidentiality of Business Information, .302 - Special Rules Governing Certain Information Obtained Under the Clean Water Act will not be recognized as confidential information and will be available to the public without restriction.

§ 255-40. Administrative action.

- A. Nothing in this section shall limit the authority of the City, Director or Superintendent to take any action. The actions listed below are not exclusive. Any enforcement action undertaken by the Director or Superintendent may be in addition to the suspension or revocation of any permit.
- B. The following actions may be taken:
- (1) Notification of violation. When the Superintendent finds that an industrial user has violated any provision of this chapter, an industrial user wastewater permit, or any other pretreatment standard or requirement, the Superintendent may serve upon that user a written notice of violation. Within such time as specified in the notice, an explanation of the violation and a plan for satisfactory correction and prevention, including specific remedial and preventative actions, shall be submitted to the Superintendent.
 - (2) Consent orders. The Superintendent may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any noncompliant user. Such

documents will include specific actions to be taken by the user to correct the noncompliance within a time period specified by the document.

- (3) Show cause hearings. The Superintendent may order a user who has violated any provision of this chapter, an industrial user wastewater permit, or any other pretreatment standard or requirement, to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice will be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail at least seven days prior to the meeting. Such a notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.
- (4) Compliance orders. When the Superintendent finds that a user has violated, or continues to violate, any provision of this chapter, an industrial user wastewater permit, any other pretreatment standard or requirement, or any other order or agreement between the City and the user, the Superintendent may issue an order to the user directing compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued. Compliance orders may also contain other requirements to address noncompliance, including, but not limited to 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.

§ 255-41. Powers and authority of inspectors.

- A. The Director, Superintendent, or other duly authorized City employee bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter.
- B. The Director, Superintendent, or other duly authorized City employee is empowered to obtain information concerning industrial processes or any other data which has a bearing on the kind and source of discharge to the public sewer.

- C. Denying access to any facility to a properly identified inspector is a violation of this chapter.

§ 255-42. Safety.

While performing inspections and obtaining samples on private property, the Director, Superintendent or duly authorized City employee shall observe all safety rules applicable to the premises as established by the industrial user. The industrial user shall be held harmless for injury or death to the City employees, and the City shall indemnify the industrial user against loss or damage to its property by the City employee and against liability claims and demands for personal injury or property damage asserted against the industrial user growing out of the gauging and sampling operations, except if caused by negligence or failure of the industrial user to maintain safe and appropriate conditions.

§ 255-43. Emergency bypass.

- A. Bypass of an industrial pretreatment system is prohibited except where the bypass is unavoidable to prevent loss of life, personal injury or severe property damage. The user shall notify the Superintendent immediately and, if possible, prior to the event of any bypass.
- B. A notice shall be permanently posted, plainly visible to all user's personnel responsible for managing wastewater discharges, informing them of the required notification to the Superintendent of a potential bypass.
- C. Bypasses shall not exempt the user from any fines, administrative actions or prohibitions of this chapter. All bypasses will be considered a violation of the industrial user wastewater permit.

§ 255-44. Resampling of discharge requirement.

If sampling performed by an industrial user indicates a violation, the user shall notify the Superintendent immediately on 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 30 days after becoming aware of the violation. The industrial user is not required to resample if:

- A. The City performs sampling of the industrial user at a frequency of at least once per month;
- B. The City performs sampling of the industrial user between the time when the user performs its initial sampling and the time when the user receives the results of the sampling; or
- C. The City performs sampling within 30 days of the user becoming aware of the violation.

ARTICLE VII
Individual Sewage Disposal Systems

§ 255-45. General requirements.

- A. Every building or place where humans reside, assemble or are employed shall be provided with a sanitary method of human excreta disposal. It shall be the duty of the owner of any such place or building to provide a sanitary method of excreta disposal approved by the Environmental Health Department and consistent with the provisions of all City codes and building permits.
- B. The use of an individual sewage disposal system by more than one property dwelling or other premises is prohibited.
- C. All buildings within 100 feet of a public sewer must connect to the public sewer per NH RSA 147:8.
- D. No building permit shall be issued until a sewage disposal approval has been issued by the New Hampshire Department of Environmental Services, and a sewage disposal system construction permit has been granted by the Environmental Health Department, if any work contemplated requires such approval or permit.
- E. No certificate of occupancy approving any change in configuration or use of land or buildings shall be issued without a valid certificate of compliance issued by the Environmental Health Department indicating that a satisfactory disposal system has been located, constructed, altered or repaired.
- F. No existing individual sewage disposal system shall be repaired or altered unless a sewage disposal system construction permit has been applied for and granted by the Environmental Health Department. No permit to repair or alter such system shall be granted if a public sewer abuts the property for which the permit is requested, except upon a showing to the Health Officer, confirmed by the City Engineer, that it would be impossible or highly unreasonable to require connection of the units served by the existing system to the public sewer. This restriction does not prohibit pumping of septic tanks, repairs of plumbing lines preceding the septic tank, or other necessary, normal or routine maintenance.

§ 255-46. Earth pit privy.

No earth pit privy shall be constructed, operated or maintained within the City.

§ 255-47. Septic tanks.

Septage will be accepted at a designated receiving structure within the publicly owned treatment works at such times established by the Superintendent, provided the septage does not contain toxic pollutants or

materials and does not violate any other special requirements established by the City, including but not limited to biotoxicity. Permits to use the septage receiving structure shall be under the jurisdiction of the Board of Public Works. The discharge of industrial waste as industrial septage requires prior approval of the NHDES. Fees for dumping septage will be established as part of the sewer use fees. The Superintendent shall have authority to limit the disposal of septage if disposal would interfere with the operation of the publicly owned treatment works. Procedures for the disposal of septage shall be in conformance with the operating policy of the City's wastewater treatment facility and disposal shall be accomplished under the Superintendent's supervision unless specifically permitted otherwise.

§ 255-48. Sewerage disposal system construction permit and specifications.

- A. No construction shall be commenced until a sewage disposal system construction permit has been obtained from the Environmental Health Department. Applications for a sewage disposal construction permit shall be made on forms provided by the Environmental Health Department and shall be accompanied by all required information.
- B. No sewage disposal system construction permit shall be issued when, in the opinion of the Health Officer, engineering data, soils information and similar pertinent data show that normal use of the contemplated system could reasonably be expected to violate this chapter or where requiring connection to the public sewer is feasible and reasonable.
- C. In determining a suitable form and appropriate location for a sewage disposal system, consideration shall be given to the size, shape and slope of the lot, natural and adjusted drainage, existing and known future water supplies, depth to groundwater and impervious material, and room for future expansion of the disposal system.
- D. Approval of individual sewage disposal systems for new subdivisions is subject to the provisions of Article XXXII of Chapter 190, Land Use.
- E. Permits issued pursuant to approved applications shall be valid for not more than 180 days from the date issued. Failure to achieve a certificate of compliance prior to expiration of the construction permit shall require reapplication in the same manner as an original application.
- F. Charges for a sewage disposal construction permit shall be as follows:
[Amended 3-28-2006 by Ord. No. O-06-06]
 - (1) Test pit, each (includes subdivision test pits): \$40.
 - (2) Plan reviews: \$35.
 - (3) Final inspections: \$25.

G. Sewage disposal systems utilizing a septic tank and subsurface drainage system shall be constructed according to the current provisions and recommendations of the Water Division of the New Hampshire Department of Environmental Services.

H. Disposal trenches.

(1) The size and spacing requirements of disposal trenches shall conform to the following table:

Time for One Inch Fall (minutes)	Minimum Width of Trench at Bottom (inches)	Minimum Depth of Filter Stone Under Piping (inches)	Minimum Distance Between Pipes (feet)	Depth of Trench (inches)
Less than 5	18	6	6	20 - 30
5 to 20	24	8	6	22 - 32
21 to 40	30	10	7.5	24 - 34

(2) All disposal trenches shall also meet the following requirements:

- (a) Maximum width of trench at bottom: 36 inches.
- (b) Minimum diameter of distribution piping: four inches.
- (c) Minimum filter material over pipes: two inches.
- (d) Slope of distribution piping: two to six inches in 100 feet.
- (e) Slope of trench floor: two to six inches in 100 feet.
- (f) Maximum slope of piping where siphon required: four inches in 100 feet.
- (g) Minimum lines per field: two.
- (h) Maximum length per line: 100 feet.
- (i) Minimum length per line: 25 feet.
- (j) Maximum depth of pipe: 36 inches.
- (k) Minimum depth of top of pipe: 18 inches.

I. Disposal beds. Disposal beds shall be construed in accordance with the following table:

- (1) Minimum diameter of distribution piping: four inches.
- (2) Minimum filter material over pipes: two inches.

- (3) Minimum filter material under pipes: 12 inches.
- (4) Slope of distribution piping: two to six inches in 100 feet.
- (5) Slope of disposal bed slope: two to six inches in 100 feet.
- (6) Maximum slope of piping where siphon required: four inches in 100 feet.
- (7) Minimum lines per field: two.
- (8) Maximum length per line: 100 feet.
- (9) Minimum distance between lines: four feet.
- (10) Minimum distance from edge of bed to nearest distribution line: three feet.
- (11) Maximum depth of piping: 36 inches.
- (12) Minimum depth of top of piping: 18 inches.

§ 255-49. Cesspools.

The use of cesspools is prohibited except that in emergency situations a cesspool may be temporarily permitted, subject to any conditions of the Environmental Health Department.

§ 255-50. Exemptions.

In special cases where a system or part thereof as prescribed in this chapter cannot be expected to function satisfactorily, an alternate design which meets the conditions of the ordinances of the City in principle may be approved. Written permission from the Health Officer must be obtained prior to the installation of any nonconforming part of an individual sewage disposal system or installation in a manner otherwise than in compliance with the provisions of this chapter.

ARTICLE VIII
Payment for Extensions and Connections

§ 255-51. General policies.

- A. Any property owner whose property can be served by gravity by a sewer constructed in any street by the City or with City funds after May 21, 1969, may be liable for an assessment, and any property owner who actually connects his property by any means to any public sewer after the effective date of this article, shall be assessed as provided in this article.
- B. This article applies to all connections and extensions applied for after the effective date of this article and to connections to all public sewers existing on the effective date of this article, except that the betterment and entrance charges do not apply to users connected to sewers constructed within subdivisions in which the subdivider has paid all costs of the sewer construction and all applicable betterment and entrance charges.
- C. No owner of a lot served by a sewer connection shall be obliged to pay any further betterment or entrance fees for the use of such connection after a building on that lot is replaced, provided that the new building is in the same or lesser peak sewage flow classification as the original structure. If the new building is in a higher peak sewage flow classification than the original structure, no use shall be made of the connection until the currently applicable entrance fees have been paid minus the fee which would currently be applicable to the original structure. If the City is requested to install a new connection, connection fees shall be charged at the rate in effect at the time the connection is installed.

§ 255-52. Betterment charge.

- A. The betterment charge is a one-time assessment against each property which can be served by gravity by a sewer constructed by the City or with City funds after May 21, 1969, or is connected to any public sewer constructed after May 21, 1969, either in a street, an easement, or a right-of-way.
- B. The betterment charge is \$8.10 per foot of a property's street frontage, as computed by § 255-57, regardless of the location or direction of the sewer.
- C. One-half of the betterment charge shall be assessed against the owners of vacant property who are liable for assessment, and the amount paid shall be credited to the owners when the vacant property is developed and connected to the sewer.
- D. Owners of properties whose frontage can be served only partially by gravity by new sewers shall pay betterment charges based on the

number of front feet which can be served, in multiples of the then-existing minimum lot frontages required by the zoning ordinances, provided the portion not served is not in common use with the portion served.

§ 255-53. Entrance charge.

A. The entrance charge is a one-time assessment against each property to provide service to the City's sewerage system, and the amount of the entrance charge is as follows:

- (1) For residential or apartment developments or properties: \$295 for each dwelling unit.
- (2) For other types of developments (commercial, industrial, etc.), according to the following schedule based on anticipated gallons per minute (gpm) of peak sewerage flow from the property:

Gallons Per Minute	Fee
0 - 20	\$295
20 - 40	\$590
40 - 60	\$885
60 - 80	\$1,180
80 - 100	\$1,475
100 - 120	\$1,620
120 - 140	\$1,765
140 - 160	\$1,910
160 - 180	\$2,055
180 - 200	\$2,200
200 - 220	\$2,270
220 - 240	\$2,340
240 - 260	\$2,410
260 - 280	\$2,480
Each additional 20	Add \$70

B. Upon application for sewerage service for developments other than residential or apartments, the applicant shall submit to the City Engineer an estimate of peak sewage flow from the development, together with any information requested by the City Engineer for verification of the estimate.

C. Additional entrance charges will be made, as provided herein, whenever the use of any service connection is increased over the use existing on December 29, 1975, or over the use contemplated in the original or subsequent application for service.

§ 255-54. Connection, replacement, and repair charges.

- A. Any property owner of an existing one- or two-family residence who desires initial service from the municipal sewerage system when there is not an existing service connection shall be charged a connection charge of \$600 for the City's performance and cost of installing a service connection from the main sewer to the property owner's property line. The \$600 charge may be waived if the property owner performs the work at his or her expense after obtaining permission from the Board of Public Works. All work not performed by the City or its authorized representative shall be performed by a licensed drainlayer.
- B. Any other property owner who desires initial service from the municipal sewerage system when there is not an existing service connection is responsible for performance of all work and all costs to bring service from the main sewer to the property owner's property line. All work shall be performed by a licensed drainlayer.
- C. Any property owner who desires initial service from the municipal sewerage system by connecting to a previously constructed but unused service connection shall be charged a connection charge of \$600.
- D. Replacement or repair charges.
 - (1) One- or two-family residence. A property owner of a one or two-family residence who requires repair or replacement of an existing service connection to the municipal sewerage system shall be charged \$600 for the City's performance and cost of replacing or repairing the existing service connection from the main sewer to the property owner's property line. The \$600 charge may be waived if the property owner performs the work at his or her expense after obtaining permission from the Board of Public Works. All work not performed by the City or its authorized representative shall be performed by a licensed drainlayer.
 - (2) Any other property. A property owner of any other property who requires repair or replacement of an existing service connection to the municipal sewerage system is responsible for performance of all work and all costs to replace or repair the existing service connection from the municipal sewer to the property owner's property line. All work shall be performed by a licensed drainlayer.

§ 255-55. Land subdivisions.

Land subdividers who construct sewers and service connections as a part of the subdivision construction shall pay a betterment charge based on the amount of subdivision frontage on existing sewer streets, and shall pay the entrance charges. Subdividers constructing interceptor sewers, sewage pumping stations and force mains within the subdivision shall do so at no

cost to the City. Such facilities and the land on which they are constructed or installed shall be deeded to the City for operation and maintenance.

§ 255-56. Administrative procedure for sewer extensions.

- A. Any property owner in the City whose property is not served by a public sewer may make an application to the City Engineer for extension of the sewerage system to serve the property. Information required for the application is shown on the application form provided by the City Engineer.
- B. The City Engineer shall prepare a map showing the route of the necessary sewer extension to serve the applicant, together with the properties which would be subject to betterment charges, including the property owners' names and amount of assessable frontage.
- C. The City Engineer shall attempt to ascertain in writing from each property owner whose property would be subject to betterment charges whether the owner is in favor of or opposed to the extension and the betterment charges.
- D. The City Engineer shall submit the application and his findings to the Board of Public Works for disposition.
- E. If all abutters subject to betterment charges are in favor of the requested extension, the Board may order that the extension be constructed after all abutters have paid their betterment charges. If all abutters subject to betterment charges are not in favor of the requested extension or have not paid their betterment charges within a reasonable time, the application shall go to the Board of Aldermen as a resolution, with supporting documents and recommendations for disposition. The Board of Aldermen shall take such action as is permitted by the City Code and the state statutes.
- F. Upon a negative decision by the City under Subsecton E, any applicant may have the proposed extension constructed at the applicant's expense. The applicant shall be liable for all assessments and charges, as determined under this chapter, and the amount of the assessments and charges shall be reduced by the actual cost of the extension to the applicant.
- G. Prior to the making of any assessment by the Board of Aldermen against the abutters for any sewer extension which has not been requested or assented to by them, the appropriate aldermanic committee shall hold a public hearing on the extension and assessment. All abutters shall be given seven days notice of the hearing in writing by the City Clerk.

§ 255-57. Computation of frontage.

The length of street frontage for properties against which betterment charges are made shall be computed according to one of the following:

- A. Frontage on one street. The actual frontage on the street, except if computed under Subsection C(3).
- B. Frontage on two or more streets. The average of the frontages including 1/2 the length of any curves between intersecting streets; provided, however, that such frontage shall in no event be less than the minimum frontage for the subject premises required under Chapter 190, Land Use, Part 2.
- C. Cul-de-sac properties. Where a sewer serves properties on a cul-de-sac, the frontage shall be taken as the largest of the following:
 - (1) The width of the lot at the front of the house, whenever the frontage at the street line is less than that required by Chapter 190, Land Use, Part 2;
 - (2) The actual street frontage; or
 - (3) The minimum frontage required by the zoning ordinance.

§ 255-58. Methods of payment of assessments and charges.

- A. All assessments and charges arising from the extension of or connection to the City's sewerage system shall become liens against the properties to which they apply, either by the voluntary action of the applicants or by resolution of the Board of Aldermen.
- B. All assessments and charges against a property shall be paid in one lump sum payment prior to construction of extensions or connection, except as provided in Subsection C.
- C. Deferred payments are available for owner-occupied residential properties, but do not include the betterment charge if the assessment is made to defray the cost of the sewer construction project. All assessments and charges against a property may be paid in five annual installments, and the amount of each installment shall not be less than 1/5 of the original amount due. Installments shall be due and payable on December 1 of each year, and interest will be charged at the rate allowed by NH RSA Chapter 149-I on the unpaid balance of each installment not paid when due. Any property owner qualified for deferred payments who makes a lump sum payment of all of their outstanding assessments and charges in full a minimum of 180 days prior to the due date of the final installment shall be entitled to a credit in the amount of 10% of the total remaining amount due. The 10% credit will be applied against the final payment at the time of such payment.
- D. The owners of all properties who desire service to a public sewer will be required to pay the betterment charge existing at the time of issuance of permit (if the full betterment charge has not already been paid), the entrance fee existing at the time of issuance of the permit (if the entrance fee has not already been paid), and the connection charge.

- E. In the event of a transfer of a property against which an assessment or charge has been permitted to be paid over time pursuant Subsection C, the amount remaining due for the assessments and charges, including any interest or other charges, shall become immediately due and payable on the date of such transfer.

§ 255-59. Abatements.

Any person desiring an abatement of all or part of the assessments and charges made pursuant to this chapter shall apply in writing for an abatement to the Board of Public Works. The Board of Public Works shall place said application on the agenda for its next regular meeting, and shall notify the applicant in writing by certified mail of the date said application shall be considered. After the hearing, the Board shall forward its recommendation and the application to the Mayor and Board of Aldermen. The request for abatement shall be considered in the same fashion as a resolution, and the Mayor and Board of Aldermen may, for good cause shown, grant or deny all or part of the abatement requested pursuant to NH RSA 149-I:18.

ARTICLE IX
Sewer Use Fees

§ 255-60. Purpose. [Amended 4-11-2017 by Ord. No. O-17-031]

This article provides for a system of sewer use fees to be paid by all users of the City wastewater system, the classification of users, and the creation of a wastewater system fund as a municipal enterprise and a legal and accounting entity. This wastewater system fund is the "sewer fund" required by NH RSA 149-I:10.

§ 255-61. Wastewater system fund. [Amended 12-23-2003 by Ord. No. O-03-217]

- A. The wastewater system fund shall be a legal and accounting entity of the City. Pursuant to state law, the fund shall be kept as a separate and distinct fund, shall not be commingled with City tax revenues, and shall not be deemed part of the municipality's general fund accumulated surplus. All revenues from sewer use fees, connection charges and any other revenues related to the collection and treatment of wastewater will be credited to this fund, and all expenditures for the operation and maintenance of the system, including contract summary and change orders as well as a scope of work for each contract or change order related to the EPA consent decree associated with the separation of wastewater and stormwater and/or storage facilities as well as other designs presented for approval shall contain only items related to the storage treatment and separation of wastewater or stormwater and conveyance systems. Submission of plans and/or change orders shall contain only what is necessary to complete and restore disturbed areas as deemed appropriate by the Board of Public Works and the Board of Aldermen. Appropriate uses also include capital replacement, and improvements will be charged to this fund. A detailed summary of these plans shall be updated yearly and submitted to the Board of Aldermen for review. The earnings and other reserves of the system will be retained in this fund. Pursuant to state law, the fund may be expended only for the cost of design, construction, expansion, replacement, management, maintenance, operation, and repair of sewer lines and systems and sewerage treatment and disposal works and facilities, as well as payment of the interest on any related debt incurred. **[Amended 4-11-2017 by Ord. No. O-17-031]**
- B. The administration of the provisions of this article shall be the responsibility of the Director of Public Works.
- C. The Nashua wastewater system shall be responsible for the preparation of monthly and quarterly bills, the receipt and custody of all funds, and the maintenance of general and operating account records required to show the results of operations and the financial condition of the fund.

§ 255-62. Classes of users.

There shall be six classes of users: residential, commercial, industrial, institutional, governmental, and wholesale, which are defined in § 255-1.

§ 255-63. Rates and charges. [Amended 10-14-2003 by Ord. No. O-03-173]

- A. Basis for payment for services. Each user shall pay for the services provided by the City wastewater system based on the size of the water meter that serves the user, and which represents the demand the user may make on the system, and the actual use of the system measured by water meter readings or wastewater meters installed at the user's expense.
- B. Demand charges. Each user shall pay a quarterly or monthly demand charge based on the size of the water meter serving the property. Quarterly and monthly charges will be as follows: **[Amended 5-24-2011 by Ord. No. O-11-70¹; 12-10-2013 by Ord. No. O-13-39²; 12-13-2016 by Ord. No. O-16-019³]**

Meter Size

(inches)	Quarterly Charge	Monthly Charge
0.625	\$31.94	\$10.65
0.75	\$63.88	\$21.30
1	\$253.99	\$84.66
1.5	\$506.45	\$168.82
2	\$1,426.59	\$475.53
3	\$3,164.94	\$1,054.98
4	\$6,331.41	\$2,110.47
6+	\$15,829.27	\$5,276.42

- C. Flow charge. In addition to the monthly or quarterly demand charge, each user shall pay a flow charge for each 100 cubic feet of use measured by water meter readings or wastewater flow meter readings. The flow charge per 100 cubic feet will be \$2.05 through December 31, 2016. Effective January 1, 2017, the flow charge per 100 cubic feet will be \$2.36. **[Amended 2-26-2008 by Ord. No. O-08-07; 4-14-2009 by Ord. No. O-09-61; 5-24-2011 by Ord. No. O-11-70; 12-10-2013 by Ord. No. O-13-039; 12-23-2013 by Ord. No. O-13-068; 12-13-2016 by Ord. No. O-16-019⁴]**

1. Editor's Note: This ordinance also provided an effective date of 7-1-2011.
 2. Editor's Note: This ordinance also provided an effective date of 7-1-2013.
 3. Editor's Note: This ordinance also provided an effective date of 1-1-2017.
 4. Editor's Note: This ordinance also provided an effective date of 1-1-2017.

- D. Discount for use of water outside the dwelling unit. Residential users shall pay demand and flow charges, as outlined, for billing quarters during the period of October 1 to March 31. To accommodate the variable use of water outside the dwelling unit during the warm weather months, residential users, including multifamily residential users, shall pay the same amount for each billing quarter as they pay for the first full billing quarter falling between the dates of October 1 and March 31. Notwithstanding the foregoing, any residential user may opt, by filing a notice in January of each year, to have the user fee determined by actual usage as metered by the water meter and any deduct meter.
- E. Use of water from nonmetered source. The Director of Public Works may require any property served by the wastewater system which uses water from nonmetered sources to install, at the user's expense, meters to measure the amount of water used or wastewater discharged to the sewer system, or the City may bill each user the average quarterly charge (demand and flow) by billing type (residential or commercial). This charge shall be reviewed annually. **[Amended 4-14-2009 by Ord. No. O-09-61]**
- F. Use of water not discharged to sewer system. Any user who uses metered water that is not discharged to the sewer system may install, at the user's expense, appropriate meters to measure the amount of water not discharged to the sewer system. If the City is satisfied that the meters have been properly installed, the user will not owe flow charges for this water not discharged to the sewer system.
- G. Billing. All residential users and other users whose total quarterly charge is less than \$500 will be billed quarterly. All users whose total quarterly charge is \$500 or more will be billed monthly.
- H. Due date; late payment. Bills are due when rendered. Bills paid 30 days or more after the due date will be charged a late payment penalty of one and 1.5% for each 30 days or portion thereof of delinquency. When any bill is more than 90 days past due, sewer service to such property may be discontinued until such bill is paid.
- I. Lien. The City shall have a lien on property served by its sewerage system for any and all sewer use fees charged pursuant to this article and may enforce said lien as provided in NH RSA 149-I:11 and NH RSA 38:22. The Tax Collector shall file notices of liens in the county registry of deeds at least once annually.
- J. Septage charges. The charge for disposing of residential septage at the wastewater treatment plant shall be \$79 per 1,000 gallons. Septage charges will be billed monthly.

§ 255-64. Exemptions and adjustments.

- A. All properties not connected to the City wastewater system will be exempt from sewer use charges, but will be subject to the fee for any septage discharged at the wastewater treatment plant.
- B. Any user who feels the sewer use fees are unjust or inequitable may make written application to the Director of Public Works requesting a review of the sewer use fees. The written request shall, where relevant, show the actual or estimated flow and the strength of the wastewater discharged in comparison with the values upon which the charges were based, including how the measurements or estimates were made.
- C. Review of the request for adjustment shall be made by the Director of Public Works and, if substantiated, sewer use fees for the user shall be recalculated based on the revised flow and the adjustment included in the next billing cycle or period.

§ 255-65. Annual review of fees and rates.

- A. The Director of Public Works will review the sewer use fees and rates at least once annually and recommend revisions in the rates as necessary to the Board of Public Works and to the Board of Aldermen to ensure that adequate revenues are generated to pay the costs of operation and maintenance, including capital replacements and improvements, and meet any other financial obligations of the wastewater system, and that sewer use fees continue to provide for the proportional distribution of costs among users and user classes.
- B. The demand charge, flow rate, and total flow charge applicable to each user will be printed in a conspicuous place on each bill. Whenever demand charges or flow rates are subject to a general increase, each user will be sent a statement setting forth the new charge or rate.

§ 255-66. Obstruction or interference with meter.

Any user who shall do any act or commit any deed to obstruct or interfere with the proper measuring of water consumption or sewerage flow by meter shall be subject to assessment for all back user charges as estimated by the Director of Public Works and such other criminal or civil penalties as may be provided by law, including such civil penalties as may be authorized by NH RSA 149-I:6.