



Due to the COVID-2019 State of Emergency, the Municipal Services, Facilities and Infrastructure Committee will be holding its meeting remotely using the web-based program, Zoom. Members of the public will be able to access this public meeting through a variety of options, described below. If you encounter any issues accessing this meeting, please call 603-757-0622 during the meeting. To access the meeting online navigate to [Zoom.us](https://zoom.us) and enter the Webinar ID # **895 7816 2779**. To listen via telephone call 877-853- 5257 and enter the Webinar ID: #**895 7816 2779** When the meeting is open for public comment, callers may press *9 if interested in commenting or asking questions.

**MUNICIPAL SERVICES,
FACILITIES AND INFRASTRUCTURE
COMMITTEE
AGENDA
Council Chambers B
April 7, 2021
5:30 PM**

Janis O. Manwaring, Chair
Michael Giacomo, Vice Chair
Randy L. Filiault
Robert C. Williams
Andrew M. Madison

1. Denise Meadows - Request to Convert Loading Zone Space on Railroad Street to a Mobile Vendor Space
2. Referred Back: Request for Exception from the Public Improvement Standards - City Engineer
3. Sewer Service and Industrial Pretreatment Ordinance O-2021-02

MORE TIME ITEMS:

- A. Maintenance of the Wilson Pond Dam - City Manager

Non Public Session
Adjournment



City of Keene
Transmittal Form

March 16, 2021

TO: Mayor and Keene City Council

FROM: Denise Meadows/CC&D's Kitchen Market

THROUGH: Patricia A. Little, City Clerk

ITEM: 1.

SUBJECT: Denise Meadows - Request to Convert Loading Zone Space on Railroad Street to a Mobile Vendor Space

COUNCIL ACTION:

In City Council April 1, 2021.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

ATTACHMENTS:

Description

Communication_Meadows

BACKGROUND:

Denise Meadows representing Charcoal Charlie Productions is requesting that the City Code be amended to allow an existing loading zone on Railroad Street be converted back to a mobile vendor space.



March 16, 2021

Mayor Hansel and Keene City Council;

CC&D's Kitchen Market is requesting a change in city ordinance to allow a mobile vending unit in the loading zone on Railroad Street, formally known as Railroad Square Truck Site. We are interested in vending in downtown Keene as part of our Pandemic recovery plan. We feel this space would be better and safer location to vend from instead of setting up on the allowed spot on the City sidewalk which would further congest the public walkway.

Thank you.

Sincerely,

Charcoal Charlie Pini and Denise Meadows
Charcoal Charlie Productions
CC&D's Kitchen Market
79 North Street
Keene, NH 03431



City of Keene
Transmittal Form

March 24, 2021

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: 2.

SUBJECT: Referred Back: Request for Exception from the Public Improvement Standards - City Engineer

COUNCIL ACTION:

In City Council April 1, 2021.

Voted unanimously to referred back to Committee.

RECOMMENDATION:

On a roll call vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommends that Liberty Utilities be granted an exception from Sec. 70-127(3) of the Public Improvement Standards in order to restore existing asphalt sidewalks on Roxbury St. with asphalt.

BACKGROUND:

Chair Manwaring welcomed the City Engineer again, who was accompanied by Andrew Mills and Steve Rokes of Liberty Utilities. This was a request for an exception to the City Utility Standards, specifically Section 70-127(3), which is the paragraph in City Code that sets the standard of concrete sidewalks. The request for a waiver resulted from a conversation between the City Engineer and Mr. Rokes on the site in question. Liberty Utilities wanted to replace their gas mains under Roxbury Street before the City completes its regular paving this summer. Unfortunately, Roxbury Street is one of Keene's concrete roadways and the City Engineer was not enthusiastic about cutting a trench down the center of it. After brainstorming, the two entities agreed to the option of placing the gas mains under the northern sidewalk of Roxbury Street, where today the sidewalks were asphalt and maintained by the Public Works Department. Roxbury Street is a main collector/artery street in the City and while asphalt sidewalks would not be the first choice, the sidewalk there today was in fair to poor condition. Staff saw locating the gas line under the sidewalk as an opportunity to improve conditions in the interim until the City could afford concrete sidewalks, while keeping Roxbury Street from degrading due to cuts in the concrete surface for this trench.

Councilor Williams asked what block of Roxbury Street was under discussion. The City Engineer said beginning at Harrison Street and going to Oak Street, connecting to sections improved previously. The City Engineer said Liberty Utilities already planned to replace all gas mains west of Beaver Brook as a part of utility work there and in that case the roadway would be torn-up already and so there was less concern.

Councilor Filiault said he might object normally because of standards but with the current condition of the sidewalks in question, this was a win-win because while they would not be concrete, new asphalt sidewalks would be much better than the current condition and so he was okay with the request.

Vice Chair Giacomo asked how this would relate to the rest of the Roxbury Street construction project. The City Engineer said this would occur in advance of the more significant and disruptive phases of the Roxbury

Street project west of the river. This work was planned to begin as soon as Council voted and if Council denied this waiver, Liberty Utilities was prepared to proceed with replacement in the center of the roadway. If Council approved the waiver, then work would proceed under the northern sidewalks. He anticipated this work concluding before work west of Beaver Brook begins.

Mr. Rokes thanked the Councilors for this opportunity and agreed with Councilor Filiault's statement about this being a win-win. He reminded that there would still be some street crossings cut to connect gas on the northern side to the other sides such as at Gurnsey and South Lincoln Streets. He thanked the Council for considering this request.

Councilor Williams said that as a Ward Two Councilor he heard a lot of complaints about the Roxbury Street sidewalks and he was glad this was happening; it would be a great opportunity regardless of the asphalt.

Vice Chair Giacomo made the following motion, which Councilor Filiault seconded.

On a roll call vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommends that Liberty Utilities be granted an exception from Sec. 70-127(3) of the Public Improvement Standards in order to restore existing asphalt sidewalks on Roxbury St. with asphalt.



City of Keene
Transmittal Form

March 29, 2021

TO: Mayor and Keene City Council

FROM: Kurt D. Blomquist, PE, Public Works Director/Emergency Management Director

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: 3.

SUBJECT: Sewer Service and Industrial Pretreatment

COUNCIL ACTION:

In City Council April 1, 2021.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

RECOMMENDATION:

That Ordinance O-2021-02, Relating to Sewer Service, be read and referred to the Municipal Services, Facilities and Infrastructure Committee.

ATTACHMENTS:

Description

Ordinance O-2021-02

BACKGROUND:

The US Environmental Protection Agency (EPA) issues to the City of Keene a National Pollutant Discharge Elimination System (NPDES) Permit for the Keene Wastewater Treatment Plant (WWTP). As part of the NPDES Permit issued in November of 2007 the City was required to modify its Sewer Use Ordinance (SUO) section of the Keene City Code to "...conform to all changes in the Federal regulations that pertain to the implementation and enforcement of the industrial pretreatment program...", including complying with changes to NH Department of Environmental Service (NHDES) regulations, and to send the proposed changes to EPA and NHDES for review and approval.

The City hired Teton Environmental to review the City's SUO and this work included identifying changes required by EPA's "Streamlining Rule", identifying other areas where the City's SUO differs from EPA and State of New Hampshire's model SUOs, and to make recommendation on changes. Teton also reviewed the City Code for overall clarity and worked with City staff to develop a final document. The proposed changes were presented to the City's Significant Industrial Users (SIU) and the Towns of Swanzey and Marlborough, which did not indicate any concerns. The proposed changes were then reviewed by City Council and unanimously approved for submittal to EPA and NHDES for its review and approval on March 20, 2008. In December of 2020, EPA responded with approval of the proposed changes presented by the City. The Industrial Pretreatment Coordinator modified the draft changes to reflect minor SUO changes instituted in 2019 and 2020. Per request of NHDES, the changes were resubmitted to NHDES for review. NHDES has recently concurred with the additional changes. City staff has completed the necessary updates in ordinance form.

Additionally, Section 98-330 of the SUO section of the Keene City Code of Ordinances addresses specific industrial pollutant discharge limitations, or “Local Limits”. Local discharge limits are intended to provide the protections from industrial wastewater, including:

- Protect the City’s collection system
- Protect City workers from toxic atmospheres in the collection system
- Protect the biological treatment process from lethal or inhibitory doses of pollutants
- Protect the Ashuelot River by preventing the pass-through of untreated pollutants through the WWTP

The City’s current local discharge limits were adopted in 1979 and are generic limits that do not reflect the site specific characteristics of the Keene WWTP and the Ashuelot River. EPA requires that the City adopt technically-based site specific limits.

The City contracted with Teton Environmental to evaluate local conditions and develop site-specific limits in 2006 and the report was submitted to EPA in 2007. In July 2010, EPA responded to the City’s Report with a recommendation that the City evaluate alternative pollutant allocation methodologies. The City provided a response in October 2010 and began a review of allocation options. City staff met with representatives from all SIUs and from the Towns of Swanzey and Marlborough to explain three allocation options and pros and cons of each. Stakeholders unanimously stated their preference for the use of a method known as “mass allocation”. This option allows the greatest degree of flexibility for industries, a greater degree of compliance with permit limits, the greatest growth allowance to be set aside for new businesses or business expansion, and maintains protection of the WWTP, the environment, and worker health and safety.

A preliminary examination of data indicated that improved pollutant removal efficiencies observed at the Keene Wastewater Treatment Plant (WWTP), along with other factors, had changed some of the underlying assumptions upon which the 2007 Report was based and was likely to result in changes to local limits calculations. A revised report based upon the new data was submitted to EPA in February 2012. In 2015, once again due to changes in underlying assumptions, the City submitted a revised report to EPA utilizing the mass allocation method which continued to be supported by stakeholders, and which was once again approved by City Council.

In December 2020, EPA approved the 2015 report. Changes in Section 98-330, Specific Discharge Limitations, reflect those changes.



CITY OF KEENE

Ordinance O-2021-02

In the Year of Our Lord Two Thousand and Twenty-one

AN ORDINANCE An Ordinance Relating to Sewer Service and Industrial Pretreatment

Be it ordained by the City Council of the City of Keene, as follows:

That the Ordinances of the City of Keene, as amended are hereby further amended, by deleting in its entirety Article V. "Sewer Ordinance" and Article VI. "Industrial Pretreatment" in its entirety and inserting in its place the following:

ARTICLE V. SEWER SERVICE

DIVISION 1. GENERALLY

Sec. 98-271. Abbreviations / Definitions.

The following abbreviations, when used in this Article, 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
- NHDES - New Hampshire Department of Environmental Services
- NPDES - National Pollutant Discharge Elimination System
- POTW - Publicly Owned Treatment Works
- RCRA - Resource Conservation and Recovery Act
- RSA - New Hampshire Revised Statute Annotated
- SIC - Standard Industrial Classification
- TSS - Total Suspended Solids
- USC - United States Code

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized Representative of the User means

- a. If the user is a corporation:

- i. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - ii. The manager of one or more manufacturing, production, or 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 city.
- e. If the authorization under paragraph (d) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (d) of this section must be submitted to the city prior to or together with any reports to be signed by an authorized representative.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the pollutant control prohibitions of this Code. BMPs may 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.

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

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

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

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

Categorical pretreatment standards means any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with section 307(b) and (c) of the Clean Water Act, which applies to a specific category of industrial users and which is found in 40 CFR 401--471, subchapter N.

City means the City of Keene, New Hampshire, Cheshire County, a municipality of the State of New Hampshire, acting by and through its City Council and through its authorized representatives, including the Director.

Composite sample means the sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

Dilution means 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.

Director means the public works director or an authorized deputy, agent, or representative.

Domestic wastewater and *sanitary sewage* mean normal water carried from household and toilet wastes or waste (such as human excrement and gray water) from sanitary conveniences of residences, commercial buildings, and industrial plants; excluding groundwater, surface water, stormwater, industrial wastewater and unpolluted water.

Easement means an acquired legal right for the specific use of land owned by others.

Environmental Protection Agency or EPA means the United States Environmental Protection Agency or, the Region 1 Water Management Division Director, or other duly authorized official of the agency.

Existing source means any source of discharge that is not a "New Source."

Floatable oil means oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

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

Grab sample means a single sample that is taken from a wastestream without regard to the flow in the wastestream and represents the characteristics of the wastestream only at that time and place.

Health officer means the public health director for the city or an authorized designee.

Holding tank means a tank which receives wastewater and has no outlet.

Industrial user. See *User*.

Industrial wastes means any liquid, gaseous, solid waste substance or pollutant from any process or from development of any natural resource by industry, manufacturing, trade, business or governmental entity, as distinct from domestic or sanitary wastes.

Industrial wastewater means any wastewater that contains industrial waste, as distinct from sanitary sewage or unpolluted water.

Instantaneous limit means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference means a discharge that, alone or in conjunction with other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal and which causes a violation of the WWTP's National Pollution Discharge Elimination System (NPDES) permit, including an increase in the magnitude or duration of a violation, or prevents the WWTP from using its chosen sludge use or disposal practice in accordance with Section 405 of the Clean Water Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations

contained in any State biosolids 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; and the 40 CFR Part 503 Standards for Sewage Sludge Use and Disposal.

Local limits mean specific, enforceable numerical limits, as required by EPA, on the types and quantities of pollutants that may be discharged to the POTW. Local limits are established by the city and approved by EPA, and are distinct from State and federal limitations on the discharge of industrial wastewater to the POTW.

May means is allowed (permissive). See *Shall*.

Medical/Infectious waste means 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. Medical/infectious waste does not include any hazardous waste regulated under RSA 147-A. (Ref. RSA 125-N:2, VIII)

Minor industrial user means small industries and some commercial users (restaurants, auto repair shops, etc.) whose individual discharges do not significantly impact the treatment system, degrade receiving water quality, or contaminate sludge. Industries which have the potential to discharge a nondomestic or process waste stream, or slug flow, but at the present time may discharge only a sanitary waste, are included in this group.

Natural outlet means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

New source means

(1) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under 40 CFR chapter I, subchapter N, parts 405-471, which will be applicable to such source if such standards are, thereafter, promulgated in accordance with that section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) 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 engaged in the same general type of activity as the existing source should be considered.

(2) 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 this definition, but otherwise alters, replaces, or adds to existing process or production equipment.

(3) "Construction of a new source" has commenced if the owner or operator has begun or caused to begin, as part of a continuous on-site construction program:

(a) Any placement, assembly, or installation of facilities or equipment;

(b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(c) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

Noncontact cooling water means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product and is not degraded in quality by mixing with or addition of process waste or pollutants other than heat.

Pass through means a discharge that exits the WWTP to surface waters of the United States in quantities or concentrations which, alone or in conjunction with other discharges, causes a violation of the WWTP NPDES permit or of applicable water quality criteria, including an increase in the magnitude or duration of a violation.

Person means any individual, partnership, copartnership, firm, company, association, joint stock company, trust, estate, society, corporation or group, government agency, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, State, and local governmental entities.

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

Pharmaceutical waste means a prescription drug, as defined by RSA 318:1, XVII, or a nonprescription or proprietary medicine, as defined by RSA 318:1, XVIII, which is no longer suitable for its intended purpose or is otherwise being discarded.

Pollutant means 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 certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Pretreatment means 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.

Pretreatment requirement means any substantive or procedural pretreatment requirement, other than a pretreatment standard, applicable to industrial users.

Pretreatment Standards or *Standards* mean prohibited discharge standards, categorical pretreatment standards, and local limits.

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

Prohibited Discharge Standard or *Prohibited Discharge* means an absolute prohibition against the discharge of a certain substance. Prohibited discharge standards appear in Section 98-328 of this Code.

Properly shredded garbage means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

Public sewer means a pipe or conduit that carries wastewater, stormwater, groundwater, subsurface water, or unpolluted water from any source, which is controlled by a governmental agency or public utility.

Publicly Owned Treatment Works or *POTW* means a "treatment works," as defined by Section 212 of the Clean Water Act (33 U.S.C. §1292) that is owned by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sanitary 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 plant. The term also means the municipality that has jurisdiction over discharges to and the discharges from such a treatment works.

Radiological waste means radioactive waste as regulated by RSA 125-F.

Sanitary sewage. See Domestic wastewater.

Sanitary sewer means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of groundwaters, stormwaters and surface waters that are not admitted intentionally.

Screening level means 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.

Septage or *Septic Tank Waste* means any liquid, solid, or sludge pumped from chemical toilets, vaults, septic tanks, or cesspools or other holding tanks, that have received only domestic wastewater.

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

Sewer means a pipe or conduit that carries wastewater, stormwater, groundwater, subsurface water, or unpolluted water from any source.

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

Shall means is mandatory. See *May*.

Significant indirect discharger means an industrial user that:

- (a) Discharges an average of ten thousand (10,000) gallons per day (gpd) or more of industrial wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

(b) Discharges medical/infectious waste, pharmaceutical waste, or radiological waste [unless exempted by the city under paragraph (4) of this definition];
or

(c) Is otherwise a significant industrial user.

Significant industrial user means an industrial user that is, except as provided in paragraphs (3) and (4) of this definition:

(1) An industrial user subject to categorical pretreatment standards; or

(2) An industrial user that:

(a) Discharges an average of twenty-five thousand (25,000) gallons per day (gpd) or more of industrial wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

(b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;

(d) Is determined by the city to have an impact or a potential for impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of the sludge, the system's effluent quality, or air emissions generated by the systems.

(3) The city 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 gpd of total categorical wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

(a) The industrial user, prior to the city's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

(b) 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

(c) The industrial user never discharges any untreated concentrated wastewater.

(4) Upon determining that a user meeting the criteria in paragraph 2 of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city 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.

Significant noncompliance means a significant industrial user that meets one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of all of the measurements taken during a six-month period exceed, by any magnitude, a numeric pretreatment standard or requirement, including instantaneous limits, for the same pollutant parameter;
- (2) Technical review criteria (TRC) violations, defined as those in which 33 percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits, times the applicable TRC (TRC equals 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average, instantaneous limit, or narrative standard) that the director determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order, for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, reports on compliance with compliance schedules, and any other reports required by the pretreatment coordinator;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation or group of violations, which may include the violation of Best Management Practices, which the director determines will adversely affect the operation or implementation of the local pretreatment program.

Slug means:

1. Any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in Section 98-328 of this Code; or
2. Any discharge of any pollutant, including biochemical oxygen demand, 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.

Storm drain or *Storm sewer* means a drain or sewer for conveying stormwater, groundwater, subsurface water or unpolluted water from any source.

Stormwater means any flow occurring during or following any form of natural precipitation and resulting therefrom, including snowmelt.

Superintendent means the superintendent of the wastewater treatment plant or an authorized designee.

Suspended solids or *Total suspended solids (TSS)* means the total suspended matter that either floats on the surface of or is in suspension in water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in EPA Method 160.2 and referred to as "nonfilterable residue."

Total toxic organics means the summation of all quantifiable values greater than 0.01 mg/L for the following organic compounds:

Acenaphthene.
Acrolein.
Acrylonitrile.
Benzene.
Benzidine.
Carbon tetrachloride (tetrachloromethane).
Chlorobenzene.
1,2,4-trichlorobenzene.
Hexachlorobenzene.
1,2-dichloroethane.
1,1,1-trichloroethane.
Hexachloroethane.
1,1-dichloroethane.
1,1,2-trichloroethane.
1,1,2,2-tetrachloroethane.
Chloroethane.
Bis (2-chloroethyl) ether.
2-chloroethyl vinyl ether (mixed).

2-chloronaphthalene.
2,4,6-trichlorophenol.
Parachlorometa cresol.
Chloroform (trichloromethane).
2-chlorophenol.
1,2-dichlorobenzene.
1,3-dichlorobenzene.
1,4-dichlorobenzene.
3,3-dichlorobenzidine.
1,1-dichloroethylene.
1,2-trans dichloroethylene.
2,4-dichlorophenol.
1,2-dichloropropane (1,3-dichloropropene).
2,4-dimethylphenol.
2,4-dinitrotoluene.
2,6-dinitrotoluene.
1,2-diphenylhydrazine.
Ethylbenzene.
Fluoranthene.
4-chlorophenyl phenyl ether.
4-bromophenyl phenyl ether.
Bis (2-chloroisopropyl) ether.
Bis (2-chloroethoxy) methane.
Methylene chloride (dichloromethane).
Methyl chloride (chloromethane).
Methyl bromide (bromomethane).
Bromoform (tribromomethane).
Dichlorobromomethane.
Chlorodibromomethane.
Hexachlorobutadiene.
Hexachlorocyclopentadiene.
Isophorone.
Naphthalene.
Nitrobenzene.
2-nitrophenol.
4-nitrophenol.
2,4-dinitrophenol.
4,6-dinitrophenol.
4,6-dinitro-o-cresol.
N-nitrosodimethylamine.
N-nitrosodiphenylamine.
N-nitrosodi-n-propylamine.
Pentachlorophenol.
Phenol.
Bis (2-ethylhexyl) phthalate.
Butyl benzyl phthalate.

Di-n-butyl phthalate.
Di-n-octyl phthalate.
Diethyl phthalate.
Dimethyl phthalate.
1,2-benzanthracene [benzo(a)anthracene].
Benzo(a)pyrene [3,4-benzopyrene].
3,4-benzofluoranthene [benzo(b)fluoranthene].
11,12-benzofluoranthene [benzo(k)fluoranthene].
Chrysene.
Acenaphthylene.
Anthracene.
1,12-benzoperlene.
Fluorene.
Phenanthrene.
1,2,5,6-dibenzanthracene [dibenzo(a, h)anthracene].
Indeno(1,2,3-cd)pyrene [2,3-o-phenylene pyrene].
Pyrene.
Tetrachloroethylene.
Toluene.
Trichloroethylene.
Vinyl chloride [chloroethylene].
Aldrin.
Dieldrin.
Chlordane (technical mixture and metabolites).
4,4-DDT.
4,4-DDE (p,p-DDX).
4,4-DDD (p,p-TDE).
Alpha endosulfan.
Endosulfan sulfate.
Endrin.
Endrin aldehyde.
Heptachlor.
Heptachlor epoxide (BHC-hexachlorocyclohexane).
Alpha-BHC.
Beta-BHC.
Gamma-BHC.
Delta-BHC.
PCB's (polychlorinate biphenyls).
PCB-1242 (arochlor 1242).
PCB-1254 (arochlor 1254).
PCB-1221 (arochlor 1221).
PCB-1232 (arochlor 1232).
PCB-1248 (arochlor 1248).
PCB-1260 (arochlor 1260).
PCB-1016 (arochlor 1016).
Toxaphene.

2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD).

Unpolluted water means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

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

User (or Industrial User) means a person who discharges industrial wastewater to the POTW of the city.

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

Wastewater treatment plant (WWTP) means that portion of the POTW that is designed to provide treatment of sanitary sewage and industrial wastewater

Watercourse means a natural or artificial channel for the passage of water either continuously or intermittently.

Cross references: Definitions generally, § 1-2.

Sec. 98-272. Restrictions.

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city any human or animal excrement, garbage or objectionable waste. It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with this article. Except as provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater. The use of portable chemical toilets is allowed at construction sites and for other purposes provided the wastes are properly disposed off site.

Sec. 98-273. Requirement for connection.

The owner of any house, building, structure, or property used for human habitation or occupancy, including but not limited to dwellings, places of employment, and recreational facilities, situated within the city, is hereby required, at the owner's expense, to install suitable toilet facilities therein, and to connect such facilities directly with the public sewer in accordance with this article within 90 days after receipt of notice to do so, provided that such public sewer is within 300 feet of such house, building, structure, or property and provided that such public sewer is within 100 feet of any portion of the property line of such property measured on a straight line from the sewer to the property line, with such straight line measurement running only through the public way. The city council may grant a waiver if it is demonstrated that the house, building or property is served with an adequate alternative sewage disposal system that is in compliance with the requirement in City of Keene Code of Ordinances, chapter 98, article IV, private waste disposal, is designed by a designer licensed in the State of New Hampshire, and is approved for construction by the New Hampshire Department of Environmental Services after January 1, 1985.

Sec. 98-274. Small commercial structures.

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

Secs. 98-275--98-295. Reserved.

DIVISION 2. BUILDING SEWERS AND CONNECTIONS

Sec. 98-296. Permit required.

No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the director.

Sec. 98-297. Classes of permits; permit application and fees.

There shall be two classes of building sewer permits: (i) for residential, institutional and commercial service where only sanitary wastewater is produced, and (ii) for service establishments producing industrial wastes. In either case, the owner or an agent shall make application on a form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the director. A permit and

inspection fee as set forth in the schedule of fees in appendix B to this Code shall be paid to the city at the time the application is filed.

Sec. 98-298. Responsibility for costs.

All costs and expenses incidental to the installation and connection of building sewer shall be borne by the owner. The owner shall indemnify and hold harmless the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 98-299. New discharges.

Any person proposing a new discharge into the sewer system or a substantial change in the volume or character of pollutants that are discharged into the system shall notify the director at least 60 days prior to the proposed change or connection. Proposed new discharges from residential, institutional or commercial sources involving loading exceeding 50 population equivalents (5,000 gpd), any new industrial waste, or any flow increase greater than twenty percent (20%) of existing discharge into the POTW, or that could cause interference with the POTW or have an adverse effect on the receiving water or otherwise endanger life, limb, public property or constitute a nuisance, shall be approved by the NHDES Water Division. Approvals for industrial waste shall be obtained in accordance with Article VI of this Code.

Sec. 98-300. Services.

The following shall apply to building sewer services:

(a) *Separate sewers.* A separate and independent building sewer shall be provided for every building. However, where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building sewer may be extended to the rear building and the whole considered as one building sewer, however, the city shall not assume any obligation or responsibility for damage caused by or resulting from any such single connection. Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the director, to meet all standards adopted by and available at the department and standards set forth in other articles of this Code.

(b) *Materials to be used.* The size, slope, alignment, materials of construction for a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate sections of the Standards of Design and

Construction for Sewerage and Wastewater Treatment Facilities (chapter Env-Ws 700) of the NHDES, Water Division shall apply.

(c) *Elevation.* Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor or at least four feet below grade. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted in accordance with the city plumbing code, as set forth in chapter 18, article II, division 6, and discharged to the building sewer.

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

(e) *Materials shall conform to code.* The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes set forth in article II of chapter 18 or other applicable rules and regulations of the city, and to the requirements of the NHDES. All such connections shall be made gastight and watertight and verified by proper testing. The department shall make or oversee the making of all sewer connections and shall make or oversee the laying, relaying and repair all sewer service pipes. Nothing in this subsection shall prevent the director from contracting the work to private contractors or permitting the property owner to do such work himself to the city specifications. The cost of such work shall be charged to the owner of the property so served. Any deviation from the prescribed procedures and materials must be approved by the director before installation.

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

(g) *Excavation procedures.* All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Any person owning pipes laid in the city streets or highways desiring to relay or repair the pipes or install a new service connection shall, before digging up any ground where the pipes are laid, apply to the director as provided under section 82-32 pertaining to excavation of highways and section 82-36 pertaining to obstruction of highways. All streets sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the director at the expense of the applicant.

(h) *State approval required.* The following is an excerpt from the regulations of the NHDES: "Except for special reasons, the NHDES will approve plans for new systems, extensions, or replacement sewers only when designed upon a separate

plan, in which rainwater from roofs, streets, and other areas, and groundwater from foundation drains are excluded."

Secs. 98-301--98-325. Reserved.

DIVISION 3. LIMITATIONS ON USE OF PUBLIC SEWERS

Sec. 98-326. Marlborough interceptor.

In accordance with the U.S. EPA Special Condition #21, any proposed connection to the city sewer interceptor line extending from Optical Avenue to the Marlborough town line or to any lateral sewer line connected to this interceptor shall require special review. If the property being connected contains wetlands or floodplains, connection may be prohibited. The mere existence of floodplain or wetland on a portion of a lot does not in and of itself preclude connection to the sewer line. It is the direct placement of a building or any portion of a building on wetlands or floodplains or the placement of fill on floodplains or wetlands on top of which would be located a building which would prohibit connection.

Sec. 98-327. Discharge of unpolluted water.

No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or unpolluted cooling water to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the director. Industrial cooling water or process waters require a NPDES permit prior to discharge to a storm drain or natural outlet.

Sec. 98-328. Prohibited discharges.

General Prohibitions: No person shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other federal, State, or local pretreatment standards or requirements.

Specific Prohibitions: No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) *Explosives.* Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas, or any waste stream with a closed cup flashpoint less than 140 degrees Fahrenheit or 60 degrees Celsius as determined using methods specified in 40 CFR 261.21.

(2) *Corrosive wastes.* Any waters or wastes having a pH lower than 5.5 or higher than 12.0 standard units or having any other corrosive property capable of causing

damage or hazard to structures, equipment and/or personnel of the wastewater treatment plant or collection system.

(3)*Substances which cause obstruction.* Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater treatment plant or collection system, such as but not limited to fats, oils and greases; wipes; ashes; bones; cinders; sand; mud; straw; shavings; metal; glass; rags; plastics; wood; unground garbage; hair; paper; dishes, cups; paper towels, either whole or ground by garbage grinders.

(4)*Substances which cause interference, pass through, nuisance.* Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW, constitute a hazard to humans or animals, create a public nuisance, exceed any categorical pretreatment standards, or cause pass through.

(5) Wastewater containing such concentrations or quantities of pollutants that its introduction to the POTW could cause a treatment process upset and subsequent loss of treatment ability.

(6)*Temperature.* Wastewater sufficiently hot to cause the influent at the wastewater treatment plant to exceed 104 degrees Fahrenheit, 40 degrees Celsius, or cause inhibition of biological activity at the wastewater treatment plant.

(7)*Oils.* Wastewater containing more than 100 milligrams per liter (mg/L) of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin. Wastewater from industrial plants containing floatable oils, fat, or grease. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

(8)*Fume toxicity.* Any pollutants that result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause worker health and safety problems.

(9)*Trucked or hauled pollutants.* Any trucked or hauled pollutants, except at discharge points designated by the POTW.

(10)*Miscellaneous wastes.* The discharge of all medical/infectious waste, pharmaceutical waste, or radiological waste is subject to review by the director. Any discharge not in conformance with site-specific requirements established by the director is prohibited.

(11)*Fail toxicity testing.* Wastewater causing, alone or in conjunction with other sources, the wastewater treatment plant's effluent or biosolids to fail a toxicity test.

(12) *Hazardous waste.* Any hazardous waste listed or designated by the NHDES under Env-Hw 400.

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

Sec. 98-329. Limited discharge.

The substances, materials, waters, or waste described in this section shall be limited to discharges of concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment; will not have an adverse effect on the receiving stream; will not otherwise endanger lives, limb, or public property; or constitute a nuisance. The director may set limitations stricter than the limitations established in this section if in the director's opinion such stricter limitations are necessary to meet the objectives of this section. In forming this opinion as to the acceptability, the director will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction in the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste by the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated are as follows:

(1) *Properly shredded garbage.* Any garbage that has not been properly shredded (see section 98-271). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers. The installation and operation of any garbage grinder at a non-residential location shall be subject to the review and approval of the director, and grease and solids pretreatment may be required.

(2) *Toxic substances.* Any waters or wastes containing heavy metals, solvents, and similar objectionable or toxic substances to such degree that any such material discharged to the public sewer exceeds the limits established by the director, the NHDES, or the United States EPA for such materials; any water or wastes containing pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute or chronic worker health and safety problems.

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

(4) *Radioactive wastes.* Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the director in compliance with applicable state or federal regulations.

(5) *Slug flows.* Quantities of flow, concentrations or both, which constitute a slug, as defined in this article. Industrial users shall immediately notify the pretreatment coordinator of any slug or waste discharged by such user to the POTW or of any discharge which, alone or in conjunction with any other waste, has the potential to cause harm or create a problem at the wastewater treatment plant, in the collection system, or to the environment or worker safety.

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

(7) *Color.* Wastewater that imparts color that cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently, in the opinion of the director, could impart color to the treatment facility's effluent, thereby violating the city's NPDES permit.

(8) *Flammable atmospheres.* Wastewater that causes a reading on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than ten percent (10%) of the Lower Explosive Limit.

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

Sec. 98-330. Specific discharge limitations.

(a) Maximum Allowable Industrial Loadings. The following numerical pollutant loading limitations are established to protect against pass-through and interference. For all users connected to sewer lines that are tributary to the City of Keene POTW, the director will not issue permits that in combination with other industrial loads exceed the values in the following table:

POLLUTANT	MAXIMUM ALLOWABLE INDUSTRIAL LOADING (lb/day)	POLLUTANT	MAXIMUM ALLOWABLE INDUSTRIAL LOADING (lb/day)
Cadmium	0.013	Mercury	0.005
Chromium (total)	7.99	Nickel	1.47

POLLUTANT	MAXIMUM ALLOWABLE INDUSTRIAL LOADING (lb/day)	POLLUTANT	MAXIMUM ALLOWABLE INDUSTRIAL LOADING (lb/day)
Copper	0.93	Silver	0.10
Cyanide	1.22	Zinc	3.67
Lead	0.14	-	-

All limitations for metals represent total metals. To administer these allowable loadings through IDPs, the director may impose concentration-based limitations, or mass limitations. 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 greater than background concentrations.

(b) Screening Levels. Screening levels are numerical values above which actions are initiated to evaluate, prevent or reduce potential adverse impacts on the POTW, the environment, and/or human health and safety. Screening levels are developed as needed using the methodology of the director. The pollutants in the following table (list is not all inclusive) are representative of concentrations above which pollutants shall not be discharged to the POTW without approval of the director:

POLLUTANT	SCREENING LEVEL
Arsenic	0.032 mg/L
Selenium	0.30 mg/L
Total toxic organics	5.0 mg/L
Sulfite	2.0 mg/L
Sulfate	20.0 mg/L
Sulfide	20.0 mg/L

If any of the screening levels are exceeded, repeat analysis may be required by the director 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 director, 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 Best Management Practices plan specifically addressing the pollutant that exceeds the screening level. This study or plan shall be approved by and conducted under the supervision of the director. 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 director, 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 maintained by the director, 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 director, 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 director may develop or require the user to develop Best Management Practices (BMPs) to implement Sections 98-329 and 98-330. Such BMPs shall be considered local limits and pretreatment standards for the purposes of this Code.

Sec. 98-331. Special agreements.

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

Sec. 98-332. Compliance by dilution.

It shall be illegal to meet the requirements of this article by diluting wastes in lieu of proper treatment.

Sec. 98-333. Options for dealing with noncompliant discharges.

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which contain the substances or possess the characteristics enumerated in sections 98-326 through 98-330 pertaining to limitations on use of the public sewers, the director may do any or all of the following:

- (1) Reject the wastes.
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers.

- (3) Require control over the quantities and rates of discharge.
- (4) Require payment for all costs incurred in correcting damage to the sewer system and/or flushing or removing such wastes from the sewer system.
- (5) Begin enforcement proceedings according to the city's enforcement response plan approved by the EPA.

Sec. 98-334. Interceptors

(a) Grease and oil interceptors shall be provided, in accordance with the plumbing code adopted by the city, or when required by the director, for the pretreatment of liquid wastes containing floatable grease or flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All pretreatment devices shall be of a type and capacity approved by the plumbing code adopted by the city, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by the appropriate means of the captured material in accordance with State of New Hampshire licensing laws and shall maintain records of the dates and means of disposal which are subject to review by the pretreatment coordinator. The director has the authority to require other specific actions to reduce the discharge of grease into the POTW as necessary. Removal or modification of grease pretreatment equipment is prohibited unless written approval from the director is granted. Installation of fixtures with potential for grease-laden wastewater must be approved by the director.

(b) A Dental practice which manages dental amalgam shall install and maintain an amalgam separator in accordance with federal and/or state regulations.

Sec. 98-335. Approved test methods.

All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this article shall be determined in accordance with the EPA approved methods published in the Code of Federal Regulations, title 40, part 136 (40 CFR 136), unless otherwise specified in an applicable categorical pretreatment standard. When an approved method is not available, the pretreatment coordinator will determine which alternate method is to be used. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the pretreatment coordinator.

Sec. 98-336. Sample collection.

Samples collected to satisfy reporting requirements must be obtained through appropriate sampling and analysis performed during the period covered

by the report, and must be representative of conditions occurring during the reporting period.

A. Except as indicated in Section B and C below, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the pretreatment coordinator. Where time-proportional composite sampling or grab sampling is authorized by the city, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the city, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Sections 98-423 and 98-426, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the pretreatment coordinator may authorize a lower minimum. For the reports required by Section 98-421, the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

D. The integrity of all samples shall be protected by following established chain-of-custody practices for all required samples. A copy of these practices is available from the director. Sampling and chain-of-custody records shall be maintained in accordance with the IDP and copies shall be submitted as part of each analytical report.

Sec. 98-337. Right of revision.

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

To meet these objectives, the director may, from time to time, review and set more stringent standards or requirements than those established in this Article if the director determines that such more stringent standards or requirements are necessary to meet the above objectives. In forming this determination, the director may give consideration to such factors as the quantity of waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability at the wastewater treatment plant, pollution prevention activities, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer shall not be exceeded without the approval of the director.

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

Secs. 98-338--98-355. Reserved.

DIVISION 4. ENTRY, SEPTAGE, ENFORCEMENT

Sec. 98-356. Detection and prevention.

(a) *Imminent endangerment.* The city may, after informal notice to the industry discharging wastewater to the public sewer, immediately halt or prevent any such discharge reasonably appearing to present an imminent endangerment to the health and welfare of persons or any discharge presenting or which may present an endangerment to the environment or which threatens to interfere with operation of the public sewers or wastewater treatment facilities. Actions which may be taken by the city include ex parte temporary judicial injunctive relief, entry on private property to halt such discharge, blockage of a public sewer to halt such discharge, or demand of specific action by the industry.

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

(c) *Investigations.* The city shall investigate instances of noncompliance with industrial pretreatment standards and requirements.

(d) *Public information and participation.* Information and data submitted to the city under this article relating to wastewater discharge characteristics shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report that might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person providing the report. Other such information shall be available to the public at least to the extent provided by 40 CFR part 25 section 2.302. All data pertaining to the characteristics of chemical composition of the wastewater shall be available for public information and inspection. None will be considered confidential. The city shall comply with the public participation requirements of 40 CFR 25 in the enforcement of industrial pretreatment standards and requirements.

Sec. 98-357. Handling of septic tank (septage) and Hauled Industrial waste.

(a) *Generally.* Septic tank waste and the discharge from holding tanks will be accepted into the sewer system at a designated receiving structure within the treatment plant area at such times as are established by the director, provided such wastes do not contain unusual toxics or pollutant material and provided such discharge does not violate any other special requirements established by the director. There shall be no unrestricted access to the septage discharging facility. The director may allow discharge of holding tank waste from nonindustrial sources at a designated area in the collection system outside of the wastewater treatment plant area.

(b) *Permits.* Permits to use such facilities shall be under the jurisdiction of the director. Fees for dumping septage will be established as part of the user charge system. The director shall have authority to limit or refuse the disposal of such wastes, if such disposal would interfere with the treatment plant operation.

(c) *Hauled Industrial Wastes.* All procedures for the disposal of such wastes shall be in conformance with the operating policy of the wastewater treatment plant director, and disposal shall be accomplished under the director's supervision unless specifically permitted otherwise. The discharge of industrial wastes as industrial septage requires prior approval of the NHDES Water Division.

(d) *Sampling.* The city shall as necessary sample and analyze the discharges from septage haulers to identify occasional and continuing noncompliance with these standards. Each hauler will be billed directly for costs incurred for analysis of its wastewater.

(e) *Septage source form required.* Before any septage or holding tank waste is discharged, a form shall be turned in to the director describing the source of the waste. The director shall determine whether a sample is needed from each load of septage or holding tank waste.

Sec. 98-358. Powers and authority of inspectors.

(a) *Right of entry.* The director and other duly authorized city employees bearing proper credentials and identification shall be permitted to enter all properties for the purposes of, but not limited to, inspection, observation, measurement, sampling and testing pertinent to discharge to the public sewer system in accordance with this article in order to determine compliance with this article and any IDP or order issued hereunder. If the director has been refused access, then the director may obtain an administrative inspection warrant under RSA 595-B.

(b) *Obtaining information.* The pretreatment coordinator or any federal or state official is authorized to obtain information concerning industrial processes which include but are not limited to those which have a bearing on the kind and source of discharge to the wastewater collection system. The industry may not withhold information considered confidential. The pretreatment coordinator may hold certain information that is not available for public review, but the industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

(c) *Inspectors' responsibilities.* While performing the necessary work on private properties referred to in this section, the director shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees. The city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by the negligence or failure of the company to maintain safe conditions as required in section 98-390 pertaining to the structure for collecting samples.

(d) Where a user has security measures in force that require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the director will be permitted to enter without delay for the purposes of performing specific responsibilities.

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

Sec. 98-359. Annual fee for industrial users.

Industrial users will be assessed an annual fee by the city to defray the administrative costs of the industrial discharge permits (IDP) program. The fee shall be calculated as set forth in the schedule of fees in appendix B to this Code.

Sec. 98-360. Violations.

(a) *Destruction.* Any person causing obstruction, destruction, or other impairment to any part of the sewer system, treatment plant, pumping stations or any appurtenance shall be subject to the full penalties of the criminal law. This penalty shall be classified as aggravated criminal mischief, a class B felony. The maximum sentence for this crime is imprisonment for 3 1/2 years to seven years and a fine of \$2,000.00.

(b) *Penalties.* Any person found to be violating any section of this article except subsection (a) of this section pertaining to destruction may be served by the city with written Notice of Violation stating the nature of the violation. The offender shall, within the period of time stated in such notice, comply with all specific required actions, including providing an explanation for the noncompliance and corrective actions initiated. A user's timely response to a Notice of Violation in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the director to take any action, including emergency actions or any other enforcement action without first issuing a Notice of Violation.

Remedies for these violations shall include but are not limited to the following:

(1) Demand by the pretreatment coordinator of a specific action to be performed by the user. Such action(s) may include, but are not limited to development of a compliance schedule and/or best management practices plan.

(2) IDP termination.

(3) Civil forfeiture up to \$10,000.00 per violation per day (Ref. RSA 149-I:6).

(4) Judicial injunctive relief.

(5) Shutting off the water supply at the facility's water service to prevent further discharge.

(6) Blockage of the public sewer to halt discharge.

(c) *Criminal penalties.* Any person who shall continue any violation beyond the time limit provided for in subsection (b) of this section shall be subject to criminal penalties in the form of fines in the amount not exceeding \$1,000.00 per day, per violation. Fines shall be assessed from the first day of the violation. Additionally, any violation beyond the time limit provided for in subsection (b) of this section may be referred to the state for criminal prosecution under its powers as stated in RSA 485-A:22.

(d) *Procedure for shutting off water supply.* If the director decides it is necessary to shut off the water supply to a facility for noncompliance other than an immediate endangerment to the environment, sewer workers, wastewater treatment plant, or the public health, the following approach will be taken:

(1) Written explanation of the violation with an opportunity for the user's explanation.

(2) Administrative order from the director requiring the user to come into compliance. The order shall include deadlines for reaching stages of compliance.

(3) A show cause hearing in front of the director and city manager to show cause as to why the water should not be shut off.

(4) Certified notice sent with a shutoff date.

(5) Water shutoff at service.

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

(f) *Non-discharge violation penalties.* Any nondischarge violations of the industrial discharge permits are subject but not limited to the following penalties:

(1) Administrative order from the director.

(2) Show cause hearing before one or all of the following: the pretreatment coordinator, the director, and the city council.

(3) IDP termination.

(4) Civil prosecution if an order from the director is disobeyed.

(g) *Reimbursement of costs.* Any costs incurred by the city in enforcing any violations can be collected from the industrial user if the issue is resolved in favor of the city.

(h) *Public notice of significant noncompliance.* At least once each year the pretreatment coordinator will publish a notice in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction served by the POTW a listing of industrial users found to be in significant noncompliance of either this article or federal regulations listed in 40 CFR.

(i) *Nonexclusive remedies.* The remedies provided for in this Code are not exclusive. The city may take any, all, or any combination of these actions against a noncompliant user.

Secs. 98-361--98-385. Reserved.

ARTICLE VI. INDUSTRIAL PRETREATMENT

DIVISION 1. GENERALLY

Sec. 98-386. Applicability.

All persons discharging or having the potential to discharge industrial wastewater into the city's POTW shall comply with applicable requirements of federal and state industrial pretreatment regulations, as amended, in addition to the requirements of this article. No industrial wastewater shall be directed to a sewer that is not connected to the POTW.

Sec. 98-387. Pretreatment of industrial wastewater.

(a) All industrial wastewater shall be pretreated in accordance with federal regulations contained in 40 CFR and state regulations as listed in RSA 485-5:A and this article to the extent required by applicable federal categorical pretreatment standards, state pretreatment standards, or standards established by the director, whichever is more stringent. Federal categorical pretreatment standards, as listed in 40 CFR Chapter I, Subchapter N, Parts 405 to 471, when promulgated, if more stringent, will supersede any local standards for the same pollutant. Users shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Article V of this Code within the time limitations specified by EPA, the State, or the director, whichever is more stringent.

(b) Where pretreatment or flow equalizing facilities are provided or required for any industrial wastewater, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

(c) Whenever deemed necessary, the director 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 wastestreams from industrial wastestreams, and impose such other conditions as are deemed necessary to protect the POTW and determine the user's compliance with the requirements of this Code.

(d) The director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An IDP may be issued solely for flow equalization.

(e) Users with the potential to discharge flammable substances shall, at the discretion of the director, install and maintain an approved combustible gas detection meter and alarm.

(f) The director may require specific operation and maintenance activities and frequencies for any pretreatment system or device.

Sec. 98-388. Approval of pretreatment plans required.

If the director permits the pretreatment or equalization of industrial wastewater, the design and installation of the pretreatment facilities shall be subject to the review and approval of the director and the NHDES Water Division, and shall be subject to the requirements of all applicable codes, ordinances and laws, and fees. If applicable, plans and specifications for any pretreatment facility shall be stamped/sealed and signed by a professional engineer registered in the State of New Hampshire who shall be responsible for the design. Such facilities shall not be connected until such approval is obtained in writing. Plans and specifications for a proposed treatment facility shall be the result of the design of a professional engineer. Such approval shall not relieve the owner of the responsibility of discharging treated waste meeting the requirements of this article.

Sec. 98-389. Bypass of pretreatment systems.

(a) The required industrial wastewater pretreatment system shall not be bypassed at any time, even if such a bypass does not result in a violation, unless:

(1) Bypass was necessary to prevent loss of life, personal injury, or severe property damage.

(2) There are no feasible alternatives. These alternatives shall not include the absence of adequate backup equipment or bypass during routine preventative maintenance of the pretreatment equipment.

(b) If the user anticipates the need to bypass the treatment system, the user must notify the pretreatment coordinator at least ten days ahead of time. If the bypass is not anticipated, the user must orally notify the pretreatment coordinator within 24 hours after becoming aware of the bypass. The oral notice must be followed within five (5) days by a written description of the bypass, its cause, its duration, exact times and dates (actual or expected) and what has been done to rectify the problem and prevent it from recurring.

Sec. 98-390. Structure for collecting samples.

When required by the director, the owner of any property serviced by a building sewer carrying industrial wastewater shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the director. The structure shall be installed by the owner at the owner's expense and shall be operated and maintained by the owner so as to be in good working order, safe and accessible at all times. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy at a frequency approved by the director. The failure of an owner to keep its monitoring facility in good working order shall not be grounds for the owner to claim that sample results are unrepresentative of its discharge.

Sec. 98-391. Monitoring required.

All industries discharging into a public sewer shall perform such monitoring as the director or duly authorized city employees may reasonably require, including installation, use and maintenance of monitoring equipment; keeping records; and reporting the results of such monitoring to the pretreatment coordinator. Such records shall be made available upon request by the pretreatment coordinator to other agencies having jurisdiction over discharges to the receiving water.

Sec. 98-392. Information required.

The pretreatment coordinator may require a user of sewer services to provide information needed to determine compliance with this article. These requirements may include the following:

- (1) Wastewater discharge peak rate and volume over a specified time period.
- (2) Chemical analyses of wastewaters.
- (3) Information on raw materials, processes and products affecting wastewater volume and quality.

- (4) Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.
- (5) A plot plan of sewers on the user's property showing sewer and pretreatment facility locations.
- (6) Details of wastewater pretreatment facilities.
- (7) Details of systems to prevent and control the losses of materials through spills to the public sewer.

Sec. 98-393. Spill control.

When directed to do so by the pretreatment coordinator, the industrial user shall develop, submit for approval, and implement such a plan to control slug discharges as defined in section 98-271. The plan shall contain at least the following elements:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for promptly notifying the POTW of slug discharges, including any discharge that would violate a specific prohibition under section 98-328 pertaining to prohibited discharges and section 98-329 pertaining to limited discharges, with procedures for followup written notification within five days;
- (4) If necessary, procedures to prevent adverse impact from accidental spills including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site 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; and
- (5) If necessary, followup practices to limit the damage suffered by the treatment plant or the environment.

Significant industrial users are required to notify the director immediately of any changes at its facility affecting the potential for a slug discharge.

Sec. 98-394. Best management practices plans.

The director may develop or require any person discharging wastes into the POTW to develop and implement, at their own expense, a Best Management Practices Plan (BMP Plan), also referenced as a pollution prevention plan.

Documentation demonstrating implementation or compliance with best management practices shall be created, retained, and made available as required.

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

Secs. 98-395--98-420. Reserved.

DIVISION 2. REPORTING REQUIREMENTS

Sec. 98-421. Significant industrial users.

Significant industrial users shall submit periodic reports at least twice a year in June and December or as required after the compliance date of such pretreatment standard or, for a new source, after commencement of the discharge into the wastewater treatment plant. These reports shall indicate the nature and concentration of pollutants in the discharge from the regulated processes governed by pretreatment standards and the average and maximum daily flows for these process units. If required, it shall also include an indication of mass of applicable pollutants discharged, and reasonable measure of the user's long term production rate, and production rate during the reporting period. In cases where a pretreatment standard or an IDP requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the city or the pretreatment standard necessary to determine the compliance status of the user.

If a user subject to the reporting requirement in this article monitors any pollutant more frequently than required by the director, using the procedures prescribed in Sections 98-336 of this Code, the results of this monitoring shall be included in the report and will be used to determine compliance.

The report shall contain a certification statement which asserts that applicable categorical pretreatment standards and effluent limitations are being met on a consistent basis and, if not, what additional operation and maintenance practices and/or pretreatment are necessary. Additional requirements for such reports may be imposed by the pretreatment coordinator. The reports must be signed and certified in accordance with Section 98-424 of this Code.

Sec. 98-422. Categorical industrial users.

Categorical industrial users shall submit periodic reports as required indicating the nature and concentration of pollutants in the discharge from the regulated processes governed by pretreatment standards and the average and maximum daily flow for these process units. The reports shall state whether the applicable categorical pretreatment standards and effluent limitations are being

met on a consistent basis and, if not, what additional operation and maintenance practices and/or pretreatment are necessary. Additional requirements for such reports may be imposed by the city. Reports submitted under this section shall be signed by an authorized representative.

Sec. 98-423. Baseline monitoring reports.

Within either one hundred eighty (180) days subsequent to the effective date of 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 director a report that contains the information listed in paragraph (B), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the director a baseline monitoring report. A list of information required for baseline monitoring reports can be obtained from the director. 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.

Sec. 98-424. Signatories and certification.

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

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

Sec. 98-425. Compliance schedule and progress reports.

Compliance schedules for meeting federal categorical pretreatment standards shall meet all applicable federal requirements. The director may require compliance schedules including identification of major milestones and completion dates.

Each user subject to a compliance schedule pursuant to this article shall report on progress toward meeting compliance as follows: Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the pretreatment coordinator indicating whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply; the reason for the delay; and the steps being taken by the industrial user to return to the schedule established.

Sec. 98-426. Ninety-day reports.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, as described in 40 CFR 403.12(d) or, for a new source, following the commencement of the introduction of wastewater into the POTW, any industrial user subject to categorical pretreatment standards shall submit a report to the pretreatment coordinator containing the information described in 40 CFR 403.12(d). All compliance reports must be signed and certified in accordance with Section 98-424 of this Code.

Sec. 98-427. Violation indicated by self-monitoring report.

If a violation is indicated by a report as provided in this article, the wastewater must be resampled and the results must then be submitted to the pretreatment coordinator within 30 days after becoming aware of the violation. The user must notify the pretreatment coordinator, either orally or in writing, of a violation within 24 hours after he becomes aware of it.

Sec. 98-428. Monitoring records.

Industrial users subject to the reporting requirements under this article shall maintain records of information resulting from monitoring activities required to prepare such reports, including documentation associated with Best Management Practices, required by this Code or IDP and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Such records shall be maintained for a minimum of five years and shall be made available for inspection and copying by the city and authorized state or federal personnel. Such reports shall include the following:

- (1) The date, exact place, method and time of the sampling and the name of the person taking the sample.
- (2) The dates analyses were performed.
- (3) The laboratory performing the analyses.
- (4) The analytical techniques and methods used.
- (5) The results of such analyses.

Sec. 98-429. Records retention.

In addition to the recordkeeping requirements in Sec. 98-428, all records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities shall be retained and preserved by the industrial user until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

Sec. 98-430. Date of receipt of reports.

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

Sec. 98-431. Reports from other industrial users.

All non-significant users and users not required to obtain an IDP, shall provide reports to the pretreatment coordinator as the pretreatment coordinator may require.

Sec. 98-432. Reports of changed conditions.

Each user must notify the director of any planned significant changes to the user's operations in accordance with the requirements of Section 98-484.

Sec. 98-433. Reports of slugs or potentially adverse discharges.

(a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug, that may adversely impact the POTW, the user shall immediately telephone and notify the director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions conducted by the user.

(b) Within five (5) days following such discharge, the user shall, unless waived by the director, submit a detailed written report describing the cause(s) of the discharge and the measures to be initiated by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability that may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability that may be imposed pursuant to this Code. This report must be signed and certified in accordance with Section 98-424 of this Code.

(c) Employers shall ensure that all employees who could cause such a discharge to occur are advised of the emergency notification procedure.

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

Secs. 98-434--98-450. Reserved.

DIVISION 3. CATEGORICAL PRETREATMENT STANDARDS

Sec. 98-451. General

The categorical pretreatment standards are found at 40 CFR Chapter I, Subchapter N, Parts 405-471 and are hereby incorporated into the Code and will be administered by the director in accordance with the requirements of 40 CFR Part 403.

Sec. 98-452. Notification.

The city shall provide timely notification to appropriate industries of applicable categorical pretreatment standards. Upon promulgation of the categorical pretreatment standards for a particular industrial subcategory, the categorical pretreatment standards, if more stringent than limitations imposed under this Code for sources in that subcategory, shall, on the compliance date of the categorical pretreatment standards, immediately supersede the limitations imposed under this Code.

Sec. 98-453. Compliance date for categorical standards.

Compliance with categorical pretreatment standards shall be achieved within three years of the date such standards are effective, unless a shorter compliance time is specified in the standards.

Sec. 98-454. Categorical compliance report.

The need for categorical compliance reports under this division shall be fulfilled by the reporting requirements outlined in section 98-422 pertaining to reporting requirements for categorical industrial users.

Secs. 98-455--98-475. Reserved.

DIVISION 4. INDUSTRIAL DISCHARGE PERMITS (IDPs)

Sec. 98-476. Required.

The discharge of any industrial wastewater to the city's POTW from a significant indirect discharger is prohibited without a valid industrial discharge

permit (IDP). The director may require other users to obtain IDPs, or submit an application for an IDP within sixty (60) days of the request, as necessary to execute the purposes of this Code.

Sec. 98-477. Application contents.

Persons subject to this division shall submit an application for an industrial discharge permit containing information required under applicable federal and state industrial pretreatment reporting regulations. The director is authorized to prepare a form for this purpose and may periodically require users to update this information.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. All applications must be signed and certified in accordance with Section 98-424 of this Code.

Sec. 98-478. Amendment required.

An industrial user subject to categorical pretreatment standards shall not discharge wastewater directly or indirectly to the city POTW after the compliance date of such standards unless an amendment to its industrial discharge permit has been issued by the city.

Sec. 98-479. Application for amendment.

Within 90 days after the effective date of a categorical pretreatment standard, an industry subject to such standards shall submit an application for an industrial discharge permit amendment. The application shall contain the information outlined under section 98-477, except that the compliance certification for pretreatment or operation and maintenance statement must be signed by a qualified professional and must contain the certification statement in Section 98-424 of this Code.

Sec. 98-480. IDP conditions.

(a) The industrial discharge permit will outline the general and specific conditions under which the industrial wastewater is accepted for treatment at the city's wastewater treatment plant. Specifically, included in the permit are the following:

(1) Pretreatment and self-monitoring facilities required.

(2) Self-monitoring, sampling, reporting, inspection, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practices) to be monitored, sampling location, sampling frequency, and sample type based on federal, State, and local law.

(3) Effluent limitations, including Best Management Practices, categorical pretreatment standards, local limits, and the general and specific prohibitions from this Code that apply to the industrial wastewater.

(4) Listing of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by this Code, applicable State and federal laws, rules and regulations.

(5) Requirements to control a Slug Discharge, if determined by the director to be necessary.

(6) Industry name, street/ mailing address along with daytime phone number, along with dates of IDP issuance and expiration, and effective date. The permit will be in effect for a specified time period, not to exceed five years. A new application will be filed with the pretreatment coordinator by the industry a minimum of 180 days before the permit expires.

(7) Requirement for city approval prior to any increased or new discharge.

(8) Requirement for the industry to provide a copy of the IDP to the DES upon request.

(b) The permit may be revoked by the city for noncompliance or modified so as to conform to discharge limitation requirements that are enacted by local, federal or state rules and/or regulations.

(c) Any violation of the terms and conditions of an IDP shall be deemed a violation of this Code and subjects the permittee to the enforcement actions set out in this Code. 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, including those that become effective during the term of the IDP.

(d) IDPs shall be terminated upon cessation of operations or transfer of business ownership, unless notification of such transfer is provided in accordance with Section 98-483 of this Code. All IDPs issued to a particular user are void upon the issuance of a new IDP to that user.

Sec. 98-481. IDP appeals.

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

(a) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(b) In its petition, the appealing user must indicate the IDP provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the IDP.

(c) The effectiveness of the IDP shall not be stayed pending the appeal.

(d) If the director fails to act within sixty (60) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an IDP, not to issue an IDP, or not to modify an IDP shall be considered final administrative actions for purposes of judicial review.

Sec. 98-482. IDP modification.

The director may modify an IDP for good cause, including, but not limited to, the following reasons:

(a) To incorporate any new or revised federal, State, or local pretreatment standards or requirements;

(b) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of IDP issuance;

(c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(d) Information indicating that the permitted discharge poses a threat to the city's POTW, city 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.

Sec. 98-483. IDP transfer.

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

(a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes that generate wastewater to be discharged to the POTW;

(b) Identifies the specific date on which the transfer is to occur; and

(c) Acknowledges full responsibility for complying with the existing IDP. Failure to provide advance notice of a transfer renders the IDP void as of the date of facility transfer.

Sec. 98-484. Proposals for new or changed discharges.

Each user proposing a new discharge or a change in volume or character of its existing discharge must notify the pretreatment coordinator at least 60 days prior to the commencement of such discharge.

(a) The pretreatment coordinator may require the user to submit such information as deemed necessary to evaluate the proposed change, including the submittal of an IDP application under Section 98-477 of this Code and all information required by the NHDES for an Industrial Wastewater Discharge Request (IDR) under the Env-Wq 305 Pretreatment of *Industrial Wastewater* rules.

(b) Upon approval of the IDR request by the city it will be submitted by the city to the NHDES Water Division based on information submitted by the user. All applicable NHDES Water Division review fees shall be provided by the user.

(c) Upon approval of the IDR by the NHDES Water Division, the director will issue an IDP under Section 98-480 of this Code or modify an existing IDP under Section 98-482 of this Code in response to changed conditions or anticipated changed conditions.

Sec. 98-485. IDP termination.

The director may terminate a user's IDP for good cause, including but not limited to the following:

(a) Violation of IDP conditions;

- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (c) Failure to report significant changes in operations or wastewater constituents and characteristics;
- (d) Misrepresentation or failure to fully disclose all relevant facts in the IDP application;
- (e) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling;
- (f) Falsifying self-monitoring reports;
- (g) Tampering with monitoring equipment;
- (h) Failure to pay fines;
- (i) Failure to pay sewer charges;
- (j) Failure to meet compliance schedules;
- (k) Failure to provide requested information;
- (l) Failure to provide advance notice of the transfer of a permitted facility;
- (m) Discharging wastewater that presents an imminent hazard to the public health, safety or welfare, or to the local environment; or
- (n) Violation of any pretreatment standard or requirement, or this Code or order issued hereunder, or any applicable State or federal law.

Sec. 98-486. IDP reissuance.

A user with an expiring IDP shall apply for reissuance of the IDP by submitting a complete IDP application, in accordance with Section 98-477 of this Code, a minimum of one hundred eighty (180) 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 IDP will continue to be effective and enforceable (i.e., administratively extended) until the IDP is reissued if:

- (a) The industrial user has submitted a complete IDP application at least one hundred eighty (180) days prior to the expiration date of the user's existing permit; or

(b) The failure to reissue the IDP, prior to expiration of the previous IDP, is not due to any act or failure to act on the part of the industrial user.

Secs. 98-487--98-500. Reserved.

DIVISION 5. MISCELLANEOUS

Sec. 98-501. Validity.

If a provision of this Code is found to be in conflict with any provision of zoning, building, safety or health or other code of the city, the State of New Hampshire, or the federal government existing on or subsequent to the effective date of this Code, that provision which in the judgment of the city establishes the higher standard of safety and protection shall prevail.

Sec. 98-502. Interpretation.

The provisions of this Code with respect to the meaning of technical terms and phrases, the classification of different types of sewers, the regulations with respect to installing or constructing connections to sewers or drains, and other technical matters shall be interpreted and administered by the director acting in and for the City of Keene, New Hampshire through the city council.

Secs. 98-503--98-510. Reserved.

Sec. 98-512. - Sewer rates and charges.

(a) *Sewer rates.* Rates and charges for sewer service should be based on the quantity of water delivered to the premises as measured by and registered on the water meter or other method for a flat-rate estimation and shall be as set forth in the schedule of fees in appendix B to this Code.

(b) *Septage and holding tank charges.* Charges for the disposal of septic waste (septage) and holding tank waste (domestic sewage) shall be based on the load's actual volume, rounded up to the nearest 100-gallon increment, based on the readings taken by city staff, provided the sanitary truck's owner has installed and maintains, at his own expense, a sight tube of such design as approved by the wastewater treatment plant chief operator. If the owner does not install such a sight tube, the charge shall be based on the measured capacity in gallons of the sanitary tank truck as licensed by the state department of environmental services, water supply and pollution control division, water quality and permit compliance bureau.

The charges for septage and for each load of septic waste and the charge for holding tank waste and for each load of holding tank waste shall be as set forth in the schedule of fees in appendix B to this Code.

The public works director may establish rules to govern septage and holding tank waste disposal into the sewer system or wastewater treatment plant.

(c) *Surcharge.* Based on review and evaluation of industrial wastewater characteristics by the Director, where the strength or characteristics of sewage accepted into the public sewers exceeds the standards set forth, a surcharge may be added to the normal sewer service bill. For the purpose of fixing surcharge rates, the characteristics indicating sewage strength have been divided into two groups as follows:

<i>Group 1</i>	Suspended solids	250—400 ppm
	BOD	250—400 ppm
<i>Group 2</i>	Suspended solids	In excess of 400 ppm
	BOD	In excess of 400 ppm

All of the sewage in group 1 shall have a surcharge of 20 percent of the normal bill, and all of the sewage in group 2 shall have a surcharge of 50 percent of the normal bill.

(d) *Water not going to sewer of residential users.* A residential consumer (owner) who indicates that less than 100 percent of his waste as indicated by the meter is not returned to the sewer may, with the permission of the public works director, add a second standard meter at the consumer's cost for meter and plumbing installation. The second meter will be located adjacent to the normal water meter, near the service entrance. There will be a tee in the line on the street side of the meter so that water will only be metered once. A separate pipe from the second meter will convey water only to those uses or fixtures approved and inspected from time to time by the director as not contributing to sewer flow. The installation and final inspection of such meter is to be under the supervision of the water division. The consumer will be billed once a year for this second meter for water only according to what billing section they are in, either October, November or December. The reading will be taken by the water division. The residents who have a meter installed as per this subsection to

meter water not going into the sewer shall receive no summer discount as provided in subsection (g) of this section pertaining to a summer discount.

(e) Water not going to sewer of commercial or industrial user. If a commercial or industrial consumer indicates that less than 100 percent of his water consumption as indicated by the meter is returned to the sewer, the director and the consumer shall devise an appropriate method of fixing a percentage of consumption that may include use of meters, estimates, etc. The agreement arrived at shall be in writing, with three copies distributed as follows: one to the consumer, one to the department, and one to the city comptroller.

Mayor George S. Hansel