

TOWN OF MARLBOROUGH



SEWER ORDINANCE

ADOPTED: November 18, 2020

TOWN OF MARLBOROUGH

SEWER ORDINANCE

This Ordinance regulates the use of public and private sewers and drains, private wastewater disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system. The Ordinance also provides penalties for violations thereof in the Town of Marlborough, County of Cheshire, State of New Hampshire.

2704.0 SEWER UTILITY - GENERAL

2704.1 DEFINITIONS

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

Biochemical Oxygen Demand (BOD): Shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Celsius expressed in milligrams per liter (mg/L).

Board of Selectmen: Governing Board for the Town of Marlborough.

Bypass: Intentional diversion of waste streams from any portion of an industrial user's treatment facility.

Building Drain: That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) beyond the foundation walls of the building or structure.

Building Sewer: That part of the drainage system which extends from the end of the building drain and conveys its discharges to a public sewer, private sewer, individual sewage disposal system, or other point of disposal.

Categorical Pretreatment Standards: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Clean Water Act, which applies to a specific category of Industrial users and which are found in the Code of Federal Regulation 40 CFR, Subchapter N, Parts 401 through 471.

City: The City of Keene, New Hampshire.

Domestic wastewater or Sanitary Sewage: Shall mean normal water carried from household and toilet wastes or waste from sanitary conveniences, excluding ground, surface or storm water.

Easement: An acquired legal right for the specific use of land owned by others.

EPA: United States Environmental Protection Agency.

Floatable Oil: Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be

considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

Garbage: The animal and vegetable matter resulting from the handling, preparation, cooking and serving of foods.

Grease and Oil Interceptor: is a plumbing device designed to intercept most greases and solids before they enter a wastewater disposal system.

Health Officer: The Director of Public Health for the Town of Marlborough or his/her authorized representative.

Holding Tank: is a tank which receives wastewater and has no outlet.

Industrial User: See **Person**

Industrial wastes: The wastewater from industrial, manufacturing or commercial processes, trade or business as distinct from domestic or sanitary wastes.

Interference: A discharge that, alone or in conjunction with other sources, inhibits or disrupts the WWTP, its treatment processes or operations, or its sludge processes use or disposal and which causes a violation of the WWTP's NPDES permit (including an increase in the magnitude or duration of a violation), or prevents the WWTP from using its chosen sludge use or disposal practice in accordance with groundwater protection rules, Env-Ws 1500 & Env-Wm 1403, solid waste rules, Env-Sw 100-2100, hazardous waste rules, Env-Hw 100-1200, the Clean Air Act, the Toxic Substance Control Act, the Marine Protection Research and Sanctuaries Act, the Resource Conservation and Recovery Act, and the Clean Water Act.

May: Is permissive. See **Shall**

Minor Industrial User: Small industries and some commercial users (restaurants, auto repair shops, etc.) whose individual discharges do not significantly impact the treatment system, degrade receiving water quality, or contaminate sludge. Industries which have the potential to discharge a non-domestic or process waste stream, or slug flow, but at the present time may discharge only a sanitary waste are included in this group. National Pretreatment Standards: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Clean Water Act, which applies to Industrial users. This term includes the general and specific prohibitive discharge limits established pursuant to 40 CFR 403.5.

Natural Outlet: Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

New Source: Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under 40 CFR Chapter I, subchapter N, parts 405-471 which will be applicable to such source if such standards are thereafter promulgated in accordance with that section. Provided that the:

- building, structure, facility, or installation is constructed at a site at which no other source is located; or
- building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of the proceeding paragraphs, but otherwise alters, replaces, or adds to existing process or production equipment.

Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

- begun or caused to begin as part of a continuous onsite construction program:
- any placement, assembly, or installation of facilities or equipment; or
- significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

NHDES: The New Hampshire Department of Environmental Services.

Pass Through: A discharge that exits the WWTP to surface waters of the United States in quantities or concentrations which, alone or in conjunction with other discharges, causes a violation of the WWTP's NPDES permit or of applicable water quality criteria.

Person: Anyone discharging pollutants into a public owned treatment works (POTW) from any non-domestic source regulated under section 307(b), (c), or (d) of the Clean Water Act.

pH: The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ion in grams, per liter of solution.

Plumbing Code: The State of New Hampshire Plumbing Code.

Pretreatment Coordinator: Keene Industrial Pretreatment coordinator.

Pretreatment Requirement: Any substantive or procedural pretreatment requirement, other than a National pretreatment standard, applicable to industrial users.

Private Wastewater Disposal System: A wastewater disposal system, other than a public or community system, which receives either human excreta or liquid waste, or both from one or more premises. Included within the scope of this definition are septic tanks, soil absorption systems, privies, chemical type toilets, composting toilets and such other types as may be prescribed in regulations by the Health Officer.

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

Public Sewer: A common sewer controlled by a governmental agency or public utility.

Public Works Director: The Department head of the Town of Marlborough Highway Department.

Sanitary Sewer: Shall mean a sewer that carries liquid and water-carried wastes from residences, commercial building, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

Septage: is the contents pumped from a septic tank.

Septic Tank: is a tank which receives wastewater allowing the solids to separate and the majority of the water to leave through an overflow thereby increasing the concentration of solids remaining in the tank.

Sewer: A pipe or conduit that carries wastewater or drainage water.

Shall: is mandatory. See **may**

Significant Industrial User: An industrial user of the municipality's wastewater disposal system who meets one or more of the following criteria:

- is subject to or potentially subject to National Categorical Pretreatment Standards promulgated by EPA 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N.
- has in its wastes toxic pollutants as defined pursuant to sections 307 and 502 of the Clean Water Act.
- has a non-domestic flow of 25,000 gallons or more per average work day.
- has a non-domestic flow greater than or equal to 5 percent of the flow of the municipality's wastewater treatment system.

- is determined by the WWTP to have a impact or potential for impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of the sludge, the system's effluent quality, or air emissions generated by the systems.

Significant Noncompliance: An industrial user is insignificant noncompliance if its violations meet one or more of the following criteria:

- Chronic violations of wastewater discharge limits. Defined as those in which sixty-six percent (66) or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.
- Technical review criteria (TRC) violations, defined as those in which thirty-three (33) percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum or the average limit times the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH);
- Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of WWTP personnel or the general public);
- Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order, for starting construction, completing construction, or attaining final compliance;
- Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self monitoring reports, reports on compliance with compliance schedules, and any other reports required by the Pretreatment Coordinator;
- Failure to accurately report noncompliance; or
- Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

Slug: Any pollutant, (including Biochemical Oxygen Demand) released in a discharge at a flow rate or concentration which will cause a violation of the specific discharge prohibitions in 40 CFR 403.5 (b) to (f) and contained in section 2704.5.3 of this Ordinance or will cause interference with the POTW.

State Inspector: Any plumbing, electrical, building, health, or other inspector from The Department of Environmental Services.

Storm Drain: A drain or sewer for conveying water, ground water, subsurface water or unpolluted water from any source.

Superintendent: The Town of Marlborough Water and Sewer Superintendent or his or her authorized deputy, agent, or representative.

Suspended Solids: The total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in EPA Method 160.2. and referred to as non-filterable residue.

Total Toxic Organics: Shall mean the summation of all quantifiable values greater than 0.01 mg/l for the following organic compounds:

- acenaphthene
- acrolein
- acrylonitrile
- benzene
- benzidine
- carbon tetrachloride (tetrachloromethane)
- chlorobenzene
- 1,2,4-trichlorobenzene
- hexachlorobenzene
- 1,2-dichloroethane
- 1,1,1-trichloroethane
- hexachloroethane
- 1,1-dichloroethane
- 1,1,2-trichloroethane
- 1,1,2,2-tetrachloroethane
- chloroethane
- bis(2-chloroethyl) ether
- 2-chloroethyl vinyl ether (mixed)
- 2-chloronaphthalene
- 2,4,6-trichlorophenol
- parachlorometa cresol
- chloroform (trichloromethane)
- 2-chlorophenol
- 1,2-dichlorobenzene
- 1,3-dichlorobenzene
- 1,4-dichlorobenzene
- 3,3-dichlorobenzidine

1,1-dichloroethylene
 1,2-trans dichloroethylene
 2,4-dichlorophenol
 1,2-dichloropropane (1,3-dichloropropene)
 2,4-dinitrophenol
 2,4-dinitrotoluene
 2,6-dinitrotoluene
 2,6-dinitrotoluene
 1,2-diphenylhydrazine
 ethylbenzene
 fluoranthene
 4-chlorophenyl phenyl ether
 4-bromophenyl phenyl ether
 bis (2-chloroisopropyl) ether
 bis (2-chloroethoxy) methane
 methylene chloride (dichloromethane)
 methyl chloride (chloromethane)
 methyl bromide (bromomethane)
 bromoform (tribromomethane)
 dichlorobromomethane
 chlorodibromomethane
 hexachlorobutadiene
 hexachlorocyclopentadiene
 isophorone
 naphthalene
 nitrobenzene
 2-nitrophenol
 4-nitrophenol
 2,4-dinitrophenol
 4,6-dinitrophenol
 4,6-dinitro-o-cresol
 N-nitrosodimethylamine
 N-nitrosodiphenylamine
 N-nitrosodi-n-propylamine
 pentachlorophenol
 phenol
 bis (2-ethylhexyl) phthalate
 butyl benzyl phthalate
 di-n-butyl phthalate
 di-n-octyl phthalate
 diethyl phthalate
 dimethyl phthalate
 1,2-benzanthracene [benzo (a) anthracene]
 benzo (a) pyrene [3,4-benzopyrene]
 3,4-benzofluoranthene [benzo (b) fluoranthene]
 1,12-benzofluoranthene [benzo (k) fluoranthene]

chrysene
acenaphthylene
anthracene
1,12-benzoperlene
fluorene
phenanthrene
1,2,5,6-dibenzanthracene [dibenzo (a,h) anthracene]
indeno(1,2,3-cd)pyrene [2,3-o-phenylene pyrene]
pyrene
tetrachloroethylene
toluene
trichloroethylene
vinyl chloride [chloroethylene]
aldrin
dieldrin
chlordan [technical mixture and metabolites]
4,4-DDT
4,4-DDE [p,p-DDX]
4,4-DDD [p,p-TDE]
alpha endosulfan
endosulfan sulfate
endrin
endrin aldehyde
heptachlor
heptachlor epoxide [BHC-hexachlorocyclohexane]
alpha-BHC
beta-BHC
gamma-BHC
delta-BHC
PCB's [polychlorinate biphenyls]
 PCB-1242 [arochlor 1242J]
 PCB-1254 [arochlor 1254]
 PCB-1221 [arochlor 1221J]
 PCB-1232 [arochlor 1232]
 PCB-1248 [arochlor 1248]
 PCB-1260 [arochlor 1260]
 PCB-1016 [arochlor 1016]
toxaphene
2,3,7,8-tetrachlorodibenzo-p-dioxin [TCDD]

Town: Town of Marlborough, New Hampshire.

Town Plumber: The Town of Marlborough's licensed plumber contracted to perform meter related work.

Unpolluted Water: Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would

not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

Upset: An exceptional incident in which there is unintentional and temporary non-compliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. This does not include non-compliance due to operational error, improperly designed facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Wastewater: The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and storm water that may be present.

Wastewater Facilities: The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

Wastewater Treatment Plant (WWTP): An arrangement of devices and structures for treating, storing, recycling or reclaiming wastewater, industrial wastes and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment works", "water pollution control plant" or "publicly owned treatment works" (POTW). Also includes wastewater collection system.

Watercourse: A natural or artificial channel for the passage of water either continuously or intermittently.

2704.2 USE OF PUBLIC SEWERS REQUIRED

2704.2.1 Restrictions. 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 Marlborough, or in any area under the jurisdiction of said Town, any human or animal excrement, garbage or objectionable waste. It shall be unlawful to discharge to any natural outlet within the Town of Marlborough, 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. 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.

2704.2.2 Requirement for Connection. The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within 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 after date of official notice to do so, provided that said public sewer is within three hundred (300) feet of such houses, buildings or properties and provided that said public sewer is within one hundred (100) feet of any portion of the property line of said property measured on a straight line from the sewer to the property line with such straight line measurement running only through the public way.

2704.2.3 Small Commercial Structures. Small commercial structures of less than one hundred fifty (150) square feet of interior space, such as permanent kiosks and booths, with not more than one (1) person employed therein shall not be required to install water closets (toilets) or lavatories (sinks) within the structure, provided that said facilities are available within a nearby structure on a permanent basis by an agreement in writing. Establishments selling food of any kind shall have lavatories. The maximum distance of travel from the person's usual working place to the facilities shall not exceed two hundred fifty (250) or five hundred (500) feet if entirely under cover.

2704.3 PRIVATE WASTEWATER DISPOSAL

2704.3.1 Applicability. Where a public sanitary sewer is not available under the provisions of section 2704.2.2, Requirement for Connection, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

2704.3.2 Permit. Before a commencement of any construction, alteration, extension or repair of a private wastewater disposal system, the owner(s) shall first obtain a septic permit from NHDES.

2704.3.3 Inspection. A permit for private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the State Inspector. The State Inspector shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the State Inspector when the work is ready for final inspection, and before any underground portions are covered. It shall be the responsibility of the applicant to contact the State Inspector for any required inspections.

2704.3.4 Compliance. The type, capacities, location, layout and installation (including inspection) of a private wastewater disposal system shall comply with all requirements of the NHDES. No permit shall be issued for any new private wastewater disposal system employing subsurface soil absorption facilities where the lot area is less than that area required by subdivision lot size requirements of the NHDES or the Town Zoning Ordinance. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

2704.3.5 Future Availability of Public Sewer. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Section 2704.2.2, Requirement for Connection, direct connection shall be made to the public sewer within ninety (90) days of official notice as compliance with this Ordinance, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

2704.3.6 Owner Responsibility. 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.

2704.3.7 Health Officer Requirements. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

2704.4 Requirements for Building Sewer and Connections. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter or disturb any Public Sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

2704.4.1 Permits. There shall be two classes of building sewer permits: (a) for residential, institutional and commercial service where only sanitary wastewater is produced, and (b) for service establishments producing industrial wastes. In either case, the owner(s) or his or her agent shall make application on a form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of twenty (\$20) dollars for a residential, institutional or commercial building sewer permit and thirty (\$30) dollars for an industrial building sewer permit shall be paid to the Town at the time the application is filed.

2704.4.2 Responsibility for Costs. All costs and expenses incidental to the installation and connection of building sewer shall be borne by the owner(s). The owner(s) shall indemnify and hold harmless the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

2704.4.3 New Discharges. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are discharged into the system shall notify the Superintendent at least sixty (60) days prior to the proposed change or connection. Proposed new discharges from residential, institutional or commercial sources involving loading exceeding fifty (50) population equivalents or any increase in industrial discharge must be approved by NHDES.

2704.4.4 Service Connections. The following shall apply:

Separate Sewers. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building sewer may be extended to the rear building and the whole considered as one building sewer, but the Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned. Old building sewers may be used in connection with new buildings only when they are found on examination and tested by the Superintendent, to meet all requirements of this ordinance.

Materials to be Used. 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 back-filling the trench, shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate sections of the "Env-Wq 700 Standards of Design and Construction for Sewerage and Wastewater Treatment Facilities" shall apply.

Elevation. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor or at least four feet below grade. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary

sewage carried by such building drain shall be lifted in accordance with the Plumbing Code and discharged to the building sewer.

Surface Water Runoff. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Materials Shall Conform to Code. The connection of the building sewer into the public sewer shall conform to the requirements of the building and Plumbing Codes or other applicable rules and regulations of the Town, and to the requirements of NHDES. All such connections shall be made gas-tight and water-tight and verified by proper testing. The Water and Sewer Department shall make all sewer connections and shall lay, relay and repair all sewer service pipes. Nothing in the foregoing shall prevent the Superintendent from contracting the work to private contractors, or permitting the property owner to do such work himself to the Town specifications. The cost of such work shall be charged to the owner of property so served. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

Inspection. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for the inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent.

Excavation Procedures. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Any person owning pipes laid in the streets or highways of the Town desiring to relay or repair the same, or install a new service connection, shall, before digging up any ground where the same are laid, apply to the Superintendent as provided under Section 2704.4.1, Permits. All streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Superintendent, and The Public Works Director at the expense of the applicant.

State Approval Required. Except for special reasons, NHDES will approve plans for new systems, extensions, or replacement sewers only when designed upon a separate plan, in which rain water from roofs, streets, and other areas, and groundwater from foundation drains are excluded.

2704.5 LIMITATIONS ON USE OF THE PUBLIC SEWERS

2704.5.1 Marlborough Interceptor. In accordance with the U.S. Environmental Protection Agency (EPA), any proposed connection to the Town sewer line, or to any lateral sewer line connected to this interceptor shall require special review. If the property being connected contains wetlands or floodplains, connection may be prohibited. The mere existence of floodplain or wetland on a portion of a lot does not in and of itself preclude connection to the sewer line. It is the direct placement of a building or any portion of a building on wetlands or floodplain or the placement of fill on floodplains or wetlands on top of which would be located a building which would prohibit connection.

2704.5.2 Discharge of Unpolluted Water. No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, roof run off, sub-surface drainage, or unpolluted cooling water to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to designated storm water drains or to a natural outlet approved by the Public Works Director. Industrial cooling water or process waters require an NPDES (National Pollutant Discharge Elimination System) permit prior to discharge to a storm drain or natural outlet.

2704.5.3 Prohibited Discharges. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

2704.5.3.1 Explosives. Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid or gas, or any waste stream with a closed cup flash point less than one hundred and forty (140) degrees Fahrenheit or sixty (60) degrees Celsius as determined using methods specified in 40 CFR 261. 21.

2104.5.3.2 Pass Through, Interference, Nuisance. Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure, pass through, or cause interference with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters or the WWTP.

2704.5.3.3 Corrosive Wastes. Any waters or wastes having a pH lower than 5.5 or higher than 12.0 standard units or having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the WWTP or collection system.

2704.5.3.4 Substances Which Cause Obstruction. Solid or viscous substances in quantities or of such size, capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the WWTP or collection system, such as but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair, fleshing, entrails, paper dishes, cups, milk containers, paper towels, either whole or ground by garbage grinders.

2704.5.3.5 Substances Which Cause Interference. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the WWTP.

2704.5.4 Limited Discharge: The following described substances, materials, waters, or waste shall be limited to discharges of concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Superintendent may set limitations more strict than the limitations established in the regulations below if in his/her opinion such more strict limitations are necessary to meet the above objectives. In forming their acceptability, the Superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction in the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste by the wastewater treatment

plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated are as follows:

2704.5.4.1 Temperature. Wastewater sufficiently hot enough to cause the influent at the WWTP to exceed ninety-eight (98) degrees Fahrenheit, (35 degrees Celsius) or cause inhibition of biological activity at influent at the WWTP.

2704.5.4.2 Oils. Wastewater containing more than twenty-five (25) milligrams per liter (mg/L) of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin. Wastewater from industrial plants containing floatable oils, fat, or grease. The discharge of petroleum oil, non-biodegradable cutting oils, or products of mineral origin in the amounts which will cause interference or pass through.

2704.5.4.3 Properly Shredded Garbage. Any garbage that has not been properly shredded (see Section 2704.1, Definitions). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

2704.5.4.4 Toxic Substances. Any waters or wastes containing heavy metals, solvents, and similar objectionable or toxic substances to such degree that any such material discharged to the public sewer exceeds the limits established by the Superintendent, the NHDES, or the United States Environmental Protection Agency (EPA) for such materials.

2704.5.4.5 Odor Producing Substances. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Superintendent. Any water or wastes containing pollutants which results in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute or chronic worker health and safety problems.

2704.5.4.6 Radioactive Wastes. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.

2704.5.4.7 Slug Flows. Quantities of flow, concentrations or both, which constitute a "slug" as defined herein. Industrial users shall immediately notify the Pretreatment Coordinator of any slug or waste discharged by such user to the Town system or of any discharge which alone or in conjunction with any other waste has the potential to cause harm or create a problem at the WWTP, in the collection system, or to the environment or worker safety.

2704.5.4.9 Untreatable Wastes. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such a degree that the WWTP cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

2704.5.4.10 Other Wastes. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

2704.5.5 Specific Discharge Limitations. Wastewater with any of the following constituents at concentrations greater than those indicated below. Except as noted, the sample shall be a composite sample collected during the operating hours of the facility at the rate of at least two (2) samples per sixty (60) minute period. Grab samples shall be collected for chromium VI, cyanide, sulfide, sulfite, phenol, total toxic organics, pH and oil and grease. The limits are expressed as milligrams per liter (mg/l) and represent daily maximum limits:

Cadmium	0.2
Total chromium	1.0
Chromium VI	0.1
Copper	2.0
Lead	1.0
Nickel	1.0
Silver	1.0
Total cyanide	1.0
Zinc	2.0
Arsenic	2.0
Iron	5.0
Sodium	500.0
Chlorides	500.0
Mercury	0.1
Manganese	0.5
Sulfate	20.0
Sulfide	20.0
Sulfite	2.0
Beryllium	0.2
Boron	2.0
Selenium	1.0
Phenol	0.1
Total Toxic Organics	5.0

The Superintendent can, when in his or her opinion it is necessary to prevent danger to the environment, sewer workers, public health, or the WWTP, modify these limits, to be more, but never less stringent. If a less stringent limit is desired, application must be made through the Superintendent, NHDES, and the EPA.

2704.6 Special Agreements Allowed. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Superintendent and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Superintendent for treatment, provided that such agreements do not contravene any requirements of existing federal or state laws, and/or regulations promulgated thereunder, and are compatible with any user charge and industrial cost recovery system in effect, and do not waive applicable National Categorical Pretreatment Standards.

2704.7 Compliance by Dilution. It shall be illegal to meet requirements of this Ordinance by diluting wastes in lieu of proper treatment.

2704.8 Options for Dealing with Noncompliant Discharges. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which contain the substances or possess the characteristics enumerated in Section 2704.5, Limitations on Use of Public Sewer of this Ordinance, the Superintendent may do any or all of the following:

- Reject the wastes.
- Require pretreatment to an acceptable condition for discharge to the public sewers.
- Require control over the quantities and rates of discharge.
- Require payment for all costs incurred in correcting damage to the sewer system and/or flushing or removing such wastes from the sewer system.
- Begin enforcement proceeding according to the City's EPA approved Enforcement Response Plan.

2704.9 Grease and Oil Interceptors. Grease and Oil Interceptors shall be provided when, in the opinion of the Pretreatment Coordinator, they are necessary for the proper handling of liquid wastes containing floatable grease or flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Town adopted New Hampshire Plumbing Code and be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by the appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Pretreatment Coordinator. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms.

2704.10 Approved Test Methods. All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this Ordinance shall be determined in accordance with the EPA approved methods published in the Code of Federal Regulations, Title 40, part 136 (40 CFR 136). When an approved method is not available, the Pretreatment Coordinator will determine which alternate method is to be used. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the Pretreatment Coordinator.

2704.11 DETECTING AND PREVENTING PROHIBITED DISCHARGES

2704.11.1 Imminent Endangerment. The Town or City may, after informal notice to the industry discharging wastewater to the public sewer, immediately halt or prevent any such discharge reasonably appearing to present an imminent endangerment to the health and welfare of persons, or any discharge presenting, or which may present, an endangerment to the environment, or which threatens to interfere with operation of the public sewers or wastewater treatment facilities. Actions which may be taken by the Town or City include ex parte temporary

judicial injunctive relief, entry on private property to halt such discharge, blockage of a public sewer to halt such discharge, or demand of specific action by the industry.

2704.11.2 Monitoring and Surveillance. The City shall as necessary sample and analyze the wastewater discharges of contributing industries and conduct surveillance and inspection activities to identify, independently of information supplied by such industries, occasional and continuing non-compliance with industrial pretreatment standards. Each industry will be billed directly for costs incurred for analysis of its wastewater. All industries discharging to the Town system shall allow unrestricted access to Town and or City, NHDES, and EPA personnel for the purposes of investigating and sampling discharges from the industries. This access shall include copying and inspecting any records pertaining to the discharge or disposal of wastewater or chemical wastes and any records that have been compiled pursuant to pretreatment programs.

2704.11.3 Investigations. The Town and City shall investigate instances of non-compliance with industrial pretreatment standards and requirements.

2704.11.4 Public Information and Participation. Information and data submitted to the Pretreatment Coordinator under this Part relating to wastewater discharge characteristics shall be available to the public without restriction. Other such information shall be available to the public at least to the extent provided by 40 CFR Part 25 Section 2.302. All data pertaining to the characteristics of chemical composition of the wastewater shall be available for public information and inspection. None will be considered confidential. The City shall comply with the public participation requirements of 40 CFR Part 25 in the enforcement of industrial pretreatment standards and requirements.

2704.12 Handling of Septic Tank Waste (Septage). Contractors wishing to dispose of septic tank waste and the discharge from holding tanks will be required to obtain a permit from the Superintendent. Dumping sites are specified by the Superintendent. There are no such sites along the Marlborough Interceptor and normally dumping is only allowed at the WWTP. Permits should be obtained prior to pumping of any tanks.

2704.13 Powers and Authority of Inspectors. Duly authorized employees of the WWTP and the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of but not limited to inspection, observation, measurement, sampling and testing pertinent to discharge to the public sewer system in accordance with the provisions of this Ordinance in order to determine compliance with the provisions of this Ordinance.

2704.13.1 Obtaining Information. The Pretreatment Coordinator or Federal or state Officials are authorized to obtain information concerning industrial processes which include, but are not limited to those which have a bearing on the kind and source of discharge to the wastewater collection system. The industry may not withhold information considered confidential. The Pretreatment Coordinator may hold certain information that is not available for public review, but the industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

2704.13.2 Inspectors' Responsibilities. While performing the necessary work on private properties referred to in section 2704.13, Powers and Authority of Inspectors, the City shall observe all safety rules applicable to the premises established by the company, and the company

shall be held harmless for injury or death to the Town/City employees, and the Town/City shall indemnify the company against loss or damage to its property by Town/City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by the negligence or failure of the company to maintain safe conditions as required in section 2705.5, structure for Collecting Samples.

2704.14 Annual Fee for Industrial Users. Industrial users will be assessed an annual fee by the WWTP to defray the administrative costs of the IDP program. The fee shall be calculated as follows:

- For significant industrial users: Flat fee of one thousand five hundred dollars (\$1500) per year and an additional fee of \$0.01 per gallon based on one day's average flow.
- For minor industrial users: Flat fee of one hundred (\$100) per year.

2704.99 PENALTIES

2704.99.1 Destruction. Any person causing obstruction, destruction, or other impairment to any part of the sewer system, treatment plant, pumping stations or any appurtenance shall be subject to the full penalties of the criminal law. This penalty shall be classified as aggravated criminal mischief, a class B felony. The maximum sentence for this crime is imprisonment for three and one half (3 1/2) to seven (7) years and a two thousand dollar (\$2000) fine.

2704.99.2 Penalties. Any person found to be violating any provision of this Ordinance except section 2704.99.1, Destruction, shall be served by the Town or City with written notice stating the nature of the violation. The offender shall, within the period of time stated in such notice, permanently cease all violations. Remedies for these violations shall include, but are not limited to, the following:

- Demand by the Pretreatment Coordinator of a specific action to be performed by the user.
- Civil forfeitures up to ten thousand dollars (\$10,000) per violation per day.
- Judicial injunctive relief.
- Shut off water supply at facility's water service to prevent further discharge.
- Blockage of public sewer to halt discharge.

2704.99.3 Fines. Any person who shall continue any violation beyond the time limit provided for in the preceding paragraph 2704.99.2, Penalties, shall be subject to criminal penalties in the form of fines in the amount not exceeding ten thousand dollars (\$10,000) per day, per violation. Penalties shall be assessed from the first day of the violation. Additionally, any violation beyond the time limit provided for in the preceding paragraph, 2704.99.2, may be referred to the State of New Hampshire for criminal prosecution under its powers as stated in N.H. Revised Statutes Annotated (RSA) 485-A.

2704.99.4 Procedure for Shutting Off Water Supply. In the event the Town or City decides it is necessary to shut off the water supply to a facility for non-compliance other than an immediate endangerment to the environment, sewer workers, WWTP, or the public health, the following approach will be taken:

- Written explanation of the violation with an opportunity for the user's explanation shall be provided to the Marlborough Board of Selectmen and Pretreatment Coordinator.
- Administrative order from the Selectmen and Pretreatment Coordinator requiring the user to come into compliance. The order shall include deadlines for reaching stages of compliance.
- A show cause hearing in front of the Board of Selectmen and City to show cause as to why the water should not be shut off.
- Certified notice sent with a shut off date.
- Water shut off at service.

2704.99.5 Restoration of Service. To return service, the user must demonstrate that compliance will be achieved, and must show what changes have been made to prevent the violation from recurring.

2704.99.6 Non-Discharge Violation Penalties. Any non-discharge violations of the industrial discharge agreement are subject, but not limited to, the following penalties:

- Administrative order from the Board of Selectmen or City.
- Show cause hearing before one or all of the following: The Board of Selectmen, Pretreatment Coordinator, the Superintendent, and the Director of Public Works.
- Civil prosecution in the event of an Order from the Board of Selectmen, Pretreatment Coordinator or Superintendent is disobeyed.

2704.99.7 Reimbursement of Costs. Any costs incurred by the Town or City in enforcing any violations can be collected from the Industrial User in the event the issue is resolved in favor of the Town or City.

2704.99.8 Public Notice of Significant Non-Compliance. At least once each year the Pretreatment Coordinator will publish a notice in the area's largest daily newspaper listing industrial users found to be in significant non-compliance of either this Sewer Ordinance, or federal regulations, listed in 40 CFR.

2705.0 PRETREATMENT OF INDUSTRIAL WASTEWATER AND INDUSTRIAL DISCHARGE AGREEMENTS

2705.1 Applicability. All persons discharging or having the potential to discharge industrial process wastes into public or private sewers connected to the City's Wastewater Treatment Plant

shall comply with applicable requirements of federal and state industrial pre-treatment regulations (as amended), in addition to the requirements of this industrial pretreatment subsection.

2705.2 Pretreatment of Industrial Wastes. All industrial waste shall be pretreated in accordance with federal regulations contained in 40 CFR and state regulations as listed in RSA 485-5: A and this Ordinance to the extent required by applicable National Categorical Pretreatment Standards, state pretreatment standards or standards established by the Superintendent, whichever is more stringent. Federal Categorical Standards, as listed in 40 CFR Chapter I, subchapter N, parts 405 to 471, when promulgated (if more stringent) will supersede any local standards for the same pollutant. Where pretreatment or flow equalizing facilities are provided or required for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his or her expense.

2705.3 Approval of Pretreatment Plans Required. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the pretreatment facilities shall be subject to the review and approval of the Pretreatment Coordinator and NHDES, and subject to the requirements of all applicable codes, ordinances and laws, and fees. Plans and specifications for any pretreatment facility shall be stamped / sealed and signed by a professional engineer registered in New Hampshire, who shall be responsible for the design. Such facilities shall not be connected until said approval is obtained in writing. Plans and specifications for a proposed treatment facility shall be the result of the design of a professional engineer. Such approval shall not relieve the owner of the responsibility of discharging treated waste meeting the requirements of this Ordinance.

2705.4 Bypass Of Pretreatment Systems. The required pretreatment system shall not be bypassed at any time, even if such a bypass does not result in a violation, unless:

- Bypass was necessary to prevent loss of life, personal injury, or severe property damage.
- There are no feasible alternatives. No feasible alternatives shall not include the absence of adequate backup equipment, or bypass during routine preventative maintenance of the pretreatment equipment.
- If the User anticipates the need to bypass the treatment system, it must notify the Pretreatment Coordinator at least ten (10) days ahead of time. If the bypass is not anticipated, the user must orally notify the Pretreatment Coordinator within twenty-four (24) hours after becoming aware of the bypass. The oral notice must be followed within five (5) days by a written description of the bypass, its cause, its duration, exact times and dates (actual or expected) and what has been done to rectify the problem and prevent it from recurring.

2705.5 Structure for Collecting Samples. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved

by the Pretreatment Coordinator. The structure shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times.

2705.6 Monitoring Required. All industries discharging into a public sewer shall perform such monitoring as the duly authorized employees of the Town/City may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Pretreatment Coordinator. Such records shall be made available upon request by the Pretreatment Coordinator to other agencies having jurisdiction over discharges to the receiving water.

2705.7 Information Required. The Pretreatment Coordinator may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:

- Wastewater discharge peak rate and volume over a specified time period.
- Chemical analyses of wastewaters.
- Information on raw materials, processes and products affecting wastewater volume and quality.
- Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.
- A plot plan of sewers on the user's property showing sewer and pretreatment facility locations.
- Details of wastewater pretreatment facilities.
- Details of systems to prevent and control the losses of materials through spills to the public sewer.

2705.8 Spill Control. When directed to do so by the Pretreatment Coordinator, and the Industrial User shall develop a plan to control slug discharges as defined in this Ordinance section 2704.1, Definitions. The plan shall contain at, least the following elements:

- Description of discharge practices, including non-routine batch discharges;
- Procedures for promptly notifying the POTW of slug discharges, including any discharge that would violate a specific prohibition under sections 2704.5.3, Prohibited Discharges, and 2704.5.4, Limited Discharges of this Ordinance, with procedures for follow-up written notification within 5 (five) days;
- If necessary, procedures to prevent adverse impact from accidental spills including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants including solvents), and/or measures and equipment for emergency response; and

- If necessary, follow-up practices to limit the damage suffered by the treatment plant or the environment.

2705.9 Hazardous Waste Notification. Each industrial user shall notify the Town and City, the EPA Regional Waste Management Division Superintendent, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge.

2705.10 Exemptions. An industrial user is exempt from the above requirements during a calendar month in which it discharged no more than (15) fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) or NH Hazardous waste Rules, Env-Hw 100-1200.

2705.11 Notification Information. Any notification made under this section shall include a certification from the industrial user that it has a program in place to reduce the volume or toxicity of hazardous wastes to the degree it has determined to be economically practical. If the industrial user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user:

- An identification of the hazardous constituents contained in the wastes;
- An estimation of the mass and concentration of such constituents in the waste stream during that calendar month, and
- An estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months.

2705.12 REPORTING REQUIREMENTS

2705.12.1 for Significant Industrial Users. Significant Industrial users shall submit periodic reports at least twice a year in June and December or as required after the compliance date of such pretreatment standard, or in the case of a new source, after commencement of the discharge into the WWTP. These reports shall indicate the nature and concentration of pollutants in the discharge from the regulated processes governed by pretreatment standards and the average and maximum daily flows for these process units. If required, it shall also include an indication of mass of applicable pollutants discharged, and reasonable measure of the user's long term production rate, and production rate during the reporting period. The report shall contain a certification statement which asserts that applicable categorical pretreatment standards and effluent limitations are being met on a consistent basis and, if not, what additional operation and maintenance practices and/or pretreatment are necessary. Additional requirements for such reports may be imposed by the Pretreatment Coordinator. The reports shall also contain the following 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."

2705.12.2 for Categorical Industrial Users. Categorical Industrial Users shall submit periodic reports as required indicating the nature and concentration of pollutants in the discharge from the regulated processes governed by pretreatment standards and the average and maximum daily flow for these process units. The reports shall state whether the applicable categorical pretreatment standards and effluent limitations are being met on a consistent basis and, if not, what additional operation and maintenance practices and/or pretreatment are necessary. Additional requirements for such reports may be imposed by the City. Reports submitted under this section shall be signed by an authorized representative. An authorized representative may be:

- A principle executive officer of at least a level of vice president, if the industrial user is a corporation;
- A general partner or the proprietor, if the industrial user is a partnership or sole proprietorship; or
- A duly authorized representative of either of the individuals designated above, if such representative is responsible for the overall operation of the subject facility.

2705.12.3 Signature for Reports. Reports submitted under this Ordinance shall be signed by a responsible corporate officer or his authorized representative. A responsible corporate officer or his authorized representative may be:

- President, secretary, treasurer, or vice president in charge of a principal business function.
- The manager of a manufacturing production, or operating facility if the facility employs more than two hundred fifty (250) people, or has more than twenty-five (\$25,000,000) million dollars in gross national sales or expenditures.
- The person who has overall responsibility for the environmental matters for the company.
- In the case of a government facility, the person responsible for the overall operation of the facility.

2705.12.4 Compliance Schedule Reports. Each user subject to a compliance schedule shall report on progress toward meeting compliance with these regulations as follows:

- Progress Report Required. Not later than ten (10) days following each date in the schedule, and the final date for compliance, the industrial user shall submit a progress

report to the Pretreatment Coordinator indicating whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply, the reason for the delay, and the steps being taken by the industrial user to return to the established schedule.

2705.12.5 90 Day Reports. Within 90 (ninety) days following the date for final compliance with applicable categorical pretreatment standards, as described in 40 CFR, section 403.12 (d) or in the case of a new source, following the commencement of the introduction of wastewater into the WWTP, any industrial user subject to categorical pretreatment standards shall submit a report to the Pretreatment Coordinator containing the following information:

- Flow measurement - the average daily and maximum daily flow, in gallons per day, from regulated process streams and other streams as required by the Pretreatment Coordinator.
- Measurement of applicable pollutants with sampling procedures as described in 40 CFR, 403.12 (5).
- A certification statement indicating whether pretreatment standards are being met on a consistent basis. If not, the statement must indicate whether additional operation and maintenance and/or additional pretreatment is required to meet pretreatment standards.

2705.13 Violation Indicated by Self-Monitoring Report. If a violation is indicated by a report, the wastewater must be resampled and the results must then be submitted to the Pretreatment Coordinator within thirty (30) days. The user must notify the Pretreatment Coordinator, either orally or in writing, of a violation within twenty four (24) hours after he or she becomes aware of it.

2705.14 Monitoring Records. Industrial Users subject to the reporting requirements under this Section shall maintain records of information resulting from monitoring activities required to prepare such reports. Such records shall be maintained for a minimum of three (3) years and shall be made available for inspection and copying by the Town and/or City. Such reports shall include the:

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

2705.15 Record Retention. All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities shall be retained and preserved by the Industrial User until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

2705.16 NATIONAL CATEGORICAL PRETREATMENT STANDARDS

2705.16.1 Notification. The Town and City shall provide timely notification to appropriate industries of applicable categorical pre-treatment standards.

2705.16.2 Compliance Date for Categorical Standards. Compliance with categorical pretreatment standards shall be achieved within three (3) years of the date such standards are effective, unless a shorter compliance time is specified in the standards.

2705.16.3 Categorical Compliance Report. The need for categorical compliance reports under this Section shall be fulfilled by the reporting requirements outlined in section 2705.12, Reporting Requirements for Categorical Industrial Users.

2705.17 INDUSTRIAL DISCHARGE AGREEMENTS (IDP)

2705.17.1 IDP Required. Effective one hundred and twenty (120) calendar days after this provision is adopted by the Town, the discharge of any industrial process waste to the wastewater treatment plant or to a public or private sewer connected to the wastewater treatment plant is prohibited without a valid Industrial Discharge Permit (IDP) issued by the City.

2705.17.2 IDP Application. Within sixty (60) days after the effective date of this industrial pretreatment subsection, persons subject to this subsection shall submit an application to the Pretreatment Coordinator for an IDP containing information required under applicable federal and state industrial pretreatment reporting regulations. Such information, at a minimum, shall include:

- The name and address of the facility, including the name of the operators and owners.
- A list of all environmental permits held by or for the facility.
- A brief description of the nature, average rate of production, and Standard Industrial Classification of the operations carried out at such facility.
- An identification of the categorical pretreatment standards applicable to each regulated process.
- An analysis identifying the nature and concentration of pollutants in the discharge.
- Information showing the measured average daily and maximum daily flow, in gallons per day, to the public sewer from regulated process streams and from other streams.
- A schedule of actions to be taken to comply with discharge limitations.
- Additional information as determined by the Pretreatment Coordinator may also be required.

2705.17.3 Amendment to IDP Required. An industrial user subject to categorical pretreatment standards shall not discharge wastewater directly or indirectly to the wastewater treatment plant

after the compliance date of such standards unless an Amendment to its IDP has been issued by the City.

2705.17.4 Application for IDP Amendment. Within ninety (90) days after the effective date of a categorical pretreatment standard, an industry subject to such standards shall submit an application for an IDP amendment. The application shall contain the information outlined under section 2704.17.2, IDP Application, except that the compliance certification for pretreatment or O & M statement must be signed by a qualified professional and must contain the following 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."

2705.17.5 IDP Provisions. The IDP will outline the general and specific conditions under which the industrial process waste is accepted for treatment at the WWTP. Specifically, included in the Agreement are the following:

- Pretreatment and self-monitoring facilities required.
- Type, and number of samples, and sampling frequency required.
- Effluent limitation on the industrial process waste.
- The IDP will contain a listing of applicable civil and criminal penalties.
- The Agreement will be in effect for five (5) years. A new application will be filed with the Pretreatment Coordinator by the industry one hundred and eighty (180) days before the Agreement expires.
- The Agreement is nontransferable, and may be revoked by the WWTP for noncompliance, or modified so as to conform to discharge limitation requirements that are enacted by federal or state rules and/or regulations.

2705.17.6 Proposals for New Discharge. An industry proposing a new discharge or a change in volume or character of its existing discharge must submit a completed IDP application to the Pretreatment Coordinator at least sixty (60) days prior to the commencement of such discharge. The submitted application must include plans and engineering drawings stamped by a registered professional engineer, of the proposed pretreatment facilities. Upon approval of the application by the WWTP, a Discharge Permit Request is submitted by the community to the NHDES on behalf of the industry. Upon approval of the Discharge Permit Request by NHDES, the industry and the WWTP will enter into a new or amended IDP in accordance with the procedure outlined in this section.

2706.0 SEWER RATES AND CHARGES

2706.1 Sewer Rates. Rates and charges for sewer service are based on quantity of water delivered to the premises (residential or commercial) as measured by and registered on the water meter as follows:

- The annual announced rate by the Board of Selectmen based upon per thousand (1,000) gallons with a minimum of 5,000 gallons per quarter. The Board of Selectmen will determine the annual rate in January of each year by taking the proposed variable costs within the budget and dividing this number by the previous year's gallons sold. On top of this, a base fee will be determined by taking the proposed fixed costs within the budget and dividing them by the number of customer connections on the public sewer system. When the Sewer Department takes on debt, a quarterly debt service fee will also be determined by the loan lender.
- The Board of Selectmen is authorized to allow an amount, at their discretion, for expansion and completion of the system by budgeting for capital improvements in addition to the operating budget. The new rate will be effective for the first quarter billing in April of each year.
- In the event of payment delinquency, a formal lien shall be placed against the property supplied such sewer service by the Tax Collector at the appropriate time. Interest at the rate of eight percent (8%) per annum shall be charged on all sewer bills not paid within thirty (30) from the date due. Any customer failing to pay sewer charges due within the calendar year will be subject to an interest increase to 14 percent (14%) per annum once a lien is executed by the Tax Collector.

2706.2 GENERAL RATES AND CHARGES

2706.2.1 New and Repaired Services. New, renewed, or repaired services shall be charged from the Main Interceptor line to the building on the basis of the actual cost of labor, equipment, and materials plus overhead as established on an annual basis by the Board of Selectmen. The building owner shall be charged for all new service connections and repairs from the Main Interceptor line to the building. All service connections shall remain the property of the Town of Marlborough and must be maintained from the Main Interceptor line to the building by the building owner.

2706.2.2 Turn-on and Turn-off Charges. There shall be a service charge (See Schedule A in "The Town of Marlborough Water Ordinance") for each time the water is turned off for nonpayment or any other reason and this charge must be paid to the Town Clerk/Tax Collector prior to any turn-on action by the Superintendent. If needed, The Town may shut off the service of any building, at the cost of the building owner, at any time.

2706.2.3 Estimation of Service. The reading for any meter not accessible at the routine time for such reading shall be estimated and used for that billing. The estimated reading will be adjusted as necessary at the next quarterly billing cycle by inserting the actual reading.

2706.2.4 Quarterly Bills. Bills will be rendered as of January, April, July, and October each year and will show the condition of each account for the quarter from the previous meter reading to the most current meter reading. All such bills not paid within thirty (30) days from date due shall be considered delinquent and will be dealt with as provided in Section 2706.1.

2706.2.5 Owner Must Notify. It is the express responsibility of the owner to immediately inform the Town Clerk/Tax Collector of a change of address for the mailing of bills. Failure to do so will not relieve any owner of liability of all charges assessed against his or her property nor shall routine action for collection of such account be withheld because of such failure. Further, the owner of any premises shall be liable for all charges and payments to be made at the Office of the Town Clerk/Tax Collector.

2706.2.6 Abatement and Posting. The Board of Selectmen shall have the sole authority to abate, reduce or otherwise forgive any bill or assessment for any rate or charge which may be, or which may become legally due to the Town of Marlborough on account of sewer service. When a customer petitions for said abatement, the Town Plumber shall cause the meter to be tested and the results of said tests shall be forwarded to the Town Clerk. If a faulty meter is detected, the meter shall be repaired/replaced and the account shall be adjusted as deemed appropriate by the Board of Selectmen. The customer is responsible for hiring a licensed plumber to check his or her plumbing system on his or her side of the water meter to determine whether any leak exists.

2706.2.7 Meter Repairs. Meter installations and repairs must be completed by the Town Plumber. Sewer meters are required in Town and shall remain the property of the Town of Marlborough. The Town will cover all costs associated with the repair and maintenance of the sewer meters unless damage was determined to be from owner neglect or the repairs fall out of the Town Plumber's responsibilities. In the event of neglect, the building owner will be responsible for the costs of the new sewer meter and associated materials, as well as the labor of the Town Plumber and the Superintendent. Owner neglect encompasses, but is not limited to, frozen meters, cracked meters, fire damaged meters, meters not properly secured and mounted to NH Plumbing Code Standards, sand or silt build up, and broken transmitter boxes and wires. The owner will also be responsible for all costs beyond a simple meter replacement. These situations include, but are not limited to, broken or stuck building supply shut off valves, damaged or corroded household plumbing, and plumbing not following the NH Plumbing Code. The Town Plumber has the right to deny the installation of a new meter until these fixes are made.

2707 VALIDITY.

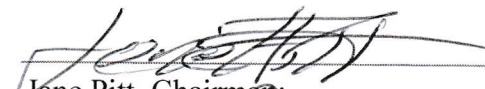
2707.1 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

2707.2 The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.


2708 ORDINANCE IN FORCE.

2708.1 This Sewer Ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.


2708.2 Passed and adopted by the Board of Selectmen, Town of Marlborough, State of New Hampshire, on the 18th day of November, 2020.



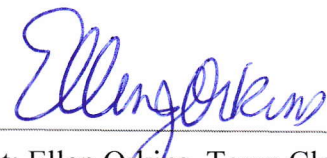
Jane Pitt, Chairman:



Gina Paight, Selectman



Earl Nelson, Selectman



Attest: Ellen Orkins, Town Clerk