

**CHAPTER 16**  
**SEWER ORDINANCE**

**SECTION ANALYSIS**

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**16.1 Definitions.**

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

(a) Biochemical oxygen demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20° C, expressed in milligrams per liter.

(b) Building drain shall mean 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) outside the inner face of the building wall.

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(c) Bypass shall mean the intentional diversion of waste streams from any portion of an Industrial User's pretreatment facility.

(d) Combined Sewer shall mean a sewer intended to receive both wastewater and storm or surface water.

(e) Director shall mean the Director of Public Works as defined in Section 18 of the City Charter or his/her designee.

(f) Domestic Wastewater or Sanitary Sewage shall mean normal water-carried household and toilet waste or waste from sanitary conveniences, excluding ground, surface, or storm water.

(g) Easement shall mean an acquired legal right for specific use of land owned by others.

(h) Floatable Oil is 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 fat if it is properly pretreated and the wastewater does not interfere with the collection system.

(i) Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

(j) Grease shall include the fats, oils, waxes and other related constituents found in wastewater.

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

(l) Industrial User shall mean a source of the introduction of pollutants into the POTW from any non-domestic source regulated under Section 307 (b), (c) or (d) of the Federal Clean Water Act, 33 U.S.C. § 1251 et seq.

(m) Industrial Wastes shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

(n) Interference shall mean a discharge which, alone or in conjunction with a discharge or discharges by other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and therefore, causes a violation of the City's National Pollutant Discharge Elimination System (NPDES) permit or prevents sewage sludge use or disposal in compliance with applicable Federal, State or local statutes, or with regulations or permits issued thereunder.

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(o) May is permissive (see “shall”)

(p) Maximum daily discharge limitation shall mean the highest allowable discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents a calendar day.

(q) Monthly average discharge limitation shall mean the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

(r) National Categorical Pretreatment Standard shall mean any regulation effective as of the date of discharge containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Federal Clean Water Act, 33 U.S.C. §1251 et seq., which apply to a specific category of Industrial Users and which appear in 40 CFR, Chapter 1, Subchapter N, parts 405 through 471.

(s) National Pretreatment Standard shall mean any regulation effective as of the date of discharge containing pollutant discharge limits promulgated by EPA under Sections 307(b) and (c) of the Federal Clean Water Act, 33 U.S.C. § 1317, applicable to Industrial Users.

(t) New Source shall mean any facility from which there is or may be a discharge of pollutants, construction of which began after the publications of proposed pretreatment standards under Section 307(c) of the Federal Clean Water Act, 33 U.S.C. § 1251 et seq., which will apply to such source if such standards are thereafter promulgated, provided that:

- (1) The facility is constructed at a site at which no other source is located,
- (2) The facility totally replaces the process or production equipment that causes the discharge of pollutants at an existing source, or
- (3) The production or wastewater generating processes of the facility are substantially independent of an existing source at the same site.

(u) Natural outlet shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(v) Pass Through shall mean a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, causes a violation of the City’s NPDES permit.

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(w) Person shall mean any individual, firm, company, association, society, corporation, or group including all Federal, State, and/or local government entities and any other legal entity.

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

(y) POTW or Publicly Owned Treatment Works shall mean a wastewater treatment works, which is owned by a State or municipality. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial waste of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW wastewater treatment works. The term also means the municipality which has jurisdiction over discharges to and the discharges from such a treatment works.

(z) Pretreatment requirement shall mean any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

(aa) Private sewer shall mean that portion of the sewer defined as the “building drain.”

(bb) Properly shredded garbage shall mean 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 ½ inch (1.27 centimeters) in any dimension.

(cc) Process wastewater shall mean wastewater that excludes sanitary, noncontact cooling and boiler blowdown wastewaters.

(dd) Public sewer shall mean a common sewer controlled by a governmental agency or public utility.

(ee) Sanitary sewer shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface water that are not admitted intentionally.

(ff) Screening Level means that concentration of a pollutant which under baseline conditions would cause a threat to personnel exposed to the pollutant, or would cause a threat to structures of wastewater facilities. To be administered as limits applicable to a particular discharge, the screening levels must be adjusted to account for conditions at the point of discharge, which differ from baseline conditions.

(gg) Sewage is the spent water of a community. The preferred term is “Wastewater”.

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- (hh) Sewer shall mean a pipe or conduit that carries wastewater or drainage water.
- (ii) Sewer Service shall mean the extension from the building drain to the public sewer, also called house connection, building sewer, or sewer lateral.
- (jj) Shall is mandatory (see “May”)
- (kk) Significant Industrial User (SIU) shall mean any Industrial User subject to a National Categorical Pretreatment Standard and any other Industrial User that discharges 25,000 gallons per day or more of process wastewater to the POTW, contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW, or is designated by the Environmental Protection Agency, the State of New Hampshire or the City on the basis that the Industrial User has a reasonable potential to adversely affect the POTW’s operation or to violate a pretreatment standard or requirement.
- (ll) Significant noncompliance shall mean any Industrial User who violates one or more of the criteria outlined at 40 CFR 403.8 (f)(2)(vii)(A)-(H).
- (mm) Slug shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.
- (nn) Storm drain (sometimes termed “Storm sewer”) shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.
- (oo) Suspended solids (SS) shall mean 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 “Standard Methods of the Examination of Water and Wastewater” and referred to as nonfilterable residue.
- (pp) Unpolluted water is water of quality equal to or better than the effluent criteria in effect or water that would not cause a violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (qq) Wastewater shall mean 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 stormwater that may be present.
- (rr) Wastewater facilities shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

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(ss) Wastewater Rates and Charges shall mean a separate listing of all deposits, water rates, charges, and fees and can be obtained from the Department of Public Works or the Business Office.

(tt) Wastewater treatment works shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with “Waste treatment plant”, or “Wastewater treatment plant”, or “Water pollution control plant”.

(uu) Watercourse shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

### **16.2 Plan of Sewer Systems.**

It shall be the duty of the Director to keep a chart or plan upon which shall be represented the streets and places in and through which the sewer pipes are laid, and upon which chart shall be designated, by appropriate figures and characters, the exact size and length of the pipes, the precise location in such streets, and places of each pipe and each connection therewith, each branch Y, T, manhole and flushtank.

### **16.3 Use of Public Sewers Required.**

(a) It shall be unlawful for any person to place, deposit or permit to be deposited any human or animal excrement, garbage, or objectionable waste in any unsanitary manner on public or private property within the City of Rochester, or in any area under the jurisdiction of said City.

(b) It shall be unlawful to discharge to any natural outlet within the City of Rochester, or in any area under the jurisdiction of said City, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with federal, state and local requirements.

(c) 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 within the sewer service area.

(d) The owner(s) of all houses, buildings, or property used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City, 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 two hundred (200) feet of the building.

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(e) Existing structures within two hundred (200) feet of the public sewer and currently served by private wastewater disposal facilities shall connect to the public sewer at such time as the private wastewater system fails or the property is transferred whichever occurs first. For the purposes of this section, existing structures shall mean houses, buildings, or property used for human occupancy, employment, recreation, or other purposes, that are constructed as of January 1, 1999.

#### **16.4 Private Wastewater Disposal.**

(a) Where a public sanitary sewer is not available under the provisions of 16.3 (D), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of state law.

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

(c) At such time as public sewer becomes available to a property served by a private wastewater disposal system, as provided in 16.3 (d), a direct connection shall be made to the public sewer within ninety (90) days in 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.

(d) The owners shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City. All sludge removal from private disposal systems shall be performed by licensed operators and disposed of at State licensed facilities. At no time should any quantity of industrial waste be discharged to a private wastewater disposal facility.

(e) No building permits or any final Planning Board approvals shall be issued without prior State approvals and permits being issued.

(f) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer pursuant to RSA 147:8.

#### **16.5 Application for Service.**

(a) All applications for sewer service must be made at the Department of Public Works Office on a work order form, stating fully and truly the character of the wastewater to be discharged into the sewer system. The customer or his/her duly authorized agent must sign such applications. All applications shall be accompanied by payment of the Permit

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and Inspection Fee set forth in Section 16.25, Wastewater Rate and Fee Schedule.

(b) If any installation or repair work is to be performed by the Department of Public Works or its agent, an estimate of the cost of the work will be prepared by the Department of Public Works.

(c) A deposit equal to the estimated cost or a payment agreement shall be made with the Business Office before work is begun on a new service, or a repair to existing service, to be applied against the cost of the work necessary to successfully serve the property. Actual costs will be determined upon completion of the work and the customer charged or refunded as the case may be.

(d) All financial obligations involved in such transactions shall be adjusted immediately upon the completion of the work in the interests of all parties involved.

(e) The Director may waive the deposit for emergency repair purposes.

(f) Applicants may enter into agreements, at the discretion of the City of Rochester, to pay all costs in equal installments over a period of time. Interest shall accrue at the same rate charged by the City for overdue property tax bills. Such agreements shall be recorded with the Strafford County Register of Deeds at the expense of the applicant. In the event property is conveyed; all monies owed to the City of Rochester shall be remitted in full.

#### **16.6 Service Installation and Repair.**

(a) The Department of Public Works or its agent or developer's or property owner's contractor shall install all new sewer services.

(b) The property owner is responsible for the costs incurred for the repair and maintenance of all existing sewer services from the property line to the building or structure.

(c) If a developer or property owner installs new services, the Department of Public Works must approve all materials and inspect the installation. All charges incurred during this work are the responsibility of the developer or property owner. If a developer's or property owner's contractor's installation is found to be incorrect, it shall be the developer's or property owner's responsibility to have it corrected.

(d) Annually, before any contractor or company shall install or repair any portion of a wastewater system within the City of Rochester, such contractor or company shall obtain an Installation and Repair License from the Department of Public Works authorizing such entity to perform installations or repairs to such system. Licenses shall be valid from January 1 through December 31 for any given year. The Department of Public Works shall issue such license only to contractors or companies who demonstrate the ability to perform wastewater system installation and repairs in a workmanlike manner, consistent

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with standards maintained by the Department of Public Works. All applicants shall be required to submit evidence of general liability insurance. The City Manager shall establish an annual fee for such license. This fee shall be listed in Section 16.25, Wastewater Rate and Fee Schedule. For any applicant who holds a valid license, the fee shall be prorated from the date such license expires.

(e) Any contractor or company installing or repairing any portion of the wastewater system must receive written authorization from the Department of Public Works and may be required to provide a performance bond or escrow account in the name of the City for the total (100 percent) of the estimated cost of work.

(f) The Department of Public Works shall have an easement ten (10) feet on each side of the sewer service for its entire length for installation or repairs to the service.

(g) The customer shall be charged for all materials and labor associated with initial installation or subsequent repairs due to the negligence of the customer. The Department of Public Works shall do its best to return the easement to its prior condition; however, it will be the customer's responsibility to repair and replace any damaged property within the aforementioned easement.

(h) Ordinarily, no new service pipes or extensions of mains will be installed between December 1 and March 31. An additional charge shall be applied to the customer for road maintenance during these winter conditions if service or extension is allowed, consisting of the minimum charge listed in Section 16.25, Wastewater Rate and Fee Schedule, or the actual cost associated with such road maintenance, if greater.

### **16.7 Sewer Services and Connections.**

(a) 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 license pursuant to Section 16.6(d) and written authorization pursuant to Section 16.6(e)

(b) There shall be two (2) classes of sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner(s) or his/her agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the Director. A permit and Inspection Fee as listed in Section 16.25, Wastewater Rate and Fee Schedule, for a sewer permit shall be paid to the City, at the time the application is filed. This fee shall be paid regardless of whether the installation is to be accomplished by the Department of Public Works or the developer or property owner.

(c) In addition to the permit requirements of 16.7(b) above, any new construction or use other than a single family home which exceeds five hundred (500) gallons per day of discharge shall be required to also obtain a Wastewater Discharge Permit. Application for

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such permit shall be made to the Department of Public Works together with the Wastewater Discharge Permit fee as listed in Section 16.25, Wastewater Rate and Fee Schedule. All such requests for a Wastewater Discharge Permit are subject to the approval of the Director based on the existing sewer line's ability to handle the increased discharge.

(d) All costs and expenses incidental to the installation and connection of the sewer service shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the sewer service. If installation and connection is accomplished at a location where the City has previously installed a sewer stub, the property owner will also be assessed a Sewer Stub Fee equal to the cost of installation of the sewer stub.

(e) A separate and independent sewer service shall be provided for every building; except where one building stands at the rear of another or can be connected to the rear building through an adjoining alley, courtyard, or driveway, the front building sewer may be extended to the rear building and the whole considered as one building sewer. This exception shall be allowed only when no other reasonable alternative exists to provide a separate and independent sewer service for each building. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

(f) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Director, to meet all requirements of this Ordinance.

(g) The size, slope, alignment, materials of construction of a sewer service, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City.

(h) Whenever possible, the sewer service shall be brought to the buildings at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the sewer service.

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

(j) The connection of the sewer service into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City or the procedures set forth in appropriate specification of the ASTM and the Water Pollution Control Federation Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the

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prescribed procedures and materials must be approved by the Director before installation.

(k) All public sewers shall be laid by the Director or his/her employees or by a licensed contractor or licensed plumber; but the Director shall have authority to prescribe rules as to such other material to be used as is not herein specified, and all work shall be done as directed by him/her and subject to his/her inspection, and the pipe trench shall be kept open until the work has been so inspected.

(l) The applicant for the sewer permit shall notify the Director when the sewer service is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Director or his/her representative. A minimum of twenty-four (24) hours notice is required. If the sewer service is buried prior to inspection, the applicant may be required to uncover the sewer service and connection.

(m) No Private sewer shall pass under another house or within four feet of the wall thereof except by written permission of the Director.

(n) In addition to the afore described permit, the Director may also require, prior to commencing construction work for any private sewer, a like certificate evidencing the deposit of any amount equal to the estimated cost of such construction and/or a satisfactory guarantee that the actual cost of such construction will be paid in full upon completion of the work.

(o) The Director shall keep a written report of his/her inspection of all such private sewer lines.

(p) All excavations for 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 City at the expense of the owner.

(q) Any person proposing a new discharge into the system, or a discharge of listed or characteristic waste, or an increase in the volume or in the strength of character of pollutants that are discharged into the system shall notify the Director at least 60 days prior to the proposed change or connection. Proposed new discharges from residential or commercial sources involving loading exceeding 50 population equivalents (5,000 gpd), any new industrial discharge, or any alteration in either flow or waste characteristics in industrial discharge must be approved by the New Hampshire DES.

(r) The Department of Public Works will approve plans for new systems, extensions, or replacement sewers. No plans will be approved which allow rainwater from roofs, streets, and other areas, and groundwater from foundation drains to enter into the sanitary sewer system. Separate storm drain systems must be provided.

(s) Whenever any private sewer shall become clogged, broken, or obstructed, out of

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order, or detrimental to the use of any public sewer, or unfit for sewerage purposes in that part situated outside of any street or private way in which public sewers are laid, the owner, agent, occupant or person having charge of any building or premises in which such private sewer is located shall, when directed by the Director, remove, reconstruct, alter, cleanse, or repair said sewer, as the condition thereof may require. In case of neglect or refusal to comply with such notice within five days after the same is given, the Director may cause such sewer to be removed, reconstructed, repaired, altered, or cleansed, as he/she may deem expedient, at the expense of such owner, agent, occupant or other person so notified, who shall also be liable for a penalty in accordance with Section 16.12 Penalties.

(t) Reserve Capacity Assessments.

(1) Proposed multi-family dwellings, new subdivisions, commercial, industrial or business structures within sewer service area or expansion of such structures: Property owner or applicant shall file a sewer connection application with the Department of Public Works. All applicants discharging over 500 gallons per day are required to file for a Wastewater Discharge Permit. All property owners are subject to a reserve capacity assessment fee as listed in Section 16.25, Wastewater Rate and Fee Schedule for all existing and projected future usage. If it is determined that insufficient capacity exists for the projected flows, the applicant shall be responsible for all costs for upgrading and improving the sewers necessary to serve the project.

(2) Proposed multi-family dwellings, new subdivisions, commercial, industrial or business structures outside sewer service area or expansion of such structures: Applicants must investigate all possible means to obtain City sewer. If it is determined that a feasible means of providing City sewer service is possible, property owner or applicant shall file a sewer connection application with the Department of Public Works. All applicants discharging over 500 gallons per day shall file for a Wastewater Discharge Permit. All property owners are subject to a reserve capacity assessment fee as listed in Section 16.25, Wastewater Rate and Fee Schedule for all existing and projected future usage. If it is determined that insufficient capacity exists for the projected flows, the applicant shall be responsible for all costs for upgrading and improving the sewers necessary to serve the project.

(3) The City Manager may waive the reserve capacity assessment if deemed in the best interests of the City.

**16.8 Use of Public Sewers.**

(a) No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer.

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(b) Stormwater and unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or combined sewers or a natural outlet approved by the Director. Industrial cooling water or process waters require an NPDES permit prior to discharge to a storm sewer or natural outlet.

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

(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.

(2) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment processes, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.

(3) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(5) Any pollutant(s) released in a discharge at a flow rate or pollutant concentration which will cause Pass Through or Interference.

(6) Wastewater containing petroleum oil, non-biodegradable cutting oils, or products of mineral oil in concentrations of more than 25 milligrams per liter or in such other amounts that will cause Interference or Pass Through.

(7) Wastewater sufficiently hot to inhibit biological activity in the POTW resulting in Interference or to cause the influent at the wastewater treatment facilities to exceed 104°F (40°C), unless the EPA Regional Administrator, at the request of the Director, approves alternate temperature limits.

(8) Any waters or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred milligrams per liter, or containing substances which may solidify or become viscous at temperatures between 0°C (32°F) and 16°C (60°F).

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(9) If the person is a Significant Industrial User, wastewater containing any pollutant specified in Schedule A, annexed hereto and incorporated herein by reference, in excess of the limitations for each of said pollutants as specified in Schedule A (Local Discharge Limitations). These limitations may be applied on a mass basis to allow for a reduction in water use.

(10) Any trucked or hauled wastes, except at discharge points designated by the POTW.

(11) Any medical wastes except as specifically authorized in a discharge permit.

(d) The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to 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 Director may set limitations lower than the limitations established in the regulations below if in his/her opinion such more severe limitations are necessary to meet the above objectives. In forming his/her opinion as to the acceptability, the Director will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the Director are as follows:

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

(2) 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 Director, the New Hampshire DES or EPA for such materials.

(3) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Director.

(4) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with applicable State of Federal regulations.

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(5) Quantities of flow, concentrations, or both which constitutes a “slug” as defined herein.

(6) Any waters 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.

(e) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in 16.8 (d), and which in the judgement of the Director, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Director may:

(1) Reject wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers;

(3) Require control over the quantities and rates for discharge; and/or

(4) Require payment to cover added cost of handling and treating the wastes.

(f) If the City permits the pretreatment or equalization of waste flows, the design and installation of the pretreatment facilities shall be subjected to the review and approval of the City and New Hampshire DES, and subject to the requirements of all applicable codes, ordinances and laws. Such facilities shall not be connected until said approval is obtained in writing.

(g) 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.

(h) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, or any 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 Director, and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Director. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms.

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(i) All industrial waste shall be pretreated in accordance with federal and state regulations and this ordinance to the extent required by applicable National Categorical Pretreatment Standards, National Pretreatment Standards or pretreatment standards established by the New Hampshire DES or by the Director, whichever is more stringent. The National Categorical Pretreatment Standards, found in 40 CFR Chapter 1, Subchapter N, Parts 405-471, are hereby incorporated into this Ordinance by reference. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his/her expense.

(j) When required by the Director, 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 observations, sampling, and measurement of the wastes.

Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Director. The structure shall be installed by the owner at his/her expense and shall be maintained by him/her so as to be safe and accessible at all times.

All Industrial Users discharging into a public sewer shall perform such monitoring as the Director or duly authorized employees of the City may reasonably require including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Director.

Such records shall be made available upon request by the Director. Such records shall be made available upon request of the Director to other agencies having jurisdiction over discharges to the receiving waters.

(k) The Director may require an Industrial User of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:

- (1) Wastewaters discharge peak rate and volume over a specified time period.
- (2) Chemical analyses of wastewaters.
- (3) Information on raw materials, processes, and products affecting wastewater volume and quantity.
- (4) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
- (5) A plot plan of sewers of the user's property showing sewer and pretreatment facility location.

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(6) Details of wastewater pretreatment facilities.

(7) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

(l) The Director may require any Significant Industrial User to develop a plan to control slug discharges. If the Director determines that such a plan is needed the plan shall include at a minimum:

(1) A description of discharge practices, including non-routine batch discharges,

(2) A description of stored chemicals,

(3) Procedures for notifying the POTW of slug discharges, and

(4) If necessary, procedures to prevent adverse impact from accidental spills.

(m) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the EPA-approved methods published in the Code of Federal Regulations, Title 40, Part 136 (40 CFR 136) or alternate test procedures approved by EPA. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Director.

(n) No statement contained in this article shall be construed as preventing any special agreement or arrangements between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, provided that such agreements do not contravene any requirements of existing federal or state laws, and/or regulations promulgated thereunder, are compatible with any User Charge System in effect, and do not waive applicable pretreatment standards and requirements, including local limits and National Categorical Pretreatment Standards.

(o) Septic tank waste (septage) will be accepted into the sewer system at a designated receiving structure within the treatment plant area, provided such wastes do not contain toxic pollutants or materials, and provided such discharge does not violate any other special requirements established by the City. Permits to use such facilities shall be under the jurisdiction of the Director or his/her duly authorized representatives. The discharge of industrial wastes as "industrial septage" requires prior approval of the New Hampshire DES. Fees for dumping septage will be established as part of the User Charge System. The sewage treatment plant operator acting in behalf of the City and its Director shall have authority to limit the disposal of such wastes, if such disposal would interfere with the treatment plant operation. Procedures for the disposal of such wastes shall be in conformance with the operating policy of the City's sewage treatment plant supervisor unless specifically permitted otherwise.

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(p) It shall be illegal to meet requirements of the Sewer Ordinance by diluting wastes in lieu of proper pretreatment.

### **16.9 Industrial Pretreatment Rules.**

(a) Applicability. All Industrial Users shall comply with applicable requirements of federal and state industrial pretreatment regulations (as amended), in addition to the requirements of these INDUSTRIAL PRETREATMENT RULES.

(b) Industrial Discharge Agreement (IDA).

(1) IDA Required. Effective 180 calendar days after this provision is adopted by the City, the discharge of any industrial process waste to the City's wastewater works or to a public or private sewer connected to the City's wastewater works is prohibited without a valid Industrial Discharge Agreement (IDA).

(2) IDA Application. Within 60 days after the effective date of these INDUSTRIAL PRETREATMENT RULES, Industrial Users subject to these rules shall submit an application for an IDA containing information required under applicable federal and state industrial pretreatment reporting regulations. Such information, as a minimum shall include:

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

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(3) Provisions. The IDA issued by the City to each Industrial User will outline the general and specific conditions under which the industrial process waste is accepted for treatment at the City's wastewater treatment plant. Specifically, included in the Agreement are the following:

- (A) Pretreatment and self-monitoring facilities required.
- (B) Type, and number of samples, and sampling frequency required.
- (C) Effluent limitation on the industrial process waste.
- (D) Reporting Requirements:
  - (i) Periodic Reports. 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 be certified by a qualified professional and 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.
  - (ii) Notification of Violation/Resampling. If sampling performed by an Industrial User indicates a violation of any National Pretreatment Standard, National Categorical Pretreatment Standard, or any pretreatment standard established by the Director, the Industrial User shall notify the City within 24 hours of becoming aware of the violation and shall repeat the sampling and analysis and submit the results of the report analysis to the City within 30 days of becoming aware of the violation.
  - (iii) Notification of Discharge of Hazardous Wastes. Industrial Users shall notify the City, the EPA Regional Waste Management Division Director and the State hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed, would be a hazardous waste under 40 CFR Part 261.
  - (iv) Signature for Reports. Reports submitted under this Section shall be signed by an authorized representative. An authorized representative may be:
    - 1. A principal executive officer of at least the level of vice president, if the Industrial User is a corporation;

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2. A general partner or the proprietor, if the Industrial User is a partnership or sole proprietorship; or,
3. A duly authorized representative of either of the individuals designated above, if such representative is responsible for the overall operation of the subject facility.

(E) Monitoring Records

- (i) 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 include for each sample:
  1. The date, exact place, method and time of sampling and the names of person or persons taking the sample.
  2. The dates analyses were performed.
  3. The laboratory performing the analyses.
  4. The analytical techniques and methods used.
  5. The results of such analyses.
- (ii) Such records shall be maintained for a minimum of five years and shall be made available for inspection and copying by the City. This period shall be extended during the course of any unresolved litigation, or upon request by EPA or the Director.

(F) Additional Conditions.

- (i) The Agreement will be in effect for five years. At the expiration of the five-year period, the Industrial User must apply for and be issued a new IDA.
- (ii) The Agreement may not be transferred without the written consent of the Director, and may be revoked by the City for noncompliance, or modified so as to conform to discharge limitation requirements that are enacted by federal or state rules and/or regulations.
- (iii) An Industrial User proposing a new discharge or a change in a volume or character of its existing discharge must submit a completed IDA Application to the City at least 60 days prior to the commencement of such discharge. The submitted Application must include plans and

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engineering drawings, stamped by a registered professional engineer, of the proposed pretreatment facilities. Upon approval of the Application by the City, a Discharge Permit Request is submitted by the community to the New Hampshire DES on behalf of the industry. Upon approval of the Discharge Permit Request by the DES, the City will issue to the Industrial User a new or amended IDA in accordance with the procedure outlined in this subpart.

(G) Annual Fee:

Each Industrial User shall be assessed a fee to cover the administration costs of the Industrial Pretreatment Program (IPP), plus the costs of sample collection and laboratory analysis. The fee will be billed on a quarterly basis and assessed as follows: All costs associated with self-monitoring shall be borne directly by each Industrial User. All costs associated with municipal monitoring of each Industrial User (sample collection and laboratory analysis) shall be billed directly to that Industrial User. All administrative costs associated with operation of the IPP (labor costs for City staff, equipment purchase and maintenance, consulting fees, etc.) shall be paid by the Industrial Users on a pro rata basis.

(H) Penalties and Cost of Enforcement:

Any Industrial User who violates any provision of this Ordinance or any National Pretreatment Standard, National Categorical Pretreatment Standard, or any pretreatment standard established by the Director shall be subject to applicable civil and/or criminal penalties as set forth in said IDA and shall pay all costs incurred by the City in enforcing or assuring compliance with such provision or standard and in responding to or investigating such violation.

(c) Local Discharge Limitation.

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Significant Industrial Users shall be prohibited from discharging wastewater containing any pollutant specified in Schedule A.

(Revised in 2003; approved April 11, 2005; and revised in 2008, approved February 28, 2008), annexed hereto and incorporated herein by reference, in excess of the limitations for each of said pollutants as specified in Schedule A (Local Discharge Limitations) (Revised in 2003; approved April 11, 2005; and revised in 2008, approved February 28, 2008). Compliance with these limitations shall be assessed on the basis of samples of the Industrial User's process wastewater discharge, not to include sanitary or any other dilution wastewater flows. If a National Categorical Pretreatment Standard, a National

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Pretreatment Standard, or the New Hampshire Department of Environmental Services establish limitations for Industrial Users in a particular Industrial subcategory which are more stringent than the limitations specified in Schedule A (Revised in 2003; approved April 11, 2005; and revised in 2008, approved February 28, 2008), those more stringent limitations shall immediately apply to those Industrial Users subject to such limitations.

(d) National Categorical Pretreatment Standards.

- (1) Notification. The City shall provide timely notification to appropriate industries of applicable categorical pretreatment standards.
- (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. The National Categorical Pretreatment Standards, found in 40 CFR Chapter 1, Subchapter N, Parts 405-471, are hereby incorporated into this Ordinance by reference.
- (3) Amendment to IDA Required. An Industrial User subject to categorical pretreatment standards shall not discharge wastewater directly or indirectly to City wastewater works after the compliance date of such standards unless an amendment to its IDA has been issued by the City.
- (4) Application for IDA Amendment. Within 120 days after the effective date of a categorical pretreatment standard, an Industrial User subject to such standards shall submit an application for IDA Amendment. The application shall contain the information noted under 16.9 (b)(2) of these rules.
- (5) Baseline Monitoring Report. Within 180 days after the effective date of a categorical pretreatment standard, existing Industrial Users shall submit to the City a report setting forth the information required in 40 CFR §403.12(b). At least 90 days prior to the commencement of discharge, new sources or sources that become Industrial Users subsequent to the promulgation of an applicable categorical standard, shall submit to the City a report setting forth the information required in 40 CFR §403.12(b).
- (6) Categorical Compliance Report. Within 90 days following the date for final compliance with an applicable Categorical Pretreatment Standard or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any Industrial User subject to National Categorical Pretreatment Standards shall submit a report on compliance with Categorical Pretreatment Standards deadlines in accordance with 40 CFR §403.12(d). If a compliance schedule is established, the City may require Compliance Schedule Progress Reports in accordance with 40 CFR §403.12(c).

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(7) Compliance Determination. Compliance with National Categorical Pretreatment Standards shall be assessed in accordance with the requirements set forth at 40 CFR §403.12(b)(5).

(8) Periodic Compliance Reports. Any Industrial User subject to National Categorical Pretreatment Standards shall submit to the City, during the months of June and December, unless required more frequently by the Pretreatment Standard or by the City, periodic compliance reports in accordance with 40 CFR §403.12(e).

(e) Slug Discharge Notification and Control Plan. Industrial Users shall immediately notify the City of any discharges that could cause problems to the POTW, including any slug, as defined under Article 16.1 (mm), of process waste discharged by such user to the City system. [8]

The Director may require any user to develop and implement an accidental discharge/slug control plan. The Director shall evaluate whether each significant industrial user needs such a plan during the initial permit application or during permit renewal. Any user required to develop and implement an accidental discharge/control slug plan shall submit a plan which addresses, at a minimum, the following:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the POTW of any accidental or slug discharge; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(f) Imminent Endangerment. The 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 person, or any discharge presenting, or which may present, an endangerment to the environment, or which threatens to interfere with operation of the public sewer or wastewater treatment facilities. Actions which may be taken by the 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.

(g) Monitoring and Surveillance. The City shall as necessary sample and analyze the

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wastewater discharges of contributing Industrial Users and conduct surveillance and inspection activities to identify, independently of information supplied by such industries, occasional and continuing non-compliance with industrial pretreatment standards. All industries discharging to the City system shall allow unrestricted access to City, DES, and EPA personnel for the purposes of investigating and sampling discharges from the industries. Each industry will be billed directly for costs incurred for analysis of its wastewater.

(h) Investigations. The City shall investigate instances of non-compliance with industrial pretreatment standards and requirements.

(i) Public Information. Information and data submitted to the City 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 Section 2.302. The City shall comply with the maintenance and records requirements of 40 CFR (o). [8]

(j) Public Participation. The City shall comply with the public participation requirements of 40 CFR Part 25 in the enforcement of industrial pretreatment standards and requirements which shall include annual public notification, in the largest daily newspaper published in the City, of all Industrial Users which were in significant noncompliance with applicable pretreatment requirements.

#### **16.10 Arrest Provision.**

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

#### **16.11 Powers and Authority of Inspectors.**

(a) The Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this ordinance.

(b) The Director and other duly authorized employees are authorized to obtain information concerning industrial processes which have a bearing on the kind and source of discharge to the public sewer. The Industrial User may request that the Director withhold from public disclosure any information deemed confidential in accordance with 40 CFR 403.14. The Industrial User must establish that the revelation to the public of the information in question might result in an advantage to competitors.

(c) While performing the necessary work on private properties referred to in 16.11(a), the Director or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for

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injury or death to the City employees, and the City shall indemnify the company against loss or damage to its property by the 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 negligence or failure of the company to maintain safe conditions as required in 16.8(j).

(d) The Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

### **16.12 Penalties.**

(a) Any person found to be violating any provisions of this ordinance except 16.10, Arrest Provision, including any National Pretreatment Standard, National Categorical Pretreatment Standard, or other pretreatment requirement shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Violation of more than one standard or requirement shall be deemed a separate violation for each standard or requirement. The offender shall, within the period of time stated in such notice, permanently cease all violation. The City may, after informal notice to the person 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 person, or any discharge presenting, or that may present, an endangerment to the environment, or which threatens to interfere with the operation of the public sewer or wastewater treatment facilities. Actions which may be taken by the 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 person. In addition, the City may terminate the sewer service and/or revoke the Industrial Discharge Agreement of any person who violates any provision of this Ordinance.

(b) Any person who violates any provision of this Ordinance, including any National Pretreatment Standard, National Categorical Pretreatment Standard, or other pretreatment requirement, may be fined in an amount not to exceed \$1,000.00 for each violation, even if they correct such violation within the time period set forth in the notice issued pursuant to 16.12(a). Each day in which any such violation shall continue shall be deemed a separate offence. Ref: RSA 31:39 (f); RSA 47:17; RSA 149-1:6.

(c) In addition to the foregoing, any person who violates any provisions of this Ordinance which results in an increase in costs to the wastewater facility or wastewater treatment works, or which interferes with or harms treatment plant personnel, equipment, processes, or operation shall be liable to the City in an amount equal to the additional

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costs incurred by the City as a result of such violation including, but not limited to, court costs, attorney's fees and fees related to sampling and analysis to assure compliance with applicable limitations. Such liability exists even if the person corrects such violation within the time set forth in the notice issued pursuant to Article 16.12(a).

**16.13 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, which can be given effect without such invalid part or parts.

**16.14 Ordinance in Force.** This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

**16.15 Establishment of Wastewater Rates and Fees.**

(a) Process. Wastewater rates and fees shall be reviewed and updated periodically by the City Council. Such wastewater rates shall be computed based on the total amount budgeted for the Department of Public Works Wastewater Division operations and maintenance, plus any debt service and capital outlays determined by the City Council, and projections of estimated sewer consumption, number of accounts, and/or other such factors. Wastewater rates shall be recommended to the City Council by the Utility Advisory Board and/or the City Manager and shall be established to provide sufficient revenue to at least pay the expenses of operating and maintaining the wastewater treatment works, collection system, and appurtenant facilities.

(b) Exemptions. The City Council may authorize elderly exemptions for users qualifying for property tax exemptions in the City, but such exemptions shall not result in charges lower than those necessary to recover operation and maintenance costs. Only the portion of the wastewater rates that recovers the debt service or capital outlays may be exempted.

(c) Implementation of New Wastewater Rates and Fees. Before new rates and/or fees are effective, there shall be two (2) readings before the City Council. In addition, a public hearing shall be held between the first and the second readings. The public hearing shall be held at least (10) calendar days before the rates and fees are effective.

**16.16 Rates, Charges, and Fees.**

[8]

A separate listing of all deposits, wastewater rates, charges, and violation fees can be obtained from the Department of Public Works or the Business Office. Wastewater user charges shall be assessed as follows:

- (a) Metered Water Customers. All customers that are supplied by the City of Rochester water system shall be charged based upon water usage. The rate shall be listed in Section 16.25, Wastewater Rate and Fee Schedule.

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(b) Unmetered Residential Customers. Any residential wastewater customers not connected to the City of Rochester water system shall pay a flat rate quarterly wastewater user charge. The rate shall be as listed in Section 16.25, Wastewater Rate and Fee Schedule. Each unit of a multi-unit dwelling or mobile home park shall be considered a residential customer. The property owner shall be billed for each dwelling unit even if the property has only one service (i.e. the owner of a 10-unit apartment building shall be billed the residential flat rate x 10.)

(c) Unmetered Industrial Customers. Any industrial wastewater customers not connected to the City of Rochester water system shall install an appropriate meter to measure discharges into the City sewer system. The rate charged shall be as listed in Section 16.25, Wastewater Rate and Fee Schedule.

(d) Minimum Fee. Notwithstanding the provisions of 16.16(a), any metered industrial/commercial or residential wastewater user shall pay a minimum quarterly wastewater user's charge as listed in Section 16.25, Wastewater Rate and Fee Schedule.

(e) TKN Surcharge. Total Kjeldahl Nitrogen (TKN) is a pollutant found in most wastewater and is subject to a surcharge where discharges exceed a ceiling limit, as listed in Section 16.25. Where an individual user discharges greater than the ceiling limit, then the user shall be assessed a fee for every pound in excess of the ceiling limit. The total pounds of TKN discharged will be determined quarterly and be based on continuous flow records maintained by the user, and the quarterly water quality testing conducted by the City. Supplemental water quality data, in addition to that collected for Industrial Pretreatment monitoring, can be provided by the user at no cost to the City and may be used in calculating the surcharge fee, as approved by the Director. The surcharge fee is in addition to the wastewater rate and fee for commercial and industrial customers. [8]

### **16.17 Billing and Payment.**

(a) Wastewater bills shall be rendered to all customers at least quarterly and may be rendered more frequently at the discretion of the Business Office with the approval of the City Manager.

(b) Wastewater bills are due and payable upon presentation and shall become delinquent after thirty (30) days after the date of issuance. Interest shall accrue on bills not paid when due at the same rate charged by the City for overdue property tax bills.

(c) Checks shall be made payable to the City of Rochester and submitted to the Tax Collector. When bills are overdue, the customer will be sent a notice. Bills not paid when due become a lien on the property by New Hampshire Statutes. [6]

(d) The failure of a customer to receive wastewater bills does not relieve the customer of responsibility of making prompt payment.

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(e) The Department of Public Works in collecting and treating wastewater, doing work, or furnishing materials shall deal with only the customer and the premises, and such customer shall keep the Business Office advised of the address to which bills, notices, and communications may be forwarded. Although the payment for service may be assumed by an agent or tenant, the owner of the premises will be held personally responsible for the same. A change in ownership will not relieve the premises from payment of back bills.

#### **16.18 Appeals.**

Users aggrieved of bills rendered under this ordinance have the following rights of appeal:

(a) Notification. The aggrieved user shall notify the Business Office in writing that said bill is contested before the next billing for this wastewater service. The notification shall explain why the bill is contested and provide the information necessary to determine the validity of the claim. The Business Administrator may require the use of forms to expedite the appeals process.

(b) Resolution. Upon receipt of a notification under Section 16.18(a), the Business Administrator shall submit the claim to the Utility Advisory Board with a recommendation on the validity of the claim. The Utility Advisory Board shall act on all appeals received at a regularly scheduled meeting. The determination of the Utility Advisory Board shall be final, except that the City Manager shall have the authority to veto or modify any action of the Utility Advisory Board. Aggrieved parties shall be allowed only one appeal per claim.

(c) Disposition of Appeals. For appeals found to be valid, the date of the billing shall be revised to the date of the Utility Advisory Board's decision. Revised charges shall become due and payable as specified in Section 16.17. For appeals not found to be valid, the date of the billings shall be as originally issued, and charges and interest shall be as computed as specified in Section 16.17.

#### **16.19 Agreements.**

An agreement between the City Finance Director and the customer may be signed, on a form provided in the Business Office, if the customer is unable to satisfy their wastewater bill in full at the due date. An agreement procedure shall be established by the Finance Director and approved by the City Manager.

#### **16.20 Miscellaneous Bills.**

Charges for labor and material, including installation costs, shall be billed upon completion of the work which the bill covers. If such bills are not paid within thirty (30) days or a payment agreement has not been made with the Business Office, a lien may be placed on the property. All late payments shall include interest charges. Collection procedures will be taken and any costs will be charged to the customer.

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**16.21 Transfers.**

On sale or transfer of property, the customer must give notification of such sale or transfer to the Business Office in order that a final meter reading can be taken and proper charges made to the proper owner. A minimum of twenty-four (24) hours notice is required.

**16.22 Utility Advisory Board.**

(a) Function of the Board. The Utility Advisory Board shall periodically make recommendations to the City Council on the level of wastewater rates to be established under this ordinance, but such recommendations are not binding on the City Council. The Utility Advisory Board shall rule on appeals of user and other charges and fees and other such duties that may be assigned by City Council.

(b) Membership. The Utility Advisory Board shall consist of five (5) members. Such members shall be nominated by the Mayor and appointed by the City Council.

(c) Term. Members shall serve a term of five (5) years from the date of appointment.

(d) Vacancies. Vacancies on the Utility Advisory Board shall be filled in the same manner that members are appointed under Section 16.22 (b). The term of a member appointed to fill a vacancy shall be equal to the remaining term of the member being replaced.

(e) Administrative Actions. The City Manager shall have the authority to veto or modify any action of the Utility Advisory Board.

**16.23 Rules Relating to Construction/Extension of Public Sewers for New Development.**

(a) Applications for the construction/extension of public sewers shall be in the form of a petition addressed to the Director of Public Works in compliance with the rules established by the Department of Public Works.

(b) The Director may require that an applicant file with the City Clerk such rights-of-way, releases, performance surety, or any other instruments reasonably consistent for any such construction, and the City of Rochester shall be grantee, guaranteed insured, or payee of any such instrument.

(c) The applicant shall pay full costs for any such construction and installation of public sewers, as well as all costs associated with extensions of existing public sewers in existing public right of ways. Full title to the same shall, upon acceptance, be the property of the City of Rochester. All construction of public sewers shall be under the direct supervision of the Department of Public Works.

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**16.24 Extension of Existing Public Sewers in Accepted Roadways.**

(a) Upon petition by citizens of the City or when deemed necessary or desirable for the protection and well being of the City the extension of existing public sewers in accepted roadways may be approved by a vote of the City Council.

(b) Where the construction and installation of public sewers is to be made in and upon existing streets and roads, and the public good requires it and/or undue hardships would result if cash payment were made, then and in such case the City may finance the construction through issuance of bonds or other financing method and pay the full costs. The proportionate share of each abutter along the line of construction and installation based on the actual cost of construction per running foot or other equitable distribution of cost when petition, application, or late petition is made and granted, shall become a lien on such abutting property as real estate taxes until payment of said proportionate share of full costs, including financing, is made.

(c) Payment may be as follows:

- (1) The affected party may pay its proportionate share in cash for the full amount, at the time the obligation is incurred.
- (2) The affected party may enter into an agreement with the City that said proportionate share of all costs may be paid in equal installments over a period of time equal to the term of the bond or a lesser period. Such agreement is to be recorded with the Strafford County Register of Deeds at the expense of the affected party. In the event property is conveyed, the new owner(s) will be responsible for all unpaid bills and liens.
- (3) All funds relating to public sewer extensions under these provisions may be placed in a special fund for payment of bonds, interest, and charges pertaining thereto.

(d) Any affected party dissatisfied with the determination of his/her proportionate share of costs may appeal said assessment as outlined in Section 16.18.

**16.25 Wastewater Rate and Fee Schedule.**

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**Quarterly Wastewater Rates Residential:**

Customer without exemption:	\$6.11 per 100 cu. Ft. of water use
Residential Customers with Exemption:	\$4.06 per 100 cu. Ft of water use
Commercial and industrial customers:	\$6.11 per 100 cu. ft. of water use
High Volume Customer (i.e. Customers Using more than 5,000 units **monthly)	\$5.50 per 100 cu. Ft. of water use

\*\* Note: for purposes of this Section the word 'unit' shall mean 748 gallons of water use"

6/21/09

Unmetered Residential Customers:

Per quarter per unit without exemption: \$195.35  
Per quarter per unit with exemption: \$97.66

Sewer-Metered Customers: \$6.11 per 100 cu. ft

Minimum Fee:

Per quarter per unit without exemption: \$29.21  
Per quarter per unit with exemption: \$23.25

Septage Discharge: [11] \$48.00 per 500 gal. or portion thereof

RV Septage Discharge: \$13.00 flat fee

Gray Water disposal \$26.00 per 2,000 gal. or portion thereof

TKN Surcharge:  
    Ceiling limit: 60 pounds per day of TKN [8]  
    Surcharge Fee: \$1.18 per pound of TKN

Fees:

Permit and Inspection Fee: \$50.00  
Wastewater Discharge Permit Fee: \$50.00  
Reserve Capacity Assessment: \$2.00 per gallon

Installation Fees

Installation by City: \$300.00 minimum, or estimated cost of installation in advance

Sewer Stub Fee: Actual Cost of Installation

Charge for road maintenance for service installed between December 1 and March 31: \$200.00 minimum or estimated cost of road maintenance in advance

Installation and Repair License: \$100.00 per year

Temporary Service: See installation fees; wastewater charges will be billed at above rates

Minimum Service Charge: \$30.00 per visit

8/18/09

Backflow Prevention Devices:

All costs associated with installation, repair or inspection to be paid by owner. Inspection costs shall be not less than Minimum Service Charge.

Violations:

All costs associated with investigation, enforcement and correction of violations to be paid by owner.

Bad Check:

\$25.00 plus all associated fees.

**II. This Amendment shall take effect on July 1, 2011.**

6/16/2009

## SCHEDULE A

### Local Discharge Limitations

The following are maximum daily discharge limits for the specified pollutants in milligrams per liter (mg/l):

Parameter	Concentration mg/l
Arsenic	1.1
Cadmium	0.1
BOD	400
Chromium (total)	1.0
Cyanide	1.4
Mercury	0.002
Nickel	0.6
TSS	600
Nitrogen (as TKN)	61
Copper	0.55
Lead	.14
Phosphorous	15.7
Silver	0.1
Zinc	3.76
Parameter	Maximum Allowable Headwork Loading (1b/day)
TKN	1.200
Arsenic	3.0

(Revised in 2003)

5/6/08

- [1] Amended 7/1/2000
- [2] Amended 8/1/2000
- [3] Amended 6/15/2004
- [4] Amended 10/4/2005
- [5] Amended 6/26/2007
- [6] Amended 9/4/07
- [7] Amended 2/5/08 – Added High Volume Customers Rate
- [8] Amended 5/6/08 – Added TKN Discharge fee
- [9] Amended 6/10/08 – Increase to Sewer Rate
- [10] Amended 6/16/09 – Increase to Sewer Rate
- [11] Amended 8/18/09 – Decrease to Septage Fee
- [12] Amended 6/21/11 – Increase to Sewer User Rates

**7/8/11**