

SEWER USE ORDINANCE

Adopted: June 16, 2008

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

Be it ordained and enacted by the Board of Selectmen of the Town as follows:

SECTION 1 - GENERAL PROVISIONS

1.1 Purpose and Policy

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

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

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

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

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

B. To prevent the introduction of pollutants into the POTW that will interfere with its operation;

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

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

1.2 Administration

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

1.3 Abbreviations

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

§	BOD	-	Biochemical Oxygen Demand
§	CFR	-	Code of Federal Regulations
§	COD	-	Chemical Oxygen Demand
§	EPA	-	United States Environmental Protection Agency
§	gpd	-	Gallons per day
§	IDP	-	Industrial Discharge Permit
§	mg/l	-	Milligrams per liter
§	NHDES	-	New Hampshire Department of Environmental Services
§	NHDOT	-	New Hampshire Department of Transportation
§	NPDES	-	National Pollutant Discharge Elimination System
§	POTW	-	Publicly Owned Treatment Works
§	RCRA	-	Resource Conservation and Recovery Act
§	RSA	-	New Hampshire Revised Statute Annotated
§	SIC	-	Standard Industrial Classification

\$	TDS	-	Total Dissolved Solids
\$	TSS	-	Total Suspended Solids
\$	USC	-	United States Code

1.4 Definitions

- A. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.
1. Act or the Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. ' 1251 et seq.
 2. Approval Authority. The Regional Administrator of the EPA or his duly appointed agent.
 3. Authorized Representative of the User.
 - a. If the user is a corporation:
 - i. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - ii. The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - b. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - c. If the user is a federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility.
 - d. The individuals described in paragraphs (a) through (c), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Town.

4. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20E centigrade, usually expressed as a concentration (e.g., mg/l).
5. Building Drain. That part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
6. Building Sewer. The extension from the building drain to the public sewer or other place of disposal, also called house connection.
7. Bypass. The intentional diversion of wastestreams from any portion of a wastewater treatment facility.
8. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limitations promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. ' 1317) that apply to a specific category of users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
9. Combined Sewer. A sewer intended to receive both wastewater and storm or surface water.
10. Commercial Use. Premises used for financial gain, such as business or industrial use, but excluding residential uses and related accessory uses.
11. Commissioner. The Commissioner of the New Hampshire Department of Environmental Services, or the commissioner=s duly appointed agent.
12. Compatible Pollutant. Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria.
13. Control Authority. The term Control Authority as used in this Ordinance, refers to the Town of Newport Sewer Department.
14. Department. The Newport Public Works Department representatives designated by the Town to supervise the operation and maintenance of the wastewater collection system and the POTW, and who are charged with certain duties and responsibilities by this Ordinance, or a duly authorized representative.
15. Domestic Wastewater or Sewage. Normal water-carried household and toilet wastes or waste from sanitary conveniences of residences, commercial buildings, and industrial plants, excluding ground, surface, or storm water. (See also: Industrial Wastes.)
16. Easement. An acquired legal right for the specific use of land owned by others.

17. Environmental Protection Agency or EPA. The United States Environmental Protection Agency or, where appropriate, the EPA Regional Water Management Division Director, or other duly authorized official of said agency.
18. Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
19. Floatable Oil. Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.
20. Food Service Establishment. Any facility that cuts, cooks, bakes, prepares or serves food, or which disposes of food-related wastes and/or which has a local, State and/or Federal food service permit.
21. Food Waste. The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.
22. Food Waste Grinder. A device which shreds or grinds up solid or semisolid waste materials into smaller portions for discharge into the POTW.
23. Force Main. A line without access from individual properties, providing a connection from a pump station to a pump station, trunk, or sanitary sewer main.
24. Garbage. Any remaining residue or trash, other than food waste, i.e. plastic material and films, paper, cardboard, metal and other non-biodegradable waste resulting from the disposal, handling, preparation or manufacturing of the same. This type of material is not to be disposed of in any form or size to the sewer system, it is best disposed of into a dumpster.
25. Grab Sample. A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
26. Generator. A facility that causes, creates, generates, stores or otherwise produces waste from on-site process operations, whether domestically or commercially generated, or as a byproduct of some domestic or non-domestic activity. The generator is responsible for assuring that the produced waste is disposed of in accordance with all Federal, State and local disposal regulations.
27. Grease. Fats, waxes, free fatty acids, calcium and magnesium soaps, mineral oils and certain other non-fatty material from animal or vegetable sources, or from hydrocarbons of petroleum origins, commonly found in wastewater from food preparation and food service.

Grease may originate from, but not limited to, discharges from scullery sinks, pot and pan sinks, dishwashing machines, soup kettles and floor drains located in areas where grease-containing materials may exist.

28. Grease Interceptor or Grease Trap or Interceptor. A water-tight receptacle utilized by commercial or industrial generators of liquid waste to intercept, collect and restrict the passage of grease and food particles into the POTW to which the receptacle is directly or indirectly connected and to separate and retain grease and food particles from the wastewater discharged by a facility.
29. Grease Interceptor Waste. Any grease, food particles, organic or inorganic solid or semisolid waste collected and intercepted by a grease interceptor or grease trap, usually in layers of floatable, suspended and settleable substances, which are ultimately removed from a grease interceptor for proper disposal. All layers must be removed for disposal.
30. Hauler. Those persons, firms, or corporations, who pump, haul, transport, or dispose of septage and who are licensed by the New Hampshire Department of Environmental Services pursuant to RSA 485-A:4,XVI-a and rules adopted to implement said section.
31. Human Excrement and other Putrescible Material. The liquid or solid matter discharged from the intestinal canal of a human, or other liquid or solid waste materials that are likely to undergo bacterial decomposition; (provided, however, that these terms shall not include refuse as defined in RSA 145-M).
32. Incompatible Pollutant. Any pollutant other than biochemical oxygen demand, suspended solids, coliform bacteria or additional pollutants not identified or authorized in the discharge license or permit, which the treatment facility was not designed to treat and does not remove to a substantial degree; or such substances which cause or exert excessive dissolved oxygen demand; or such substances that are toxic to the biological treatment process.
33. Incompatible Wastes. Wastes that have different processing, storage or disposal requirements, or whose mixture would inhibit the proper disposal or treatment of each type of waste, or wastes that if mixed may cause a dangerous chemical or physical reaction, including, but not limited to, grease interceptor waste and grit interceptor waste, grease interceptor waste and septic tank waste, seepage and hazardous waste, or any combination or combinations thereof.
34. Industrial Discharge Permit or IDP. The written permit between the Town and an industrial user that outlines the conditions under which discharge to the POTW will be accepted.
35. Industrial User. A person who discharges industrial wastes to the POTW of the Town.
36. Industrial Wastes or Non-Domestic Wastewater. The wastewater and waterborne wastes from any liquid, gaseous, or solid waste substance resulting from any process of industry,

manufacturing trade or business or from development of any natural resources as distinct from domestic wastewater, sewage or unpolluted water.

37. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.
38. Inspection Port. Openings with easily opened covers designed to allow inspectors quick access to the inlet flow control device, each compartment of the grease interceptor and the effluent from the interceptor.
39. Instantaneous Discharge 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.
40. Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore is a cause of a violation of the Town's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as RCRA; any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; the Marine Protection, Research, and Sanctuaries Act; 40 CFR Part 503 Standards for Sewage Sludge Use and Disposal and RSA 485-A:4, XVI-a.
41. Local Limits. Numerical limitations on the discharge of pollutants established by the Town, as distinct from State or federal limitations for non-domestic wastewater discharged to the POTW.
42. May. Means permissive (see "Shall").
43. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, chemotherapy wastes, and dialysis wastes.
44. Monitoring Port. An inspection port large enough to allow temporary installation of monitoring devices such as samplers, strip recorders, flow meters or other such measuring and/or monitoring devices.
45. National Pollutant Discharge Elimination System Permit or NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

46. Natural Outlet. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body or surface water or groundwater.
47. Non-Conformance. Any construction that does not conform to the standards and specifications for that project.
48. Normal Domestic Wastewater. Wastewater generated by residential users containing not more than 200 mg/l BOD and not more than 250 mg/l suspended solids.
49. New Source.
 - a. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced subsequent to the publication of proposed pretreatment standards under Section 307(c) of the Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - I. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - ii. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - iii. The production or wastewater-generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, will be considered.
 - b. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - I. Begun, or caused to begin, as part of a continuous on-site construction program
 - ia. any placement, assembly, or installation of facilities or equipment; or
 - ib. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that is necessary for the placement, assembly, or installation of new source facilities or equipment; or

- ii. Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
 - c. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (a)(ii) or (a)(iii) above but otherwise alters, replaces, or adds to existing process or production equipment.
 - 50. Non-Contact Cooling Water. Water used for cooling that does not directly contact any raw material, intermediate product, waste product, or finished product.
 - 51. Pass Through. A discharge that exits the POTW into waters of the United States in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Town's NPDES permit, including an increase in the magnitude or duration of a violation.
 - 52. Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, State, and local governmental entities.
 - 53. pH. A logarithmic measure devised to express the hydrogen ion concentration of a solution, expressed in Standard Units. Solutions with pH values greater than 7 are basic (or alkaline); solutions with pH values less than 7 are acidic.
 - 54. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
 - 55. Pollution Prevention. The use of materials, processes, or practices that reduce or eliminate the creation of pollutants or wastes at the source, or minimize their release to the environment prior to recycling, treatment or disposal. It includes practices that reduce the use of hazardous materials, energy, water or other resources. It also includes practices that protect natural resources and human health through conservation, more efficient use, or effective release minimization.
 - 56. 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
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processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

57. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
58. Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical standards as applicable to any significant industrial user subject to the USEPA categorical discharge standards and all applicable local limits.
59. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances as identified in Section 3.3 of this Ordinance.
60. Properly Shredded Garbage. Wastes from the preparation, cooking, and dispensing of food that have been processed to such a degree that all particles will be transported freely under the flow conditions normally prevailing in public sewers, with no particle greater than 2 inch in any dimension.
61. Public Sewer. A pipe or conduit that carries wastewater, storm water, groundwater, subsurface water, or unpolluted water from any source, which is controlled by a governmental agency or public utility.
62. Publicly Owned Treatment Works or POTW. A treatment works, as defined by Section 212 of the Act (33 U.S.C. ' 1292) that is owned by the Town. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if these structures convey wastewater to a POTW wastewater treatment facility. The term also means the municipality that has jurisdiction over discharges to and from such a treatment plant, and any sewer that conveys wastewater to the POTW from persons outside the Town who are, by contract or agreement with the Town, users of the Town's POTW.
63. Recreational Vehicle or "RV". A mobile vehicle or trailer used for temporary living e.g. a camper or wholly self-contained transport and living unit..
64. Sanitary Sewer. A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial facilities, and institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
65. Screening Level. That concentration of a pollutant that under baseline conditions would cause a threat to personnel exposed to the pollutant, or would adversely impact structures of the POTW. To be administered as local limits applicable to a particular discharge, the screening levels must be adjusted to account for conditions at the point of discharge that differ from baseline conditions.

66. Semi-Public Use. Premises of private, non-profit organizations such as schools, hospitals, and religious institutions.
 67. Septage or Septic Tank Waste. Any liquid, solid, or sludge pumped from chemical toilets, vaults, septic tanks, or cesspools or other holding tanks, that have received only domestic wastewater.
 68. Septage Tank Truck. Any watertight vehicle that is used for the collection and hauling of septage as described above and that complies with the rules of the New Hampshire Department of Environmental Services.
 69. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
 70. Sewer. A pipe or conduit that carries wastewater, storm water, groundwater, subsurface water, or unpolluted water from any source.
 71. Shall. Means mandatory (see "May").
 72. Significant Industrial User.
 - a. A user subject to categorical pretreatment standards under 40 CFR 403.8 and 40 CFR Chapter I, Subchapter N; or
 - b. A user that:
 - i. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);
 - ii. Contributes a process wastestream that comprises five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - iii. Is designated as such by the Town on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
 - c. Upon determining that a user meeting the criteria in Subsection b.i. or b.ii. has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Town may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.
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73. Significant Noncompliance or SNC. An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:
- a. Chronic violations. A pattern of violating the same pretreatment standard daily maximum or average limit (any magnitude of exceedence) sixty-six percent (66%) or more of the time in a 6-month period;
 - b. Technical Review Criteria (TRC violations). Thirty-three percent (33%) or more of the measurements exceed the same pretreatment standard daily maximum limit or average limit by more than the TRC factor in a six month period. The TRC factor is 1.4 for biochemical oxygen demand (BOD), total suspended solids (TSS), oil & grease and 1.2 for all other pollutants except pH;
 - c. For pH monitoring, excursions shall be considered SNC when:
 - i. The total time during which the pH values are outside the required range of pH values exceeds 7 hours and 26 minutes in any calendar month; or
 - ii. An individual excursion from the range of pH values exceeds 60 minutes; or
 - iii. An excursion occurs that the Town believes has caused, alone or in combination with other discharges, interference or pass-through; or has endangered the health of the sewage treatment personnel or the general public; or
 - iv. Any pH less than or equal to 2.0 or greater than or equal to 12.5.
 - d. Any other discharge violation that the Department or Department believe has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
 - e. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Department=s or Department=s exercise of its emergency authority to halt or prevent such a discharge;
 - f. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
 - g. Failure to provide within thirty (30) days after the due date, any required reports, including Monthly Operation reports, copies of NPDES DMR reports, Industrial
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Discharge Permit applications, copies of Categorical Pretreatment Standards test results, periodic self-monitoring reports, and reports on compliance with compliance schedules;

- h. Failure to accurately report noncompliance; or
- I. Any other violation(s) that the Department or Department determines will adversely affect the operation of the POTW or implementation of the local pretreatment program.

74. Slug Load or Slug. Means:

- a. Any discharge of water, wastewater, sewage, or industrial sewage which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation;
- b. Any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in Section 3.3 of this Ordinance; or
- c. Any discharge that may adversely affect the collection system and/or performance of the POTW.

75. Source Reduction. Any practice that:

- a. Reduces the amount of any hazardous substance, pollutant, or contaminant entering any wastestream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and
- b. Reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants.

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

76. Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
77. State. The State of New Hampshire.
78. Storm Drain or Storm Sewer. A drain or sewer for conveying storm water, groundwater, subsurface water, or unpolluted water from any source.
79. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
80. Superintendent of WWTF. The person designated by the Town to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Ordinance, or a duly authorized representative.
81. Suspended Solids or TSS. 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.
82. Town: The Town of Newport, NH
83. Treatment Plant, Treatment Works, or Treatment Facility. Any device or system used in the storage, treatment, equalization, recycling or reclamation of wastewater and/or wastewater sludges as defined herein.
84. Unpolluted Water. Water of quality equal to or better than the State Water Quality Standards (Part Env-Ws 430 through Env-Ws 440) or water that would not cause a violation of receiving water quality standards and would not be benefitted by discharge to the POTW.
85. User or Industrial User. A source of pollutants introduced into the POTW from any non-domestic source regulated under Section 307 (b), (c), or (d) of the Act.
86. Wastewater. Liquid and water-carried industrial wastes and/or sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
87. Watercourse. A natural or artificial channel for the passage of water either continuously or intermittently.

SECTION 2 - GENERAL SEWER USE REQUIREMENTS

2.1 Use of Public Sewers

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Newport or in any area under the jurisdiction of said Town, any human or animal excrement, garbage, or objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of said Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance and with State and federal laws and regulations.
- C. Sewers For Intended Uses Only. No person shall discharge into any public sewer of the Town, or into any fixture that thereafter discharges into any public sewer, any waste or substance other than for which the particular sewer is intended, designed or provided.
- D. Applicable Permits Required. No person shall discharge into any public sewer of the Town, or into any fixture that thereafter discharges into any public sewer, any waste or substance until all applicable federal, state and local permits have been obtained.
- E. Use of Sanitary Sewers. Except as specifically provided with 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 unpolluted water.
- F. Use of Storm Drains. 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. Use Designation. If the intended or designated use of any particular sewer or drain and allowable discharge thereto is unclear, the Department will consider the pertinent facts and make a determination. Said determination will be final and binding.
- H. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater in any area where a public sewer is available, as described in paragraph (I) below.
- I. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Town, is hereby required at the owner(s)' expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this

Ordinance, within ninety (90) days subsequent to the date of official notice to do so, provided that said gravity public sewer is within one hundred (100) feet of the building. This requirement for connection may be waived when permitted by the Department if the household is already connected to a properly functioning, State-approved septic system constructed after 1985.

- J. Where a public sanitary sewer is not available under the provisions of paragraph (I) above, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of RSA 485-A:29-44 and rules 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 Town. At no time shall any quantity of industrial waste be discharged to a private, domestic wastewater disposal facility.
- K. At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, the owner shall connect to the public sewer, as provided in paragraph (I) above. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with clean mineral soils, and their use shall be discontinued.
- L. No statement contained in the preceding paragraphs of this Section shall be construed to interfere with any additional requirements that may be imposed by the Department.
- M. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment that is part of the POTW.
- N. No person(s) shall make connection of roof downspouts, interior or exterior foundation drains, area-way drains, sump pumps or other sources of surface run-off or groundwater to a building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer.
- O. No person shall obstruct the free flow of air through any drain or soil pipe.

2.2 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 Department.
- B. Applications, Permits and Approvals
 - 1. All applications for approval are to be submitted to the Newport Town Office of Planning & Zoning. The information will be reviewed by the Department to evaluate availability of sewer services and the impact upon the sewer system.
 - 2. For single residential and other small services, the owner(s) or his agent shall make application on a Utilities Permit Application furnished by the Town to allow at least ten (10) business days for review of service connection. Service connection to be installed only after Department approval and payment of all applicable fees. A small service is a service to a

facility that is supplied with a 1" or smaller water service line and uses less than 30 gallons per minute of water. An access and inspection fee in accordance with the provisions of the Utilities Permit Application shall be paid to the Town at the time the application is filed.

3. For large developments, institutional, industrial, large commercial facilities and new sewer main installations, the application shall be made at least sixty (60) business days for review of project proposals before final approval and construction commences. A new Utilities Permit Application shall be submitted if there are any revisions, changes or additional requirements relative to the proposed project. The revised application shall be made to allow at least twenty (20) business days for review before project approval. Access and inspection fees in accordance with the provisions of the Water and Sewer Fee Ordinance are due to be paid to the Newport Water and Sewer Department at the time the application is filed.
 - a. All applications, comments, designs, plans, proposals and revisions thereof are to be submitted to the Newport Town Office of Planning and Zoning.
 - b. The submittal shall be reviewed by the Department. The Department shall submit written review comments, rejections and approvals to the Newport Town Office of Planning and Zoning.
 - c. The Department may, at its discretion, require the additional review of the project by other agencies and departments.
 - d. Projects that require NHDES Engineering review shall be considered for approval by the Department only after such review is completed.
 - e. Projects that require review by the Newport Water and Sewer Commissioners shall be considered for approval by the Department only after such review is completed.
 - f. Construction of the proposed project shall not initiate until such time as all access and inspection fees are paid and all Department approvals are complete.
 - g. Inspections shall be as per Section 2.3
4. Applications for large developments, institutional, industrial, large commercial facilities and new sewer main installations shall submit the following information:
 - a. Design flow calculations
 - b. Nature of flow
 - c. Design drawings with minimum scales:
 1. Horizontal 1" = 40'
 2. Vertical 1" = 4'

- d. Design drawings shall include:
 - 1. Complete site drawings including all utility lines
 - 2. Sewer profiles showing all vertical separation of utilities
 - 3. Complete system specifications
 - 4. All appropriate details
 - e. Plans submitted by a Professional Engineer licensed in New Hampshire.
 - f. A detailed design documenting the basis for the selection, sizing, and general design of the infrastructure. This shall include, at a minimum, the number of units and expected flows, factors and assumptions used in sizing sewers, force mains, pump stations, and other infrastructure.
 - g. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgement of the Department.
 - h. A detailed project schedule that clearly identifies the dates or time frames associated with Planning Committee Submittals and Approvals, construct start dates, testing and start-up of infrastructure, acceptance by the Newport Water and Sewer Department, and expected commissioning of systems.
- C. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The Newport Water and Sewer Department reserves the right to recover costs associated with the review of any submittals, analysis of capacity to serve, inspection, and field-testing and start-up.
- D. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases, the front building sewer may be extended to the rear building and the whole considered as one building sewer, but the Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.
- E. Separation of Water and Sewer Lines. Sewer Lines shall be located with a minimum 10 feet horizontal separation from any existing or proposed potable water lines. Whenever sewers must cross water mains, the sewer shall be constructed as follows:
- a. Sewer pipe shall be Class 52 Ductile Iron for a minimum distance of nine feet for each side of the crossing.

- b. Joints shall be mechanical type water pressure rated with zero leakage when tested at 25 pounds per square inch for gravity sewers and 1 2 times the working pressure for force mains. Joints shall not be located within nine feet of the crossing.
 - c. Vertical separation of the sewer and water lines shall not be less than 18".
 - F. During construction of a new sanitary sewer, the Town may construct the service connections for existing buildings to the curb or the property line or the edge of a right-of-way. Construction of the building sewer, including connection to the structures served, shall be the responsibility of the owner of the improved property to be connected; and such owner shall indemnify and save harmless the Town, its officers, and agents from all loss or damage that may result, directly or indirectly, due to the construction of a building sewer on his premises or its connection to the service connection. The owner shall thereafter be obligated to pay all costs and expenses of operation, repair and maintenance, and of reconstruction, if needed of the building sewer and service connection.
 - G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage conveyed by such building drain shall be lifted by an approved means and discharged to the building sewer at the owner's expense.
 - H. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, other applicable rules and regulations of the Town, and the procedures set forth in Section 2.3 of this document. All such connections shall be made gas-tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Department before installation.
 - I. The applicant for the building sewer permit shall notify the Department when the building sewer is ready for inspection and connection to the public sewer. Such notice shall be provided not less than 3 working days in advance of the time any connection is to be made to any public sewer. The connection and testing shall be made under the supervision of the Department or his representative. This requirement shall also apply to repairs or alterations to building connections, drains or pipes thereto.
 - J. Suitable provisions shall be made at the point of connection for testing, which responsibility shall rest with the holder of the sewer connection permit.
 - K. No building sewer shall be covered until it has been inspected and approved by the Department. If any part of building sewer is covered before being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to the public sewer.
 - L. The Department shall maintain a record of all connections made to public sewers and drains under this Ordinance and all repairs and alterations made to building connections or drains connected to
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or discharging into public sewers and drains of the Town or intended to so discharge. All persons concerned shall assist the Department in securing the data needed for such records.

- M. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town at the expense of the owner.
- N. Proposed new discharges from residential or commercial sources involving loadings exceeding 50 population equivalents (5,000 gpd), any new industrial discharge, or any alteration in either flow or waste characteristics of existing industrial wastes that are being discharged into the POTW must be approved by NHDES. Such approvals shall be obtained in accordance with Section 6.5 of this Ordinance. Any plans for substantial sewerage, or new pump stations must be submitted to NHDES for approval.
- O. Abandonment of Service. No person shall dismantle or move any building having a service entrance into a public sewer without first notifying the Department. Before the building is dismantled or moved, the entrance of the sewer service into such building shall be sealed with a watertight masonry plug or rubber cap. The seal shall be installed under the supervision of the Department. If the building sewer is determined to be unserviceable by the Department, the owner shall, at his own expense, remove such service and seal the opening at the public sewer.

2.3 Sewer Construction

A. General

1. Project Coordination. The Newport Water and Sewer Department provides wastewater collection, interception, and treatment services. In general, the Newport Water and Sewer Department will accept additional sewerage infrastructure when designed in accordance to State/Local Code, general engineering practice, and Newport Water and Sewer Department standards and details in this section and in Attachments 1-8. This specification includes limited Newport Water and Sewer Department standards intended to convey the general nature and quality of acceptable infrastructure.

The Newport Water and Sewer Department will not accept or operate any infrastructure until the project has been completed and tested in accordance with any submittals and Newport Water and Sewer Department standards and details in this section and in Attachments 1-8. As-built drawings must be provided to and approved by the Newport Water and Sewer Department before any infrastructure will be accepted or operated by the Newport Water and Sewer Department.

2. Inspection. An inspector from the Newport Water and Sewer Department, a consultant working for the Newport Water and Sewer Department, or an inspector retained by the Town

of Newport (with responsibility for the oversight of sewerage infrastructure to be installed) will be assigned to each project to ensure that all work is completed and materials are installed in compliance with all submittals and these specifications. The Newport Water and Sewer Department, or its representative, before incorporation into the work, must approve any deviation from the approved plans or specifications. The Contractor shall schedule with the Newport Water and Sewer Department for inspection services a minimum of 3 working days prior to construction. The Newport Water and Sewer Department cannot guarantee an inspector for the project without this notice. Start-up and acceptance testing of systems will require a 3 working day notice. All testing shall be observed by the Newport Water and Sewer Department or its representatives.

B. Non-Conformance

The Public Works Department will notify the contractor of any non-conformances. All non-conformances will be followed up in writing. All non-conformances shall be corrected at the contractor's expense.

C. Standard Specifications and Details

1. Submittals:

- a. Manufacturer's product data and installation instructions.
- b. Certified copies of tests on pipe units.
- c. Construction Records: Record depth and location of the following:
 1. House service capped ends, clean-outs, bends in house service, connection points to sewer main.
 2. Bends, thrust blocks in force mains.
 3. Repairs to existing pipes.

Record neatly in a permanently bound notebook and submit at Substantial Completion. Provide access to records for the Newport Water and Sewer Department at all times. Submit copies to the Newport Water and Sewer Department on a weekly basis.

- d. Shop Drawings: Submit for precast manholes and all precast concrete items. Show components to be used, elevations of top of precast sections, base and pipe inverts, location of pipe penetrations for each manhole. Verify finish grade elevation at each proposed manhole location in the field.

- e. Product Data: Submit manufacturers' product data and installation instructions for frames, covers, grates, precast items, manhole sleeves and joint sealants.
2. Products Pipe and Fittings
 - a. General: Provide fittings of same type and class of materials as pipe. Provide commercially manufactured wyes or tee/gyes for service connections. Fitting must have single piece gasket.
 - b. PVC Non-Pressure Pipe and House Services (Sewer):
4" through 12" Diameter: ASTM D3034 or ASTM D3033, strength requirement SDR 35; push-on joints, ASTM D3212; gaskets, ASTM F477.
Pipe stiffness, measured in accordance with ASTM D2412, shall be a minimum of 45 psi at 5% deflection.
 - c. Ductile Iron Pipe (Force-main): AWWA C151; thickness Class 52 AWWA C150; double cement lined, AWWA C104; push-on joints or mechanical joints with rubber gaskets, AWWA C111; fittings, AWWA C110.
 - d. Allowable Pipe Leakage Maximum allowable infiltration rates shall not exceed 300 gallons per inch diameter per mile per day for all types of pipe used in sewer systems.
 - e. Pipe Sizes. Eight-inch diameter is minimum acceptable for new gravity sewer mains. Four-inch diameter is minimum for building sewer where full flowing velocity will not be less than two feet per second and future extensions not anticipated.
 3. Manholes
 - a. Manhole and precast concrete structures capable of supporting AASHTO HS-20 loading. All precast concrete shall comply with ASTM C913 "Standard Specification for Precast Concrete Water and Wastewater Structures."
 - b. Precast Manhole Components: Shall comply with ASTM C478.
 - c. Base Sections: Precast monolithic construction to a point at a minimum of 6 inches above the crown of the incoming pipe.
 - d. Barrel Sections: Precast with no steps.
 - e. Top Sections: Precast eccentric cone with no steps.
 - f. Pipe to Manhole Connections: Flexible manhole sleeves shall be CP series manufactured by Interpace Corp., or approved equal. Size to fit diameter and type of pipe without use of gaskets.
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- g. Joints Between Precast Sections: Watertight, ship-lap-type seal with two rings of one-inch diameter butyl rubber sealant.
 - h. The exterior of all precast manhole sections shall be coated with a bituminous waterproof coating. The bituminous coating shall conform to ASTM Designation: D 41.
4. Drop and Valve Manholes
- a. General: Conform to requirements for manholes. Provide pipe and accessories as shown on Drawings.
 - b. Riser Support Bracket: 10 gauge, Type 304, No. 3 finish stainless steel.
5. Inverts: Prefabricated plastic inverts are preferred.
- a. 180 Degree Straight Through Manholes: One piece molded fiberglass invert with integral pipe connections that are factory precast integral with the manhole base, AFiberliner 2000 Invert System® as manufactured by Fiberliner 2000 New England, Inc, Tel. (508) 349-7401; or approved equal.
 - b. Non Straight Through Manholes: One-piece plastic composite invert, AReliner® as manufactured by Reliner B Duran, Inc. Tel. (860) 434-0277; or approved equal. Provide concrete backfill with brick table.
 - 1. Concrete: 3000 psi.
 - 2. Sewer Brick: ASTM C32, Grade SS, hard brick.
 - 3. Mortar: Type M, ASTM C270. Use Type II Portland cement, Type S lime. Proportions for Mortar: 1 part Portland cement, 1/4 part hydrated lime, 3 to 3 3/4 parts sand.
6. Risers: Rubber riser rings are preferred.
- a. Rubber adjustment riser rings manufactured from a rubber fibrepolyurethane prepolymer composite, AInfra-Riser® as manufactured by GNR Technologies Inc. or approved equal.
 - b. No more than 3 courses of brick may be used. Any work must be acceptable to the Newport Water and Sewer Department.
7. Frames, Covers, and Grates:

- a. Material: Cast iron, ASTM A48 Class 30.
 - b. Manhole Frames and Cover: Manholes shall have a minimum 30" diameter clear opening. Sewer manhole covers shall be labeled with "SEWER" in 3" high raised letters cast into the cover. Standard frames and covers shall be Model LA 326-4 by LaBarron Foundry, or approved equal.
8. Miscellaneous:
- a. Joint Sealants:
 1. Butyl Rubber Sealant: One (1) inch diameter strips manufactured by Kent Seal, or approved equal.
 2. Butyl Rubber Caulking: Conform to AASHTO M-198, Type B.
 - b. Sewer Manhole Inverts: Provide inverts as specified or as shown. Configuration to be as required by connecting pipes and as shown on Drawings.
 - c. Flexible Couplings: Use and location shall be approved by the Newport Water and Sewer Department.
 1. Type A: Dresser Style 53 as manufactured by Dresser, or approved equal.
 2. Type B: Neoprene sleeve with stainless steel bands by Fernco, or approved equal.
 - d. Pipe Supports: Saddle type, steel, painted, adjustable, by ITT Grinnell, or approved equal.
 - e. Geo-textile Fabric: Miraft 140N, or approved equal.
 - f. Force-main Marking Tape: Lineguard III by Tri-Sales, Inc., 2" wide, green; detectable with magnetic locators, or approved equal.
 - g. Rigid Insulation: Extruded closed-cell rigid foamed polystyrene, 2 inch thickness, width of trench, Styrofoam HI-60, by Dow Chemical, or approved equal.
- D. Installation and Construction of Gravity Pipe and Fittings:
1. General Methods:

a. Install in accordance with manufacturer's recommendations. Use a laser beam or transit for line and grade unless otherwise permitted by the Newport Water and Sewer Department. Secure each length of pipe with bedding before placing next length. Plug open ends when work is suspended. Bed pipe as shown on Drawings.

b. Grade and Line:

1. Grade and Line shall be sufficient to provide minimum velocities of 2.0 fps. Lay pipe to line and grade shown on the Drawings as reviewed and approved by the Newport Water and Sewer Department. If grade is not shown, determine elevations of start and finish points for each run of pipe. Lay pipe to a uniform grade between these points.

Minimum Pipe Slope

<u>Pipe Diameter</u>	<u>Slope</u>
4-inch	0.008
6-inch	0.005
8-inch	0.004
10-inch	0.0028
12-inch	0.0022
18-inch	0.0012
24-inch	0.0008

2. Line and grade may be adjusted as approved by the Newport Water and Sewer Department, when required by field conditions.
3. In all cases where slope and size result in average velocities in excess of 10 feet per second or more, provide protection against erosion and shock. When houses are spaced a considerable distance apart, the minimum slope shall be slightly steeper for effective drainage and pipe maintenance.
4. Depth of Lines. Provide sufficient depth to drain basements in all cases practical. Minimum coverage above the pipe shall be 24 inches below finished grade.

c. Conditions: Lay pipe in the dry. Do not use installed pipe to remove water from work area.

d. Flush and clean all pipe and remove all debris and materials. Flushing and cleaning methods shall be in accordance to Newport Water and Sewer Department Standards and approved by the Newport Water and Sewer Department. Gravity flushing is not acceptable.

- e. Connections to Manholes: Any connections shall be in accordance with Newport Water and Sewer Department Standards. Connections to existing structures must not result in additional infiltration. Any joints shall be located within 3 feet of inside surface of manholes and catch basins.
- f. House Service Fittings and Lines:
 - 1. The minimum size of sewer service lines 4".
 - 2. Depth and location of service to be determined in field, as approved by the Newport Water and Sewer Department.
 - 3. Provide tee/wye or wye fittings on main line pipe. Extend services to a edge of Right-of-Way as determined by the Newport Water and Sewer Department.
 - 4. All new building sewer laterals shall be installed with a vertical cleanout riser located at the property line. The cleanout riser shall be of four (4") inch minimum diameter.
 - 4. Provide clean outs as required.
 - 5. Plug, or cap, and stake ends of new service. Provide stake that extends from plug or cap to 1 foot above ground surface. Provide the Newport Water and Sewer Department with measurements of pipe installed and in obtaining swing ties to ends of leads.
 - 6. All service connections must be shown on as-built drawings.
 - 7. Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the Department to meet all requirements of this Ordinance.
- E. Installation of Forcemains and Pressure Pipe:
 - 1. Grade and Line: Lay pipe to line and grade as approved by the Newport Water and Sewer Department. Do not allow positive-negative grade discontinuities.
 - 2. Install warning tape continuously from the pump stations to the end of each force main. At ends of rolls and repairs, splice tape with 3-foot overlap connected with duct tape. Extend to grade of each manhole.
 - 3. Thrust Protection: Provide thrust protection at all bends in force-mains in accordance with Standards and as approved by the Newport Water and Sewer Department.

F. Utilities to be Abandoned:

Close open ends of abandoned underground utilities that are not indicated to be removed. Provide sufficiently strong water tight closures, such as rubber caps with sufficient strength to withstand hydrostatic or earth pressure that may result after ends of abandoned utilities have been closed. CONTRACTOR may remove abandoned utilities with written permission of the Newport Water and Sewer Department or Town.

G. Insulation:

1. Install as shown on approved Drawings.
2. Provide 2-inch minimum thickness for sewer, force-main, and water main, compacted sand layers directly above and below insulation.

H. Testing of Sanitary Sewers:

1. General: Test all sanitary sewer pipes after backfilling. Install all house service leads on main line before testing. Perform tests in presence of the Newport Water and Sewer Department. A maximum of 1000 feet of pipe may be installed but not tested at any time.
2. Gravity Sewer Leakage Tests: Use low pressure air test as follows:
 - a. Plug ends of section to be tested.
 - b. Supply air slowly to the pipe to be tested until the air pressure inside the pipe is 4.0 psi greater than the average back pressure of any groundwater submerging the pipe.
 - c. Disconnect air supply and allow a minimum of two minutes for stabilization of pressure.
 - d. Following stabilization period measure drop in pressure over the test period within the following times:

Nominal Pipe Size (in.)	Test Period (min.)
4	4
6	4
8	6
10	6
12	7
15	8
18	9
21	11
24	13

- e. Acceptable drop: No more than 1.0 psi.
3. Force-main and Pressure Sewer Tests: Use hydrostatic test as follows:
 - a. Fill section of pipe with water and expel all air.
 - b. Pressurize to 1.5 times the normal operating pressure but not less than 60 psi.
 - c. Measure leakage over a 2-hour test period.
 - d. Acceptable leakage: Less than 10 gallons per day per inch diameter per mile of pipe tested.
4. Deflection Test for PVC Gravity Sewer Pipe: Test 100% of pipe with mandrel "GO-NO-GO" gauge allowing maximum deflection per ASTM D3034.
5. TV Inspection: All sewers and drains shall be inspected by an approved CONTRACTOR using TV pipe inspection. Defects in materials and/or workmanship found during the inspection shall be corrected by the CONTRACTOR.
6. Repair and/or replace all pipes not passing tests, using materials and methods approved by the Newport Water and Sewer Department, and retest.

I. Installation of Manholes/Precast Structures:

1. Placement: Place precast bases and structures on compacted bedding material so bottom of structure is plumb and pipe inverts are at proper elevations. Place manhole barrel and top sections in the appropriate height combinations. Plug all lifting holes inside and out with non-shrink grout. Construct manhole inverts in accordance with specifications.
2. Joints: Follow manufacturers instructions for sealing joints between precast sections. Provide two rings of 1 inch diameter butyl rubber sealant. Point joints inside and out with butyl caulk.
3. Frame and Covers:
 - a. Set to final grade as shown on the Drawings and as specified. Provide adequate temporary covers to prevent accidental entry until final placement of frame and cover is made.
 - b. Use two rings of 1 inch diameter butyl rubber sealant between frame and rubber riser. Provide downward force to frame so as to compress the joint, provide a watertight seal, and prevent future settlement. Point compressed joint with butyl rubber caulk sealant.

- c. Set manhole frames and covers to final grade only after pavement base course has been applied, or after final grading of gravel roads.
 4. Inverts: As specified.
 5. Steps: Manhole steps are prohibited.
- J. Leakage Testing - Manholes:
 1. General: Tests must be observed by the Newport Water and Sewer Department. Manholes must be complete, including backfill, for final test acceptance except for shelf and invert. Plug all pipes and other openings in the manhole walls prior to test.
 2. Exfiltration Test:
 - a. Plug pipes into and out of MH and secure plugs.
 - b. Lower groundwater table (GWT) to below MH. Maintain GWT at this level throughout test.
 - c. Provide means of determining GWT level at any time throughout test.
 - d. Fill MH with water to top of cone.
 - e. Allow a period of time for absorption (determined by CONTRACTOR).
 - f. Refill to top of cone.
 - g. Determine volume of leakage in an 8 hour (min) test period and calculate rate.
 - h. Acceptable leakage rate: Not more than 1 gallon per vertical foot per 24 hours.
 - I. The Newport Water and Sewer Department reserves the right to require an infiltration test if the Newport Water and Sewer Department is not satisfied with the exfiltration test.
 3. Vacuum Test:
 - a. Manholes may be vacuum tested in lieu of the exfiltration test. The vacuum tests must be performed prior to backfilling the manhole, filling joints, and constructing the manhole inverts and benches. All pipe connections shall be made prior to the test.
 - b. Plug pipe openings and securely brace the plugs and pipe.

- c. Set the tester onto the top section of the manhole and inflate the compression band to effect a seal between the structure and the vacuum base.
- d. Connect the vacuum pump to the outlet port, open the valve, start the motor and draw a vacuum of 10" mercury.
- e. Close the valve and monitor the vacuum gauge.
- f. The test shall pass if the vacuum holds at 10" mercury or drops no lower than 9" within the following times:

Depth of Manhole (feet)	Time(min.)
0 - 10	3.0
10 - 15	3.5
15 - 20	4.0
20 - 25	4.5
>25	5.0

- g. If the vacuum drops in excess of the prescribed rate, the CONTRACTOR shall locate the leak, make proper repairs, and retest the manhole.
- h. If the unit fails the test after repair, the unit shall be water exfiltration tested.

K. Manholes Repairs:

- 1. Determine causes of all leaks and repair them. Perform earthwork required if manhole has been backfilled.
- 2. Perform repairs using methods and materials approved by the Newport Water and Sewer Department. Remove and replace or reconstruct manhole if necessary. Remove and replace defective sections if required by the Newport Water and Sewer Department.

L. Trenching and Backfill:

- 1. The pipe shall be laid as shown in the Typical Sewer Main and Service Detail drawing.
- 2. Pipe laying shall proceed upgrade with the spigot ends pointing in the direction of the flow.
- 3. Bedding shall consist of 3/4 inch stone placed to a depth of at least 6 inches below the bottom of the pipe and to the springline.
- 4. Filtration fabric shall be placed to cover the stone and pipe to separate the sand blanket from the stone.

5. The pipe shall be covered with a blanket of sand to 12 inches over the crown of the pipe with sand that is free of organic materials and stones.
6. Backfill material for installation in roads, shoulders and traveled ways shall be natural material excavated from the trench during construction excluding debris, pieces of pavement, organic matter, top soil, all wet or soft muck, peat, clay and stones greater than 12 inches in diameter. Suitable backfill material is added in 12 inch lifts, compacting each lift to maximum density with an approved vibratory roller or compactor.

M. Road and Trench Construction Guidelines

1. Pavement cuts shall be parallel or perpendicular to the line of the trench. In the case of transverse or diagonal trenching, the pavement shall be saw cut to provide a flat diamond shaped patch with a two - (2') foot minimum overlap on undisturbed material that will permit only one wheel of a vehicle at a time to strike the patch area. Backfill shall be compacted in maximum one- (1') foot lifts to obtain a minimum of 95% of the optimum density as measured by the modified proctor test. Backfill shall be of approved granular material free of stone larger than six (6) inches in diameter and free of organic material. Materials immediately under pavement (gravels and processed gravels) shall be replaced in kind or to a minimum depth of 12" of crushed gravel meeting Town and NHDOT 304.3 Specification. Material shall be compacted to a minimum of 95% of the optimum density as measured by the modified proctor test. The Town of Newport may require compaction and materials testing of excavation backfill. An independent company approved by the Town at the expense of the Owner, shall perform all materials testing.
2. Within the sawed limits of the final patch, the existing pavement and any temporary material shall be removed and replaced to an equal depth with a minimum of three (3") inches of hot bituminous pavement (two (2") inches of base and one- (1") inch of wearing course). The bituminous pavement mixture used shall comply with the NHDOT Standard Specifications for Road and Bridge Construction, testing and certification of compliance with these standards may be required. Bituminous pavement shall be laid and compacted in a maximum of two- (2") inch thick layers. After compaction the new patch shall match the line and grade of the adjacent roadway exactly. The face of all joints and exposed pavement to be overlaid shall be coated with an approved asphalt emulsion (tack coat).
3. All disturbed traffic stripping, traffic signage and traffic signal equipment (detector loops, conduit, etc.) shall be replaced with like or better materials.
4. In other areas, the existing surface shall be restored by placing similar material to a depth equal to that of the existing material prior to excavation. Cross-country trenches are to be compacted in lifts as above. Additional material added to cross-country trenches shall be gravel that shall comply with NHDOT 304.2 Specifications. Any existing grass areas shall be loamed, graded and revegetated. Any asphalt or concrete sidewalks shall have a surface of

equal depth, kind and quality placed. Additionally, the work shall conform to instructions issued by the Town of Newport or authorized representative

5. The owner is responsible for any necessary repairs and/or modifications to the road trench patch for the period of one year. Any repairs and/or modifications shall be made at no expense to the Town of Newport. Any repairs and/or modifications shall be made to the standards of the Newport Public Works Department.

2.4 Prohibited Discharge Standards

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

- A. **General Prohibitions.** No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes pass-through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other federal, State, or local pretreatment standards or requirements.
- B. **Specific Prohibitions.** No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
 1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, gas, solid, or any substance that may generate or form any flammable, combustible or explosive substance, fluid, gas, vapor or liquid when combined with air, water or other substances present in sewers, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140EF (60EC) using the test methods specified in 40 CFR 261.21;
 2. Wastewater having a pH less than 5.5 or greater than 9.0, as measured at the point of connection to the sanitary sewer or other available monitoring location, or otherwise causing corrosive structural damage or hazard to the POTW equipment, or personnel, or with alkalinity in such quantities that the pH of the influent to the POTW is caused to exceed 9.0;
 3. Solid or viscous substances including water or wastes containing fats, wax, grease, or oils, whether emulsified or not, or containing substances that may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees (0-65 degrees C), in amounts that will cause obstruction of the flow in the POTW resulting in interference;
 4. Pollutants, including oxygen-demanding pollutants (BOD, COD, etc.), or chlorine demand requirements released in a discharge at a flow rate and/or pollutant concentration that, either singly or by interaction with other pollutants, will cause interference with the POTW;
 5. Wastewater having a temperature greater than 150EF (65EC), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater that causes the temperature at the introduction into the POTW treatment plant to exceed 104EF (40EC);

6. Petroleum oil, non-biodegradable cutting oil, or products of either animal or mineral oil origin, in amounts that will cause interference, pass-through or exceed 50 mg/l in concentration in one 24-hour period and not to exceed 25 mg/l in a 30-day avg. Pretreatment equipment will need to be installed by any business that will be discharging flow contaminated with any of these products listed above in excess of the 25 mg/l concentration.
 7. Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 8. Trucked or hauled pollutants, except at discharge points designated by the Department in accordance with Section 4.9 of this Ordinance; and
 9. Household hazardous wastes including but not limited to paints, stains, thinners, pesticides, herbicides, anti-freeze, transmission and brake fluids, motor oil, battery acid and any type of expired or unused medicines either in liquid or solid form.
 10. Hazardous waste as listed or designated by NHDES under ENV-Wm 400
 11. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
 12. Wastewater that interferes with the treatment plant's disinfection process.
- C. Additional Prohibitions. No user shall introduce or cause to be introduced into the POTW the following substances, pollutants or wastewater, unless specifically authorized by the Department in a wastewater discharge permit:
1. Wastewater that imparts color that may not be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently may impart color to the treatment facility's effluent, thereby violating the Town of Newport's NPDES permit;
 2. Noxious or malodorous liquids, gases, solids, or other wastewater that, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
 3. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or federal regulations;
 4. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, or otherwise unpolluted wastewater;

5. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
6. Medical wastes;
7. Detergents, surface-active agents, or other substances that may cause excessive foaming in the POTW. The use of any phosphorus based detergents that will be discharged to the POTW is prohibited, unless the discharge is pre-treated to reduce the phosphorus level to less than 1.0 mg/l at the point of discharge;
8. Wastewater causing a reading on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 10 percent (10%) of the Lower Explosive Limit of the meter;
9. Only food waste that is washed off of dishes, food prep areas, floors, etc. from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where food waste originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers, is permitted for disposal to the sewer system. There are to be no food waste grinders discharging to the sewer. All food waste is compostable and offsite disposal, not the sewer system, is the best option for this material;
10. Any garbage, whether it has been shredded or not, is not to be disposed of to the sewer system. This type of material is to be disposed of into a dumpster and hauled offsite for ultimate disposal;
11. Any quantities of flow, concentrations, or both that constitute a "slug" as defined in Section 1.4 of this Ordinance;
12. Waters or wastes that, by interaction with other water or wastes in the POTW, release dangerous or noxious gases, form suspended solids that affect the operation of the collection system, or create a condition deleterious to structures and treatment processes; or
13. Any materials that exert or cause unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime, slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

2.5 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 Ordinance.

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Department 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 Department shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
- C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

The 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 Town of Newport 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 Town of Newport 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 Ordinance for sources in that subcategory, shall, on the compliance date of the categorical pretreatment standards, immediately supersede the limitations imposed under this Ordinance.

Compliance with categorical pretreatment standards shall be achieved within 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 Town of Newport's POTW subsequent to the compliance date of such standards unless an amendment to its Industrial Discharge Permit has been issued by the Town of Newport.

2.6 Local Discharge Restrictions

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

Local numerical discharge limitations established by the Town of Newport 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 Town of Newport 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 2.3, 2.4, and 2.5 of this Ordinance, which in the judgment of the Department 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 Department 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;
- § Require pretreatment prior to discharge to the POTW (Section 3.0);
- § Require control (e.g., equalization) over the quantities and rates of discharge; and/or
- § Require payment to cover additional cost of handling and treating the wastes.

If the Department 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 Department and the State (see Section 3).

- A. 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:

POLLUTANT	CONCENTRATION LIMIT (mg/l)	POLLUTANT	CONCENTRATION LIMIT (mg/l)
Arsenic	0.006	Mercury	0.0014
Cadmium	0.037	Oil & Grease	50.0
Chromium (T)	1.20	Selenium	0.043
Copper	1.28	Silver	0.023
Cyanide (T)	1.02	Total Toxic Organics	1.81
Lead	0.055	Zinc	2.22

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

B.

POLLUTANT	ALLOWABLE POTW HEADWORKS LOADING (lb/day)	POLLUTANT	ALLOWABLE POTW HEADWORKS LOADING (lb/day)
Arsenic	0.024	Mercury	0.0023
Cadmium	0.054	Nickel	1.8
Chromium (T)	1.31	Selenium	0.072
Copper	1.64	Silver	0.038
Cyanide (T)	1.35	Total Toxic Organics	N/A
Lead	0.081	Zinc	8.37

The Department 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 exceedences 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 Department) 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 Department may impose mass limitations in addition to, or in accordance with Section 2.8, in place of the concentration-based limitations [above].

Local limits are developed based on the identification of industrial users known to be discharging each pollutant (industrial contributory flow procedure). Unless specifically identified in an industrial discharge permit, an industrial user shall not discharge the locally limited pollutants at concentrations 20 percent greater than the background concentrations used for local limits development.

- B. 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 Department 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.

- C. Screening Levels. The following pollutants shall not be discharged to the POTW exceeding concentrations listed below without approval of the Department:

Phosphorus based compounds,	1 mg/l
Ammonia based compounds,	10 mg/l

Screening levels are numerical values above which actions are initiated to evaluate, prevent or reduce adverse impacts due to flammability, chemical reactivity, organic/solids loadings, pass through, effluent quality, sludge acceptability or worker health and safety.

If any of the screening levels are exceeded, repeat analysis must be performed to verify compliance or noncompliance with that screening level. If noncompliance is confirmed, then the industrial user may be required, at the discretion of the Department, to conduct an appropriate engineering evaluation to determine the potential impact of the discharge of this pollutant to the Town of Newport's POTW or alternatively, to develop a pollution prevention plan specifically addressing the pollutant that exceeds the screening level. This study or plan must be conducted under the supervision and approval of the Town of Newport. Should the evaluation indicate the impact to be unsatisfactory, the Industrial User shall reduce the pollutant concentration to a satisfactory level. If the evaluation supports development of an alternate site-specific limitation, then the screening level shall be adjusted and administered as a limit for the specific discharge.

- D. Special Agreements. No statement contained in this Section except for paragraphs 2.3(A), 2.3(B), and 2.4 shall be construed as preventing any special agreement or arrangement between the Town of Newport and any industrial user whereby an industrial waste of unusual strength or character may be accepted by the Town of Newport for treatment provided that said agreements do not contravene any requirements of existing federal or State laws, and/or regulations promulgated thereunder, are

compatible with any user charge system in effect, and do not waive applicable federal categorical pretreatment standards. Special agreement requests shall require submittal of a pollution prevention plan that specifically addresses the discharge for which a special agreement is requested. For pollutants with numerical local limits, the Town of Newport has allocated a percentage of its allowable industrial loadings for such special agreements. Requests for special agreements that exceed this allocation will not be approved.

2.7 Town of Newport's Right of Revision

The discharge standards and requirements set forth in Sections 2.3, 2.4, and 2.5 are established for the purpose of preventing discharges to the POTW that would harm the sewers, wastewater treatment process, or equipment; would have an adverse effect on the receiving stream; or would otherwise endanger lives, limb, public property, or constitute a nuisance.

To meet these objectives, the Department may, from time to time, review and set more stringent standards or requirements than those established in Sections 2.3, 2.4, and 2.5 if, in the Department's opinion, such more stringent standards or requirements are necessary. At a minimum, this review will be performed at least once every five years. In forming this opinion, the Department may give consideration to such factors as the quantity of waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment facility, degree of treatability at the wastewater treatment facility, pollution prevention activities, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer shall not be exceeded without the approval of the Department.

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

2.8 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 Department may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

2.9 Mass-Based Limitations

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

SECTION 3 - PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

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

3.2 Additional Pretreatment Measures

- A. Whenever deemed necessary to protect the POTW and determine the user's compliance with the requirements of this Ordinance, the Department 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 wastestreams from industrial wastestreams, and such other conditions as may be necessary.
- B. The Department may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An Industrial Discharge Permit may be issued solely for flow equalization.
- C. Grease Traps, Oil and Grit Traps, and Interceptors
 - 1. All food service and preparation establishments shall have an adequate grease trap installed between the establishment and the Town sanitary sewer service connection. Grease traps and/or oil and grit traps shall also be required for commercial or industrial establishments such as, but not limited to, restaurants, laundries, wash racks, vehicle service stations, private multi-user systems, engine or machinery repair shops and other facilities that produce grease, grit, oil, lint or other materials which accumulate and cause or threaten to cause stoppages or impair the efficiency of the Town's sewers, or if it is determined that the amount of grease introduced into the system is in excess of 50 mg/l per day.
 - 2. The design, construction and installation of any such device in accordance with this section and Attachments 1-8. shall be subject to prior approval of the Superintendent of the Town's sewer system or the Town's Building Inspector.
 - 3. The grease or oil and grit trap is to be located on establishment property
 - 4. The grease trap shall have a minimum of two compartments.

5. While operating at the trap's rated flow capacity, the first compartment must provide a retention time of no less than seven minutes, and the second compartment must provide a retention time of no less than five minutes..
 6. Trap inverts and vents shall be external to the compartments. The flowline to the trap (upstream of inlet invert) must be at least 3 inches above the static water level of the tank. The trap vent must be at least 3 inches above the static water level of the tank. The trap inlet must be at least 24 inches below the static water level of the tank, and the trap outlet must be at least 12 inches above the floor of the tank.
 7. Adequate flow diffusion features must be provided to evenly distribute flow throughout the grease trap. Examples of such features would include a flow diverter plate in the primary compartment, "tee" piping between the two trap compartments and "tee" piping on the tank outlet..
 8. Each trap compartment shall be accessible for cleaning and inspection purposes.
 9. Exceptions to certain of these criteria may be considered for approval in the Plan Review process. In such cases, engineering drawings and supporting performance data must be submitted to and approved by the Department prior to grease trap installation. Grease traps of alternative designs may be approved for those sites needing grease traps of 250 gallons or less.
 10. Maintenance. All grease traps and oil/grit traps shall be cleaned as needed to insure proper operation. They shall be cleaned at least once per year. Maintenance and cleaning records shall be kept and shall be made available to the Department upon request.
 11. Failing Systems. Any commercial or industrial facility that is currently operating a grease retention system and experiences a blockage due to a failing system, will be required to reimburse the Newport Water and Sewer Department for any service-related activity required to remove the blockage; and if the current system is found to be undersized or otherwise inadequate, upgrade the system within a specified time period agreed to between the owner and the Department.
 12. Termination of Service. In cases where grease trap or interceptor systems are found to be inadequate due to under sizing, where blockages have occurred more than once, where the wastewater discharge of the establishment exceeds 50 mg/L per day, or monthly average of 25 mg/L per day, or where the systems are not in place, the Department shall have the option to discontinue water service to the responsible establishment until such time that an inspection by the Department determines that the installation or completion of repairs to the grease interceptor system is satisfactory.
- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter and alarm.
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- E. Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, these devices shall be maintained continuously to ensure satisfactory and effective operation by the owner at his expense.

3.3 Accidental Discharge/Slug Control Plans

At least once every two (2) years, the Department shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Department may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Department may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Department 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

In accordance with the provisions of Sections 2.5, 2.6 and 10.3 of this Ordinance, the Department may require any person discharging wastes into the POTW to develop and implement, at that person's own expense, a pollution prevention plan. The Department 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 wastestreams, and procedures for employee training and involvement.
- B. **Process Characterization.** A detailed process waste diagram shall be developed that identifies and characterizes the input of raw materials, the outflow of products, and the generation of wastes.
- C. **Waste Assessment.** Estimates shall be developed for the amount of wastes generated by each process. This may include establishing and maintaining waste accounting systems to track sources, the rates and dates of generation, and the presence of hazardous constituents.

- D. Analysis of Waste Management Economics. Waste management economic returns shall be determined based on the consideration of:
1. Reduced raw material purchases;
 2. Avoidance of waste treatment, monitoring and disposal costs;
 3. Reductions in operations and maintenance expenses;
 4. Elimination of permitting fees and compliance costs; and
 5. Reduced liabilities for employee/public exposure to hazardous chemicals and cleanup of waste disposal sites.
- E. Development of 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 Town of Newport shall in no way relieve the user from the responsibilities of modifying facilities as necessary to produce a discharge acceptable to the Town of Newport in accordance with the provisions of this Ordinance.

SECTION 4 - INDUSTRIAL DISCHARGE PERMIT APPLICATION

4.1 Wastewater Characterization

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

4.2 Industrial Discharge Permit Requirement

- A. No significant industrial user (over 10,000 gpd discharge [Env-Ws 904.04(j) and 904.03(w)]) shall discharge wastewater into the POTW without first obtaining an Industrial Discharge Permit from the Department, except that a significant industrial user that has filed a timely and complete application pursuant to Section 4.4 of this Ordinance may continue to discharge for the time period specified therein.
- B. The Department may require other users to obtain Industrial Discharge Permits, or submit an application for an Industrial Discharge Permit, as necessary to execute the purposes of this Ordinance.
- C. Any violation of the terms and conditions of an Industrial Discharge Permit shall be deemed a violation of this Ordinance and shall subject the industrial discharge permittee to the enforcement actions set out in Sections 10 through 12 of this Ordinance. Obtaining an Industrial Discharge Permit does not relieve a permittee of its obligation to comply with all federal and State pretreatment standards or requirements or with any other requirements of federal, State, and local law.

4.3 Discharge Request Requirement

All industrial users must receive NHDES approval for any new industrial discharge, or any significant alteration in either flow or waste characteristics, in accordance with the Town of Newport's NPDES permit. Such approvals shall be obtained in accordance with Section 6.5 of this Ordinance.

4.4 Industrial Discharge Permitting: Existing Connections

Any user required to obtain an Industrial Discharge Permit who was discharging wastewater into the POTW prior to the effective date of this Ordinance, and is not currently covered by a valid Industrial Discharge Permit, and who wishes to continue such discharges in the future, shall, within sixty (60) days after said date, apply to the Department for an Industrial Discharge Permit in accordance with Section 4.7 of this Ordinance, and shall not cause or allow discharges to the POTW to continue after one hundred twenty (120) days of the effective date of this Ordinance except in accordance with an Industrial Discharge Permit issued by the Department.

4.5 Industrial Discharge Permitting: New Connections

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

4.6 Industrial Discharge Permitting: Categorical Standards

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

4.7 Industrial Discharge Permit Application Contents

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

- A. All information required by Section 6.1(B) of this Ordinance;
- B. Description of activities, facilities, and production processes on the premises, including a list of all raw materials and chemicals used or stored at the facility that are, or could accidentally be, discharged to the POTW;
- C. A list of all environmental permits held by or for the facility.
- D. Each product produced by type, amount, process or processes, and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);
- F. 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 and sampling locations;
- G. The estimated average, maximum and total daily flow for each discharge and the time and duration of discharges;
- H. Copies of existing pollution prevention plans and/or a description of all known pollution prevention opportunities that may exist at the facility;
- I. An indication of whether the conditions referenced in the application are existing or proposed; and

- J. Any other information as may be deemed necessary by the Department to evaluate the Industrial Discharge Permit application.

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

4.8 Signatories and Certification

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

AI 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.@

4.9 Hauled Wastewater/Septage Permits

- A. Septic tank waste and hauled water from permitted offsite holding tanks can only be introduced into the POTW at a location designated by the Department, and at such times as are established by the Department. Transport and discharge of such waste shall comply with Section 14.0 of this Ordinance.
- B. The POTW will not accept any type of hauled industrial waste from any industrial discharger who is connected to the Town=s wastewater collection system. Only wastewater generated by off-system users from their septage tanks or permitted holding tanks is permissible for discharge at the PTW. The Department shall require all generators of wastewater from offsite holding tanks to obtain Industrial Discharge Permits. The Department shall require haulers of such industrial waste to obtain Discharge Permits to access Town facilities. All other requirements of this Ordinance apply to the discharge of offsite holding tanks and septage discharges.
- C. The septage haulers may discharge loads only at locations designated by the Department. No load may be discharged without prior consent of the Department. The Department will collect samples of each hauled load to ensure compliance with applicable standards. The Department may require the generator of the load to provide a waste analysis of any load prior to discharge.
- D. Industrial waste haulers shall provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and a certification that the wastes are not hazardous wastes as defined in the State's Hazardous Waste Rules (Env-Wm 110, 211-216, 351-353, 400-1000).

SECTION 5 - INDUSTRIAL DISCHARGE PERMIT ISSUANCE PROCESS

5.1 Industrial Discharge Permit Decisions

The Department will evaluate the data provided by the industrial user and may require additional information. Within ninety (90) days of receipt of a complete Industrial Discharge Permit application, the Department will determine whether or not to issue an Industrial Discharge Permit. The Department may deny any application for an Industrial Discharge Permit, with just cause.

5.2 Industrial Discharge Permit Duration

An Industrial Discharge Permit shall be issued for a specified time period, not to exceed three (3) years from the effective date of the permit. An Industrial Discharge Permit may be issued for a period less than these intervals at the discretion of the Department. Each Industrial Discharge Permit will indicate a specific date upon which it will expire.

Industrial Discharge Permits shall be terminated upon cessation of operations or transfer of business ownership, unless notification of such transfer is provided in accordance with Section 5.6 of this Ordinance.

All Industrial Discharge Permits issued to a particular user are void upon the issuance of a new Industrial Discharge Permit to that user.

5.3 Industrial Discharge Permit Contents

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

A. Industrial Discharge Permits shall contain:

1. A statement that indicates Industrial Discharge Permit duration, which in no event shall exceed three (3) years;
2. A statement that the Industrial Discharge Permit is nontransferable without prior notification to the Town of Newport in accordance with Section 5.6 of this Ordinance, and provisions for providing the new owner or operator with a copy of the existing Industrial Discharge Permit;
3. Effluent limitations based on applicable pretreatment standards and requirements;
4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants requiring pollution prevention reports and, for pollutants to be monitored, the following: sampling location, sampling frequency, and sample type based on this Ordinance, and State and federal laws, rules and regulations;

5. For users with reporting requirements, such reports at a minimum shall require:
 - a. Periodic monitoring results indicating the nature and concentration of pollutants in the discharge from the regulated processes governed by pretreatment requirements and the average and maximum daily flow for these process units;
 - b. A statement as to whether the applicable pretreatment standards and requirements are being met on a consistent basis and, if not, than what additional operation and maintenance practices and/or pretreatment systems are necessary; and
 - c. Submission of any monitoring results performed in addition to the requirements of the Industrial Discharge Permit using procedures prescribed in the permit.
 6. A description of identified pollution prevention opportunities at the facility;
 7. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. This schedule may not extend the time for compliance beyond that required by this Ordinance, applicable State and federal laws, rules and regulations.
 8. A statement that compliance with the Industrial Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable federal and State pretreatment standards, including those that become effective during the term of the Industrial Discharge Permit.
- B. Industrial Discharge Permits may contain, but need not be limited to, the following conditions:
1. Limitations on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;
 3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
 4. Development and implementation of pollution prevention plans to reduce the amount of pollutants discharged to the POTW;
 5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
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6. Requirements for installation and maintenance of inspection and sampling facilities and equipment.
7. Other conditions as deemed appropriate by the Department to ensure compliance with this Ordinance, and State and federal laws, rules, and regulations.

5.4 Industrial Discharge Permit Appeals

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

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appellant user must indicate the Industrial Discharge Permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the Industrial Discharge Permit.
- C. The effectiveness of the Industrial Discharge Permit shall not be stayed pending the appeal.
- D. If the Department fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied.
- E. Aggrieved parties may appeal the conditions of the Industrial Discharge Permit in accordance with Section 17.2 of this Ordinance.

5.5 Industrial Discharge Permit Modification

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

- A. To incorporate any new or revised federal, State, or local pretreatment standards or requirements;
- B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of Industrial Discharge Permit issuance;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the Town of Newport's POTW, Town of Newport's personnel, or the water quality in the receiving waters;
- E. Violation of any terms or conditions of the Industrial Discharge Permit;

- F. Misrepresentations or failure to fully disclose all relevant facts in the Industrial Discharge Permit application or in any required reporting;
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- H. To correct typographical or other errors in the Industrial Discharge Permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

5.6 Industrial Discharge Permit Transfer

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

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

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

5.7 Industrial Discharge Permit Reissuance

A user with an expiring Industrial Discharge Permit shall apply for reissuance of the Industrial Discharge Permit by submitting a complete permit application, in accordance with Section 4.7 of this Ordinance, a minimum of ninety (90) days prior to the expiration of the user's existing Industrial Discharge Permit. Under no circumstances shall the permittee continue to discharge without an effective permit. An expired permit will continue to be effective and enforceable until the permit is reissued if:

- § The industrial user has submitted a complete permit application at least ninety (90) days prior to the expiration date of the user's existing permit; and
- § The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the industrial user.

5.8 Regulation of Waste Received from Other Jurisdictions

- A. If another municipality, or user located within another municipality, contributes wastewater to the POTW, the Department shall enter into an intermunicipal agreement with the contributing municipality.
- B. Prior to entering into an agreement required by paragraph (A), above, the Department shall request the following information from the contributing municipality:
 - 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 that are discharging to the POTW; and
 - 3. Such other information as the Department 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 that is at least as stringent as this Ordinance, and local limits that ensure that the pollutant loadings allocated to the contributing municipality are not exceeded. The requirement shall specify that such Ordinance and local limits shall be revised as necessary to reflect changes made to the Town of Newport's Ordinance or revisions to the loadings allocated to the contributing municipality;
 - 2. A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
 - 3. A provision specifying which pretreatment implementation activities, including Industrial Discharge Permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Department; and which of these activities will be conducted jointly by the contributing municipality and the Department;
 - 4. A requirement for the contributing municipality to provide the Department with access to all information that the contributing municipality obtains as part of its pretreatment activities;
 - 5. Limitations on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
 - 6. Requirements for monitoring the contributing municipality's discharge;

7. A provision ensuring the Department=s access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Department; and
 8. A provision specifying remedies available for breach of the terms contained within the agreement.
- D. Intermunicipal agreements shall be subject to approval by NHDES.

SECTION 6 - REPORTING REQUIREMENTS

6.1 Baseline Monitoring Reports

- A. Within either one hundred eighty (180) days subsequent to the effective date of either a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to, or scheduled to discharge to the POTW, shall submit to the Department a report that contains the information listed in paragraph (B), below. At least ninety (90) days prior to commencement of discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Department a report that contains the information listed in paragraph (B), below. If necessary, a new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall provide estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below:
1. Identifying Information. The name and address of the facility, including the name of the operator and owner.
 2. Environmental Permits. A list of all permits issued under any law or rule implemented by EPA or NHDES that are held or are required by law to be held by or for the facility.
 3. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) conducted by such user. This description should include a schematic process diagram that indicates the point(s) 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 wastestream formula set out in 40 CFR 403.6(e).
 5. Measurement of Pollutants.
 - a. The categorical pretreatment standards applicable to each regulated process.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Department, 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 6.11 of this Ordinance.
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- c. Sampling shall be performed in accordance with procedures set out in Section 6.12 of this Ordinance.
6. Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether the applicable pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment systems are required to attain consistent compliance with the pretreatment standards and requirements.
7. Compliance Schedule. If additional pretreatment and/or O&M is required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section shall meet the requirements specified in Section 6.2 of this Ordinance.
8. Signature and Certification. All baseline monitoring reports shall be signed and certified in accordance with Section 4.8 of this Ordinance.]

6.2 Compliance Schedules/Progress Reports

The following conditions shall apply to the compliance schedules required by Sections 6.1(B)(7) and 10.2 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, including, but not limited to, retaining an engineer, completing preliminary and final design plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation;
- B. No increment referred to in 6.2.A shall exceed nine (9) months;
- C. The user shall submit a progress report to the Department no later than fourteen (14) days following each date in the schedule and the final date of compliance which identifies, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the action being taken by the user to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the Department.

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 Department a report containing the information described in Section 6.1(B)(1-5) of this Ordinance. For users subject to equivalent mass or concentration limitations established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports shall be signed and certified in accordance with Section 4.8 of this Ordinance.]

6.4 Periodic Compliance Reports

- A. All significant industrial users shall, at a frequency determined by the Department 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 that are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports shall be signed and certified in accordance with Section 4.8 of this Ordinance.
- B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to maintain its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Department, using the procedures prescribed in Sections 6.11 and 6.12 of this Ordinance, the results of this monitoring shall be included in the report.

6.5 Reports of Changed Conditions

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

- A. The Department may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submittal of an Industrial Discharge Permit application under Section 4.7 of this Ordinance.
- B. Upon approval of the request by the Town of Newport, a Discharge Request will be submitted by the Town of Newport to NHDES on behalf of the user. All applicable NHDES review fees shall be provided by the user.

- C. Upon approval of the Discharge Request by the WSPCD, the Department may issue an Industrial Discharge Permit under Section 5.1 of this Ordinance or modify an existing Industrial Discharge Permit under Section 5.5 of this Ordinance in response to changed conditions or anticipated changed conditions.

6.6 Reports of Slug/Potentially Adverse Discharges

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause adverse impacts to the POTW, the user shall immediately telephone and notify the Department of the incident. This notification shall include identifying the location of the discharge, type of waste, concentration and volume, if known, and corrective actions conducted by the user.
- B. Within five (5) days following such discharge, the user shall, unless waived by the Department, submit a detailed written report describing the cause(s) of the discharge and the measures to be conducted by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability that may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability that may be imposed pursuant to this Ordinance.
- C. A notice shall be permanently posted on the user's employee bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (A), above. Employers shall ensure that all employees who may cause such a discharge to occur or who may be present when a discharge occurs are advised of the emergency notification procedure.

6.7 Reports from Unpermitted Users

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

6.8 Notice of Violation/Repeat Sampling and Reporting

If the results of sampling performed by a user indicate a violation, the user shall notify the Department 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 Department within thirty (30) days subsequent to becoming aware of the violation. The user is not required to resample if the Department monitors at the user's facility at least once a month, or if the Department samples between the user's initial sampling and when the user receives the results of this sampling.

6.9 Pollution Prevention Reports

Permitted industrial users discharging pollutants under Federal Categorical Standards, "local limits" or "pollution prevention action" lists of Section 2.5 and 2.6 - ALocal Discharge Restrictions@ of this Ordinance, at concentrations greater than background levels, shall report annually on pollution prevention activities undertaken to reduce or minimize the generation of wastes containing these pollutants. The Town may publicize these efforts in the annual notification provided for in Section 9.

6.10 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses shall be performed in accordance with procedures approved by NHDES, USEPA and the Town of Newport.

6.11 Sample Collection

- A. Except as indicated in Paragraph (B), below, the user shall collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Department may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to demonstrate compliance with instantaneous discharge limitations (e.g., screening levels established to protect worker health and safety). A single grab sample may also be used in place of a composite sample with approval of the Department when:
- § The effluent is not discharged on a continuous basis (i.e., batch discharges of short duration), and only when the batch exhibits homogeneous characteristics (i.e., completely mixed) and the pollutant can be safely assumed to be uniformly dispersed;
 - § Sampling a facility where a statistical relationship can be established between previous grab samples and composite data; and
 - § The waste conditions are relatively constant (i.e., are completely mixed and homogeneous) over the period of the discharge.
- B. Samples for temperature, pH, phenols, sulfides, and volatile organic compounds shall be obtained using grab collection techniques.

6.12 Timing

Written reports will be deemed to have been submitted on the date postmarked. For reports that are not mailed, the date of receipt of the report from the person designated in the Industrial Discharge Permit shall govern.

6.13 Record Keeping

Users subject to the reporting requirements of this Ordinance shall retain, and make available to the Department and NHDES [Env-Ws 904.04(f)(3)] for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact location, method, and time of sampling, and the name of the person(s) obtaining the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least five (5) years [Env-Ws904.04(f)(2)]. This period shall be automatically extended for the duration of any litigation concerning the user or the Town of Newport, or where the user has been specifically notified of a longer retention period by the Department. Before destroying the records, the industrial user shall request and receive permission from the Town of Newport.

SECTION 7 - POWERS AND AUTHORITIES OF INSPECTORS

7.1 Compliance Monitoring

The Town of Newport shall investigate instances of noncompliance with the industrial pretreatment standards and requirements.

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

7.2 Right of Entry: Inspection and Sampling

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

- A. If a user has security measures in force that require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Inspector(s) will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Inspector(s) shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- C. The Inspector(s) may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least annually to ensure accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Inspector(s) and shall not be replaced. The costs of clearing such access shall be borne by the user.
- E. Unreasonable delays in allowing the Inspector(s) access to the user's premises shall be a violation of this Ordinance.
- F. The Inspector(s) is authorized to obtain information concerning industrial processes that have a bearing on the kind or source of discharge to the public sewer. The industrial user may request that the information in question not be disclosed to the public in accordance with Section 8 of this Ordinance. The information in question shall be made available upon written request to

governmental agencies for uses related to this Ordinance, the NPDES permit, or the pretreatment program. The burden of proof that information should be held confidential rests with the user. However, information regarding wastewater discharge by the user (flow, constituents, concentrations, and characteristics) shall be available to the public without restriction.

- G. While performing the necessary work on private properties referred to in this Section, the Inspector(s) shall observe all safety rules applicable to the premises established by the user. The user shall be held harmless for injury or death to the Inspector(s), and the Town of Newport shall indemnify the user against loss or damage to its property by Town of Newport employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the monitoring activities, except as such may be caused by negligence or failure of the user to maintain safe conditions.
- H. The Inspector(s) shall be permitted to enter all private properties through which the Town of Newport holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the POTW lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
- I. The Department and other duly employees of the Town of Newport bearing proper credentials and identification shall inspect the premises of any consumer for leakage or other wastes of metered water upon the request of the consumer. Such a request may be required in writing by the Town of Newport. The Town of Newport shall not be held liable for any condition that may prevail or exist that is discovered by inspection of the Town of Newport.

7.3 Search Warrants

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

SECTION 8 - CONFIDENTIAL INFORMATION/PUBLIC PARTICIPATION

8.1 Confidential Information

Information and data on a user obtained from reports, surveys, Industrial Discharge Permit Applications, Industrial Discharge Permits, and monitoring programs, and from the Department'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 Department, 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 that might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person providing the report. Wastewater constituents and characteristics and other Aeffluent data@ as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

8.2 Public Participation

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

SECTION 9 - PUBLICATION OF POLLUTION PREVENTION ACHIEVEMENTS

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

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

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

SECTION 10 - ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 Notification of Violation

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

10.2 Compliance Schedule Development

The Department may require any user that has violated or continues to violate any provision of this Ordinance, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, to develop a compliance schedule. A compliance schedule pursuant to this section shall meet the requirements set out in Section 6.2 of this Ordinance. A compliance schedule pursuant to this section shall comply with the following conditions:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards including, but not limited to, retaining an engineer, completing preliminary and final design plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation;
- B. No increment referred to above shall exceed nine (9) months;
- C. The user shall submit a progress report to the Department no later than fourteen (14) days following each date in the schedule and the final date of compliance which identifies, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the action being taken by the user to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the Department.

10.3 Pollution Prevention Plan Development

The Department may require any user that has violated or continues to violate any provision of this Ordinance, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, to develop a pollution prevention plan in accordance with Section 3.4 of this Ordinance. The pollution prevention plan must specifically address violation(s) for which this action was undertaken. The pollution prevention plan shall be developed using good engineering judgment and shall be submitted to the Department no later than sixty (60) days after the user was notified of this requirement.

10.4 Publication of Users in Significant Noncompliance

The Department shall publish annually, in the largest daily newspaper circulated in the Town where the POTW is located, a list of the users that, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements.

10.5 Show Cause Orders

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

10.6 Cease and Desist Orders

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

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

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

10.7 Consent Orders

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

10.8 Industrial Discharge Permit Termination

Any industrial user who violates the following conditions of this Ordinance or a wastewater discharge permit or order, or any applicable State or federal law, is subject to permit termination:

- A. Violation of permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater constituents and characteristics; or
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.

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

10.9 Termination of Discharge

In addition to the provisions in Section 10.8 of this Ordinance, any user who violates the following conditions is subject to discharge termination:

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

- E. Violation of the pretreatment standards in Section 2 of this Ordinance.

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

10.10 Emergency Suspensions

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

- A. Any user notified of a suspension of its discharge shall immediately terminate or eliminate its wastewater discharge. In the event of a user's failure to immediately comply with the suspension order, the Department may implement such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Department may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Department that the period of endangerment has passed, unless the termination proceedings in Section 10.8 or 10.9 of this Ordinance are initiated against the user.
- B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures implemented to prevent any future occurrence, to the Department prior to the date of any show cause or termination hearing under Sections 10.5, 10.8 or 10.9 of this Ordinance.

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

10.11 Recovery of Expenses

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

10.12 Harm To Town Property

No person shall maliciously, willfully, or negligently damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment that is part of the public sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct pursuant to the local Ordinances, and shall also be subject to penalties under State and federal statutes.

SECTION 11 - JUDICIAL ENFORCEMENT REMEDIES

11.1 Injunctive Relief

When the Town determines that a user has violated, or continues to violate, any provision of this Ordinance, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, the Town may petition the Sullivan County Superior Court through the Town's Attorney for the issuance of a temporary or permanent injunction, as appropriate, that restrains or compels the specific performance of the Industrial Discharge Permit, order, or other requirement imposed by this Ordinance on activities of the user. The Town may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, implementing any other action against a user.

11.2 Civil Penalties

- A. A user who has violated, or continues to violate, any provision of this Ordinance, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the Town for a maximum civil penalty of \$10,000 per violation, per day, plus actual damages incurred by the POTW. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The Board of Selectmen may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Town. The Board of Selectmen shall petition the Court to impose, assess, and recover such sums.
- C. In determining the amount of civil liability, the Court shall consider all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, implementing any other action against a user.

11.3 Criminal Prosecution

Any person or industrial user who willfully or negligently violates any provision of this Ordinance or any orders or permits issued hereunder shall, upon conviction, be guilty of a violation, punishable by a fine not to exceed \$10,000 for each violation. Every separate provision violated shall constitute a separate violation. Every day that a violation occurs shall be deemed a separate violation. Ref. RSA 47:17, I, RSA 149-I:6, RSA 31:39, III.

11.4 Nonexclusive Remedies

The remedies provided for in this Ordinance are not exclusive. The Town may take any, all, or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with the Town's enforcement response plan. However, the Town may pursue other action against any user without limitation, including ex parte temporary judicial relief to prevent a violation of this Ordinance. Further, the Town is empowered to pursue more than one enforcement action against any non-compliant user.

SECTION 12 - SUPPLEMENTAL ENFORCEMENT ACTION

12.1 Performance Bonds

The Department may decline to issue or reissue an Industrial Discharge Permit to any user who has failed to comply with any provision of this Ordinance, a previous Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the Town, in a sum not to exceed a value determined by the Department to be necessary to achieve consistent compliance.

12.2 Liability Insurance

The Department may decline to issue or reissue an Industrial Discharge Permit to any user who has failed to comply with any provision of this Ordinance, a previous Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

12.3 Water Supply Severance

Whenever a user has violated or continues to violate any provision of this Ordinance, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, subsequent to satisfactory demonstration of its ability to comply.

12.4 Public Nuisances

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

12.5 Contractor Listing

Users that have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the Town. Existing contracts for the sale of goods or services to the Town held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the Department.

SECTION 13 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**13.1 Upset**

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

13.2 Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.4(A) of this Ordinance, the specific prohibitions in Section 2.4(B) or additional Prohibitions in Section 2.4(C) of this Ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

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

13.3 Bypass

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

- D. 1. Bypass is prohibited, and the Department may initiate enforcement action against a user for a bypass, unless:
- a. Bypass was required to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. The user submitted notices as required under paragraph (C) of this section.
2. The Department may approve an anticipated bypass, subsequent to considering its adverse effects, if the Department determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

SECTION 14 - SEPTAGE AND FEE SCHEDULE DISPOSAL ORDINANCE WITH SEPTAGE DISPOSAL INVOICING POLICY

14.1 Authority

In accordance with the provisions of NH Revised Statutes Annotated 485-A & Env-Wq 1600 (formerly 149-I:24), the Board of Selectmen adopt the Septage and Fee Schedule Disposal Ordinance.

14.2 Statement of Purpose

The State of New Hampshire requires each town to either provide or assure access to an approved septage and solid waste facility for its residents.

The Town of Newport declares that it is necessary to provide septage disposal facilities for its citizens, whose properties are serviced by septic tanks, so that authorized haulers emptying such tanks are able to dispose of the material in an environmentally safe manner.

14.3 Definitions

- A. ASeptage@ shall mean material removed from septic tanks or other sewage storage units, excluding sewage sludge from public treatment works and septage from Industrial or Commercial sources.
- B. AHauler@ shall mean those persons, firms or corporations who pump, haul, transport or dispose of septage and who is licensed by the NHDES.
- C. ASeptic Tank Truck@ shall mean any watertight vehicle which is used for the collection and hauling of septage as described above and which complies with the regulations of the NHDES.
- D. AHuman Excrement@ and APutrescible Material@ - any organic material which can decompose and give rise to foul smells and noxious by-products, provided, however that these terms shall not include refuse as defined by RSA 485-A & Env-Wq 1600.
- E. AGrease@ shall mean that material removed from a grease interceptor (trap) serving a restaurant or other facilities requiring such grease interceptors.

14.4 Regulations

- A. No person shall operate or construct a public or private facility, or store, transport or dispose of septage without first obtaining a permit from the NHDES. Therefore, the holding of such a permit shall be a condition precedent to the privileges to dispose of such material at the Newport Wastewater Treatment Facility.

- B. A copy of such permit obtained from the NHDES shall be on file with the Superintendent of Wastewater Treatment Facility of the Town of Newport. Upon renewal or revocation of such permit, the hauler shall be responsible for notification of such renewal or revocation to the superintendent Wastewater Treatment Facility of the Town of Newport. In the event that said permit becomes void, the User=s right to discharge septage at the Treatment Facility is terminated.
- C. 1. Such hauler may discharge such septage to the facilities provided at the Newport Wastewater Treatment Facility only after paying the charges as established by the Board of Selectmen and by being issued a disposal permit from the Superintendent of the Wastewater Treatment Plant, as called for in Section 14.4.G.
2. Haulers who may haul grease removed from a grease interceptor at a restaurant or other facility requiring such interceptors will bear full responsibility for its proper disposal at a State and/or municipally approved site. Grease is not accepted at the Putnam Road facility.
- D. No person, firm, corporation, municipal subdivision or institution shall discharge the contents of a portable or mobile container (septic tank truck) which contains septage, human excrement at any point within the Town of Newport other than at the facility provided or described in Section 14.4.E of this article.
- E. Those persons, which conform to RSA 485-A & Env-Wq 1600 and Section 14.4.G shall dispose of such septage at the following site:
1. The designated Sludge Tank located in the fenced-in area at the Treatment Plant on Putnam Road. The hours of operation will be posted at the plant for the convenience of the haulers.
2. All other days and hours - at a location approved by the Superintendent of Wastewater Treatment Facility, in writing.
- Haulers will be responsible to insure that septage does not leak onto the ground near the discharge point and that all spills are washed down prior to leaving the area.
- F. 1. No person, firm, corporation, municipal subdivision or institution shall discharge any toxic, poisonous, radioactive solids, liquids or gases, grease from grease interceptors, gas or oils from a gas interceptor or other hazardous wastes into the Newport Treatment Facility.
2. Should the dumping of septage be detrimental to the operation and maintenance of the Treatment Facilities, the permittee shall be responsible for all costs incurred at the facility which resulted because of said dumping.
- G. 1. Any person or hauler who conforms to RSA 485-A & Env-Wq 1600 and intends to dispose of septage, human excrement or related putrescible material within the limits of the Town of Newport shall first obtain a permit therefore from the Superintendent of the Newport Wastewater Treatment Facility.

2. The permit, when issued, does not confer upon the User any property right and is revocable for violation of the conditions herein set forth.
- H. Such permit as issued by the Superintendent of the Newport Wastewater Treatment Facility shall identify:
1. The motor vehicle;
 2. The capacity of the tank;
 3. The State Public Health Permit Number; and
 4. Any other details of compliance with the regulations of the NH Division of Public Health Service.
- I. The following conditions shall constitute conditions precedent to the issuance of each permit by the Superintendent of the Newport Wastewater Treatment Facility.
1. Each septic tank truck shall have installed thereon a sight level by which the quantity of the contents of each tank may be ascertained by sight.
 2. The hauler shall log at the time of disposal when during working hours the following:
 - a. The hauler=s name;
 - b. Date;
 - c. Time of disposal;
 - d. Volume disposed;
 - e. Origin of load being dumped (property owner=s name, address and telephone number; and
 - f. Composition of septage being disposed, i.e. oily, heavy solids, etc.
 3. Such log as described in Section 14.4.I, 2 shall be located in the office of the Superintendent of Wastewater Treatment Facility.

14.5 Septage Disposal Charge

- A. Septage disposal charges are established based upon an equitable adjustment of the strength of septage with respect to normal domestic sewage and adjusted to an equivalent charge equitable to the Sewer User Charge.
1. Septage Disposal Charge - Septage Disposal Charges for the receipt of such septage into the Newport Wastewater Treatment Facility shall be assessed prior to the discharge thereof into the treatment facility.

- a. Any discharge less than 1,000 gallons shall not be prorated.
 - b. For any discharge in excess thereof, the charge shall be calculated per 500 gallons and shall be rated in only increments of 500 gallons, i.e. 1,000, 1,500, 2,000, 2,500, etc.
 - c. In the event that the hauler does not meet the requirements set forth in 14.4.I, 2, the hauler shall be charged according to the tank capacity at the time of discharge or recorded on the said permit required by Section 14.4.H.
 - d. The Water & Sewer Bookkeeper shall bill the hauler once a month for charges incurred. Such bill shall be payable within 30 days of the billing date. Late payment interest charges shall be added to delinquent accounts. In the event the hauler is delinquent, the Superintendent of the Wastewater Treatment Facility is authorized to require payment in cash at the time of discharge of the septage, or may revoke the privilege to dispose of septage at the Newport Wastewater Treatment Facility. The NHDES shall be notified if such privilege is revoked.
 - e. The Superintendent of the Wastewater Treatment Facility is authorized to devise and to use appropriate forms to effectuate the intent of this ordinance.
 - f. Septage Disposal Fees are listed in Appendix A.
- B. Any violation of this ordinance as determined by the Superintendent of the Wastewater Treatment Facility and Town Manager shall result in:
1. Revocation of the privilege to dispose of septage at the Newport Wastewater Treatment Facility.
 2. Civil penalties as per Section 11 of this document.
 3. Both 1 and 2 above.

Each day=s violation shall be considered a separate violation for the purpose of this ordinance.

14.6 Appeals

Any party aggrieved by any decision, regulation or provision of this ordinance shall have the right to appeal within twenty (20) days of said decision to the Board of Selectmen, who shall set a date for hearing within twenty (20) days of said notice of appeal, shall give notice thereof to the appellant and shall render a decision within twenty (20) days of said hearing. In case said appeal is denied, the aggrieved person has the right to appeal to the Superior Court within thirty (30) days of said decision.

14.7 Septage Disposal Invoicing Policy

- A. As a requirement of the Agreement with the State of New Hampshire relative to a Consent Decree, the Town of Newport has established a program to monitor and test septage delivered to the Wastewater Treatment Facility to maintain an in-depth database of the Town septage characteristics and an ongoing mechanism to control and regulate the character of septage introduced into the Town's Wastewater Treatment Facility.
- B. The program is designed to monitor the septage generated by resident of Newport to detect and reduce or eliminate significant concentrations of metals and other pollutants in the Town's wastewater prior to its discharge to the Sugar River.
- C. The policy works as follows:
 - 1. An NCR two-part Property Owners Septage Disposal Invoice will be issued by the Sewer Department clerk, located at the Town Office. (A sample copy of the invoice is in Section 14.8.) The Property Owners Invoice is in addition to the invoices issued to the haulers.
 - 2. The preprinted duplicate Property Owners Septage Disposal Invoice will be provided at the Sewer Department office, 15 Sunapee Street, during normal business hours for individuals to obtain prior to having septage pumped from the tank.
 - 3. Sewer Department personnel will complete the form by filling in the homeowner's name, address and phone number and give the homeowner (at no charge) the canary copy of the invoice after the homeowner signs the Invoice.
 - 4. The property owner will fill in the location of the tank being pumped if it is at a different location than the address shown on the Invoice, sign the Invoice and arrange for the disposal of the septage.
 - 5. The homeowner will give the canary copy to the septage hauler at the time of pumping. The hauler will be required to present the canary copy to the treatment plant operator before disposing of the load.
- D. There will be no exceptions to this policy.

There shall be a Septage Disposal Charge as established by this Ordinance for the receipt of septage into the Town's POTW for treatment. In the event that the permittee has either a defective sight level, no sight level attached to the track, and/or no access to the contents of the truck for depth measurement, the permittee shall be charged according to the full tank capacity at the time of discharge or by other method determined by the Department.

14.8

PROPERTY OWNERS SEPTAGE DISPOSAL INVOICE

Town of Newport
15 Sunapee St.
Newport, NH 03773

Testing/
by Whom/

(For Town Use Only)

Property Owners Septage Disposal Invoice:

No 808

This form to be used ONLY by homeowners using the services of Septage Haulers who will be disposing of septage at the Newport Wastewater Treatment Facility, Putnam Road.

INSTRUCTIONS TO HOMEOWNER: PLEASE SIGN THIS FORM AND FILL IN SPECIFIC LOCATION AT WHICH TANK IS BEING PUMPED, IF DIFFERENT FROM MAILING ADDRESS (NO PO BOXES OR RFD'S).

HOMEOWNER: NAME SIGNATURE:

ADDRESS HAULER:

PHONE #:

SPECIFIC LOCATION OF TANK IF DIFFERENT FROM ABOVE ADDRESS, OTHERWISE WRITE IN SAME.

NOTE: White copy to be retained by clerk and sent to Wastewater Treatment Facility. Canary copy to be given to septage hauler at time of pumping. Hauler must present this copy for disposal of septage at Wastewater Treatment Facility, Putnam Road only.

VOID

SECTION 15 - SEWER USE FEES

15.1 Sewer Use Charges

Sewer fees shall be paid by the owner or owners of real estate connected by sewer drain with the Town sewers and sewer systems or those real estate which received special benefit therefrom in any way. All users of the system shall be billed on the basis of their proportionate usage of the facility.

15.2 Income From Sewer Use Fees

The income from sewer rates shall be paid into the Town Treasury and shall be kept and applied exclusively for the purposes of defraying the cost of construction, management, maintenance, operation, reconstruction, replacement and repairs of Town sewers and sewer systems, including treatment and disposal works and for the payment of the interest and principal of any debt incurred to pay such costs. No income may be used for extension of the sewerage system to service unsewered areas. The income from sewer rates shall be kept as a separate and distinct fund and shall be known as the sewer fund. The Town Treasurer is hereby authorized in his discretion to deposit any present or future surplus income from sewer rents in commercial and/or savings account and withdraw or transfer the same for proper purposes as is deemed expedient.

15.3 Assessment and Metering of Sewer Use

Sewer fees shall be assessed as follows:

- A. Upon the metered consumption of water
 1. Upon the metered consumption of water on premises connected with the sewerage system wherein the quantity of discharge is to be determined by meter readings of the Water Department.
 2. Upon metered premises minimum consumption rates shall apply.
 3. In all instances for metering other than by Newport Water Works Department meters, the owner or owners of the premises shall furnish, at their expense, a meter acceptable to the Department.
 4. In case of a meter stopping or failure to register, the quantity of water used shall be estimated as the average amount which ordinarily passes through the meter when the meter is in operation.
 5. Upon premises where there is both a metered public supply of water and a non-metered public supply of water and a non-metered private supply of water, the rate shall be determined by metering both of the water supplies.

6. No person, firm or corporation shall do any act or commit any deed to obstruct or interfere with the proper measuring of water or discharge by meter.
 7. Any person, firm or corporation violating the provisions of this ordinance may be fined or face civil penalties per Section 11 of this ordinance.
- B. Upon non-metered premises, the consumption of water shall be accessed according to the following water consumption rates based upon the number of residents of the household:

<u>Number of People</u>	<u>Gallons per Billing Period</u>
1	7,000
2	11,000
3	16,000
4	22,000
5	27,000
6	32,000
More than 6 people	Additional 5,000-7,000 gallons each person

- C. In all other instances where the foregoing sections of this ordinance cannot reasonably be applied, an adjustment as to sewer rents may be made by the execution of a contract between the owner and owners and the Selectmen.
- D. The Newport Wastewater Treatment Facility shall be exempt from paying sewer use fees.

15.4 Notice And Collection of the Sewer Use Fees:

- A. Sewer use fees are billed three times per year. Notice of such billing shall be mailed to the owner of the property and include the period being billed, usage for said period and the rates in effect at the time of the billing.
- B. Property owners are responsible for the amounts billed even if properly addressed notices are not delivered by the Post Office.
- C. Bills are payable to the Town of Newport at the address listed on the bill.
- D. Payments made by mail are at the risk of the sender.
- E. A self-addressed stamped envelope should be included if a return receipt is desired.
- F. Bills shall be due at least 30 days after the postmark of the bill, with interest as set forth in NH RSA 149-I, charged on delinquent amounts.
- G. Bills which remain unpaid 30 days after the due date of the final bill of the calendar year are subject to a lien upon the real estate served by the Town in accordance with NH RSA 149-I.

- H. Upon petition to the Newport Selectmen, not later than ninety (90) days after the use fee due date, the Selectmen may, for good cause shown, abate in whole or in part any sewer use fee.

15.5 Sewer Use Rates

Sewer use rates shall be those in effect at the time of billing as approved by the Newport Board of Selectmen.

15.6 Industrial User Charges

- A. An industrial user whose wastes entering the Town's sewer system exceed the following standards will be charged at the rates shown in Appendix A for the amount by which the standard is exceeded.

B.O.D. 200 mg/l

Suspended Solids 250 mg/l

- B. All testing and reporting shall be the responsibility of the industrial user at no cost to the Town. Reports submitted by industrial users and approved by the Superintendent of Wastewater Treatment Facility (WWTF) will be used for calculating industrial accuracy of analysis at no extra charge to the industry.
- C. Industrial user testing for B.O.D. and Suspended Solids shall be done on 24-hour composite samples that are taken flow proportionately. Testing will be done on four (4) consecutive workdays once a month. All results shall be reported to the Superintendent of Wastewater Treatment Facility (WWTF) by the 10th of the month for the previous month. Failure to report the necessary information on time will result in charges being calculated at worst case conditions as recorded at the Wastewater Facility on each industry's history.

15.7 Fees For New Sewer Connections

- A. Fees for new sewer connections are due upon application.
- B. Fees generated from sewer inspection fees will be deposited in the Town of Newport's Sewer Department operating fund.
- C. Fees generated from sewer access fees will be accrued to the Town of Newport's Sewer Department for expansion and improvement of facilities.
- D. The Town shall have the right to require developers of non residential facilities to provide site specific engineering data where significant discrepancies in projected sewer system impact exist. All costs shall be borne by the developer.

- E. The developer of non-residential facilities shall have the right to submit site specific engineering data for Town review where significant discrepancies in projected sewer system impact exist. All costs shall be borne by the developer.
- F. Fees for new sewer connections are listed in Appendix A.
- G. Access fees for non-residential sewer services shall be calculated using the Access Fee Guideline Chart as follows:

Access Fee Guideline Chart for Non-residential Sewer Services

The following list is an excerpt from A Guide For the Design Operation And Maintenance Of Small Sewage Systems@ from New Hampshire Water Supply and Pollution Control Commission.

Airports:	5 gallons per day per person
Bars, Lounges:	20 gallons per day per seat
Caterers (Function Rooms):	12 gallons per day per person
Churches:	0.5 gallons per day per seat
Country Clubs:	
(Resident Members):	100 gallons per day per person
(Non-resident Members):	25 gallons per day per person
Dentists:	200 gallons per day per chair & 35 gallons per day per staff member
Doctor=s Offices:	10 gallons per day per patient & 35 gallons per day per staff member
Dwellings:	
(Rooming Houses with Meals):	60 gallons per day per person
(Rooming Houses without Meals):	40 gallons per day per person
Factories (Exclusive of Process Waste):	
Light Industry without Cafeteria or Showers:	20 gallons per day per person
Light Industry with Cafeteria - no Showers:	25 gallons per day per person
Heavy Industry with Cafeteria and Showers:	35 gallons per day per person
Warehouses:	35 gallons per day per person
Gyms:	10 gallons per day per participant & 3 gallons per day per spectator
Hairdressers:	150 gallons per day per chair & 35 gallons per day per employee
Hospitals:	250 gallons per day per bed space
Hotels and Motels:	200 gallons per day per room unless it can be shown that only one double bed can be accommodated, then 100 gallons per day per room

Institutions (other than hospitals):	125 gallons per day per bed space
Laundromats (coin-operated):	500 gallons per day per machine plus toilet waste
Nursing Homes:	125 gallons per day per bed space
Office Buildings:	
(Without Cafeteria):	15 gallons per day per person
(With Cafeteria):	20 gallons per day per person
(Unspecified Office Space):	15 gallons per day per 100 square feet
Picnic Parks:	
(Toilet Waste Only):	5 gallons per day per person
(With Bathhouses, Showers & Toilets):	10 gallons per day per person
Restaurants:	40 gallons per day per seat
(Kitchen Waste Only):	3 gallons per day per meal
(Bars and Lounges):	20 gallons per day per seat & 35 gallons per day per employee
(Function Rooms):	12 gallons per day per person
Schools: (Boarding):	100 gallons per day per person
(Day, Without Gym, Cafeteria or Showers):	15 gallons per day per person
(Day, With Cafeteria - Without Gym or Showers):	20 gallons per day per person
(Day, With Gym, Cafeteria and Showers):	25 gallons per day per person
Service Stations:	10 gallons per day per vehicle served
Shopping Centers (Stores):	
Large Dry Goods:	5 gallons per day per 100 square feet
Large Supermarkets:	7.5 gallons per day per 100 square feet
(With Meat Department w/o Garbage Grinder):	11 gallons per day per 100 square feet
(With Meat Department with Garbage Grinder):	100 gallons per day
Ski Areas:	
(Without Cafeteria):	10 gallons per day per person
(With Cafeteria in Warming Hut):	15 gallons per day per person
Swimming Pools (Public or Semi-Public):	1,000 gallons per day per 800 square feet
Tennis Courts:	250 gallons per day per court
Theaters:	5 gallons per day per seat
Town Offices:	
(Office Employees):	15 gallons per day per person
(Transients):	5 gallons per day per person
Workers, Construction:	
(At Semi-Permanent Camps):	50 gallons per day per person
(Day, at Schools and Office):	15 gallons per day per person
Veterinary Clinic (3 or less doctors):	
(Without Animal Boarding):	750 gallons per day per clinic
(With Animal Boarding):	1,500 gallons per day per clinic

SECTION 16 - VALIDITY

- A. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
- B. The validity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance that can be given effect without such invalid part or parts.

SECTION 17 - INTERPRETATION OF REQUIREMENTS**17.1 Interpretation**

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

17.2 Appeals

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

SECTION 18 - EFFECTIVE DATE

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

Duly enacted and ordained this 16th day of June, 2008 by the Board of Selectmen of the Town of Newport in Sullivan County, State of New Hampshire, at a duly noticed and duly held session of the said Department and Board of Selectmen.

Newport, New Hampshire

By: _____

Elizabeth W. Maiola _____

Beverly T. Rodeschin _____

Gary E. Nichols _____

APPENDIX A - FEES, CHARGES AND SURCHARGES

Sewer fees, charges and surcharges are subject to change and will be billed at the rates in effect at the time of the billing as adopted by the Newport Board of Selectmen.

Sewer Use Fee

Per 1,000 gallons of water: \$ 6.77

Septage Disposal Fee

Per 1,000 gallons of septage: \$100.00

Per each 500 gallons in excess of 1,000: \$ 50.00

Industrial User Surcharges

In excess of 200 mg/l B.O.D.: \$0.44/lb.

In excess of 200 mg/l Suspended Solids: \$0.38/lb.

New Sewer Connection Inspection Fees

Single Family Residential: \$25.00

Multiple Family Residential: \$25.00

Commercial/Industrial: To be determined upon application

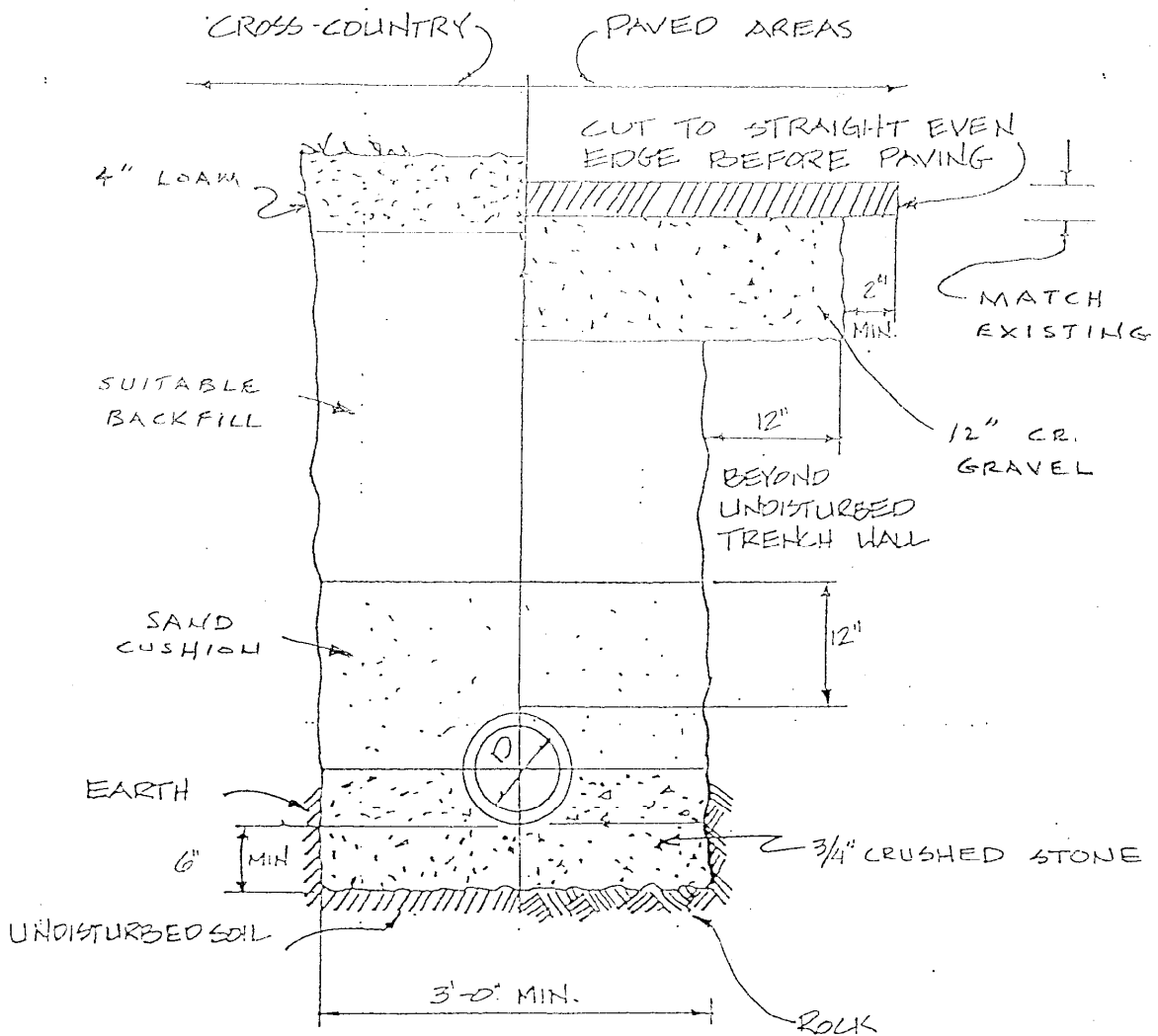
New Sewer Connection Access Fees

Single Family Residential including manufactured housing: \$2,500.00

Multiple Family Residential per unit: \$1,650.00

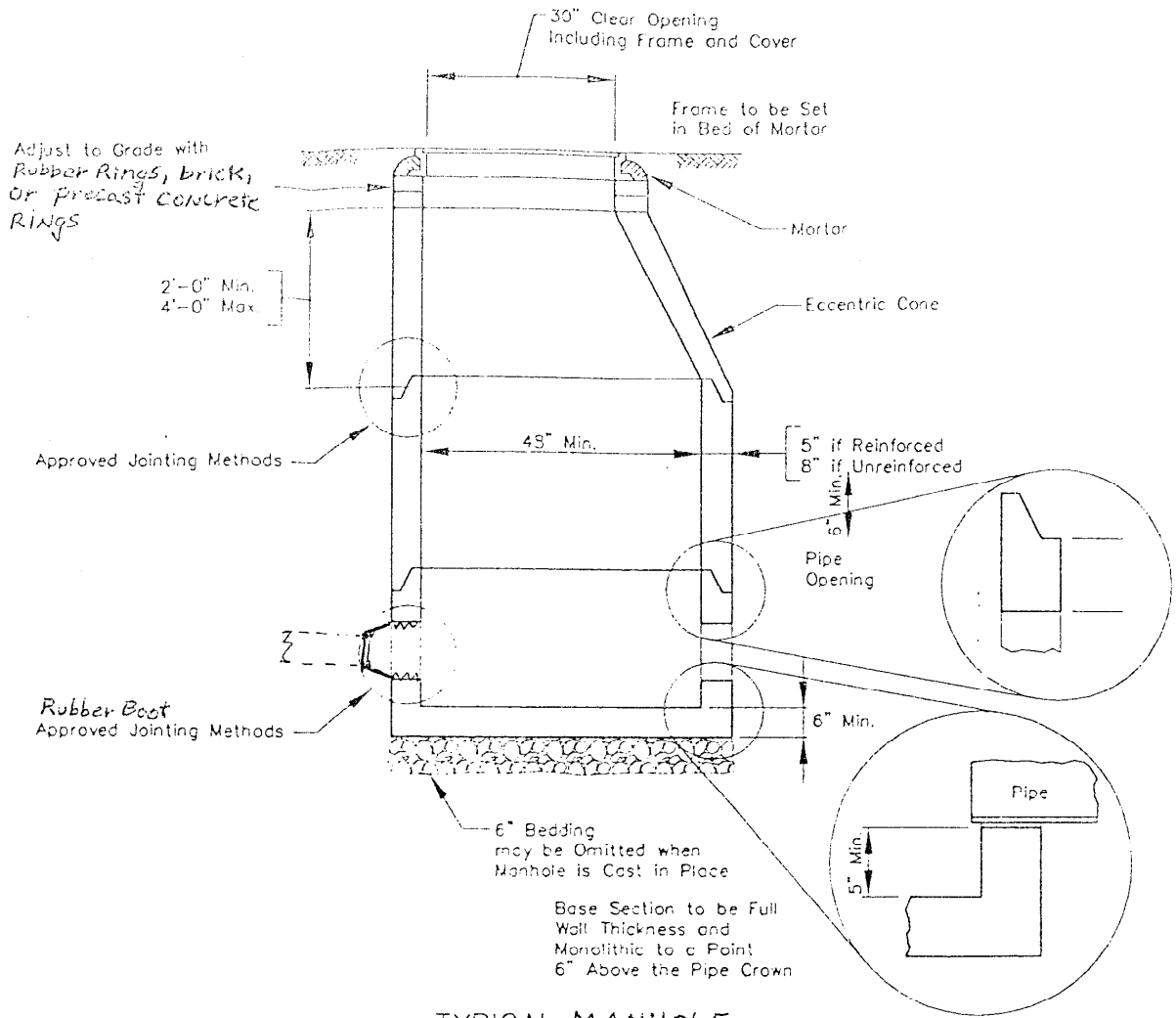
Commercial/Industrial: \$5.55 per gallon per day of consumption

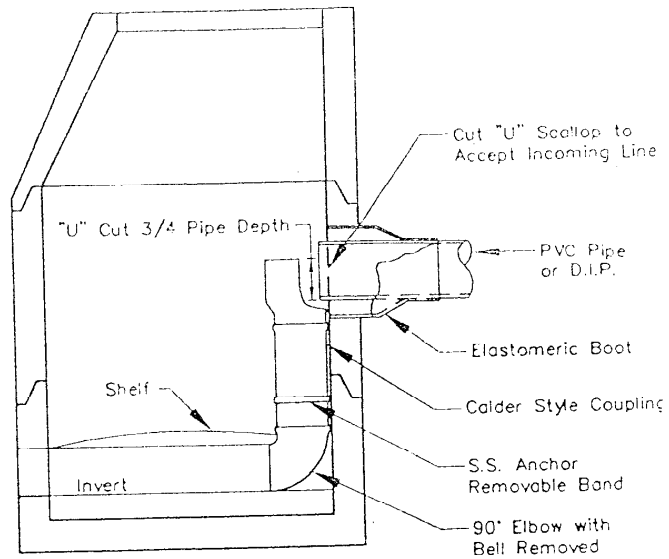
July 25, 2007



TYPICAL SEWER MAIN AND SERVICE TRENCH DETAIL

NTS.





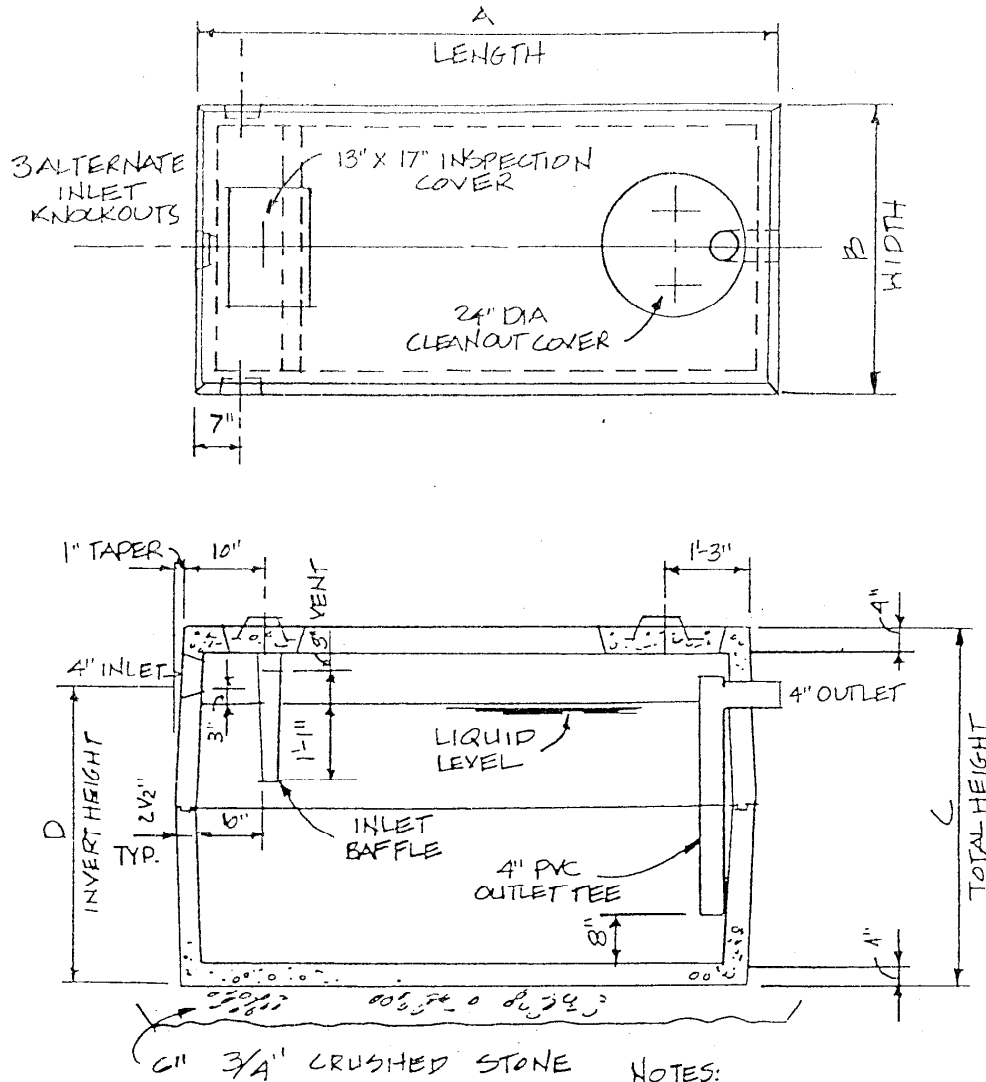
1- 8" or 10" Drop = 4'-0" Manhole

2- 8" or 10" Drop
 1- 12" Drop
 1- 15" Drop] = 5'-0" Manhole

DROP MANHOLE

(To be used when invert in is > 24" above invert out)

TYPICAL GREASE TRAP

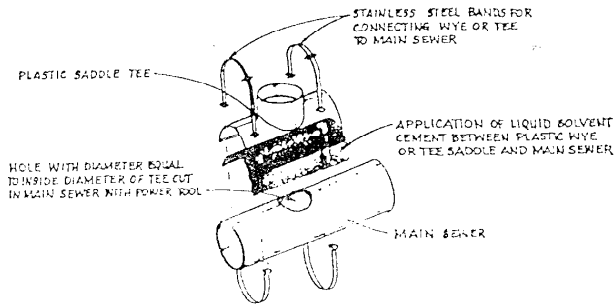


NOT TO SCALE

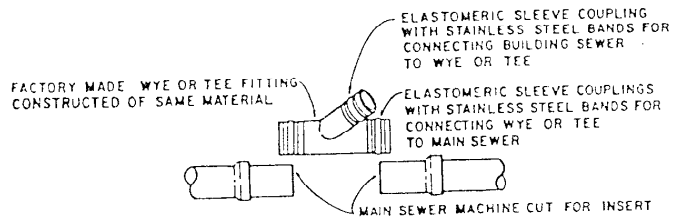
LIQUID CAPACITY	A LENGTH	B WIDTH	C HEIGHT	D INVERT
500	8'-0"	4'-0"	4'-0"	3'-2 1/2"
750	8'-0"	4'-0"	5'-4"	4'-6 1/2"
1000	8'-0"	5'-1"	5'-4"	4'-6 1/2"
1500	10'-6"	6'-4"	5'-4"	4'-5"
2000	10'-6"	6'-4"	6'-2"	5'-3"

NOTES:

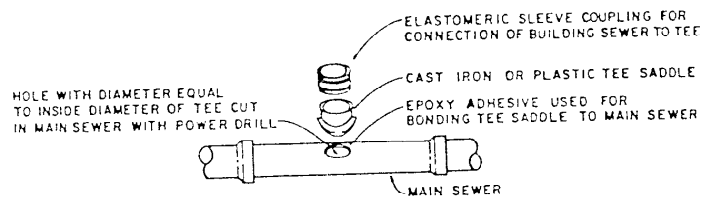
- 1) CONCRETE 4,000 PSI AFTER 28 DAYS
- 2) REINFORCING 6X6/10X10 W.W.M
- 3) HD. SEPTIC TANK TOPS REINFORCED WITH 3/8" REBAR 12" ON CENTER EACH WAY
- 4) KEYED JOINT SEALED WITH ASPHALTIC CEMENT OR EQUIVALENT
- 5) ABLE TO WITHSTAND H-20 LOADING



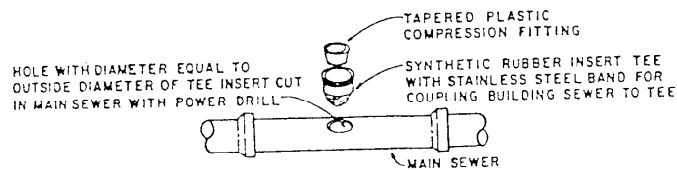
SADDLE TEE CEMENTED TO PLASTIC PIPE



INSERTION OF FACTORY MADE WYE OR TEE

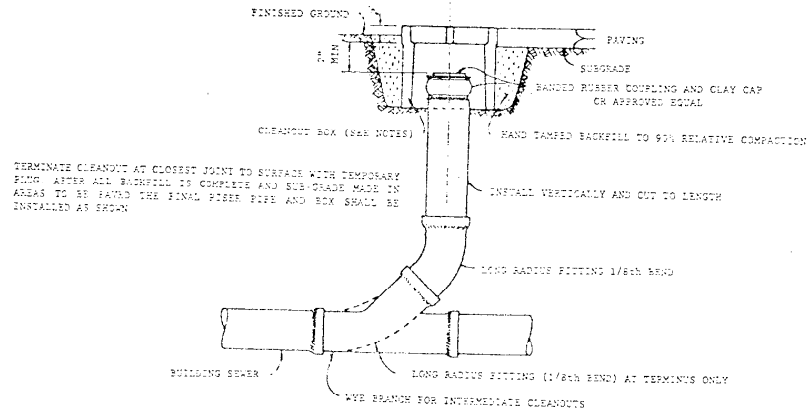


EPOXY BONDED SADDLE TEE

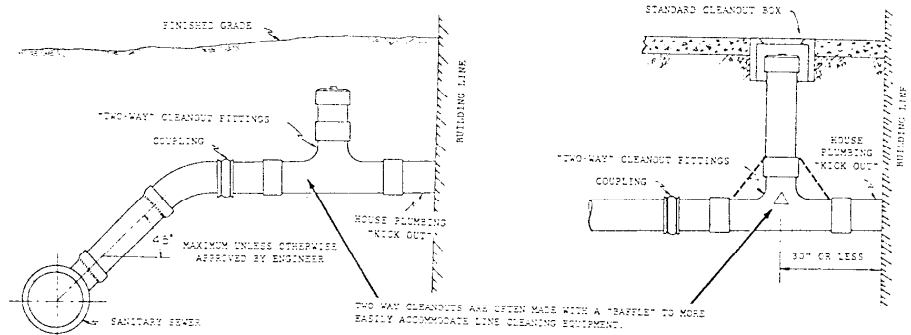


DISTRICT WILL REQUIRE THE WEDGED INSERT TEE INTO THE EXISTING RIGID MAIN SEWERS UNLESS OTHERWISE DIRECTED BY DISTRICT ENGINEER
 SYNTHETIC RUBBER WEDGED INSERT TEE

TYPICAL SEWER SERVICE CONNECTION

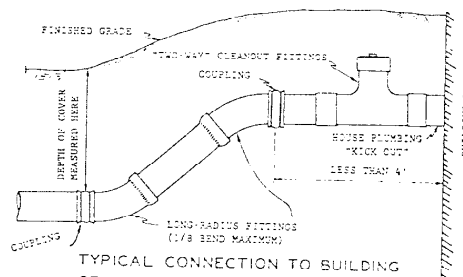


CLEANOUT AT PROPERTY LINE



TYPICAL CONNECTION TO DEEPER LONGITUDINAL BUILDING SEWER.

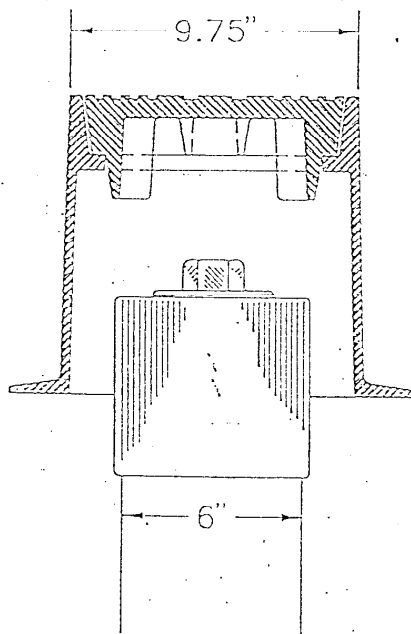
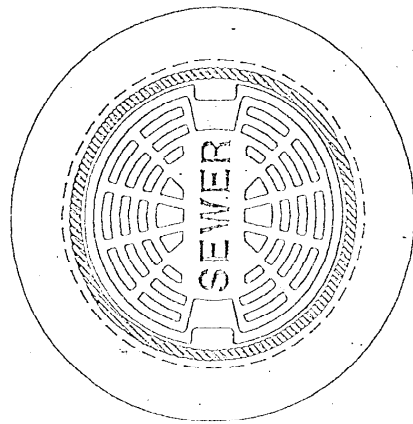
TYPICAL "TWO-WAY" CLEANOUT TO GRADE (ALL RESIDENTIAL USES WHEN UNDER PAVING AND/OR COVERED AREA; AND FOR ALL INDUSTRIAL AND COMMERCIAL USES)



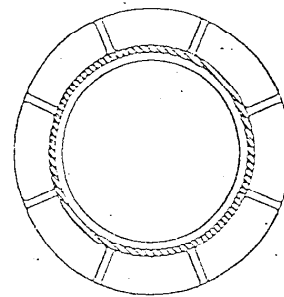
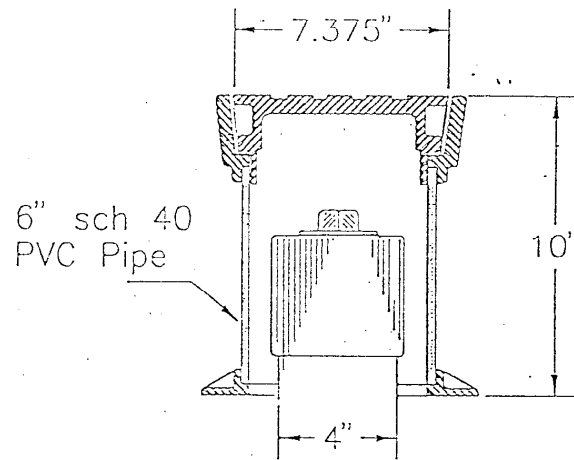
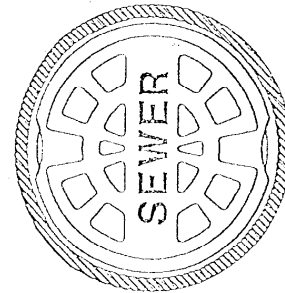
TYPICAL CONNECTION TO BUILDING SEWER WHERE ADDITIONAL DEPTH IS REQUIRED.

- NOTES: 1. Cleanouts should be extended to surface so they are accessible without excavation in order to reduce maintenance costs and customer complaints regarding operators disturbing their yards.
2. "Two-Way" cleanout fittings may be difficult to push equipment through because of the right-angle entrance instead of a gradual entrance.

TYPICAL BUILDING SEWER CLEANOUTS



4" OR 6"
IN PAVED AREAS



LAWN AREA STYLE

TYPICAL CLEANOUT COVERS

