

Town of Milford, New Hampshire ó Sewer Use Ordinance



RULES AND REGULATIONS OF SEWER USE

DECEMBER 2008

Town of Milford, New Hampshire 6 Sewer Use Ordinance

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TOWN OF MILFORD, NEW HAMPSHIRE

SEWER USE ORDINANCE

Pursuant to enabling authority in New Hampshire Revised Statutes Annotated (RSA) 149-I:6, or revisions thereto, the following is an Ordinance regulating the use of public and private sewers and drains, private wastewater disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system, and providing penalties for violations thereof: in the Town of Milford (Town), County of Hillsborough, State of New Hampshire.

Be it ordained and enacted by the Water and Sewer Commission of Milford, State of New Hampshire as follows:

ARTICLE I ó GENERAL PROVISIONS

Section 1.1 Purpose and Policy

This Ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) of the Town and enables the Town to comply with all applicable State and federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*), and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this ordinance are:

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

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

- Set Town-wide pollution prevention goals;
 - Organize a pollution prevention program task force;
 - Review data and inspect sites;
 - Develop pollution prevention options;
 - Conduct a feasibility analysis of selected options; and
 - Promote implementation of pollution prevention techniques.
- B. To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
- C. To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
- D. To ensure that the quality of the wastewater treatment plant biosolids are maintained at a level which allows beneficial use and/or disposal in compliance with applicable statutes and regulations;

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- E. To protect POTW personnel who may be affected by wastewater and biosolids in the course of their employment and to protect the general public;
- F. To improve the opportunity to recycle and reclaim wastewater and biosolids from the POTW; and
- G. To enable Milford to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, biosolids reuse and disposal requirements, State of New Hampshire Administrative Rules (RSA 485-A, or revisions thereto), and any other federal or State laws to which the POTW is subject.

This Ordinance shall apply to all users of the POTW. The Ordinance authorizes the issuance of industrial wastewater discharge permits (IDPs); provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. These activities collectively are referred to as the Town's *Industrial Pretreatment Program*, and represent an ongoing administrative element of the Town's activities.

Section 1.2 Administration

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

Section 1.3 Acronyms

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

- BOD - Biochemical Oxygen Demand
- CFR - Code of Federal Regulations
- COD - Chemical Oxygen Demand
- EPA - United States Environmental Protection Agency
- gpd - gallons per day
- IDP - Industrial Wastewater Discharge Permit
- mg/L - Milligrams per liter
- NHDES - New Hampshire Department of Environmental Services
- NPDES - National Pollutant Discharge Elimination System
- POTW - Publicly Owned Treatment Works
- SIU - Significant Industrial User
- SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
- TSS - Total Suspended Solids
- U.S.C. - United States Code
- °F, °C - degrees Fahrenheit, degrees Celsius

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Section 1.4 Definitions

Unless the context specifically indicated otherwise, the meaning of terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated;

- A. Act or òthe Actö. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.
- B. Approval Authority. For the Sewer Use Ordinance and User Charge System, the approval authority is the NHDES, and for the Industrial Pretreatment Program, the approval authority is the EPA.
- C. Authorized Representative of the Industrial User.
1. If the user is a corporation:
 - a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedure
 2. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 3. If the user is a federal, State, or local governmental facility: a Superintendent or the highest official appointed or designated to directly oversee the operation and performance of the activities of the government facility, or their designee.
 4. The individuals described in paragraphs (1) through (3), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the user, and the written authorization is submitted to the Town.
- If the authorization under paragraph (4) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (4) of this section must be submitted to the Town prior to or together with any reports to be signed by an authorized representative.
- D. Best Management Practices or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the pollutant control prohibitions of this Ordinance. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

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- E. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C , expressed in milligrams per liter (mg/L).
- F. Building Drain. That part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- G. Building Sewer (Connection). The extension from the building drain to the public sewer or other place of disposal.
- H. Building Sewer Lateral (Sewer Stub). A pipe or conduit laid incidental to the original construction of a public sewer, from that public sewer to the property line or some point at the side of the street, highway, or similar location and there capped, having been provided and intended for extension and of use at some time thereafter as part of a building sewer.
- I. Bypass. The intentional diversion of wastestreams from any portion of a wastewater treatment facility.
- J. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limitations promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) that apply to a specific category of users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- K. Combined Sewer. A sewer intended to receive both wastewater and storm or surface water.
- L. 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.
- M. Conservative Pollutant. A pollutant that is presumed not to be destroyed, biodegraded, chemically transformed, or volatilized within the POTW. Conservative pollutants introduced to a POTW ultimately exit the POTW solely through the POTW's effluent and biosolids. Most metals are considered conservative pollutants.
- N. Control Authority. The term Control Authority as used in this Ordinance, refers to the Town of Milford's Publicly Owned Treatment Works.
- O. Dilution. Any increase in the use of water as a partial or complete substitute for adequate treatment to achieve compliance with a limitation on the discharge of pollutants.
- P. Director. The Director of Public Works, acting under the direction of the Board of Selectmen of the Town of Milford, or an authorized deputy, agent, or representative.
- Q. Easement. An acquired legal right for the specific use of land owned by others.
- R. Environmental Protection Agency (EPA). The U.S. Environmental Protection Agency or, the Region 1 Water Management Division Director, or other duly authorized official of the agency.
- S. Equalization. The process of combining wastewaters to dampen fluctuations in flow or pollutant discharges prior to release to the sanitary sewer or pretreatment facilities. Equalization is normally accomplished in sumps, holding basins, ponds, or tanks.

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- T. Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Clean Water Act. Any source of discharge that is not a "New Source."
- U. Force Main. A pipe or conduit constituting a part of the sewer system where pumping is required; providing a connection from a pump station to a pump station or gravity sewer, with limited access from individual properties.
- V. Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
- W. Grab Sample. A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- X. Gravity Sewer. Any pipe or conduit constituting a part of the sewer system used or usable for wastewater collection purposes in which wastewater flows by gravity with no pumping required.
- Y. Grease. That material removed from a grease interceptor or grease trap serving a restaurant or other facilities requiring such a device. Also means volatile and non-volatile residual fats, fatty acids, soaps, waxes and other similar materials.
- Z. Grit. The sand, gravel, cinders, or other heavy solid materials that have subsiding velocities or specific gravities substantially greater than those of the organic putrescible solids in wastewater. Grit also includes eggshells, bone chips, seeds, coffee grounds, and large organic particles, such as food or waste.
- AA. Hauler. Those persons, firms, or corporations, who pump, haul, transport, or dispose of septage and/or trucked industrial waste, and who are licensed by the Commissioner of the New Hampshire Department of Environmental Services and conform to the requirements set forth in RSA 485-A:4 XVI-a, and rules adopted to implement said section.
- BB. Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- CC. Human Excrement and other Putrescible Material. The liquid or solid matter discharged from the intestinal canal of man or other liquid or solid waste materials that are likely to undergo bacterial decomposition; provided, however, that these terms shall not include garbage as defined by RSA 485-A, or revisions thereto.
- DD. Industrial Wastewater Discharge Permit (IDP). The written permit issued by the Town to an industrial user that discharges wastewater to the POTW, which outlines the conditions under which discharge to the POTW will be accepted.
- EE. Industrial User or "User". A person who discharges industrial wastewater to the sanitary sewer of the Town.

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- FF. Industrial Wastes. Any liquid, gaseous, solid waste substance, or pollutant from any process or from development of any natural resource by industry, manufacturing, trade, business, or governmental entity.
- GG. Industrial Wastewater. Any wastewater that contains industrial waste, as distinct from sanitary sewage or unpolluted water.
- HH. Instantaneous Maximum Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- II. Interference. A discharge by an industrial user which alone or in conjunction with discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal and therefore is a cause of a violation of any requirement of the POTW's National Pollutant Discharge Elimination System (NPDES) permit (including an increase in the magnitude or duration of a violation) or of the prevention of biosolids use or disposal by the POTW in accordance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title 11, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State biosolids management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act; the Toxic Substances Control Act; the Marine Protection, Research, and Sanctuaries Act; and the 40 CFR Part 503 Standards for Sewage Sludge Use and Disposal.
- JJ. Local Limits. Specific, enforceable numerical limits on the types and quantities of pollutants that may be discharged to the POTW. Local limits are established by the Town and are distinct from State and federal limitations on the discharge of industrial wastewater to the POTW.
- KK. May. Is allowed to (permissive); see also "óShallö".
- LL. Medical/Infectious Waste. Any solid waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals. Examples include isolation wastes, infectious agents, human blood and blood products, pathological wastes, chemotherapy wastes, sharps, body parts, contaminated bedding, surgical wastes and specimens, potentially contaminated laboratory wastes, trauma scene wastes, sharps waste and dialysis wastes.
- MM. National Pollutant Discharge Elimination System (NPDES) Permit. A permit issued pursuant to Section 402 of the Clean Water Act (33 U.S.C. § 1342).
- NN. Natural Outlet. Any outlet, including storm sewers and combined "ösewer overflows,ö into a watercourse, pond, ditch, lake, or any other body of surface or groundwater.

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OO. New Source.

1. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced subsequent to the publication of proposed pretreatment standards under Section 307(c) of the Clean Water Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
2. 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 Section (a)(ii) or (a)(iii) above but otherwise alters, replaces, or adds to existing process or production equipment.
3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - a. Begun, or caused to begin, as part of a continuous on-site construction program
 - i. any placement, assembly, or installation of facilities or equipment; or
 - ii. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or contracts that 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.

PP. Nonconservative Pollutant. A pollutant that is presumed to be destroyed, biodegraded, chemically transformed, or volatilized within the POTW, to some degree.

QQ. Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product and is not degraded in quality by mixing with or addition of process waste or pollutants other than heat.

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

SS. Pass Through. The discharge of pollutants through the POTW into surface waters, in quantities or concentration,, which, alone or in conjunction with discharges, from other sources, is a cause of a

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- violation of any requirements of the POTW's National Pollutant Discharge Elimination system (NPDES) permit (including an increase in the magnitude or duration of a violation) or of applicable water quality criteria.
- TT. Person. Any individual, co-partnership, firm, company, association, joint stock company, trust, estate, society, corporation, group, partnership, municipality, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, State, and local governmental entities.
- UU. pH. A logarithmic measure devised to express the hydrogen ion concentration of a solution, expressed in Standard Units. Solutions with pH values greater than 7 are basic (or alkaline); solutions with pH values less than 7 are acidic.
- VV. Pharmaceutical Waste. Means a prescription drug, as defined by RSA 318:1, XVII, or a nonprescription or proprietary medicine, as defined by RSA 318:1, XVIII, which is no longer suitable for its intended purpose or is otherwise being discarded.
- WW. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, garbage, wastewater treatment sludges, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (*e.g.*, pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- XX. Pollution Prevention. The use of processes, practices or products that reduce or eliminate the generation of pollutants and wastes or that protect natural resources through equipment or technology modifications; process or procedure modifications; reformulation or redesign of products; substitution of raw materials; and improvements in housekeeping, maintenance, training, or inventory control. The term "pollution prevention" does not include any practice that alters the physical, chemical, or biological characteristics or the volume of a hazardous substance, pollutant, or contaminant through a process or activity that itself is not integral to and necessary for the production of a product or the providing of a service.
- YY. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- ZZ. Pretreatment Requirement. Any substantive or procedural requirement related to pretreatment, other than a Pretreatment Standard, imposed on an industrial user.
- AAA. Pretreatment Standard or Standard. Prohibited discharge standards, categorical pretreatment standards, and local limits.
- BBB. Prohibited Discharge Standard or Prohibited Discharge. An absolute prohibition against the discharge of a certain substance. Prohibited discharge standards appear in Section 2.6 of this Ordinance.
- CCC. Properly Shredded Garbage. Wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be transported freely under the flow conditions

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normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

- DDD. Property Owner. The person owning an improved or unimproved property in the Town.
- EEE. POTW or Publicly Owned Treatment Works. A òtreatment works,ö as defined by Section 212 of the Clean Water Act (33 U.S.C. §1292) that is owned by the Town. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sanitary sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if these structures convey wastewater to a POTW wastewater treatment facility. The term also means the municipality that has jurisdiction over discharges to and the discharges from such a treatment works.
- FFF. Public Sewer. A pipe or conduit that carries wastewater, stormwater, groundwater, subsurface water, or unpolluted water from any source, which is controlled by a governmental agency or public utility.
- GGG. Radiological Waste. Means radioactive waste as regulated by RSA 125-F.
- HHH. Regional Point Sources. Any point source(s) of discharge from a town connected to the Milford POTW under the regional concept of wastewater collection and treatment.
- III. Sanitary Sewage. Wastewater consisting solely of normal water-carried household and toilet wastes or waste (such as human excrement and gray water [showers, dishwashing operations, etc.]) from sanitary conveniences of residences, commercial buildings, and industrial plants, as distinct from industrial wastewater and unpolluted water.
- JJJ. Sanitary Sewer. A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial facilities, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
- KKK. Screening Level. A numerical value for a pollutant concentration above which actions are initiated to evaluate, prevent or reduce adverse environmental or health and safety impacts. A screening level may be adjusted upward or downward within an IDP to account for site-specific conditions at the point of discharge and administered as a local limit.
- LLL. Septage. Any liquid, solid, or sludge pumped from chemical toilets, vaults, septic tanks, or cesspools or other holding tanks, which have received only sanitary sewage.
- MMM. Septage Tank Truck. Any watertight vehicle that is used for the collection and hauling of septage and that complies with the regulations of the New Hampshire Department of Environmental Services.
- NNN. Sewer. A pipe or conduit that carries wastewater (including industrial wastewater, sanitary sewage, stormwater, groundwater, subsurface water, or unpolluted water) from any source.
- OOO. Shall. Is required to (mandatory) See also òMay.ö
- PPP. Significant Industrial User (SIU).
1. A user subject to categorical pretreatment standards under 40 CFR 403.8 and 40 CFR Chapter I, Subchapter N; or

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2. A user that:
 - a. Discharges an average of ten thousand (10,000) gpd or more of industrial wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);
 - b. Contributes industrial wastewater that comprises five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;
 - c. Discharges medical/infectious waste, pharmaceutical waste, or radiological waste; or
 - d. Is designated as such by the Town on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
3. The Town may determine that an industrial user subject to Categorical Pretreatment Standards under §403.6 and 40 CFR chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the industrial user never discharges more than 100 gallons per day (gpd) of total Categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - a. The industrial user, prior to the Town's finding, has consistently complied with all applicable Categorical Pretreatment Standards and requirements;
 - b. The industrial user annually submits the certification statement required in §403.12(q) together with any additional information necessary to support the certification statement; and
 - c. The industrial user never discharges any untreated concentrated wastewater.
4. Upon determining that a user meeting the criteria in 2(a) or 2(b) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Town may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

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

1. Chronic violations. A pattern of violating a numeric pretreatment standard or requirement, including instantaneous limits (any magnitude of exceedance) sixty-six percent (66%) or more of the time in a 6-month period.
2. Technical Review Criteria (TRC) violations. Thirty-three percent (33%) or more of the measurements exceed the same numeric pretreatment standard or requirement, including instantaneous limits, by more than the TRC factor in a six month period [The TRC factor is 1.4 for BOD, TSS, oil & grease and 1.2 for all other pollutants except pH.];
3. For pH monitoring, excursions shall be considered significant noncompliance when:
 - a. The total time during which the pH values are outside the required range of pH values exceeds 7 hours and 26 minutes in any calendar month; or
 - b. An individual excursion from the allowable range of pH values exceeds 60 minutes; or

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- c. Any pH excursion that the Superintendent believes has endangered the structural integrity of the POTW, the health of the POTW personnel or the general public.
4. Any other violation that the Control Authority believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
5. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403.8 (f)(1)(vi)(B) to halt or prevent such a discharge.
6. Failure to meet within ninety (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;
7. Failure to provide, within thirty (30) days after the due date, any required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
8. Failure to accurately report noncompliance; or
9. Any other violation(s) or group of violations, which may include a violation of Best Management Practices, that the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

RRR. Slug. Means:

1. Any discharge of water or wastewater that, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation;
2. Any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in Section 2.6 of this Ordinance; or
3. Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or adversely affect the collection system and/or performance of the POTW.

SSS. State. The State of New Hampshire.

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

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

VVV. Superintendent. The supervisor of the Town of Milford POTW, acting under the direction of the Water and Sewer Commission, or an authorized agent or representative.

WWW. Suspended Solids (SS) or Total Suspended Solids (TSS). Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by

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laboratory filtering as prescribed In Standard Methods for the Examination of Water and Wastewater and referred to as non-filterable residue.

- XXX. Town. The Town of Milford, Hillsborough County, a municipality of the State of New Hampshire, acting by and through the Water and Sewer Commission of Milford, New Hampshire and through its authorized representatives, including the Superintendent.
- YYY. Unpolluted Water. Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the POTW.
- ZZZ. User (or Industrial User). A person who discharges industrial wastewater to the sanitary sewer of the Town.
- AAAA. Wastewater. The spent water of a community. Any combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, governmental facilities, and institutions, whether treated or untreated that is contributed to the POTW, together with any groundwater, surface water, and stormwater that may be present.
- BBBB. Wastewater Treatment Facility. That portion of the POTW that is designed to provide treatment of sanitary sewage and industrial wastewater.
- CCCC. Water and Sewer Commission. A three (3) member board of water and sewer commissioners who govern the Water Utilities Department in the Town of Milford and who perform all the duties and possess all the powers otherwise conferred upon the Board of Selectmen.
- DDDD. Watercourse. A natural or artificial channel for the passage of water either continuously or intermittently.

ARTICLE II ó GENERAL PROVISIONS

Section 2.1 Use of Public Sewers

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited any human or animal excrement, garbage, or other objectionable waste, in any unsanitary manner on public or private property within the Town, or in any area under the jurisdiction of said Town.
- B. It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of said Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this Ordinance and with State and federal laws and regulations.
- C. Sewers for Intended Uses Only. No person shall discharge or cause to be discharged into any public sewer of the Town, or into any fixture that thereafter discharges into any public sewer, any waste, or substance other than that for which the particular sewer is intended, designed, and provided.
- D. Applicable Permits Required. No person shall discharge into any public sewer of the Town, or into any fixture that thereafter discharges into any public sewer, any waste or substance until all applicable approvals and permits have been obtained.

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- E. Use of Sanitary Sewers. Except as specifically designated by the Town with reference to some particular sewer, sanitary sewers shall be used only for the conveyance and disposal of sanitary sewage, and for industrial wastewaters that are not objectionable as hereinafter provided. No sanitary sewer shall be used to receive and convey or dispose of any storm or surface water, subsoil drainage, or unpolluted water. No industrial wastewater shall be directed to a sewer that is not connected to the POTW.
- F. Use of Storm Sewers. Stormwater and all other unpolluted drainage shall be discharged only to such sewers as are specifically designed as storm sewers, or to natural outlets approved by the Superintendent. Industrial noncontact cooling water, process waters, or stormwater runoff generated in areas of industrial activity (as defined in 40 CFR Part 122) require a NPDES permit prior to discharge to a storm sewer or natural outlet.
- G. Use Designation. If the intended or designated use of any particular sewer or drain and allowable discharge thereto is unclear, the Superintendent will consider the pertinent facts and make a determination. This determination shall be final and binding.
- H. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater in any area where a public sewer is available, as described in paragraph (I) below. The use of portable chemical toilets is allowed at construction sites and for other temporary purposes provided the wastes are properly disposed off site.
- I. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, right-of-way, or easement in which a public sanitary sewer of the Town is located within 100 feet of said houses, buildings, or properties, is hereby required at the owner(s) expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so.
- In accordance with RSA 147:8, the Water and Sewer Commission may grant a waiver from this connection requirement provided the property is served with an adequate alternate sewage disposal system which complies with applicable state and local regulations, was designed by a designer licensed in New Hampshire and approved for construction by the NHDES after January 1, 1985, and the system is not in failure..
- J. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment that is part of the POTW.

Section 2.2 Private Wastewater Disposal

- A. Where a public sanitary sewer is not available under the provisions of paragraph 2.1(I) above, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of RSA 485-A, or revisions thereto, of the State of New Hampshire and rules, regulations, standards, and procedures promulgated thereupon. Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain design approval from the Water Division of the NHDES.
- B. No private wastewater disposal system shall be placed into operation until final inspection and approval by an authorized NHDES agent in accordance with RSA 485-A:29.

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- C. The type, capacities, location, layout and installation (including inspection) of a private wastewater disposal system shall comply with all requirements of the NHDES. No installation shall be approved for any new private wastewater disposal system employing subsurface soil absorption facilities where the lot area is less than is required by subdivision lot size requirements of the NHDES. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- D. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town. At no time shall any quantity of industrial waste be discharged to a private, sanitary sewage disposal facility.
- E. At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, the owner shall connect to the public sewer, as provided in paragraph 2.1(I) above. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with clean, mineral soils, and their use shall be discontinued.
- F. No statement contained in the preceding paragraphs of this section shall be construed to interfere with any additional requirements that may be imposed by the Superintendent or the Building Inspector/Code Enforcement Officer.

Section 2.3 Building Sewers and Connections

- A. No person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.
- B. There shall be two (2) classes of building sewer permits: (a) for residential service single family or duplex units producing only domestic wastewater, and (b) for commercial including residential units greater than a duplex or industrial establishments. In either case, the owner(s) or his agent shall make application on a special form furnished by the Superintendent. The sewer connection application forms are developed and revised by the Superintendent. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent, in the judgment of the Superintendent. A permit and inspection fee for a residential building sewer permit or a commercial/industrial building sewer permit shall be paid to the Town at the time the application is filed. The current fee structure is maintained in the Town's *User Charge System*. For an establishment discharging industrial wastes, an application shall be made in accordance with the requirements of Article IV of this Ordinance.
- C. The Town will, at its expense during construction of a new public sewer by the Town, construct a sewer stub for a building or proposed building located on a lot of record, if such building or proposed building is located within 100 feet of the existing public sewer, and therefore is required to connect to the public sewer as provided in paragraph 2.1(I), above. All costs and expenses incidental to the installation and connection of the remainder of the building sewer, including connection to the structures served, shall be the responsibility of the owner of the improved property to be connected. If the building or proposed building is located beyond 100 feet of the existing public sewer and the owner desires to connect to the public sewer then all costs associated with an extension of the public sewer to service the building will be the responsibility of the owner. The owner(s) shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. After the initial construction of the building sewer, the owner shall thereafter be obligated to pay all costs of expenses of operation, repair, and maintenance and of reconstruction (if needed) of the entire building sewer beginning at the public sewer and ending at the building. If Town personnel are called out to work

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on a service line and it is subsequently determined that the problem was on the property owner's section of the line, the property owner will reimburse the Town for all costs associated with the service call.

- E. If the owner of any building located within the Town and benefited, improved, served or accommodated by any public sewer, or to which any public sewer is available, after ninety (90) days notice from the Town, in accordance with paragraph 2.1(I), shall fail to connect such building as required, the owner shall be in violation of this Ordinance and the Town may make such connection and may collect from such owner the costs and expenses thereof by such legal proceeding as may be permitted by law. The Town shall have full authority to enter on owner's property to do whatever is necessary to properly drain the improved property into the public sewer.
- F. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or cannot be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such instances the front building sewer may be extended to the rear building and the whole considered as one building sewer, but the Town does not, and shall not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned. Grouping of more than one building on one building sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, but then only after special permission of the Town, in writing, shall have been secured and subject to such rules, regulations and conditions as may be prescribed by the Town.
- G. Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Ordinance.
- H. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the current *Standard Regulations and Specifications for Design and Construction of Water and Sewer Infrastructure* of the Milford Water Utilities Department. In the absence of specifications or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing and Materials (ASTM) and Water Environment Federation (WEF) *Gravity Sanitary Sewer Design and Construction - MOP FD-5* shall apply.
- I. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means in accordance with the most current adopted State of New Hampshire plumbing code and with approval of the Town Building Inspector/Code Enforcement Officer, and discharged to the building sewer at the owner's expense.
- J. When any street lateral is to serve a school, hospital, or similar institutional or public housing, or is to serve a complex of industrial or commercial buildings, or which in the opinion of the Superintendent, will receive sanitary sewage or industrial wastes of such volume or character that frequent maintenance of said building sewer and street lateral is anticipated, then such street lateral shall be connected to the public sewer through a manhole. The Superintendent shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by the Superintendent. If required, a new manhole shall be installed in the public sewer.
- K. No structure shall be connected to the sanitary sewer system unless there is a vent pipe extending to a point above the roof and properly vented or otherwise vented as per applicable codes and code

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enforcement offices in a manner approved by the Superintendent. Vents shall be installed by the owner in all buildings as approved by the Building Inspector. No person shall obstruct the free flow of air through any drain or soil pipe.

- L. No person(s) shall make connection of roof downspouts, interior or exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer.
- M. The connection of the building sewer into the public sewer shall conform to the requirements of the current building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the ASTM and the WEF *Gravity Sanitary Sewer Design and Construction - MOP FD-5*. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials shall be approved by the Superintendent before installation.
- N. The applicant for the building sewer permit, prior to burial of the building sewer, shall notify the Water Utilities Department when the building sewer is ready for inspection and connection to the public sewer. Such notice shall be provided not less than twenty-four (24) hours in advance of the time any connection is to be made to any public sewer. The contractor shall be responsible for satisfying all other notification requirements, including DIGSAFE. The connection and testing shall be made under the supervision of the representative of the Water Utilities Department. Burial of the building sewer is prohibited until the line passes inspection and testing. If any part of a building sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the building to be connected to a sewer. This requirement shall also apply to repairs or alterations to building connections, drains or pipes thereto. Premature filling of trenches before an inspection is made may subject the owner(s) to a penalty.

In the event that such work is not ready for inspection or for any other reason may not be approved by the Superintendent, the property owner, builder, or developer shall be notified that no further inspection of such work will be made until the property owner, builder, or developer has paid a service charge in the amount as established by the Town to cover the extra expense and cost to the Town. In the event of further disapproval of the same work, a further surcharge may be applied to the property owner, builder, or developer before a further inspection shall be made.

- O. All excavations for building sewer installation shall be adequately guarded with warning signs, traffic controls, barricades, and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Director, at the expense of the owner(s). It is the responsibility of the owner to obtain a Road Opening Permit prior to initiation of excavation in the public right-of-way.
- P. The Superintendent shall maintain a record of all connections made to public sewers and drains under this Ordinance and all repairs and alterations made to building connections or drains connected to or discharging into public sewers and drains of the Town or intended to so discharge. All persons concerned shall assist the Superintendent in securing data needed for such records.
- Q. Any person proposing a new discharge into the system, or a discharge of or characteristic waste (as defined by 40 CFR 216), or an increase in the volume, or in the strength or character of pollutants that are discharged beyond limits previously permitted into the system shall notify the Superintendent at least sixty (60) days prior to the proposed change or connection. Proposed new discharges from residential or commercial sources involving loading exceeding 50 population equivalents (5,000 gpd),

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any new industrial discharge, or any alteration in either flow or waste characteristics of greater than twenty percent (20%) of existing industrial wastes that are being discharged into the POTW, or that could cause interference with the POTW or have an adverse affect on the receiving water or otherwise endanger life, limb, public property or constitute a nuisance, shall be approved by the NHDES Water Division. Approvals for industrial wastewater shall be obtained in accordance with Article IV of this Ordinance.

- R. Should there be a stoppage or flow back-up found to be in the building sewer and assistance is requested by the owner from the Superintendent, costs for the work effort by the Superintendent in freeing the stoppage shall be assessed to the Owner. Charges will be based on time and material, but shall not be less than the minimum amount stated in the Town's *User Charge System*, payable to the Milford Sewer Fund for each service resulting from the Owner's request.
- S. If the owner of any building located within the Town shall fail or refuse, upon receipt of a notice of the Town, in writing, to remedy any unsatisfactory condition with respect to a building sewer, within forty-five (45) days of receipt of such notice (except this time period may be reduced as necessary to protect the health and safety of the residents of the Town), the Town may remedy any unsatisfactory condition with respect to a building sewer and may collect from the owner the costs and expenses thereof by such legal proceedings as may be provided by law. The Town shall have full authority to enter on the owner's property to do whatever is necessary to remedy the unsatisfactory condition.
- T. A backwater valve shall be installed on the building drain when, in the opinion of the Town Building Inspector/Code Enforcement Officer or Superintendent, plumbing fixtures are subject to backflow from the public sewer. Backwater valves shall be installed in accordance with the most current adopted State of New Hampshire plumbing code, and with the approval of the Town Building Inspector/Code Enforcement Officer. Backwater valves shall be of a size and type as indicated by the Building Inspector/Code Enforcement Officer in accordance with the most current adopted State of New Hampshire plumbing code. Backwater valves shall be located and installed so their working parts are readily and easily accessible for cleaning and inspection and shall be maintained by the Owner(s) at the Owners expense, in a continuous, efficient, operating condition at all times.
- U. Every building sewer shall be maintained in a sanitary and safe operating condition by the owner.
- V. When a building is demolished and not immediately replaced, the owner shall adequately seal off his building sewer where it connects to the public sewer and shall schedule an inspection by the Superintendent.

Section 2.4 Sewer Line Extensions

Sewer line extensions will be made subject to the following terms and conditions:

- A. Sewer line extensions and building service laterals shall be laid by or to the current specifications of the Department of Water Utilities and shall become the property of the Town upon completion, acceptable operation, and formal acceptance by the Town or its designated agent.
- B. New streets, or extensions of present streets in which sewer line extensions are to be made must have been laid out, to, and have lines and grades established in conformance with the current specifications of the Department of Public Works and Planning Board, and the plans shall be approved by the NHDES Water Division.

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- C. The size and type of pipe shall be determined by the Department of Water Utilities in accordance with conditions surrounding the extension, including the possibilities of future expansion.
- D. Those persons, businesses, industries or developers who request, a sewer line extension to primarily serve their particular property, shall be subject to the following minimum criteria:
 - 1. The petitioner(s) shall finance the entire cost of the sewer line extension.
 - 2. Building sewer service laterals, shall be installed from the main to property line, and shall be the responsibility of the petitioner(s) of the sewer line extension. The number and location of such laterals for all buildings, lots of record, or lots that may be subdivided in the future shall be recommended by the Department of Water Utilities.
 - 3. There shall be no reimbursement to the sewer line extension petitioner(s) when abutters connect to the sewer line extension except as may be provided in other applicable Ordinances of the Town.
 - 4. The Department of Water Utilities shall require and provide at the petitioner(s) expense a full time inspector, who will be on site from start to completion of the project. An ñas builtö Mylar plan with three prints will be furnished to the Department of Water Utilities prior to the Town's acceptance of the sewer main.
- E. The installation of the sewer shall be subject to periodic inspection by the Superintendent, and the expense for this inspection shall be paid for by the owner, builder, or developer. The Superintendent's decisions shall be final in matters of quality and methods of construction. The sewer, as constructed, must pass a leakage test approved by the Town before any building sewer is connected thereto. The Superintendent shall be notified at least thirty (30) days in advance of the start of construction operations so that such inspection procedures as may be necessary or required may be established. No sanitary sewers will be accepted by the Town until such inspection of construction has been made as will assure the Town of compliance with these regulations and any amendments or additions thereto.
- F. Any property owner who desires sewer service shall pay all costs in accordance with Section 2.3(C) of this Ordinance.

Section 2.5 Variances

- A. The Superintendent, with the approval of the Water and Sewer Commission, may allow reasonable variances from the provisions of Sections 2.1 through 2.4 of this Ordinance, which will not result in a violation of State or federal law, provided:
 - 1. The owner pays a variance fee in accordance with the Town's *User Charge System*;
 - 2. The variance allowed is the least variance reasonable;
 - 3. The variance will not cause undue harm or inconvenience to the Town, the POTW, or the owner's neighbors; and
 - 4. The variance is justified by substantial reason.
- B. The owner shall apply for the variance in writing to the Superintendent. The application shall identify the name and address of the owner, the property in question, the specific variance sought by the owner and a substantial reason justifying the variance. The variance fee shall be paid with the application or the variance shall be deemed to have been denied. Any issued variance shall identify any changes, limitations or restrictions on the variance for which approval was requested.

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Section 2.6 Prohibited Discharge Standards

- A. General Prohibitions. No person shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other federal, State, or local pretreatment standards or requirements.
- B. Specific Prohibitions. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, gas, solid, or any substance that can generate or form any flammable combustible or explosive substance, fluid, gas, vapor or liquid when combined with air, water or other substances present in sewers, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
 2. Wastewater having a pH less than 6.0 standard units or greater than 11.0 standard units, as measured at the point of connection to the sanitary sewer or other available monitoring location, or otherwise causing corrosive structural damage or hazard to the POTW equipment, or personnel, or with alkalinity in such quantities that contribute to or cause the POTW influent pH to exceed 8.0;
 3. Solid or viscous substances including water or wastes containing fats, wax, grease, or oils, whether emulsified or not, or containing substances that can solidify or become viscous at temperatures between 32°F and 150°F (0-65°C), in amounts that could cause obstruction of the flow in the POTW resulting in interference; such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, any form of offal, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
 4. Pollutants, including oxygen-demanding pollutants (*e.g.*, BOD, COD), or chlorine demand requirements released in a discharge at a flow rate and/or pollutant concentration that, either singly or by interaction with other pollutants, will cause interference with the POTW, constitute a hazard to humans or animals, create a public nuisance, exceed any applicable Categorical Pretreatment Standards, or cause pass through;
 5. Wastewater containing such concentrations or quantities of pollutants that its introduction to the POTW could cause a treatment process upset and subsequent loss of treatment ability;
 6. Wastewater having a temperature greater than 150°F (65°C), or that will inhibit biological activity in the wastewater treatment facility resulting in interference, but in no case wastewater that causes the temperature at the introduction into the wastewater treatment facility to exceed 104°F (40°C);
 7. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
 8. Any pollutants that result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause worker health and safety problems;
 9. Any trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with Section 4.9 of this Ordinance;

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10. Any medical/infectious waste, pharmaceutical waste, or radiological waste except as specifically authorized in an IDP;
 11. Wastewater causing, alone or in conjunction with other sources, the wastewater treatment facility's effluent or biosolids to fail a toxicity test; and
 12. Any hazardous waste listed or designated by the NHDES under Env-Hw 400.
- C. Additional Prohibitions. No user shall introduce or cause to be introduced into the POTW the following substances, pollutants or wastewater, unless specifically authorized by the Superintendent in an IDP:
1. Wastewater that imparts color that cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment facility's effluent, thereby violating the Town's NPDES permit;
 2. Noxious or malodorous liquids, gases, solids, or other wastewater that, either singly or by interaction with other wastes, could be sufficient to create a public nuisance, objectionable odors, or a hazard to life, or to prevent entry into the public sewers for maintenance or repair;
 3. Any radioactive wastes or isotopes except as specifically authorized in an IDP and in compliance with applicable State and federal regulations.
 4. Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, or otherwise unpolluted wastewater;
 5. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
 6. Detergents, surface active agents, or other substances that might cause excessive foaming in the POTW and/or cause a violation of the Town's NPDES permit;
 7. Wastewater that could cause a reading on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than ten percent (10%) of the Lower Explosive Limit;
 8. Any garbage that has not been properly shredded (see definition of Properly Shredded Garbage in Section 1.4). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers;
 9. Any quantities of flow, concentrations, or both which constitute a "slug" as defined herein;
 10. Waters or wastes containing substances which are not amenable to treatment by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the permitted discharge;
 11. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release dangerous or noxious gases or objectionable odors, form suspended solids that interfere with the collection system, or create a condition deleterious to structures and treatment processes; and
 12. Household hazardous wastes including but not limited to paints, stains, thinners, pesticides, herbicides, anti-freeze, transmission and brake fluids, motor oil and battery acid;

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

Section 2.7 Federal Categorical Pretreatment Standards

The federal categorical pretreatment standards are found at 40 CFR Chapter I, Subchapter N, Parts 405-471 and are hereby incorporated into the Ordinance.

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limitations in accordance with 40 CFR 403.6(c).
- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Superintendent shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
- C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

The industrial user is responsible for determining the applicability of categorical pretreatment standards. When an industrial user's categorical status has been identified by the Town, the Town will provide timely notification to the identified industrial user of applicable categorical pretreatment standards. The user may request that EPA provide written certification on whether the user is subject to the requirements of a particular category.

Upon promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall, on the compliance date of the categorical pretreatment standards, immediately supersede the limitations imposed under this Ordinance.

Compliance with categorical pretreatment standards shall be achieved within three (3) years of the date such standards are effective, unless a shorter compliance time is specified in the standards. An industrial user subject to categorical pretreatment standards shall not discharge wastewater directly or indirectly to the Town's POTW after the compliance date of such standards unless an amendment to its IDP has been issued by the Town.

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Section 2.8 Local Discharge Restrictions

The following pollutant limits are established to protect the POTW against pass through and interference. No person shall discharge wastewater containing in excess of the following instantaneous maximum discharge limits.

A. Local Limits

POLLUTANT	MAXIMUM CONCENTRATION (mg/L)
Arsenic	0.484
Cadmium	0.987
Copper	0.634
Mercury	0.057
Molybdenum	0.926
Silver	3.132
Zinc	7.483

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for ötotalö metal unless indicated otherwise. The Superintendent may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

B. Screening Levels. The following discharge screening levels are established to protect against pass through and interference. The Superintendent may require an industrial user who exceeds the following screening levels at the point of discharge into the municipal sewer system to conduct periodic sampling and analyses for those parameters which are exceeded. Such sampling and analyses as well as reporting requirements shall be in accordance with Article VI of this ordinance. The Town may establish a local limit for any of the following parameters to protect the POTW against pass through and interference.

POLLUTANT	MAXIMUM CONCENTRATION (mg/L)
A. Chromium	5.0
B. Lead	5.0
C. Nickel	15.4
D. Selenium	1.0
E. Cyanide	32.0
F. Sulfide	1.0
G. Sulfate	1,000.0
H. Sulfite	1.0
I. Petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin	25.0
J. All grease or oil not limited by I above	100.0

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The following discharge screening levels are numerical values that, if exceeded, represent a potential to compromise worker safety or create flammability conditions in the collection system. Screening levels are developed as needed using the methodology of the Department of Water Utilities. The pollutants in the following table (list is not all inclusive) are representative of concentrations above which pollutants shall not be discharged to the POTW without the approval of the Superintendent.

POLLUTANT	mg/L	POLLUTANT	mg/L
Acetone	372	Isopropyl alcohol	1,488
Acrylonitrile	0.48	Methyl bromide (Bromomethane)	0.015
Benzene	0.001	Methyl ethyl ketone (MEK)	160
bis-2-Ethylhexyl phthalate	0.13	Methyl isobutyl ketone (MIBK)	36
Carbon disulfide	0.007	Methyl tert-butyl ether (MTBE)	5.5
Chlorobenzene	0.30	Methylene chloride	1.0
Chloroform	0.065	Tetrachloroethylene (PCE)	0.23
p-Cresol (4-methylphenol)	0.028	Tetrahydrofuran	205
1,4-Dichlorobenzene	0.103	Toluene	0.69
1,1-Dichloroethane	1.74	1,2,4-Trichlorobenzene	0.64
1,2-Dichloroethane (Ethylene dichloride)	0.08	1,1,1-Trichloroethane (TCA)	2.7
1,2-Dichloropropane	3.0	Trichloroethene	0.32
1,3-Dichloropropene	0.01	Trichlorofluoromethane	1.25
Ethylbenzene	1.35	Vinyl chloride (chloroethene)	0.0023
Formaldehyde	1.47	Vinylidene chloride	0.019
Hexachloroethane	0.06	Xylenes	1.4

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- C. **Maximum Allowable Headworks Loading Limits.** The following pollutant limits are established to protect against pass through and interference at the POTW. In no case shall the influent headworks loading at the POTW exceed the following limits:

POLLUTANT	MAXIMUM ALLOWABLE HEADWORKS LOADING (lb/day)
Chromium	2.2032
Lead	0.5931
Nickel	1.0957
Selenium	0.3155
Cyanide	2.2729

The Town may develop maximum allowable discharge limits for each permitted significant contributing industrial user and implement them as part of their IDP to ensure that these limits are not exceeded. Such discharge limits shall be calculated utilizing a mass proportion allocation.

$$C_{Lim(X)} = \frac{L_{curr(X)} / L_{curr(t)}}{(8.34) X (Q_X)} \times L_{all}$$

Where:

$C_{Lim(X)}$	=	Discharge limit for IU _(X) in mg/L
$L_{curr(X)}$	=	IU _(X) current loading in lb/day
$L_{curr(t)}$	=	Total industrial loading in lb/day
$Q_{(X)}$	=	IU _(X) flow in MGD
L_{all}	=	Maximum allowable industrial loading

The limits calculated using the above formula shall be included in each contributing significant industrial user's discharge permit and shall be applied at the point of discharge into the public sanitary sewer system.

- D. **Best Management Practices (BMPs).** The Superintendent may develop BMPs by ordinance or in individual wastewater discharge permits or require that an industrial user develop BMPs, to implement the requirements of Sections 2.6 and 2.8. Such BMPS shall be considered local limits and Pretreatment Standards for the purposes of this Ordinance.
- E. **Special Agreements.** No statement contained in this article except for paragraphs 2.6(A), 2.6(B), and Section 2.7 shall be construed as preventing any special agreement or arrangement between the Town and any industrial user whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment provided that said agreements do not contravene any requirements of existing federal or State laws, and/or regulations promulgated thereunder, are compatible with any *User Charge System* in effect, and do not waive applicable federal categorical pretreatment standards. Special agreement requests may require submittal of a Best Management Practices Plan that specifically addresses the discharge for which a special agreement is requested.

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Section 2.9 Town's Right of Revision

The discharge standards and requirements set forth in Sections 2.6, 2.7, and 2.8 are established for the purpose of preventing discharges to the POTW that would harm either the public sewers, wastewater treatment process, or equipment; would have an adverse effect on the receiving stream or wastewater treatment facility biosolids; or would otherwise endanger lives, limb, public property, or constitute a nuisance.

To meet these objectives, the Superintendent may, from time to time, review and set more stringent standards or requirements than those established in Sections 2.6, 2.7, and 2.8 if the Superintendent determines that such more stringent standards or requirements are necessary to meet the above objectives. At a minimum, this review will be performed at least once every five (5) years. In forming this determination, the Superintendent may give consideration to such factors as the quantity of waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment facility, degree of treatability at the wastewater treatment facility, pollution prevention activities, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer shall not be exceeded without the approval of the Superintendent.

The Superintendent shall allow affected industrial users reasonable time to comply with any changes to the local limits. The conditions and schedule for compliance shall accompany the written notification of amended local limits.

Section 2.10 Dilution

No user shall ever increase the use of water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment, to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Superintendent may impose mass limitations on users with increased water use or in other cases when the imposition of mass limitations is appropriate.

Section 2.11 Mass-Based Limitations

Users implementing process changes may request that compliance be determined based on mass limitations in lieu of concentration limitations. Such mass-based limitations will be calculated from the permitted concentration-based limitations and flows, and shall be equivalent to or less than the mass discharge in effect at the time of the request. The intent of a mass-based limit is to encourage and allow pollution prevention and/or water conservation measures that might cause a facility to increase pollutant concentrations in their discharge even though the total mass of the pollutant discharged does not increase, and may in fact decrease. Decisions on granting requests for mass-based compliance limitations will be based on user-specific information and current operating conditions of the POTW, and will be at the discretion of the Superintendent. Implementation of mass-based limitations may not contravene any requirements of federal or State laws and/or regulations implemented thereunder. For Categorical Pretreatment Standards that are expressed only in terms of pollutant concentrations, the Town may establish equivalent mass limits only if the user meets all the conditions in 40 CFR 403.6 (c) (5).

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ARTICLE III 6 PRETREATMENT OF WASTEWATER

Section 3.1 Pretreatment Facilities

If any industrial wastewater is discharged or is proposed to be discharged to the public sewers, which contains the substances or possess the characteristics enumerated in Sections 2.6, 2.7 and 2.8 of this Ordinance, and which in the judgment of the Superintendent, may have a deleterious effect upon the wastewater facilities, or which otherwise creates a hazard to life or constitutes a public nuisance, the Superintendent may:

- A. Reject the industrial wastewater;
- B. Require pretreatment to an acceptable condition for discharge to the public sewers;
- C. Require control over the quantities and rates of discharge; and/or
- D. Require payment to cover added cost of handling and treating the industrial wastewater.

If the Town permits the pretreatment or equalization of industrial wastewater flows, the design and installation of the pretreatment facilities shall be subject to the review and approval of the Town, its Consulting Engineer, and the NHDES Water Division, and subject to the requirements of all applicable codes, ordinances and laws. Such facilities shall not be connected to the sanitary sewer until said approval is obtained in writing. Such approval shall not relieve the responsibility of discharging treated industrial wastewater meeting the requirements of this Ordinance. Plans and specifications for a proposed pretreatment facility shall be the result of the design of a professional engineer licensed by the State of New Hampshire.

Section 3.2 Grease, Oil, and Grit Interceptors

Interceptors for oil, grease, grit or other substances harmful or hazardous to the building drainage system, the public sewer or POTW shall be provided at the owner's expense when in the opinion of the Superintendent or Town Building Inspector/Code Enforcement Officer, are necessary for the proper handling of wastes containing oil and grease, grit or other harmful or hazardous materials as contained in this Ordinance and the most current adopted State of New Hampshire plumbing code, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors and separators shall be capacity approved by the Superintendent, or the Town Building Inspector/Code Enforcement Officer in accordance with the Town's *Standard Regulations and Specifications for Design and Construction of Water and Sewer Infrastructure* or the most current adopted State of New Hampshire plumbing code, whichever is more restrictive, and shall be located as to be readily and easily accessible for cleaning inspection, and shall be maintained by the owner(s) at the owner's expense, in a continuous, efficient operating condition at all times. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms.

Section 3.3 Additional Pretreatment Measures

- A. Whenever deemed necessary, the Superintendent may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sanitary sewage wastestreams from industrial wastestreams, and impose such other conditions as are deemed necessary to protect the POTW and determine the user's compliance with the requirements of this Ordinance.

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- B. The Superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An IDP may be issued solely for flow equalization.
- C. All industrial wastewater shall be compliant with all federal and state regulations, this Ordinance, Categorical Pretreatment Standards, state pretreatment standards, or standards established by the Superintendent, within the time limitations specified by EPA, the State, or the Superintendent, whichever is more stringent. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be installed and maintained continuously in satisfactory and effective operation by the owner(s) at the owner's expense.
- D. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure together with such necessary meters and other appurtenances in the building sewer to facilitate observations, sampling, and measurement of the wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Superintendent. The structure shall be installed by the owner(s) at the owner's expense and shall be maintained by the owner(s) as to safe and accessible at all times. All industrial users shall perform such monitoring as the Superintendent or duly authorized employees of the Town may reasonably require including installation, use and maintenance of monitoring equipment, sample collection and analysis, keeping records and reporting the results of such monitoring to the Superintendent. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge. Such records and all other records pertaining to pretreatment program requirements or actions shall be made available upon request by the Superintendent to other agencies having jurisdiction over discharges to the receiving waters.
- E. Users with the potential to discharge flammable substances shall, at the discretion of the Superintendent, install and maintain an approved combustible gas detection meter and alarm.

Section 3.4 Accidental Discharge/Slug Control Plans

At least once, and as required by changing conditions, the Superintendent shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan or other action to control Slug Discharges.

Each user shall provide protection from accidental discharge of prohibited materials or their wastes regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. The Superintendent may periodically evaluate whether a user needs an accidental discharge/slug control plan. The Superintendent may require any user to develop, submit for approval, and implement such a plan. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his facility as necessary to meet the requirements of this Ordinance. Alternatively, the Superintendent may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the POTW of any accidental or slug discharge as required by Section 6.6 of this Ordinance; and

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- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment necessary for emergency response.

Section 3.5 Best Management Practices Plans

The Superintendent may develop or require any person discharging wastes into the POTW to develop and implement, at their own expense, a Best Management Practices Plan (BMP Plan), also referenced as a pollution prevention plan. The Superintendent may require users to submit as part of the Best Management Practices plan information that demonstrates adherence to the following elements:

- A. Management Support. For changes to be effective, the visible support of top management is required. Management's support should be explicitly stated and include designation of a pollution prevention coordinator, goals, and time frames for reductions in volume and toxicity of wastestreams, and procedures for employee training and involvement.
- B. Process Characterization. A detailed process waste diagram shall be developed that identifies and characterizes the input of raw materials, the outflow of products, and the generation of wastes.
- C. Waste Assessment. Estimates shall be developed for the amount of wastes generated by each process. This may include establishing and maintaining waste accounting systems to track sources, the rates and dates of generation, and the presence of hazardous constituents.
- D. Analysis of Waste Management Economics. Waste management economic returns shall be determined based on the consideration of:
 - 1. Reduced raw material purchases;
 - 2. Avoidance of waste treatment, monitoring and disposal costs;
 - 3. Reductions in operations and maintenance expenses;
 - 4. Elimination of permitting fees and compliance costs; and
 - 5. Reduced liabilities for employee/public exposure to hazardous chemicals and cleanup of waste disposal sites.
- E. Development of Best Management Practices Alternatives. Current and past best management practices activities shall be assessed, including estimates of the reduction in the amount and toxicity of waste achieved by the identified actions. Opportunities for pollution prevention shall then be assessed for identified processes where raw materials become or generate wastes. Technical information on pollution prevention shall be solicited and exchanged, both from inside the organization and out.
- F. Evaluation and Implementation. Technically and economically feasible pollution prevention opportunities shall be identified and an implementation timetable with interim and final milestones shall be developed. The recommendations that are implemented shall be periodically reviewed for effectiveness.

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- G. Recordkeeping. Documentation demonstrating implementation or compliance with best management practices shall be created, retained, and made available as required.

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

ARTICLE IV 6 INDUSTRIAL WASTEWATER DISCHARGE PERMIT (IDP) APPLICATION

Section 4.1 Industrial User Classification System

The Town maintains an industrial user classification system to allow the Superintendent to group users into categories that define the degree of regulatory attention required. The classification system establishes priorities for allocation of Town resources, and promotes uniformity and fairness in the application of regulations affecting industrial users. A user may be designated at a higher classification level if the Superintendent determines that the user has a reasonable potential for adversely affecting POTW operation, if the user has violated any pretreatment standard or requirement, or at the discretion of the Superintendent. Every user is assigned to one of five user classes.

- A. Class 1 6 Significant Industrial User (SIU): Dischargers of large volumes of industrial wastewater (greater than 10,000 average gpd), high loadings (greater than five [5] percent of the average dry weather hydraulic or organic capacity of the POTW wastewater treatment facility), and/or chemical constituents warranting a high degree of control and monitoring. Included in this class are all users that are subject to categorical pretreatment standards and users with pretreatment systems that employ automatic controls for sensing, pumping, dosing, and/or other treatment functions occurring without the manual intervention of an operator. See also SIU definition.
- B. Class 2: Discharge between 1,000 and 10,000 average gpd of industrial wastewater. Also included are dischargers of greater than 100 gpd with a moderate level of pretreatment (*i.e.*, requires an operator to manually operate equipment, add chemicals, etc.).
- C. Class 3: Dischargers of up to 1,000 average gpd of industrial wastewater and restaurants up to 5,000 average gpd. Class 3 also includes dischargers with basic pretreatment procedures (*e.g.*, batch pH adjustment, grease, oil, and/or sand interceptors, silver recovery units) and whose industrial wastewater flows do not exceed 100 gpd.
- D. Class 4: Dischargers of industrial wastewater that are not otherwise classified and are not required to possess an IDP because:
- Pollutants of concern are not detectible in the user's effluent;
 - Pollutants of concern are present in only trace amounts and are neither causing nor likely to cause pass-through or interference;
 - Pollutants of concern are present in amounts too small to be effectively reduced by known treatment technologies; or
 - The user's wastestream contains only pollutants compatible with the POTW.

The following users are considered Class 4 unless their average daily industrial flows exceed the values presented in the table:

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USER TYPE	INDUSTRIAL FLOW NOT TO EXCEED (GPD)
Funeral homes. Boiler blowdown.	100
Retail food preparation (e.g., bakeries). Beauty salons. Restaurants.	500
Self-service Laundromats.	5,000

- E. Class 5: Non-domestic users that discharge only sanitary sewage to the POTW.

Section 4.2 IDP Requirement

- A. When requested by the Superintendent, any user must submit information on the nature and characteristics of its wastewater discharge within sixty (60) days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require users to update this information.
- B. The discharge of any industrial wastewater to the Town's POTW or to a public or private sewer connected to the Town's POTW is prohibited without a valid IDP with the following exceptions:
1. A user who has filed a timely and complete application pursuant to Section 4.4 of this Ordinance may continue to discharge for the time period specified therein.
 2. A user who has been designated as a Class 4 or Class 5 user does not need an IDP, but shall promptly notify the Town of any alteration in either flow or waste characteristics of the wastewater being discharged into the POTW.
- C. Any violation of the terms and conditions of an IDP shall be deemed a violation of this Ordinance and subjects the industrial discharge permittee to the enforcement actions set out in Article 10 of this Ordinance. Obtaining an IDP does not relieve a permittee of its obligation to comply with all federal and State pretreatment standards or requirements or with any other requirements of federal, State, and local law.

Section 4.3 State Industrial Wastewater Discharge Request

Any new industrial waste, or any alteration in either flow or waste characteristics of greater than 20 percent of existing industrial wastewater that is being discharged into the POTW, or that the Superintendent believes could cause interference with the POTW or have an adverse affect on the receiving water or otherwise endanger life, limb, public property or constitute a nuisance, shall be approved by the NHDES Water Division. Such approvals shall be obtained in accordance with Section 6.5 of this Ordinance.

Section 4.4 Industrial Wastewater Discharge Permitting: Existing Connections

Any user required to obtain an IDP who was discharging wastewater into the POTW prior to the effective date of this Ordinance, and is not currently covered by a valid IDP, and who wishes to continue such discharges in the future, shall, within sixty (60) days after said date, apply to the Superintendent for an IDP in accordance with Article IV of this Ordinance, and shall not cause or allow discharges to the POTW to continue after one hundred twenty (120) days of the effective date of this Ordinance except in accordance with an IDP issued by the Superintendent.

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Section 4.5 Industrial Wastewater Discharge Permitting: New Connections

Any user who proposes to begin or recommence discharging into the POTW must obtain either an IDP or a Class 4 or Class 5 exemption prior to the beginning or recommencing of such discharge. An application for this IDP, in accordance with Section 4.2 of this Ordinance, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence. All newly-connected discharges shall be in compliance with NHDES pretreatment standards prior to connection to the POTW.

Section 4.6 Industrial Wastewater Discharge Permitting: Categorical Pretreatment Standards

Within one hundred twenty (120) days after the effective date of a federal categorical pretreatment standard, an industrial user subject to such standards shall submit an application for an IDP amendment. The application shall contain the information noted under Section 4.7.

Section 4.7 IDP Application Contents

When required by the Town, persons subject to these rules shall submit an application for an IDP. Such information may include some or all of the following:

- A. The name and address of the facility, including the name of the operators and owners.
- B. A list of all environmental permits held by or for the facility.
- C. A brief description of the nature, average rate of production, and Standard Industrial Classification of the operations carried out at such facility.
- D. A listing of all raw materials and chemicals used or stored at the facility that are or could accidentally or intentionally be discharged to the POTW, including usage information and quantities released to the sewer.
- E. An identification of the categorical pretreatment standards applicable to each regulated process.
- F. An analysis identifying the nature and concentration of pollutants in the discharge.
- G. Site plans, floor plans, and details to show all major sources of industrial wastewater and points of discharge.
- H. Information showing the measured average daily and maximum daily flow, in gallons per day, to the public sewer from regulated process streams and from other streams.
- I. A schedule of actions to be taken to comply with discharge limitations.
- J. Details of wastewater pretreatment facilities.
- K. Copies of Best Management Practices Plans, Slug Control Plans or other similar plans that describe pollution prevention activities that may exist at the facility.
- L. Additional information as determined by the Superintendent may also be required.
- M. Any other information which may be needed to meet the baseline monitoring requirements applicable to industrial users subject to Categorical Pretreatment Standards as required under 40 CFR 403.12(b)(6). (See Section 6.1)

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

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Section 4.8 Signatories and Certification

All IDP applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

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

Section 4.9 Hauled Wastewater Permits

Septic tank waste (septage) may be accepted into the POTW only at locations designated by the Superintendent, and at such times as are established by the Superintendent, provided such wastes do not contain unacceptable quantities of toxic pollutants or materials, and provided such discharge does not violate any other special requirements established by the Town. Transport and discharge of such waste shall comply with Article XII of this Ordinance. Permits to use such facilities shall be under the jurisdiction of the Water and Sewer Commission or their duly authorized representatives. The discharge of industrial wastewater as “industrial septage” requires prior approval by the NHDES Water Division and the Superintendent and is subject to all other requirements of this Ordinance. Both the hauler and generator of hauled industrial wastewater may be required to obtain an IDP. Fees for septage disposal will be established as part of the *User Charge System*. The Superintendent acting on behalf of the Town and its Water and Sewer Commission shall have authority to limit the disposal of hauled industrial wastewater. Procedures for the disposal of such wastes shall be in conformance with the operating policy established by the Superintendent and disposal shall be accomplished under the Superintendent’s supervision or a designee unless specifically permitted otherwise. The Superintendent may collect samples of each hauled load to ensure compliance with applicable standards. The Superintendent may require the industrial wastewater hauler to provide a pollutant analysis of any load prior to discharge.

Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and a certification that the wastes are not hazardous wastes as defined in the State’s Hazardous Waste Rules (Env-Hw 110, 211-216, 351-353, and 400-1100).

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ARTICLE V 6 IDP ISSUANCE PROCESS

Section 5.1 IDP Decisions

The Superintendent will evaluate the data provided by the industrial user and may require additional information. Within thirty (30) days of receipt of a complete IDP application [or ninety (90) days in the case of an application for a new or increased discharge requiring review and approval by the NHDES Water Division], the Superintendent will determine whether or not to issue an IDP. The Superintendent may deny any application for an IDP.

Section 5.2 IDP Duration

An IDP shall be issued for a specified time period, not to exceed three (3) years [five (5) years in the case of Class 3 users] from the effective date of the permit. An IDP may be issued for a period less than these intervals at the discretion of the Superintendent. Each IDP will indicate a specific date upon which it will expire.

IDPs shall be terminated upon cessation of operations or transfer of business ownership, unless notification of such transfer is provided in accordance with Section 5.6 of this Ordinance. All IDPs issued to a particular user are void upon the issuance of a new IDP to that user.

Section 5.3 IDP Contents

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

A. IDPs must contain:

1. Dates of IDP issuance and expiration, with a duration that in no event shall exceed five (5) years;
2. A statement that the IDP is nontransferable without prior notification to the Town in accordance with Section 5.6 of this Ordinance, and provisions for providing the new owner or operator with a copy of the existing IDP;
3. Effluent limits, including Best Management Practices, and general and specific prohibitions based on the requirements of this Ordinance;
4. Identification of applicable federal categorical pretreatment standards;
5. Self monitoring, sampling, inspection, reporting, notification, and record-keeping requirements. For pollutants to be monitored, these requirements shall include sampling locations, sampling frequencies, and sample types based on this Ordinance, and State and federal laws, rules and regulations;
6. For users with reporting requirements, such reports at a minimum shall require:
 - a. Periodic monitoring results indicating the nature and concentration of pollutants in the discharge from the regulated processes governed by the IDP and the average and maximum daily flow for these process units;

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- b. A statement as to whether the applicable pretreatment standards and requirements are being met on a consistent basis and, if not, identification of additional operation and maintenance practices and/or pretreatment systems that are necessary;
 - c. Submittal of any monitoring results performed in addition to the requirements of the IDP using procedures prescribed in the permit; and
 - d. Appropriate supporting documentation for items 5.3.A.6.a through 5.3.A.6.c.
7. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements;
 8. Requirements to control Slug Discharges, if determined by the Superintendent to be necessary; and
 9. Any applicable compliance schedule. This schedule may not extend the time for compliance beyond that required by this Ordinance, and applicable State and federal laws, rules and regulations.
- B. IDPs may contain, but need not be limited to, the following conditions:
1. Limitations on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;
 3. Requirements for the development and implementation of spill control plans or other special conditions including best management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
 4. Development and implementation of Best Management Practices to control the amount of pollutants discharged to the POTW;
 5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
 6. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
 7. A statement that compliance with the IDP does not relieve the permittee of responsibility for compliance with all applicable federal and State pretreatment standards, including those that become effective during the term of the IDP; and
 8. Other conditions as deemed appropriate by the Superintendent to ensure compliance with this Ordinance, and State and federal laws, rules, and regulations.

Section 5.4 IDP Appeals

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

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing user must indicate the IDP provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the IDP.

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- C. The effectiveness of the IDP shall not be stayed pending the appeal.
- D. If the Superintendent fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an IDP, not to issue an IDP, or not to modify an IDP shall be considered final administrative actions for purposes of judicial review.
- E. Aggrieved parties may appeal the conditions of the IDP in accordance with Section 14.2 of this Ordinance.

The filing of a request by the permittee for an IDP modification does not stay any IDP conditions.

Section 5.5 IDP Modification

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

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

Section 5.6 IDP Transfer

IDPs may be transferred to a new owner or operator only if the permittee provides at least sixty (60) days advance notice to the Superintendent and the Superintendent approves the IDP transfer. The notice to the Superintendent must include a written certification by the new owner or operator that:

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

Failure to provide the required advance notice of a transfer renders the IDP void as of the date of facility transfer.

Section 5.7 IDP Termination

The Superintendent may terminate an IDP for good cause as described in Section 10.9.

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Section 5.8 IDP Reissuance

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

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

Section 5.9 Regulation of Waste Received from Other Jurisdictions

- A. Any town applying for a Regional Point Source connection shall have a wastewater collection system that conforms to the latest requirements of the NHDES Water Division, and submit documentation as evidence of their approval.
- B. When an applicant has satisfied paragraph A above, the applicant must submit to the Superintendent, an Engineering Report, prepared by a licensed Professional Engineer of the State of New Hampshire, relating to infiltration and inflow (I&I) condition and presenting existing and future sanitary flow, and organic loadings as required by the Town. This report shall have had prior approval from the NHDES Water Division.
- C. A metering chamber must be installed and maintained at the applicant's expense at each connection of the Regional Point Source discharge and be equipped with the following accessories:
 - 1. Sewage flow metering device,
 - 2. 24-hour flow chart and totalizer,
 - 3. A refrigerated sampling device capable of obtaining a 24-hour flow-proportional composite sample, and
 - 4. Any other accessories as may be required by the Town or the NHDES Water Division.

The metering chamber and accessories must be approved by the Superintendent prior to construction of any such facilities.

- D. The applicant shall be required to pay any and all costs incurred by Milford to determine existing and future capacities of the Town's facilities and any requirements needed to further expand these capacities.
- E. Any and all costs associated with modification to the existing Milford wastewater facilities, including engineering designs and construction costs as a result of the collection, transporting, and treatment of the applicant's projected wastewater flow shall be borne by the applicant.
- F. Any and all damage, and their associated costs caused to the Milford collection and treatment system by the applicant's wastewater as a result of noncompliance with these rules and regulations shall be borne by the applicant.

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- G. Any and all towns discharging wastewater classified as a Regional Point Source shall be required to fully comply with all rules and regulations of this Ordinance, including the industrial pretreatment program requirements as established by the Town.
- H. The applicant shall submit to the Superintendent, at least once per month, recorded flow data, five-day BOD analyses obtained from a twenty-four hour composite taken on a specified weekday and any other analyses the Superintendent deems applicable. Billing will be established on a per thousand gallon basis for the proportional share of operation and maintenance and construction costs. Details are to be stipulated in the contract agreement between the applicant and the Town.
- I. Any time a project meeting the criteria listed in paragraphs A through H above is considered and the project exceeds the legal boundaries of the Town, the applicant for such project shall enter into an intermunicipal agreement with the Town in accordance with RSA 53-A.

ARTICLE VI 6 REPORTING REQUIREMENTS

Section 6.1 Baseline Monitoring Reports

- A. Within either one hundred eighty (180) days subsequent to the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to, or scheduled to discharge to the POTW, shall submit to the Superintendent a report that contains the information listed in paragraph (B), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Superintendent a report that contains the information listed in paragraph (B), below. If necessary, a new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall provide estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below:
 - 1. Identifying Information. The name and address of the facility, including the name of the operator and owner.
 - 2. Environmental Permits. A list of any environmental permits held by or for the facility.
 - 3. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) conducted by such user. This description should include a schematic process diagram that indicates points of discharge to the POTW from the regulated processes.
 - 4. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gpd, to the POTW from regulated process streams and other streams, as necessary to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
 - 5. Measurement of Pollutants.
 - a. The categorical pretreatment standards applicable to each regulated process.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Superintendent, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and

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long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this Ordinance. In cases where the categorical pretreatment standard requires compliance with a Best Management Practice or pollution prevention alternative, the user shall submit documentation as required by the Town or the applicable categorical pretreatment standards to determine compliance with the Standard.

- c. Sampling must be performed in accordance with procedures set out in Section 6.11 of this Ordinance.
6. Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether the applicable pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment systems are required to attain consistent compliance with the pretreatment standards and requirements.
7. Compliance Schedule. If additional pretreatment and/or O&M is required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 6.2 of this Ordinance.
8. Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 4.8 of this Ordinance.

Section 6.2 Compliance Schedules/Progress Reports

Each user subject to a compliance schedule as required by Sections 5.3, 6.1(B)(7) and 10.2 of this Ordinance shall report on progress toward meeting compliance with these regulations as follows:

- A. Not later than fourteen (14) days following each date in the schedule, and the final date for compliance, the industrial user shall submit a progress report to the Town indicating whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply, the reason for the delay, and the steps being taken by the industrial user to return the progress to the schedule established.
- B. The time for any increment in the schedule, or the interval between reports required in paragraph (A), shall not exceed 9 months. An increment is the time between the dates for commencement and completion of major events leading to the construction and operation of pretreatment facilities necessary to achieve compliance with this ordinance and national categorical pretreatment standards.

Section 6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new industrial user following introduction of wastewater into the Town's POTW, any industrial user subject to pretreatment standards and requirements shall submit to the Town a report containing the information described in Section 6.1(B)(4-6) of this Ordinance. For users subject to equivalent mass or concentration limitations established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other

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measure of operation), this report shall include the user's actual production during the appropriate sampling period.

Section 6.4 Periodic Compliance Reports

- A. All Significant Industrial Users shall submit periodic reports as required, but not less often than semiannually, 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 the reporting period. The reports shall state whether the applicable categorical pretreatment standards and effluent limitations are being met on a consistent basis and, if not, what additional operation and maintenance practices and/or pretreatment are necessary. In cases where compliance with a Best Management Practice or pollution prevention alternative is required, the industrial user shall submit documentation as required by the Town or the applicable Standards to determine compliance status of the user. All periodic compliance reports must be signed and certified in accordance with Section 4.8 of this Ordinance. Additional requirements for such reports may be imposed by the Superintendent.
- B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and orderly, and maintained in good working order at all times. The failure of a user to maintain its monitoring facility in satisfactory working condition shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- C. If a user subject to the reporting requirements in the previous paragraph of this section monitors any pollutant more frequently than required by this Ordinance, using procedures prescribed in Sections 6.10 and 6.11, the results of this monitoring shall be included in the report.

Section 6.5 Reports of Changed Conditions

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

- A. The Superintendent may require the user to submit such information as he deems necessary to evaluate the changed condition, including the submittal of an IDP application under Section 4.7 of this Ordinance and all information required by the NHDES under the Env-Ws 904.10 *Industrial Wastewater Discharge Request* rules.
- B. Upon approval of the request by the Town, a *Discharge Request Form: Municipal Portion* may be submitted by the Town to the NHDES Water Division based on information submitted by the user. All applicable NHDES Water Division review fees shall be provided by the user.
- C. Upon approval of the discharge request by the NHDES Water Division, the Superintendent may issue an IDP under Section 5.3 of this Ordinance or modify an existing IDP under Section 5.5 of this Ordinance in response to changed conditions or anticipated changed conditions.
- D. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

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Section 6.6 Reports of Slugs or Potentially Adverse Discharges

- A. All industrial users shall telephone and notify the Superintendent immediately of all discharges that could cause problems to the POTW, including any slug loadings as defined in Section 1.4. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions conducted by the user.
- B. Within five (5) days of the unauthorized discharge, the industrial user shall, unless waived by the Superintendent, submit a written report fully describing the incident, the pollutants involved, the cause of the discharge and the measures taken and to be taken to prevent recurrence. Such notification shall not relieve the user of any expense, loss, damage, or other liability that may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability that may be imposed pursuant to this Ordinance. This report must be signed and certified in accordance with Section 4.8 of this Ordinance.
- C. A notice shall be permanently posted plainly visible to an industrial user's personnel responsible for managing wastewater discharges that instructs all employees whom to call in the event of a spill, slug discharge, pretreatment upset or bypass. Employers shall ensure that all employees who may cause such a discharge to occur, know of the required notification to the Superintendent.
- D. The permittee shall notify the Town immediately of any changes at its facility that may affect the potential for a slug discharge. The Town may require the permittee to develop or modify a Slug Control Plan or take other actions to control slug discharges.

Section 6.7 Reports from Other Users

All non-significant users and users not required to obtain an IDP shall provide reports as the Superintendent may require.

Section 6.8 Notice of Violation / Repeat Sampling and Reporting

If sampling performed by an industrial user indicates a violation (*i.e.*, exceedance of a limit), the presence of a previously unreported pollutant, or an exceedance of a screening level, the user shall notify the Town within twenty-four (24) hours of becoming aware of the exceedance. For violations (and unreported pollutants and screening level exceedances at the discretion of the Town), the user shall also repeat the sampling within ten (10) days after becoming aware of the violation and submit the results of the repeat analyses to the Town within thirty (30) days after becoming aware of the violation, except that the industrial user is not required to resample if:

- A. The Town performs sampling at the industrial user at least once per month, or
- B. The Town performs sampling at the industrial user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

Section 6.9 Discharge of Hazardous Waste

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

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permitted by applicable State of New Hampshire and federal permits, and that is also approved by the Superintendent.

Section 6.10 Analytical Requirements

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with EPA approved methods published in the Code of Federal Regulations, Title 40, Part 136 (40 CFR 136) or as may be revised. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA Region I Administrator has determined that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical procedures, including procedures suggested by the POTW or other parties, approved by the EPA Region I Administrator.

A laboratory that is currently certified by the State of New Hampshire to perform the requested tests shall perform all analyses. Complete copies of analytical laboratory reports, including all relevant quality control data, shall be submitted as part of each IDP application or report. If, for whatever reason, any part of a laboratory report is deleted, augmented, or otherwise changed following its original issuance by the laboratory, then any IDP application or report making use of that laboratory data shall clearly and completely identify the original report content and the nature of the change that was made.

Section 6.11 Sample Collection

- A. Except as indicated in paragraphs (B) and (C), below, the user shall collect wastewater samples using 24-hour flow-proportional composite collection techniques. In the event flow-proportional sampling is not feasible, the Superintendent may authorize the use of time-proportional sampling, or grab sampling where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to demonstrate compliance with instantaneous maximum allowable discharge limitations (*e.g.*, screening levels established to protect worker health and safety). A single grab sample may also be used in place of multiple grabs or a composite sample with approval of the Superintendent when:
1. The effluent is not discharged on a continuous basis (*i.e.*, batch discharges of short duration), and only when the batch exhibits homogeneous characteristics (*i.e.*, completely mixed) and the pollutant can be safely assumed to be uniformly dispersed;
 2. Sampling is at a facility where the Superintendent determines that a statistical relationship can be established between previous grab samples and composite data; and
 3. The waste conditions are relatively constant (*i.e.*, are completely mixed and homogeneous) over the period of the discharge.
- B. Samples for temperature, pH, cyanides, oil & grease, total phenols, sulfides, and volatile organic compounds shall be obtained using grab collection techniques.
- C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Sections 6.1 and 6.3, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data does not exist; for facilities for which historical sampling data are available, the Superintendent may authorize a lower minimum. For the reports required by Section 6.4, the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

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- D. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory.
- E. Samples shall only be collected by individuals who are properly qualified, through verifiable training and experience, to perform the type of sampling required. The integrity of all samples shall be ensured by following established chain-of-custody practices for evidentiary samples. Sampling and chain-of-custody records shall be maintained in accordance with the IDP. Copies of chain-of-custody records shall be submitted as part of each analytical report.

Section 6.12 Timing

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

Section 6.13 Recordkeeping

Industrial users subject to the reporting requirements of this Ordinance shall create, retain, and make available for inspection and copying, records of all information obtained pursuant to any monitoring activities, including documentation associated with Best Management Practices, required by this Ordinance or IDP and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements.. Such records shall include for each sample:

- A. The date, exact place, method and time of sampling and the names of person or persons taking the sample;
- B. The dates analyses were performed;
- C. The laboratory performing the analyses;
- D. The analytical techniques and methods used; and
- E. The results of such analyses.

Such records shall be maintained for a minimum of five (5) years and shall be made available for inspection and copying by the Superintendent. The retention period may be extended during litigation or at the request of the Superintendent.

Section 6.14 Program Administration Fee

Industrial users may be assessed fees by the Superintendent, in accordance with the Town's *User Charge System*, to defray the administrative costs of the industrial pretreatment program.

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ARTICLE VII ó POWERS AND AUTHORITY OF INSPECTORS

Section 7.1 Compliance Monitoring

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

Section 7.2 Right of Entry: Inspection and Sampling

All users discharging to the Town's POTW shall allow unrestricted access by Town, State, and EPA personnel for the purpose of determining whether the user is complying with all requirements of this Ordinance, and any IDP or order issued hereunder. The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, inspection, copying of records and testing pertinent to discharge to the wastewater facilities, and the performance of any additional duties in accordance with the provisions of this ordinance.

- A. Where a user has security measures in force that require proper identification and clearance before entry into its premises, the user shall make and maintain all necessary arrangements so that, upon presentation of suitable identification, the Superintendent will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Superintendent shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- C. The Superintendent may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated in accordance with the manufacturer's recommendations (but at least annually) to ensure their accuracy. Calibration records shall be maintained.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be borne by the user.
- E. Unreasonable delays in allowing the Superintendent access to the user's premises, sampling or inspection sites, or pretreatment records shall be a violation of this Ordinance.
- F. The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a bearing on the kind and source of discharge to the public sewer. The industrial user may request that the information in question not be made available to the public if it can establish that revelation to the public might result in an advantage to competitors. The burden of proof that information should be held confidential rests with the industrial user. However, information about wastewater discharged by the industrial user (flow, constituents, concentrations, characteristics, and similar information) shall be available to the public without restriction.

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- G. While performing the necessary work on private properties referred to in this article, the Superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises, established by the company. The user shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the user against loss or damage to its property by Town employees, and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring activities, except as such may be caused by negligence or failure of the user to maintain safe conditions.
- H. The Superintendent and/or other duly authorized employees of the Town, bearing proper credentials and identification, shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement, pertaining to the private property involved.

Section 7.3 Search Warrants

If the Superintendent has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Town designed to verify compliance with this Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Superintendent may obtain an administrative inspection warrant under RSA 595-B.

ARTICLE VIII 6 CONFIDENTIAL INFORMATION / PUBLIC PARTICIPATION

Information and data about a user obtained from reports, questionnaires, IDP applications, IDPs, monitoring programs, and from Town inspection and sampling activities, shall be available to the public without restriction unless the user specifically requests, and is able to demonstrate to the satisfaction of the Town, 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 submittal of the information or data.

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

The Town shall comply with the public participation requirements of 40 CFR Part 25 in the enforcement of industrial pretreatment standards and requirements.

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ARTICLE IX 6 PUBLICATION OF POLLUTION PREVENTION ACHIEVEMENTS

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

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

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

ARTICLE X 6 ENFORCEMENT REMEDIES

Section 10.1 Notification of Violation

Whenever the Superintendent finds that any industrial user has violated or is violating this Ordinance, or a IDP or order issued hereunder, the Superintendent or his agent may serve upon said user written Notice of Violation. Within ten (10) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Superintendent. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this article shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

Section 10.2 Compliance Schedule Development

The Superintendent may require any user that has violated, or continues to violate, any provision of this Ordinance, an IDP or order issued hereunder, or any other pretreatment standard or requirement, to develop a compliance schedule. A compliance schedule pursuant to this section must meet the requirements set out in Section 6.2 of this Ordinance.

Section 10.3 Best Management Practices Plan Development

The Superintendent may develop or require any user that has violated or continues to violate any provision of this Ordinance, an IDP, or order issued hereunder, or any other pretreatment standard or requirement, to develop a Best Management Practices Plan acceptable to the Superintendent in accordance with Section 3.5 of this Ordinance. The Best Management Practices Plan must specifically address violation(s) for which this action was undertaken. The Best Management Practices Plan shall be developed using good engineering judgment and shall be submitted to the Superintendent no later than sixty (60) days after the user was notified of this requirement.

Section 10.4 Publication of Users in Significant Noncompliance

The Town shall annually publish in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of the users which were in significant noncompliance, as defined in Section 1.4, with any pretreatment requirements or standards during the previous twelve (12) months.

Section 10.5 Show Cause Orders

The Superintendent may order any user that causes or contributes to a violation of this Ordinance, IDP or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Superintendent and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not a duly notified user appears as noticed, immediate enforcement action may be pursued. A show cause hearing shall not be a bar against, or prerequisite for, executing any other action against the user.

Section 10.6 Compliance Orders

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

Section 10.7 Cease and Desist Orders

When the Superintendent determines that a user has violated or continues to violate any provisions of this Ordinance, an IDP or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Superintendent may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

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

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

Section 10.8 Consent Orders

The Superintendent, in consultation with the Town solicitor, is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order.

Section 10.9 IDP Termination

The Superintendent may terminate a user's IDP for good cause, including but not limited to the following:

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

Section 10.10 Termination of Discharge

In addition to the provisions in Section 10.9 of this Ordinance, any user who violates a Section 10.9 criteria, or fails to cease and desist from any discharge of wastewater upon termination of their IDP for that discharge, is subject to discharge termination.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.5 of this Ordinance why the proposed action should not be taken. Exercise of this option by the Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the user.

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Section 10.11 Emergency Suspensions

The Town may, after informal notice to the user discharging wastewater to the POTW, immediately halt or prevent any such discharge reasonably appearing to present an imminent endangerment to the health and welfare of the public, or any discharge presenting, or which may present, and endangerment to the environment, or which threatens to interfere with the operation of the POTW.

- A. Any user notified of a suspension of its discharge shall immediately terminate or eliminate its wastewater discharge. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Superintendent may implement such steps as deemed necessary, including immediate severance of the sewer connection and entry on private property to halt such discharge, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings in Section 10.10 of this Ordinance are initiated against the user.
- B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures implemented to prevent any future occurrence, to the Superintendent prior to the date of any show cause or termination hearing under Sections 10.5 or 10.10 of this Ordinance.

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

Section 10.12 Recovery of Expenses

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

Section 10.13 Harm to Town Property

No person(s) shall maliciously, willfully, or negligently damage, discharge prohibited pollutants to any sewer, break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the POTW. Any person(s) violating this provision shall be guilty of a misdemeanor. (or subject to immediate arrest under a charge of disorderly conduct pursuant to the local Ordinances and State and federal statutes.)

Section 10.14 Enforcement

- A. Pursuit of Statutorily Authorized Action for Civil Penalties: The Water and Sewer Commissioners, or their duly authorized agent, may enforce the provisions of these by-laws by an action to recover the civil penalties authorized in RSA 149-1:6, a copy of which is attached as an appendix to these rules.
- B. Other Available Remedies: The Water and Sewer Commissioners, or their duly authorized agent reserve the right to pursue any other applicable or available remedy permitted under the Law to procure compliance with and enforce the violation of these rules and regulations, including, by way of example and not by way of limitation, pursuit of injunctive relief, and compensation for damages occasioned by such violation. The election to proceed under paragraph A of this section shall not be deemed to be a waiver of any such right.

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Section 10.15 Nonexclusive Remedies

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

ARTICLE XI 6 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

Section 11.1 Upset

- A. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards due to factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with pretreatment standards if the requirements of paragraph (C), below, are met.
- C. A user who intends to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 1. An upset occurred and the user can identify the cause(s) of the upset;
 2. At the time of the upset, the facility was being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 3. The user has submitted the following information to the Superintendent within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submittal must be provided within five (5) days):
 - a. A description of the discharge and cause of noncompliance;
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - c. Action being implemented and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with pretreatment standards.
- F. A user shall control production of all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

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Section 11.2 Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in paragraph 2.6(A) of this Ordinance or the specific prohibitions in paragraph 2.6(B) of this Ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Town was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable biosolids use or disposal requirements.

Section 11.3 Bypass

- A. For the purposes of this section,
 1. "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.
 2. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A user may allow any bypass to occur that does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.
- C. The user shall provide the following notifications for bypass events:
 1. If a user is aware in advance of the need for a bypass, the user shall submit prior notice to the Superintendent, at least ten (10) days before the date of the bypass, if possible.
 2. A user shall submit verbal notice to the Superintendent of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time the user becomes aware of the bypass. A written submittal shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submittal shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps implemented or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Superintendent may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- D. A bypass of the treatment system is prohibited, and the Superintendent may initiate enforcement action against a user for a bypass, unless:
 1. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

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2. There were no feasible alternatives to the bypass, including the use of auxiliary treatment, or retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
 3. The user submitted notices as required under paragraph (C) of this section.
- E. The Superintendent may approve an anticipated bypass, subsequent to considering its adverse effects, if the Superintendent determines that it will satisfy the three conditions listed in paragraph (D) of this section.

ARTICLE XII 6 SEPTAGE DISPOSAL

RSA 485-A, or revisions thereto, of the State rules, regulations, standards, and procedures promulgated thereupon require that "any person, firm, corporation, municipal subdivision or institution who removes, transports, or disposes, or intends to remove, transport or dispose of any human excrement or other putrescible material by portable or mobile container shall hold an unrevoked permit for that purpose from the NHDES." Therefore, the holding of such a permit shall be a condition precedent to the privilege to dispose such material at the Town's wastewater treatment facility.

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

Section 12.1 Septage Hauler Requirements

- A. Septic tank waste may be introduced into the POTW only at a location designated by the Superintendent, and at such times as are established by the Superintendent.
- B. Such hauler may discharge septage to the facilities provided at the Town's wastewater treatment facility in accordance with the Town's *User Charge System*.
- C. Those persons, firms, corporations, municipal subdivisions or institutions that conform to RSA 485-A and the definition of "RVs" shall dispose of such septage as human excrement or other putrescible materials at the dates, times, and locations designated by the Superintendent.
- D. No person, firm, corporation, municipal subdivision or institution shall discharge any toxic, poisonous, or radioactive solids, liquids or gases; the contents of grease, gas, oil and/or sand interceptors; or industrial wastes via septage tank truck into the Town's wastewater treatment facility without specific authorization of the Superintendent.
- E. The wastewater treatment plant operator acting on behalf of the Superintendent shall have authority to limit the disposal of septage if such disposal could interfere with the treatment facility operation. Procedures for disposal of septage shall be in conformance with the operating policy of the Superintendent and disposal shall be accomplished under a wastewater treatment facility operator's supervision unless specifically permitted otherwise.

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Section 12.2 Temporary Septage Permits

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

Section 12.3 Septage Permits

- A. Any person, firm, corporation, municipal subdivision, institution or hauler who conforms to RSA 485-A and intends to dispose of septage, human excrement or other putrescible material within the limits of the Town shall first obtain a permit from the Town. A permit fee may be assessed.
- B. The following conditions shall constitute conditions precedent to the issuance/maintaining of each permit by the Town:
 - 1. Each septic tank truck shall have installed thereon, a sight level by which the quantity of the contents of each tank may be ascertained by visual observation; or
 - 2. Each septic tank truck shall have an access port in which the quantity of the contents of each truck may be ascertained by depth measurements.
 - 3. Before the time of disposal, the hauler shall provide a tracking slip to the wastewater treatment facility.
 - 4. The hauler shall be responsible to see that septage or holding tank wastewater does not leak on the ground near the discharge point, and that all exposed areas were washed to remove traces of septage or holding tank wastewater.
 - 5. Owners of "RVs" who intend to discharge the contents of holding tanks are exempt from the permitting process.

Section 12.4 Septage Disposal Charge

There shall be a Septage Disposal Charge as established by the *User Charge System*, that the Town may amend from time to time, for the receipt of septage into the Town's wastewater treatment facility for treatment. In the event that the permittee has either a defective sight level, no sight level attached to the truck, and/or no access to the contents of the truck for depth measurement, the permittee shall be charged according to the full tank capacity at the time of discharge or by other method determined by the Superintendent.

ARTICLE XIII 6 VALIDITY

- A. Any portion of this ordinance, considered to be in conflict with other existing ordinances, rules, and regulations, shall be subject to interpretation by the Town's Water and Sewer Commission, with the view that this Ordinance is not subordinated.
- B. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this

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Ordinance which can be given effect without the invalid provisions or application and to this end the provisions of the Ordinance are severable.

ARTICLE XIV § INTERPRETATION OF REQUIREMENTS

Section 14.1 Interpretation

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

Section 14.2 Appeals

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

ARTICLE XV § MODIFICATIONS

The Town reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a sewer and the sewer system, which additional rules and regulations, to the extent appropriate, shall be a part of these regulations.

ARTICLE XVI § ORDINANCE IN FORCE

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

Passed and adopted by the Water and Sewer Commission on behalf of the Town of Milford, New Hampshire this _____ day of _____, 2008 at a duly noticed and duly held session of the said Water and Sewer Commission.

By:

_____	_____
_____	_____
_____	_____
_____	_____

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APPENDIX A

STATE OF NEW HAMPSHIRE REVISED STATUTE ANNOTATED (RSA) 149-I:6

**TITLE X
PUBLIC HEALTH**

**CHAPTER 149-I
SEWERS**

Section 149-I:6

149-I:6 Bylaws and Ordinances. –

I. In municipalities where the sewage is pumped or treated, the mayor and aldermen may adopt such ordinances and bylaws relating to the system, pumping station, treatment plant or other appurtenant structure as are required for proper maintenance and operation.

II. Any person who violates any ordinance or bylaw adopted pursuant to paragraph I of this section shall be subject to a civil penalty not to exceed \$10,000 per day of such violation.

III. A municipality shall give notice of the alleged violation to the department of environmental services within 10 days of commencement of any action under this section.

Source. 1941, 201:1. RL 111:5. 1945, 188, part 22:6. RSA 252:8. 1973, 531:83. 1981, 87:2. 1988, 241:1. 1994, 95:4. 1996, 228:108, eff. July 1, 1996.