TOWN OF ALLENSTOWN, NH
SEWER USE ORDINANCE

Board of Sewer Commissioners

Adopted on October 28, 2014

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SECTION 1—GENERAL PROVISIONS

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for the use of public and private sewers and drains, private wastewater disposal, the installation and connection of building sewers and the use of the Publicly Owned Treatment Works (POTW) for the Town of Allenstown, County of Merrimack, State of New Hampshire, and enables the Sewer District to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403). The objectives of this ordinance are:

A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;

B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;

C. To protect both the general public and Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment;

D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;

E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and

F. To enable the Allenstown Sewer Commission to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This ordinance shall apply to all Users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of individual wastewater discharge permits, provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.2 Administration

Except as otherwise provided herein, the Allenstown Sewer Commissioners shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to, or duties imposed upon, the Allenstown Sewer Commissioners may be delegated by the Allenstown Sewer Commissioners to the Superintendent.

1.3 Abbreviations

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

ASC - Allenstown Sewer Commission
ASTM - American Society for the Testing of Materials
AWTF - Allenstown Wastewater Treatment Facility
BOD - Biochemical Oxygen Demand
BMP - Best Management Practice
BMR - Baseline Monitoring Report
CFR - *Code of Federal Regulations*

CIU - Categorical Industrial User
CMOM - Capacity Management Operation Maintenance
COD - Chemical Oxygen Demand
EPA - U.S. Environmental Protection Agency
gpd - gallons per day
HWDP - Hauled Wastewater Discharge Permit
IDP - Industrial User Permit
I/I - Infiltration and Inflow
IU - Industrial User
mg/L - milligrams per liter
NHDES - State of New Hampshire Department of Environmental Services
NPDES - National Pollutant Discharge Elimination System
NSCIU - Non-Significant Categorical Industrial User
POTW - Publicly Owned Treatment Works
RSA - New Hampshire Revised Statutes Annotated
RCRA - Resource Conservation and Recovery Act
SIU - Significant Industrial User
SNC - Significant Noncompliance
SUO - Sewer Use Ordinance
TBD - To Be Determined
TSS - Total Suspended Solids
U.S.C. - United States Code
µg/L - micrograms per liter
WWTF - Wastewater Treatment Facility

1.4 Definitions

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

1. Abandoned Sewer Service: A sewer that is no longer in use.

2. Accessibility/Development Fee: A fee charged in accordance with RSA Definition 149:I:7.

3. Act or "the Act:" The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq. as well as any guidelines, limitations and standards promulgated by the EPA pursuant to the Act.

4. Applicant: The owner, as hereinafter defined, who submits a building sewer permit application with the intention of sewering improved property.

5. Approval: Written approval.

6. Approval Authority: United States Environmental Protection Agency Regional Coordinator.

7. Authority: The Board of Sewer Commissioners of the Town of Allenstown, or their authorized agent or representative.

8. Authorized or Duly Authorized Representative of the 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 that 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 individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(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 director or highest official appointed or designated to 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 a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the ASC.

9. Average: The arithmetic mean of values taken at the frequency required for each parameter over the specified period. For total fecal coliforms, the average shall be the geometric mean.

10. Average monthly discharge: Limitation means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month, divided by the number of daily discharges measured during that month.

11. Bedroom: A room furnished with beds to be used/or could be used as a sleeping area.

12. Best Management Practices or BMPs: Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs 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.

13. Biochemical Oxygen Demand or BOD: The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

14. Board: The Allenstown Board of Sewer Commissioners or their authorized agent or representative and shall include the Plant Superintendent.

15. Building Drain: The lowest piping that collects the discharge from all other drainage piping inside the building and extends thirty (30) inches in developed length of pipe beyond the exterior wall and conveys the drainage to the building sewer.

16. Building Sewer or Service Connection/Service Lateral: The extension from the end of the building drain (i.e. 30 inches from inner face of building wall) up to and including the connection to the

public sewer or other place of disposal, also called the house connection. The installation, operation, maintenance, repairs and replacement of which shall be the responsibility of the property owner.

17. Business/Commercial Establishment: The primary use of the property is not defined as residential or industrial.

18. Bypass: The intentional diversion of waste streams from any portion of an industrial user's pretreatment facility or any portion of a POTW.

19. Categorical Pretreatment Standard or Categorical Standard: Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

20. Categorical Industrial User: An Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.

21. CFR: Code of Federal Regulations.

22. Chemical Oxygen Demand or COD: A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

23. Clean Water Act: The Federal Clean Water Act, 33 U.S.C. & 1251 to 1387, as amended.

24. Code Enforcement Officer: The duly appointed Code Enforcement Officer of the Town of Allenstown or his/her authorized deputy, agent or representative.

25. Combined Sewer: A sewer intended to receive both wastewater and storm or surface water.

26. Commercial Establishment: Any building or portion thereof where people go and where commerce is transacted.

27. Commercial Use: Premises used for financial gain, including but not limited to, businesses, restaurants, shops, bed and breakfasts, motels, hotels, retail shopping malls, professional offices, hospitals, schools, condo associations, mobile home parks and any others of similar use.

28. Commission: The Town of Allenstown's duly elected Board of Sewer Commissioners

29. Composite Sample: A sample that is collected over time, formed either by continuous sampling, or by mixing discrete samples. The sample may be composited either as a time composite sample composed of discrete sample aliquots collected in one container at constant time intervals providing representative samples irrespective of stream flow; or as a flow proportional composite sample: collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between the aliquots.

30. Control Authority: The Town of Allenstown's Board of Sewer Commissioners.

31. Cooling Water: The clean wastewater from air conditioning, industrial cooling, condensing and similar apparatus, and from hydraulically-powered equipment which is sufficiently clean, uncontaminated, and unpolluted that it can be discharged without treatment or purification to a natural open stream or watercourse, subject to the conditions of a National Pollutions Discharge Elimination System (NPDES) permit.

32. Customer: The person or entity that owns the real property which receives benefit of the availability of public sewer service, or the person or entity that receives benefit of the use of the public sewer.

33. CWA: The Clean Water Act (formerly referred to as the Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500, as amended by Pub. L. 95-217 and Pub. L. 95-576; 33 U.S.C. 1252 et seq.

34. Daily maximum Limit: The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day. In the case of pH the daily discharge measurement shall be instantaneous.

35. Dilute: To reduce in concentration, thin down, or weaken by mixing with water or other liquids.

36. Domestic Wastewater: Normal water-carried household and toilet wastes discharged into the public sewer excluding ground, surface, or storm water.

37. Dwelling Unit: One or more living areas arranged for the use of one or more individuals living as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

38. Easement: An acquired legal right for the specific use of land owned by others duly recorded at the Merrimack County Registry of Deeds.

39. Environmental Protection Agency or EPA: The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

40. Excessive: Amounts or concentrations of any constituent of wastewater which, in the judgment of the ASC, will cause damage to any wastewater facility which will be produced in excessive quantities in the sludge produced at the Wastewater Treatment Facility, which will be harmful to a wastewater treatment process, which cannot be removed in the wastewater treatment works of the ASC to the degree required to meet the limited stream classification standard of the receiving water, which can otherwise endanger life, limb, the environment or public property, or which can constitute a nuisance.

41. Existing Source: Any source of discharge that is not a "New Source."

42. Facilities: Structures and conduits for the purpose of collecting, treating, neutralizing or disposing of domestic wastewater and/or industrial or other wastewaters as are disposed of by means of structures and conduits including treatment and disposal works, necessary intercepting, outfall and outlet sewers and pumping stations, integral to such facilities with sewers, equipment, furnishings thereof, and other appurtenances connected therewith.

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

44. Flow Equalization Facilities: Facilities in which variations in flow and composition of a liquid are averaged.

45. Food Establishment: Any fixed or mobile restaurant, temporary or permanent food service establishment, coffee shop, cafeteria, bed and breakfast, short order café, luncheonette, grill, roadside stand, industrial feeding establishment, food vending operation, (whether attended or unattended), private, public or nonprofit organization, or institution routinely serving food, catering kitchen, commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

46. Force Main: A rising main from where sewage is discharged into a gravity manhole.

47. Fume Toxicity: Screening Level shall mean the concentration of a pollutant in water that, under equilibrium or other conditions, a confined environment, or interaction with pollutants contained in permitted discharges, would cause the concentration of a pollutant in the air over the water to exceed an exposure limit.

48. Garbage: The animal and vegetable wastes resulting from the handling, preparation, cooking and serving of food and from the handling, storage and sale of produce. It is composed largely of putrescible organic matter and its natural moisture content.

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

50. Grease: Includes the fats, oils, waxes, and other related constituents found in wastewater.

51. Grease Interceptor: A device designed and installed to separate and retain for removal by automatic or manual means grease from normal wastes, while permitting normal sewage or wastes to discharge into the sewer system by gravity.

52. Grit: Sand, gravel, cinders, or other heavy solid materials that have subsiding velocities or specific gravities substantially greater than those of the organic particles solids in wastewater. Grit also includes eggshells, bone chips, seeds, coffee grounds, and large organic particles, such as food or wastes.

53. Hauler: Any person who contracts for the disposal of hauled waste and/or has obtained a hauled waste permit from the ASC and a NHDES septage permit, if necessary.

54. Hauled Wastewater: Any wastewater that is trucked to the WWTF and discharged at the WWTF.

55. Hazardous Substance: Any substance designated under 40 CFR Part 116 pursuant to Section 311 of CWA.

56. Improved Property: Any property located within the Town upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure domestic wastewater and/or industrial wastes shall be or may be discharged.

57. Incompatible Pollutant: Any pollutant, other than biochemical oxygen demand, suspended solids, pH, coliform bacteria, or additional pollutants identified in the permit, which the POTW was not designed to treat, and does not adequately remove.

58. Industrial Discharge: "Industrial Waste" as defined in RSA 485-A:2, VI "namely any liquid, gaseous, or solid waste substance resulting from any process of industry, manufacturing trade or business, or from the development of any natural resources." For purposes of these rules, "industrial discharges" does not include sewage.

59. Industrial Discharge Permit (IDP): The official document issued by the ASC to an industrial sewer system and treatment works that outlines the general and specific conditions under which the industrial user may discharge wastewaters into the collection system or POTW.

60. Industrial Establishment: Any room, group of rooms, building or other enclosure used or intended for use in the operation of one (1) business enterprise for manufacturing, processing, cleaning, laundering, assembling or preparing any product, commodity or article or from which any process waste, as distinct from domestic wastewater, may be discharged.

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

62. Interference: A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

    1. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use of disposal; and

    2. Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued there under (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

63. Interceptor: A channel or sewer that serves to collect the flow from the public sewage collection system.

64. Invert: The bottom inside of the sewer pipe.

65. Local Limit: Specific discharge limits developed and enforced by the ASC upon discharge facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

66. Low Pressure Force Main: A public sewer system designed to transport sewage by means of pressure derived from individual pumping units located on each parcel of land being served by the sewer.

67. Medical Waste: Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes. Medical/infectious waste does not include any hazardous waste regulated under RSA 147-A.

68. Monitoring Manhole: Manhole which is installed along a sewer and which provides access for the

observation, sampling, and measurements of the wastes.

69. Monthly Average: The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

70. Monthly Average Limit: The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

71. National Categorical Pretreatment Standard: Any regulation containing pollutant discharge limits promulgated by the USEPA.

72. National Pollution Discharge Elimination System (NPDES) Permit: A permit issued pursuant to Section 402 of the Act.

73. Natural Outlet: Any outlet into a watercourse, pond, ditch, lake or other body or surface or groundwater.

74. 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 after the publication of proposed Pretreatment Standards under section 307(c) of the 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.

   (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 (1)(b) or (c) 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 onsite 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 which 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 which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

75. 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.

76. Owner: Any person vested with ownership, legal or equitable, sole or partial, of any real property.

77. Pass Through: A discharge which exits the POTW into waters of the United States in quantities or concentrations which alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

78. Person: Any individual, firm, company, association, society, corporation or group, or trust or any Federal, State or local governmental agencies or their representatives, or other entity.

79. pH: The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and hydrogen-ion concentration of 10^{-7}.

80. Pharmaceutical Waste: A prescription drug, as defined by RSA 318:1, XVII, or a nonprescription or proprietary medicine, as defined by RSA 318:1, XVIII, which is no longer suitable for its intended purpose or is otherwise being discharged.

81. Phosphorus: (Denoting Total Phosphorus). The total of organic phosphorus and inorganic phosphorus.

82. Pollutant: Any material or substance that may cause an alteration of the chemical, physical, biological or radiological integrity of the POTW or its receiving waters. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxic, or odor).

83. 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.

84. Pretreatment Requirements: Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

85. Pretreatment Standards or Standards: Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

86. Private Sanitary Sewer: A sewer or sewer system privately owned and used by one or more properties that has not been accepted by the ASC as a public sewer.

87. Private Wastewater Disposal System: The structure, equipment and processes required to treat wastewater generated on the owner's property. The system may be comprised of a septic tank and leaching field, or any other method approved by the Board of Health.

88. Prohibited Discharge Standards or Prohibited Discharges: Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.7 of this ordinance.

89. Properly Shredded Garbage: The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

90. Property: An area of land and or structure as marked on the assessment drawings in the office of the Town Assessor, Town of Allenstown New Hampshire.

91. Proponent: A potential User.

92. Publicly Owned Treatment Works or POTW: A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the ASC. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

93. Public Sewer: As used in this ordinance shall be understood to mean any sewer constructed and maintained by taxation, or any sewer which is open for general use upon the payment of a rental, license, sewer connection fee and/or other applicable fee.

94. Radiological Waste: A radioactive waste as regulated by RSA 125-F.

95. Receiving Waters: Any watercourse, river, pond, ditch, lake, aquifer, or other body of surface or groundwater receiving discharge of wastewaters.

96. Residential unit: A dwelling unit that does not contain a business within the unit (see definition # 37 for dwelling unit).

97. Sanitary Sewer: A sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

98. Septage: The wastes primarily of sewage origin from a cesspool, septic tank holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks, or similar receptacle.

99. Sewage: Human excrement and gray water (household showers, dishwashing operations)

100. Sewer: A pipe or conduit for carrying sewage.

101. Sewer Fee/Rental: RSA Definition 149:I:7 shall mean a charge for defraying the cost of the sewer system. Said charge to be based on the Fee Schedule (Appendix A).

102. Sewer Service Area: Shall mean all properties located within 100-feet of the public sewer.

103. Shall: Is mandatory, may is permissive.

104. Significant Industrial User (SIU): Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial User is:

1. An Industrial User subject to categorical Pretreatment Standards; or

2. An Industrial User that:

   (a) Discharges an average of ten thousand (10,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blow down wastewater);
   (b) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
   (c) Is designated as such by the 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 ASC may determine that an Industrial User subject to categorical Pretreatment Standards 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 blow down wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

   (a) The Industrial User, prior to ASC's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
   (b) The Industrial User annually submits the certification statement required in Section 6.14 B [see 40 CFR 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 a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, may at any time, on its own initiative or in response to a petition received from an Industrial 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.

105. Significant Non-Compliance (SNC): shall mean: Any violation of pretreatment requirements (limits, sampling, analysis, reporting and meeting compliance schedules and regulatory deadlines) is an instance of noncompliance for which the Industrial User is liable for enforcement, including penalties. Instances of SNC are Industrial User Violations which meet one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent (66%) or more of all the measurements taken in a six (6) month period, exceed (by any magnitude) the daily maximum limit, or the average limit for the same pollutant parameter.
2. Technical Review Criteria (TRC) violations, defined as those in which thirty-three percent (33%) or more of all measurements for each pollutant parameter taken during a six month period equal or exceed the product of the daily average maximum limit or the average limit times the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).
   (a) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the ASC determined has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).
   (b) 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 Article II, Section 147-20 "Imminent Endangerment" of this section to halt or prevent such a discharge.

(c) Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in local control mechanism or enforcement order, for starting construction, completing construction, or attaining final compliance.

(d) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(e) Failure to accurately report noncompliance.

(f) Any other violation or group of violations that the ASC determines will adversely affect the operation or implementation of the local pretreatment program.

106. Slug: Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

107. Spill: The release, accidental or otherwise, of any material not normally released to the facilities, which by virtue of its volume concentration or physical or chemical characteristics, creates a hazard to the facilities their operation or their personnel. Such characteristics shall include, but are not limited to, volatile, explosive, toxic or otherwise unacceptable materials.

108. State: The State of New Hampshire.

109. Storm Drain: A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

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

111. Superintendent: The person designated by the ASC to be in responsible charge of the POTW, and is charged with certain duties and responsibilities by this ordinance and the NHDES and authorized to act on behalf of the ASC. The term also means any person designated by the Superintendent.

112. Total Suspended Solids or Suspended Solids: The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

113. Total Kjeldahl Nitrogen: The total of ammonia and organic nitrogen but does not include nitrate and nitrite nitrogen.

114. Town: The Town of Allenstown, New Hampshire.

115. Toxic Pollutants: Any pollutant listed as toxic in Appendix D of 40 CFR Part 122, under Section 306(a) (l) of the Clean Water Act such as biocides, pesticides, and other toxic materials.

116. User or Industrial User: A source of indirect discharge.

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

118. Wastes: Substances in liquid, solid, or gaseous form which can be carried in water.

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

120. Wastewater Treatment Plant or Treatment Plant: That portion of the POTW, which is designed to provide treatment of municipal sewage and industrial waste.

SECTION 2 — GENERAL SEWER USE

2.1 Private Sewage Disposals

A. Where a public sanitary sewer is not available, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of the New Hampshire Department of Environmental Services (DES) Water Division and applicable local codes, if any.

B. If public sewer becomes available to a property served by a private wastewater disposal system, the Owner shall connect the property to the public sewer within six (6) months. Septic tanks, cesspools, and similar private wastewater disposal facilities shall not be connected to the public sewer and shall be cleaned and either dismantled, or with the approval of the sewer inspector, filled with clean sand.

2.2 Private Sewer Systems

A. Each privately-owned sewer system and related appurtenances connected to the towns' sewer system is required to keep such line(s) and related appurtenances in a condition in compliance with these regulations and the current Sewer System Design Specifications. Privately-owned sewer systems are to be free of defects which pose potential risk to the public.

B. All privately-owned sewers and related appurtenances shall comply with the current Operation and Maintenance of Privately Owned Sewer System Regulations as adopted by the ASC.

2.3 Protection from Damage

A. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the POTW. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

B. No unauthorized person may enter or remain in or upon any land or structure of the sewerage works. Any person violating this provision shall he subject to charges of trespass.

2.4 Use of Public Sewers

A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Allenstown or in any area under the jurisdiction of the ASC, any human or animal excrement, garbage, or objectionable waste.

B. It shall be unlawful to discharge to any natural outlet within the Town of Allenstown, or in any area under the jurisdiction of said ASC, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Regulation and with State and Federal laws and regulations.

C. No person shall discharge into any public sewer of the ASC, or into any fixture that thereafter discharges into any public sewer, any waste or substance other than for which the particular sewer is intended, designed or provided.

D. No person shall discharge into any public sewer of the ASC, or into any fixture that thereafter discharges into any public sewer, any waste or substance until all applicable federal, state and local permits have been obtained.

E. Except as specifically provided with reference to some particular sewer, sanitary sewers shall be used only for the conveyance and disposal of domestic wastewater, and for industrial wastes 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 cooling water or boiler blow down.

F. Storm water and all other unpolluted drainage shall be discharged to storm drains. An NPDES permit is required prior to discharging industrial cooling water, process waters, or storm water runoff generated in areas of industrial activity (as defined in 40 CFR Part 122) to a storm sewer or natural outlet.

G. If the intended or designated use of any particular sewer or drain and allowable discharge thereto is unclear, the ASC will consider the pertinent facts and make a determination. Said determination will be final and binding.

H. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater in any area where a public sewer is available, as described in paragraph (I) below.

I. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, or right-of way in which public sanitary sewer of the Town is either available or becomes available, 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 within six (6) months after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the boundary of said property. The ASC may grant an extension of the above time limit for up to one (1) year, upon a showing of good cause. In addition, the ASC may grant a variance or waiver from the requirement to connect upon request and demonstration by competent evidence that compliance with this requirement will occasion either unnecessary hardship or difficulty. Such waiver shall not be granted unless the applicant demonstrates that any alternative facility will not present a danger to the public health, safety and welfare, and that it meets all applicable codes and regulations pertaining to the installation of the same.

J. Where a public sanitary sewer is not available under the provisions of paragraph (I) above, the building sewer shall be connected to a private wastewater disposal system complying with the rules promulgated thereto. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the ASC. At no time shall any quantity of industrial waste be discharged to a private, domestic wastewater disposal facility.

K. In the event a User is not connected to the public water supply, but is connected to the public sewer, said User shall install and maintain a water meter, at his expense, from which the ASC may monitor the use of the sewer. The type of meter and the method of installation shall be acceptable to the ASC. A flat rate per unit per quarter will be used in instances where a meter is not in use.

L. The Allenstown Sewer Commission, after receiving a written request from a User, may credit the User for disposal charges associated with water that is not discharged to the wastewater collection system from his property. The volume of non-sewer use water must be measured with a second water meter, or other means that is acceptable to the Pembroke Water Works. As a result the User will receive a credit on his user charge bill for non-sewer use water. All water meter and plumbing costs shall be borne by the user. Water meters must be as per the specifications of the Pembroke Water Department. The ASC does not allow deduct meters as it has in the past. Previously existing deduct meters that fail will be discontinued and will not be allowed to be replaced or used.

M. For private wells, flat rate fee will apply based on 225 gallons per day unless the meter is acceptable, inspected and sealed by the ASC to prove the water use.

N. If there is a moratorium on sewer connections at the Allenstown Wastewater Treatment Facility (AWTF) due to the lack of capacity at the facility, the owner may utilize a private wastewater disposal system complying with the provisions of this article and with the provisions of the DES Water Division. If public sewer becomes available, and the moratorium is lifted, the Owner shall connect to the public sewer at the Owner's expense, in compliance with the provisions of this Ordinance.

O. Prior to the construction of any private wastewater disposal system, in lieu of a public sewer connection the Owner must obtain Construction Approval from the DES Water Division and a copy of the DES permit shall be provided to the ASC. Any plans, specifications and other information as deemed necessary by the Building Inspector/Code Enforcement Officer shall supplement the copy of the DES permit.

2.5 New Sewers and Sewer 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 written permission from the ASC.

B. Any person proposing an extension of the public sewer shall notify the ASC least sixty (60) days prior to the proposed beginning of construction. ***The extension of the public sewer main shall be brought to the end of the property line.*** Included with this notification shall be two sets of construction plans-and-specifications in sufficient detail to allow the ASC to determine whether or not the proposed extension complies with the technical provisions of this Ordinance, and good sanitary engineering practice. The plans and specifications shall be stamped by a registered professional engineer. It is recommended that any person proposing an extension of the public sewer shall submit a preliminary conceptual design for tentative review by the ASC. If deemed necessary by the ASC, the definitive plans and specifications shall be reviewed by the ASC's engineer, at the expense of the owner/contractor/applicant. The cost of engineering services shall be paid in full before review or final approval of plans is given.

C. Applications, Permits and Approvals

1. All applications for connections to the sewer system are to be submitted to the ASC Office. The information will be reviewed by the ASC to evaluate availability of sewer services and the impact upon the sewer system.
2. There shall be three classes of connection permits:
   (a) Significant Industrial Users
   (b) Commercial
   (c) Residential

   In all cases, the property owner shall apply for a connection on a specific form furnished by the ASC. The permit application shall be supplemented by any plans specifications or other information considered pertinent in the judgment of the ASC. The ASC may require the owner to submit sewer connection plans and specifications to their engineer for review. The ASC will review and make a decision within 60 days and will notify the property owner of any lack of information.

   The ASC may, at its discretion, require the additional review of the project by other agencies and Boards.

Projects that require NHDES Engineering review shall be considered for approval by the ASC only after such review is completed.

Construction of the proposed project shall not initiate until such time as all access and inspection fees are paid and all ASC approvals are complete.

ASC may require development of an escrow account for larger connections.

In all cases all costs associated with the sewer connection review shall be paid for by the property owner or his agent.

Approval for construction will be allowed after a connection has been approved and the applicant has paid any fees or other charges associated with said application. Once a permit has been issued, it shall be valid for a maximum of 180 days from date of issue or such lesser period as directed by the ASC as circumstances warrant. Fees are non-refundable. Construction of any public sewer or component of the system that will be connected to the public sewer shall be performed only by contractors qualified in such construction and approved in advance by the ASC. In order to facilitate timely inspection of such construction, construction shall ordinarily only be undertaken during normal hours (8 AM to 3:30 PM, Monday-Friday). The ASC may, upon request and demonstration of an emergency, allow an exception to this requirement. In such instance, the applicant shall be charged for any additional costs incurred to provide "off hour" inspections.

2.6 Connections to Public Sewers- Approval

A. Whenever public sewers or appurtenances are to be constructed the ASC may make such investigations as it deems necessary to determine the ability of the proposed installer to perform the work, and the installer shall furnish all such information that the ASC may reasonably request, including but not limited to bonding capability, proof of insurance, references and a list of equipment to be used. The ASC reserves the right to reject the installer if the evidence submitted fails to demonstrate that the proposed installer is properly qualified to complete the work as proposed.

B. The ASC shall require any such proposed installer to post security, adequate in type and amount to insure the satisfactory completion of any work done on the public sewer system.

C. The installer shall NOT perform any work in, on, under or around streets, sidewalks and property belonging to the Town until it shall have provided security, adequate in type and amount to insure the satisfactory completion of any work done on the public sewer system and the restoration of any other property of the Town and/or ASC implicated in said construction.

2.7 Prohibited Discharge Standards

A. No person(s) shall discharge or cause to be discharged to the wastewater facilities any unpolluted waters such as storm water, surface water, ground water, roof runoff, subsurface drainage, non-contact cooling water, or unpolluted industrial process waters and any other source of non-sanitary wastewater to any sanitary sewer, unless permitted by the ASC.

B. Any person proposing a change in the volume or character of pollutants that are being discharged into the system shall notify the ASC at least 60 days prior to the proposed change or connection.

C. The ASC finds that the discharge of water such as storm water, surface water, ground water, roof runoff, subsurface drainage, non-contact cooling water, or unpolluted industrial process waters and any other source of non-sanitary wastewater water from roof, surface, groundwater sump

pump, footing tile or swimming pools or other natural precipitation to the ASC sanitary sewage system will, and has on numerous occasions in the past, flooded and overloaded the sanitary sewage system to such an extent as to cause significant damage to the waste treatment plant and sanitary sewer system. Such damage is caused by the backup of sewage into the plant, private properties, and pressure damage to trunk lines.

D. Within one year of the adoption of the effective date of this Ordinance, any person, firm, or corporation having a discharge referenced in 2.7A now connected and/or discharging into the sanitary sewer system shall disconnect and/or remove same. Any disconnects or openings in the sanitary sewer shall be closed in an effective, workmanlike manner, as approved by the Wastewater Superintendent or his/her designated agent.

E. Every person owning improved real estate that discharges into the ASC's sanitary sewer system shall obtain an inspection of each building located on such property by an inspector designated by the ASC. The purpose of this inspection shall be to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system.

F. All new homes will be required to be inspected and be in compliance with this Section prior to issuance of a Certificate of Occupancy.

G. The ASC may, upon request, waive the requirements of this section. Such request shall be made in writing and shall contain the reasons why such waiver is necessary. No such waiver shall be granted unless the applicant demonstrates that the same can be granted without causing any hazard to the public safety and welfare and that failure to grant the waiver will cause an unnecessary hardship on the applicant. Such waiver shall only be granted following a noticed public hearing and the ASC shall consider the recommendations of the Superintendent as such hearing. If granted, the applicant will be required to pay an additional fee for the additional sewer service, along with the regular quarterly charge.

Fees for this service will be based on estimated yearly average amounts discharged to the sanitary sewer.

H. The ASC finds that the introduction of extraneous flow to the system increases the operational cost associated with its treatment as well as consuming available capacity of the system and, accordingly, the ASC resolves that any instance in which such extraneous flow is determined to exist, either due to a waiver under Section G of this section or otherwise, shall result in the user being charged an additional surcharge per quarter per the ASC Fee Schedule for each connection related to such extraneous flow. Notwithstanding the timely payment of any such surcharge, users who violate this section and have not obtained waivers for such discharge shall still be considered in violation of this section and the ASC reserves its right to commence appropriate proceedings in a court of competent jurisdiction to seek injunctive relief and/or the imposition of applicable fines, civil penalties and other relief to address such violation.

I. Pollutants introduced into the sanitary sewer by a user shall not pass through or interfere with operation or performance of the POTW.

J. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 60°F (140°C) using the test methods specified in 40 CFR 261.21.
2. Any industrial wastes including oxygen demanding wastes (BOD, etc.) at a flow rate and/or concentration which would cause interference with the wastewater treatment works, constitute

a hazard to humans or animals, create a public nuisance, exceed any applicable National Categorical Pretreatment Standards, or cause pass through.

3. Any waters or wastes having pH lower than 6.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders. sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
5. Any liquid or vapor having a temperature higher than 150°F (65°C) or wastewater sufficiently hot to cause the influent at the wastewater treatment works to exceed 104°F (40°C) or cause inhibition or biological activity in the wastewater treatment plant.
6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
8. Any trucked or hauled pollutants, except at discharge points designated by the POTW.
9. Any medical/infectious waste or radiological waste designated by the municipality as having a reasonable potential for adversely affecting the POTW's operation or performance or for violating any pretreatment standard or requirement;
10. Any wastewater that is likely to cause the POTW's effluent or sludge to fail a toxicity test;
11. Any hazardous waste listed or designated by the department under Env-Hw 400; and
12. Any pharmaceutical waste, expect for such pharmaceutical wastes as are required by federal law to be disposed of by flushing into a municipal sewer system.

K. Pharmaceuticals. Unused pharmaceuticals should not be disposed of into the sanitary sewer. (See #12 above).

L. The following described substances, materials, waters, or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger life, limb, public property, or constitute a nuisance. The superintendent may set limitations lower than the limitations established in the regulations below if in his opinion such limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The superintendent shall not permit those discharges which are prohibited. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the superintendent are as follows:

1. Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.
2. Wastewater containing more than 100 milligrams per liter of oil and grease or floatable oil not limited by paragraph A of this Section.
3. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
4. Any waters or wastes containing heavy metals, solvents, and similar objectionable or toxic substances to such degree than any such material discharged to the public sewer exceeds the

limits established by the superintendent, the NHDES, or the National Categorical Pretreatment Standards, as promulgated by the U.S. Environmental Protection Agency, for such materials.

5. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the superintendent.
6. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.
7. Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
8. 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.
9. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
10. Wastewater with any of the following constituents at concentrations greater than those indicated by local limits established by the POTW.
11. Wastewater which has a concentration of any pollutant above the screening levels established by the POTW. Such screening levels, generated on the basis of standard conditions, shall be adjusted for the particular conditions applicable to the specific discharge. Fume toxicity screening levels shall be adjusted when administered as limits to account for the pH, temperature, dilution, other toxic fumes and ventilation present at the site of the particular discharge. The screening level for sulfate shall be adjusted when administered as a limit to account for the type of concrete used in sewer construction and the dilution present.

M. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or processes the characteristics enumerated in this Section and which in the judgment of the ASC may have a deleterious effect upon the wastewater facilities, process, equipment or receiving waters, or which equipment otherwise create a hazard to life or constitute a public nuisance, the ASC may, subject to limitations in Section 2.10.

1. Reject the wastes.
2. Require pretreatment to an acceptable condition for discharge to the public sewers.
3. Require control over the quantities and rates of discharge and/or
4. Require payment to cover the added costs of handling and treating the wastes.

If the ASC permits the pretreatment or equalization of waste flows, the design and installation of the facilities shall be subject to the review and approval of the ASC 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 Owner(s) of the responsibility of discharging treated waste meeting the requirements of this ordinance. Plans and specifications for a proposed pretreatment facility shall be the result of the design of a professional engineer registered in New Hampshire.

N. Grease, oil, and sand interceptors shall be provided when, in the opinion of the ASC they are necessary for the proper handling of liquid wastes containing floatable oil or grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the ASC and shall be located as to be readily and easily accessible for cleaning and inspection. When installed, all grease, oil, and sand interceptors shall be maintained by the Owner, at his expense, in continuously efficient operation at all times.

2.8 Federal Categorical Pretreatment Standards

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

A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the ASC 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 ASC shall impose an alternate limit using the combined waste stream 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 USEPA shall be the control authority for industrial users subject to categorical pretreatment standards. As the control authority, industrial users are responsible to the EPA for compliance with categorical pretreatment standards and the requirements of 40 CFR Part 403. Categorical industrial users shall provide the ASC with copies of any reports to, or correspondence with EPA relative to compliance with the categorical pretreatment standards. The industrial user is responsible for determining the applicability of categorical pretreatment standards. The user may request that EPA provide written certification on whether the user is subject to the requirements of a particular category. The ASC shall provide timely notification to appropriate industrial users of applicable categorical pretreatment standards. Upon promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this regulation for sources in that subcategory, shall, on the compliance date of the categorical pretreatment standards, immediately supersede the limitations imposed under this regulation. Compliance with categorical pretreatment standards shall be achieved within one (1) year of the date such standards are effective, unless a shorter compliance schedule is specified in the standards. An industrial user subject to categorical pretreatment standards shall not discharge wastewater directly or indirectly to the ASC's POTW subsequent to the compliance date of such standards unless an amendment to its Industrial Discharge Permit has been issued by the ASC.

2.9 State Pretreatment Standards

Users must comply with the most recent State Pretreatment Standards.

A. No wastes introduced into the POTW shall:

1. Interfere with the safety, operation, maintenance, or performance of the POTW;
2. Have an adverse effect on the receiving stream;
3. Prevent disposal of sludge in the manner used by the POTW; or
4. Otherwise endanger life, limb, public property, or constitute a nuisance;
5. Be diluted to meet required limits.

B. Every significant indirect discharger shall obtain a discharge permit in accordance with State Pretreatment Standards Env-Wq 305.

C. Any dental practice that is required by Env-Wq 306 to have an amalgam separator must properly install and maintain the separator.

D. All grease interceptors shall be installed and maintained in accordance with local and state codes. All requirements and maintenance records shall be provided to the ASC on an annual basis. Records shall be submitted to the Collection System Manager annually on or before April 1st.

2.10 Local Discharge Restrictions

A. Local numerical discharge limitations established by the ASC as set forth herein (referred to as "local limits"), and all State pretreatment standards and USEPA categorical pretreatment standards shall apply, whichever is most stringent. In developing the list of pollutants of concern for which local limits are established, the ASC has considered the allowable headworks loading at the wastewater treatment facility. Pollutants that exceed fifty percent (50%) of their allowable headworks loading at the wastewater treatment facility are considered to be of concern and have resulted in development of local limits. If any waters or wastes are discharged or are proposed to be discharged to the POTW that exceed the standards or restrictions established in Sections 2.7, 2.8, and 2.9 of this Regulation, which in the judgment of the ASC may have a deleterious effect upon the POTW, processes, equipment, or receiving waters, or that otherwise create a hazard to worker safety or health, or constitute a public nuisance, the ASC may:

Reject or prevent any discharge to the POTW after notice has been served to the discharger and the discharger has had reasonable opportunity to respond;

1. Require pretreatment prior to discharge to the POTW (Section 3.0);
2. Require control (e.g., equalization) over the quantities and rates of discharge; and/or
3. Require payment to cover additional cost of handling and treating the wastes.
4. If the ASC allows the pretreatment or equalization of waste flows, the design and installation of the systems and equipment shall be subject to the review and approval of the ASC and the State (see Section 3).

B. Local Limits. The following numerical pollutant discharge limitations are established to protect against pass-through and interference. No person shall discharge wastewater containing constituents at daily concentrations greater than indicated below:

In the Process of being developed

Parameter	Local Limit (mg/L)	# S
Arsenic		
Cadmium		
Chromium		
Copper		
Cyanide		
Lead		
Mercury		
Nickel		
Silver		
Zinc		
BOD		
TSS		
Oil and grease		
pH		
TTO		

All concentrations for metallic substances are for "total" metal unless indicated otherwise. The ASC may impose mass limitations in addition to (or in place of) the concentration-based limitations above.

C. The ASC may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits to implement local limits and the requirements of Section 2.1. The ASC shall calculate and administer daily concentration limits (i.e., local limits) when required as described below to ensure that the combined industrial pollutant discharge loadings do not cause or contribute to exceedance of these limitations. For industrial discharge applications, the local limits [presented above] shall apply at the end of the process train prior to dilution with non-industrial wastewaters. Daily concentrations are the concentration of a pollutant discharged, determined from the analysis of a flow composited sample (or other sampling procedure approved by the ASC) representative of the discharge over the duration of a 24-hour day or industrial operating schedule of less than 24 hours. All concentration limits for metals represent a total metal unless indicated otherwise. The ASC may impose mass limitations in addition to, or in accordance with Section 2.8, in place of the concentration-based limitations. Local limits are developed based on the identification of industrial users known to be discharging each pollutant (industrial contributory flow procedure).

D. Pollution Prevention Action. Pollutants for which pollution prevention efforts are required of all significant industrial users and other industrial and non-industrial users at the discretion of the ASC include: Endocrine disrupting chemicals, which are found in pharmaceuticals, pesticides, plastics, personal care products and many industrial byproducts. Failure to control these pollutants through pollution prevention activities will result in development and application of a local limit when a pollutant loading to the POTW exceeds fifty percent (50%) of the allowable headworks loading.

2.11 ASC's Right of Revision

The ASC reserves the right to establish, by ordinance or in individual wastewater discharge permits more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this ordinance.

2.12 Dilution

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The ASC may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases when the imposition of mass limitations is appropriate.

SECTION 3—PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 2.7 of this ordinance within the time limitations specified by EPA, the State, or the ASC, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the ASC for review, and shall be acceptable to the ASC before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the ASC under the provisions of this ordinance.

3.2 Additional Pretreatment Measures

A. Whenever deemed necessary, the ASC may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance.

B. The ASC 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 individual wastewater discharge permit may be required solely for flow equalization.

C. Grease, oil, and sand interceptors shall be provided for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the ASC, and shall be so located to be easily accessible for cleaning and inspection at the Owner's expense.

D. Grease, oil and/or sand interceptors-shall be provided in all garages, filling stations, restaurants, dry cleaning establishments and all other commercial/industrial establishments, that are necessary for the proper handling of liquid wastes containing grease or floatable oil in excessive amounts or any flammable wastes, sand or other harmful ingredients that can be potentially discharged from floor drains, sinks or other plumbing fixtures into the treatment works.

E. All interceptors shall be of a type and capacity appropriately sized in accordance to the State of New Hampshire and IPC at the Owner's expense and in compliance with all applicable Codes and Regulations including the ASC Design Specifications and statues and acceptable to the ASC.

F. Grease and oil interceptors shall be constructed and installed in accordance with all applicable Federal, State and Local regulations, including the State Plumbing Code. Exterior grease, oil, and sand interceptors shall be sized accordingly. Interior grease, oil, and sand interceptors shall be sized according to flow capacity; meet State Plumbing Codes; and must have vented flow control. All interceptors shall be of substantial construction, water tight and equipped with easily removable covers which when bolted into place shall be gastight and watertight. It is prohibited to add any surfactants, enzyme; bacteriological cultures, dispersants, or cleaning agents to plumbing lines that cause or contribute to the pass-through of oils and greases or inhibit or interfere with the proper operation of a grease interceptor.

G. The ASC reserves the right to inspect all interceptors at any time and review cleaning records.

H. Any facility that maintains an interceptor must maintain cleaning records on site. Interceptor 1,000 gallons or more must be cleaned at least once (1) every quarter (or three (3) months) and smaller units must be cleaned on a daily or weekly basis. All flow control must be maintained and in working order at all times.

3.3 Accidental Discharge/Slug Discharge Control Plans

The ASC shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The ASC may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

A. Description of discharge practices, including non-routine batch discharges;

B. Description of stored chemicals, their quantity onsite and the associated Material Safety Data Sheets.

C. Procedures for immediately notifying the ASC of any accidental or slug discharge, as required by Section 6.6 of this ordinance; and

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

3.4 Pollution Prevention Plans

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

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

B. Process Characterization. A detailed process waste diagram shall be developed that identifies and characterizes the input of raw materials, the outflow of products, and the generation of wastes.

C. Waste Assessment. Estimates shall be developed for the amount of wastes generated by each process. This may include establishing and maintaining waste accounting systems to track sources, the rates and dates of generation, and the presence of hazardous constituents.

D. Analysis of Waste Management Economics. Waste management economic returns shall be determined based on the consideration of:

1. Reduced raw material purchases;

2. Avoidance of waste treatment, monitoring and disposal costs;

3. Reductions in operations and maintenance expenses;

4. Elimination of permitting fees and compliance costs; and

5. Reduced liabilities for employee/public exposure to hazardous chemicals and cleanup of waste disposal sites.

E. Development of Pollution Prevention Alternatives. Current and past pollution prevention activities should be assessed, including estimates of the reduction in the amount and toxicity of waste achieved by the identified actions. Opportunities for pollution prevention must then be assessed for identified processes where raw materials become or generate wastes. Technical information on pollution prevention should 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. The review and approval of such pollution prevention plans by the ASC shall in no way relieve the user from the responsibilities of modifying facilities as necessary to produce a discharge acceptable to the ASC in accordance with the provisions of this Ordinance.

SECTION 4—INDIVIDUAL WASTEWATER DISCHARGE PERMITS

4.1 Wastewater Analysis

For a new discharge of Individual Wastewater or any change of discharge or when requested by the ASC, a User must submit information on the nature and characteristics of its wastewater within 30 days of the request. The ASC is authorized to prepare a form for this purpose and may periodically require Users to update this information. Failure to complete this survey shall be reasonable grounds for terminating service to the user and shall be considered a violation of the ordinance.

4.2 Individual Wastewater Discharge Permit Requirement

A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the ASC, except that a Significant Industrial User that has filed a timely application pursuant to Section 4.3 of this ordinance may continue to discharge for the time period specified therein.

B. The ASC may require any Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this ordinance.

C. Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 10 of this ordinance. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

4.3 Individual Wastewater Discharge Permitting: Existing Connections

Any User required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the ASC for an individual wastewater discharge permit in accordance with Section 4.5 of this ordinance, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of this ordinance except in accordance with an individual wastewater discharge permit issued by the ASC.

4.4 Individual Wastewater Discharge Permitting: New Connections

Any User required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit in accordance with Section 4.5 of this ordinance must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

4.5 Wastewater Discharge Permitting: Extra jurisdictional Users

Any new and existing user not located in the Town of Allenstown is required to obtain a wastewater discharge permit and shall submit a wastewater discharge permit application to the sewer authority in the municipality in which it is located in accordance with Section 4.6 of this ordinance, within ninety (90) days of the effective date of this ordinance. Said municipality shall be responsible to oversee the wastewater discharge permits issued, self-monitoring reports, inspections and enforcement and report to the ASC.

4.6 Individual Wastewater Discharge Permit Application

The ASC may require such information which, in its judgment is reasonably necessary to insure compliance with applicable rules, regulations, statutes and ordinances.

A. All Users required to obtain an individual wastewater discharge permit must submit a permit application. The ASC may require Users to submit all or some of the following information as part of a permit application:

1. Identifying Information.
   (a) The name and address of the facility, including the name of the operator and owner.
   (b) Contact information, description of activities, facilities, and plant production processes on the premises;

2. Environmental Permits. A list of any environmental control permits held by or for the facility.

3. Description of Operations.
   (a) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
   (b) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
   (c) Number and type of employees, hours of operation, and proposed or actual hours of operation;
   (d) Type and amount of raw materials processed (average and maximum per day);
   (e) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

4. Time and duration of discharges;

5. The location for monitoring all wastes covered by the permit;

6. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in Section 2.2C (40 CFR 403.6(e)).

7. Measurement of Pollutants.
   (a) The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
   (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the ASC, of regulated pollutants in the discharge from each regulated process.
   (c) Instantaneous, Daily maximum and long-term average concentrations, or mass, where required, shall be reported.
   (d) 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. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User

shall submit documentation as required by the ASC or the applicable Standards to determine compliance with the Standard.

(e) Sampling must be performed in accordance with procedures set out in Section 6.11 of this ordinance.

8. A Slug control plan will be required as part of the application.

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

C. All documents must be submitted by electronic transmission.

4.7 Application Signatories and Certifications

A. All wastewater discharge permit applications, User reports and certification statements 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 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 possibility of fine and imprisonment for knowing violations."*

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

C. The Sewer System Accessibility Fee is due at the time of application of system connection and or change of use along with the cost recovery in accordance with the sewer System accessibility/Development Fee Structure.

4.8 Individual Wastewater Discharge Permit Decisions

The ASC will evaluate the data furnished by the user and may require any additional pertinent information. Within a specified time from the receipt of a complete wastewater discharge permit application, the ASC will determine whether or not to issue a wastewater discharge permit. The ASC may deny any application for a wastewater discharge permit.

SECTION 5—INDIVIDUAL WASTEWATER SEWER CONNECTION

5.1 Individual Wastewater Discharge Permit Duration

An individual wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the ASC. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

5.2 Individual Wastewater Discharge Permit Contents

An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the ASC to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Individual wastewater discharge permits must contain:

1. A statement that indicates the wastewater discharge permit's issuance date, expiration date and effective date;

2. A statement that the wastewater discharge permit is nontransferable without prior notification to the ASC in accordance with Section 5.5 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

3. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;

4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.

5. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 6.4 B.

6. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

7. Requirements to control Slug Discharge, if determined by the ASC to be necessary.

B. Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:

1. Limits 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 treatment works;

3. Requirement for appropriately qualified staffing for the operation and maintenance of the treatment works.

4. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non -routine discharges;

5. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

6. Requirements for installation and maintenance of inspection and sampling facilities and equipment, that are freely accessible, including flow measurement devices;

7. A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit.

8. Other conditions as deemed appropriate by the ASC to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

5.3 Permit Issuance Process

A. A permit may be issued by the Superintendent for any contemplated new discharge or contemplated change applicable to an existing discharged based on the information provided in the permit application. The application process contemplates that prior to issuance, the Superintendent will have engaged in a dialogue with the user, the purpose of which will be to determine mutually acceptable conditions and specifications for an industrial discharge permit. If this process results in an impasse, the Superintendent may deny the permit or issue a Proposed Industrial Permit reflecting the conditions which the Superintendent has determined are appropriate and acceptable.

B. The Sewer System Accessibility Fee is due prior to the issuance of approval of system connection and/or change of use along with the cost recovery in accordance with the sewer System accessibility/Development Fee Structure.

C. Aggrieved parties seeking judicial review of the final administrative individual wastewater discharge permit decision must do so by filing an action in any court of competent jurisdiction in accordance with applicable laws and rules. During the pendency of any such appeal, the applicant shall not be authorized to cause any new or additional discharge into the system unless such new or additional discharge in the system is done in accordance with any and all conditions contained in the Proposed Industrial Permit, whether or not such Proposed Industrial Permit has been issued.

5.4 Permit Modification

The Superintendent may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

1. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;

2. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;

3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

4. Information indicating that the permitted discharge poses a threat to the POTW, personnel, or the receiving waters;

5. Violation of any terms or conditions of the individual wastewater discharge permit;

6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

7. Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;

8. To correct typographical or other errors in the individual wastewater discharge permit; or

9. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 5.5.

5.5 Individual Wastewater Discharge Permit Transfer

Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 90 days advance notice to the ASC with the recommendation of the Superintendent and the ASC with the recommendation of the Superintendent approves the individual wastewater discharge permit transfer. The notice to the ASC must include a written certification by the new owner or operator which:

A. States that the new owner and/or operator have no immediate intent to change the facility's operations and processes;

B. Identifies the specific date on which the transfer is to occur; and

C. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

D. Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer may be subject to enforcement action.

5.6 Individual Wastewater Discharge Permit Revocation

The Superintendent may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

A. Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharge;

B. Failure to provide prior notification to the Superintendent of changed conditions pursuant to Section 6.5 of this ordinance;

C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

D. Falsifying self-monitoring reports and certification statements;

E. Tampering with monitoring equipment;

F. Refusing to allow the Superintendent timely access to the facility premises and records;

G. Failure to meet effluent limitations;

H. Failure to pay fines;

I. Failure to pay sewer charges, such as administrative costs;

J. Failure to meet compliance schedules;

K. Failure to complete a wastewater survey or the wastewater discharge permit application;

L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

M. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this ordinance.

Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a User are void upon the issuance of a new individual wastewater discharge permit to that User.

Upon revocation of a permit the party whose permit was revoked shall immediately cease any discharge into the system unless and until a new permit has been obtained in accordance with these rules.

5.7 Individual Wastewater Discharge Permit Expiration

In order to insure adequate time to review applications for renewal or modification of permits, parties seeking the same are admonished to file such applications for renewal or modification at least four (4) months prior to the indicated expiration date. Parties whose permits have expired prior to reissuance which have failed to file within such four month period shall not be entitled to continue to discharge during the permit review period.

5.8 Regulation of Waste Received from Other Jurisdictions

A. If another municipality, or User located within another municipality, contributes wastewater to the POTW, the contributing municipality shall enter into an Intermunicipal Agreement with the ASC.

B. Prior to entering into an agreement required by paragraph A, above, the municipality shall provide:

1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

2. An inventory of all Users located within the contributing municipality which is to be kept current and updated at all time that are discharging to the POTW.

3. CMOM information on an annual basis.

4. A SUO at least as stringent as the ASCs.

5. Such other information as the ASC may deem necessary.

C. An Intermunicipal Agreement, as required by paragraph A, above, shall contain the following conditions:

1. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 2.4 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the ASC's ordinance or Local Limits;

2. A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;

3. A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the ASC; and which of these activities will be conducted jointly by the contributing municipality and the ASC;

4. A requirement for the contributing municipality to provide the ASC with access to all information that the contributing municipality obtains as part of its pretreatment activities;

5. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

6. Requirements for monitoring the contributing municipality's discharge;

7. A provision ensuring the ASC access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the ASC; and

8. A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

9. A fee schedule approved by the ASC.

10. A provision for Capital Improvements and/or replacement projects and the appropriate contribution thereof.

11. Any other provisions deemed appropriate by the ASC or required by applicable state, local or federal authorities with jurisdiction of the operation of the POTW or system.

SECTION 6—REPORTING REQUIREMENTS FOR INDUSTRIAL/COMMERCIAL USERS

6.1 Baseline Monitoring Reports

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

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

1. 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 control 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) carried out by such user. This description should include a schematic process diagram which 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 gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 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 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.

   (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 pretreatment standards are being met on a consistent basis, and, if not, whether additional Operation and maintenance (O&M) and/or additional pretreatment, is required to meet the pretreatment standards and requirements.

7. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. 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 4.7 of this ordinance.

6.2 Compliance Schedule Progress Reports

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

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation);

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

C. The user shall submit a progress report to the Superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and,

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

6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Superintendent a report containing the information described in Section 4.5A (6) and (7) and 6.1(B)(2) of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 2.2, this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6.14 A of this ordinance. All sampling will be done in conformance with Section 6.11.

6.4 Periodic Compliance Reports

A. All permitted industrial user(s) shall, at a frequency determined by the Superintendent but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Superintendent or the Pretreatment Standard necessary to determine the compliance status of the User. All periodic compliance reports must be signed and certified in accordance with Section 4.7 of this ordinance.

All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to 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.

B. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in Section 6.11 of this ordinance, the results of this monitoring shall be included in the report.

6.5 Reports of Changed Conditions

Each User must notify the Superintendent of any significant changes to the User's operations or system, which might alter the nature, quality, or volume of its wastewater at least 30 days before the change.

A. The Superintendent may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of this ordinance.

B. The Superintendent may issue an individual wastewater discharge permit under Section5.7 of this ordinance or modify an existing wastewater discharge permit under Section 5.4 of this ordinance in response to changed conditions or anticipated changed conditions.

C. No user shall implement the planned changed condition(s) until and unless the Superintendent has given written affirmative approval for the change.

6.6 Reports of Potential Problems

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

B. Within five (5) days following such discharge, the User shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might 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, which may be imposed pursuant to this ordinance.

C. Failure to notify the Superintendent of potential problem discharges shall be deemed a violation of this ordinance.

D. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

E. All Industrial Users are required to notify the Superintendent immediately of any changes at its facility affecting the potential for a Slug Discharge.

F. Grease traps must be cleaned prior to receiving a permit.

6.7 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify the Superintendent within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within thirty (30) days after becoming aware of the violation.

6.8 Notification of the Discharge of Hazardous Waste

The discharge of hazardous waste to the POTW is prohibited.

6.9 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 if none are available, then with methods specified in the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association and shall be obtained at the control structure provided, or upon suitable samples taken at said control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer to the point at which the Building Sewer is connected. If no downstream manhole exists where a representative sample can be taken, then the sample location will be determined by the ASC. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the wastewater works and to determine the existence of hazards to life, limb, and property. Except where the Superintendent has approved a certified QA/QC program, all analyses must be performed by a NH or National certified laboratory as necessary.

(The particular analyses involved will determine whether a twenty four (24) hour composite of all discharges of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all discharges whereas pH's are determined from periodic grab samples). Sampling methods, location times, durations, and frequencies shall be subject to approval by the Superintendent.

6.10 Sample Collection

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

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

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

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

6.11 Date of Receipt of Reports

Written reports will be deemed to have been submitted by electronic version with an original signature by pdf and a read receipt kept or on the date postmarked. For reports, which 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.

6.12 Recordkeeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best management Practices established under Section 2.4 C. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the Superintendent, or where the Superintendent has specifically notified the User of a longer retention period.

6.13 Certification Statements

Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 4.7; Users submitting baseline monitoring reports under Section 6.1 B (5). Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 6.3 Users submitting periodic compliance reports required by Section 6.4 A–D and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 6.4B(4). The following certification statement must be signed by an Authorized Representative as defined in Section 1.4:

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

SECTION 7—COMPLIANCE MONITORING

7.1 Power and Authority of Inspectors

A. The ASC and other duly authorized employees of the ASC bearing proper credentials identification shall be permitted to enter all properties at all times and without unreasonable delay for the purposes of inspection, observation, measurement, sampling, reviewing and copying records, reviewing procedures and testing in accordance with the provisions of these Regulations. These provisions shall be liberally construed to permit an inspector to evaluate compliance with these Regulations.

B. The ASC and other duly authorized employees of the ASC bearing proper credentials and identification shall be permitted to enter all private properties for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, maintenance of any portion of the sewerage works lying within said property.

C. The ASC or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the sewerage system.

D. While performing the necessary work on private properties, inspectors shall observe all safety policies applicable to the premises established by the company and the company shall be held harmless for injury or death to the ASC employees and the ASC shall indemnify the company against loss or damages to its property by ASC employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

7.2 Right of Entry: Inspection and Sampling

The ASC or duly authorized agents and/or employees of the ASC shall have the right to enter the premises of any user to determine whether the User is complying with all requirements of this ordinance and any individual wastewater discharge permit or order issued hereunder. Users shall allow the ASC or duly authorized agents and/or employees of the ASC ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties. Application for and acceptance of a discharge permit under these rules shall be deemed to be a consent to all the ASC or duly authorized agents and/or employees of the ASC access to the premises that are the subject of the permit for the purposes of determining and facilitating compliance with the conditions of any such permit and the within rules.

A. Where a User has security measures in force, which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the ASC shall be permitted to enter without delay for the purposes of performing specific responsibilities.

B. The ASC 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 monitoring of the User's operations.

C. The ASC 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 and periodic checks shall be submitted with all self-monitoring reports. All devices used to measure wastewater flow and quality shall be calibrated annually by an outside source to ensure their accuracy.

D. Any temporary or permanent obstruction to safe and easy access to the facilities to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the ASC and shall not be replaced. The costs of clearing such access shall be borne by the User.

E. Unreasonable delays in allowing the ASC access to the User's premises shall be a violation of this ordinance.

F. All equipment and pretreatment facilities shall be maintained in accordance with current State and Federal Regulations.

G. Nothing herein shall be interpreted nor is it intended to, in any way, diminish or waive any rights the ASC or its agents or employees may have to enforce these rules by seeking administrative inspection warrants or other judicial relief in any court of competent jurisdiction.

SECTION 8—CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from ASC's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the ASC, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

SECTION 9—HAULED WASTEWATER

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

B. The ASC requires haulers of industrial waste to obtain individual wastewater discharge permits. Industrial wastewater shall not be comingled with any Industrial wastewater. The ASC may require generators of hauled industrial waste to obtain individual wastewater discharge permit. The ASC also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.

C. No waste hauler may be discharged without prior consent of the Superintendent. The Superintendent may collect samples of each hauled load to ensure compliance with applicable Standards. The Superintendent may require the waste hauler to add chemicals to any load and to provide a waste analysis of any load prior to discharge.

D. Waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

E. No person shall discharge or cause or allow to be discharged, directly or indirectly, into the POTW any septage, septage byproducts, commercial or industrial wastes which originates outside the State of New Hampshire except with the specific written approval of the Superintendent.

F. Fees for dumping hauled wastes will be established as part of the user fee system as authorized in the ASC Fee Schedule.

G. Permit Application and Issuance

1. Any person, firm, corporation, municipal subdivision, or institution, which intends to dispose of hauled wastewater at the AWTF, must possess a valid Hauled Wastewater Discharge Permit (HWDP) issued by the Superintendent. Application for an HWDP shall be made on forms provided by the AWTF and filed at 35 Canal St. Allenstown, New Hampshire.

2. An annual permit fee as set forth in the fee schedule shall be paid at the time an application for an HWDP is filed. Once paid, all annual permit fees are non-refundable. All checks shall be made payable to the ASC. Annual permit fees apply to the period January 1st through December 31st of the subject year. Annual permit fees are due by December 15th of each year for the ensuing year. Annual permit fees shall not be pro-rated for partial periods.

3. Applicants for a HWDP shall provide copies of liability insurance at the time of application and shall provide appropriate renewals thereafter. All HWDPs must remain unexpired through the period of discharge.

4. HWDP are non-transferable and must include a personal guarantee of payment.

5. Issuance of a HWDP does not confer upon the permittee any property right or guarantee of usable capacity at the AWTF.

H. Permit Modification

1. HWDP may be modified for good cause including, but not limited to:

2. Incorporation of any new or revised Federal, State, or local code, standard, regulation, rule, or statute.

3. Any change or condition of either the permittee or the AWTF that requires a temporary or permanent reduction, increase, modification, or elimination of hauled waste.

I. Permit Revocation

The Superintendent reserves the right to revoke any SDP at any time, as deemed appropriate by the Superintendent at its sole discretion. HWDPs may be revoked for reasons including, but not limited to:

(a) Information indicating that a permittee's discharge may pose a threat to AWTF, its process, personnel, or receiving stream.
(b) Non-payment of hauled waste discharge fees/permit and other fees deemed appropriate by the Superintendent.
(c) In the event that the permittee terminates its business, undergoes a major change in ownership of either its corporate voting stock or control of its corporate stock, its possessions, or files bankruptcy, its HWDP shall become void, and the permit tee's authority to discharge hauled waste at the AWTF under said permit is terminated.
(d) Violation of any applicable Federal, State, or local code, standard, regulation, rule, or statute.
(e) Violation of any terms or condition of the HWDP, septage regulations, or the Allenstown Sewer Use Ordinance.
(f) Misrepresentation or falsifying of any information required by the HWDP.
(g) Inappropriate behavior or vandalism of any kind on ASC property.

J. Prohibited Discharges

The following will not be accepted for discharge at the AWTF including but not limited to:

(a) Any commercial or industrial waste that may cause pass through or interference with Treatment Facility operations.
(b) Waste having a pH of less than 6.5
(c) Waste having a temperature higher than one hundred four (104°F) degrees Fahrenheit.
(d) Waste containing fats, wax, grease, or oils, in excess of 100 mg/l. Emulsified or not, unless permitted for grease trap waste.
(e) Waste containing substances, which may solidify or become viscous at temperatures between thirty-two degrees Fahrenheit (32°F) and one hundred four degrees Fahrenheit (104°F).
(f) Waste containing any gasoline, benzene, naphtha, fuel oil, or other petroleum based constituent.
(g) Waste containing any flammable or explosive liquids solids or gases.
(h) Waste containing any hazardous, toxic, poisonous, or radioactive solids liquids or gases
(i) Waste containing any pollutant, including heavy metals, oxygen demand pollutant (BOD etc.) at a flow rate and/or concentration, which will cause a pass -through of pollutants to

occur, or an interference with the Treatment facility operations, stress on the AWTF operations, sludge use and or disposal practices.

(j) Waste that violates Federal, State, or local restrictions.

(k) Waste containing any material considered a hazardous waste under the Resource Conservation and Recovery Act (RCRA).

(l) Should the discharge of hauled waste be detrimental to the operation and maintenance of the Treatment Facilities, the permittee shall be responsible for all costs incurred, which resulted by said discharge.

K. Delivery of Hauled Waste to the AWTF

1. Hauled waste will be accepted at AWT only at times and locations designated by the Superintendent. Any deviation from this schedule at the request of the permittee must have prior approval of the Superintendent and shall incur additional charges to the permittee as per the Allenstown Fee Schedule.

2. Permittees shall ensure all equipment on their truck is in proper operating order at all times. and shall monitor the discharge of the waste throughout the discharge period to ensure that no time is there discharge of material or odor from the permittee's truck. Any offense either deliberate and/or negligent shall result in a verbal warning issued for the first offense. A second offense will result in a written warning to the Permittee. A third offense will result in a fine in accordance with the Fee Schedule. Continued violations shall result in permit revocation.

3. In all cases, the AWTF Superintendent or his designee reserves the right to refuse the discharge of hauled waste at any time in their sole discretion.

4. Should a Permittee anticipate an emergency call during hours other than AWTF's normal business hours, should provide as much notice as possible. Permittees shall call (603) 485-5600 to schedule emergency deliveries. While all efforts will be made to accommodate emergencies, should it be necessary for Facility personnel to respond, the Permittee shall be billed in accordance with the Fee schedule.

5. All hauled wastes are subject to inspection and sampling by AWTF personnel. The Permittee may be required to suspend the discharging of wastes until the analysis is complete.

6. The Permittee shall incur the cost of any analysis that may be required.

7. Upon arrival at the AWTF, truck operators shall report to the truck scale for identification delivery information and weigh in. Following weigh in the truck operators shall proceed to the appropriate discharge station.

8. A copy of the customer receipt(s) must accompany all loads. Customer receipts shall include at a minimum:

   (a) Permittee Name.
   (b) Name, address, and phone number of property owner where load(s) originated.
   (c) Date and time of pickup.
   (d) Estimated quantity in gallons.
   (e) Signature of permittee or its agent with a certification statement.

9. While on AWTF property, the Permittee is responsible to insure that hauled waste does not spill on the grounds of AWTF, and that any spills are cleaned up by the truck operators prior to leaving.

10. Permittee and or truck operator is responsible to leave the discharge area in a properly cleaned and secure condition prior to leaving.

    (a) This may include washing down discharge area, and other tasks as may be appropriate.

11. Permittee shall be responsible for any costs incurred by the AWTF for cleanup and/or damages caused by the truck operator

L. Charges and Billing

1. The ASC shall set charges for the discharge of hauled waste at AWTF.

2. Billing for the discharge of hauled waste shall be sent to permittee monthly for quantities received the previous month. All bills shall be due and payable by the 15th of the month of bill origination; unless total charges of the Permittee are greater than $ 10,000 then the bill is due and payable by the 25th day of the month.

3. A late payment charge shall be added to all accounts past due, at 12% per annum.

4. Non-payment of fees by the due date shall result in revocation of Permittee's HWDP at the AWTF. Chronic non-payment may result in a requirement to make pre-payment in cash at the time of delivery of waste, or permanent revocation of HWPD.

5. Reinstatement of HWDP shall require payment of all past due fees, accumulated interest, administrative fees, and any other costs incurred by the AWTF by virtue of the Permittee's HWDP revocation and the reinstatement permit fee.

6. Should a Permittee account be placed for collection, the Permittee shall be responsible for all costs incurred by the ASC, including attorney fees.

SECTION 10—JUDICIAL ENFORCEMENT REMEDIES

The ASC or its Superintendent shall be entitled to enforce these rules and regulations by any method or means available to it under applicable law, including, by not limited to, the prosecution in any court of competent jurisdiction requests for injunctive relief, criminal and/or civil sanctions, including but not limited to any "civil penalties" authorized pursuant to RSA 149-I"6, or any other remedy legally applicable and available.

SECTION 11—EFFECTIVE DATE

A. This ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

B. Any Rules and regulations consistent with this Ordinance may be adopted and/or amended by the ASC.

C. Revised, passed and adopted at a duly authorized meeting of the Board of Sewer Commissioners, of the Town of Allenstown, State of New Hampshire held on the 28th day of October 2014.

11.1 Severability

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

BOARD OF SEWER COMMISSIONERS
Allenstown, New Hampshire

Carl Caporale, Commission Chair

Jeffrey McNamara, Commissioner

Lawrence Anderson, Commissioner