

CHAPTER 13 SEWER USE ORDINANCE

Pursuant to enabling authority in New Hampshire Revised Statutes Annotated 149-I:6, the following is an ordinance regulating the use of public and private sewers, private waste water disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system(s), and providing penalties for violations thereof, in the Town of Littleton, County of Grafton, State of New Hampshire.

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

Article I General Provisions

Section 1. Purpose and Policy: This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) of the Town of Littleton and enables the Town of Littleton to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code § 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). Recognizing that significant opportunities exist to reduce or prevent pollution at its source through cost effective practices, and that such practices can offer savings through reduced purchases of materials and resources, a decreased need for pollution control technologies, and lower liability costs, as well as assisting to protect the environment, the Town of Littleton establishes the following objectives of this ordinance:

- (1) To prevent the introduction of pollutants into the POTW that will interfere with its operation;
- (2) To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
- (3) To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (4) To promote reuse of sludge from the POTW; and
- (5) To enable the Town of Littleton to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state law to which the POTW is subject.

Section 2. Administration and Interpretation: Except as otherwise provided herein, the Director of Public Works shall administer, implement, and enforce the provisions of this ordinance. The provisions of this ordinance with respect to the meaning of technical terms and phrases, the classification of different types of sewers, the regulations with respect to making connections to sewers or drains, and other technical matters shall be interpreted by the Director of Public Works. Any powers granted to, or duties imposed upon, the Director of Public Works may be delegated by the Director of Public Works to other Town of Littleton personnel. The Director of Public Works shall act on behalf of the Town of Littleton through the Town Manager and Board of Selectmen.

Section 3. Definitions: Unless the context specifically indicates otherwise, the meaning of term used in this ordinance shall be as follows:

- (1) "Act" or "the Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 *et seq.*
- (2) "Biochemical Oxygen Demand (BOD)" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 C, expressed in milligrams per liter.
- (3) "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
- (4) "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.
- (5) "Bypass" shall mean the intentional diversion of waste streams from any portion of a wastewater treatment facility.
- (6) "Categorical Pretreatment Standard" or "Categorical Standard" shall mean any regulation containing pollutant discharge limitations promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) that apply to a specific category of users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- (7) "Combined Sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.
- (8) "NHDES" shall mean The New Hampshire Department of Environmental Services.
- (9) "Director" shall mean the Director of Public Works of the Town of Littleton, or his authorized deputy, agent, or representative.
- (10) "Domestic Wastewater." or "Sanitary Sewage," shall mean normal water- carried household and toilet wastes or wastes from sanitary conveniences, excluding ground, surface or stormwater and includes no industrial waste.
- (11) "Environmental Protection Agency" or "EPA" shall mean The United States Environmental Protection Agency or, where appropriate, the EPA Regional Water Management Division Director, or other duly authorized official of said agency.
- (12) "Existing Source" shall mean any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- (13) "Floatable Oil" shall mean 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.

- (14) "Force Main" shall mean a pipeline without access from individual properties, providing a connection from a pump station to a pump station, trunk, or sanitary sewer main.
- (15) "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
- (16) "Grease" shall mean the material removed from a grease interceptor (trap) serving a restaurant or other facility requiring such grease interceptors. Also means volatile and non-volatile residual fats, fatty acids, soaps, waxes and other similar materials.
- (17) "Hauler" shall mean those persons, firms, or corporations, who pump, haul, transport, or dispose of septage and who are licensed by the New Hampshire Department of Environmental Services pursuant to RSA 485-A:4,XVI-a and rules adopted to implement said section
- (18) "Human Excrement and other Putrescible Material" shall mean the liquid or solid matter discharged from the intestinal canal of a human, or other liquid or solid waste materials that are likely to undergo bacterial decomposition; (provided, however, that these terms shall not include refuse as defined in RSA 145-M).
- (19) "Industrial Discharge Permit" shall mean a written permit between the Town of Littleton and an industrial user that outlines the conditions under which discharge to the POTW will be accepted.
- (20) "Industrial User" shall mean a person who discharges industrial wastes to the POTW of the Town of Littleton.
- (21) "Industrial Wastes" or "Non-Domestic Wastewater" shall mean wastewater and waterborne wastes from any liquid, gaseous, or solid waste substance resulting from any process of industry, manufacturing trade or business or from development of any natural resources as distinct from domestic wastewater, sewage or unpolluted water.
- (22) "Interference" shall mean a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore is a cause of a violation of the Town of Littleton's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as RCRA; any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; the Marine Protection, Research, and Sanctuaries Act; 40 CFR Part 503 Standards for Sewage Sludge Use and Disposal and RSA 485-A:4, XVI-b.
- (23) "Local Limits" shall mean numerical limitations on the discharge of pollutants established by the Town of Littleton, as distinct from state or federal limitations for non-domestic wastewater discharged to the POTW
- (24) "May" means is permissive (See "Shall").
- (25) "National Pollutant Discharge Elimination System Permit" or "NPDES Permit" shall mean a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

- (26) "Natural Outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or any other body of surface or ground water.
- (27) "Non-Contact Cooling Water" shall mean water used for cooling that does not directly contact any raw material, intermediate product, waste product, or finished product
- (28) "Pass Through" shall mean a discharge that exits the POTW into surface waters in quantities or concentrations which alone or in conjunction with discharges from other sources, is a cause of a violation of any requirements of the Town of Littleton's NPDES permit, including an increase in the magnitude or duration of a violation.
- (29) "Person" shall mean any individual, firm, company, association, society, corporation, group, partnership, municipality, governmental subdivision or any other legal entity, or their legal representatives, agents, or assigns.
- (30) "pH" shall mean a logarithmic measure of the hydrogen ions concentration of a solution, expressed in standard units. Solutions with pH values greater than 7 are basic (or alkaline); solutions with pH values less than 7 are acidic.
- (31) "Pollutant" shall mean dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- (32) "Pollution Prevention" shall mean the use of materials, processes, or practices that reduce or eliminate the creation of pollutants or wastes at the source, or minimize their release to the environment prior to recycling, treatment or disposal. It includes practices that reduce the use of hazardous materials, energy, water or other resources. It also includes practices that protect natural resources and human health through conservation, more efficient use, or effective release minimization
- (33) "POTW" or "Publicly Owned Treatment Works" shall mean a "treatment works" as defined by Section 212 of the Act (33 U.S.C. §1292) that is owned by the Town of Littleton. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of sewage or industrial waste of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW wastewater treatment facility. The term also means the municipality, which has jurisdiction over discharges to and from such a treatment facility and any sewer that conveys wastewater to the POTW from persons outside the Town of Littleton who are, by contract or agreement with the Town of Littleton, users of the Town of Littleton POTW.
- (34) "Pretreatment" shall mean 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.
- (35) "Pretreatment Requirements" shall mean any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

- (36) "Pretreatment Standards" shall mean prohibited discharge standards, categorical pretreatment standards, and local limits
- (37) "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in public sewers, with no particle greater than 1/2-inch in any dimension.
- (38) "Public Sewer" shall mean a pipe or conduit that carries wastewater, stormwater, groundwater, surface water or unpolluted water from any source, which is controlled by a governmental agency or public utility.
- (39) "Sanitary Sewer" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admittedly intentionally.
- (40) "Screening Level" means that concentration of a pollutant which under baseline conditions, would cause a threat to personnel exposed to the pollutant, or would cause a threat to the POTW. To be administered as local limits applicable to a particular discharge, the screening levels must be adjusted to account for conditions at the point of discharge which differ from baseline conditions.
- (41) "Septage" or "Septic Tank Waste" shall mean any liquid, solid, or sludge pumped from chemical toilets, vaults, septic tanks, or cesspools or other holding tanks, that have received only domestic wastewater.
- (42) "Sewage" shall mean human excrement and gray water (e.g. showers, dishwashing, etc.).
- (43) "Sewer" shall mean a pipe or conduit that carries wastewater, stormwater, groundwater, subsurface water, or unpolluted water from any source.
- (44) "Sewer Service Area" shall mean any structure within 100 feet of a publicly owned sewer line.
- (45) "Shall" means is mandatory. (See "May").
- (46) "Significant Indirect Discharger" shall mean a user subject to categorical pretreatment standards under 40 CFR 403.6, or a user that:
- a. discharges an average of 10,000 gallons per day or more of process wastewater to the POTW.
 - b. discharges a process wastewater which contributes 5 percent or more of the hydraulic or organic loading to the POTW treatment plant; or
 - c. discharges medical/infectious waste, pharmaceutical waste, or radiological waste; or
 - d. is designated as such by the Town of Littleton as having a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

- (47) "Slug" or "Slug Load" shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation; or any discharge at a flow rate or concentration that could cause a violation of prohibited discharge standards in Article V; or any discharge which shall adversely affect the collection system and/or performance of the POTW.
- (48) "State" shall mean The State of New Hampshire.
- (49) "Storm Drain" or "Storm Sewer" shall mean a drain or sewer for conveying stormwater, groundwater, subsurface water, or unpolluted water from any source.
- (50) "Storm Water" shall mean any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt
- (51) "Suspended Solids" or "TSS" shall mean the total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removed by laboratory filtering.
- (52) "Town" shall mean Town of Littleton.
- (53) "Unpolluted Water" shall mean water of quality equal to or better than the State Water Quality Standards (Part Env-Wq 1700) or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the POTW.
- (54) "Wastewater" shall mean liquid and water-carried wastes from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- (55) "Wastewater Treatment Facility" or "Wastewater Treatment Plant" shall mean any devices or systems for storing, treating, recycling, or reclaiming wastewater and/or wastewater sludge.
- (56) "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

Article II
Use of Public Sewers

Section 1. It shall be unlawful for any person to place, deposit, or permit to be deposited any human or animal excrement, garbage, or other objectionable waste, in any unsanitary manner on public or private property within the Town of Littleton, or in any area under the jurisdiction of said Town of Littleton.

Section 2. It shall be unlawful to discharge to any natural outlet within the Town of Littleton, or in any area under the jurisdiction of said Town of Littleton, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with federal, state and local requirements.

Section 3. No person shall discharge into any public sewer of the Town of Littleton, or into any fixture that thereafter discharges into any public sewer, any waste or substance other than for which the particular sewer is intended, designed or provided.

Section 4. No person shall discharge into any public sewer of the Town of Littleton or into any fixture that thereafter discharges into any public sewer, any waste or substance until all applicable federal, state and local permits have been obtained.

Section 5. Except as specifically provided with reference to some particular sewer, sanitary sewers shall be used only for the conveyance and disposal of domestic wastewater, and for industrial wastes that are not objectionable as hereinafter provided. No sanitary sewer shall be used to receive and convey or dispose of any storm or surface water, subsoil drainage, or unpolluted water.

Section 6. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers, or a natural outlet approved by the [Superintendent]. An NPDES permit is required prior to discharging industrial cooling water, process waters, or storm water runoff generated in areas of industrial activity (as defined in 40 CFR Part 122) to a storm sewer or natural outlet.

Section 7. If the intended or designated use of any particular sewer or drain and allowable discharge thereto is unclear, the Director of Public Works will consider the pertinent facts and make a determination. Said determination will be final and binding.

Section 8. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater in any area where a public sewer is available, as described in Section 9 below.

Section 9. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town of Littleton and abutting on any street, alley, or right-of-way in which a public sanitary sewer of the Town of Littleton is located, is hereby required at the owner(s) expense to install and maintain suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the said house or building. This requirement for connection may be waived when permitted by the Director of Public Works if the household is already connected to a properly functioning, state-approved septic system approved after 1985 (ref. RSA 147:8).

Article III Private Wastewater Disposal

Section 1. Where a public sanitary sewer is not available under the provisions of Article II, Section 9, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of RSA 485-A29-44 and rules promulgated thereto.

Section 2. Before issuance of a building permit and commencement of a construction of a private wastewater disposal system the owner(s) shall first obtain design approval from the Town of Littleton and the New Hampshire Department of Environmental Services.

Section 3. The type, capacities, location, layout and installation (including inspection) of a private wastewater disposal system shall comply with all requirements of the Town of Littleton and the New Hampshire Department of Environmental Services.

Section 4. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer as provided in Article II, Section 9, , and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material or removed and discontinued.

Section 5. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, and at no expense to the Town of Littleton. At no time shall any quantity of industrial waste be discharged to a private domestic wastewater disposal facility.

Article IV Building Sewers and Connections

Section 1. No person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining written permission from the Director of Public Works.

Section 2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service producing only domestic wastewater, and (b) for service to establishments producing industrial wastes. In either case, the owner(s) or his agent shall make application on the appropriate form furnished by the Town of Littleton at least sixty (60) days prior to said service connection. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Director of Public Works. Both a permit and a connection fee are required. The connection fee shall be paid to the Town of Littleton at the time the application is filed.

Section 3. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Town of Littleton from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases the front building sewer may be extended to the rear of the building and the whole considered as one building sewer, but the Town of Littleton does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.

Section 5. Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the Director of Public Works, to meet all requirements of this ordinance.

Section 6. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other

applicable rules and regulations of the Town of Littleton and NHDES rules Env-Wq 700. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Tests and Materials (ASTM) and Water Environment Federation (WEF) Manual of Practice No. FD-5, including any amendments thereto, shall apply.

Section 7. During construction of a new sanitary sewer, the Town of Littleton may construct the service connections for existing buildings to the curb or the property line or the edge of a right-of-way. Construction of the building sewer, including connection to the structures served, shall be the responsibility of the owner of the improved property to be connected; and such owner shall indemnify and save harmless the Town of Littleton, its officers, and agents from all loss or damage that may result, directly or indirectly, due to the construction of a building sewer on his premises or its connection to the service connection. The owner shall thereafter be obligated to pay all costs and expenses of operation, repair and maintenance, and of reconstruction, if needed of the building sewer and service connection.

Section 8. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at owner's expense.

Section 9. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer.

Section 10. No person shall obstruct the free flow of air through any drain or soil pipe.

Section 11. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town of Littleton, or the procedures set forth in appropriate specifications of the ASTM and the WEF Manual of Practice No. FD--5. All such connections shall be made gas-tight and water-tight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Director of Public Works before installation.

Section 12. The applicant for the building sewer permit shall notify the Director of Public Works when the building sewer is ready for inspection and connection to the public server. Such notice shall be provided not less than 48 hours in advance of the time any connection is to be made to any public sewer. The connection and testing shaft be made under the supervision of the Director of Public Works or his representative. This requirement shall also apply to repairs or alterations to building connections, drains or pipes thereto.

- (1) Suitable provisions shall be made at the point of connection for testing, which responsibility shall rest with the holder of the sewer connection permit.
- (2) No building sewer shall be covered until it has been inspected and approved by the Director of Public Works. If any part of building sewer is covered before being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to the public sewer.
- (3) The Director of Public Works shall maintain a record of all connections made to public sewers and drains under this ordinance and all repairs and alterations made to building connections or drains connected to or discharging into public sewers and drains of the

Town of Littleton or intended to so discharge. All persons concerned shall assist the Director of Public Works in securing the data needed for such records.

Section 13. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town of Littleton at the expense of the owner.

Section 14. Any person proposing a new discharge into the system, or a discharge of listed or characteristic waste, or an increase in the volume, or in the strength or character of pollutants that are discharged beyond limits previously permitted into the system shall notify the Director of Public Works at least 60 days prior to the proposed change or connection.

Section 15. Any person proposing to construct or modify any of the following or any combination of the following shall submit an application for a sewer connection permit to the DES in accordance with DES Env-Wq 700:

- (1) Any extension of a collector or interceptor, whether public or private, regardless of flow;
- (2) Any wastewater connection or other discharge in excess of 5,000 gallons per day;
- (3) Any wastewater connection or other discharge to a WWTP operating in excess of 80 flow capacity or design loading capacity based on actual average flow or loadings for 3 consecutive months;
- (4) Any industrial wastewater connection or change in existing discharge of industrial wastewater, regardless of quality or quantity;
- (5) Any sewage pumping station greater than 50 gallon per minute or serving more than one building; or
- (6) Any proposed sewer that serves more than one building or that requires a manhole at the connection.

Article V Prohibited Discharge Standards

Section 1. Pollutants, substances, or wastewater prohibited by this article shall not be processed or stored in such a manner that they could be accidentally discharged to the POTW.

Section 2. General Prohibitions: No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes pass-through or interference or has an adverse effect on the receiving stream. 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.

Section 3. Specific Prohibitions: No person(s) shall discharge or cause to be discharged into the POTW the following pollutants, substances, or wastewaters:

- (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, gas, solid, or any substance that may generate or form any flammable, combustible or

explosive substance, fluid, gas, vapor or liquid when combined with air, water or other substances present in sewers, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;

- (2) Wastewater having a pH less than 5.0 or greater than 12.0, as measured at the point of connection to the sanitary sewer or other available monitoring location, or otherwise causing corrosive structural damage or hazard to the POTW equipment, or personnel, or with alkalinity in such quantities that the pH of the influent to the POTW is caused to exceed 8.0;
- (3) Solid or viscous substances including water or wastes containing fats, wax, grease, or oils, whether emulsified or not, or containing substances that may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees (0-65 degrees C), in amounts that will cause obstruction of the flow in the POTW resulting in interference;
- (4) Pollutants, including oxygen-demanding pollutants (BOD, COD, etc.), or chlorine demand requirements released in a discharge at a flow rate and/or pollutant concentration that, either singly or by interaction with other pollutants, will cause interference with the POTW, constitute a hazard to humans or animals, create a public nuisance, exceed any national categorical pretreatment, cause process upset, loss of treatment ability or cause pass through;
- (5) Wastewater having a temperature greater than 150°F (65°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater that causes the temperature at the introduction into the POTW treatment plant to exceed 104°F (40°C);
- (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through;
- (7) Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (8) Trucked or hauled pollutants, except at discharge points designated by the Director of Public Works.
- (9) Any medical/infectious wastes, pharmaceutical waste, or radiological waste except as specifically authorized in a discharge permit;
- (10) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent or sludge to fail a toxicity test;
- (11) Household hazardous wastes including but not limited to paints, stains, thinners, pesticides, herbicides, anti-freeze, transmission and brake fluids, motor oil and battery acid;
- (12) Any hazardous waste listed or designated by DES under Env-Hw 400;
- (13) Wastewater that imparts color that may not be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently

may impart color to the treatment facility's effluent, thereby violating the Town of Littleton's NPDES permit;

- (14) Noxious or malodorous liquids, gases, solids, or other wastewater that, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (15) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;
- (16) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, or otherwise unpolluted wastewater;
- (17) Sludges, screenings, or other residues from the pretreatment of industrial wastes unless specifically authorized by the Director of Public Works in a wastewater discharge permit;
- (18) Detergents, surface-active agents, or other substances that may cause excessive foaming in the POTW;
- (19) Wastewater causing a reading on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 10 percent (10%) of the Lower Explosive Limit of the meter;
- (20) Garbage that has not been properly shredded (garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers);
- (21) Any quantities of flow, concentrations, or both that constitute a "slug" as defined in Section 1.3 of this ordinance;
- (22) Waters or wastes that, either singly or by interaction with other water or wastes in the POTW, release dangerous or noxious gases, form suspended solids that affect the operation of the collection system, or create a condition deleterious to structures and treatment processes; or
- (23) Any materials that exert or cause unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime, slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

Section 4: Federal Categorical Pretreatment Standards: Industrials users shall comply with the federal categorical pretreatment standards as applicable. Categorical pretreatment standards are found at 40 CFR Chapter I, Subchapter N, Parts 405-471.

- (1) Industrial users shall provide the Town of Littleton with copies of any reports to, or correspondence with EPA relative to compliance with the categorical pretreatment standards.

- (2) The industrial user is responsible for determining the applicability of categorical pretreatment standards. The user may request that EPA provide written certification on whether the user is subject to the requirements of a particular category.
- (3) Upon promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this ordinance for sources in that subcategory, shall, on the compliance date of the categorical pretreatment standards, immediately supersede the limitations imposed under this ordinance.

Section 5. Local Discharge Restrictions: The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger life, limb, public property, or constitutes a nuisance. The Director of Public Works may set limitations lower than the limitations that are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Director of Public Works will give consideration to such as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The Director of Public Works shall not permit those discharges, which are prohibited by Section 3 of this Article. Local discharge restrictions include:

- (1) Latest version of applicable federal categorical pretreatment standards and requirements, state pretreatment standards and local numerical discharge limitations established by the Town of Littleton (referred to as local limits), whichever is more stringent. Refer to Appendix A for local limits.
- (2) Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.
- (3) Wastewater containing more than 100 milligrams per liter of oil and grease or floatable oil not limited by paragraph A of this Section.
- (4) Wastewater with any constituent at concentrations greater than those set by the Director of Public Works.
- (5) Wastewater, which has a concentration of any pollutant above the screening levels, set by the Director of Public Works. Such screening levels, generated on the basis of standard conditions, shall be adjusted for the particular conditions applicable to the specific discharge. Fume toxicity screening levels shall be adjusted when administered as limits to account for the pH, temperature, dilution, other toxic fumes and ventilation present at the site of the particular discharge. The screening level for sulfate shall be adjusted when administered as a limit to account for the type of concrete used in sewer construction and the dilution present.

Section 6. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in this Article, which in the judgment of the Director of Public Works may have a deleterious effect upon the POTW, processes, equipment, or receiving waters, or which otherwise create a hazard to worker safety or health, or constitute a public nuisance, the Director of Public Works may:

- (1) Reject or prevent the discharge to the POTW after notice has been served to the discharger and the discharger has had a reasonable time to respond.
- (2) Require pretreatment prior to discharge to the POTW to an acceptable condition for discharge to the public sewers.
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover added cost of handling and treating the wastes.
- (5) If the Town of Littleton permits the pretreatment or equalization of waste flows, the design and installation of the pretreatment facilities shall be subject to the review and approval of the Town of Littleton and the NHDES, and subject to the requirements of all applicable codes, ordinances and laws. Such facilities shall not be connected to sanitary sewer until said approval is obtained in writing. Such approval shall not relieve the owner of the responsibility of discharging treated waste meeting the requirements of this ordinance. Plans and specifications for a proposed pretreatment facility shall be the result of the design of a professional engineer registered in New Hampshire.

Article VI

Pretreatment of Wastewater

Section 1. Industrial users shall provide wastewater treatment as necessary to comply with federal and state regulations and this ordinance to the extent required by applicable categorical pretreatment standards, state pretreatment standards or standards established by the Director of Public Works, whichever is more stringent. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

Section 2. The Director of Public Works may require an industrial user to provide information needed to determine compliance with this ordinance. These requirements may include, but not be limited to:

- (1) Wastewater discharge average, maximum and peak rates and volume over a specified time period.
- (2) Chemical analyses of wastewaters. Owner shall retain an independent third-party, state certified analytical services firm to complete all sampling and testing if required by the Director of Public Works. All sampling and testing shall be completed at owner's expense.
- (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 plan of sewers on the industrial user's property showing sewer, outfall and pretreatment facility location.
- (6) Plans & specifications of wastewater pretreatment facilities.

- (7) Details of systems to prevent and control the losses of materials through spills to the POTW.
- (8) Pollution prevention plans, accidental discharge/slug control plans and operation and maintenance plans.

The review of such information shall in no way relieve the industrial user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Town of Littleton under the provisions of this ordinance.

Section 3. Whenever deemed necessary to protect the POTW and determine the industrial user's compliance with the requirements of this ordinance, the Director of Public Works may require industrial 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 sewage waste streams from industrial waste streams, and such other conditions as may be necessary.

Section 4. The Town of Littleton may, after informal notice to the industrial user discharging wastewater to the public sewer immediately halt or prevent any such discharge reasonably appearing to present an imminent endangerment to the health and welfare of person, or any discharge presenting, or which may present, an endangerment to the environment, or which threatens to interfere with operation of the public sewer or wastewater treatment facilities. Actions which may be taken by the Town of Littleton in response to violations of this ordinance include ex parte 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 industry.

Section 5. Grease, oil, and sand interceptors shall be provided when required by the plumbing code, or in the opinion of the Director of Public Works, they are necessary for the proper handling of liquid wastes containing floatable oil or grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Director of Public Works and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Director of Public Works. Any removal and hauling of the collected materials shall be performed by currently licensed waste disposal firms. The Director of Public Works or the Town Health Officer shall have the authority to inspect said interceptors and perform any other duties as proscribed by federal, state or local law. The installation, operation and maintenance of interceptors shall be at owner's expense.

Section 6. Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter and alarm.

Section 7. A dental practice which manages dental amalgam shall install and maintain an amalgam separator in accordance with federal and/or state regulations.

Section 8. When required by the Director of Public Works, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure together with such necessary meters and other appurtenances in the building sewer to facilitate observations, sampling, and measurement of the wastes. Such structure, when required, shall

be accessible and safely located and shall be constructed in accordance with plans approved by the Director of Public Works. The structure shall be installed by the owner at his/her expense and shall be maintained by him/her to be safe and accessible at all times.

Section 9. All industrial users shall perform such monitoring as the Director of Public Works or duly authorized employees of the Town of Littleton may reasonably require including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Town of Littleton. Such records shall be made available upon the request of the Town of Littleton and other agencies having jurisdiction over discharges to the receiving waters. The industrial user shall be responsible for all costs associated with the installation, use and maintenance of the monitoring equipment. Records shall be maintained by the industrial user for a period of five (5) years.

Section 10. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with EPA approved methods published in the Code of Federal Regulations, Title 40, Part 136 (40 CFR 136), or if none are available, then with methods specified in the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Director of Public Works.

Section 11. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Town of Littleton and any industrial user whereby an industrial waste of unusual strength or character may be accepted by the Town of Littleton for treatment, provided that such agreements do not contravene any requirements of Article V of this ordinance, existing federal or state laws, and/or regulations promulgated thereunder, are compatible with any fee established by the Town of Littleton in effect, and do not waive applicable categorical pretreatment standards.

Section 12. Septage may be accepted into the sewer system at a designated receiving structure within the treatment plant area or any other area designated by the Director of Public Works for such purposes, and at such times as are established by the Director of Public Works, provided such wastes do not contain toxic pollutants or materials, and provided such discharge does not violate any other special requirements established by the Town of Littleton. Permits to use such facilities shall be under the jurisdiction of the Director of Public Works. The discharge of industrial wastes is prohibited without prior written approval by the Town of Littleton and the NHDES. Fees for dumping septage will be established by the Town of Littleton. The Wastewater Treatment Plant Operator acting on behalf of the Town of Littleton shall be in conformance with the operating policy of the Director of Public Works and disposal shall be accomplished under his supervision unless specifically permitted otherwise. Littleton may limit the quantities of septage that can be received or refuse to receive septage to ensure proper operation of the municipal treatment and disposal facilities (as per RSA 486:13).

Section 13. It shall be illegal to meet requirements of this ordinance by diluting wastes in lieu of proper pretreatment.

Section 14. Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance. Facilities to prevent accidental discharges, shall be provided and maintained at the industrial user's expense.

Section 15. All industrial users shall notify the Wastewater Treatment Plant Operator immediately of all discharges which could cause problems to the wastewater treatment

facilities, including any slug loadings. Within five days of the unallowed discharge, the industrial user shall provide the Wastewater Treatment Plant Operator with a written report fully describing the unallowed discharge, the pollutants involved, the cause of the unusual discharge and the measures taken to avoid recurrence of the unallowed discharge.

Section 16. Bypass is prohibited except where the bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. The industrial user shall notify the Director of Public Works immediately in the event of any bypass.

Section 17. A notice shall be permanently posted plainly visible to an industrial user's personnel responsible for managing wastewater discharges which shall instruct all employees whom to call in the event of a spill, slug discharge, pretreatment upset or bypass. Employers shall insure that all employees who may cause or suffer such a discharge to occur, know of the required notification of the Director of Public Works.

Section 18. If sampling performed by an industrial user indicates a violation, the industrial user shall notify the Wastewater Treatment Plant Operator immediately upon becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director of Public Works and Wastewater Treatment Plant Operator within 30 days after becoming aware of the violation, except that the industrial user is not required to resample if:

- (1) The Town of Littleton performs sampling at the industrial user at a frequency of at least once per month, or
- (2) The Town of Littleton performs sampling at the industrial user between the time when the user performs its initial sampling and the time when the industrial user receives the results of this sampling.
- (3) The cost for all sampling and testing completed by the Town of Littleton as specified under this section shall be paid for by the industrial user.

Article VII Industrial Discharge Permit

Section 1. All persons discharging industrial process wastes into public or private sewers connected to the POTW, shall comply with applicable requirements of federal and state industrial pretreatment regulations (as amended), in addition to the requirements of this ordinance.

Section 2. No significant indirect discharger shall discharge wastewater into the POTW without first obtaining an Industrial Discharge Permit from the Director of Public Works, except that a significant indirect discharger that has filed a timely and complete application pursuant to this Article may continue to discharge for the time period specified therein.

Section 3. Any significant indirect discharger proposing a new discharge or a change in volume or character of its existing discharge shall submit a completed Industrial Discharge Permit application to the Town of Littleton at least 90 days prior to the commencement of such discharge.

Section 4. The Director of Public Works may require other users to obtain Industrial Discharge Permits, or to submit an application for an Industrial Discharge Permit, as necessary to execute the purposes of this ordinance.

Section 5. Any violation of the terms and conditions of an Industrial Discharge Permit shall be deemed a violation of this ordinance and shall subject the industrial discharge permittee to the enforcement actions set out in this ordinance. Obtaining an Industrial Discharge Permit 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.

Section 6. All significant indirect dischargers must receive NHDES approval for any new industrial discharge, or any alteration in either flow or waste characteristics, in accordance with the Town of Littleton's NPDES permit. Upon receipt of a complete Industrial Discharge Permit application by the Town of Littleton in accordance with this Article, an Industrial Wastewater Indirect Discharge Request will be submitted by the Town of Littleton to NHDES on behalf of the user. All applicable NHDES review fees shall be provided by the user.

Section 7. Within 120 days subsequent to the effective date of a categorical pretreatment standard, an industrial user subject to such standards shall submit an application for an Industrial Discharge Permit amendment. The application shall contain the information as specified in this Article and as required by the Director of Public Works.

Section 8. All industrial users required to obtain an Industrial Discharge Permit, and other users subject to these rules, as required by the Director of Public Works, shall submit an application for an Industrial Discharge Permit. Information for the application shall include:

- (1) The name and street and mailing address of the facility.
- (2) The name, position, and daytime telephone number of a responsible individual at the industrial user, such as a plant manager, plant engineer, president, or vice president of the company, who has certified the permit application.
- (3) A list of all environmental permits held by or for the facility.
- (4) A brief description of the nature, average rate of production, and the Standard Industrial Classification of the operations carried out at such facility.
- (5) An identification of the categorical pretreatment standards applicable to each regulated process.
- (6) The measured averaged daily, maximum daily, minimum daily and total flow, in gallons per day, to the public sewer from regulated process streams and from other streams.
- (7) A list of pollutants expected to be present in the discharge and the anticipated quantity of each, based on a) analyses of the waste stream(s) to be discharged, in which case test results shall be submitted with the discharge permit request; or b) knowledge of the process which produces the wastewater.
- (8) Information on the toxicity and treatability of the pollutants proposed to be discharged, as available from manufacturer's testing, safety, and data publications;

- (9) A map showing the location within the municipality of the facility with respect to the POTW.
- (10) A listing of all chemicals used at the facility that will be or could be discharged, such as production chemicals, degreasers, and cleaning solvents.
- (11) A description and location diagram of all sampling locations at the facility.
- (12) A brief narrative describing those measures taken or planned to reduce water usage and implement pollution prevention techniques, if any,
- (13) A schematic of the proposed treatment process.
- (14) If applicable, plans, specifications, and operation and maintenance procedures for new or modified treatment facilities. Documents shall be stamped by a chemical, civil, sanitary, or environmental engineer registered in New Hampshire.
- (15) A schematic diagram showing the production process, including the origin of each waste stream.
- (16) A schedule of actions to be taken to comply with discharge limitations.
- (17) Any other information which may be needed to meet the baseline monitoring requirements applicable to industrial users subject to categorical pretreatment standards.
- (18) Signature of an authorized representative of the industrial user containing 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."
- (19) Additional information as determined by the Town of Littleton.

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

Section 9 The Industrial Discharge Permit will outline the general and specific conditions under which the industrial waste is accepted for treatment at the wastewater treatment plant. At a minimum, the Industrial Discharge Permits shall contain:

- (1) Indirect discharger name, street address, mailing address, and daytime telephone number.
- (2) Dates of issuance and expiration.

- (3) The general and specific prohibitions from the sewer use ordinance which apply to the discharge.
- (4) A list of pollutants, allowable parameters, and discharge limits.
- (5) Identification of applicable EPA categorical standards.
- (6) A list of pollutants to be monitored and the monitoring requirements applicable thereto.
- (7) Sampling frequency, techniques, and locations.
- (8) Inspection, reporting, record keeping and notification requirements. All reports shall be signed by an authorized representative of the industrial user containing 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."
- (9) Applicable definitions and special conditions.
- (10) Applicable civil and criminal penalties for violations.
- (11) A statement that the Industrial Discharge Permit is nontransferable without prior notification to the Town of Littleton.
- (12) A statement that compliance with the Industrial Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those that become effective during the term of the Industrial Discharge Permit.
- (13) A statement that the industrial user shall fully comply with the Town of Littleton's Sewer Use Ordinance.
- (14) A statement that the industrial user shall not dilute its effluent as a substitute for proper pretreatment.
- (15) A statement that the industrial user shall notify the Town of Littleton prior to any new or increased discharge.
- (16) A statement that the Industrial Discharge Permit is based on and shall apply only to the subject discharge request and the associated plans and supporting information as submitted in the completed Industrial Discharge Permit Application.

- (17) A statement that stipulates that the Town will at a minimum annually inspect the discharger's facility or sample the facility's wastewater discharge for compliance with the Industrial Discharge Permit.
- (18) A requirement to submit a completely new application at a specified frequency which shall not be less than once every five years.
- (19) A requirement to provide a copy of the Industrial Discharge Permit to NHDES, if NHDES so request.

Section 10. Industrial users will be assessed an annual fee by the Town of Littleton to defray the administrative costs of the Industrial Discharge Permit program.

Section 11. The Town of Littleton may investigate instances of non-compliance with industrial pretreatment standards and requirements and, as necessary, sample and analyze the wastewater discharges of contributing industrial users and conduct surveillance and inspection activities to identify, independently of information supplied by such industrial users, occasional and continuing non-compliance with industrial pretreatment standards. Each industrial user shall allow unrestricted access by the Town of Littleton, NHDES, and EPA personnel for the purpose of investigating and sampling discharges. The industrial user shall pay all cost associated with any analysis of its wastewater.

Section 12. The Town will comply with the public participation requirements of 40 CFR Part 25 in the enforcement of industrial pretreatment standards and requirements.

Section 13. Any person, including the industrial user, may petition the Director of Public Works to reconsider the terms of an Industrial Discharge Permit within thirty (30) days of its issuance.

Section 14. The Director of Public Works may modify an Industrial Discharge Permit for good cause, including but not limited to:

- (1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements.
- (2) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of Industrial Discharge Permit issuance.
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- (4) Information indicating that the permitted discharge poses a threat to the POTW, Town of Littleton personnel, or the water quality in the receiving waters.
- (5) Violation of any terms or conditions of the Industrial Discharge Permit.
- (6) Misrepresentations or failure to fully disclose all relevant facts in the Industrial Discharge Permit application or in any required reporting.
- (7) To correct typographical or other errors in the Industrial Discharge Permit.
- (8) To reflect a transfer of the facility ownership or operation to a new owner or operator.

Section 15. An industrial user with an expiring Industrial Discharge Permit shall apply for reissuance of the Industrial Discharge Permit by submitting a complete permit application, in accordance with this Article, a minimum of sixty (60) days prior to the expiration of the user's existing Industrial Discharge Permit. Under no circumstances shall the permittee continue to discharge without an effective permit. An expired permit will continue to be effective and enforceable until the permit is reissued if a) the industrial user has submitted a complete permit application at least sixty (60) days prior to the expiration date of the user's existing permit; and b) the failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the industrial user.

Article VIII Powers and Authority of Inspectors

Section 1. The Town of Littleton will investigate instances of noncompliance with this ordinance.

Section 2. All persons discharging to the POTW shall allow the Director of Public Works and other duly authorized employees of the Town of Littleton ready access to all parts of the premises for the purposes of inspection, observation, measurement, sampling, testing, inspection and copying of records and the performance of all additional duties, pertinent to discharges to the POTW, in accordance with the provisions of this ordinance. Unreasonable delays in allowing Town of Littleton personnel access to the user's premises shall be a violation of this ordinance.

Section 3. All industrial users discharging to the POTW shall allow unrestricted access by the Town of Littleton, NHDES and EPA personnel (inspector(s)) for the purpose of determining whether the user is complying with all requirements of this ordinance, and any Industrial Discharge Permit or order issued hereunder. Users shall allow the inspector(s) ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

Section 4. The Director of Public Works or other duly authorized employees are authorized to obtain information concerning industrial processes, which have a bearing on the kind and source of discharge to the public sewer. The industrial user may request at the time of submission of any information or data that the information in question not be made available to the public because it contains trade secrets. Upon such a request, the Town will notify the industrial user if a request is made for such information under RSA 91-A to allow the industrial user a reasonable amount of time to seek injunctive relief from a court of competent jurisdiction. The burden of proof that information should be held confidential rests with the industrial user. It is the Town's position that information about wastewater discharged by the industrial user (flow, constituents, concentrations, characteristics and similar information) shall be available to the public without restriction.

Section 5. While performing the necessary work on private properties, the Director of Public Works or duly authorized employees of the Town of Littleton shall observe all safety rules it deems appropriate.

Article IX Penalties

Section 1. No person(s) shall break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the POTW. Any person who shall wantonly or maliciously injure any part of the POTW shall be liable to pay treble damages to the Town of Littleton and shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. See RSA 149-I:23

Section 2. Any person found to be violating any provision of this ordinance shall be served by the Town of Littleton with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correcting thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The Town of Littleton may, after informal notice to the person discharging to the POTW, immediately halt or prevent any such discharge reasonably appearing to present an imminent endangerment to the health and welfare of the public, or any discharge presenting, or which may present, an endangerment to the environment, or which threatens to interfere with the operation of the public sewer or wastewater treatment facilities. Actions which may be taken by the Town of Littleton in response to violations of this ordinance include ex parte judicial injunctive relief, entry on private property to halt such discharge, blockage of a public sewer to halt such discharge, or demand of specific action by the person.

Section 3. Any person who has violated, or continues to violate, any provision of this ordinance, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the Town of Littleton for a maximum civil penalty of \$10,000 per day, plus actual damages incurred by the POTW. Ref. RSA 149-I:6; RSA 485-A:22,II.

Section 4: Any person who willfully or negligently violates any provision of this ordinance or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed \$25,000 for each violation or imprisonment for not more than 6 months, or both. Every separate provision violated shall constitute a separate violation. Every day that a violation occurs shall be deemed a separate violation. Ref. RSA 485-A:22,I; RSA 625:9,IV.

Article X
Sewer User Charges and Collections

Section 1. To achieve reasonable fairness in the funding of the original and subsequent costs and associated debt, the Town of Littleton establishes rates that include debt, operation, maintenance, and eventual replacement of the system. The Town of Littleton will periodically review the user charges and revise the rates as necessary to ensure that adequate revenues are generated to pay the costs of operation and maintenance including replacement, and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes. Current user rates are provided in the Town of Littleton's sewer rate schedule.

Section 2. Any person that discharges any non-domestic wastewater that causes an increase in the cost of managing the effluent of the sludge from the POTW, or any user that discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, and replacement of the POTW, shall pay for such increased costs. The charge to each user shall be determined by the Town Manager and approved by the Board of Selectmen.

Section 3. Procedures for the collection of charges shall be pursuant to RSA 38:22.

Section 4. When any bill (including interest and penalty) remains unpaid at the time of lien, such bill shall be recorded in the Grafton County Registry of Deeds by the tax collector and shall constitute a lien on the property. If such lien (including interest and penalty) remains unpaid for a period in excess of two years after the date of recordation, such property may be subject to tax collector's deed to the Town of Littleton.

Section 5. Any user may seek review of the charges assessed pursuant to this ordinance by submitting a written request for review citing the specific charge and including a statement as to why they believe the user charge is unjust or inequitable together with any relevant documentation supporting their position. Said application shall include a statement showing the actual or estimated average flow of his wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates submitted were determined by the appealing user. All requests for review will be considered by the Town Manager. Review of the request shall be made by the Town of Littleton and if the appeal of charges is found to be substantiated, the user charges for that user shall be recomputed based on the revised flow data and the new charges shall be applicable to the next billing cycle/period. Requests for review must be submitted to the Town Manager within 30 days of the date of the bill. Only one official application may be submitted to the Town of Littleton per billing period.

Article XI
Integration of Prior Regulations

Section 1. This current ordinance supersedes all previous Town of Littleton sewer ordinances.

Section 2. The invalidation by a court of law of any section, clause, sentence, or provision of this ordinance, including associated appendices and exhibits, shall not affect the validity of any other part of this ordinance.

**Article XII
Chapter in Force**

Section 1. This chapter, including associated appendices and exhibits shall be in full force and effect from and after its passage, approval, and recording as provided by law. The chapter of the Littleton Town Ordinance entitled Sewer Ordinance, and in effect prior to the date in the following paragraph, is hereby rescinded and replaced with this chapter.

Duly enacted and ordained this 9th day of January 2023 by the Board of Selectmen of the Town of Littleton, County of Grafton, State of New Hampshire, at a duly noticed and duly held public meeting.



Roger Emerson, Chairman



Carrie Gendreau, Vice Chairwoman



Linda MacNeil, Selectwoman

Witness: 

Vicki Potter, Administrative Secretary

APPENDIX A
POTW LOCAL LIMITS
SEWER USE ORDINANCE
TOWN OF LITTLETON, NEW HAMPSHIRE

The following numerical pollutant loading limitations are established to protect against POTW pass-through and interference. Maximum allowable industrial loadings at the POTW treatment plant headworks are as follows:

1. Copper: To be determined
2. Lead: To be determined.
3. Zinc: To be determined.

The Public Works Director shall calculate and administer local limits when required as described below to ensure that the combined industrial pollutant discharge loadings do not cause or contribute to exceedances of these limitations.

Daily concentrations are the concentration of a pollutant discharged, determined from the analysis of a flow-composited sample (or other sampling procedure approved by the Public Works Director) representative of the discharge over the duration of a 24-hour day or industrial operating schedule of less than 24 hours.

All concentration limits for metals represent total metal unless indicated otherwise. The Public Works Director may impose mass limitations in addition to or in place of concentration-based limitations.

Local limits are developed based on the identification of industrial users known to be discharging each pollutant (industrial contributory flow procedure). Unless specifically identified in an industrial discharge permit, an industrial user shall not discharge the locally limited pollutants at concentrations 20% greater than the background concentrations used for local limits development.

Pollution prevention activities that result in a decreased discharge of these pollutants to the POTW, such that the headworks loading of a pollutant is less than 40% of the allowable loading, may result, at the discretion of the Public Works Director, in rescission of a local limit for that pollutant from this ordinance.