

Town *of* Hanover

ORDINANCE #14

HANOVER MUNICIPAL SEWER SYSTEM

ORDINANCE OF THE BOARD OF SELECTMEN

Adopted: July 31, 1987
Amended: September 13, 2010

DECLARATION OF PURPOSE: THE RULES AND REGULATIONS HEREIN SET FORTH IN THIS SEWER ORDINANCE ESTABLISHED BY THE BOARD OF SELECTMEN OF THE TOWN OF HANOVER AS NECESSARY AND DESIRABLE FOR THE EFFICIENT OPERATION OF THE HANOVER MUNICIPAL SEWER SYSTEM AND FOR THE PROTECTION OF THE HEALTH AND SAFETY OF THE PEOPLE OF HANOVER PURSUANT TO RSA CHAPTER 149-I AND THE HANOVER TOWN CHARTER 1963, LAWS CHAPTER 374.

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**TOWN OF HANOVER
ORDINANCE OF THE BOARD OF SELECTMEN**

THE BOARD OF SELECTMEN ORDAINS AS FOLLOWS:

HANOVER MUNICIPAL SEWER SYSTEM

DECLARATION OF PURPOSE: THE RULES AND REGULATIONS HEREIN SET FORTH IN THIS SEWER ORDINANCE ESTABLISHED BY THE BOARD OF SELECTMEN OF THE TOWN OF HANOVER AS NECESSARY AND DESIRABLE FOR THE EFFICIENT OPERATION OF THE HANOVER MUNICIPAL SEWER SYSTEM AND FOR THE PROTECTION OF THE HEALTH AND SAFETY OF THE PEOPLE OF HANOVER PURSUANT TO RSA CHAPTER 149-I AND THE HANOVER TOWN CHARTER 1963, LAWS CHAPTER 374.

Be it ordained and enacted by the Selectmen of the Town of Hanover, State of New Hampshire as follows:

SECTION 1 - GENERAL PROVISIONS

1.1 Purpose and Policy

This Ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) of the Town and enables the Town to comply with all applicable State and federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*), the General Pretreatment Regulations (40 Code of Federal Regulations Part 403), and for accomplishing the purposes of the Town Charter 1963, Laws Chapter 374. The objectives of this Ordinance are:

A. To promote the following:

- The prevention or reduction of pollutants at the source whenever feasible;
- Recycling in an environmentally safe manner;
- Treatment in an environmentally safe manner of pollution; 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 beneficial reuse of biosolids 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, biosolids use and disposal requirements, State of New Hampshire Administrative Rules (RSA 485-A, or revisions thereto), and any other federal or State laws to which the POTW is subject.

This Ordinance shall apply to all users of the POTW. The Ordinance authorizes the issuance of industrial wastewater discharge permits; 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 Director of Public Works shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Director of Public Works may be delegated by the Director of Public Works to other Town personnel.

1.3 Abbreviations

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

- BMP - Best Management Practice
- BOD - Biochemical Oxygen Demand
- CFR - Code of Federal Regulations
- COD - Chemical Oxygen Demand
- IDR - Indirect Discharge Request
- EPA - United States Environmental Protection Agency
- gpd - Gallons per day

- IDP - Industrial Wastewater Discharge Permit
- mg/l - Milligrams per liter
- NHDES - New Hampshire Department of Environmental Services
- NPDES - National Pollutant Discharge Elimination System
- POTW - Publicly Owned Treatment Works
- RCRA - Resource Conservation and Recovery Act
- RSA - Revised Statutes Annotated
- NAICS - North American Industry Classification System
- TSS - Total Suspended Solids
- U.S.C. - United States Code
- °F , °C - degrees Fahrenheit, degrees Celsius

1.4 Definitions

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

1. Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 *et seq.*
2. 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; provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate 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, or their designee.

- (d) The individuals described in paragraphs (a) through (c), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the user, and the written authorization is submitted to the Town.
 - (e) If the authorization under paragraph (d) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (d) of this section must be submitted to the Town prior to or together with any reports to be signed by an authorized representative.
3. Best Management Practices. Schedules of activities, prohibitions of practices, maintenance Procedures, and other management practices to implement the pollutant control prohibitions of the Town's Sewer Use Ordinance. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
 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 20° centigrade, usually expressed as a concentration (e.g., mg/l).
 5. Biosolid. The nutrient-rich organic materials resulting from the treatment of sewage sludge (the name for the solid, semisolid or liquid untreated residue generated during the treatment of domestic sewage in a treatment facility). When treated and processed, sewage sludge becomes biosolids which can be safely recycled and applied as fertilizer to sustainably improve and maintain productive soils and stimulate plant growth.
 6. Building Drain. That part of the lowest horizontal piping of a drainage system that receives the discharge from waste pipes inside the walls of the building and conveys it to the building sewer. The building sewer begins five (5) feet outside the inner face of the building wall.
 7. Building Sewer. The extension from the building drain to the public sewer or other place of disposal, also called house connection or sewer service.
 8. Bypass. The intentional diversion of waste streams from any portion of a wastewater treatment facility.
 9. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Clean Water Act (33 U.S.C. § 1317) that applies to a specific category of industrial users and that are found in 40 CFR, Subchapter N, Parts 405 through 471.

10. Combined Sewer. A sewer intended to receive wastewater and storm, surface or ground water.
11. Compatible Pollutant. Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria.
12. Connection Fee. A fee assessed to all new service connections to pay for a share of the existing facilities pursuant to Appendix 3 of this Ordinance.
13. Control Authority. The term Control Authority, as used in the Ordinance, refers to the Regional Administrator of the EPA.
14. Domestic Septage. “Domestic septage” means either liquid or solid material removed from a septic tank, cesspool, or similar containment area that receives only domestic sewage.
15. Domestic Sewage. “Domestic sewage” means sewage comprised of waste and wastewater from household or commercial operations, that:
 - (1) Contains no industrial waste; and
 - (2) Is discharged to or otherwise enters a treatment works.
16. Easement. An acquired legal right for the specific use of land owned by others.
17. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.
18. Equivalent User. Shall mean a residential connection producing 450 gallons per day (gpd) of wastewater equal to a three bedroom single family residence.
19. Excessive Pollution Surcharge. Additional fee for all sewage prior to dilution from non-industrial wastes received from a permitted user that exceeds the adopted screening levels pursuant to Appendix 3.
20. Food Service Facility. Restaurants, schools, hospitals, nursing or retirement homes, catering services, supermarkets, and any other facility that handles fats, oils and grease (FOG) and which discharges wastewater containing fats, oils and grease (FOG) into the Town of Hanover collection system.
21. Fume Toxicity Screening Level. “Fume toxicity screening level” means that concentration of a pollutant in water which, under equilibrium conditions, a confined environment, and a standard temperature, would cause the concentration of the pollutant in the air over that water to exceed the exposure limit.

22. Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
23. Grab Sample. A sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
24. Grease. That material removed from a grease interceptor (trap) serving a restaurant or other facilities require such grease interceptors. Also means volatile and non-volatile residual fats, fatty acids, soaps, waxes and other similar materials.
25. Hauler. Those persons, firms, or corporations, who pump, haul, transport, or dispose of septage and who are licensed by the Commissioner of the New Hampshire Department of Environmental Services (NHDES) and conform to the requirements set forth in RSA 485-A, or revisions thereto.
26. Headworks. “Headworks” means that portion of a Water Reclamation Facility which first receives the total influent flow for initial treatment.
27. Headworks Loading Limit. or Maximum Allowable Headworks Loading Limit means the maximum allowable quantity of pollutants at the headworks of a Water Reclamation Facility when the following environmental criteria are considered:
 - (1) Water quality standards for the receiving water;
 - (2) Discharge permits limits;
 - (3) Inhibition of biological treatment processes;
 - (4) Biosolids Land Application Criteria;
 - (5) Corrosive destruction of the POTW;
 - (6) Air quality limitations;
 - (7) Worker safety; and
 - (8) Sludge Toxicity Characteristic Leaching Procedure.
28. Human Excrement and other Putrescible Material. The liquid or solid matter discharged from the intestinal canal of man or other liquid or solid waste materials that are likely to undergo bacterial decomposition; provided, however, that these terms shall not include garbage as defined by RSA 485-A, or revisions thereto.
29. Incompatible Pollutant. Any pollutant that is not a compatible pollutant.
30. Indirect Discharge. “Indirect discharge” means the introduction of pollutants into a

POTW from any non-domestic sources.

31. Indirect Discharger. “Indirect discharger” means a facility that discharges waste, as defined by RSA 485-A:2, XVI, alone or in combination with sanitary sewage to a POTW.
32. Industrial Wastewater Discharge Permit (IDP). The written permit between the Town and an industrial user that discharges wastewater to the POTW, which outlines the conditions under which discharge to the POTW will be accepted.
33. Industrial User (or User). A source of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Clean Water Act.
34. Industrial Waste. Any liquid, gaseous or, solid waste substance or pollutant from any process or from development of any natural resource by industry, manufacturing, trade, business, or governmental entity.
35. Industrial Wastewater. Any wastewater that contains industrial waste, as distinct from sanitary sewage or unpolluted water.
36. Inspection Fee. Fee for connecting to the public sewer which includes costs for one (1) inspection and administrative work. Re-inspections will be subject to an additional fee pursuant to Appendix 3 of this Ordinance.
37. Instantaneous Maximum Allowable 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.
38. Interference. “Interference” means an indirect discharge which, alone or in conjunction with indirect discharge(s) from other sources:
 - (1) Inhibits or disrupts the POTW’s treatment processes or operations, or its processing, use, or disposal of sludge in compliance with applicable statutes and rules;
 - (2) Is a cause of a violation of any requirements of the POTW’s federal or state discharge permit; or
 - (3) Prevents sewage sludge use or disposal in compliance with the following statutory provisions and rules or permits issued there under:
 - a. Env-Wm 101-102, 201-210, 301-316, and 2100- 3700 relative to solid waste management;
 - b. Env-A 100-3800 relative to air pollution control;
 - c. The General Pretreatment Regulations for Existing and New Sources of

Pollution, 40 CFR 403;

- d. The Federal Toxic Substances Control Act;
 - e. The Federal Marine Protection, Research and Sanctuaries Act; and
 - f. Env-Ws 800 and 40 CFR 503 relative to use or disposal of sewage sludge.
39. Local Limits. Enforceable numeric limitations on the types and quantities of pollutants that may be discharged to the POTW and are established by the Town, as distinct from State or federal limitations for industrial wastewater discharged to the POTW.
40. May. Means permissive (see "Shall").
41. Medical/Infectious Waste. Any solid waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals. Examples include isolation wastes, infectious agents, human blood and blood products, pathological wastes, chemotherapy wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
42. Municipal Sewer Use Ordinance. "Municipal sewer use ordinance" means that set of ordinances, bylaws, or regulations duly adopted by the governing body of the municipality relating to the POTW and all appurtenant structures, including any pretreatment facilities as are required for the proper maintenance and operation of the foregoing enumerated facilities.
43. Municipality. "Municipality" means, for the purposes of these rules, any state, county, city, town, district, governmental subdivision of the state, or any other public entity, other than federal agencies, responsible for the operation and maintenance of the treatment works.
44. National Pollutant Discharge Elimination System or NPDES Permit. A permit issued pursuant to Section 402 of the Clean Water Act (33 U.S.C. 1342).
45. Natural Outlet. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.
46. NHDES. New Hampshire Department of Environmental Services.
47. Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product and is not degraded in quality by mixing with or addition of industrial waste or pollutants other than heat.

48. Normal Sanitary Sewage. Wastewater generated by residential users.
49. Notice. Actual notice or written notice mailed postage prepaid first-class mail to any Person's last known address.
50. Other Wastes. "Other wastes" means other wastes as defined by RSA 485-A:2, VIII, namely "garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, ashes, offal, oil, tar, chemicals and other substances other than sewage or industrial wastes, and any other substances harmful to human, animal, fish or aquatic life."
51. Owner. Any Person vested with ownership, legal or equitable, sole or partial, or possession of any Improved Property.
52. Pass Through. "Pass through" means a discharge to a POTW in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of applicable water quality criteria.
53. Person. "Person" means person as defined by RSA 485-A:2, IX, namely "any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity."
54. 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.
55. Pharmaceutical Waste. Means a prescription drug, as defined by RSA 318:1, XVII, or a nonprescription or proprietary medicine, as defined by RSA 318:1, XVIII, which is no longer suitable for its intended purpose or is otherwise being discarded.
56. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
57. Pollution Prevention. The use of processes, practices or products that reduce or eliminate the generation of pollutants and wastes or that protect natural resources through equipment or technology modifications; process or procedure modifications; reformulation or redesign of products; substitution of raw materials; and improvements in housekeeping, maintenance, training, or inventory control. The term "pollution prevention" does not include any practice that alters the physical, chemical, or biological characteristics or the volume of a hazardous substance, pollutant, or contaminant through a process or activity that itself is not integral to and necessary for the production of a product or the providing of a service.

58. Pretreatment. “Pretreatment” means the application of physical, chemical, or biological processes, either singly or in combination, to reduce the amount of pollutants in or alter the nature of the pollutant property in a waste prior to discharge into a POTW.
59. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
60. Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
61. Private Sewer. A pipe or conduit that carries wastewater, storm water, groundwater, subsurface water, or unpolluted water from any source, which is not controlled by a governmental agency or public utility. Private sewers shall not be allowed. Existing private sewers are excluded from this condition. (see *Public Sewer*)
62. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.4 of this Ordinance.
63. Publicly Owned Treatment Works or POTW. “Publicly owned treatment works” or “POTW” means a treatment works as defined by Section 212 of the Clean Water Act (33 U.S.C. §1292) that is owned by the Town. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastewater of a liquid nature and any conveyances that convey wastewater to a treatment facility. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW. The term also means the municipality that has jurisdiction over discharges to and the discharges from such a treatment works.
64. 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. (See *Private Sewer*)
65. Director of Public Works. The Director of the Town of Hanover Public Works Department, and 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 his duly authorized deputy, agent, or representative.
66. Quarter. One-fourth (1/4) year, or a three (3) month period.
67. Radiological Waste. Means radioactive waste as regulated by RSA 125-F.
68. Sanitary Sewage. Wastewater consisting solely of 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 Wastewater.)

69. Sanitary Sewer. A public 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.
70. Screening Level. That concentration of a pollutant that under baseline conditions could cause a threat to personnel exposed to the pollutant, or could adversely impact the structures of the POTW. A screening level may be adjusted upward or downward within an IDP to account for site-specific conditions at the point of discharge and administered as a local limit.
71. Septage. Any liquid, solid, or sludge pumped from chemical toilets, vaults, septic tanks, or cesspools or other holding tanks, which have received only domestic wastewater.
72. Septage Tank Truck. Any watertight vehicle that is used for the collection and hauling of septage as described above and which complies with the regulations of the Commissioner of the New Hampshire Department of Environmental Services (NHDES) (RSA 485-A, or revisions thereto).
73. Sewage. “Sewage” means “sewage” as defined by RSA 485-A:2, X, namely “the water carried waste products from buildings, public or private, together with such groundwater infiltration and surface water as may be present.”
74. Sewer. A pipe or conduit that carries wastewater, storm water, groundwater, subsurface water, or unpolluted water from any source.
75. Shall. Means mandatory (see "May").
76. Significant Indirect Discharger. Means an indirect discharger that meets one or more of the following criteria:
- (1) Is subject to national categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N;
 - (2) Discharges an average of 10,000 gallons per day or more of industrial wastewater;
 - (3) Discharges industrial wastewater which contributes 5 percent or more of the hydraulic or organic loading to the Water Reclamation Facility;
 - (4) Discharges medical/infectious waste, pharmaceutical waste, or radiological waste;
or
 - (5) Is designated as such by the municipality as having a reasonable potential for adversely affecting the POTW’s operation or performance or for violating any pretreatment standard or requirement.

77. Significant Noncompliance or SNC. An industrial user is in significant noncompliance if its violation meets one of the following criteria:
- (a) Chronic Violations. A pattern of violating the same pretreatment standard daily maximum or average limit (any magnitude of exceedance) 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 6-month period [The TRC factor is 1.4 for biochemical oxygen demand (BOD), total suspended solids (TSS), and oil & grease and 1.2 for all other pollutants except pH.];
 - (c) For pH monitoring, excursions shall be considered SNC when:
 - (i) An individual excursion from the allowable range of pH values exceeds 60 minutes; or
 - (ii) An excursion occurs that the Town believes has caused, alone or in combination with other discharges, interference or pass-through; or endangered the health of the Water Reclamation Facility personnel or the general public; or
 - (d) Any other discharge violation that the Director of Public Works believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
 - (e) Any discharge of pollutants that have caused imminent endangerment to the public or to the environment, or have resulted in the Director of Public Work's exercise of his 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 an Industrial 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 IDP applications, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 - (h) Failure to accurately report noncompliance; or
 - (i) Any other violation(s), which may include a violation of Best Management Practices, that the Director of Public Works determines will adversely affect the operation or implementation of the local pretreatment program.
78. Sludge. "Sludge" means "sludge" as defined by RSA 485-A:2, XI-a, namely "the solid or domestic septage; provided, however, sludge which is disposed of at solid waste

facilities permitted by the department shall be considered solid waste and regulated under RSA 149-M.”.

79. Sludge Toxicity. “Sludge toxicity” means the degree to which a sludge has a toxic effect on living organisms.
80. Slug Load or Slug Means:
- (a) Any discharge of water, wastewater, sewage, or industrial sewage that, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation;
 - (b) Any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in Section 2.4 of this Ordinance; or
 - (c) Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which may adversely affect the collection system and/or performance of the POTW.
81. State. The State of New Hampshire.
82. Storm Sewer. A sewer for conveying storm water, groundwater, subsurface water, or unpolluted water from any source.
83. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
84. Surface Waters of the State. “Surface waters of the state” means “surface waters of the state” as defined by RSA 485-A:2, XIV, namely “perennial and seasonal streams, lakes, ponds, and tidal waters within the jurisdiction of the state, including all streams, lakes, or ponds bordering on the state, marshes, water courses and other bodies of water, natural or artificial.”
85. Total Suspended Solids (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.
86. Town. The Town of Hanover, Grafton County, a municipality of the State of New Hampshire, acting by and through its Selectmen or, in appropriate cases, acting by and through its authorized representatives, including the Director of Public Works.
87. Treatment Works. “Treatment works” means any device or system used in the collection, storage, treatment, recycling, or reclamation of sewage or industrial waste and includes all collection sewers, interceptor sewers, pumping stations, treatment and appurtenant facilities essential to the operation of an entire system.

88. Unpolluted Water. Water of quality equal to or better than the State Water Quality Standards (Part Env-Ws 432) or water that would not cause a violation of receiving water quality standards and would not be benefited by discharge to the POTW.
89. Upset. “Upset” means “upset” as defined by RSA 485-A:2, XVIII, namely “an exceptional incident in which there is unintentional and temporary noncompliance with permit effluent limitations because of factors beyond the reasonable control of the permittee.”
90. User (or Industrial User). A source of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Clean Water Act.
91. User Charge. A charge levied on the user of the POTW for the cost of operations and maintenance of such facilities. The term "operations and maintenance" includes replacement.
92. Waste. Means “waste” as defined by RSA 485-A:2, XVI, namely “industrial waste and other wastes.”
93. Wastewater. Any combination of the liquid and water-carried industrial wastes and/or sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, governmental facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
94. Water Reclamation Facility. “Water Reclamation Facility” means “wastewater treatment plant” as defined by RSA 485-A:2, XVI-a, namely “the treatment facility or group of treatment devices which treats domestic or combined domestic and industrial wastewater through alteration, alone or in combination, of the physical, chemical, or bacteriological quality of the wastewater and which dewateres and handles sludge removed from the wastewater.”

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 Hanover (Town) or in any area under the jurisdiction of said Town, any human or animal excrement.
- B. It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of said Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance and with State and federal laws and regulations.

- C. Sewers for Intended Uses Only. No person shall discharge into any public sewer of the Town, or into any fixture which thereafter discharges into any public sewer, any waste or substance other than for which the particular sewer is intended, designed or provided.
- D. Applicable Permits Required. No person shall discharge into any public sewer of the Town, or into any fixture which thereafter discharges into any public sewer, any waste or substance until all applicable 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 sanitary sewage, and for industrial wastewater that is not objectionable as hereinafter provided. No sanitary sewer shall be used to receive and convey or dispose of any storm or surface water, roof drainage, subsoil drainage, or unpolluted water.
- F. Use of Storm Sewers. Storm water, roof drainage, subsoil and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers, or a natural outlet approved by the Director of Public Works. Industrial cooling water, process waters, or storm water runoff generated in areas of industrial activity (as defined in 40 CFR Part 122) require an NPDES permit prior to discharge to a storm sewer or natural outlet.
- G. Use Designation. If the intended or designated use of any particular sewer or drain and allowable discharge thereto is unclear, the Director of Public Works 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. The use of portable chemical toilets is allowed at construction sites and for other temporary purposes provided the wastes are properly disposed off site.
- I. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a 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.
- 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, or revisions thereto, of the State of New Hampshire and rules, regulations, standards, and procedures promulgated thereupon. 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 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 unless the private wastewater disposal system was approved after 1985 as provided in RSA 147:8. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall be removed or cleaned of sludge and filled with clean, mineral soils, and their use shall be discontinued.
- L. No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a public sewer.
- M. All sanitary sewage and industrial wastewater from any building, subsequent to connection of such building with a public sanitary sewer as required under Paragraph I of this Section, shall be subject to limitations and restrictions as shall be established herein or otherwise shall be established by the Town, from time to time.
- N. 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.
- O. 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 Health Officer.

2.2 Building Sewers and Connections

- A. No person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a building sewer, excavation and connection permits from the Director of Public Works.
- B. There shall be three (3) classes of building sewer permits: (a) for residential and commercial service producing only sanitary sewage, (b) for service to establishments producing industrial wastewater and (c) for combination of above two classes. For residential and commercial services, the owner(s) or his agent shall make application on a special form furnished by the Town at least thirty (30) days prior to said service connection. For an establishment discharging industrial wastewater, the application shall be made at least ninety (90) days prior to said service connection. The building sewer permit application shall be supplemented by any plans, specifications, or other information (including pollution prevention studies) considered pertinent in the judgment of the Director of Public Works. A permit and inspection fee (specific fees are available from the Town as Appendix 3 - Sewer Rental Rates and Charges) shall be paid to the Town at the time the application is filed.
- C. The Town will, at its expense during construction of a new public sewer, construct a sewer stub for a building located on a lot of record (as defined by Section 9.02 of the Town Zoning Ordinance) as of June 1, 1979 if such building is located within 100 feet of the existing public sewer, and therefore is required to connect to the public sewer as provided in Section 2.1(I), above. All costs and expenses incidental to the installation and connection of the remainder of the building sewer, including connection to the structures served, shall

be the responsibility of the owner of the improved property to be connected. If the building or proposed building is located beyond 100 feet of the existing public sewer and the owner desires to connect to the public sewer then all costs associated with an extension of the public sewer to service the building will be the responsibility of the owner. The owner(s) shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. After the initial construction of the building sewer, the owner shall thereafter be obligated to pay all costs of expenses of operation, repair and maintenance and of reconstruction (if needed) of the entire building sewer beginning at the public sewer and ending at the building.

- D. If the owner of any building located within the Town and benefited, improved, served or accommodated by any public sewer, or to which any public sewer is available, after 90 days notice from the Town, in accordance with Section 2.1(I), shall fail to connect such building as required, s/he shall be in violation of this Ordinance and the Town may make such connection and may collect from such owner the costs and expenses thereof by such legal proceeding as may be permitted by law. The Town shall have full authority to enter on owner's property to do whatever is necessary to properly drain the improved property into the public sewer.
- E. New developments which require sewer extensions shall be responsible for all cost related to sewer extensions required to serve said development including necessary improvements to the downstream collection system and the POTW. When sewer is extended to a currently unsewered area the developer shall extend sewers to the furthest property corner away from the existing sewer on a road of a lot fronting on a Town right-of-way where there is either existing developed or potentially developable lot or lots.
- F. A separate and independent building sewer shall be provided for every building. Grouping of more than one building on one building sewer shall not be permitted.
- G. Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the Director of Public Works, to meet all requirements of this Ordinance. The minimum size for commercial services shall be 6" regardless of the condition of the existing service. Commercial services shall only be reused if they are cast iron, ductile iron or PVC and found to be in good shape, alignment and of proper size. Other pipe types shall only be reused if they are slip-lined with an approved material, provide they are found to be in other wise good shape, alignment and of proper size.
- H. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the Town's Specifications for Sewer Construction (see Appendix 2 - Standard Specifications for Sewer Line Construction), the requirements of the building and plumbing code or other applicable rules and regulations of the Town. No outside cleanouts shall be allowed in any service. One 22 1/2 deg elbow will be allowed, a second 22 1/2 deg elbow may be allowed with prior approval of the Director of Public Works.

In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and the Water Environment Federation (WEF) Manual of Practice No. FD-5 shall apply. Any deviation from the prescribed procedures and materials must be approved by the Director of Public Works before installation.

- I. All services with a Food Preparation and Serving Facility shall provide a Grease removal system sized pursuant to Appendix 5 – Fats, Oil & Grease Control.
- J. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage conveyed by such building drain shall be lifted by an approved means and discharged to the building sewer at the owner's expense. Pumping systems shall provide adequate storage for a minimum 24 hour power outage and a minimum of one pump run per day.
- K. All sewer services where the basement floor is below the sewer main shall have a check valve installed in the service line to prevent backflow into the building.
- L. No person(s) shall make connection of roof downspouts, interior or exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer.
- M. No person shall obstruct the free flow of air through any drain or soil pipe.
- N. The applicant for the building sewer permit shall notify the Director of Public Works when the building sewer is ready for inspection and connection to the public sewer. Such notice shall be provided not less than 48 hours in advance of the time any connection is to be made to any public sewer. The connection and testing shall be made under the supervision of the Director of Public Works or his representative. No building sewer or repair thereto shall be covered until it has been inspected and approved by the Town. If any part of a 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 building to be connected to a sewer. This requirement shall also apply to repairs or alterations to building connections, drains or pipes thereto.
- O. Suitable provisions shall be made at the industrial user's connection for sampling, which responsibility shall rest with the holder of the sewer connection permit. Sewer manholes are required at the connection of any commercial or industrial establishment and the Town sewer.
- P. The Director of Public Works shall maintain a record of all connections made to public sewers and drains under this Ordinance and all repairs and alterations made to building connections or drains connected to or discharging into public sewers and drains of the Town or intended to so discharge. All persons concerned shall assist the Director of Public Works in securing data needed for such records.

- Q. 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. No excavations within the traveled portion of any road shall remain open overnight. All excavations within the traveled portion of any pavement shall be patched with new asphalt, cold patch or steel plate as approved by the Director of Public Works at the end of each day.
- R. Under RSA 485 and 485-A, proposed new discharges from residential or commercial sources in excess of 5000 gpd and which serve more than one building or which require a manhole at the connection and for any proposed pumping station which serves more than one building or has a capacity in excess of 50 gallons per minute require a NHDES Sewer Connection Permit. Applications need not be submitted for domestic connections less than 5000 gpd provided that no new sewerage construction is proposed.
- S. If the Owner of any building located within the Town shall fail or refuse, upon receipt of a notice of the Town, in writing, to remedy any unsatisfactory condition with respect to a building sewer, within 45 days of receipt of such notice (except that in the case of dire emergency this time period may be reduced as necessary to protect the health and safety of the residents of the Town), the Town may remedy any unsatisfactory condition with respect to a building sewer and may collect from the Owner the costs and expenses thereof by such legal proceedings as may be provided by law. The Town shall have full authority, as allowed by law, to enter on the Owner's property to do whatever is necessary to remedy the unsatisfactory condition.
- T. Every building sewer shall be maintained in a sanitary and safe operating condition by the owner.
- U. When a building is demolished and not immediately replaced, the owner, having first obtained a building demolition permit, shall adequately seal off his building sewer where it connects to the public sewer.
- V. Where the owner intends to excavate within or otherwise disturb public property, the owner shall follow all directions of the Director of Public Works and shall promptly and safely and at the owner's own expense, complete the action and restore the public property in a manner satisfactory to the Town.
- W. Garbage Grinding or shredding devices are prohibited by this Ordinance and shall not be connected to any sanitary sewer.

2.3 Variances

- A. The Director of Public Works, with the approval of the Town Manager, may allow reasonable variances from the provisions of Sections 2.1 and 2.2 of this Ordinance, which will not result in a violation of State or federal law, provided:

1. The owner shall be responsible for any administration fee, to be determined by the Board of Selectmen;
 2. The variance allowed is the least variance reasonable;
 3. The variance will not cause undue harm or inconvenience to the Town, the POTW, or the Owner's neighbors;
 4. The variance is justified by substantial reason; and
 5. The variance is at the discretion of the Director of Public Works.
- B. The Owner shall apply for the variance in writing to the Director of Public Works. The application shall identify the name and address of the Owner, the property in question, the specific variance sought by the Owner and a substantial reason justifying the variance. The variance fee shall be paid with the application or the variance shall be deemed to have been denied. The variance as issued shall identify any changes, limitations or restrictions on the variance as applied for.

2.4 Prohibited Discharge Standards

- 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, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
 2. Any waters or wastewaters having a pH less than 5.5 or greater than 11.5 or having any other corrosive property that may be capable of causing damage or hazard to structures, equipment, and/or personnel of the sewage works, or with acidity or alkalinity in such quantities that the Town believes may cause, alone or in combination with other discharges, interference, pass-through or the Water Reclamation Facility's influent pH to be less than 6.0 or greater than 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

Fahrenheit (0-65 degrees C), in amounts that will cause obstruction of the flow in the POTW or result in interference with the proper operation of the POTW;

4. Any wastes, including oxygen-demanding released in a discharge at a flow rate and/or pollutant concentration that, either singly or by interaction with other pollutants, will cause interference with the POTW, constitute a hazard to humans or animals, create a public nuisance, exceed any national categorical pretreatment standards or cause pass through;
5. Wastewater having a temperature greater than 150°F (65°C), or that will inhibit biological activity or damage pipes or structures; In no case shall wastewater cause the temperature of the waste stream entering the wastewater treatment facility to exceed 104°F (40°C);
6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil will cause interference or pass through or exceed the levels from Appendix 1 of this Ordinance;
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
8. Trucked or hauled pollutants, except at discharge points designated by the Director of Public Works in accordance with Section 4.9 of this Ordinance;
9. Hazardous wastes including but not limited to paints, stains, thinners, pesticides, herbicides, anti-freeze, transmission and brake fluids, motor oil and battery acid, or any hazardous wastes listed under NHDES Env-Wm 400;
10. Any medical/infectious waste, pharmaceutical waste, or radiological waste except as specifically authorized in an IDP;
11. Any wastewater that would prevent the beneficial use of sludge as defined by NHDES Env. Ws 802.05; and
12. Wastewater causing, alone or in conjunction with other sources, the Water Reclamation Facility's effluent to fail a toxicity test.

C. Additional Prohibitions. No user shall introduce or cause to be introduced into the POTW the following substances, pollutants or wastewater, unless specifically authorized by the Director of Public Works in an IDP:

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'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 public 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, groundwater, 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 wastewater;
6. Wastewater causing, alone or in conjunction with other sources, the wastewater treatment facility's effluent to fail a toxicity test;
7. Detergents, surface-active agents, or other substances that may cause excessive foaming in the POTW;
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. Any quantities of flow, concentrations, or both which constitute a "slug" as defined herein;
10. Waters or wastes which, by interaction with other water or wastes in the treatment works, release dangerous or noxious gases, form suspended solids which affect the operation of the collection system, or create a condition deleterious to structures and treatment processes; and
11. Any materials which 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).

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

2.5 Federal Categorical Pretreatment Standards

- A. The federal categorical pretreatment standards are found at 40 CFR Chapter I, Subchapter N, Parts 405-471.
- B. EPA shall be the control authority for industrial users subject to federal categorical pretreatment standards. As the control authority, industrial users are responsible to the EPA for compliance with categorical pretreatment standards and the requirements of 40 CFR

Part 403. Categorical industrial users shall provide the Town with copies of any reports to, or correspondence with EPA relative to compliance with the categorical pretreatment standards.

- C. The industrial user is responsible to determine 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.

2.6 Local Discharge Restrictions

- A. All persons discharging industrial process wastes into public or private sewers connected to the Town's POTW shall comply with applicable federal requirements and State standards for pretreatment of wastes (as amended) in addition to the requirements of this Ordinance.
- B. Local numerical discharge limitations established by the Town, and all State, and Federal pretreatment standards shall apply, whichever is most stringent. Fume toxicity, explosivity, and ignitability screening levels will be enforced for the protection of personnel or sewer structures.
- C. Pollutants of concern are those for which regulatory controls will be administered by the Town of Hanover. These include pollutants that might reasonably be expected to be discharged to the POTW in quantities that may pass through or interfere with the POTW, contaminate the sludge, or adversely impact worker health or safety. The Town has calculated allowable headworks loading limits for all metals for which there are applicable restrictions placed on the POTW.
- D. 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 2.4, 2.5, 2.6 and Appendix 1 of this Ordinance, which in the judgment of the Director of Public Works 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 Director of Public Works may:
 - 1. Reject or prevent any discharge to the POTW after notice has been served to the discharger. The discharger shall respond within 15 days with a corrective action plan;
 - 2. Require pretreatment prior to discharge to the POTW (see Section 3);
 - 3. Require control (e.g., equalization) over the quantities and rates of discharge; and/or
 - 4. Require payment to cover additional cost of handling and treating the wastes.
- E. If the Director of Public Works 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 Director of Public Works and the State (see Section 3).

F. Maximum Allowable Industrial Loadings. (Headworks Loading Limits) (Appendix 1.1)

1. For all industrial users connected to sewer lines that are tributary to the Town of Hanover POTW, the Public Works Department will not issue permits, which in combination with other industrial loads, exceed the values in Appendix 1.1.
2. All mass loading limitations for metals represent total metals, regardless of the valance state, or the physical or chemical form of the metal. To administer these allowable loadings through IDPs, the Public Works Department may impose concentration-based limitations, mass limitations, or both. For industrial users, the values written into IDPs for the above pollutants shall control the industrial waste stream and may be adjusted to account for dilution with non-industrial wastewaters.
3. Unless specifically identified in an IDP, an industrial user is not allowed to discharge the locally limited pollutants at concentrations greater than normal sanitary wastewater (i.e., background concentrations). Authorization for discharge may be granted subject to the Public Works Department's administrative procedures for managing mass loading limitations.
4. Daily concentration (or mass loading) is the concentration (or mass) of a pollutant discharged, determined from the analysis of a flow-composited sample (or other sampling procedure approved by the Public Works Department) representative of the discharge over the duration of a 24-hour day or industrial operating schedule of less than 24 hours.

G. Screening Levels. (Appendix 1.2)

1. Screening levels are numerical values above which actions are initiated to evaluate, prevent or reduce potential adverse impacts on the POTW, the environment, and/or human health and safety. Screening levels are developed as needed using the methodology of the Public Works Department. The pollutants in Appendix 1.2 (list is not all inclusive) are representative of concentrations above which pollutants shall not be discharged to the POTW without approval of the Public Works Department.
2. If any of the screening levels are exceeded, repeat analysis may be required by the Public Works Department to verify compliance or noncompliance with that screening level. If noncompliance is indicated, then the industrial user may be required, at the discretion of the Public Works Department, to conduct an appropriate engineering evaluation at the industrial user's expense to determine the potential impact of the discharge of this pollutant to the POTW or alternatively, to develop a Pollution Prevention Plan or Best Management Practices Plan specifically addressing the pollutant that exceeds the screening level. This study or plan shall be approved by and conducted under the supervision of the Public Works Department and in accordance with section 3.4 of

this Ordinance. Should the evaluation indicate the impact to be unsatisfactory, the industrial user shall reduce the pollutant concentration to a satisfactory level.

3. If an industrial user proposes to discharge at concentrations greater than the concentration-based screening level maintained by the Public Works Department, then the industrial user may be required to conduct the evaluations described in the previous paragraph. Should the evaluations support an alternate site-specific limitation, then the screening level may, at the discretion of the Public Works Department, be adjusted as a special agreement for the industrial user and administered as a permit limitation for the specific discharge.
4. For industrial discharge applications, conservative pollutant screening levels shall apply at the end of the process train prior to dilution with non-industrial wastewater. Conservative pollutant screening levels contained in IDPs may be adjusted to account for combined sanitary and industrial wastewater present at the point of sampling.

H. Best Management Practices.

1. The Director of Public Works may develop Best Management Practices (BMPs), by ordinance or in IDPs, or require that an industrial user develop BMPs, to implement Local Limits and the requirements of this Ordinance.
2. Such BMPS shall be considered local limits and Pretreatment Standards for the purposes of this Ordinance.

- I. Special Agreements. No statement contained in this Section except for paragraphs 2.4(A), 2.4(B), and 2.5 shall be construed as preventing any special agreement or arrangement between the Town and any industrial user whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment provided that said agreements do not contravene any requirements of existing federal or State laws, and/or regulations promulgated there under, are compatible with any user charge system in effect, and do not waive applicable federal categorical pretreatment standards. Special agreement requests may require submittal of a BMP Plan that specifically addresses the discharge for which a special agreement is requested.

2.7 Town's Right of Revision

The discharge standards and requirements set forth in Sections 2.4 (PROHIBITED DISCHARGE STANDARDS), 2.5 (FEDERAL CATEGORICAL PRE-TREATMENT STANDARDS) and 2.6 (LOCAL DISCHARGE RESTRICTIONS), are established for the purpose of preventing discharges to the POTW that would harm either the public sewers, wastewater treatment process, or equipment; would have an adverse effect on the receiving stream; or would otherwise endanger lives, limb, public property, or constitute a nuisance.

To meet these objectives, the Director of Public Works may, from time to time, review and set more stringent standards or requirements than those established in Sections 2.4 (PROHIBITED DISCHARGE STANDARDS), 2.5 (FEDERAL CATEGORICAL PRE-TREATMENT STANDARDS) and 2.6 (LOCAL DISCHARGE RESTRICTIONS) if, in his opinion, such more stringent standards or requirements are necessary to meet the above objectives. At a minimum, this review will be performed at least once every five years. In forming his opinion, the Director of Public Works 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 Director of Public Works.

The Director of Public Works 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 any amended screening levels or limitations of this Ordinance.

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 Director of Public Works 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 their discharge even though the total mass of the pollutant discharged does not increase, and may in fact decrease. Decisions on granting requests for mass-based compliance limitations will be based on user-specific information and current operating conditions of the POTW, and will be at the discretion of the Director of Public Works. Implementation of mass-based limitations may not contravene any requirements of federal or State laws and/or regulations implemented there under, and may not waive applicable federal 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 pretreatment standards, screening levels, and the prohibitions 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 Director of Public Works, whichever is more stringent. All facilities required to achieve and maintain compliance shall be provided, operated, and maintained at the user's expense. When required, facilities shall be operated by an operator licensed by the State of New Hampshire. Detailed plans describing such facilities and operating procedures shall be submitted to the Director of Public Works for review, and shall be acceptable to the Director of Public Works and the NHDES before such facilities are constructed. Such facilities shall not be connected until said approval is obtained in writing. The review of such plans and operating procedures shall in no way relieve the user of the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Town under the provisions of this Ordinance. Plans and specifications for a proposed pretreatment facility shall be the result of the design of a professional engineer.

3.2 Additional Pretreatment Measures

- A. Whenever deemed necessary, the Director of Public Works may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sanitary sewage from industrial wastewaters, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Ordinance.
- B. The Director of Public Works may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An IDP may be issued solely for flow equalization.
- C. Grease, oil and sand interceptors shall be provided at the owner's expense when, in the opinion of the Director of Public Works they are necessary for wastewater discharges to meet the limitations of this Ordinance. Fat, Oil & Grease interceptors shall be required for all establishments listed in Appendix 5 of this Ordinance. All interception units shall be of a type and capacity approved by the Director of Public Works and shall be so located as to be easily accessible for cleaning and inspection by the owner and the Town. Maintenance of these interceptors requires that the owner be responsible for the proper removal and disposal by appropriate means of the captured materials and shall maintain records of the dates and means of disposal, which shall be subject to periodic review by the Director of Public Works. Reports shall be submitted at the discretion of the Director of Public Works indicating all maintenance and cleaning activities.
- D. Users with the potential to discharge flammable substances shall construct containment facilities which will prevent a discharge to the POTW. Users may be required to install and

maintain a combustible gas detection meter at the discretion of the Director of Public Works.

- E. Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, these devices shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- F. The owner of any building serviced by a building sewer carrying industrial wastewater shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Town. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times. The owner shall perform such monitoring as the Town may reasonably require including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Town. Such records shall be made available upon request of the Town. The Director of Public Works may allow alternate observation, sampling and measurement location if, in his opinion, an access manhole may be unsafe. Alternate access point shall be submitted to the Director of Public Works for approval.

3.3 Accidental Discharge/Slug Control Plans

Each user shall provide protection from accidental discharge of prohibited materials or their wastes regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense.

The Director of Public Works will evaluate all Significant Industrial Users at least once for the need for a slug control plan and conduct follow up evaluations as needed for all other users during routine inspections and permitting.

The Director of Public Works may require any user to develop, submit for approval, and implement an accidental discharge/slug control plan. Alternatively, the Director of Public Works may develop and require the implementation of a Slug Control Plan as part of an enforcement action or permit revision for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including nonroutine batch discharges;
- B. Description of stored chemicals and MSDS sheets;
- C. Procedures for immediately notifying the Director of Public Works of any accidental or slug discharge, as required by Section 6.3 and 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 pollutants, including solvents, and/or measures and equipment for emergency response.

3.4 Best Management Practices (BMP) Plans

In accordance with the provisions of Sections 2.6, and 10.3 of this Ordinance, the Director of Public Works may require any person discharging wastes into the POTW to develop and implement, at their own expense, a BMP Plan (also referenced as a pollution prevention plan). The Director of Public Works may require users to submit as part of the BMP Plan information that demonstrates adherence to the following elements:

- A. Management Support. For changes to be effective, the visible support of top management is required. Management's support should be explicitly stated and include designation of a pollution prevention coordinator, goals, and time frames for reductions in volume and toxicity of waste streams, and procedures for employee training and involvement.
- B. Process Characterization. A detailed process waste diagram shall be developed that identifies and characterizes the input of raw materials, the outflow of products, and the generation of wastes.
- C. Waste Assessment. Estimates shall be developed for the amount of wastes generated by each process. This may include establishing and maintaining waste accounting systems to track sources, the rates and dates of generation, and the presence of hazardous constituents.
- D. Analysis of Waste Management Economics. Waste management economic returns shall be determined based on the consideration of:
 - 1. Reduced raw material purchases;
 - 2. Avoidance of waste treatment, monitoring and disposal costs;
 - 3. Reductions in operations and maintenance expenses;
 - 4. Elimination of permitting fees and compliance costs; and
 - 5. Reduced liabilities for employee/public exposure to hazardous chemicals and cleanup of waste disposal sites.
- E. Development of BMP 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.
- G. Recordkeeping. Documentation demonstrating implementation or compliance with BMPs shall be created, retained, and made available as required.

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

SECTION 4 - INDUSTRIAL WASTEWATER DISCHARGE PERMIT (IDP) APPLICATION

4.1 Wastewater Characterization

When requested by the Director of Public Works, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Director of Public Works is authorized to prepare a form for this purpose and may periodically require users to update this information.

4.2 Industrial Wastewater Discharge Permit Requirement

- A. No significant industrial user shall discharge wastewater into the POTW without first obtaining an IDP from the Director of Public Works, 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 Director of Public Works may require other users to obtain IDPs, or submit an application for an IDP, as necessary to execute the purposes of this Ordinance.
- C. Any violation of the terms and conditions of an IDP shall be deemed a violation of this Ordinance and subjects the permittee to the enforcement actions set out in Section 10 of this Ordinance. Obtaining an IDP does not relieve a permittee of its obligation to comply with all federal and State pretreatment standards or requirements or with any other requirements of federal, State, and local law.

4.3 NHDES Indirect Discharge Request (IDR) Requirement

All industrial users classified as class 1 or 2 industrial users shall receive NHDES approval for any new industrial discharge, or any significant alteration in either flow or waste characteristics. For the purposes of this section, the Town defines significant as any increase greater than 20 percent and the discharge of any previously unreported pollutant. The Town of Hanover and the NHDES may require any other user including hauled wastewater users to receive NHDES approval through

submission of an Indirect Discharge Request Form. Such approvals shall be obtained in accordance with Section 6.2 of this Ordinance.

4.4 Industrial Wastewater Discharge Permitting: Application for Existing Connections

Any user required to obtain an IDP who was discharging wastewater into the POTW prior to the effective date of this Ordinance, and is not currently covered by a valid IDP, and who wishes to continue such discharges in the future, shall, within sixty (60) days after said date, apply to the Director of Public Works for an IDP in accordance with Section 4.2 of this Ordinance. Any users who fail to file an application shall not cause or allow discharges to the POTW to continue after one hundred twenty (120) days of the effective date of this Ordinance.

4.5 Industrial Wastewater Discharge Permitting: Application for New Connections

Any user required to obtain an IDP who proposes to begin or recommence discharging into the POTW must obtain an IDP prior to the beginning or recommencing of such discharge. An application for this IDP, in accordance with Section 4.2 of this Ordinance, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

4.6 Industrial Wastewater Discharge Permitting: Federal Categorical Pretreatment Standards

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

4.7 Industrial Wastewater Discharge Permit Application Contents

All users required to obtain an IDP, and other users subject to these rules, as required by the Director of Public Works, must submit a permit application. The Director of Public Works may require all users to submit as part of an application the following information:

- A. 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 or intentionally be, discharged to the POTW;
- B. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- C. Each product produced by type, amount, process or processes, and rate of production;
- D. Type and amount of raw materials processed (average and maximum per day);
- E. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

- F. Time and duration of discharges;
- G. Details of wastewater pretreatment facilities;
- H. Copies of Best Management Practices Plans, Slug Control Plans or other similar plans that describe pollution prevention activities 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 Director of Public Works to evaluate the IDP application.

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

4.8 Signatories and Certification

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

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

4.9 Hauled Wastewater

- A. Septic tank waste may be introduced into the POTW only at locations designated by the Director of Public Works, and at such times as are established by the Director of Public Works. Transport and discharge of such waste shall comply with Section 13 of this Ordinance.
- B. The Director of Public Works may require generators of hauled industrial waste to obtain IDPs. The Director of Public Works may require haulers of industrial waste into the POTW to obtain IDPs. The Director of Public Works may also prohibit the disposal of hauled industrial waste to the POTW. The discharge of hauled industrial waste is subject to all other requirements of this Ordinance.
- C. Industrial waste haulers may discharge loads only at locations designated by the Director of Public Works. No load may be discharged without prior consent of the Director of Public Works. The Director of Public Works may collect samples of each hauled load to ensure

compliance with applicable standards. The Director of Public Works may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

- D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and 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 WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

5.1 Industrial Wastewater Discharge Permit Decisions

The Director of Public Works will evaluate the data provided by the industrial user and may require additional information. Within sixty (60) days of receipt of a complete IDP application for a new, existing or increased discharge, (or 90 days for applications requiring review and approval by the New Hampshire NHDES), the Director of Public Works will determine whether or not to accept the wastewater and issue an IDP. The Director of Public Works may deny any application for an IDP.

5.2 Industrial Wastewater Discharge Permit Duration

An IDP shall be issued for a specified time period, not to exceed five (5) years, or three (3) years in the case of a significant industrial user, from the effective date of the permit. An IDP may be issued for a period less than these intervals at the discretion of the Director of Public Works. Each IDP will indicate a specific date upon which it will expire.

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

5.3 Industrial Wastewater Discharge Permit Contents

An IDP shall include such conditions as are deemed reasonably necessary by the Director of Public Works to prevent pass through or interference, protect the quality of the water body receiving the Water Reclamation Facility's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. IDPs must contain:

1. A statement that indicates IDP duration;
2. A statement that the IDP is nontransferable without prior notification to the Town in accordance with Section 5.6 of this Ordinance, and provisions for providing the new owner or operator with a copy of the existing IDP;

3. Effluent limits, including Best Management Practices, based on applicable pretreatment standards and requirements;
 4. Identification of applicable federal categorical pretreatment standards;
 5. Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include identification of pollutants requiring pollution prevention reports and for pollutants to be monitored: sampling location, sampling frequency, and sample type based on this Ordinance, and State and federal laws, rules and regulations;
 6. For users with reporting requirements, such reports at a minimum shall require:
 - a. Periodic monitoring results indicating the nature and concentration of pollutants in the discharge from the regulated processes governed by pretreatment requirements and the average and maximum daily flow for these process units;
 - b. A statement as to whether the applicable pretreatment standards and requirements are being met on a consistent basis and, if not, identification of additional operation and maintenance practices and/or pretreatment systems that are necessary; and
 - c. Submittal of any monitoring results performed in addition to the requirements of the IDP using procedures prescribed in the permit.
 7. A description of identified pollution prevention opportunities at the facility;
 8. 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; and
 9. A statement allowing authorization of Town of Hanover personnel to enter the permittees' premises and have access to the permittees' records.
- B. IDPs may contain, but need not be limited to, the following conditions:
1. Limitations on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;
 3. Requirements for the development and implementation of spill control plans or other special conditions including 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;
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
7. A statement that compliance with the IDP does not relieve the permittee of responsibility for compliance with all applicable federal and State pretreatment standards, including those that become effective during the term of the IDP; and
8. Other conditions as deemed appropriate by the Director of Public Works to ensure compliance with this Ordinance, and State and federal laws, rules, and regulations.

5.4 Industrial Wastewater Discharge Permit Appeals

Any person, including the user, may petition the Director of Public Works to reconsider the terms of an IDP 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 appealing user must indicate the IDP provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the IDP.
- C. The effectiveness of the IDP shall not be stayed pending the appeal.
- D. If the Director of Public Works 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 IDP in accordance with Section 15.2 of this Ordinance.

5.5 Industrial Wastewater Discharge Permit Modification

The Director of Public Works may modify an IDP for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised federal, State, or local pretreatment standards or requirements;
- B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of IDP issuance;

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

5.6 Industrial Wastewater Discharge Permit Transfer

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

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

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

5.7 Industrial Wastewater Discharge Permit Revocation

The Director of Public Works may revoke an IDP for good cause, as described in Section 10.5.

5.8 Industrial Wastewater Discharge Permit Reissuance

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

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

5.9 Regulation of Waste Received from Other Jurisdictions

- A. If another municipality, or user located within another municipality, contributes wastewater to the POTW, the Town shall enter into an intermunicipal agreement (IMA) according to RSA 53-A with the contributing municipality.
- B. Prior to entering into an agreement required by paragraph (A), above, the Director of Public Works 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 Director of Public Works may deem necessary.
- C. An IMA-, 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 must be revised as necessary to reflect changes made to the Town's Ordinance or revisions to the loadings allocated to the contributing municipality;
 - 2. A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
 - 3. A provision specifying which pretreatment implementation activities, including IDP issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Director of Public Works; and which of these activities will be conducted jointly by the contributing municipality and the Director of Public Works;
 - 4. A requirement for the contributing municipality to provide the Director of Public Works 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. Requirements for the contributing municipality to adopt water meter testing program and certify compliance with AWWA C700 requirements. Annually, the contributing municipality shall submit third party testing and calibration results of all tested meters, their locations, and size;
 8. A provision ensuring the Director of Public Works 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 Director of Public Works; and
 9. A provision specifying remedies available for breach of the terms contained within the intermunicipal agreement.
- D. Intermunicipal agreements must receive New Hampshire Department of Environmental Services approval.

SECTION 6 - REPORTING REQUIREMENTS

6.1 Periodic Compliance Reports

- A. All significant industrial users shall, at a frequency determined by the Director of Public Works but in no case less than twice per year, 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 must 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 orderly, and maintained in good working order at all times. The failure of a user to maintain its monitoring facility in satisfactory working condition shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Director of Public Works, using the procedures prescribed in Sections 6.8 and 6.9 of this Ordinance, the results of this monitoring shall be included in the report.

6.2 Reports of Changed Conditions

Each user must notify the Director of Public Works 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 Director of Public Works may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submittal of an IDP application under Section 4.4 of this Ordinance.
- B. Upon approval of the request by the Town, an Indirect Discharge Request (IDR) will be submitted by the Town to the NHDES on behalf of the user. All applicable NHDES review fees shall be provided by the user.
- C. Upon approval of the IDR by the NHDES, the Director of Public Works may issue an IDP under Section 5.4 of this Ordinance or modify an existing IDP under Section 5.5 of this Ordinance in response to changed conditions or anticipated changed conditions.
- D. For purposes of this requirement, significant changes include, but are not limited to; flow increases greater than twenty percent (20%), and the discharge of any previously unreported pollutants.

6.3 Reports of Slugs or Potentially Adverse Discharges

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may adversely impact the POTW, the user shall immediately telephone and notify the Director of Public Works and the Water Reclamation Facility Superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions conducted by the user.
- B. Within five (5) days following such discharge, the user shall, unless waived by the Director of Public Works, submit a detailed written report describing the cause(s) of the discharge and the measures to be initiated 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. This report must be signed and certified in accordance with Section 4.8 of this Ordinance.
- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (A) of this Section. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

- D. The permittee shall notify the Town immediately of any changes at its facility that may affect the potential for a slug discharge. The Town may require the permittee to develop or modify a Slug Control Plan or take other actions to control slug discharges.

6.4 Reports from Unpermitted Users

All users not required to obtain an IDP shall provide appropriate reports to the Director of Public Works as he/she may require.

6.5 Notice of Violation/Repeat Sampling and Reporting

If the results of sampling performed by a user indicate a violation, the user must notify the Director of Public Works 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 Director of Public Works within 30 days subsequent to becoming aware of the violation.

6.6 Notice of Violation of this Ordinance

All industrial users shall notify the Director of Public Works within 24 hours of becoming aware of any violation of this Ordinance and/or their IDP conditions. Immediate notification is required for any violation of this Ordinance which may cause flammability, chemical reactivity, organic loading, solids loading, interference, pass through, or worker health and safety impacts within the POTW.

6.7 Best Management Practices Reports

Permitted industrial users when required shall report on Best Management Practices activities undertaken to reduce or minimize their industrial wastewater discharges. The Town may publicize these efforts in the annual notification provided for in Section 9.

6.8 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of an IDP 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 must be performed in accordance with procedures approved by the Town of Hanover.

6.9 Sample Collection

- A. Except as indicated in paragraph (B) and (C) below, the user must collect wastewater samples using flow-proportional composite collection techniques. In the event flow-proportional sampling is infeasible, the Director of Public Works 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 maximum allowable discharge limitations (e.g., screening levels established to protect

worker health and safety). A single grab sample may also be used in place of a composite sample with approval of the Director of Public Works 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, cyanide, oil & grease, phenols, sulfides, volatile organic compounds and all other pollutants as specified by 40 CFR Part 136 must be obtained using grab collection techniques.
- C. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory.

6.10 Timing

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

6.11 Recordkeeping

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

SECTION 7 - POWERS AND AUTHORITIES OF INSPECTORS

7.1 Compliance Monitoring

The Director of Public Works shall investigate instances of noncompliance with the industrial pretreatment standards and requirements. The Director of Public Works 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 sampling and analysis of its wastewater.

7.2 Right of Entry: Inspection and Sampling

All industrial users discharging to the Town's POTW shall allow unrestricted access by Town, State and EPA personnel for the purpose of determining whether the user is complying with all requirements of this Ordinance, and any IDP or order issued hereunder. Users shall allow the Director of Public Works and other duly authorized employees of the Town bearing proper credentials and identification ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a user has security measures in force 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 Director of Public Works or other duly authorized employee(s) will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Director of Public Works or other duly authorized employee(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 Director of Public Works or other duly authorized employee(s) may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least annually to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Director of Public Works or other duly authorized employee(s) and shall not be replaced. The costs of clearing such access shall be borne by the user.
- E. Unreasonable delays in allowing the Director of Public Works or other duly authorized employee(s) access to the user's premises shall be a violation of this Ordinance.
- F. The Director of Public Works or other duly authorized employee(s) is authorized to obtain information concerning industrial processes that have a bearing on the kind or source of

discharge to the public sewer. Such information may be treated as confidential if the industrial user satisfies the requirements of Section 8.1 of this Ordinance. However, information regarding wastewater discharged by the user (flow, sources, constituents, concentrations, and characteristics) shall be available to the public without restriction.

- G. The Director of Public Works or other duly authorized employee(s) of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the 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.

7.3 Administrative Inspection Warrants

If the Director of Public Works or other duly authorized employee has been refused access to a property where (a) probable cause exists to believe that a violation of this Ordinance exists; or (b) there is a need to conduct a routine inspection or to perform testing or sampling designed to verify compliance with this Ordinance or with any permit or order issued hereunder, the Director or Director's designee may seek an administrative inspection warrant pursuant to the provisions of RSA Chapter 595-B.

SECTION 8 - CONFIDENTIAL INFORMATION/PUBLIC PARTICIPATION

8.1 Confidential Information

Information and data on a user obtained from reports, surveys, IDP Applications, IDPs, monitoring programs, and from the Director of Public Works inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, in writing, and is able to demonstrate to the satisfaction of the Director of Public Works, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State and Federal law. INCLUDING, BUT NOT LIMITED TO RSA 91-A:5 (EXEMPTIONS UNDER THE RIGHT TO KNOW LAW). Any such request must be asserted, in writing, at the time of submittal 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 identified by the user which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person providing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

8.2 Public Participation

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

SECTION 9 - PUBLICATION OF POLLUTION PREVENTION ACHIEVEMENTS

The Director of Public Works may publish annually, in the largest daily newspaper, circulated in the Municipality where the POTW is located, 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 may be used to identify published users:

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

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

SECTION 10 - ENFORCEMENT REMEDIES

10.1 Notification of Violation

When the Director of Public Works determines that a user has violated, or continues to violate, any provision of this Ordinance, an IDP or order issued hereunder, or any other pretreatment standard or requirement, the Director of Public Works may serve upon that user a Notice of Violation. 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 Director of Public Works. 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 Director of Public Works 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 Director of Public Works may require any user that has violated, or continues to violate, any provision of this Ordinance, an IDP or order issued hereunder, or any other pretreatment standard or requirement, to develop a compliance schedule. A compliance schedule pursuant to this section 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 (such events include, but are 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 Director of Public Works no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the 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 Director of Public Works.

10.3 Best Management Practices Plan Development

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

10.4 Show Cause Orders

The Director of Public Works may order a user that has violated, or continues to violate, any provision of this Ordinance, an IDP or order issued hereunder, or any other pretreatment standard or

requirement, to appear before the Board of Selectmen 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.

10.5 Industrial Wastewater Discharge Permit Termination

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

- A. Failure to notify the Director of Public Works of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Director of Public Works of changed conditions pursuant to Section 6.2 of this Ordinance;
- C. Misrepresentation or failure to fully disclose all relevant facts in the IDP application;
- D. Falsifying self-monitoring reports;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Director of Public Works timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer rental charges or surcharges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the IDP application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility;
- M. Violation of any pretreatment standard or requirement, or any terms of the IDP or this Ordinance; or

- N. IDPs shall be voided upon cessation of operations or transfer of business ownership (except for as allowed in section 5.6). All IDPs issued to a particular user are void upon the issuance of a new IDP to that user.

10.6 Termination of Discharge

Any user who violates a Section 10.5 criterion, or fails to cease and desist from any discharge of wastewater upon termination of their IDP for that discharge, is subject to discharge termination.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.4 of this Ordinance why the proposed action should not be taken. Exercise of this option by the Director of Public Works shall not be a bar to, or a prerequisite for, taking any other action against the user.

10.7 Emergency Suspensions

The Director of Public Works may immediately suspend a user's wastewater 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 Director of Public Works 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 permit shall immediately terminate or eliminate its wastewater discharge. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Director of Public Works 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 Director of Public Works may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Director of Public Works that the period of endangerment has passed, or corrective actions have been taken, unless the termination proceedings in Sections 10.5 or 10.6 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 Director of Public Works prior to the date of any show cause or termination hearing under Section 10.4 of this Ordinance.

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

10.8 Recovery of Expenses

Any person or industrial user violating any of the provisions of this Ordinance shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation. If the Director of Public Works or Board of Selectmen implemented the disconnection of a building sewer 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.

10.9 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 POTW. Any person violating this provision shall be guilty of criminal mischief and subject to immediate arrest and/or fines pursuant to the local Ordinances and State and federal statutes. Ref. RSA 634:2.

10.10 Injunctive Relief

When the Director of Public Works determines that a user has violated, or continues to violate, any provision of this Ordinance, an IDP, or order issued hereunder, or any other pretreatment standard or requirement, the Director of Public Works may petition the Lebanon District Court or Grafton County Superior Court through the Town's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the IDP, order, or other requirement imposed by this Ordinance on activities of the user. The Director of Public Works 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.

10.11 Penalties (Fines)

- A. When the Director of Public Works finds that a user has violated, or continues to violate, any provision of this Ordinance or an IDP and the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Director of Public Works may deduct the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

10.12 Civil Penalties

The Town may pursue any other or any combination of remedies for enforcement of this ordinance available to it under applicable law. Each day in which any such violation shall continue shall be deemed a separate offense.

- A. Any person or user who has violated, or continues to violate, any provision of this Ordinance, an IDP, 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, as authorized by RSA 149-I:6, 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 Town 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 Town 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 implemented 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.
- E. The Town shall give notice of the alleged violation to the NHDES within 10 days of commencement of any action under this section. (Ref. RSA 149-I:6)

10.13 Criminal Penalties

Any person who willfully or negligently violates any provision of this Ordinance, an IDP, or order issued hereunder, or any other pretreatment standard or requirement shall be subject to criminal prosecution. The Director of Public Works shall cooperate with all law enforcement officials having jurisdiction over such criminal conduct in the event that a prosecution is undertaken. Every separate provision violated shall constitute a separate violation. Every day that a violation occurs shall be deemed a separate violation. Additionally, any violation may be referred to the state for criminal prosecution under its powers. (Ref. RSA 485-A:22 and RSA 485-A:5)

10.14 Nonexclusive Remedies

The remedies provided for in this Ordinance are not exclusive. The Town may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in order of potential impact as determined by the Director of Public Works. 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 noncompliant user.

SECTION 11 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

11.1 Upset

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

11.2 Prohibited Discharge Standards

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

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

11.3 Bypass

- A. For the purposes of this section:
 - 1. "Bypass" means the intentional diversion of waste streams from any portion of a user's treatment facility.
 - 2. "Severe Property Damage" means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A user may allow any bypass to occur that does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.
- C. The user shall provide the following notifications for bypass events:
 - 1. If a user is aware in advance of the need for a bypass, it shall submit prior notice to the Director of Public Works, at least ten (10) days before the date of the bypass, if possible.
 - 2. A user shall submit oral notice to the Director of Public Works and the Water Reclamation Facility Superintendent of an unanticipated bypass that exceeds applicable pretreatment standards immediately. A written submittal shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submittal shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been

corrected, the anticipated time it is expected to continue; and steps implemented or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

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

SECTION 12 - SEPTAGE DISPOSAL

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

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

12.1 Septage Hauler Requirements

- A. Only haulers registered with a Town with a septage agreement with the Town of Hanover will be allowed to discharge septage into the Hanover Wastewater Treatment Facility from that Town.
- B. Such hauler may discharge septage to the facilities provided at the Town's wastewater treatment facility only after paying the charges as set forth in Section 12.4 of this Ordinance.

- C. No person, firm, corporation, municipal subdivision or institution shall discharge any toxic, poisonous, radioactive solids, liquids or gases, or the contents of grease, gas, oil and/or sand interceptors into the Town's wastewater treatment facility.

12.2 Temporary Septage Permits

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

12.3 Septage Permits

- A. Any person, firm, corporation, municipal subdivision, institution or hauler who conforms to RSA 485-A and intends to dispose of septage, human excrement or other putrescible material within the limits of the Town shall first obtain a permit therefore from the Town.
- B. Such permit as issued by the Town shall identify:
 - 1. The motor vehicle;
 - 2. The capacity of the tank;
 - 3. The NHDES Permit Number; and
 - 4. Any other details of compliance with the regulations of the NHDES.
- C. The following conditions shall constitute conditions precedent to the issuance of each permit by the Town:
 - 1. Each septic tank truck shall have an access port in which the quantity of the contents of each truck may be ascertained by depth measurements.
 - 2. The hauler shall record the following prior to the time of disposal as follows:
 - a. The hauler's name;
 - b. Date;
 - c. Time of disposal;
 - d. Volume disposed;
 - e. Origin of load (property owner's name, address, and telephone number); and
 - f. Nature of the waste (i.e., grease or septage) being disposed.
 - 3. Such record as described in Section 13.3(C)(2) shall be located at the POTW.

4. The Director of Public Works may require liability insurance and reasonable coverage with a certificate of insurance on request.

SECTION 13 - VALIDITY

- A. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
- B. The invalidity 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 14 - INTERPRETATION OF REQUIREMENTS

14.1 Interpretation

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

14.2 Appeals

- A. 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 Director of Public Works, who shall issue a decision within thirty (30) calendar days. If said appeal is denied by the Director of Public Works, then the aggrieved party shall have the right to appeal to the Board of Selectmen, provided that said appeal is entered within thirty (30) calendar days from the date of the decision of the Director of Public Works. The Board of Selectmen shall issue a decision within thirty (30) calendar days.
- B. Board of Selectmen decisions shall be final.
- C. If party fails to act during any prescribed period the decision shall be final and no further appeals may be filed.

SECTION 15 - MODIFICATIONS

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

SECTION 16 - 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 13th day of September 2010 by the Board of Selectmen of the Town of Hanover in Grafton County, State of New Hampshire, at a duly noticed and duly held session of the said Board of Selectmen.

Hanover, New Hampshire

By: TOWN OF HANOVER
BOARD OF SELECTMEN

Brian F. Walsh, Chair

Katherine S. Connolly, Vice Chair

Peter L. Christie

Athos J. Rassias

Judith A. Doherty, Secretary

APPENDIX 1

LOCAL DISCHARGE RESTRICTIONS

1.1 Maximum Allowable Industrial Loadings

POLLUTANT	MAXIMUM ALLOWABLE INDUSTRIAL LOADING (lb/day)	POLLUTANT	MAXIMUM ALLOWABLE INDUSTRIAL LOADING (lb/day)
Aluminum	197	Manganese	10.3
Arsenic	0.035	Mercury	0.021
Cadmium	0.021	Molybdenum	0.031
Chromium	0.90	Nickel	0.446
Copper	0.80	Selenium	0.056
Cyanide	0.13	Silver	0.081
Iron	56.4	Zinc	3.37
Lead	0.59	-	-

1.2 Screening Levels

Screening levels established for conservative pollutants

POLLUTANT	mg/L	POLLUTANT	mg/L
Aluminum	205	Manganese	10.7
Arsenic	0.036	Mercury	0.022
Cadmium	0.022	Molybdenum	0.032
Chromium	0.93	Nickel	0.46
Copper	0.83	Selenium	0.059
Cyanide (T)	0.14	Silver	0.08
Iron	59	Zinc	3.5
Lead	0.61	-	-

Screening levels established for non metallic pollutants

POLLUTANT	mg/L	POLLUTANT	mg/L
Acetone	372	Methylene chloride	1.0
Benzene	0.001	Oil & Grease (animal and vegetable origin)	250
Biochemical oxygen demand	250	Oil & Grease (petroleum origin)	100
bis-2-Ethylhexyl phthalate	0.073	Phenol	50
Carbon disulfide	0.007	Phenols (total)	1.0
Chloride	1,500	Sulfate	500
Chlorine (Total Residual)	6.0	Sulfide	1.0
Chloroform	0.065	Sulfite	280
p-Cresol (4-methylphenol)	0.015	Tetrachloroethylene (PCE)	0.23
1,2-Dichloropropane	3.0	Tetrahydrofuran	205
Di-isobutylketone (DIBK)	8.0	Toluene	0.69
Ethylbenzene	1.35	1,1,1-Trichloroethane (TCA)	2.7
Formaldehyde	1.47	Trichloroethene	0.32
Isopropyl alcohol	1,488	Total suspended solids	250
Methyl ethyl ketone (MEK)	160	Vinyl chloride	0.0023
Methyl isobutyl ketone (MIBK)	36	Xylenes	1.4
Methyl tert-butyl ether (MTBE)	5.5	-	-

POLLUTANT	S.U.
pH	5.5 – 11.5

1.3 Local Limits

Administration of Local Limits is currently not applicable. None of the evaluated metals are present in the wastewater treatment facility in sufficient quantity to trigger administration of a local limit.

APPENDIX 2

STANDARD SPECIFICATIONS FOR SEWER LINE CONSTRUCTION

2.1 General

- A. This information in no way supersedes any part or parts of the Sewer Use Ordinance.
- B. Notification: Before any work begins, the Public Works Department will be notified. Notification will be at least 48 hours in advance. The telephone number is (603) 643-3327.
- C. Failure to comply with any of these specifications will result in unnecessary re-excavation.
- D. Pipe Size, Slope, Alignment, and Depth:

- 1. Pipe Size:

- a. Service force mains shall be a minimum diameter of two (2) inches, PVC Pressure Pipe Class 160 (SDR 26) minimum.
- b. Residential service installation shall be no less than four (4) inch diameter SDR 35 PVC pipe. Unless waived by the Director of Public Works, all residential services shall have a sewer backup valve installed inside the building just before the sewer exits the building. Easy access shall be provided to service the sewer backup valve.
- c. Commercial and industrial service installations shall be no less than six (6) inch diameter SDR 35 PVC pipe.

- 2. Pipe Slope:

- a. Minimum slopes shall be as follows:

Four (4) -inch diameter pipe, $\frac{1}{4}$ inch per foot, and six (6) inch diameter pipe $\frac{1}{8}$ inch per foot. Pipes larger than 6" shall conform to NHDES requirements.

- b. Maximum Slope:

The maximum of slope of any non anchored pipe shall be such that the full flowing velocity shall not exceed 10 fps. Anchored pipes will only be approved by the Director of Public Works on a case by-case scenario and flow velocity shall not exceed 15 fps.

3. Pipe Alignment:

With the exception of direction changes made with acceptable manholes, all pipe will be installed straight between points. On all service laterals only, one 22 1/2-degree bend may be installed without the approval by a designated inspector or Town agent.

4. Depth:

All pipe installed will have a minimum depth cover of four (4) feet cross country and six (6) feet on roadways and driveways.

- E. Inspection: Prior to backfilling, all pipes will be inspected by a designated inspector or an agent of the Town. Pipe will be inspected for all items mentioned in Section D above: size, slope, alignment, bedding, and depth of cover.

2.2 Pipe Material Options

Only options listed to be used, options are listed by preference.

- A. PVC Pipe (Solid Wall) ASTM D-3034 SDR 35 with push-on joints per ASTM-D-3212 and elastomeric gaskets per ASTM F-477. Pipe will be marked with manufacturer's name, diameter, and thickness class.
- B. Ductile Iron Class 50, cement-lined with push-on type joints and elastomeric gaskets. Pipe will be marked with manufacturer's name, diameter, and strength class.
- C. Cast Iron Pipe may be used on services. All joints will be made with a Fernco-style coupling.
- D. Vitrified Clay Pipe, extra strength, ASTM C-700, with compression joints per ASTM C-425. Pipe will be marked with manufacturer's name, diameter, and strength class.

2.3 Pipe Bedding and Installation

- A. Bedding Material:

3/4 inch crushed stone will be used as bedding material.

- B. Placement and compaction of bedding material:

3/4 inch stone bed to be no less than twelve (12) inches in depth and brought half way up sides of pipe. Stone must be chinked under haunches of pipe to eliminate any voids.

C. Blanket Material:

Sand will be used as blanket material. Any exceptions will be handled on a case-to-case basis by the Town Inspector or agent.

D. Placement and compaction of blanket material:

Sand blanket is to be compacted to crown of pipe with a 12 inch minimum blanket on top of pipe.

2.4 Manholes

A. Manhole Sub-grades: Manholes will be installed on 12 inches of 3/4 inch crushed stone or greater in sufficient depth to stabilize manhole sub-grade.

B. Manhole Locations: Manholes shall be installed at a minimum every 350 feet and the minimum line size between manholes shall be 8”.

C. Manhole Lateral Options: Four (4) foot inside diameter precast concrete with neoprene boots shall be used. Exceptions may be allowed on a case-to-case basis. Manholes shall be provided with reinforced polypropylene ladder rungs at 12” on center meeting the requirements of ASTM C478 and approved by the Town.

1. Five (5) foot inside diameter manholes are required for depths of twelve (12) feet or greater.

2. Five (5) foot inside diameter manholes are required for all manholes with inside drops.

3. All inside drops hardware shall be stainless steel. Inside drops shall utilize drop bowl as manufactured by Reliner-Duran, Inc. or Town approved equal.

D. Manhole Installations: All manhole sections shall have bituminous compound gaskets. Manholes shall have brick and mortar inverts constructed in them. Exceptions to the brick and mortar may be allowed on a case-to-case basis. Manhole frames and covers shall be set to finish grade with mortar joint under and mortar bead above flange. Manhole covers will have the word "sewer" in 3 inch letters cast into them and shall be 30” in diameter.

E. Manhole Sealing: All manholes shall be sealed before hydrostatic or vacuum testing. All section joints lift holes, and other potential sources of leakage shall be sealed with hydraulic cement.

2.5 Backfill and Compaction

A. Backfill Material: Backfill above pipe bedding and sand blanket with excavated material, except when excavated material is unsuitable. Unsuitable materials

include: stones larger than six (6) inches, organic material, pavement or concrete debris, and cohesive soils (clay and silt). In paved areas, replace gravel base course to the same depth as in the adjacent paved areas, or to a minimum depth of twelve (12) inches below the sub-grade elevation for pavement whichever is greater. Pavement patching shall match trench patch requirements.

- B. Placement: In roadway areas, backfill shall be placed in loose lifts not to exceed twelve (12) inches in thickness. In landscaped areas, backfill shall be placed in loose lifts not to exceed eighteen (18) inches in thickness. Each lift shall be compacted as specified below. When hand-operated vibratory compaction equipment (vibratory plate compactors and jumping jacks) is used, the lift thickness shall be reduced to six (6) inches in roadway areas and twelve (12) inches in landscaped areas.

Perform dewatering, as required, to allow placement of backfill in-the-dry.

- C. Compaction: Earth-moving equipment not specifically designed for compaction shall not be used for the purpose of compaction under paved and graveled roadway areas. Large vibratory rollers should not be used for compaction unless there is at least twelve 12 inches of backfill above the crown of the pipe.

From mid-diameter of pipe to subgrade elevation for gravel base course, backfill materials shall be compacted to at least 95 percent of the material's maximum dry density, as determined by ASTM D1557 (Modified Proctor). Gravel base course shall be compacted to at least 95 percent of the material's maximum dry density, as determined by ASTM D1557 (Modified Proctor). Testing of backfill materials shall be in accordance with ASTM D1556 (Sand Cone Method) or D2922 (Nuclear density gauge).

For small projects, the requirements for compaction testing may be waived by the Director of Public Works. In such case, each lift shall be compacted by at least four passes of approved compaction equipment.

2.6 Manhole and Pipe Testing

- A. Manhole Hydrostatic Test:

The manhole will be filled with water to the top of the cone section. If the excavation has not been backfilled and there is no water visibly moving down the outer surface of the manhole, it will be considered satisfactorily water-tight. If the excavation has been backfilled, the contractor has the option to allow a period of time for absorption. At the end of this period, the manhole will be refilled, if necessary and the measuring time of at least eight (8) hours begun. At the end of the 8-hour period, the drop of the water level in the manhole will be measured and compared to the allowable drop or water loss represented by Table 1.

The maximum allowable leakage shall not exceed one (1) gallon per vertical foot

over a 24-hour period. (See Table 1)

B. Manhole Testing:

The manhole will be brought under no less than ten (10) inches of vacuum, no matter what the manhole depth. There must be no more than one (1) inch of drop over a ten (10) minute period for the manhole to be acceptably watertight.

C. All manhole testing will be completed prior to installation of inverts.

D. Pipe Testing (Low Air Pressure):

Pipe testing shall follow Table 2 with a minimum test pressure of four (4) pounds per square inch (psi).

E. Pipe Testing (Deflection):

Sewer lines may be tested for excessive deflection by passing a properly sized "Go: No go" mandrel through the line. This mandrel is to be constructed so it will pass through a line with maximum deflection of five (5) percent.

TABLE 1

MANHOLE DEPTH (FT.)	ALLOWABLE DROP (IN.) PER VERTICAL FT./DAY	ALLOWABLE DROP INCHES/24 HOURS	ALLOWABLE DROP INCHES/HOUR
1	3/8"	3/8"	.02"
2		3/4"	.03"
3		1 1/8"	.05"
4		1 1/2"	.06"
5		1 7/8"	.08"
6		2 1/4"	.09"
7		2 5/8"	.11"
8		3"	.12"
9		3 3/8"	.14"
10		3 3/4"	.16"
11		4 1/8"	.17"
12		4 1/2"	.19"
13		4 7/8"	.20"
14		5 1/4"	.22"
15		5 5/8"	.23"

TABLE 2

PIPE DIAMETER (INCHES)	MINIMUM TIME (MIN:SEC)	MAXIMUM LENGTH FOR MINIMUM TIME	SPECIFICATION TIME FOR LENGTH (L) SHOWN (min:sec)					
			100'	150'	200'	250'	300'	350'
4"	3:46	597 Ft.	3:46	3:46	3:46	3:46	3:46	3:46
6"	5:40	398 Ft.	5:40	5:40	5:40	5:40	5:40	5:40
8"	7:34	298 Ft.	7:34	7:34	7:34	7:34	7:36	8:52
10"	9:26	239 Ft.	9:26	9:26	9:26	9:53	11:52	13:51

Note: Allowable drop in pressure will be no greater than 0.5 psi over the test duration.

2.7 Road Excavation

- A. Backfill and compaction (refer to Section 2.5.)
- B. Sub-base: Sub-base to be good quality crushed gravel no less than 12 inches in depth and thoroughly compacted.
- C. Pavement: Pavement to be replaced in two compacted lifts no less than three (3) inches total depth, shaped to conform to existing road grade, per Trench Patch standard. Base course shall be 2" minimum.
- D. At the end of each day, all excavations within the right of way shall be backfilled to grade unless otherwise approved in writing by the Director of Public Works. In addition, at the end of each day, the traveled surface shall be repaired to an acceptable asphalt surface except in the case where the road surface is gravel or if otherwise approved in writing by the Director of Public Works.
- E. Any work within the road right of way requires an Excavation Permit from the Town of Hanover and all work must conform to the Excavation Permit which supersedes this document in the event of any conflicting information.

2.8 Traffic Control and Signing

- A. Warning signs will be located at both ends of the job in a manner as to give motorists plenty of advance warning that there is construction going on in the street.
- B. There will be barricades or traffic cones marking open manholes or trenches for the duration of time that they pose traffic safety problems.
- C. When needed, flagmen will be used to aid in traffic flow.
- D. Lights on barricades will be used in all cases where a potentially dangerous situation exists during hours of darkness.

APPENDIX 3

SEWER RENTAL RATES AND CHARGES

3.1 Sewer Rates

- A. The assessment and collection of the expense of constructing and maintaining the POTW shall be governed by the provisions of RSA 149-I and the Charter of the Town of Hanover 1963 Laws Ch. 374 as amended, and any other applicable general laws. In conformance with Section 15 of the Town Charter, the entire expense of construction and maintenance of the sewage disposal system shall be met by a user charge (hereinafter called sewer rental rate) as herein provided.
- B. The revenues collected, as a result of the sewer rental rates levied, shall be deposited in a separate non-lapsing fund known as the Sewer Fund.
- C. Fiscal year-end balances in the sewer fund shall be used for no other purposes than those designated. Monies that have been transferred from other sources to meet temporary shortages in the operation, maintenance and replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The sewer rental rate(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within twelve (12) months of the end of the fiscal year in which the monies were borrowed.
- D. Each user shall pay for the services provided by the Town based on its use of the wastewater treatment facility as determined by water meter readings (or other appropriate methods) as indicated in the latest Rates and Fee Schedule adopted by the Board of Selectmen.
- E. Sewer rates shall be determined on a periodic basis as follows:
 - 1. Base charge covering fixed costs, determined by meter size comparing average flows for each meter vs. total consumption.
 - 2. A Flow charges based on the annual cost of the system operation related to flow and not strength or fixed cost related.
 - 3. A Strength charge based on the cost of treating BOD & TSS. The strength charge shall be based upon three Categories of strength levels as follows:
 - a. Category A - Low strength less than 250 mg/l of BOD & or TSS.
 - b. Category B - Medium strength greater than or equal to 250 mg/l and less than 400 mg/l of BOD & or TSS.

- c. Category C - High strength greater than or equal to 400 mg/l of BOD & or TSS. This category shall include All Food Preparation Establishments without an Approved Automatic Grease Removal System.

Each account strength classification shall be determined by the highest classification of any use within a facility as shown in the Equivalent User Table.

- F. Users for whom no water meter readings are available, the sewer rental rate shall be based on a flat use based on the average equivalent user provided in the Rates and Fees Schedule and a surcharge of 25%. No new unmetered services shall be allowed.
- G. For users, sewer consumptive rates will be based on the quantity of wastewater discharged based on the water meter readings for water consumed during a billing period.
- H. In the event that a water meter is either not registering or incorrectly registering, the Town will estimate consumption based upon an average of previous readings. When no previous readings exist, the consumption will be based upon one half of the Equivalent user flow as indicated in the Equivalent User Flow in Section 3.5. There shall be no more than two (2) consecutive estimated bills.
- I. If a large user (> 5,000 gpd) can demonstrate to the Director of Public Works that a substantial quantity (greater than 50%) of metered water is not discharged into the wastewater collection system, the user may submit a request to have a wastewater meter installed as a basis of establishing wastewater discharge. Wastewater meter(s) when approved by the Town shall be installed, maintained, inspected and tested by a qualified third party at the user's expense. An alternate method may be considered when the entire flow of a branch of the water service lines within a facility does not enter the sewer system. In this case a separate meter may be installed, maintained, inspected and tested annually by a qualified third party at the user's expense on the water service line that the entire respective flow does not enter the sewer system. A deduction of flow which is metered shall be applied to the user's consumption total. An additional meter reading and account administration charge shall apply for each additional meter.
- J. Any user that discharges any pollutants (as defined in this Ordinance), which cause an increase in the cost of managing the effluent or the sludge from the Town's wastewater treatment facility, or any user that discharges any substance, which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of the wastewater treatment facility, shall be required to cease or control the discharge or required to pay for such increased costs. The charge to each such user shall be as determined by the by the Director of Public Works and approved by the Board of Selectmen.

- K. The sewer rental rate established in this Section shall apply to all users of the Town's wastewater treatment facility.
- L. All users contributing wastewater whose waste strength is greater than normal sanitary sewage shall prepare and file with the Town Self Monitoring Reports report that shall include pertinent data relating to the wastewater characteristics, including the methods of sampling and measurement to obtain these data, and these data shall be used to calculate the sewer rental rate for that user. The Town shall have the right to gain access to the waste stream and take its own samples. Should the Town do so and should the results be substantially different from the data submitted by the user, the sewer rental rate for that user shall be revised for the next billing cycle/period.
- M. All users shall be billed a minimum of four times per year. Payments are due within 30 days following the billing day. Any payment not made by 30 days following the billing day in which it is due shall be considered delinquent and subject to a late payment penalty of one (1) percent for each thirty days or portion thereof of delinquency, except that, when bills for payment under this section are mailed on or after the billing date, interest shall not be charged until 30 days after the last bill is mailed.
- N. When any bill (including interest and penalty) remains unpaid for one (1) year after the date due, such bill shall be collected in conformance with RSA 149-I, or revisions thereto.
- O. Any user who believes his sewer rental rate is unjust and inequitable may make written application to the Town requesting a review of his sewer rental rate. Said written request shall, where necessary, show the actual or estimated average flow and/or strength of his wastewater in comparison with the values upon which the sewer rental rate is based, including how the measurements or estimates were determined. Any user within a category may provide testing, approved by the Director of Public Works, to justify changing to a different category. Testing methods, requirements, frequency and type shall be the sole discretion of the Director of Public Works.
- P. Review of the request shall be made by the Board of Selectmen and if substantiated, the sewer rental rates for that user shall be recomputed based on the revised flow and the new sewer rental rates shall be applicable to the next billing cycle/period.
- Q. The Board of Selectmen will review the sewer rental rates at least annually and revise the rates as necessary to ensure that adequate revenues are generated to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.
- R. The Town will notify users at a noticed public hearing of the sewer rental rate being

charged for operations and maintenance, including replacement costs related to the wastewater treatment facility.

- S. The sewer rental rates as established by the Town latest Rates and Fee Schedule adopted by the Board of Selectmen shall prevail. Any previous contracts, agreements, or arrangements as to rates, methods for collection, or any other element effecting rates and charges shall be null and void.
- T. The Town shall revise or amend sewer rental rates and charges, as deemed necessary for the operation and maintenance of the POTW.

3.2 Public Sewer Connection Fee

- A. There is hereby established a connection fee for all new connections to the Town's public sewers. This connection fee herein, shall apply to all persons whose building drains enter the public sewers of the Town.
- B. Connection fees as established by the Town latest Rates and Fee Schedule adopted by the Board of Selectmen shall be paid prior to the issuance of a building Certificate of Occupancy.
- C. The Connection Fee shall cover past capital expenses which have been fully paid for by existing customers including contributions to the capital reserve fund. The fee shall be based on the total equivalent user gpd flow as established by the Town latest Rates and Fee Schedule adopted by the Board of Selectmen divided by the Treat capacity of 2,300,000 gpd plus the cost of a service inspection.
- D. There shall be a charge for each additional service inspection at a rate established in the latest Rates and Fee Schedule.
- E. A reconnection's of a non-single family residence service where the previous building has been demolished shall be considered as a new connection and shall pay a Connection Fee.
- F. There shall be no connection fee for a single family residence to reconnect the provided a new building receives a Certificate of Occupancy within three (3) years of the prior residence being demolished, the flow doesn't increase (only the increase in flow would be charged) and the user continues to pay the 5/8" meter charge.
- G. Any existing service connection with a change in use which increase the quantity or changes the quality of wastewater discharged, a discharge permit must be obtained and a connection fee paid for the additional quantity of flow that is generated based on the new use.

3.3 Pretreatment Charges and Fees

The Town may adopt reasonable fees for reimbursement of costs of setting up and operating the Town's Industrial Pretreatment Program as established in the latest Rate and Fee Schedule adopted by the Board of Selectmen that may include:

- A. Fees for IDP applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals; and
- E. Other fees as the Town may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Ordinance and are separate from all other fees, fines, and penalties chargeable by the Town.

3.4 Septage Disposal Charge

- A. There shall be a Septage Disposal Charge as established by the Town latest Rates and Fee Schedule adopted by the Board of Selectmen for the receipt of septage into the Town's wastewater treatment facility for treatment. Septage haulers shall be listed by a Town with Intermunicipal Septage Agreement or listed by the Town of Hanover.
- B. There shall be a surcharge as established by the Town latest Rates and Fee Schedule adopted by the Board of Selectmen to be added to the tipping rate for any septage received from a Town or City which has banned the Land Application of Septage and/or Biosolids as defined in Env-W's 800. The surcharge will provide the Town of Hanover the option of an alternate disposal option at its sole discretion.
- C. There shall be a reasonable administrative surcharge for septage received from out of town sources as established by the Town latest Rates and Fee Schedule adopted by the Board of Selectmen.

3.5 Inspection Fee

There shall be a fee inspection for a new connection added to the Connection Fee and a fee for each additional inspection to Hanover Public Sewer as established by the Town latest Rates and Fee Schedule adopted by the Board of Selectmen.

3.6 Equivalent Users Flows & Connection Fees

The Connection Fee is based upon the contributing sewage from a service connection as provided in the latest Rate & Fee Schedule adopted by the Board of Selectmen. The flows from the table in the latest Rate & Fee Schedule adopted by the Board of Selectmen are based on normal strength domestic wastewater. The Connection Fee for any wastewater flow that does not meet the criteria in this table will be determined from previous usage history with the flow corrected to normal strength domestic wastewater times a peaking factor of 2. Any wastewater that has less organic loading than normal domestic wastewater will be considered as normal domestic wastewater without any flow correction. The Director of Public Works will determine the flow corrections and the resulting Connection Fee based on the information provided.

APPENDIX 5

FATS, OIL & GREASE CONTROL

5.1 Purpose

The Town of Hanover often deals with sewer blockages caused by the accumulation of Fats Oil & Grease (FOG). In addition, the Water Reclamation Facility receives excessive amounts of FOG which may cause foaming, bulking, and high organic loading if bypassed to the biological process. Although FOG wastewater is discharged to the sewer system from several sources a significant source originates from Food Preparation Establishments which are any non-single family residential discharge that performs food preparation as part of their functions.

In order to reduce problems associated with FOG, Food Preparation Establishments connected to the Town of Hanover sewer service area that discharge wastewater containing FOG must install and properly operate and maintain an Automatic Grease Interceptor.

This appendix provides guidelines and procedures to ensure compliance with the Town of Hanover Sewer Use Ordinance and is intended to prevent sanitary sewer blockages, obstructions and Water Reclamation Facility (WRF) sludge bulking and loading problems associated with the accumulation of FOG.

5.2 Applicability

Grease interceptors shall be provided at the owner's expense when, in the opinion of the Director of Public Works they are necessary for wastewater discharges to meet the limitations of this Ordinance. Grease interceptors shall be required for all establishments listed in this section. All interception units shall be of a type and capacity approved by the Director of Public Works and shall be so located as to be easily accessible for cleaning and inspection by the owner and the Town. Maintenance of these interceptors requires that the owner be responsible for the proper removal and disposal by appropriate means of the captured materials and shall maintain records of the dates and means of disposal, which shall be subject to periodic review by the Director of Public Works Reports shall be submitted at the discretion of the Director of Public Works indicating all maintenance and cleaning activities.

The following Food Preparation Establishments shall have a properly sized and functioning Automatic Grease Interceptor:

- 1) Restaurants
- 2) Schools
- 3) Hospitals
- 4) Nursing or Retirement Homes
- 5) Catering Services

- 6) Supermarkets
- 7) Any Other Facility that handles FOG and which discharges wastewater containing FOG into the Town of Hanover sewer collection system or otherwise as required by the Director of Public Works.

5.3 Food Preparation Establishment Pre-Treatment Policy

All new Food Preparation Establishments shall install and maintain an Automatic Grease Interceptor to limit FOG. External FOG interceptors may not substitute an internal Automatic Grease Removal System. External FOG interceptors may be required in addition to Automatic Grease Removal Systems to meet the limitations contained in Appendix 1.

Wastewater generated from garbage grinders, pulpers or any other devices used to breakdown food waste is prohibited from being discharged to the sewer unless specifically authorized by an Industrial Discharge Permit issued by the Town of Hanover.

An effluent sample may be required for analyses to determine if discharges meet the oil and grease limitations contained in Appendix 1. Samples shall be collected when the facility is in operation and be representative of a normal discharge day. The Town of Hanover may inspect and sample oil and grease interceptors to determine compliance with this ordinance.

5.4 Existing Establishments

Existing Food Preparation Establishments without any grease interception systems, if required by the Director of Public Works shall install an approved Automatic Grease Interceptor.

The Director of Public Works may require Food Preparation Establishments to obtain Industrial Discharge Permits or submit an application for an Industrial Discharge Permit, as necessary to execute installation of an Automatic Grease Interceptor.

When requested by the Director of Public Works, a user must submit the Industrial Discharge Permit Application within thirty (30) days of the request. Existing Food Preparation Establishments with a traditional manually cleaned internal grease trap or an External Fog Interceptor are required to install an Automatic Grease Interceptor:

- 1) When improvements are made to a Food Preparation Establishment and a plumbing permit is required.
- 2) When analyses indicates an existing system exceeds the oil and grease levels contained in Appendix 1.
- 3) When blockages occur as a result of inadequate existing grease removal equipment.

- 4) As required by the issuance of an Industrial Discharge Permit.

5.5 Design Specifications for Automatic and External Fog Interceptors

Automatic Grease Interceptors

Automatic Grease Interceptors shall be installed on a building sewer line servicing kitchen flows only and shall be connected to those fixtures or drains where detergents are not utilized and which would allow FOG to be discharged.

The following stations may apply:

- (a) Pot sinks;
- (b) Pre-rinse sinks;
- (c) Any sink into which FOG are likely to be introduced;
- (d) Soup kettles or similar devices;
- (e) Wok stations;
- (f) Automatic hood wash units;
- (g) Any other fixtures or drains likely to allow FOG to be discharged.

Automatic Grease Interceptors shall be installed in accordance with the New Hampshire State Plumbing Code and shall meet the following requirements.

- (1) Automatic Grease Interceptors shall be sized to properly pretreat the measured or calculated flows using methods approved by the Director of Public Works.
- (2) Automatic Grease Interceptors shall be constructed of corrosion-resistant material such as stainless steel or plastic.
- (3) Solids shall be intercepted and separated from the effluent flow using a strainer mechanism that is integral to the unit.
- (4) The Automatic Grease Interceptors shall operate using a skimming device, automatic draw-off, or other mechanical/hard wired electrical means to automatically remove separated FOG. This automatic skimming device shall be controlled using a timer or level control. The operation of the automatic skimming device shall be field adjustable. The FOG Recovery Unit timer shall be set to operate the unit no less than once per day.

- (5) Automatic Grease Interceptor shall be fitted with an internal or external flow control device to prevent the exceedence of the manufacturer's recommended design flow.
- (6) Automatic Grease Interceptor shall be located to permit frequent access for maintenance, and inspection.
- (7) Automatic Grease Interceptor discharge drains shall be fitted with a sampling port to allow for monitoring of the grease removal system effluent.

External FOG Interceptors

An External FOG Interceptor may be required in addition to an Automatic Grease Interceptor when in the opinion of the Director of Public Works it is needed to meet the limitations contained in Appendix 1.

When required, an External FOG Interceptor shall be installed on a separate building sewer line servicing food preparation establishment flows and shall be connected only to those fixtures or drains which would allow FOG to be discharged. Domestic wastewater or wastewater known to inhibit grease removal performance shall not be conveyed through an External FOG Interceptor.

An External FOG Interceptor shall have a minimum depth of four (4) feet and a minimum detention time of:

- (a) At least twenty-four (24) hours of the maximum daily flow from food preparation establishment flows based on water meter records or other methods of calculation as approved by the Director of Public Works, or;
- (b) 1,000 gallons, whichever is greater.

External FOG Interceptors shall have a minimum of two compartments. The two compartments shall be separated by a baffle that extends from the bottom of the External FOG Interceptor to a minimum of five (5) inches above the static water level. An opening in the baffle shall be located at mid-water level. The size of the opening shall be at least eight (8) inches in diameter but not have an area exceeding one hundred eighty (180) square inches.

External FOG Interceptors shall be watertight and constructed of precast concrete, or other durable material. It shall be located so as to be accessible for convenient inspection and maintenance. No permanent or temporary structures or containers shall be placed directly over the External FOG Interceptor. External FOG Interceptors installed in areas subject to traffic shall be designed to accommodate traffic loading.

External FOG Interceptors shall be constructed of precast concrete shall meet the following requirements:

- (a) All concrete External FOG Interceptors shall be fabricated using minimum 4,000-psi concrete per ASTM standards with four (4) to seven (7) percent air entrainment. (b) The External FOG Interceptor shall have a minimum liquid depth of thirty-six (36) inches, measured from the bottom of the tank to the outlet invert.
- (b) The air space provided between the liquid height and the underside of the tank top shall be a minimum of eight (8) inches.
- (c) All structural seams and/or lifting holes shall be grouted with non-shrinking cement or similar material and coated with a waterproof sealant. In areas where seasonal high ground water is at an elevation greater than the bottom of the External FOG Interceptor, but below the top of the External FOG Interceptor, the exterior top, sides and bottom shall be coated with a waterproof sealant creating a water tight condition for the tank. In areas where seasonal high ground water is at an elevation greater than the top of the External FOG Interceptor, the exterior of the manhole extensions to grade shall be coated with a waterproof sealant creating a water tight condition for the extension.
- (d) The manhole cover shall be placarded with the warning "Entrance into the tank could be fatal".
- (e) Voids between the External FOG Interceptors walls and inlet and outlet piping shall be grouted with non-shrinking cement and coated with a waterproof sealant.
- (f) The liquid capacity of the tank shall be marked on the top of the tank between the outlet access hole and the outlet wall or on the vertical wall between the top of the tank and the top of the outlet opening.
- (g) The invert elevation of the inlet shall be between three (3) inches and six (6) inches above the invert elevation of the outlet.

Separate cleanout covers shall be provided over the inlet and outlet of the External FOG Interceptor so as to provide easy access for inspection and cleaning. Cleanout ports shall be fitted with manhole extensions to grade. In all areas, the extensions shall cast iron frames and round manhole covers. The manholes, extensions, and inlet and outlet access holes to the External FOG Interceptor shall have a minimum inside diameter of seventeen (17) inches.

The inlet piping shall be Ductile Iron pursuant to Appendix 2 Section 2.2B and outlet piping shall be PVC meeting ASTM D 1785 Schedule 40 with rubber compression

gaskets or solvent weld couplings. The joints must meet ASTM D 3212 specifications. The Director of Public Works may approve other piping materials for use. The minimum diameter of the inlet and outlet piping shall be six (6) inches. The inlet and outlet shall utilize a tee-pipe fitting on the interior of the External FOG Interceptor. No caps or plugs shall be installed on the tee-pipes. The tee-pipe on the inlet and outlet shall extend to within twelve (12) inches of the bottom of the tank and at least five (5) inches above the static liquid level of the tank.

The External FOG Interceptor shall be set level of a consolidated, stable base that has been mechanically compacted, with a minimum of twelve (12) inches of $\frac{3}{4}$ " crushed stone so that no settling or tipping of the External FOG Interceptor can occur. Select backfill shall be placed and compacted around the External FOG Interceptor in a manner to prevent damage to the tank and to prevent movement caused by frost action.

The outlet discharge line from the External FOG Interceptor shall be connected to the municipal sanitary sewer through a manhole structure and shall be located to allow for sample collection and routine visual inspection.

The External FOG Interceptor shall be located so as to maintain the separating distances from well water supplies set forth in Section 19-13-B51d of the Public Health Code.

The following minimum-separating distances shall be maintained between the External FOG Interceptor and the items listed below:

- (a) Property line 10 ft.
- (b) Building served (no footing drains) 15 ft.
- (c) Ground water intercepting drains, footing drains and storm 25 ft. drainage systems.
- (d) Open watercourse 50 ft.

When necessary due to installation concerns, testing for leakage will be performed using either a vacuum test or water-pressure test.

- (1) Vacuum Test - Seal the empty tank and apply a vacuum to two (2) inches of mercury. The tank is approved if 90 percent of the vacuum is held for two (2) minutes.
- (2) Water-Pressure Test - Seal the tank, fill with water, and let stand for twenty-four (24) hours. Refill the tank. The tank is approved if the water level is held for one (1) hour.

5.6 Permitting

Food Preparation Establishments may be required to obtain an Industrial Discharge Permit as specified by the Town's Industrial Pretreatment Program.

- (1) Food Preparation Establishments are required to possess Class 3 Permits if their regulated flows do not exceed 2,500 GPD.
- (2) Food Preparation Establishments are required to possess a Class 2 Permit when regulated flows exceed 2,500 GPD.
- (3) Food Preparation Establishments are required to obtain a Class 1 Permit on the basis that the facility has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

Facilities causing blockages or obstructions in the Town sewer or who violate any other term or condition of this Ordinance may be required to obtain an Industrial Discharge Permit at the discretion of the Director of Public Works.

5.7 Variance/Appeal

Under certain circumstances the interceptor type, size and location may require special exceptions to this Ordinance. If an exception to this Ordinance is requested, the user shall demonstrate that the size, type and location will not cause the facility to exceed the local discharge restrictions contained in Appendix 1.

Any facility with an existing grease removal system which does not meet the Automatic Grease Interceptor requirements contained in section 6 of this appendix shall be required to demonstrate that effluent oil and grease concentrations meet the levels contained in Appendix 1. Existing grease removal systems which do not meet these levels shall install an Automatic Grease Removal System as required by this appendix.

The Director of Public Works reserves the right to make determinations of grease interceptor adequacy and need, based on review of all relevant information (including analytical results) regarding grease interceptor performance, facility site and building plan review, and to require repairs to, or modification or replacement of such removal systems.

5.8 Enforcement

If an obstruction of a Town of Hanover sewer line occurs that causes a sewer overflow and such an overflow can be attributed in part or in whole to an accumulation of FOG in the Town of Hanover sewer main(s), The Town of Hanover will take appropriate enforcement actions, as stipulated in the Town of Hanover Sewer Use Ordinance, against

the generator or contributor of FOG. These actions may include fines, civil penalties or a discontinuance of sewer service as specified in Section 10 of the Town of Hanover SUO.

5.9 Best Management Practices (BMP)

FOG can be managed effectively in Food Preparation Establishments to minimize its discharge to the sewer system and decrease the required maintenance of grease interceptors. By preventing the introduction of grease into the wastewater treatment system you reduce the burden on the grease interceptor and thus reduce maintenance time, costs and disposal fees. The Best Management Practices offered here are techniques used throughout the industry, and have proven effective when implemented properly and consistently. The following BMP's may be required for Food Preparation Establishments:

- 1) **Train Kitchen Staff:** Train kitchen staff in management practices and methods to reduce the volume of FOG discharged to the sanitary sewer system. Train them to be aware of problems created by FOG in the sewers system, possible violations and fines and the cost of cleaning clogged pipes. Even a small amount of grease on each pot, pan or plate can be substantial when you serve hundreds of meals per day.
- 2) **Post NO GREASE Signs:** By posting "No Grease" signs above sinks, on dishwashers and near other grease discharge points, it serves as a constant reminder to keep grease out of the system.
- 3) **Dry Wipe Pots, Pans and Dishware prior to Dishwashing:** Food, fats, cooking oil and grease remaining in pots and pans should be dry wiped or scraped out into the trash prior to wet washing. In some establishments this can substantially reduce FOG discharged to your grease interceptors. Disposing of grease by recycling or garbage is less expensive than pumping out and hauling away FOG from a grease interceptor.
- 4) **Garbage Grinders and Pulpers are Prohibited:** Ground up food scraps will settle in the grease interceptor and take up valuable space lowering the detention time in the grease interceptor and result in reduced efficiency. Pulper wastewater binds with grease and will fowl an interceptor making it ineffective. Instead, recycle or dispose food scraps as a solid waste. This will also help reduce the frequency of grease interceptor cleanings.
- 5) **Clean Grease Interceptor Routinely and Maintain Records:** Routine cleanings and inspections will ensure proper operation of the interceptor. Make note of the grease level and record it in maintenance log. If the grease level is at its maximum, the cleaning frequency should be increased. Conversely, if best management practices are being implemented effectively and the grease in the unit is minimal, then the cleaning frequency may be reduced. Maintenance records may be requested during inspections.

- 6) **Witness Cleaning, Disposal and Maintenance Events:** The on duty manager should witness cleaning events to ensure they are performed completely and properly. This will ensure that pumpers/haulers or maintenance workers do not take any shortcuts. To properly clean the interceptor the entire contents must be removed, including grease cap (floating grease) and sludge pocket (settled solids). Failure to remove the slug pocket (settled solids) in the bottom will result in lowered total capacity and reduced detention time. The manager should also be sure removable baffles and screens are replaced after cleaning. Insure that the grease is disposed of properly either as a solid waste or recycled that it is not dumped in another drain at the facility.
- 7) **Inspect the Grease Interceptor during maintenance:** The design of most grease interceptors is very simple, but each part serves an essential function. The baffles must be in place and properly positioned to be effective. Covers must fit properly so they do not leak. In-ground interceptors should be examined for cracks, which could allow wastewater to leak out or ground water to leak in.
- 8) **Automatic Grease Interceptors require maintenance:** Automatic Grease Interceptors must be maintained in order to be effective. Solids strainers and the outside grease cup may need to be emptied daily. Wiper blades and the grease outlet trough must be cleaned weekly. Clean the entire unit including sediment at the bottom monthly. Replace wiper blades every 6 months and most importantly make sure your unit is plugged in and the auto timer is set properly.