

SEWERS

**Chapter 149**

**SEWERS**

Article I  
**Sewer Use Ordinance**

**§ 149-1. Definitions.**

**§ 149-2. Unsanitary disposal methods prohibited.**

**§ 149-3. Unlawful discharge prohibited.**

**§ 149-4. Private disposal systems prohibited.**

**§ 149-5. Sewer use required.**

**§ 149-6. Building sewers and connections specified.**

**§ 149-7. Record plans required.**

**§ 149-8. Damages awarded.**

**§ 149-9. Running traps not permitted.**

**§ 149-10. Disposal of waters prohibited.**

**§ 149-11. Subsoil drainage control.**

**§ 149-12. Discharge method specified.**

**§ 149-13. Excessive discharge prohibited.**

**§ 149-14. Traps required.**

**§ 149-15. Trap maintenance required.**

**§ 149-16. Notification of change required.**

**§ 149-17. Control of discharge required.**

**§ 149-18. Preliminary treatment facility maintenance required.**

**§ 149-19. Control structure required.**

**§ 149-20. Standard analysis methods required.**

**§ 149-21. Applicant agreement required.**

**§ 149-22. Analysis of industrial wastes.**

**§ 149-23. Annual report required.**

**§ 149-24. Special agreements allowed.**

**§ 149-25. Septic tank waste.**

**§ 149-26. Dilution of wastes.**

**§ 149-27. Protection from damage stated.**

**§ 149-28. Powers and authority of inspectors stated.**

**§ 149-29. Penalties for violation.**

Article II  
**Sewer User Billing**

**§ 149-30. Billings.**

**§ 149-31. Determination of charges.**

**§ 149-32. Past due bills.**

**[HISTORY: Adopted by the Board of Selectmen of the Town of Bow 5-28-2013.  
Amendments noted where applicable.]**

Article I  
**Sewer Use Ordinance**

**§ 149-1. Definitions.**

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

**ACT** - Shall mean the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended by Federal Water Pollution Control Act Amendments of 1972 (Pub. L92-500), Pub. L. 93-243, and by other legislative actions.

**APPLICANT OR OWNER** - Applicant or owner shall mean any person requesting approval to discharge industrial or domestic wastewaters into facilities of the Town.

## SEWERS

**BDC** - (Denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of the wastewater under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter.

**BOARD OF SELECTMEN** - Shall mean the Board of Selectmen of the Town of Bow, New Hampshire.

**BUILDING DRAIN** - 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 10 feet outside the inner face of the building.

**BUILDING SEWER** - Shall mean the extension from the building drain to the public sewer or other place of disposal

**COMBINED SEWER** - Shall mean a sewer receiving both wastewater and storm surface water.

**COMMISSION** - Shall mean the New Hampshire Water Supply and Pollution Control Commission (NHWS & PCC).

**DOMESTIC SEWER AND SANITARY SERVICE** - Shall mean a sewer which carries domestic wastewater and to which storm, surface and groundwater are not intentionally admitted.

**DOMESTIC WASTEWATER** - Shall mean the wastewater derived principally from dwellings, business buildings, institutions and the like.

**E.P.A.** - Shall mean the Environmental Protection Agency of the United States Government.

**EXCESSIVE** - Shall mean amounts or concentrations of a constituent of a wastewater which in the judgment of the Town will cause damage to any sewerage facility; which will be harmful to a wastewater treatment process; which cannot be removed in the wastewater treatment works of the Town to the degree required to meet the limiting stream classification standards of the receiving water; which can otherwise endanger life, limb or public property; and/or which can constitute a nuisance.

**FACILITIES** - Shall include structures and conduits for the purpose of collecting, treating, neutralizing, stabilizing or disposing of domestic wastewater and/or industrial or other wastewaters as are disposed of by means of such structures and conduits including treatment and disposal works, necessary intercepting, outfall and outlet sewers, and pumping stations integral to such facilities with sewers, equipment, furnishings thereof and other appurtenances connected therewith.

**GARBAGE** - Shall mean the animal and vegetable wastes resulting from the handling, preparation, cooking and serving of food. It is composed largely of putrescible organic matter and its natural moisture content.

TOWN OF BOW

**INCOMPATIBLE POLLUTANT** - Shall mean any pollutant, other than biochemical oxygen demand, suspended solids, pH, coliform bacteria, or additional pollutants identified by EPA, which the treatment works was not designed to treat and does not remove to a substantial degree.

**INDUSTRIAL WASTEWATER** - Shall mean the wastewater in which the liquid wastes from industrial manufacturing processes, laboratory, trade, or business, predominates as distinct from domestic wastewater.

**INDUSTRY** - Shall mean an establishment with facilities for mechanical, testing, trade or manufacturing purposes.

**INTERFERE** - Shall mean an inhibition or disruption of the treatment works, its treatment processes or operations, or its sludge processes, use or disposal which is a cause of or significantly contributes to either a violation of any requirement of the Town's NPDES permit or to the prevention of sewage sludge use or disposal in accordance with the following statutory provisions and regulations or permits issued there under (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (which is more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the (SWDA), the Clean Air Act, and the Toxic Substances Control Act. A user significantly contributes to such a permit violation or prevention of sludge use or disposal in accordance with above cited authorities whenever such user:

- (1) Discharges a daily pollutant loading in excess of that allowed by the contract with the city of Concord or by Federal or State law;
- (2) Discharges wastewater which substantially differs in nature or constitutes from the user's average discharge; or
- (3) Knows or has reason to know that its discharge, along or in conjunction with discharges from other sources, would result in a permit violation or prevent sewage sludge use or disposal in accordance with the above-cited authorities as they apply to the selected method of sludge management.

**INVERT** - Shall mean the bottom inside of the sewer pipe.

**MAJOR CONTRIBUTING INDUSTRY** - Shall mean any industry that: (1) has a flow of 5,000 gallons or more per average work day or (2) has a flow greater than 5% of the flow carried by the municipal system receiving the waste; or (3) has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section, 307 (a) of the-Act; or (4) has a significant impact, either singly or in combination with other contributing industries, on a public owned treatment works or on the quality of effluent from that treatment works.

## SEWERS

**NATURAL OUTLET** - Shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or around water.

**PERSON** - Shall mean any individual, firm, company, association, society, corporation, group, trust or governmental authority that discharges wastewater to the facilities of the Town.

**pH**: Shall mean the reciprocal of the logarithm of the hydrogen in concentration in grams per liter of solution.

**PROPERLY SHREDDED GARBAGE** - Shall mean garbage that has 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 SEWERS** - Shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

**RECEIVING WATERS** - Shall mean any watercourse, river, pond, ditch, lake, aquifer, or other body of surface or ground water receiving discharge of wastewaters.

**SEWER** - Shall mean a pipe or conduit for carrying wastewater.

**SHALL** - Is mandatory "may" is permissive.

**SLUG** - Shall mean any discharge of water or wastewater which in concentration of any constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five (5) times the average 24 hour concentration, or flow, during normal operation.

**SPILL** - Shall mean the release, accidental or otherwise, of any material not normally, released to the facilities, which by virtue of its volume, concentration or physical or chemical characteristics, creates a hazard to the facilities, their operation or their personnel. Such characteristics shall include, but are not limited to, volatile, explosive, toxic or otherwise unacceptable materials.

**STORM DRAIN OR STORM SEWER** - Shall mean a pipe or conduit for conveying rainwater, groundwater, subsurface water, condensate, cooling water, or other similar discharge, but excludes wastewater and polluted industrial wastes.

**SUSPENDED SOLIDS OR SS** - Shall mean solids that either float on the surface of or are in suspension in water, wastewater, or other liquids, and which are removable by laboratory filtering and are referred to as non-filterable residue in the laboratory test prescribed in "Standard Methods for the Examination of Water and Wastewater".

**TOWN** - Shall mean the Town of Bow, New Hampshire.

**WASTES** - Shall mean substances in liquid, solid or gaseous form that can be carried in water.

WASTEWATER - Shall mean the spent water of a community and may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water and storm water that may be present.

WASTEWATER TREATMENT PLANT - Shall mean all structures, equipment, and processes for collecting, pumping, treating and disposing of wastewater.

**§ 149-2. Unsanitary disposal methods prohibited.**

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

**§ 149-3. Unlawful discharge prohibited.**

It shall be unlawful to discharge to any natural outlet within the Town of Bow or in any area under the jurisdiction of said Town any sanitary wastewater industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance. It is not intended by this section to prohibit the discharge of any sanitary wastewater into an existing sewer which discharges its sanitary wastewater into any natural outlet within the Town of Bow if such discharge is allowed by the State of New Hampshire regulatory agencies.

**§ 149-4. Private disposal systems prohibited.**

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

**§ 149-5. Sewer use required.**

- A. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose for which toilet facilities may be required, situated within the Town and abutting on any street, alley or right-of-way in which there is now located a public sanitary sewer of the Town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet of the building.

## SEWERS

B. **Waivers.** Waivers shall be granted by the Board of Selectmen if both of the following conditions are met and not otherwise:

- (1) The owner demonstrates to the satisfaction of the Board of Selectmen that an existing septic system constructed prior to the installation of the municipal sewer system is functioning properly in accordance with Town and Water Supply and Pollution Control Commission standards and that the system is being used for the purposes for which it was designated.
- (2) The owner demonstrates to the satisfaction of the Board of Selectmen that the anticipated average daily flow is less than 200 gallons per day.

C. **Termination of waivers.** Waivers shall terminate automatically on the first to happen of the following events:

- (1) Two years from issuance unless renewed in accordance with paragraph 5.1.
- (2) Any material failure of the existing septic system.
- (3) Any expansion, renovation or alteration of the building which would require alteration of the septic system under Water Supply and Pollution Control Commission regulations then in effect.
- (4) Any obnoxious condition creating a nuisance to abutting property owners or the public.

### § 149-6. Building sewers and connections specified.

All connections to the facilities must conform to the following:

- A. **Permit required.** No person shall uncover, make any connections with or openings into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Board of Selectmen. After the application has complied with the requirements set forth herein, the permit shall be issued to the applicant by the Board of Selectmen.
- B. **Application deposit required.** There shall be two (2) classes of building sewer permits; (1) for residential and commercial service; and (2) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Board of Selectmen. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Board of Selectmen. As a condition of the giving of written consent to such work, the Board of Selectmen may require of the applicant a deposit of the estimated cost of the engineering labor and materials to be furnished by the Town, such deposit to be paid to the Town in advance of the doing of the work, any unexpended

balance to be returned to the petitioner by the Town, or any deficiency to be paid by the applicant to the Town upon the completion of the work. Each person will be responsible at his own expense, to collect and discharge his wastewater from property into the facilities provided by the Town, all in acceptable manner and with prior approval of the Town.

- C. **Owner responsibility stated.** All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. All persons agree to abide by all rules and regulations set forth in this ordinance.
- D. **Separate building sewers required.** A separate and independent building sewer shall be provided for every building.
- E. **Connection test required.** A new building may use an existing building sewer only after it is found on examination and tested by the Board of Selectmen to meet all requirements of this ordinance.
- F. **Construction of drains specified.** All particular drains which hereafter enter any common sewer shall be built of such materials dimensions, descriptions and with such inclinations as the Board of Selectmen shall direct and shall, at all times, be subject to enlargement and alterations whenever the Board of Selectmen shall so determine.
- G. **Builders of private drains specified.** All private drains which are laid underground to connect with the public sewers shall be built and connected by some suitable person, who shall be held responsible for such drains. The drain layer shall construct such drains in all cases watertight of imperishable materials and upon secure foundations so that they shall not be liable to settle or crack. The drain layer shall make connections with the sewer at the points where the Town lays the connecting drains at the line of the street and not elsewhere except by special permission of the Board of Selectmen, and such connections shall be made in a proper manner, according to instructions which may be given the drain layer from time to time by said Board of Selectmen and in all cases subject to their approval.
- H. **Building drain materials and workmanship specified.** All changes in direction of drain pipes shall be made gradually using curves where necessary, and avoiding sharp angles, and the inside of every drain shall be left smooth from end to end, and perfectly clean. The drain layer shall give the greatest inclination to such drain that the circumstances will permit, and in no case shall water closet or kitchen drains be laid with an inclination less than one quarter inch to the foot, except by special permission of the Board of Selectmen and upon such conditions as the Board of Selectmen may prescribe. The end of all pipes not to be immediately connected with water-closets, sinks, etc., must be securely guarded



## SEWERS

against the introduction of sand or earth. All work shall be performed in the most thorough and workmanlike manner, suitable and proper materials and none other shall be used, and such drains shall be provided with suitable traps and other appurtenances as required by this article.

- I. **Building sewer placement specified.** Whenever possible, the sanitary sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall except for purposes of crossing said bearing wall. The depth shall be sufficient to afford protection from frost. The sanitary sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings or manholes.
- J. **Drain elevation requirements specified.** In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary wastewater carried by such drain shall be lifted by approved artificial means and discharged to the same building sewer.
- K. **Construction technique specified.** All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Board of Selectmen. Pipe laying and backfill shall be performed in accordance with accepted standards except that no backfill shall be placed until the work has been inspected.
- L. **Connection method specified.** The connection of the building sewer into the public sewer shall be made at the "NY" branch, if such branch is available at a suitable location. When connecting a four (4) inch diameter building sewer to any public sewer eight (8) inches in diameter or less, a "Y" or "T" branch must be installed. When connecting a six (6) inch diameter building sewer into any public sewer 12 inches in diameter or less, a "Y" or "T" branch must be installed. Such "Y" or "T" branches shall be installed at the owner's expense and at the location specified by the Board of Selectmen. Where the public sewer is greater than maximum diameter for installation of a "Y" branch as specified above and no properly located "Y" branch is available, a neat hole may be cut into the upper quadrant of the public sewer to receive the building sewer with entry in the downstream direction at an angle of about 45 degrees. A proper sized "Y" saddle is to be inserted in the hole so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the Board of Selectmen.

**§ 149-7. Record plans required.**

Whenever any common sewer or drain is ordered to be built or repaired, the Board of Selectmen shall cause a plan of the same to be made, which plan shall be inserted in a book to be kept for that purpose, showing the size of such sewer, the street or streets through which the same is to be laid, the method of construction, and the materials of which the same is to be made; said plan shall also show the places where entries may be made for the purpose of drainage. Said officials shall keep an accurate account of the expense of constructing and repairing each common sewer or drain.

**§ 149-8. Damages awarded.**

Whenever in the construction of any common sewer or drain, it shall be found necessary or convenient to carry the same, or any portion thereof, through or across any private land, or land not included within the limits of any public street or highway, the Town may order the same to be so carried, by giving notice and awarding damages to the owner of such land, as provided by law in the case of laying out of highways.

**§ 149-9. Running traps not permitted.**

The placing of running traps is not permitted.

**§ 149-10. Disposal of waters prohibited.**

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

**§ 149-11. Subsoil drainage control.**

Where subsoil drains are placed under the cellar floor or used to encircle the outer walls of a building, the said drains shall be made of material conforming to the Town's plumbing code which will be not less than four (4) inches in diameter. Cellar drains shall not be discharged to building sewers.

**§ 149-12. Discharge method specified.**

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or a natural outlet approved in writing by the Board of Selectmen. Industrial cooling water or unpolluted process waters discharged to a storm sewer or natural outlet requires a National Pollutant Discharge Elimination System (NPDES) permit, and also requires written approval of the Board of Selectmen.

**§ 149-13. Excessive discharge prohibited.**

- A. No person may discharge, or cause or allow to be discharged, into any sewer connected directly or indirectly to the Town's waste water facilities substances prohibited under **subsections (a) through (o) of this section**, unless expressly allowed in a discharge permit issued to such person **under Section 5.2-29.5**. Said permit shall not violate state standards without written variance from New Hampshire Water Supply and Pollution Control Commission. In addition, no person shall discharge wastewater that interferes with Town wastewater works. Persons who desire to discharge industrial wastewaters into facilities of the Town shall make their formal application to the Board of Selectmen. In forming an opinion as to the limitations on acceptability of any wastes, the Board of Selectmen will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant, degree of treatability of wastes in the wastewater treatment plant, facilities discharge permit, and other pertinent factors. Any person discharging industrial wastewaters directly or indirectly into facilities of the Town that do not comply with this ordinance may be subject to action by the Town, which action shall include, but not be limited to, the withdrawal of permission to discharge wastewaters into facilities of the Town.
- B. Any "spill" as defined in the Definitions shall be reported immediately to the Board of Selectmen.
- C. Any damages experienced by the Town as the result of a spill are considered a violation of this ordinance and costs for repair, replacement and other associated costs are recoverable **under Section 27** of this ordinance.
- D. Wastewaters and wastes considered to contain excessive constituents or characteristics as determined by the Town and, therefore, shall be prohibited, include:
- (1) Any wastewater containing toxic or poisonous liquids, gases, or solids in excessive Quantity, either singly or by interaction with other wastes. Said toxic pollutants are defined in standards, issued from time to time under Section 307(a) of the Acts.
  - (2) Any incompatible pollutant controlled by an industry in an amount or concentration in excess of that allowed under standards or guidelines issued from time to time pursuant to Section 304, 306 or 307 of the Act.
  - (3) Any wastewaters, liquid, or vapor having a temperature higher than 140 degrees F.
  - (4) Any wastewaters containing an increase in caustic alkalinity, calculated as CaCO<sub>3</sub> (calcium carbonate) in excess of 75 parts per million by weight, or in volumes which may be excessive.

TOWN OF BOW

- (5) Any wastewaters having a pH lower than 5.5 or higher than 9.5 or having any other corrosive property capable of causing damages or hazards to sewers, structures, equipment, process or personnel at the wastewater works.
- (6) Any wastewaters containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/1 or containing Substances which may solidify or become viscous at temperatures between 32 degrees F and 140 degrees F. (0-60°).
- (7) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- (8) Any solid or viscous substances in such quantities or of such size to be capable of causing obstruction to the flow in the sewers, or other interference with the proper operation of the wastewater works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass; rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair, fleshing, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (9) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.75 hp metric) or greater shall be subject to the review and approval of the Board of Selectmen.
- (10) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (11) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement to such degree that any such material discharged to the public sewer exceeds the Federal, State or Town limits established for such materials.
- (12) Any waters or wastes containing phenols or other taste or odor producing substances in such concentrations exceeding limits which may be established by the Board of Selectmen as necessary after treatment of the wastewater to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- (13) Any radioactive wastes or isotopes in excessive amounts of such half-life or concentration as may exceed limits established in applicable State or Federal regulations or by the Town.
- (14) Any obnoxious or malodorous gas or substance capable of creating a public nuisance.

## SEWERS

(15) Any wastewaters containing:

- (a) An average concentration of suspended solids in excess of 300 milligrams per liter (mg/l) or excessive dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
- (b) Materials which cause excessive discoloration (such as but not limited to, dye wastes and vegetable tanning solutions).
- (c) An average concentration of BOD in excess of 250 milligrams per liter (mg/l) or material which causes unusual chemical oxygen demand, or chlorine requirements.
- (d) Materials in such concentration as to constitute "slugs" as defined herein.
- (e) Materials which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amendable to treatment only to such a limited degree that the waste water treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.
- (f) Septic tank solids that are not diluted sufficiently to assure that all particles will be carried freely under all flow conditions in facilities of the Town.

### **§ 149-14. Traps required.**

Grease, oil and sand traps shall be provided when, in the opinion of the Board of Selectmen, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, and other harmful ingredients; except that such traps shall not be required for private living quarters or dwelling units. All traps shall be of a type and capacity approved by the Board of Selectmen and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil traps shall be constructed of impervious materials, capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gas-tight and water-tight.

### **§ 149-15. Trap maintenance required.**

Where installed, all grease, oil and sand traps shall be maintained by the owner at his expense in continuously efficient operation at all times.

**§ 149-16. Notification of change required.**

- A. The Board of Selectmen must be notified 45 days in advance by any person or persons involved in:
- (1) Proposed substantial change in volume or character of pollutants over that being discharged into the treatment works at the time of issuance of this permit;
  - (2) Proposed new discharge into the treatment works of Pollutants from any source which would be a new source as defined in **Section 306 of the Act** if such source were discharging pollutants; or
  - (3) Proposed new discharge into the treatment works of pollutants from any source which would be subject **to Section 30 of the Act** if it were discharging such pollutants.
- B. Any of the above increases in industrial waste discharge to the public sewer must be approved by the NEFS & PCC.

**§ 149-17. Control of discharge required.**

- A. If any wastewaters or wastes are discharged or are proposed to be discharged to the public sewers, containing excessive or possessing excessive characteristics as defined herein, the Board of Selectmen may:
- (1) Reject the wastewaters or the wastes;
  - (2) Require that pretreatment of wastewaters or wastes be provided to modify them to an acceptable condition for discharge to the public sewers; and/or
  - (3) Require control over the quantities and rates of discharge of the wastewaters or the wastes; and/or
  - (4) Require payment to cover the added costs of handling and treating the wastes.
- B. If the Board of Selectmen permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject" to the review of the Board of Selectmen and the NHWS & PCC.

**§ 149-18. Preliminary treatment facility maintenance required.**

Where preliminary treatment or monitoring facilities are provided for any waters or wastes they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

**§ 149-19. Control structure required.**

When required by the Board of Selectmen, any industry discharging to the facilities of the Town may be required to perform such monitoring of its discharge as the Board of Selectmen may reasonably require, including the installation, use and maintenance of monitoring equipment, the keeping of records of the results of such monitoring, and the reporting of results of such monitoring to the Board of Selectmen. Such records shall be made available by the Town to the NEWS & PCC or the EPA upon request.

**§ 149-20. Standard analysis methods required.**

All measurements, tests, and analysis of the characteristics of waters and to which reference is made **in Sections 13 and 16 shall** be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", and shall be determined at the control structure provided for in **Section 19**, or shall be determined upon suitable samples taken at said control structure. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

**§ 149-21. Applicant agreement required.**

All applications to discharge any industrial wastewater, drainage, substances, or wastes directly into any sewer under the control of the Town, or tributary thereto, shall be accompanied by an agreement stating that the applicant agrees to abide by all ordinances and rules and regulations of the Board of Selectmen, that the applicant will provide such works for the preliminary treatment of the wastewater, drainage, substances or wastes as may be required by the Board of Selectmen, and that the applicant will permit duly authorized representatives of the Board of Selectmen to enter the premises of the industry to sample and measure wastewater, to inspect any monitoring equipment, or to have access to any records as needed to check characteristics of the wastewaters, when so directed by the Board of Selectmen.

**§ 149-22. Analysis of industrial wastes.**

Measurements and analysis of industrial wastes are to include the following list where applicable, and any other pollutants as required by the Board of Selectmen. The analysis is to be conducted in accordance with the methods prescribed in the latest edition of "Standard Methods for the Examination of Water and Wastewater". If any item is not applicable, it shall be so stated on the report of the measurements and the reason for deletion stated.

Physical Parameters:

Flow  
pH  
Temperature  
Color  
Specific Conductance

Chemical and Biological Parameters:

Total Solids  
Total Volatile Solids Total Suspended Solids  
Total Dissolved Solids  
Acidity (as CaCO<sub>3</sub>)  
Alkalinity (as CaCO<sub>3</sub>)  
5-day BOD  
COD  
Oil and Grease  
Chloride  
Sulfate (as SO<sub>4</sub>)  
Sulfide (as S)  
Phenols  
NH<sub>3</sub> (as N)  
NO<sub>3</sub> (as N)  
NO<sub>2</sub> (as N)  
Kjeldahl Organic Nitrogen (as N)  
Ortho-Phosphorous (as P)  
Total Phosphorous (as P)

And the following Trace Elements:

Cr, Cu, Fe, Cd, Pb, Mn, Zn, F, As, Hg

**§ 149-23. Annual report required.**

Each individual user may be required to submit an annual report to the Board of Selectmen, on the first of July each year, or such other time as designated by the Board of Selectmen containing information as to the minimum, average and peak flows of industrial wastewater discharges during the previous year and at the time or times designated by the Board of Selectmen accompanied by designated analysis of wastewater samplings taken in an acceptable manner at approved times during the flow measuring periods.

**§ 149-24. Special agreements allowed.**

No statement contained in this article shall be construed as preventing any special agreement or agreements between the Board of Selectmen and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Board of Selectmen for treatment, provided that such agreements do not contravene any requirements of any existing Federal or State laws and/or regulations promulgated there under, and are compatible with the User Charger system in effect.



**§ 149-25. Septic tank waste.**

Septic tank waste (septage) will not be accepted into the sewer system. All septage shall be discharged at the City of Concord's wastewater treatment facility. Procedures for the disposal of such wastes shall be in conformance with the operating policy of the City of Concord's sewage treatment plant and disposal shall be accomplished under this policy.

**§ 149-26. Dilution of wastes.**

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

**§ 149-27. Protection from damage stated.**

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

**§ 149-28. Powers and authority of inspectors stated.**

The Board of Selectmen and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this ordinance.

**§ 149-29. Penalties for violation.**

The following procedure is set forth to deal with any violations of these ordinances:

- A. **Written notice of violation required.** Any person found to be violating any provision of this ordinance **except Section 25** shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. **Penalty stated.** Any person who shall continue any violation beyond the time limit provided for in **Section 149-29, paragraph A.** shall be guilty of a violation and upon conviction thereof, shall be fined in an amount not exceeding one hundred (\$100) dollars for each violation by individuals or five hundred (\$500) dollars for each violation by corporations. Each day in which such violation shall continue shall be deemed a separate violation.

- C. **Liability for damages stated.** Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation. The expense, loss or damage shall be taken to be the extent determined by a competent registered professional engineer determined by the Board of Selectmen to be particularly skilled in the operation and maintenance of wastewater collection and treatment works.

**§ 149-28. Board of Selectmen powers.**

The Board of Selectmen shall see that all provisions of the articles regulating or relating to sewers or drains are enforced. The Board of Selectmen shall inspect all private drains within public ways before the same are covered and shall keep a record of the result of said inspection giving the name of the owner and of the occupant of the premises, the street and number, the position of the inlet employed, the size of the drain, inclination of the same and the manner in which it enters the main sewer, and shall perform such duties in the enforcement of the provisions of said article.

**§ 149-29. Industrial pretreatment standards and regulation.**

- A. All persons discharging wastes into Town wastewater works or into public sewers connected to Town wastewater works, shall comply with applicable requirements of City of Concord, Federal and State industrial pretreatment regulations (as amended).
- B. Compliance with categorical pretreatment standards shall be achieved within three years of the date such standard is effective, unless a shorter compliance time is specified in the standard.
- C. The Board of Selectmen may, after informal notice to the person discharging wastewater to the public sewer, immediately halt or prevent any such discharge reasonably appearing to present an imminent endangerment to the health and welfare of person, or any discharge presenting, or 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 include ex parte temporary judicial injunctive relief, entry on private Property to halt such discharge, blockage of a public sewer to halt such discharge, or demand of specific action by the person.
- D. The Board of Selectmen shall notify appropriate persons of applicable industrial pretreatment standards and any applicable requirements under Section 204(d) and Section **405 of the Act** and subtitles C and D of the Resource Conservation Recovery Act, as amended (42 U.S.C. 4901 et seq.).
- E. **Monitoring and compliance.** The Board of Selectmen shall, as necessary, sample and analyze the wastewater discharges and contributing industries and conduct surveillance and inspection activities to identify, independent of information supplied by such persons, occasional and continuing non-compliance with industrial pretreatment standards.

## SEWERS

- F. **Investigations.** The Board of Selectmen shall investigate instances of non-compliance with industrial pretreatment standards and requirements.
- G. **Public participation.** The Town shall comply with the public participation requirements of 40 CFR Part 25 in the enforcement of industrial pretreatment standards and requirements.
- H. **Categorical permit amendment.** Within 180 days after the effective date of a categorical pretreatment standard, persons subject to such standards shall submit a permit amendment application containing information required under applicable Federal and State industrial pretreatment reporting regulations. Such information, as a minimum, shall include:
- (1) The name and address of the facility, including the name of the operators and owners;
  - (2) A list of all environmental permits held by or for the facility;
  - (3) A brief description of the nature, average rate of production, and Standard Industrial Classification of the operations carried out at such facility;
  - (4) A schedule of actions to be taken to comply with the categorical standards;
  - (5) Information showing the measured average daily and maximum daily flow, in gallons per day, to the public sewer from regulated process streams and from other streams;
  - (6) An identification of the industrial pretreatment standards applicable to each regulated process; and
  - (7) An analysis identifying the nature and concentration of pollutants in the discharge.
  - (8) The Board of Selectmen may require additional information to be included in such application.
- I. **Permit amendment required.** Industrial users subject to categorical pretreatment standards may not discharge wastewater directly or indirectly to Town wastewater works after the compliance date of such standards unless a categorical permit amendment is issued by the Board of Selectmen.
- J. **Categorical compliance report.** Within 90 days after the date for final compliance by existing industrial users with applicable categorical pretreatment standards, or in the case of a new source, following commencement of the introduction of wastewater into the public sewer, industrial users shall submit a report indicating the nature and concentration of pollutants in the discharge from the regulated process(es) governed by pretreatment

standards and the average and maximum daily flow for these process units. Such report shall state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional operation and maintenance practices or pretreatment is necessary. Such industrial users shall also submit during the months of June and December, unless required more frequently, a report indicating the nature and concentration of pollutants in the discharge and violations of applicable categorical pretreatment standards. Additional requirements for such periodic reports may be imposed by the Board of Selectmen.

K. **Slug discharge notification.** Industrial users shall immediately notify the Board of Selectmen of any slug discharged by such user.

L. **Signature for reports.** Reports submitted under this Section shall be signed by an authorized representative. An authorized representative may be:

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

M. **Monitoring reports.** Industrial users subject to the reporting requirements under this Section shall maintain records of information resulting from monitoring activities required to prepare such reports. Such records shall include for each sample:

- (1) The date, exact place, method and time of sampling and the names of person or persons taking the sample;
- (2) The dates analyses were performed;
- (3) Who performed the analyses;
- (4) The analytical techniques and methods used; and
- (5) The results of such analyses

Such records shall be maintained for a minimum of three years and shall be made available for inspection and copying by the Board of Selectmen.

N. **Public Information.** Information and data submitted to the Board of Selectmen under this Section relating to wastewater discharge characteristics shall be available to the public without restriction. Other such information shall be available to the public at least to the extent provided by 40 CFR Section 2.302.

## SEWERS

- O. **Temporary exclusion.** The Board of Selectmen may temporarily exclude industrial wastes from one or more industrial users, whether pretreated or not, if necessary or helpful in determining the effects of such wastes upon City of Concord wastewater works.
- P. **Industry permits.** Effective 90 calendar days after this provision is adopted by the Town, the discharge of industrial wastewater by an industry to Town, or to public sewer system connected to City of Concord wastewater works is prohibited without a permit. Such permits may be obtained by submission of a completed permit application form to the Board of Selectmen no later than 45 days before the effective date of such prohibition.
- Q. **Pretreatment program participation.** All participants seeking to discharge wastewater to the Town wastewater works shall be required to participate in the City of Concord's pretreatment program.

### Article II Sewer User Billing

#### § 149-30. Billings.

The Town of Bow Finance Office issues a quarterly bill detailing charges from the previous quarter. The quarters to be billed are as follows: January 1 - March 31, April 1 - June 30, July 1 - September 30 and October 1 - December 31.

#### § 149-31. Determination of charges.

The fees and charges for sewer users are found in Chapter 124, Section 124-9, of this Code.

#### § 149-32. Past due bills.

- A. All sewer user bills past due will be charged interest at a rate of 12% per annum.
- B. If a payment is delinquent more for more than twelve (12) months from the time of billing, the Tax Collector shall file sworn statements showing such delinquencies with the Tax Collector's Office. Such statement shall be deemed as notice of a lien upon the real estate for which the sewer service is supplied.