

**CHAPTER IX – SEWER USE AND PERMITTING REGULATIONS
ORDINANCE
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(Proposed May 7, 2007)**

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CHAPTER IX – SEWER USE AND PERMITTING REGULATIONS ORDINANCE

INTRODUCTION

Pursuant to enabling authority in New Hampshire Revised Statutes Annotated 149-I:6; RSA Chapter 147, or revisions thereto, the following is a set of Regulations for the use of public and private sewers, private wastewater disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system, in the Town of Londonderry, County of Rockingham, State of New Hampshire.

SECTION 1 GENERAL PROVISIONS

1.1 Purpose and Policy

These Regulations set forth uniform requirements for users of the Londonderry Municipal Sewer System which transports wastewater to the Publicly Owned Treatment Works (POTW) in Manchester and Derry and enables the Town to comply with all applicable State and federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The Town is also subject to the provisions of the Intermunicipal Agreement with the City of Manchester, dated May 24, 1979, (as amended) and the Intermunicipal Agreement with the Town of Derry, dated July 10, 1981 (as amended). Recognizing that significant opportunities exist to reduce or prevent pollution at its source through cost effective practices, and that such practices can offer savings through reduced purchases of materials and resources, a decreased need for pollution control technologies, and lower liability costs, as well as assisting to protect the environment, the Town establishes the following objectives of these Regulations:

- A. To promote, consistent with the policy of the federal government:
- The prevention or reduction of pollutants at the source whenever feasible;
 - Recycling in an environmentally-safe manner when pollution cannot be prevented;
 - Treatment in an environmentally-safe manner of pollution that cannot be prevented or recycled; and
 - Disposal or other release into the environment in an environmentally-safe manner only as a last resort.

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

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

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SECTION 1 GENERAL PROVISIONS (Cont'd.)

1.1 Purpose and Policy (Cont'd.)

- B. To prevent the introduction of pollutants into the POTWs that will interfere with its operation;
- C. To prevent the introduction of pollutants into the POTWs that will pass through the POTWs, inadequately treated, into receiving waters, or otherwise be incompatible with the POTWs;
- D. To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- E. To promote reuse of sludge from the POTWs;
- F. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTWs; and
- G. To enable the Town to comply with its Intermunicipal Agreements with the City of Manchester and the Town of Derry for the treatment of the Town's wastewater.

This Regulation shall apply to all users of the POTW of the Town of Londonderry. The Regulation authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein; consistent with the Town's Facilities Plan and its *Industrial Pretreatment Program*, and updates to these documents, and represents an ongoing administrative element of the Town's activities.

1.2 Administration

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

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SECTION 1 GENERAL PROVISIONS (Cont'd.)

1.3 Abbreviations

The following abbreviations, when used in these regulations, shall have the following designated meanings:

- BOD - Biochemical Oxygen Demand
- CFR - Code of Federal Regulations
- COD - Chemical Oxygen Demand
- EPA - United States Environmental Protection Agency
- gpd - Gallons per day
- IDP - Industrial Wastewater Discharge Permit
- mg/L - Milligrams per liter
- DES - New Hampshire Department of Environmental Services
- NPDES - National Pollutant Discharge Elimination System
- POTW - Publicly Owned Treatment Works
- RCRA - Resource Conservation and Recovery Act
- RSA - New Hampshire Revised Statute Annotated
- SIC - Standard Industrial Classification
- TDS - Total Dissolved Solids
- TSS - Total Suspended Solids
- USC - United States Code

1.4 Definitions

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

1. Act or the Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 *et seq.*
2. Approval Authority. The Regional Administrator of the EPA or his duly appointed agent.
3. Authorized Representative of the User.
 - a. If the user is a corporation:
 - i. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

**CHAPTER IX – SEWER USE AND PERMITTING REGULATIONS
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SECTION 1 GENERAL PROVISIONS (Cont'd.)

1.4 Definitions (Cont'd.)

- ii. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedure

- b. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

- c. If the user is a federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility.

- d. The individuals described in paragraphs (a) through (c), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Town.

- 4. Best Management Practices or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the pollutant control prohibitions of these Regulations. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

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

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SECTION 1 GENERAL PROVISIONS (Cont'd.)

1.4 Definitions (Cont'd.)

6. Building Drain. That part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
7. Building Sewer. The extension from the building drain to the public sewer main or other place of disposal, also called house connection.
8. Bypass. The intentional diversion of waste streams from any portion of a wastewater treatment facility.
9. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limitations promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) that apply to a specific category of users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
10. Combined Sewer. A sewer intended to receive both wastewater and storm or surface water.
11. Commercial Use. Premises used for financial gain, such as business or industrial use, but excluding residential uses and related accessory uses.
12. Commissioner. The Commissioner of the New Hampshire Department of Environmental Services, or the commissioner's duly appointed agent.
13. Compatible Pollutant. Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria.
14. Control Authority. The term Control Authority as used in these Regulations, refers to the City of Manchester's Publicly Owned Treatment Works for users whose wastewater flows to Manchester for treatment, or the Town of Derry's Publicly Owned Treatment Works for users whose wastewater flows to Derry for treatment.

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SECTION 1 GENERAL PROVISIONS (Cont'd.)

1.4 Definitions (Cont'd.)

15. Conservative Pollutant. A pollutant that is presumed not be destroyed, biodegraded, chemically transformed, or volatilized within the POTW. Conservative pollutants introduced to a POTW ultimately exit the POTW solely through the POTW's effluent and biosolids. Most metals are considered conservative pollutants.
16. Department of Public Works. The Department of Public Works of the Town of Londonderry, New Hampshire, or an authorized agent or representative. The Department of Public Works is designated by the Town to supervise the operation of the POTW located in Londonderry, and is charged with certain duties and responsibilities in the Ordinance.
17. Dilution. Any increase in the use of water as a partial or complete substitute for adequate treatment to achieve compliance with a limitation on the discharge of pollutants.
18. Domestic Wastewater or Sewage. Normal water-carried household and toilet wastes or waste from sanitary conveniences of residences, commercial buildings, and industrial plants, excluding ground, surface, or storm water. (See also: Industrial Wastes.)
19. Easement. An acquired legal right for the specific use of land owned by others.
20. Environmental Protection Agency or EPA. The United States Environmental Protection Agency or, where appropriate, the EPA Regional Water Management Division Director, or other duly authorized official of said agency.
21. Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
22. 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.
23. Force Main. A line without access from individual properties, providing a connection from a pump station to a pump station, trunk, or sanitary sewer main.

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SECTION 1 GENERAL PROVISIONS (Cont'd.)

1.4 Definitions (Cont'd.)

24. Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
25. Grab Sample. A sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
26. Grease. The material removed from a grease interceptor (trap) or grease trap serving a restaurant or other facility requiring such a device. Also means volatile and non-volatile residual fats, fatty acids, soaps, waxes and other similar materials.
27. Hauler. Those persons, firms, or corporations, who pump, haul, transport, or dispose of septage and who are licensed by the New Hampshire Department of Environmental Services pursuant to RSA 485-A:4,XVI-a and rules adopted to implement said section.
28. Human Excrement and other Putrescible Material. The liquid or solid matter discharged from the intestinal canal of a human, or other liquid or solid waste materials that are likely to undergo bacterial decomposition; (provided, however, that these terms shall not include refuse as defined in RSA 145-M).
29. Incompatible Pollutant. Any pollutant that is not a compatible pollutant.
30. Industrial Wastewater Discharge Permit or IDP. The written permit between the Town and an industrial user that outlines the conditions under which discharge to the POTW will be accepted.
31. Industrial User (or User). A person who discharges industrial wastewater to the POTW of the Town.
32. Industrial Waste. Any liquid, gaseous or solid waste substance from any process or from development of any natural resource by industry, manufacturing, trade, or business.
33. Industrial Wastewater. Any wastewater from any non-domestic source that contains industrial waste, as distinct from sanitary sewage or unpolluted water.

**CHAPTER IX – SEWER USE AND PERMITTING REGULATIONS
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SECTION 1 GENERAL PROVISIONS (Cont'd.)

1.4 Definitions (Cont'd.)

34. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.
35. Instantaneous Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.
36. Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore is a cause of a violation of the POTW's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as RCRA; any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; the Marine Protection, Research, and Sanctuaries Act; 40 CFR Part 503 Standards for Sewage Sludge Use and Disposal and RSA 485-A:4, XVI-a.
37. Local Limits. Numerical limitations on the discharge of pollutants established by the POTWs, as distinct from State or federal limitations for industrial wastewater discharged to the POTW.
38. May. Means permissive (see "Shall").
39. Medical/Infection Waste. Any solid waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, and as defined in RSA 125-N:2, VII. Examples include isolation wastes, infectious agents, human blood and blood products, pathological wastes, chemotherapy wastes, sharps, body parts, contaminated bedding, surgical wastes and specimens, potentially contaminated laboratory wastes, trauma scene wastes, sharps waste and dialysis wastes.
40. National Pollutant Discharge Elimination System Permit or NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

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SECTION 1 GENERAL PROVISIONS (Cont'd.)

1.4 Definitions (Cont'd.)

41. Natural Outlet. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body or surface water or groundwater.
42. Normal Domestic Wastewater. Wastewater generated by residential users containing not more than 200 mg/L BOD and not more than 250 mg/L suspended solids.
43. New Source.
 - A. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced subsequent to the publication of proposed pretreatment standards under Section 307(c) of the Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 2. The building, structure, facility, or installation 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 building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, will be considered.
 - B. Construction of a new source as defined under this paragraph has commenced
If the owner or operator has:
 1. Begun, or caused to begin, as part of a continuous on-site construction program

**CHAPTER IX – SEWER USE AND PERMITTING REGULATIONS
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SECTION 1 GENERAL PROVISIONS (Cont'd.)

1.4 Definitions (Cont'd.)

2. any placement, assembly, or installation of facilities or equipment;
or
 3. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 4. Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- C. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (a)(ii) or (a)(iii) above but otherwise alters, replaces, or adds to existing process or production equipment.
44. Non-Contact Cooling Water. Water used for cooling that does not directly contact any raw material, intermediate product, waste product, or finished product.
 45. Owner. Any Person vested with ownership, legal or equitable, sole or partial, or possession of any improved property.
 46. Ordinance. The Town of Londonderry New Hampshire Sewer Use Ordinance, as amended.
 47. Pass Through. A discharge that exits the POTW into waters of the United States in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTWs' NPDES permit, including an increase in the magnitude or duration of a violation.

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SECTION 1 GENERAL PROVISIONS (Cont'd.)

1.4 Definitions (Cont'd.)

48. Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, State, and local governmental entities.
49. pH. A logarithmic measure devised to express the hydrogen ion concentration of a solution, expressed in Standard Units. Solutions with pH values greater than 7 are basic (or alkaline); solutions with pH values less than 7 are acidic.
50. Pharmaceutical Waste. Means a prescription drug, as defined by RSA 318:1, XVII, or a nonprescription or proprietary medicine, as defined by RSA 318:1, XVIII, that is no longer suitable for its intended purpose or is otherwise being discarded.
51. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, garbage, wastewater treatment sludges, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
52. Pollution Prevention. The use of materials, processes, or practices that reduce or eliminate the creation of pollutants or wastes at the source, or minimize their release to the environment prior to recycling, treatment or disposal. It includes practices that reduce the use of hazardous materials, energy, water or other resources. It also includes practices that protect natural resources and human health through conservation, more efficient use, or effective release minimization.
53. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
54. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

**CHAPTER IX – SEWER USE AND PERMITTING REGULATIONS
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SECTION 1 GENERAL PROVISIONS (Cont'd.)

1.4 Definitions (Cont'd.)

55. Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
56. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances as identified in Section 2.5 of the Sewer Use Ordinance.
57. Properly Shredded Garbage. Wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be transported freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.
58. Publicly Owned Treatment Works or POTW. A “treatment works,” as defined by Section 212 of the Act (33 U.S.C. §1292) that is owned by the Town or owned by the City of Manchester or the Town of Derry. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if these structures convey wastewater to a POTW wastewater treatment facility. The term also means the municipality that has jurisdiction over discharges to and from such a treatment plant, and any sewer that conveys wastewater to the POTW from persons outside the Town who are, by contract or agreement with the Town, users of the Town's POTW.
59. Public Sewer. A mainline pipe or conduit that carries wastewater, storm water, groundwater, subsurface water, or unpolluted water from any source, which is controlled by a governmental agency or public utility.
60. Radiological Waste. Means radioactive waste as regulated by RSA 125-F.
61. Recreational Vehicle or "RV". A mobile vehicle or trailer used for temporary living e.g. a camper or wholly self-contained transport and living unit.
62. Sanitary Sewage. Wastewater consisting solely of normal water-carried household and toilet wastes or waste (such as human excrement and gray water [showers, dishwashing operations, etc.]) from sanitary conveniences of residences, commercial buildings, and industrial plants, as distinct from industrial wastewater and unpolluted water.

**CHAPTER IX – SEWER USE AND PERMITTING REGULATIONS
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SECTION 1 GENERAL PROVISIONS (Cont'd.)

1.4 Definitions (Cont'd.)

63. Sanitary Sewer. A public sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial facilities, and institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
64. Screening Level. A numerical value for a pollutant concentration above which actions are initiated to evaluate, prevent or reduce adverse environmental or health and safety impacts. A screening level may be adjusted upward or downward within an IDP to account for site-specific conditions at the point of discharge and administered as a local limit.
65. Semi-Public Use. Premises of private, non-profit organizations such as schools, hospitals, and religious institutions.
66. Septage or Septic Tank Waste. Any liquid, solid, or sludge pumped from chemical toilets, vaults, septic tanks, or cesspools or other holding tanks, that have received only sanitary sewage.
67. Septage Tank Truck. Any watertight vehicle that is used for the collection and hauling of septage as described above and that complies with the rules of the New Hampshire Department of Environmental Services.
68. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
69. Sewer. A pipe or conduit that carries wastewater, storm water, groundwater, subsurface water, or unpolluted water from any source.
70. Shall. Means mandatory (see "May").

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SECTION 1 GENERAL PROVISIONS (Cont'd.)

1.4 Definitions (Cont'd.)

71. Significant Industrial User.

A. A user subject to categorical pretreatment standards under 40 CFR 403.8 and 40 CFR Chapter I, Subchapter N; or a user that:

1. discharges an average of ten thousand (10,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);
2. contributes a process waste stream that comprises five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
3. discharges medical/infectious waste, pharmaceutical waste, or radiological waste; or
4. is designated as such by the POTWs on the basis that it has a reasonable potential for adversely affecting the POTWs' operation or for violating any pretreatment standard or requirement.

B. The Town may determine that an Industrial User subject to categorical Pretreatment Standards under §403.6 and 40 CFR chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

1. The Industrial User, prior to the Town's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
2. The Industrial User annually submits the certification statement required in §403.12(q) together with any additional information necessary to support the certification statement; and
3. The Industrial User never discharges any untreated concentrated wastewater.

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SECTION 1 GENERAL PROVISIONS (Cont'd.)

1.4 Definitions (Cont'd.)

- C. Upon determining that a user meeting the criteria in Subsection b.i. or b.ii. has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Town may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.
72. Significant Noncompliance or SNC. An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:
- A. Chronic violations. A pattern of violating a numeric pretreatment standard or requirement, including instantaneous limits (any magnitude of exceedence) sixty-six percent (66%) or more of the time in a 6-month period;
 - B. Technical Review Criteria (TRC violations). Thirty-three percent (33%) or more of the measurements exceed the same numeric or other pretreatment standard or requirement, including instantaneous limits, by more than the TRC factor in a six month period. The TRC factor is 1.4 for biochemical oxygen demand (BOD), total suspended solids (TSS), oil & grease and 1.2 for all other pollutants except pH;
 - C. For pH monitoring, excursions shall be considered SNC when:
 - 1. The total time during which the pH values are outside the required range of pH values exceeds 7 hours and 26 minutes in any calendar month; or
 - 2. An individual excursion from the range of pH values exceeds 60 minutes; or
 - 3. An excursion occurs that the Town believes has caused, alone or in combination with other discharges, interference or pass-through; or has endangered the structural integrity of the POTW or the health of the sewage treatment personnel or the general public; or
 - 4. Any pH less than or equal to 2.0 or greater than or equal to 12.5.

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SECTION 1 GENERAL PROVISIONS (Cont'd.)

1.4 Definitions (Cont'd.)

- D. Any other discharge violation that the Department of Public Works believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- E. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Department of Public Works exercise of its emergency authority to halt or prevent such a discharge;
- F. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- G. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, IDP applications, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- H. Failure to accurately report noncompliance; or
- I. Any other violation(s) or group of violations, which may include a violation of Best Management Practices, that the Department of Public Works determines will adversely affect the operation or implementation of the local pretreatment program.

73. Slug Load or Slug. Means:

- A. Any discharge of water, wastewater, sanitary sewage, or industrial 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 flow during normal operation;

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SECTION 1 GENERAL PROVISIONS (Cont'd.)

1.4 Definitions (Cont'd.)

73. Slug Load or Slug. Means: (Cont'd.)
- B. Any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in Section 2.5 of the Sewer Ordinance; or
 - C. Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or adversely affect the collection system and/or performance of the POTW.
74. Source Reduction. Any practice that:
- A. Reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and
 - B. Reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants.

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

75. Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
76. State. The State of New Hampshire.
77. Storm Drain or Storm Sewer. A drain or sewer for conveying storm water, groundwater, subsurface water, or unpolluted water from any source.

**CHAPTER IX – SEWER USE AND PERMITTING REGULATIONS
ORDINANCE**

SECTION 1 GENERAL PROVISIONS (Cont'd.)

1.4 Definitions (Cont'd.)

78. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
79. Town. The Town of Londonderry, New Hampshire, acting by and through the Town Manager, and/or its authorized agents or representatives.
80. Suspended Solids or TSS. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.
81. Treatment Plant, Treatment Works, or Wastewater Treatment Facility. Any device or system used in the storage, treatment, equalization, recycling or reclamation of wastewater and/or wastewater sludges as defined herein.
82. Unpolluted Water. Water of quality equal to or better than the State Water Quality Standards (Part Env-Ws 430 through Env-Ws 440) or water that would not cause a violation of receiving water quality standards and would not be benefited by discharge to the POTW.
83. User or (Industrial User). A person who discharges industrial wastewater to the POTW of the Town.
84. Wastewater. The spent water of a community, excluding unpolluted water. Any combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, governmental facilities, and institutions, whether treated or untreated that is contributed to the POTW.
85. Watercourse. A natural or artificial channel for the passage of water either continuously or intermittently.

**CHAPTER IX – SEWER USE AND PERMITTING REGULATIONS
ORDINANCE**

SECTION 2 GENERAL SEWER USE REQUIREMENTS

2.1 Local Discharge Restrictions

All users discharging industrial process wastes into public or private sewers connected to the POTW shall comply with applicable federal requirements and State standards for pretreatment of wastes as they may be amended from time to time in addition to the requirements of these Regulations.

Local numerical discharge limitations established by the Town as set forth herein (referred to as "local limits"), and all State pretreatment standards and categorical pretreatment standards shall apply, whichever is most stringent.

If any waters or wastes are discharged or are proposed to be discharged to the POTW that exceed the standards or restrictions established in Sections 2.5, and 2.6, of the Ordinance, which in the judgment of the Department of Public Works may have a deleterious effect upon the POTW, processes, equipment, or receiving waters, or that otherwise create a hazard to worker safety or health, or constitute a public nuisance, the Department of Public Works may:

- Reject or prevent any discharge to the POTW after notice has been served to the discharger and the discharger has had reasonable opportunity to respond;
- Require pretreatment prior to discharge to the POTW (see Section 3 of these Regulations);
- Require control (e.g., equalization) over the quantities and rates of discharge; and/or
- Require payment to cover additional cost of handling and treating the wastes.

If the Department of Public Works allows the pretreatment or equalization of waste flows, the design and installation of the systems and equipment shall be subject to the review and approval of the Department of Public Works and the State (see Section 3).

A. 1. METALS AND CYANIDE - MANCHESTER SERVICE AREA

For all users connected to sewer lines that are tributary to the City of Manchester POTW, the Department of Public Works will not issue permits that in combination with other industrial loads exceed the values in the following table:

**CHAPTER IX – SEWER USE AND PERMITTING REGULATIONS
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SECTION 2 GENERAL SEWER USE REQUIREMENTS (Cont'd.)

2.1 Local Discharge Restrictions (Cont'd.)

POLLUTANT	MAXIMUM ALLOWABLE INDUSTRIAL LOADING (lb/day)	POLLUTANT	MAXIMUM ALLOWABLE INDUSTRIAL LOADING (lb/day)
Copper	2.593	Mercury	0.005
Cyanide	1.657	Silver	0.107
Lead	0.481	Zinc	-(1)

(1) The capacity associated with the zinc allowable loading is almost completely utilized by zinc present in the municipal water supply. Best Management Practices will be required limiting the addition of zinc to wastewater discharges as an alternative to enforcement of a numerical value.

All mass loading limitations for metals represent total metals, regardless of the valance state, or the physical or chemical form of the metal. To administer these allowable loadings through IDPs, the Department of Public Works may impose concentration-based limitations, or mass limitations in accordance with Section 2.7 of the Ordinance. For industrial users, the values written into IDPs for the above pollutants shall apply at the end of the industrial wastestream and prior to dilution with non-industrial wastewaters.

Unless specifically identified in an IDP, an industrial user is not allowed to discharge the locally limited pollutants at concentrations significantly greater than background concentrations.

2. METALS AND CYANIDE - DERRY SERVICE AREA

No users connected to sewer lines that are tributary to the Town of Derry POTW shall discharge wastewater and the Department of Public Works will not issue permits that exceed the values in the following table:

CHAPTER IX – SEWER USE AND PERMITTING REGULATIONS ORDINANCE

SECTION 2 GENERAL SEWER USE REQUIREMENTS

2.1 Local Discharge Restrictions

POLLUTANT	REGULATORY VALUE	TYPE OF CONTROL
Chromium	0.7068 mg/L	Concentration limit
Cyanide	0.0840 mg/L	Concentration limit
Lead	0.2640 mg/L	Concentration limit
Nickel	0.3450 mg/L	Concentration limit
Selenium	0.0348 mg/L	Concentration limit
Zinc	0.8358 mg/L	Concentration limit
Aluminum	48.0 mg/L	Screening level
Beryllium	0.0098 mg/L	Screening level
Cadmium	0.0281 mg/L	Screening level
Mercury	0.0086 mg/L	Screening level
Molybdenum	0.0174 mg/L	Screening level
Arsenic	0.228 lb/day	POTW mass limit ⁽¹⁾
Copper	7.784 lb/day	POTW mass limit ⁽¹⁾
Silver	1.0271 lb/day	POTW mass limit ⁽¹⁾

NOTE:

(1) Permitted discharge levels for arsenic, copper and silver are approved individually, provided the POTW mass limit is not exceeded.

3. REPRESENTATIVE SAMPLING - Daily concentration (or mass loading) is the concentration (or mass) of a pollutant discharged, determined from the analysis of a flow-composited sample (or other sampling procedure approved by the Department of Public Works) representative of the discharge over the duration of a 24-hour day or industrial operating schedule of less than 24 hours.

CHAPTER IX – SEWER USE AND PERMITTING REGULATIONS ORDINANCE

SECTION 2 GENERAL SEWER USE REQUIREMENTS

2.1 Local Discharge Restrictions

- B. Screening Levels. Screening levels are numerical values above which actions are initiated to evaluate, prevent or reduce adverse impacts on the POTW, the environment, and/or human health and safety. The Town monitors industrial sources of conservative pollutant-bearing discharges in comparison to established screening levels, and authorization to discharge at greater concentrations may be granted subject to the administrative procedures for managing mass loading limitations. Screening level values for conservative pollutants will be maintained by the Town, independent of these Regulations, to provide regulatory flexibility.

Screening levels for non-conservative pollutants are concentration-based values that, if exceeded, represent a potential to compromise worker safety, create flammability or chemical reactivity conditions in the collection system, or result in operational issues such as excessive organic/solids loadings. Screening levels for non-conservative pollutants are developed as needed using the methodology of the Town. The data in the following table are representative of non-conservative pollutants and the concentrations above which they shall not be discharged to the POTW without approval of the Department of Public Works:

POLLUTANT	MANCHESTER AREA	DERRY AREA
Acrylonitrile	0.482 mg/L	0.482 mg/L
Benzene	0.001 mg/L	0.001 mg/L
Carbon disulfide	0.007 mg/L	0.007 mg/L
Chlorobenzene	0.30 mg/L	0.30 mg/L
Chloroform	0.065 mg/L	0.065 mg/L
trans 1,2-Dichloroethylene	2.06 mg/L	2.06 mg/L
1,2-dichloropropane	3.0 mg/L	3.0 mg/L
1,3-dichloropropene	0.01 mg/L	0.01 mg/L
Ethylbenzene	1.35 mg/L	1.35 mg/L
Fluorotrichloromethane	1.25 mg/L	1.25 mg/L
Formaldehyde	1.47 mg/L	1.47 mg/L
Hexachloroethane	0.06 mg/L	0.06 mg/L
Methylene chloride	1.0 mg/L	1.0 mg/L
Tetrachloroethylene (PCE)	0.23 mg/L	0.23 mg/L
Toluene	0.69 mg/L	0.69 mg/L
1,2,4-Trichlorobenzene	0.64 mg/L	0.64 mg/L
1,1,1-Trichloroethane	2.7 mg/L	2.7 mg/L

POLLUTANT	MANCHESTER AREA	DERRY AREA
Trichloroethene	0.32 mg/L	0.32 mg/L
Vinyl chloride	0.002 mg/L	0.002 mg/L
Biochemical Oxygen Demand	224 mg/L	300 mg/L ⁽¹⁾
Chlorides	1,500 mg/L	500 mg/L
Oil & Grease (non-petroleum)	350 mg/L	100 mg/L
Oil & Grease (petroleum-based)	100 mg/L	25 mg/L
Phenol	-	163.0 mg/L
Sulfates	1,500/150 mg/L	20.0 mg/L
Sulfides	1.0 mg/L	1.0 mg/L
Sulfites	280 mg/L	2.0 mg/L
Total Suspended Solids	280 mg/L	300 mg/L

NOTES:

- (1) Londonderry/Derry Intermunicipal Agreement limits BOD to 305 lbs/day total discharge from Londonderry wastewater discharges

If any of the screening levels are exceeded, repeat analysis may be required by the Department of Public Works to verify compliance or noncompliance with that screening level. If noncompliance is indicated, then the industrial user may be required, at the discretion of the Department of Public Works, to conduct an appropriate engineering evaluation at the industrial user’s expense to determine the potential impact of the discharge of this pollutant to the POTW or alternatively, to develop a pollution prevention plan specifically addressing the pollutant that exceeds the screening level. This study or plan shall be approved by the Department of Public Works. Should the evaluation indicate the impact to be unsatisfactory, the industrial user shall reduce the pollutant concentration to a satisfactory level. If the evaluation supports development of an alternate site-specific limitation, then the screening level may, at the discretion of the Department of Public Works, be adjusted as a special agreement for the industrial user and administered as a permit limitation for the specific discharge. If an industrial user proposes to discharge at concentrations greater than the concentration-based screening level, then the industrial user may be required to conduct the evaluations described in the previous paragraph. Should the evaluations support an alternate site-specific limitation, then the screening level may, at the discretion of the Department of Public Works, be adjusted as a special agreement for the industrial user and administered as a permit limitation for the specific discharge.

- C. Best Management Practices. The Town may develop Best Management Practices (BMPs) to implement Section 2.5 or the Ordinance and this Section of the Regulations. Such BMPs shall be considered local limits and Pretreatment Standards for the purposes of these Regulations.

**CHAPTER IX – SEWER USE AND PERMITTING REGULATIONS
ORDINANCE**

2.1 Local Discharge Restrictions (Cont'd.)

- D. Special Agreements. No statement contained in the Ordinance except for paragraphs 2.5(A), 2.5(B), and 2.6 shall be construed as preventing any special agreement or arrangement between the Town and any industrial user whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment provided that said agreements do not contravene any requirements of existing federal or State laws, and/or regulations promulgated thereunder, are compatible with any user charge system in effect, and do not waive applicable federal categorical pretreatment standards. Special agreement requests shall require submittal of a pollution prevention plan that specifically addresses the discharge for which a special agreement is requested. For pollutants with numerical local limits, the Town has allocated a percentage of its allowable industrial loadings for such special agreements. Requests for special agreements that exceed this allocation will not be approved.

SECTION 3 PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with these Regulations and shall achieve compliance with all categorical pretreatment standards, local limits, prohibitions, and requirements set out in Sections 2.5 and 2.6 of the Ordinance as well as these Regulations within the time limitations specified by EPA, the State, or the Department of Public Works, whichever is more stringent. All facilities required to achieve and maintain compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Department of Public Works for review, and shall be acceptable to the Department of Public Works and the DES before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Town under the provisions of the Ordinance and these Regulations. Plans and specifications for a proposed pretreatment facility shall be the result of the design of a professional engineer licensed by the State of New Hampshire.

3.2 Additional Pretreatment Measures

- A. Whenever deemed necessary to protect the POTW and determine the user's compliance with the requirements of the Ordinance and these Regulations, the Department of Public Works may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sanitary sewage waste streams from industrial waste streams, and such other conditions as may be necessary.

**CHAPTER IX – SEWER USE AND PERMITTING REGULATIONS
ORDINANCE**

SECTION 3 PRETREATMENT OF WASTEWATER (Cont'd.)

3.2 Additional Pretreatment Measures (Cont'd.)

- B. The Department of Public Works may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An Industrial Wastewater Discharge Permit (IDP) may be issued solely for flow equalization.
- C. Grease, oil, and/or sand interceptors shall be provided at the owner's expense when, in the opinion of the Department of Public Works, these devices are necessary for the preliminary treatment of wastewater containing excessive amounts of grease, oil, and/or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Department of Public Works and shall be so located to be easily accessible for cleaning and inspection by the owner and the Town. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense. The owner shall be responsible for the proper removal and disposal by appropriate means of the captured materials and shall maintain records of the dates and means of disposal, which shall be subject to periodic review by the Department of Public Works. Any removal and hauling of the collected materials shall be performed by currently licensed waste disposal firms.
- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter and alarm.
- E. Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, these devices shall be maintained continuously to ensure satisfactory and effective operation by the owner at his expense.
- F. The owner of any building serviced by a building sewer carrying industrial wastes may, at the discretion of the Department of Public Works, be required to install a suitable control manhole or approved equivalent structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Town. The manhole shall be installed at the owner's expense and shall be maintained by the owner so as to be safe and accessible at all times. The owner shall perform such monitoring as the Town may reasonably require including installation, use and maintenance of monitoring equipment, maintaining records and reporting the results of such monitoring to the Town. Such records shall be made available to the Town, upon its request.

CHAPTER IX – SEWER USE AND PERMITTING REGULATIONS ORDINANCE

3.3 Accidental Discharge/Slug Control Plans

At least once, and as required by changing conditions, the Department of Public Works shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan or other action to control Slug Discharges. The Department of Public Works may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Department of Public Works may develop such a plan for any user. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his facility as necessary to meet the requirements of these Regulations. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Department of Public Works of any accidental or slug discharge, as required by Section 6.6 of these Regulations; and
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

3.4 Pollution Prevention Plans

In accordance with the provisions of Section 2.1 of these Regulations and Section 6.3 of the Ordinance, the Department of Public Works may require any person discharging wastes into the POTW to develop and implement, at that person's own expense, a pollution prevention plan. The Department of Public Works may require users to submit as part of the pollution prevention plan information that demonstrates adherence to the following elements:

- A. Management Support. For changes to be effective, the visible support of top management is required. Management's support should be explicitly stated and include designation of a pollution prevention coordinator, goals, and time frames for reductions in volume and toxicity of waste streams, and procedures for employee training and involvement.
- B. Process Characterization. A detailed process waste diagram shall be developed that identifies and characterizes the input of raw materials, the outflow of products, and the generation of wastes.

**CHAPTER IX – SEWER USE AND PERMITTING REGULATIONS
ORDINANCE**

SECTION 3 PRETREATMENT OF WASTEWATER (Cont'd.)

3.4 Pollution Prevention Plans

- C. Waste Assessment. Estimates shall be developed for the amount of wastes generated by each process. This may include establishing and maintaining waste accounting systems to track sources, the rates and dates of generation, and the presence of hazardous constituents.
- D. Analysis of Waste Management Economics. Waste management economic returns shall be determined based on the consideration of:
1. Reduced raw material purchases;
 2. Avoidance of waste treatment, monitoring and disposal costs;
 3. Reductions in operations and maintenance expenses;
 4. Elimination of permitting fees and compliance costs; and
 5. Reduced liabilities for employee/public exposure to hazardous chemicals and cleanup of waste disposal sites.
- E. Development of Pollution Prevention Alternatives. Current and past pollution prevention activities should be assessed, including estimates of the reduction in the amount and toxicity of waste achieved by the identified actions. Opportunities for pollution prevention must then be assessed for identified processes where raw materials become or generate wastes. Technical information on pollution prevention should be solicited and exchanged, both from inside the organization and out.
- F. Evaluation and Implementation. Technically and economically feasible pollution prevention opportunities shall be identified and an implementation timetable with interim and final milestones shall be developed. The recommendations that are implemented shall be periodically reviewed for effectiveness.

The review and approval of such pollution prevention plans by the Town shall in no way relieve the user from the responsibilities of modifying facilities as necessary to produce a discharge acceptable to the Town in accordance with the provisions of the Ordinance and these Regulations.

**CHAPTER IX – SEWER USE AND PERMITTING REGULATIONS
ORDINANCE**

SECTION 4 INDUSTRIAL DISCHARGE PERMIT APPLICATION

4.1 Wastewater Characterization

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

4.2 Industrial Discharge Permit Requirement

- A. No industrial user shall discharge wastewater into the POTW without first obtaining an IDP from the Department of Public Works, except that an industrial user that has filed a timely and complete application pursuant to Section 4.4 of these Regulations may continue to discharge for the time period specified therein.
- B. The Department of Public Works may require other users to obtain IDPs, or submit an application for an IDP, as necessary to execute the purposes of the Ordinance and these Regulations.
- C. Any violation of the terms and conditions of an IDP shall be deemed a violation of the Ordinance and shall subject the industrial discharge permittee to the enforcement actions of the Ordinance. Obtaining an IDP does not relieve a permittee of its obligation to comply with all federal and State pretreatment standards or requirements or with any other requirements of federal, State, and local law.

4.3 Discharge Permit Request Requirement

Any new industrial waste, or any alteration in either flow or waste characteristics of greater than 20 percent of existing industrial wastewater that is being discharged into the POTW, or that the Director of Public Works believes could cause interference with the POTW or have an adverse affect on the receiving water or otherwise endanger life, limb, public property or constitute a nuisance, shall be approved by the DES. Such approvals shall be obtained in accordance with this Regulation and the Sewer Use Ordinance.

**CHAPTER IX – SEWER USE AND PERMITTING REGULATIONS
ORDINANCE**

SECTION 4 INDUSTRIAL DISCHARGE PERMIT APPLICATION (Cont;d.)

4.4 Industrial Discharge Permitting: Existing Connections

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

4.5 Industrial Discharge Permitting: New Connections

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

4.6 Industrial Discharge Permitting: Categorical Standards

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

4.7 Industrial Discharge Permit Application Contents

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

- A. All information required by Section 6.1(B) of these Regulations;
- B. Description of activities, facilities, and production processes on the premises, including a list of all raw materials and chemicals used or stored at the facility that are, or could accidentally be, discharged to the POTW;
- C. A list of all environmental permits held by or for the facility.
- D. Each product produced by type, amount, process or processes, and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);

**CHAPTER IX – SEWER USE AND PERMITTING REGULATIONS
ORDINANCE**

SECTION 4 INDUSTRIAL DISCHARGE PERMIT APPLICATION (Cont'd.)

4.7 Industrial Discharge Permit Application Contents (Cont'd.)

- F. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge and sampling locations;
- G. The estimated average, maximum and total daily flow for each discharge and the time and duration of discharges;
- H. Copies of existing pollution prevention plans and/or a description of all known pollution prevention opportunities that may exist at the facility;
- I. In those instances in which the industrial user provides notification of the discharge of hazardous waste, the industrial user shall also provide the following certification: "I certify that (the company) has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree (the company) has determined to be economically practicable";
- J. An indication of whether the conditions referenced in the application are existing or proposed; and
- K. Any other information as may be deemed necessary by the Department of Public Works to evaluate the IDP application.

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

4.8 Signatories and Certification

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

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

**CHAPTER IX – SEWER USE AND PERMITTING REGULATIONS
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SECTION 4 INDUSTRIAL DISCHARGE PERMIT APPLICATION (Cont'd.)

4.9 Hauled Wastewater Permits

- A. Septic tank waste may be introduced into Manchester's POTW only at locations designated by the City of Manchester, and at such times as are established by the City of Manchester. Septic tank waste may be introduced into Derry's POTW only at locations designated by the Town of Derry, and at such times and in such quantities as are established by the Town of Derry. Transport and discharge of such waste shall comply with Section 10.0 of the Ordinance.
- B. The Department of Public Works shall require generators of hauled industrial waste to obtain IDPs. The Department of Public Works may require haulers of industrial waste to obtain IDPs. The Department of Public Works may also prohibit the disposal of hauled industrial waste. All other requirements of the Ordinance and these Regulations apply to the discharge of hauled industrial waste.
- C. Industrial waste haulers may discharge loads only at locations designated by the Department of Public Works, the City of Manchester and/or the Town of Derry. No load may be discharged without prior consent of the Department of Public Works. The Department of Public Works may collect samples of each hauled load to ensure compliance with applicable standards. The Department of Public Works may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- D. Industrial waste haulers shall provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and a certification that the wastes are not hazardous wastes as defined in the State's Hazardous Waste Rules (Env-Wm 110, 211-216, 351-353, 400-1000), or currently applicable.

CHAPTER IX – SEWER USE AND PERMITTING REGULATIONS ORDINANCE

SECTION 5 INDUSTRIAL DISCHARGE PERMIT ISSUANCE PROCESS

5.1 Industrial Discharge Permit Decisions

The Department of Public Works will evaluate the data provided by the industrial user and may require additional information. Within thirty (30) days of receipt of a complete IDP application [or ninety (90) days in the case of an application for a new or increased discharge requiring review and approval by DES], the Department of Public Works will determine whether or not to issue an IDP. The Department of Public Works may deny any application for an IDP, with just cause.

5.2 Industrial Discharge Permit Duration

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

5.3 Industrial Discharge Permit Contents

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

A. IDPs shall contain:

1. A statement that indicates IDP duration, which in no event shall exceed five (5) years;
2. A statement that the IDP is nontransferable without prior notification to the Town in accordance with Section 5.6 of these Regulations, and provisions for providing the new owner or operator with a copy of the existing IDP;
3. Effluent limitations based on applicable pretreatment standards and requirements;
4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants requiring pollution prevention reports and, for pollutants to be monitored, the following: sampling location, sampling frequency, and sample type based on these Regulations, and State and federal laws, rules and regulations;
5. For users with reporting requirements, such reports at a minimum shall require:

**CHAPTER IX – SEWER USE AND PERMITTING REGULATIONS
ORDINANCE**

**SECTION 5 INDUSTRIAL DISCHARGE PERMIT ISSUANCE PROCESS
Cont'd.)**

5.3 Industrial Discharge Permit Contents (Cont'd.)

- a. Periodic monitoring results indicating the nature and concentration of pollutants in the discharge from the regulated processes governed by pretreatment requirements and the average and maximum daily flow for these process units;
 - b. A statement as to whether the applicable pretreatment standards and requirements are being met on a consistent basis and, if not, than what additional operation and maintenance practices and/or pretreatment systems are necessary; and
 - c. Submittal of any monitoring results performed in addition to the requirements of the IDP using procedures prescribed in the permit.
6. A description of identified pollution prevention opportunities at the facility;
7. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. This schedule may not extend the time for compliance beyond that required by the Ordinance and these Regulations, applicable State and federal laws, rules and regulations; and
8. A statement that compliance with the IDP does not relieve the permittee of responsibility for compliance with all applicable federal and State pretreatment standards, as well as standards set by the City of Manchester and/or the Town of Derry, including those that become effective during the term of the IDP.
- B. IDPs may contain, but need not be limited to, the following conditions:
1. Limitations on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;
 3. Requirements for the development and implementation of spill control plans or other special conditions including best management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

**CHAPTER IX – SEWER USE AND PERMITTING REGULATIONS
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**SECTION 5 INDUSTRIAL DISCHARGE PERMIT ISSUANCE PROCESS
(Cont'd.)**

5.3 Industrial Discharge Permit Contents (Cont'd.)

4. Development and implementation of pollution prevention plans to reduce the amount of pollutants discharged to the POTW;
5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment; and
7. Other conditions as deemed appropriate by the Department of Public Works to ensure compliance with the Ordinance and these Regulations, and State and federal laws, rules, and regulations and requirements of the City of Manchester and the Town of Derry.

5.4 Industrial Discharge Permit Appeals

Any person, including the user, may petition the Department of Public Works to reconsider the terms of an IDP within thirty (30) days of its issuance.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appellant user must indicate the IDP provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the IDP.
- C. The effectiveness of the IDP shall not be stayed pending the appeal.
- D. If the Department of Public Works fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied.
- E. Aggrieved parties may appeal the conditions of the IDP in accordance with Section 12.2 of the Ordinance.

The filing of a request by the permittee for an IDP modification does not stay any IDP conditions.

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**SECTION 5 INDUSTRIAL DISCHARGE PERMIT ISSUANCE PROCESS
(Cont'd.)**

5.5 Industrial Discharge Permit Modification

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

- A. To incorporate any new or revised federal, State, Manchester, Derry or local pretreatment standards or requirements;
- B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of IDP issuance;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the POTW, Town personnel, or the water quality in the receiving waters;
- E. Violation of any terms or conditions of the IDP;
- F. Misrepresentations or failure to fully disclose all relevant facts in the IDP application or in any required reporting;
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- H. To correct typographical or other errors in the IDP; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

5.6 Industrial Discharge Permit Transfer

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

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes that generate wastewater to be discharged to the POTW;
- B. Identifies the specific date on which the transfer is to occur; and

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SECTION 5 INDUSTRIAL DISCHARGE PERMIT ISSUANCE PROCESS (Cont'd.)

5.6 Industrial Discharge Permit Transfer (Cont'd.)

- C. Acknowledges full responsibility for complying with the existing IDP.

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

5.7 Industrial Discharge Permit Reissuance

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

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

5.8 Regulation of Waste Received from Other Jurisdictions

- A. If another municipality, or user located within another municipality, contributes wastewater to the POTW, the Department of Public Works shall enter into an intermunicipal agreement with the contributing municipality.
- B. Prior to entering into an agreement required by paragraph (A), above, the Department of Public Works shall request the following information from the contributing municipality:
 - 1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - 2. An inventory of all users located within the contributing municipality that are discharging to the POTW; and
 - 3. Such other information as the Department of Public Works may deem necessary.
- C. An intermunicipal agreement, as required by paragraph (A), above, shall contain the following conditions:

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SECTION 5 - INDUSTRIAL DISCHARGE PERMIT ISSUANCE PROCESS (Cont'd.)

5.8 Regulation of Waste Received from Other Jurisdictions (Cont'd.)

4. A requirement for the contributing municipality to adopt a Sewer Use Ordinance and set of Regulations that is at least as stringent as the Town's Ordinance and these Regulations, and local limits that ensure that the pollutant loadings allocated to the contributing municipality are not exceeded. The requirement shall specify that such Ordinance, Regulations and local limits shall be revised as necessary to reflect changes made to the Town's Ordinance, these Regulations or revisions to the loadings allocated to the contributing municipality;
 5. A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
 6. A provision specifying which pretreatment implementation activities, including IDP issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Department of Public Works; and which of these activities will be conducted jointly by the contributing municipality and the Department of Public Works;
 7. A requirement for the contributing municipality to provide the Department of Public Works with access to all information that the contributing municipality obtains as part of its pretreatment activities;
 8. Limitations on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
 9. Requirements for monitoring the contributing municipality's discharge;
 10. A provision ensuring the Department of Public Works access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Department of Public Works; and
 11. A provision specifying remedies available for breach of the terms contained within the agreement.
- D. Intermunicipal agreements shall be subject to approval by DES.

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SECTION 6 REPORTING REQUIREMENTS

6.1 Baseline Monitoring Reports

- A. Within either one hundred eighty (180) days subsequent to the effective date of either a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to, or scheduled to discharge to the POTW, shall submit to the Department of Public Works a report that contains the information listed in paragraph (B), below. At least ninety (90) days prior to commencement of discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Department of Public Works a report that contains the information listed in paragraph (B), below. If necessary, a new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall provide estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below:
1. Identifying Information. The name and address of the facility, including the name of the operator and owner.
 2. Environmental Permits. A list of all permits issued under any law or rule implemented by EPA or DES that are held or are required by law to be held by or for the facility.
 3. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) conducted by such user. This description should include a schematic process diagram that indicates the point(s) of discharge to the POTW from the regulated processes.
 4. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
 5. Measurement of Pollutants.
 - a. The categorical pretreatment standards applicable to each regulated process.

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ORDINANCE**

SECTION 6 REPORTING REQUIREMENTS (Cont'd.)

6.1 Baseline Monitoring Reports (Cont'd.)

5. Measurement of Pollutants. (Cont'd.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Department of Public Works, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of these Regulations. In cases where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the Town or the applicable Standards to determine compliance with the Standard.
 - c. Sampling shall be performed in accordance with procedures set out in Section 6.11 of these Regulations.
6. Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether the applicable pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment systems are required to attain consistent compliance with the pretreatment standards and requirements.
7. Compliance Schedule. If additional pretreatment and/or O&M is required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section shall meet the requirements specified in Section 6.2 of these Regulations.
8. Signature and Certification. All baseline monitoring reports shall be signed and certified in accordance with Section 4.8 of these Regulations.

**CHAPTER IX – SEWER USE AND PERMITTING REGULATIONS
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SECTION 6 REPORTING REQUIREMENTS (Cont'd.)

6.2 Compliance Schedules/Progress Reports

The following conditions shall apply to the compliance schedules required by 6.2 of the Sewer Use Ordinance:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards, including, but not limited to, retaining an engineer, completing preliminary and final design plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation;
- B. No increment referred to in 6.2.A of this Section shall exceed nine (9) months;
- C. The user shall submit a progress report to the Department of Public Works no later than fourteen (14) days following each date in the schedule and the final date of compliance which identifies, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the action being taken by the user to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the Department of Public Works.

6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Department of Public Works a report containing the information described in Section 6.1(B)(1-5) of these Regulations. For users subject to equivalent mass or concentration limitations established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports shall be signed and certified in accordance with Section 4.8 of these Regulations.

**CHAPTER IX – SEWER USE AND PERMITTING REGULATIONS
ORDINANCE**

SECTION 6 REPORTING REQUIREMENTS (Cont'd.)

6.4 Periodic Compliance Reports

- A. All significant industrial users shall, at a frequency determined by the Department of Public Works but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge that are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where compliance with a Best Management Practice or pollution prevention alternative is required, the User shall submit documentation as required by the Town or the applicable Standards to determine compliance status of the user. All periodic compliance reports shall be signed and certified in accordance with Section 4.8 of these Regulations.
- B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to maintain its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Department of Public Works, using the procedures prescribed in Sections 6.10 and 6.11 of these Regulations, the results of this monitoring shall be included in the report.

6.5 Reports of Changed Conditions

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

- A. The Department of Public Works may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submittal of an IDP application under Section 4.7 of these Regulations.
- B. Upon approval of the request by the Town, an Indirect Discharge Request application will be submitted by the Town to DES on behalf of the user. All applicable DES review fees shall be provided by the user.
- C. Upon approval of the Indirect Discharge Request by the DES, the Department of Public Works may issue an IDP under Section 5.1 of these Regulations or modify an existing IDP under Section 5.5 of these Regulations in response to changed conditions or anticipated changed conditions.

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SECTION 6 REPORTING REQUIREMENTS (Cont'd.)

6.6 Reports of Slug/Potentially Adverse Discharges

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

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

6.7 Reports from Unpermitted Users

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

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SECTION 6 REPORTING REQUIREMENTS (Cont'd.)

6.8 Notice of Violation/Repeat Sampling and Reporting

If the results of sampling performed by a user indicate a violation, the user shall notify the Department of Public Works within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Department of Public Works within thirty (30) days subsequent to becoming aware of the violation. The user is not required to resample if the Department of Public Works monitors at the user's facility at least once a month, or if the Department of Public Works samples between the user's initial sampling and when the user receives the results of this sampling.

6.9 Discharge of Hazardous Waste

Any discharge into the POTW of a substance that, if otherwise disposed would be a hazardous waste under 40 CFR Part 261 or are hazardous wastes as defined in the NHDES Hazardous Waste Rules, is prohibited unless permitted by applicable State of New Hampshire and federal permits, and that is also approved by the Director of Public Works.

6.10 Analytical Requirements

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

A laboratory that is currently certified by the State of New Hampshire to perform the requested tests shall perform all analyses. Complete copies of analytical laboratory reports, including all relevant quality control data, shall be submitted as part of each IDP application or report.

6.11 Sample Collection

- A. Except as indicated in Paragraph (B), below, the user shall collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Department of Public Works may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to demonstrate compliance with instantaneous discharge limitations (e.g., screening levels established to protect worker health and safety). A single grab sample may also be used in place of a composite sample with approval of the Department of Public Works when:

CHAPTER IX – SEWER USE AND PERMITTING REGULATIONS ORDINANCE

SECTION 6 REPORTING REQUIREMENTS (Cont'd.)

6.11 Sample Collection (Cont'd.)

1. The effluent is not discharged on a continuous basis (i.e., batch discharges of short duration), and only when the batch exhibits homogeneous characteristics (i.e., completely mixed) and the pollutant can be safely assumed to be uniformly dispersed;
 2. Sampling a facility where a statistical relationship can be established between previous grab samples and composite data; and
 3. The waste conditions are relatively constant (i.e., are completely mixed and homogeneous) over the period of the discharge.
- B. Samples for temperature, pH, phenols, sulfides, and volatile organic compounds shall be obtained using grab collection techniques.
- C. Samples shall only be collected by individuals who are properly qualified, through verifiable training and experience, to perform the type of sampling required. The integrity of all samples shall be ensured by following established chain-of-custody practices for evidentiary samples. Sampling and chain-of-custody records shall be maintained in accordance with the IDP. Copies of chain-of-custody records shall be submitted as part of each IDP application or report.

6.12 Timing

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

6.13 Record Keeping

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

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SECTION 6 REPORTING REQUIREMENTS (Cont'd.)

6.13 Record Keeping (Cont'd.)

Department of Public Works. Before destroying the records, the industrial user shall request and receive permission from the Town. The Town may require records be submitted upon written request to local or State officials.